

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 1 FEBRUARY 2018 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.

**Janet Senior
Acting Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 23 January 2018**

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

**Telephone No: 0208 314 9336
Email: 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 decision of the Chair shall be final.

	Order Of Business		
Item No	Title of Report	Ward	Page No.
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 12
3.	17 BRANDRAM ROAD, LONDON, SE13 5RT	Blackheath	13 - 64
4.	14 THE GLEBE, LONDON, SE3 9TG	Blackheath	65 - 84
5.	70 LOAMPIT HILL, LONDON, SE13 7SX	Brockley	85 - 110
6.	43 SUNDERLAND ROAD, LONDON, SE23 2PS	Perry Vale	111 - 120

This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 01 February 2018

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: 01 February 2018

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 21st December 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in ROOMS 1 & 2, CIVIC SUITE, CATFORD SE6 on 21st DECEMBER 2017 at 7:30PM.

PRESENT:

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

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

APOLOGIES: Reid (Chair), Wise, Hilton

1. DECLARATION OF INTERESTS

There were no declarations of interests.

2. MINUTES

Councillor Ogunbadewa (Vice-Chair), asked if Members agreed that the Minutes of the Planning Committee (B) meeting held on 9th November 2017 were a true and accurate record. Members agreed that they were.

3. 13 Calmont Road, BR1

The Planning Officer Suzanne White outlined the details of the case to Members, and confirmed that six objections and a petition in favour of the scheme had been received. Members asked questions of the officer relating to: the reason for the application being brought to committee and whether comments from the Council's Children and Young People Service were relevant planning considerations.

The committee then received verbal representation from Mr Matt Corcoran (agent). He relayed to members that the application was for a bespoke crèche which would operate between Monday-Friday and which would be 100% privately funded. He went on to outline that the facility would cater for 10 children and three staff members and that the petition which had been received demonstrated a need for the development. Mr Corcoran then asserted that the scheme was compliant with the NPPF and that DM Policy 33 was not applicable as the proposal was not for a new dwelling. Finally he added that the Council's Highways team had not objected to the scheme, but instead had stated that more information was required.

Councillor Moore asked the applicant to confirm the number of children which the crèche would facilitate, highlighting that the application stated it was for 15. Mr Corcoran responded stating that the application was for up to 15 children, but that he envisaged that there would be an average of 10 children at any one time. He added that this would allow parents to bring children in on short notice.

Councillor Muldoon then asked whether the applicant had sought pre-application advice prior to the submission of the application. Mr Corcoran confirmed that the applicant had not sought pre-application advice, but had instead taken on board feedback from a previously refused scheme on the same site for a new dwelling. Councillor Muldoon then followed this by asking how the business would work, given the number of children could change at short notice, and whether that meant the staff would be on 0 hour contracts. Mr Corcoran confirmed that all three staff would be employed full time.

Councillor Ingleby commented that he liked the proposed design and noted the petition in favour of the scheme. He then reiterated the earlier question as to why pre-application advice had not be sought, highlighting that the proposal was missing significant amounts of detail. He then added that the documents submitted with the proposal contained hints of weekend use. Mr Corcoran responded to this, confirming that the first application included weekend use, but that this aspect had been removed following the previous refusal. He continued, asserting that there had been no objections from environmental health about the proposed use, and that this would be purely between Monday-Friday. In response to the query about pre-application advice, Mr Corcoran stated that the applicant had been given no chance to discuss the scheme with Officers during the course of the application.

The committee then received verbal representation from Mr Piotr Tworzydlo (neighbours) and Mr Borislav Donchev (neighbour). They highlighted to members the presence of similar facilities within close distance to the application site and also raised concerns regarding the potential intensification of use of Ambleside. There were no questions from members.

The Planning Officer Suzanne White then responded to the points made by Mr Corcoran, asserting to members that in order for the scheme to be considered acceptable in light of the in-principle objection, great weight was needed to show that it would provide for the local community. She followed by outlining that as the scheme was proposed to cater for an average of 10 children, this was not considered to do so. The Planning Officer Suzanne White then went on to state that the first part of DM Policy 33 applied to all forms of development. Finally she said that the additional information which had been requested by the Highways Officer could not be dealt with by condition as it was needed in order to make an informed decision about the principle of the proposal and its impact.

Following further deliberation by members, Councillor McGeevor moved a motion to accept the Officer's recommendation of refusal. It was seconded by Councillor Moore.

Members voted as follows:

FOR: Mallory, Moore, McGeevor, Muldoon, Ingleby.

ABSTAINED: Ogunbadewa (Vice-Chair)

RESOLVED: That planning permission be refused in respect of application DC/17/103830, as per the Officer's recommendation.

4. 8 Eliot Park, SE13

The Planning Officer Suzanne White outlined the details of the case. Discussion took place between members regarding the history of mulberry trees within the locale, and why the existing tree would not be replaced by another mulberry.

The committee received verbal representation from Mr Marco Nardini (applicant). Mr Nardini outlined the history of the site to members, including details of soil contamination. He stated that if possible they would have preferred to retain the existing tree, but that this was not possible due to the contamination. He went on to state that mulberries should be a shrub or a bush rather than a full grown tree, and that the Council's Tree Officer had agreed with this. Councillor McGeevor asked whether it was possible to replant the existing mulberry, which the applicant confirmed it was not. Mr Nardini continued by stating that the repositioning of the proposed tree to the front of the site would continue the established line of trees on the streetscene. However, he added that he was willing to make whatever changes were considered necessary in order to support the scheme. Councillor Ingleby then asked if it would be possible to use a mulberry from a different site, which the applicant confirmed it was.

The committee then received verbal representation from Ms Rachel Ellis (neighbour). She stated that she had objected to the original application as it was not compliant with Council policy. She then added that the applicant had previously misled Officers by stating that the tree was dead and that she had video evidence of them trying to damage the tree. Ms Ellis asserted that while the mulberry may not be a native tree, the existing tree had been in place for over 160 years and formed part of the historic streetscene. Councillor Mallory asked whether the objector considered it appropriate to replace the tree with a nearly nature mulberry, to which she responded that it would be a step in the right direction.

Further deliberation between members took place, concerning the logistics of replacing the tree with another mulberry. Councillor Mallory then moved a motion to attach an additional condition requiring the replacement tree to be a mulberry tree. It was seconded by Councillor Ingleby.

Members voted as follows:

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

Councillor Mallory then moved a motion to accept the Officer's recommendation. Members voted as follows:

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

RESOLVED: That planning permission be refused in respect of application DC/17/102680, with the additional condition regarding the replacement tree.

The description was amended to refer to the planting of a replacement mulberry tree and an informative was added in relation to Condition (10a) relating to the soft landscaping. The, an additional informative reads as follows:

In respect of Condition 10 (a) the applicant is advised that the replacement Mulberry tree should be of the same type as that to be removed.

5. 81 Canonbie Road, SE23

The Planning Officer Suzanne White outlined details of the application.

The applicant was not present at the meeting.

The committee then received verbal representation from Ms Ruth Owens (neighbour). Ms Owens raised concerns regarding the scheme, including the following:

- Garage does not respect existing building line
- Excessive height and scale
- Potential for creation of separate dwelling
- Garage would not be used for storage, and if so why were there so many windows
- Privacy issues
- Over-dominant structure

She also raised concerns with the wording of Condition 5 and the formation of doors within the roof, as the plans already showed servicing doors on the roof.

Councillor Mallory asked whether the condition was enforceable, which the Planning Officer Suzanne White responded to stating that the wording of the condition could be clearer.

Councillor McGeevor sought clarity on the scale of development, to which the Planning Officer Suzanne White stated that it was the same as a previously approved scheme. She added that the proposed design was considered to be innovative, with the incorporated sloping roof drawing from the existing development.

Councillors Ingleby and McGeevor sought clarity over the previously approved scheme. The Planning Officer Suzanne White then proceeded to show the previously approved plans. Councillor Ingleby asked what could be done about Condition 5, to which the Planning Officer Suzanne White stated that it would be amended to clarify that access was allowed for maintenance of the flat roofs only.

Following further deliberation, Councillor Ingleby moved a motion to accept the Officer recommendation, but to alter the wording of Condition 5 to allow access to the flat roofs for maintenance.

Members voted as follows:

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

ABSTAINED: Moore, McGeevor.

RESOLVED: That planning permission be granted in respect of application DC/17/103509, but with the alteration to the wording of Condition 5. The condition reads as follows:

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), or the approved drawings which illustrate the use of opening vents for maintenance of the flat roofs of the dwelling hereby approved, no additional vents or doors shall be installed giving access to any flat roofs on the building, nor shall any of the flat roof areas be used as a balcony, roof garden or similar amenity areas other than those set out within the approved plans.

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

6. 79 Pepys Road, SE14

The Planning Officer Suzanne White outlined the details of the application to members. Members sought clarification as to why uPVC windows were being recommended for approval in a conservation area, to which, the Planning Officer Suzanne White confirmed that the application was for the change of use of the property and that no opportunity to change the existing uPVC windows had occurred.

Councillor Ingleby asked whether there was an Article (4) Direction to restrict HMOs on the site and whether it was London Plan compliant. The Planning Officer Suzanne White confirmed that there was no such Article (4) in place on the site and that the scheme exceeded the size standards in the London Plan, following the revision of the scheme from four units to three.

The committee then received verbal representation from Mr Paul Bottemley (Agent). Mr Bottemley asserted that the site was more suited to self-contained flats rather than a HMO. He added that the scheme would have acceptable impacts, and that this was agreed by Officers to be the case. Regarding the windows, Mr Bottemley stated that the existing uPVC fixtures were in working order, hence their retention. He added that when it came time to replace them, this would likely be with a more traditional timber finish.

The committee then received verbal representation from Mr Malcolm Bacchus on behalf of the Telegraph Hill Society. Mr Bacchus stated that HMOs were acceptable in the area and could be converted back into single family dwellings much more easily than self-contained flats. He added that the extension was of a poor design and that the proposed bike store to the front elevation detracted from the appearance of the building. He continued, asserting that as the property was semi-detached, that the bike store would be better placed along the side passage or to the rear of the site.

Councillor McGeevor then sought clarification on the policies relating to the conversions of single family dwellings to flats from the Planning Officer Suzanne White. Mr Bacchus interjected, stating that there were examples where single family dwellings had changed to HMOs and then into flats in the area, including on Ommaney Road.

Councillor McGeevor commented that as Councillors, sometimes HMOs were seen as 'student digs' and that there was a desire to change these into more suitable accommodation for family housing. However, she went on to add that she had concerns that the proposal

would set a harmful backdoor precedent for the conversion of single family dwellings into flats.

Councillor Muldoon followed this by stating that each application was determined on its own merits, following which the Planning Officer Suzanne White highlighted to members that the proposal included a family sized unit (3 or more bedrooms).

Councillor Ingleby sought clarification over the materials, to which the Planning Officer Suzanne White confirmed the outline materials but stated that further details would be required as part of one of the conditions should the current application be approved. Councillor Ingleby stated that he was not comfortable with 'design by condition', and suggested that the application be refused on lack of specific design detail. Councillor Muldoon stated to members that should the application be refused the applicant would have the right of appeal, and that if they were to refuse it a clear reason for refusal would be required. The Legal Officer Paul Clough added that if members were concerned about the materials, that it was possible to have the material details determined at a future committee.

Councillor Ingleby then commented that the application should not be refused, but suggested that Condition (5) (materials) should be determined via committee. Councillor Muldoon asked whether the applicant could be compelled to submit the condition application within a specific timeframe, in order that the condition could be considered by the same members, , to which the Planning Officer Suzanne White confirmed there was not.

Councillor Ingleby then moved a motion to attach a condition requiring Condition (5) (materials) to be determined at committee. It was seconded by Councillor Mallory.

Members voted as follows:

FOR: Ingleby, Mallory

AGAINST: Ogunbadewa (Vice-Chair), Muldoon, McGeevor, Moore

The motion failed.

Following further deliberation between members, Councillor McGeevor moved a motion to accept the proposal, as per the conditions outlined in the Officer's report, with Condition 5 amended to require new brickwork to be in a Flemish bond.

Members voted as follows:

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

RESOLVED: That planning permission be granted in respect of application DC/17/097741, subject to the following amended wording to Condition 5:

No new external finishes, including works of making good, shall be carried out other than in materials to match the existing. The brickwork to the new extension shall be carried out in a flemish bond to match that of the existing building.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core

7. 79 Pepys Road, SE14

The planning Officer Suzanne White outlined the details of the application to members. The applicant was present, but stated that they had nothing to add to what the Planning Officer had relayed to members.

Councillor Ingleby asked why the windows on the rear and side elevations were not being changed back to timber. The Planning Officer Suzanne White responded, stating that as these were not visible from the streetscene, it was not considered necessary to require these to be in timber. Councillor Ingleby asked whether this was the standard approach of the Council, to which the Planning Officer Suzanne White confirmed that it was.

The committee then received verbal representation from Mr Malcolm Bacchus on behalf of the Telegraph Hill Society. Mr Bacchus stated that he had concerns with the horn details proposed on the windows to the front elevation and highlighted that the design of the proposed front door also differed to the original door. He stated that while these were minor details, it was small changes which eroded the character of the area. He continued by stating that other properties on the road had replaced their windows with appropriate fixtures, which proved it was possible to match the existing window horns.

Councillor Ogunbadewa (Vice-Chair) asked whether the windows being constructed of timber made them appropriate, to which the Planning Officer Suzanne White said that a similar style of window horn would be required, and that in this case the proposed horns were considered acceptable. Councillor Muldoon highlighted paragraph 6.15 of the Officer's report and asked the objector if he was disputing the reasonability test. Mr Bacchus responded stating that it was not unreasonable to request matching horns as other neighbouring properties had demonstrated that it was possible. Councillor Muldoon followed by asking whether the objector felt this to be proportionate, to which Mr Bacchus replied that it was, but if it was not visible that it would not be.

The Planning Officer Suzanne White relayed to members that all applications were required to be of a high standard, but that in this instance the distance from the windows to the street was sufficient to mean the horns would not be greatly visible.

Councillor McGeevor commented that the proposed door drawing was not in proportion to the existing front door. Councillor Ingleby concurred that the proposed door did not match the existing. He stated that previous applications had required this and that members should be consistent in this approach.

Following further deliberation between members, Councillor Ingleby moved a motion to reject the Officer's recommendation and refuse the application on the basis that the proposed design would be harmful to the character of the Telegraph Hill Conservation Area. The motion was seconded by Councillor McGeevor.

Members voted as follows:

FOR: Ingleby, Mallory, McGeevor, Moore

AGAINST: Ogunbadewa (Vice-Chair), Muldoon

RESOLVED: That planning permission be refused in respect of application DC/17/103282.

Committee	PLANNING COMMITTEE B	
Report Title	17 Brandram Road, SE13 5RT	
Ward	Blackheath	
Contributors	Jan Mondrzejewski	
Class	PART 1	01 FEBRUARY 2018

<u>Reg. Nos.</u>	(A) DC/17/103409
<u>Application dated</u>	05 September 2017
<u>Applicant</u>	E F Planning on behalf of Baron Homes
<u>Proposal</u>	The demolition of the existing buildings at 17 Brandram Road, SE13 and the construction of a two storey block to provide 2 two bedroom and 2 one bedroom self-contained flats.
<u>Applicant's Plan Nos.</u>	EFP/17085 – 1; EFP/17085 – 2; EFP/17085 – 3; EFP/17085 - 4a; EFP/17085 – 4; EFP/17085 – 5; EFP/17085 – 6; EFP/17085 – 7; EFP/17085 – 8; Site Plan; Cil; Mumford & Wood; Planning & Heritage Statement (ralp Semi - August 2017), Sustainability & Energy Statement & Conservation Box Sash Window – flush reveal within structure, rebated reveal within structure;
<u>Background Papers</u>	<ul style="list-style-type: none"> (1) This is Background Papers List (2) Case File LE/732/17/TP (3) The London Plan (4) The Core Strategy (5) Development Management Local Plan. (6) Residential Design Standards SPD (7) Blackheath Conservation Area Character Appraisal and SPD (8) Planning Obligations SPD
<u>Designation</u>	Core Strategy, Site Allocations Local Plan - Existing Use. Blackheath Conservation Area Archaeological Priority Area PTAL 3

OBSERVATIONS

1.0 Property/Site Description

- 1.1 The site is located on the eastern side of Brandram Road at its junction with Dacre Gardens and to the north of its junction with Fludyer Street. Lee High Road runs from east to west at the southern end of Brandram Road. The party wall to No. 17a appears to be the external wall of a much older building probably associated with a nearby large Georgian House known as Dacre House, which was demolished in the 1890s. This building appears to have had a rendered finish with stuccoed quoins and the dimensions of the building is suggestive of an entrance lodge, coach house or stable. Part of the front wall to the site fronting the street also appears to belong to a stable yard, possibly associated with Dacre House.
- 1.2 The site is occupied by two adjoining buildings comprising a single storey brick building with corrugated roof and a double height building, which has had its roof removed. The building was historically used as a motor vehicle body repair and spray painting workshop with a gross floor area of approximately 380 m² but has been vacant for about 10 years.
- 1.3 The area is predominantly residential in character with two ground floor commercial units in the adjacent terrace, comprising a hairdressers and a newsagent. The upper floors of the terrace are in use as residential flats. Other ground floor commercial units within this terrace have been converted to residential flats but still retain ground floor street elevations suggestive of shops. Whilst this terrace comprises both two and three storey buildings, the road slopes away from the application site to the south and all of the properties appear as approximately the same height. The three storey part of this terrace (No. 19, 21 & 23) is of identified heritage value and is locally listed.
- 1.4 To the north, on the opposite corner of Dacre Gardens, is a two-storey block of flats. To the east is 4 Dacre Gardens which is a three-storey brick Victorian residential property, sub-divided into flats, with a large Plane tree in the garden at the front of the building. This building, as well as the remaining houses in Dacre Gardens (1, 2 & 3) are locally listed. On the opposite side of Brandram Road is a terrace of two-storey dwellings and further to the south west on Glenton Road are three-storey residential terraces.
- 1.5 The site is located in the Blackheath Conservation Area and is located in an Archaeological Priority Area. It has a PTAL rating of 3 and is within a Controlled Parking Zone (CPZ).

2.0 Relevant Planning History

- 2.1 2005 – Planning application (DC/05/60243) for the construction of a part three/part four storey building to provide 2 one bedroom and 6 two-bedroom and 1 three-bedroom self-contained flats. The application received over 50 objections from local residents and was withdrawn following concerns raised by planning officers with regard to the loss of the employment use, the design scale and bulk of the proposed building and its impact on the amenities of neighbouring residential occupiers.
- 2.2 2006 – Planning (DC/06/062513) and conservation area consent (DC/06/0623009) applications were submitted for the demolition of the existing buildings and redevelopment to provide a three storey building comprising 3 one bedroom and 3

two bedroom self-contained flats. These applications were considered by the Council's Planning Committee B on 15 March 2007. Although recommended for approval, the Committee resolved that planning permission be refused by reason of design, and residential density. The associated conservation area consent application was refused by reasoning that demolition without an approved scheme of redevelopment would be detrimental of the character and appearance of this part of the Blackheath Conservation Area. Appeals against these refusals were submitted and withdrawn in 2007.

2.3 2007 – Planning (DC/07/065979) and conservation area consent (DC/07/065975) applications were submitted for the demolition of the existing buildings and redevelopment to provide a part single/part three storey block comprising 4 one bedroom and 2 two bedroom self-contained flats, together with the provision of a bin store, storage units for bicycles and recycling. Planning Committee (C) on 8 November 2007 resolved that subject the completion of a satisfactory Section 106 Agreement, the Head of Planning would be authorised to grant planning permission subject to conditions. The Section 106 Agreement required officers to secure the following:

- The provision of a £20,000 contribution towards employment in the Borough.
- The exclusion of future residents of the building from applying for a permit within the CPZ.
- The developer meeting the Council's legal, professional and administrative costs associated with drafting, finalising and monitoring the Section 106 Agreement.

2.4 Following the signing of the Section 106 Agreement, planning permission and conservation area consent was granted in September 2008. This scheme was never implemented

2.5 2015 - A planning application (DC/15/094878) with an external shell essentially the same as the 2008 planning and conservation area consent approvals was submitted for the demolition of the existing buildings and redevelopment to provide 3 x two bedroom units and 1 x three bed unit.

2.6 As in the 2007 approval, the building was primarily finished in painted white render, with the second floor of the building contained within a mansard roof with dormer windows to the front and rear. The ground floor of the proposed building was arranged as 2, two bedrooms with the first and second floors arranged as a two and a three bed roomed duplex flats. Although the majority of structures on the site would be demolished, the proposal, in common with the 2007 approval, included the retention of the remaining front wall which is believed to be part of the original Dacre House.

2.7 This application was refused in April 2016 for the following reasons:

The proposed development by reason of its scale, massing & architectural detailing does not provide a high standard of design quality and fails to take the opportunities available for improving the character and appearance of the area, to the detriment of the streetscape and wider Conservation Area. The development is thereby contrary to Policies 7.6 Architecture & 7.8 Heritage Assets & Archaeology of the London Plan

(adopted 2011, consolidated with amendments March 2015), Policies DM30 Urban design and local character and DM36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014), as well as Policy 15 High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011).

- 2.8 This decision was the subject of an appeal (APP/C5690/W/17/3169325) which was dismissed in May 2017. In her report, the Inspector makes the following points:

Par 8: Roofs in the area are mainly of a traditional pitched or hipped simple design and are subservient to the host building. While dual pitched, the use of a mansard roof would conflict with that simplicity and instead would give the building a top heavy imposing appearance further reinforcing its prominence when viewed with the adjacent terrace. This would be emphasised by the introduction of uncharacteristic dormers and balconies. While such features may be common traits of Georgian and Victorian buildings none were drawn to my attention in the vicinity of the appeal site.

Para 10: The materials to be used in the development would match those on the existing terrace. Nevertheless, the design of the adjacent terrace responds to the incline of the street from south to north through the stepping up of the fenestration and detailing. The proposed building makes no reference to the topography of the street. This would be exacerbated by the retention of the front wall of part of the existing building. I appreciate the sentiment behind its retention, but its relative lack of architectural merit, together with its position obscuring part of the ground floor of the proposed building significantly detracts from the scheme.

Par 12: The combination of the above factors means that the appeal proposal would be an amalgamation of design features that would be uncharacteristic of the surrounding area. This together with the proposed height of the building means it would fail to integrate and have a positive relationship with the adjacent terrace. As a result, while the CA as a whole consists of a mix of development styles and ages, in this instance the proposal would be a visually obtrusive and discordant building within the streetscene. There would be material harm in this regard and, as a consequence, the character and appearance of the CA would not be preserved.

- 2.9 Regarding the Council's decision to grant planning permission and Conservation Area Consent for a very similar scheme in 2007, the Inspector states:

Para 22: while in 2007 a subjective assessment of the proposals by the Council, together with consultation with local residents, at that time resulted in permission being granted, some 10 years later in the context of a different policy background where the importance of design has been elevated, a different decision has been made. My findings have supported that decision. Accordingly, therefore I give limited weight to the previous consents. Those previous permissions, which have expired without

implementation, are not, therefore a consideration of sufficient weight to outweigh the harm that I have identified.

2.10 A pre-application (PRE/17/102234) in respect of the current scheme was submitted in June 2017 (fee invoice sent 13th July 2017). This took account of the points made by the inspector in relation to the appeal application featuring a mansard roof and retention of part of the presumed old boundary wall of Dacre Place. The applicant and his architect met with planning and conservation officers on 2nd August 2017. Officers, raised no the objection to the principle of a wholly residential development and considered that the scale of the two storey buildings now proposed was more appropriate to position of the site which is located uphill of a terrace of similar height. On the subject of the retention of the section of old wall, the applicant was advised that on previous occasions considerable local support had been expressed for the retention of this feature. However, officers were aware of the Inspector's comments in relation to the retention of this structure and agreed that its omission would improve the outlook of the flat which would be located behind it. It would also give the period facade of the proposed building a symmetry more suited to this style of architecture. This would be subject to a detailed survey and recording of both this wall and the flank wall with No 17a, being undertaken. Although the latter would be retained, it would be concealed by the new building. This flank wall was considered to be of considerable heritage interest at it appears to incorporate fabric from a curtilage building within the grounds of the former Dacre Place which had an external stucco finish incorporating quions. Following the pre-application meeting with officers, the applicant chose to submit the application for planning permission for the proposed development without waiting for a written reply.

3.0 Current Planning Application

- 3.1 The development proposed is the demolition of the existing buildings at 17 Brandram Road, SE13 and the construction of a two storey block to provide 2 two bedroom and 2 one bedroom self-contained flats. It is proposed that the remnant of old boundary wall fronting Brandram Road is recorded and demolished rather than retained. The narrow forecourt of the proposed flats fronting Brandram Road would be separated from the street by traditional style 1.1m high metal railings in a black finish.
- 3.2 The proposed front elevation takes the form of two wings, each of two bays, on either side of a recessed entrance bay. Although there is a slight variation in the degree of projection and the width of each of the wings, the front elevation is otherwise symmetrical. The proposed building would have a white painted rendered finish to match adjoining buildings. The ground floor elevation would have horizontal incised jointing to create the impression of a plinth with a string course above this to correspond to those of the adjoining buildings, which appear to have originally been constructed as shops. Windows will be double hung timber sashes with external reveals to match adjoining properties, those on the ground floor front elevation would have Georgian style glazing bars to reflect the glazing bar pattern of adjoining properties.
- 3.3 The larger ground floor two bedroom flats have an external amenity space at the rear associated with the master bedroom of each unit. All units exceed the minimum floor space standards of the Technical housing standards – nationally described space standard. In terms of the one bed first floor units, the increased floorspace over and above that required by the Technical housing standards compensates for the fact

that these units do not have an external balcony or roof terrace. This is due to overlooking and neighbour privacy issues at the rear of the proposed building and streetscene considerations at the front.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the applications and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents, councillors and businesses in the surrounding area.

Comments received from Internal & External Consultations

Highways

Cycle Parking

- 4.3 Fully enclosed, covered and secure cycle parking spaces will need to be provided, in accordance with Table 6.3 of the London Plan. The cycle storage for the first floor flats should be located on the ground floor and not the first. This is to avoid bikes having to be carried up stairs.

Waste Management

- 4.4 The applicant should be required by condition to ensure bins will not be left out on the highway after collection.

Crossover

- 4.5 The applicant should be required by condition to remove the redundant crossover and reinstate the footway outside the building.

Car Parking

- 4.6 Car free development in this location should be conditional on a Section 106 Agreement which takes away the right of future occupiers of the proposed flats to obtain Resident parking permits within the CPZ as well as a car club subscription for all residents of the proposed development for a period of 3 years following the completion of the scheme.

Construction Management Statement (CMS)

- 4.7 A CMS, including details of the demolition, should be required by condition..

Written Responses received from Local Residents

- 4.8 Five written representations were received from local residents. Matters which are relevant to the assessment of the planning application are summarised below:

- 4.9 Reply received from 54 Belmont Park which states that the current scheme is by far the best design to date. However, attention is drawn to the following points:
- Arrangements for recyclable waste omitted from the Application Form, 7, Waste Storage and Collection. One of the reasons for refusing the previous application was lack of provision for bins. Since then new food waste disposal bins have been introduced. On the present plan, there appears to be insufficient space allocated for waste storage and collection.
 - On the Application Form, section 14 dealing with Contamination is marked as a 'No'. However, the property was formerly a motor repair centre and there would therefore be the possibility of contamination from oil, petrol, paint, and possibly other chemicals.
 - There is a large amount of Japanese Knotweed in the adjacent property in Dacre Gardens, which by now has probably spread to within the site. This was previously taken very seriously by Lewisham Council and was a reason for refusal.
 - English Heritage were consulted over previous applications, and it was established that the wall fronting the property is the last remnant of Dacre House (the property was originally the stables for Dacre House), and that it was important that the wall should be retained. Although the present plan for the front elevation looks good and fits in well with the rest of the terrace (the earliest row of shops in the borough, dating back to the early nineteenth century), it does not include the wall.
 - In the previous application a window in the side elevation of the adjoining property in Brandram Road was going to be obscured. Care should be taken that this is not happening again
- 4.10 Reply received from the occupier of 21 Brandram Road which welcomes the proposed design, which is considered to now fit in much better with the adjoining houses and the applicant should be congratulated on this aspect of the proposal. However, no mention is made in the application of dealing with contamination from the previous garage use of the site and the existing Japanese Giant Knotweed on the site. An objection is also raised to the failure of the current scheme to retain the original surviving section of the boundary wall of Dacre House. The retention of this feature is vital for the preservation of the existing historic urban street plan and to preserve the subtle curve of the existing terrace.
- 4.11 Reply received from the Basement Flat at 47 Glenton Road also praises the applicant for the more appropriate scale of the current proposal but objects to the loss of the existing historic section of 18th Century boundary wall which was a feature of previous schemes for the redevelopment of this site
- 4.12 Reply received from the occupier of 10 Heathwood Gardens, Charlton, SE7 (outside the Borough) objecting to the loss of the last portions of the wall of Dacre House, one of Lee's historic estates. Officers are referred to 'Two Old Lee Houses: Dacre House and Lee House' by Edwin and Josephine Birchenborough (1968), 'History of Lee and its Neighbourhood' by F H Hart (1882 & 1971) and 'The Story of Lee' by R R C Gregory and F W Nunn (1923). The importance of boundaries for landscape and local historians is emphasized along with the loss that this would cause to future generations, who would be deprived of yet one more physical link to the past.
- 4.13 Reply received from 28A Brandram Road giving Support for the principle of a residential development of this site but requesting that consideration be given to dealing with parking on this busy road.

Officer Response to Resident Comments.

4.14 Officer's take the preservation of the Boroughs Heritage Assets very seriously and the approach for dealing with the surviving remnants of Dacre House are outlined in the Planning Considerations section of this report. The issue of contamination can be dealt with by means of a pre-commencement condition attached to a planning permission. This will require the site to be investigated for potential contamination and if this is present, a programme for the decontamination of the site to be submitted to and approved by the Council prior to the occupation of the proposed dwellings. The issue of parking is also dealt with in the Planning Considerations section of this report and as in the case of other car free schemes which have been approved within this CPZ, will involve a planning obligation to secure the restricted use of the CPZ. This will be done amending the existing traffic management order to exclude the proposed properties from obtaining Resident Parking Permits. To secure this a financial obligation is sought from the applicant to fund the amendment to the TMO along with funding of car share membership for residents for an initial 3 year period.

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:-

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

5.2 A local finance consideration means:-

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

5.3 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

5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies

in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

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

Other National Guidance

- 5.6 The Technical housing standards – nationally described space standard (March 2015)

London Plan (March 2015)

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

- Policy 3.3 Increasing Housing Supply
- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.3 Sustainable design and construction
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.21 Contaminated land
- Policy 6.13 Parking
- Policy 7.1 Lifetime Neighbourhoods
- Policy 7.2 An Inclusive Environment
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate sound-scapes

Housing Supplementary Planning Guidance (March 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:- [delete irrelevant policies]

- 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 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 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 21 Planning obligations

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:- [delete irrelevant policies]

DM Policy 1 Presumption in favour of sustainable development
DM Policy 11 Other employment locations
DM Policy 22 Sustainable design and construction
DM Policy 23 Air quality
DM Policy 25 Landscaping and trees
DM Policy 26 Noise and vibration
DM Policy 28 Contaminated land
DM Policy 29 Car parking
DM Policy 30 Urban design and local character
DM Policy 32 Housing design, layout and space standards
DM Policy 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
DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest
DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets.

Planning Obligations Supplementary Planning Document (January 2011)

- 5.10 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.

Residential Standards Supplementary Planning Document (August 2006)

- 5.11 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix,

density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Blackheath Conservation Area Character Appraisal and SPD (2007)

- 5.12 This document sets out the history and spatial character of the area, identifying areas of distinct character, advises on the content of planning applications, and gives advice on external alterations to properties within the Blackheath Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of the application for planning permission are:
- a) Principle of development
 - b) Design and impact on heritage assets
 - c) Quality of accommodation
 - d) Impact on adjoining properties
 - e) Highways & Traffic
 - f) Environment & Sustainability

Principle of Development

- 6.2 The National Planning Policy Framework though its core planning principles encourages the effective re-use and development of previously developed (brownfield) land. The NPPF also speaks of the need for delivering a wide choice of high quality homes which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 6.3 The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment. Policy 7.8 Heritage assets and archaeology sets out that development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate.
- 6.4 Locally, Core Strategy Policy 5 which protects employment uses outside of designated employment locations and centres sets out that other uses (including

residential) will be supported if it can be demonstrated that the site specific conditions including accessibility, adjacent land uses, building age, business viability and viability for redevelopment show that the site should no longer be retained in employment use. Development Management Policy 11 outlines that where development does not involve any job creation or retention, the Council requires evidence of a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent, that reflects that the market value has been undertaken. This policy also outlines that where appropriate the Council will seek contributions to training and/or local employment schemes where there is a loss of local employment as a result of redevelopment or change of use.

- 6.5 In this instance the application is not supported by evidence of active marketing of the building for re-use or redevelopment for business uses. While the loss of employment against DM Policy 11 is not normally satisfied without a marketing strategy, the facts and degrees of the specific proposal must be considered. As the building was vacant at the time that the last application, which was granted planning permission, was submitted (2007) and has not been occupied since, it could be argued that the use has been abandoned, particularly as the asbestos roof, which once covered much of the building, was removed some years ago. The site could therefore not be reused for employment purposes without both planning permission and considerable investment in the building/site. The former use, as a vehicle repair garage is also considered an inappropriate use for a prominent site in a residential area forming part of the Blackheath Conservation Area and therefore the loss of the site for employment uses raises no objection from officers.
- 6.6 The previous planning permission for a wholly residential development of the site (granted in 2008) was subject to the securing a contribution to assist in the delivery of alternative employment initiatives elsewhere in the Conservation Area. However, this contribution of £20,000.00 was never paid as the scheme was never implemented. The scale of the proposed development has also now been reduced from 6 to 4 units. Officers consider that since the site has been vacant for over 10 years and is in a particularly poor state of repair that it would require quite significant investment to bring it back to an employment use. Therefore the use of the site for employment uses is not considered to be lost as a result of this proposal, given that the site has been vacant for such a period of time. It is also considered that this site would be more appropriately used for residential than a financial payment in this case and considering the scale of the proposed development is not necessary.
- 6.7 In consideration of the above, officers are satisfied that on balance a wholly residential development of the site is acceptable in principle.

Design and impact on heritage assets

- 6.8 The NPPF through Chapter 7 addresses good quality design as a key aspect of sustainable development, which is indivisible from good planning, and should contribute positively to making places better for people. It also states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and function of an area and the way it functions. Paragraph 137 of the NPPF sets out that local planning authorities should look for opportunities for new development within Conservation Areas within the setting of heritage assets to enhance or better reveal their significance.

- 6.9 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. London Plan Policy 7.8 Heritage assets and archaeology outlines that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate, and that development should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.
- 6.10 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment repeats the necessity to achieve high quality design and requires new developments to conserve and protect heritage assets (including Conservation Areas). Development Management Policy 36, New development, changes of use and alterations affecting designated heritage assets and their setting sets out that planning permission will not be granted where new development is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials. This policy also sets out that the Council will require bin stores to be located at the side or rear of properties where access to the side and rear exists.
- 6.11 In terms of its height, scale, external appearance and compatibility with the existing street scene, the proposed building is considered by officers to be of far better design than the one granted planning permission in 2007 as well as the near identical proposal dismissed at appeal last year. This point is acknowledged by many of the objectors to the current application.
- 6.12 The main reason for the objections to the proposal is therefore the failure on this occasion to retain a section of wall on the front of the property, which is believed to be part of the 18th Century Dacre House.
- 6.13 Officers consider that the section of wall to the right of the existing access gates onto Brandram Road, which features an external buttress with curved top, is clearly of some age and likely to predate the former Garage use. Given that Dacre House was only demolished in the late 1800s it is reasonable to suppose that the wall in question was connected with the building which formerly occupied the site. The party wall to No. 17a also appears to be the external wall of a much older building associated with Dacre House. This building appears to have had a rendered finish with stuccoed quoins and the dimensions of the building are suggestive of an entrance lodge, coach house or stable.
- 6.14 The applicant was advised at pre-application stage that there was likely to be considerable local support for the retention of the section of old boundary wall fronting Brandram Road. However, officers were aware of the Inspector's comments in relation to the retention of this structure and agreed that its omission would improve the outlook of the flat which would be located behind it. It would also give the period facade of the proposed building a symmetry more suited to this style of architecture.
- 6.15 However, demolition of the wall would be subject to a detailed survey and recording of both this wall and the party wall with No 17a, which would be concealed by the new building. This is likely to be further informed by archaeological investigation of the site prior to development. Both the recording and the archaeological investigations of the site would be secured by pre-commencement planning conditions attached to any planning permission which might be granted. The

information which would be gained from this process would considerably to our knowledge of this part of the Borough.

- 6.16 With regards to the impact of the proposal the conservation Officers acknowledge that the existing workshop premises, although currently in a state of disrepair, form a much modified and comparatively recent group of utilitarian buildings. Officers do not consider that the current buildings are particularly attractive or add any value to the character and appearance of the conservation area and therefore their loss from the terrace is supported.
- 6.17 The site is located within Character Area 13 of the Blackheath Conservation Area Appraisal. The Character Area assessment notes that the terrace adjoining the application site makes a positive contribution to the conservation area and as such in accordance with DM 36, in respect of conservation area, Officers have considered the special interest of the conservation area in this location. The adjoining terraces have a strong architectural language and scale, the proposal is considered to respect both the scale and architectural detailing of these properties, without seeking to replicate them. Therefore, given that the proposed scale, design and massing are felt to be acceptable, it is considered that subject to the use of high quality materials, the proposed building would be likely to enhance the character and appearance of the conservation area.

Residential Amenity

- 6.18 Paragraph 17 of the NPPF details within its core planning principles that new development should seek to enhance and improve the health and wellbeing of the places in which people live their lives. London Plan policy 3.5 'Quality and Design of Housing Developments' sets out minimum space standards which should be applied to all new housing developments. London Plan Policy 3.5 also seeks convenient and efficient room layouts to meet the changing needs of Londoners over their lifetimes.
- 6.19 Guidance on the implementation of London Plan Policy 3.5 has been produced in the form of the Housing SPG (2016), which responds to the Department for Communities and Local Government's publication Technical housing standards – nationally described space standard (in March 2015).
- 6.20 Specifically regarding housing developments, Policy DM32 of the Lewisham Development Management Local Plan expects development to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area. Policy DM32 also reinforces the prescribed minimum standards for housing development as set out in London Plan Policy 3.5. and notes shape and layout of rooms as indicators of housing quality.
- 6.21 All of the proposed residential units have been assessed in accordance with the standards associated with the policies above and are deemed to meet the required minimum values, although additional details such as refuse arrangements and screening between private open spaces would need to be secured by condition.

Impact on Adjoining Properties

- 6.22 The NPPF states in its core principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London Plan policy 7.6 additionally states that

development should not cause unacceptable harm to the amenity of neighbouring buildings in relation to loss of privacy or overshadowing.

- 6.23 Locally, Policies DM31 & DM32 of the Development Management Local Plan require that for development adjacent to dwellings, there should result in no significant loss of privacy, outlook, and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.24 The proposed development is not considered to give rise to unacceptable amenity impacts to adjoining residential occupiers. This was also the case with the previous planning applications in respect of this site which was for a bulkier building. The possible use of the flat roofs of the single storey elements at the rear of the building as roof terraces by the occupiers of the first floor flats, which would have an adverse impact on privacy for adjoining occupiers, can be prevented by means of an appropriately worded planning condition.

Highways and Traffic Issues

- 6.25 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular, it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. It is also expected that new development will not give rise to the creation of conflicts between vehicular traffic and pedestrians.
- 6.26 London Plan Policy 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well considered travel plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. Core Strategy Policy 14 Sustainable movement and transport states that the Council will take a restrained approach to parking provision.
- 6.27 London Plan Policy 6.9 as reinforced by the Draft Interim Housing SPG requires that all residential development provide dedicated storage space for cycles at 1 one bed unit, and 2 for all other dwellings.
- 6.28 The proposed development is for a total of 4 residential units within a site which has a PTAL rating of 3, and is located within a controlled parking zone. Secure cycle storage is provided within the proposed building in the form of storage cupboards within the ground floor flats large enough to contain at least one full size adult bike in a horizontal position and a communal bike store for the two first floor flats on the landing of the building at first floor level. There is also an additional bike storage location under the stairs in the hallway of the proposed building.
- 6.29 Given the site's moderate accessibility to public transport, it is thought that a car free development is acceptable in this location, subject to a planning obligation to secure the following:
- (ii) The exclusion of future residents of the building from obtaining a permit within the CPZ.

(iii) The provision of car club membership to initial residents of the development for a three year period.

Environment & Sustainability

- 6.30 The National Planning Policy Framework states that there is a presumption in favour of sustainable development and acknowledges the role of planning in shaping places to provide resilience to the impacts of climate change and support the delivery of renewable and low carbon energy infrastructure. It is acknowledged at Paragraph 98 that even small scale projects can provide a valuable contribution to cutting greenhouse gas emissions.
- 6.31 London Plan Policy 5.3 encourages the highest standards of sustainable design and construction to improve the environmental performance on new development and to adapt to the effects of climate change. Policy 5.7 encourages the use of renewable energy sources on all new developments.
- 6.32 Core Strategy Policy 8 Sustainable design and construction and energy efficiency requires that all new residential development will be required to achieve a minimum of Level 4 standards in the Code for Sustainable Homes from 1 April 2011 and Level 6 from 1 April 2016, or any future national equivalent. Although the Code for Sustainable Homes was revoked in March 2015, current building Regulations now require all new homes to be build to the equivalent of the previously applied Code 4.
- 6.33 A Sustainability & Energy Strategy was submitted with the application. The document sets out that the proposed development would include measures such as insulation, energy efficient boilers and low energy lighting to reduce energy use and carbon emissions.

7.0 Community Infrastructure Levy (CIL)

- 7.1 On 1st April 2015 the Council introduced its Local CIL to be implemented along with the existing Mayoral CIL. The charge replaced a number of financial contributions currently required through Section 106 Agreements.
- 7.2 CIL is chargeable on the net additional floorspace (gross internal area) of all new development. Under the CIL charging schedule, the amount of CIL payable for the SE13 postcode for new residential development is £70 per sqm. The Mayor CIL is charged at £35 per sqm of new development.
- 7.3 It is expected that Mayoral and Local CIL payments will be derived from the proposed development.

8.0 Planning Obligations

- 8.1 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 NFFP 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

8.2 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.

8.3 The suggested planning obligations are discussed in the planning obligations section of the report and are considered necessary to mitigate the impacts of the development. The proposed planning agreements may be summarised as follows:

The provision of a £5,000 contribution towards an amendment of the existing Traffic Management Order to prevent the future residents of the building from obtaining a permit within the CPZ.

A three year subscription to a car club for all initial residents of the development.

The developer meeting the Council's legal, professional and administrative costs associated with drafting, finalising and monitoring the Section 106 Agreement.

8.4 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).

9.0 Equalities Considerations

9.1 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.

9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:

eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

advance equality of opportunity between people who share a protected characteristic and those who do not;

foster good relations between people who share a protected characteristic and persons who do not share it.

- 9.3 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.
- 9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 9.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 9.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10.0 Conclusion

- 10.1 As detailed in this report, on the balance of policy considerations which seek both to protect employment land as well as deliver new housing, the principle of redeveloping the site is considered acceptable.
- 10.2 The new development would respond positively to the character and appearance of its context and with Conservation Areas. The scale and massing of the proposed building is now in keeping with the adjoining terrace and this point is accepted by all local residents who responded to the consultation letter
- 10.3 The proposed building would result in the loss of a section of an 18th Century wall, which was probably associated with Dacre House. However, its retention does little to enhance and is likely to detract from the quality of the proposed scheme. The

Borough's heritage would therefore be better enhanced by a thorough recording of the wall in conjunction with a scheme of archaeological investigation of the site.

10.4 As a result of the above, the proposed building represents a high quality of design which respects and better reveals the heritage significance of the area.

11.0 RECOMMENDATION A:

11.1 Authorise officers to negotiate a satisfactory Section 106 Agreement to secure the following:-

The provision of a £5,000 contribution towards an amendment of the existing Traffic Management Order to prevent the future residents of the building from obtaining a permit within the CPZ.

A three year subscription to a car club for all initial residents of the development.

The developer meeting the Council's legal, professional and administrative costs associated with drafting, finalising and monitoring the Section 106 Agreement.

12.0 RECOMMENDATION B

12.1 Following the satisfactory completion of the Section 106 Agreement, authorise officers to

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:

EFP/17085 – 1; EFP/17085 – 2; EFP/17085 – 3; EFP/17085 - 4a; EFP/17085 – 4; EFP/17085 – 5; EFP/17085 – 6; EFP/17085 – 7; EFP/17085 – 8; Site Plan; Cil; Mumford & Wood; Planning & Heritage Statement (Eralp Semi - August 2017), Sustainability & Energy Statement & Conservation Box Sash Window – flush reveal within structure, rebated reveal within structure;

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

3. No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in

writing by the local planning authority. This shall include a recording of the existing wall fronting Brandram Road and the irregular party wall with the adjoining party wall at No 17a Brandram Road (where the presence of a rendered finish incorporating quoins suggests that this was once the external wall of a building pre-dating the existing garage). Recording of the standing structures should be to Level 3 Standard as set out in 'Understanding Historic Buildings: A Guide to Good Recording Practice (2016) by Historic England.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011).

4. No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings) has been submitted to and approved in writing by the local planning authority.

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 and Policy 7.14 Improving air quality of the London Plan (2015).

5. (a) No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-
- (b) Rationalise travel and traffic routes to and from the site.
- (c) 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 vehicle activity.
- (d) Measures to deal with safe pedestrian movement.
- (e) The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

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

6. (a) Apart from limited demolition in order to allow the work which is the subject of this condition to proceed, no development shall commence until each of the following have been complied with:-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
- (ii) A site investigation report to characterise and risk assess the site which

shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.

(iii) The required remediation scheme implemented in full.

(b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

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

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

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

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

7. (a) Notwithstanding the details hereby approved, no above ground work shall commence until detailed plans at a scale of 1:5, 1:10 and 1:20 (as appropriate) details of cornice and string course to the external elevations of the building have been submitted to and approved in writing by the local planning authority.

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

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

8. (a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities, including details of materials for the walls and doors as well as elevational details, 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 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).

- 9.
 - (a) A minimum of 6 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
 - (b) No development shall commence on site until the full details of the method of securing cycles in communal areas of the building have been submitted to and approved in writing by the local planning authority.
 - (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- 10.
 - (a) No above ground works shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
 - (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

- 11.
 - (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
 - (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High

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

12. The proposed new windows shall be installed as timber framed double-hung sash windows, with frames and glazing bars having a painted finish, set within 113mm deep external reveals, which shall be retained in perpetuity unless the local planning authority agrees in writing to any variation.

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 2005 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on any external 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).

14. 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 elevations 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).

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

Informatives

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

submitted through a pre-application discussion. As the proposal was in accordance with these discussions only limited contact was made with the applicant prior to determination. This was in relation to materials, local resident objections and the required Section 106 Agreement.

- B. 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.
- C. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- D. The land contamination condition requirements apply to both whole site and phased developments. Where development is phased, no unit within a phase shall be occupied until a), b) and c) of the condition have been satisfied for that phase.

Applicants are advised to read 'Contaminated Land Guide for Developers'(London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

- E. Japanese knotweed (*Fallopia japonica*) has been identified at the site. This species is listed under Schedule 9 of the Wildlife & Countryside Act (1981) and as such it is an offence to plant or otherwise cause this species to grow in the wild. It is also classed as a controlled waste under the Environmental Protection Act (1990) and must be disposed of safely at licensed landfill. You are advised to follow the Environment Agency, 'Managing Japanese knotweed on development sites: the knotweed code of practice', available to download from their website. http://www.environment-agency.gov.uk/static/documents/Leisure/japnkot_1_a_1463028.pdf
- F. 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.

This page is intentionally left blank

17 BRANDRAM ROAD, LONDON, SE13 5RT Site Map



This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	14 THE GLEBE, LONDON, SE3 9TG	
Ward	BLECKHEATH	
Contributors	Russell Brown	
Class	PART 1	1st February 2018

Reg. Nos. DC/17/103412

Application dated 31.08.2017

Applicant Mr J McDonnell

Proposal The construction of a single storey plus basement annexe in the garden of 14 The Glebe, SE3.

Applicant's Plan Nos. OS Map; Cover Letter 31.08.2017 / Planning Statement; Design and Access Statement; Heritage Statement Received 1st September 2017

294_01_01; 294_02_01; 294_04_02;
294_04_03; 294_04_04; 294_04_05;
294_05_01 Received 7th November 2017

Background Papers

- (1) Case File LE/682/14/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2016)

Designation Blackheath Conservation Area

Screening N/A

1.0 Property/Site Description

1.1 The application site is located on the west side of The Glebe at the junction with the northern side of Lee Terrace (B220). The site forms part of the large garden to 14 The Glebe which is an impressive part two, part three storey semi-detached Italianate Villa. It is one of a number of large houses set in extensive gardens within this road. The house, like many along this road, is set back from Lee Terrace behind a generous front garden and surrounded by a number of large mature trees. The south east section of the garden has been hard landscaped to create a large parking area.

1.2 The Glebe comprises a small group of high quality Italianate and Gothic villas of c1849-50 built around a horseshoe shaped street, open at both ends. Some of the villas survive intact and are set in their large generous verdant plots although the historic set piece is somewhat diminished by later infill building.

- 1.3 The surrounding area comprises low-rise blocks, small row of terraces and detached or semi-detached properties, but the immediate locality is defined as a suburban villa typology by Table 2.1 *Urban Typologies in Lewisham* contained within DM Policy 30. The application site is also located within Character Area 10 of the Blackheath Conservation Area Appraisal.
- 1.4 The property is within Blackheath Conservation Area, but is not subject to an Article 4 direction, nor is it a listed building. However, it is a locally listed building and is in the vicinity of the Grade II listed buildings at 22-32 Lee Terrace. The site has a PTAL rating of 4 and is within an area with a Local Open Space Deficiency.

2.0 Relevant Planning History

- 2.1 February 2005: Certificate of Lawful Development issued for the return of the property to a single dwellinghouse.
- 2.2 October 2005: Planning permission was refused for the construction of a part two/part three storey, six bedroom detached house adjacent to 14 The Glebe SE3 together with the provision of 2 car parking spaces at the front with access onto The Glebe. The reason for refusal related to the siting, scale, mass and form of the proposal, which was considered to represent an inappropriate and visually obtrusive development and would therefore harm the character of the existing locally listed building and its setting, the street scene and the conservation area.
- 2.3 December 2006: An appeal against the refusal of planning permission was dismissed as the proposal was considered to detract from the setting of the locally listed building and would fail to preserve or enhance the character of the conservation area. In addition, the proposal was considered to have an unacceptable impact on the amenity of the occupiers of the main dwellinghouse in terms of loss of light and outlook.
- 2.4 January 2013: Planning permission was refused for the construction of a single storey plus basement granny annexe in the garden of 14 The Glebe SE3. The reasons for refusal related to harm to the character and appearance of the conservation area and the setting of the locally listed building and the detailed design of the proposal in terms of its form, appearance, materials and detailing which were found to fail to relate to the surrounding context or achieve a high standard of design.
- 2.5 August 2013: An appeal against the refusal of planning permission was dismissed. The Inspector found that the siting of the proposal would not have an adverse impact on the open character of the area, as it was sited to ensure that it was not unduly prominent and that the setting and status of the locally listed building would be retained. The scope for a 'modest, understated outbuilding in the proposed' was therefore established. However, the Inspector agreed with the Council that the building would not tie in well with the locality. The arrangement of windows was found to be jumbled and to fail to emulate the orderly appearance of the houses nearby. The use of materials was found to lead to visual confusion. In summary:

"The proposal would be subservient to the surrounding buildings and would fit comfortably into the hierarchy of development. Neither would it spoil the function of the existing garden in terms of its spaciousness or setting for 14 The Glebe.

However, the detailed design would not promote or reinforce local distinctiveness and the proposed new development would not successfully integrate into the historic environment. As such, it would detract from the significance of the heritage asset. The significant harm caused would not be outweighed by any public benefits including its sustainability credentials.”

2.6 September 2014: Planning permission was refused for the construction of a single storey plus basement granny annexe in the rear garden of 14 The Glebe SE3. The reasons for refusal are as follows:

1. The proposed new dwelling by reason of its siting and detailed design is considered to represent an inappropriate and visually obtrusive development and would therefore harm the character of the existing locally listed building and its setting, the street scene and the conservation area, contrary to saved policies URB 3 Urban Design, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas, URB 20 Locally Listed Buildings of the Unitary Development Plan (2004) and policies DM Policy 30 Urban design and local character, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, 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 garden of the Development Management Local Plan (2014).
2. The proposal would fail to provide an adequate standard of living accommodation at basement level owing to the lack of direct sunlight and daylight and outlook contrary to DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (2014).

2.7 The Council’s decision was again dismissed at appeal on 19 January 2015 under the appeal reference APP/C5690/D/14/2228407 and pertinent paragraphs from the Inspector’s decision is set out below:

Paragraph 6: *“The main issues are: (a) whether the proposed development would preserve or enhance the character or appearance of the CA, and (b) the acceptability of future living conditions within the proposed granny annexe with particular reference to sunlight, daylight and outlook.”*

Paragraph 9: *“Taking account of local characteristics and the spatial relationship between 14 The Glebe (a locally listed building) and 21 Lee Terrace, I share my colleague’s view ‘that there is scope for a modest, understated outbuilding in the location proposed’, largely for the same reasons.”*

Paragraph 12: *“An acceptable design in this sensitive location would need to demonstrate far more imagination and skill than is apparent in the appeal submission...”*

Paragraph 17: *“I conclude that living conditions for future residents of the Granny annexe, taking account of its proposed purpose, would be acceptable”.*

2.8 Pre-application advice was sought (PRE/16/002761) and advice was given that the creation of a separate dwelling is objectionable in principle and that any subsequent iterations of the scheme should be for a use ancillary to the main dwelling provided that it was of a modest and subordinate scale, and of a good standard of accommodation.

3.0 Current Planning Application

- 3.1 The current applications seeks planning permission for the construction of a single storey plus basement annexe in the garden of the application property.
- 3.2 The proposed structure would measure a maximum of 3.95m high from ground floor level (the lowest part would be 3.3m) by 6.6m wide by 8.665m deep. The extent of the excavation would be 2.75m and the lightwell to the south elevation would be 6.1m wide by 2.2m deep, and accessed through sliding doors from the bedroom. The roof form would step down to the east and would appear as two separate masses, divided by an 'L-shaped' glass window.
- 3.3 The annexe would now be set back 2.205m from the front elevation building line of the terrace properties on Lee Terrace and set away from the side elevation of no. 21 by 1m. The only entry door to the annexe would be to the north elevation, situated next to a clear glazed window, and there would be further windows to the east and west elevations, as well as stone feature panelling to the former. The building would be clad in white limestone with burnished bronze panels to the west elevation and anodised aluminium-framed windows.
- 3.4 There would be an ensuite bedroom with walk-in wardrobe and study at basement level with a kitchen, living / dining room and WC at ground level. The gross internal area would be approximately 95.9m² with a bedroom of 16.38m².

4.0 Consultation

- 4.1 Pre-application advice was sought in November 2016 and a summary of the officer response can be found in the planning history section of this report.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 Public and site notices were displayed and letters were sent to 22 neighbouring addresses, Blackheath Ward Councillors, the Blackheath Society and the Council's Conservation Officer.

Written Responses received from Local Residents

- 4.4 Four objections were received, raising the following concerns:
- The annexe is architecturally incongruous with the important buildings it adjoins.
 - The proposed materials do not relate to either the terrace in Lee Terrace or no. 14 itself and would stand out discordantly, detracting very seriously from the character of the area.
 - The design is unimaginative, which detracts from the setting of no. 14.
 - The essence of the setting of villas such as 14 The Glebe is their garden setting, and once lost, it will never be recovered.
 - This proposal is not modest nor understated, and is too large to constitute an outbuilding.
 - The existence of a high solid timber fence that effectively screens the garden from general public view does not justify the erection of a completely inappropriate building.

- The excavation would be very close to 21 Lee Terrace, which is approximately 130 years old, and could undermine its structural integrity and damage the copper beach tree in the rear garden of no. 21 as well as 10 others.
- A full and detailed risk assessment of the impact of the excavation and construction work on the structural integrity of the adjoining building and grounds should be carried out and made public prior to a decision being taken.
- The applicant should appoint their own Party Wall Surveyor and pay for any Party Wall Surveyors of adjoining properties.

Responses received from the Local Amenity Society

- 4.5 The Blackheath Society objected to the proposal on the following grounds:
- The current design is lower and less intrusive than earlier ones and subservient to the main house. However, the quality of the overall submission is poor and provides insufficient information about what is proposed, particularly regarding the proposed basement and landscaping.
 - The basement is not well conceived, should not be any deeper than those of the parent or neighbouring properties and would appear to provide barely adequate accommodation. A basement impact survey undertaken by a suitably qualified expert should have been submitted.
 - The application also provides no information regarding the proposed landscaping of the site, which could mitigate (soften) or even enhance the impact of this proposal. Well-considered landscaping could increase the overall coherence of the developed site and improve the view from the public realm. The creation and maintenance of appropriate landscaping should be made a condition of any consent.
 - The white stone cladding and the burnished bronze detailing are out of keeping with the materials of the surrounding buildings, and traditional materials like brick and stucco would be more suitable.

5.0 Policy Context

Introduction

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

A local finance consideration means:

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

- 5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in

November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.
- 5.6 In March 2015, the Technical Housing Standards – nationally described space standard was adopted and sets out the minimum space requirements for residential accommodation.

London Plan (March 2016)

- 5.7 The London Plan was adopted on 14th March 2016. The policies relevant to this application are:

Policy 5.3 Sustainable design and construction
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

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

Housing (March 2016)
Sustainable Design and Construction (April 2014)
Character and Context (June 2014)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

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

Development Management 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 Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development

DM Policy 22 Sustainable design and construction

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

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

Residential Standards Supplementary Planning Document (updated May 2012)

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

Blackheath Conservation Area Character Appraisal and SPD (March 2007)

- 5.12 The Blackheath Conservation Area is one of the most important in the borough and is also part of the Buffer Zone for the UNESCO World Heritage Site of Maritime Greenwich. The settlement dates from at least the 12th century, many of the standing buildings date from the 1790s onwards. The significance of the area

lies in the critical mass of well preserved historic housing and the intimate relationship with the famous open space.

- 5.13 The application site falls under Character Area 10: Lee Terrace and The Glebe and is listed as a building making a positive contribution.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are:

- a) Principle of development
- b) Design and impact on the character and appearance of the Conservation Area
- c) Impact on the amenities of adjoining properties
- e) Proposed standard of ancillary accommodation
- f) Highways issues

Principle of development

- 6.2 This site is currently used as a garden and off-street parking area associated with 14 The Glebe. Whilst a proposal for a separate, self-contained dwelling has been refused, and dismissed at appeal, so have two further proposals for single storey plus basement annexes. However, the reasons for refusal have related to harm to the character and appearance of the conservation area and the setting of the locally listed building through the poor design of the proposal in terms of its form, appearance, materials and detailing, as well as inadequate standard of living accommodation, rather than the principle of development. Indeed, in paragraph 9 of the most recent appeal (APP/C5690/D/14/2228407), the Inspector acknowledged “that there is scope for a modest, understated outbuilding in the location proposed”.

- 6.3 Whilst not shown on the submitted plans, the main property and the area of land on which the proposed annexe is to be located are currently severed by boundary treatment. So as to ensure that the proposed annexe is not in any way separate to the main house, the removal of this boundary treatment is recommended to be secured by a pre-commencement condition. On the basis that no new boundary treatment is proposed to be erected within the site and that no other method of access to the site is going to be introduced then Officers consider that the construction of a structure, such as that proposed, for accommodation ancillary to the host property would be acceptable.

- 6.4 However, the detailed design of the structure must also be acceptable as both the Inspector’s and the Council’s decisions have made it clear that it needs to be modest and understated, thereby ultimately either preserving or enhancing the character or appearance of this part of the Blackheath Conservation Area.

Design and conservation

- 6.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

- 6.6 Urban design is a key consideration in the planning process. The NPPF (para. 56) 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 positively contribute to making places better for people. The NPPF (para. 57) also 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 space and wider area development schemes.
- 6.7 Chapter 7 of the NPPF states that Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.8 Paragraph 131 of the NPPF states that, in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.9 London Plan Policy 7.4 Local Character states that new developments should complement or repair and existing streetscape, and respect the urban grain in the vicinity.
- 6.10 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.
- 6.11 Core Strategy Policy 15 seeks to optimise the potential of sites, whilst also ensuring that proposed schemes are sensitive to the local context and respond to local character.
- 6.12 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and Historic England best practice.
- 6.13 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.

- 6.14 DM Policy 33 states that if the site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest quality design and relates successfully and is sensitive to the existing design quality of the streetscape.
- 6.15 DM Policy 36 states that the Council will require a statement that describes the significance of the asset and its setting and an assessment of the impact on that significance for development proposals affecting designated heritage assets. Also required is clear and convincing justification if the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting. The Council encourages the retention and thermal upgrading of historic windows. The Council will not grant planning permission where:
- a. new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials; and
 - b. development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the conservation area.
- 6.16 DM Policy 37 states that the Council will protect the local distinctiveness of the Borough by sustaining and enhancing the significance of non-designated heritage assets, and that development proposals affecting non-designated heritage assets should be accompanied by a heritage statement. The Council will seek to retain and enhance locally listed buildings and structures and may use its powers to protect their character, significance and contribution made by their setting.
- 6.17 The villa (14 The Glebe) is visible when approached from either direction along Lee Terrace and The Glebe and ‘turns the corner’ into The Glebe uninterrupted by any built form in the existing garden, giving the sense of openness and space. Views of the well-articulated rear elevation of 14 The Glebe are attractive with mature trees acting as a foil in the background.
- 6.18 Lee Terrace terminates with the boundary of the garden of 14 The Glebe. The eastern end elevation of Lee Terrace is also of some quality with a strong horizontal emphasis through the visible contrasting cornicing at different levels.
- 6.19 Regardless of the use of the building, in paragraphs 11 and 12 of the most recent appeal the Inspector held that the appeal scheme was objectionable as it bore no visual relationship with the surrounding buildings, and that a development with “more imagination and skill” would be required.
- 6.20 In response to the above, the current proposal is for a modern designed building. It would have a two-tiered flat roof, divided by a strip of glazing, rather like an extended rooflight, which would continue down the front (south) and rear (north) elevations. To the former it would incorporate a kink, forming an L-shape above the basement level of the building. Compared with the pitched roof originally proposed, this would allow the height of the building to be limited to 3.95m and would therefore sit well below the string coursing to 21 Lee Terrace. As such, Officers consider that the roof form responds positively to the sensitive surrounds.
- 6.21 The scheme has been revised so that the part of the building above ground would be set back from 21 Lee Terrace by 2.2m, which is the same distance as the depth of the lightwell. As such, Officers consider that it would not compete with

the terrace of attractive properties. Revisions have also been received regarding the form of the building so that it is less square-shaped and more rectangular in form such that it increases in depth by 1.445m and reduces in width by 0.85m, thus increasing its proximity to 14 The Glebe. Furthermore, it would not obscure views of the main house from Lee Terrace. The front door is now 8.94m from the closest part of the host building, which is more befitting of an ancillary building.

- 6.22 It is recognised that the main property is a non-designated heritage asset, by virtue of being a locally listed building, within a designated heritage asset, which in this case is Blackheath Conservation Area. It is located 4.45m away from the dwellinghouse and would be limited to a single storey off ground level and therefore would not compete with or detract from the character or appearance of 14 The Glebe, subject to the quality and type of materials used.
- 6.23 The form is unashamedly modern, but due to a sunken level, would sit partly underground, which would limit its visibility. The proposed materials are also contemporary and are not prevalent within Blackheath Conservation Area, or at least not to street-facing elevations. It is possible that the stone feature panelling and white limestone, if uniform in colour, could complement white render on neighbouring properties. Officers acknowledge that timber sash windows are usually a requirement for street-facing elevations within Conservation Areas, but in this case, they would contrast sharply with the modern design of the building and therefore, subject to their detailing, the use of anodised aluminium framed windows is accepted. Details of all the proposed materials are recommended to be secured by condition in the form of product specifications and physical samples.
- 6.24 The only landscaping would be for the hardstanding area to the sunken patio garden and a planter above the heat pump. Officers do not consider it necessary to require details by condition given the small areas.
- 6.25 Therefore, the proposals in their current form are considered to be acceptable in design terms and would preserve the character or appearance of this part of the Blackheath Conservation Area in compliance with London Plan Policies 7.4, 7.6 and 7.8, Core Strategy Policies 1, 15 and 16 and DM Policies 30, 31, 33 and 36.

Impact on the amenity of neighbouring occupiers

- 6.26 Core Strategy Policy 15 High quality design for Lewisham seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed developments to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers.
- 6.27 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.28 The proposed annex is not considered to have an impact on the amenity of neighbouring occupiers at 19-21 Lee Terrace in terms of loss of privacy, daylighting or overshadowing due to the way it has been sited.

6.29 A large area of garden has been hard landscaped for parking, but given that the proposal would only be 70.64m² in size, it is considered to leave a sufficient area of soft landscaping for the use of the main house in relation to its size and this is therefore acceptable.

Standard of accommodation for proposed occupier

6.30 London 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. It also states that the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

6.31 DM Policy states that new rooms provided by extensions to residential building will be required to meet the space standards in DM Policy 32.

6.32 DM Policy 32 states that all new residential development should be attractive and neighbourly, provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours as well as meet the functional requirements of future residents. An assessment of whether the proposals provide accommodation that provides an appropriate level of residential quality and amenity must meet the criteria including:

- Accommodation is to be of a good size, have a good outlook with acceptable shape and layout of rooms with main habitable rooms receiving direct sunlight, daylight and adequate privacy.
- The standards and criteria in this policy, including those of the London Plan and the London Plan Housing Supplementary Guidance, will ensure a reasonable level of residential amenity and quality of accommodation, and that there is sufficient space, privacy and storage facilities in new development to ensure long term sustainability and usability.

6.33 The proposed annex is generous in terms of floorspace at 96.12m² (the equivalent of a three bed, five person dwelling over two storeys as set out in the Technical Housing Standards - Nationally Described Space Standard).

6.34 The Inspector previously considered that the standard of accommodation would be acceptable given that the proposed use was that of an annexe to be used ancillary to 14 The Glebe. Paragraph 16 states that “the main function of the bedroom, that is, a place to sleep at night and, secondly, that the annexe is designed to be ancillary accommodation to the main dwelling, the lack of an outlook or the failure to attract a significant level of direct sunlight, in themselves, do not warrant a refusal of the scheme.”

6.35 In any case, the bedroom is 17m² and 2.73m wide for much of its floorspace, both of which are compliant with the Technical Housing Standards - Nationally Described Space Standard for a double bedroom.

6.36 The amenity space provided for the annexe is approximately 8.4m², which is compliant with Standard 26 of the London Plan Housing SPG (March 2016), which requires a minimum of 5m² of private outdoor space for 1-2 person dwellings.

6.37 As such, the standard of ancillary accommodation is considered acceptable.

Highways

6.38 London Plan Policy 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions).

6.39 London Plan Policy 6.13 Parking states that the maximum standards set out in Table 6.2 in the Parking Addendum should be the basis for considering planning applications. Developments must ensure that 1 in 5 spaces provide an electrical charging point to encourage the uptake of electric vehicles and provide parking for disabled people.

6.40 Core Strategy Policy 14 Sustainable movement and transport states that car free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street, and cycle parking will be required for new development and TfL guidelines will be used to assess provision. Design will need to incorporate safe and secure cycle storage and parking as well as other facilities including showers and lockers, where appropriate.

6.41 The new annexe would be accessed from the existing entrance to the site from The Glebe and there would be no further parking provision with the existing car parking being utilised. Furthermore, it is not considered that the creation of the annexe would not increase the number of journeys being made to and from the property.

6.42 Cycle parking spaces would be provided according to the applicant, but no details have been given. Therefore, details are recommended to be secured by condition.

6.43 Refuse arrangements are to remain as existing.

6.44 As such, no objection is raised on highways or traffic grounds.

Prevention of crime and disorder

6.45 Section 17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:

- a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local community);
- b) the misuse of drugs, alcohol and other substances in its area; and
- c) re-offending in its area.

6.46 No issues of crime or disorder were raised as a result of the public consultation undertaken in respect of this application, and therefore they are not considered to be an issue.

Issues raised by consultation

6.47 There have been concerns raised regarding the impact of excavations and general construction work in close proximity to the terrace at 19-21 Lee Terrace. This is a matter that would be dealt with through the Party Wall process if planning permission were to be recommended.

Equalities Considerations

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

6.49 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- a. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- b. advance equality of opportunity between people who share a protected characteristic and those who do not;
- c. foster good relations between people who share a protected characteristic and persons who do not share it.

6.50 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

6.51 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

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

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

6.53 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:

- 6.54 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.

Human Rights Act

- 6.55 Under the Human Rights Act 1998, the Council must not act in a way which is incompatible with the rights referred to in the Act. There is an exception to this, in that the Council will not be acting unlawfully if Acts of Parliament mean that it cannot act in any other way. The relevant human rights in this instance are the:
- Right to respect for the home, under Article 8; and
 - Right to peace enjoyment of possessions, under Article 1 of Protocol 1.
- 6.56 However, these rights are not absolute, and may lawfully be infringed in certain defined circumstances. Where infringement is permissible, it must occur in accordance with, or subject to, the conditions provided for by the law. It must also be proportionate; i.e. it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involve.
- 6.57 It is considered that there is no impact on the owners' human rights and therefore the application is not considered to raise any Human Rights Act implications.

Conclusion

- 6.58 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).
- 6.59 In summary, it is considered that the proposal is acceptable in terms of the principle of development, design, impact on the Conservation Area, standard of accommodation, impact on neighbouring properties and on highways. As such, Officers recommend that planning permission be granted subject to the imposition of suitable planning conditions.

7.0 **RECOMMENDATION: GRANT PLANNING PERMISSION** subject to the following conditions:

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

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

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

OS Map; Heritage Statement Received 1st 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) Notwithstanding the annotations on the drawings hereby approved, no development shall commence on site until a detailed specification and samples of all external materials and finishes, windows, roof covering and external doors to be used on the annexe, as well as elevational drawings of each of the windows at 1:20 scale and horizontal and vertical sections at 1:5 scale, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority may be satisfied as to the external appearance of the annexe and to comply with Policies 7.4 Local context, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 4) (a) A minimum of one secure and dry cycle parking spaces shall be provided within the development.

(b) Full details of the cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation / use of the annexe, and they shall be maintained thereafter

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 6.9 Cycle of the London Plan (March 2016) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 5) 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 east and south elevations of the annexe.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to accord with Policies 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 6) 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 annexe hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 31 Alterations and extensions to existing buildings including residential extensions, 32 Housing design, layout and space standards and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- 7) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the building hereby approved shall only be used for purposes ancillary to the residential use of the dwellinghouse known as 14 The Glebe and shall not be occupied as any form of self-contained residential accommodation without the prior benefit of planning permission.

Reason: The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant Policies in the London Plan (March 2016), Core Strategy (June 2011) and Development Management Local Plan (November 2014).

- 8) The existing boundary treatment to the north and east of the plot of land on which the proposal is located shall be removed prior to the commencement of development, and shall not be re-erected without the written consent of the Local Planning Authority.

Reason: To ensure that the proposed annexe remains ancillary to 14 The Glebe and is acceptable to the Local Planning Authority.

- 9) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no amendments to the internal or external site boundary treatment without the prior benefit of planning permission.

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 Policies 31 Alterations and extensions to existing buildings including residential extensions, 32 Housing design, layout and space standards and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

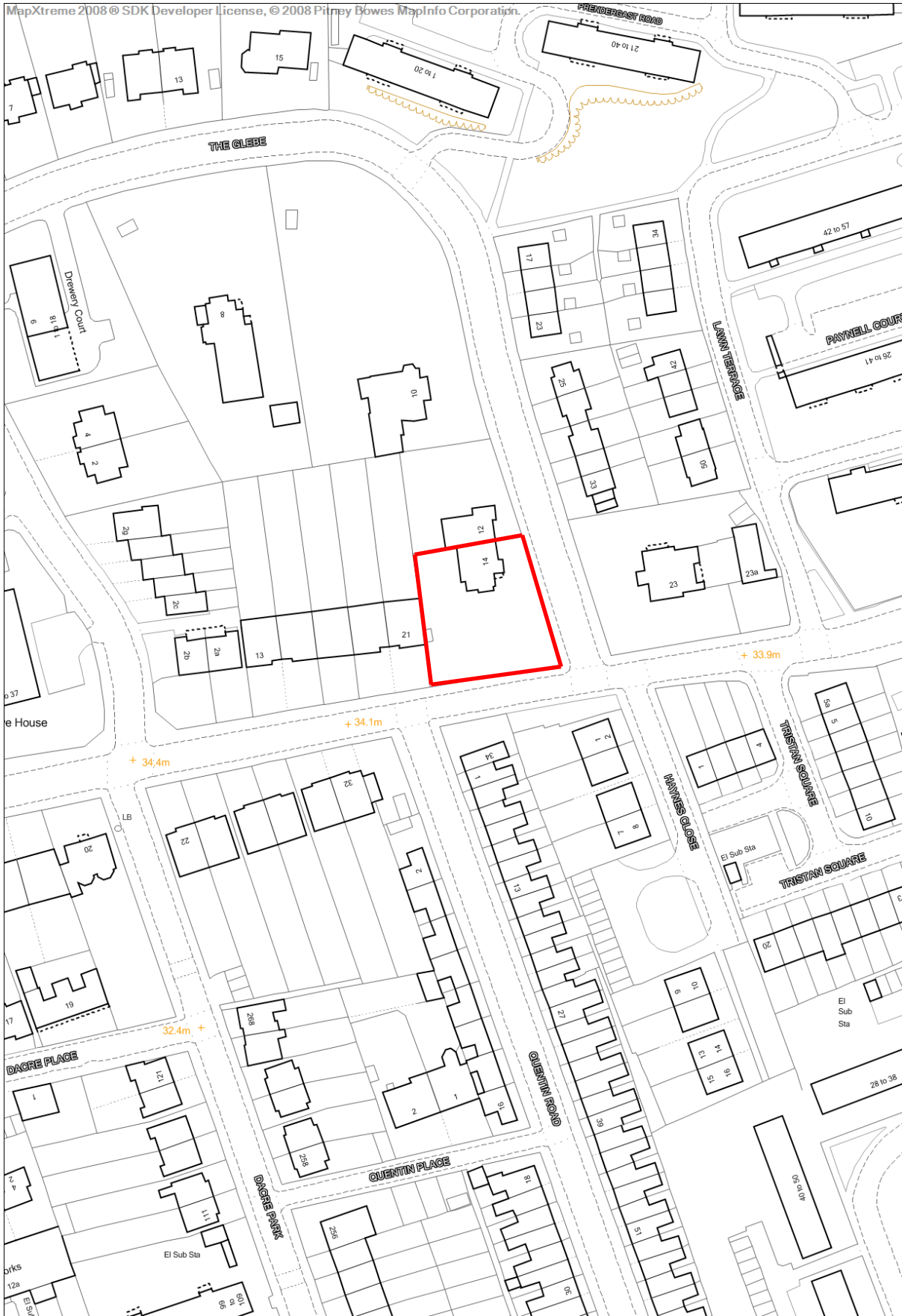
INFORMATIVES

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. However, as the proposal was in accordance with the Development Plan, permission could be granted without much further discussion.

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 Local Planning Authority, before any such works of demolition take place.

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.

14 THE GLEBE, LONDON, SE3 9TG Site Map



This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	70 LOAMPIT HILL, LONDON, SE13 7SX	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	1st February 2018

<u>Reg. Nos.</u>	DC/17/103790
<u>Application dated</u>	26.09.2017
<u>Applicant</u>	Mrs J M Jackson
<u>Proposal</u>	The conversion of 70 Loampit Hill, SE13 and the Coach House to provide a 4 bed, 6 person maisonette, a 3 bed, 4 person maisonette, a 2 bed, 3 person flat and a 1 bed, 2 person flat, facilitated by the construction of single and double storey extensions and an enlarged dormer to the rear.
<u>Applicant's Plan Nos.</u>	51616- PL-01 Rev D; 51616- PL-02 Rev D; 51616- PL-03 Rev D; 51616- PL-10 Rev D; 51616- PL-11 Rev D; 51616- PL-12 Rev D; 51616- PL-13 Rev D; 51616- PL-14 Rev D; 51616- PL-22 Rev D; 51616- PL-24 Rev D; 51616- D_1 Rev D; 51616- D_2 Rev D; 51616- PL-30 Rev D; 51616- PL-31 Rev D; 51616- PL-40 Rev D; 51616- PL-41 Rev D; 51616- PL-50 Rev A; 51616- PL-51 Rev A; 51616- PL-52 Rev A; 51616- PL-53 Rev A; 51616- PL-60 Rev A; 51616- PL-61 Rev A; 51616- PL-62 Rev A; 51616- PL-63 Rev A; Arboricultural Report; Design, Access & Heritage Statement; Planning Statement; Sustainability Statement Received 26th September 2017 51616- PL-23 Rev E Received 28th November 2017 51616- PL-20 Rev F; 51616- PL-21 Rev F Received 12th January 2018
<u>Background Papers</u>	(1) Case File LE/113/70/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	St John's Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The property is located on the north east side of Loampit Hill, a busy A Road (A20) and a Red Route, and is close to the junctions with Tyrwhitt Road and Somerset Gardens. The railway line runs to the north west of the site and there is a two storey building (a former railway station) and associated yard in part retail (Use Class A1), part reclamation / salvage yard usage (Sui Generis) called Aladdin's Cave situated between the two.
- 1.2 The site is occupied by a large four storey ornate Victorian mansion, which has been retained in much of its original form both internally and externally. The building is constructed out of London stock brick, large ornate soffits with a painted render underneath and a slate roof. It is in use as a four bedroom single family dwellinghouse, although there is an additional one bedroom flat above the garage situated to the north west of the site. It has living accommodation over two floors and four bedrooms on the upper two. It is 296m² in size.
- 1.3 To the rear of the property, a conservatory has been added and beyond that, there is a large, well-established garden with several tall trees. The site has a fall in gradient of approximately 2m from the front, south west-facing boundary to the rear, north east-facing boundary.
- 1.4 The property is in St Johns Conservation Area, subject to an Article 4 direction and whilst it is not a listed building itself, it is within the vicinity, but not the setting, of the Grade II listed buildings at 4-10 Somerset Gardens. The site's PTAL rating is 5, it is in an area of Local Open Space Deficiency and it is within a SINC (Site of Nature Conservation Importance).

2.0 Relevant Planning History

- 2.1 Planning permission was **granted** on 11th July 1961 for the conversion of Coach House at No. 70, Loampit Hill, Lewisham, S.E.13, into a garage and erection of a maisonette above.
- 2.2 Pre-application advice was sought (PRE/17/002909) in the form of a concept meeting and Officers stated that the principle of the subdivision of the main house is contrary to DM Policy 3 and that this element of the proposal should not be pursued any further. No objection was raised to the principle of extensions to the property, however, there were concerns about their scale and massing and the subsequent impact upon the existing building and St Johns Conservation Area.

3.0 Current Planning Application

- 3.1 Planning permission is sought for the conversion of the main property and the Coach House to provide a 4 bed, 6 person maisonette (Unit 1), a 3 bed, 4 person maisonette (Unit 2), a 2 bed, 3 person flat (Unit 3) and a 1 bed, 2 person flat (Unit 4).
- 3.2 Unit 1 would be located over the lower ground and ground floors of the main property with a living / kitchen / dining area, utility room and shower room over the former and four bedrooms (two doubles and two singles) and a bathroom over the latter. The Gross Internal Area (GIA) of the unit would be 154m², which is broken down as follows:

Bedroom 1: 24m² (double bed)
Bedroom 2: 12.4m² (double bed)
Bedroom 3: 10.2m² (single bed)
Bedroom 4: 8.6m² (single bed)
Kitchen / living / dining room: 55.2m²

- 3.3 Unit 2 would be located over the lower ground and ground floors of the Coach House with a living / kitchen / dining area and a WC over the former and three bedrooms (one double and two singles) and a bathroom over the latter. The GIA of the unit would be 120m², which is broken down as follows:

Bedroom 1: 15.2m² (double bed)
Bedroom 2: 12.9m² (single bed)
Bedroom 3: 8.7m² (single bed)
Kitchen / living / dining room: 43.8m²

- 3.4 Unit 3 would be located on the first floor of the main property with two bedrooms (one double and one single), a living / kitchen / dining area and a bathroom. The GIA of the unit would be 61m², which is broken down as follows:

Bedroom 1: 14m² (double bed)
Bedroom 2: 8.7m² (single bed)
Kitchen / living / dining room: 27m²

- 3.5 Unit 4 would be located on the second floor of the main property with a double bedroom, a living / kitchen / dining area, a bathroom and a study / dressing room. The GIA of the unit would be 50m², with the bedroom being 21.5m² and the kitchen / living / dining room being 21.34m².

- 3.6 The conversion of the property and the Coach House would be facilitated by the construction of single and double storey extensions and an enlarged dormer to the rear.

- 3.7 A set of rear steps would be constructed at lower ground floor level to allow access to the maisonette at that level from the rear and a small extension (5.5m²) would be added to this floor. The existing stairs to the front would only serve a store, with access to the unit being sealed off.

- 3.8 At ground floor level, the existing conservatory would be replaced by an extension measuring 2.9m high, 2.13m deep and 4.34m wide, and an additional set of steps would be constructed from the existing raised platform. The veranda over the raised platform would be replaced.

- 3.9 The replacement rear dormer would measure 0.8m wider than the existing. An existing conservation style rooflight would also be replaced to the main rear roofslope.

- 3.10 The Coach House would remain at two storeys, but a 4.9m deep two storey extension to the rear would be added. Two replacement conservation style rooflights would also be inserted into the roof. To the front elevation the existing doors, both for the garage and for the existing flat above the Coach House, would be replaced by a new door and two sash windows. The only other change to the

front elevation would be the replacement of the door at lower ground floor level with a window.

- 3.11 The application also includes the hard and soft landscaping of the rear garden, which would be divided into two, one section for Unit 1, the other for Unit 2. The existing front hardstanding would be altered to provide a ramped driveway for one vehicle pertaining to Unit 2, separated with a brick wall. New steps would be constructed up to the hardstanding from Unit 2. The existing planted bedding adjoining the front boundary would be reduced to allow for the provision of a timber clad refuse store for six bins. A timber cycle store for eight bicycles would be located in the rear garden, accessed via a side passageway.
- 3.12 Furthermore, three trees (a black locust, a bay laurel and a European beech) are proposed to be felled, the second of which would be relocated or replanted and the latter is proposed to be replaced.

4.0 Consultation

- 4.1 Pre-application advice was sought as detailed above.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 Site and public notices were displayed and letters were sent to seven adjoining addresses, Brockley and Ladywell Ward Councillors and the Council's Highways and Conservation Officers.

Written Responses received from Ward Councillors

- 4.4 No comments were received from local residents, but Councillor McGeevor supported this application, for the following reasons:
- This application is of a high quality, with well-proportioned rooms and of a design that respects the character of this Victorian Villa.
 - Considering the location of this house on a main road, it may appeal to the kind of buyer who could afford a house as large as this if kept in its original state as a very large single family dwelling.
 - This application would provide two relatively affordable family homes, in addition to a two bedroom flat and a one bedroom flat, the latter of which would be suitable for a family with just one child.
 - The applicant's attempts to downsize to make living in her home more manageable and more affordable are supported and there are wellbeing and health benefits for older residents to being able to stay in a place where they feel well connected and happy.

Written responses received by External Consultees

- 4.5 The Brockley Society had the following comments:
- Modest development on the site is regarded as positive in principle, particularly in respect of existing Flat A, which appears somewhat cramped.
 - The proposals currently constitute overdevelopment of the existing building.
 - The proposals are contrary to DM Policy 3 and the potential impact on the local community and services needs to be mitigated against with a measured approach to development.

- It is stated that the units are designed to London Plan space standards but the minimum dimensions for bedrooms set out in the technical housing standards must also be observed.
- In addition, Unit 4 has restricted headroom and the extent to which this impacts on the usable floor area is not made clear within the submission.
- The proposals do not provide any built-in storage area for each of the units, as required under the technical housing standards.
- The layout of Unit 4 also requires emergency escape via the kitchen.
- The upper floor storeys would be better suited to being a 3 bedroom maisonette rather than two smaller flats, similar to the proposals for the lower storeys of the main house.
- The arguments put forward by the architects citing local demand and affordability should be substantiated with appropriate documentary evidence rather than presented as fact. One bed flats and / or studios are not an identified housing need within the borough.
- The trees to be felled are mature and classed as category A with 40+ (T1) and 20+ (T2) years of expected life remaining respectively, and there is insufficient justification for their removal, or transplantation.
- The design proposals do not appear to have given due consideration to the retention of these trees given the property is located within the St Johns Conservation Area. These trees should be protected and the design should be modified as required to ensure there is no negative impact as a result.

4.6 TfL had the following comments:

- The footway and carriageway on the A20, Loampit Hill, must not be blocked during the conversion and extension works. Temporary obstructions during the conversion must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A20, Loampit Hill.
- All vehicles associated with the conversion and extension works must only park / stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required.
- They welcome the car-free nature of two of the four proposed units.
- Given that the applicant wishes to continue to use the existing front driveway for parking, the need for further provision should be questioned due to the excellent PTAL score of 6a.
- The applicant should ensure that the proposed cycle storage shed is secure, sheltered and accessible and it is recommended that the eight spaces are secured by condition.

Written responses received by Internal Consultees

4.7 The Council's Highways Officer required that a more detailed plan of the cycle parking spaces, including dimensions and type of store, be provided. They added that a condition should be secured to ensure bins would not be left out on the highway after collection.

- 4.8 Both the Council's Highways and Conservation Officers stated that the car parking spaces should be formalised and that this should be shown on a plan, together with landscaping proposals in order to enable this. The former added that additional cars would prevent pedestrians from accessing the site in a safe manner and that a condition should be added to ensure only two cars will be parked on site, which are for the family sized units. The latter otherwise had no objection to raise.

5.0 Policy Context

Introduction

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

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.
- 5.6 In March 2015, the Technical Housing Standards – nationally described space standard was adopted and sets out the minimum space requirements for residential accommodation.

London Plan (March 2016)

- 5.7 On 14 March 2016 the London Plan was adopted. The policies relevant to this application are:

Policy 2.13 Opportunity areas and intensification areas
Policy 3.3 Increasing housing supply
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.3 Sustainable Design and Construction
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.19 Biodiversity and access to nature
Policy 7.21 Trees and woodlands
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Housing (March 2016)
Sustainable Design and Construction (April 2014)
Character and Context (June 2014)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 2 Regeneration and Growth Areas
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 8 Sustainable design and constructions and energy efficiency
Core Strategy Policy 13 Addressing Lewisham's waste management requirements
Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

- 5.10 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 Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development
DM Policy 3 Conversion of a single dwelling to two or more dwellings
DM Policy 22 Sustainable design and construction
DM Policy 25 Landscaping and trees
DM Policy 29 Car parking
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings
DM Policy 32 Housing design, layout and space standards
DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (updated May 2012)

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

6.0 Planning Considerations

- 6.1 The relevant planning considerations are:

- a) Principle of development
- b) Design and impact on the character and appearance of the Conservation Area
- c) Landscaping and trees
- d) Impact on the amenities of adjoining properties
- e) Proposed standard of residential accommodation
- f) Highways issues
- g) Prevention of crime and disorder
- h) Community infrastructure levy

Principle of development

- 6.2 Paragraph 50 of the NPPF clearly highlights the importance of housing choice, stating:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes) and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand”.

- 6.3 Further to this, the Housing Conversions study (para 6.160) shows that over the last 4 years, family sized dwellings have represented the minority of new dwellings coming forward with 3 to 6 bedroom dwellings representing an average of approximately 11% of new supply between 2008-2011. As well as reiterating the need for family housing in the borough, this study highlights the importance of not only three bedroom houses, but also houses with up to 6 bedrooms.
- 6.4 It is noted that this data refers to the development of new dwellings between 2008 and 2011. Whilst this is relatively outdated, more recent data in the form of the Council's Annual Monitoring report provides a further insight into the delivery of family housing in the borough.
- 6.5 It also showed that just 3% of new dwellings delivered across the entire borough had more than three bedrooms in the period 2014-15.
- 6.6 Further to this, the Council used the Lewisham Strategic Housing Market Assessment (LSHMA) as an evidence base when creating the Development Management Local Plan. These studies are also used to support planning decisions. In line with the findings set out above, the LSHMA also found that there was a future need for the retention and creation of larger family dwellings. The study found that it is important to retain families within the Borough and ensure the long-term sustainability of local communities.
- 6.7 London Plan Policy 3.8 states that Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments. It also requires that 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, including the changing age structure of London's population and, in particular, the varied needs of older Londoners.
- 6.8 DM Policy 3 states that the Council will refuse planning permission for the conversion of a single family house into flats except where environmental conditions mean that the single family house is not suitable for family accommodation due to being adjacent to noise generating or other environmentally unfriendly uses, or there being a lack of external amenity space suitable for family use.
- 6.9 DM Policy 3 is intended to provide housing choice by ensuring that conversions of single family houses into flats does not further reduce the provision of this type of housing. Single family houses in situations unfavourable to family occupation might include properties adjacent to busy roads, houses that lack sufficient external amenity space or other physical conditions that would be individually assessed.

- 6.10 Any single family house considered suitable for conversion according to the above will need to have a net internal floorspace greater than 130 sq. m and all conversions must meet the general design requirements and housing standards in DM Policies 25, 29, 30, 31 and 32.
- 6.11 Officers recognise that, whilst the property is over 130m² and complies with space criteria as set out in paragraph 2 of DM 3, it does not meet the other criteria in paragraph 1. The site is not adjacent to noise generating or environmentally unfriendly uses or lack external amenity space suitable for family use. being adjacent to, however other material considerations like the supply of housing and mix of accommodation also have weight.
- 6.12 Consideration must also be given to appeal decisions in determining whether the loss of the four bedroom family house is acceptable. There have been two relatively recent appeals regarding the conversion of a single family dwellinghouse into flats; six bedroom dwellinghouse at 204 Devonshire Road (appeal ref. APP/C5690/W/16/3151591) and a five bedroom dwellinghouse at 245 Stanstead Road (appeal ref. APP/C5690/W/15/3137556). Both were decided in 2016 (September and January respectively) so are relevant given they were decided on current planning policies.
- 6.13 The Inspectors for both appeals determined that DM Policy 3 and its supporting justification do not make any distinction between different sizes of family housing other than the reference to three or more bedrooms, nor do they state that the retention of larger family houses is more important than small family houses. The Courts have held that development plan policies must be interpreted objectively in relation to the common meaning of the language used and the context in which they have been drafted. Therefore, they found that both small and large houses are equally important valuable resources. Consequently, this proposal, whilst resulting in the loss of a four bedroom house, would re-provide two family sized units and would satisfy criterion 1 of DM Policy 3. The aim of DM Policy 32 in protecting family housing is therefore met and exceeded.
- 6.14 Furthermore, both family-sized dwellings would be maisonettes and would be provided with very large amenity areas as well as off-street car park. As such, it is considered that both dwellings are very well suited to the needs of families.
- 6.15 With regard to providing housing choice, it could be argued that the reduction in size of a very large 300sqm house reduces housing choice for a small number of people on very large incomes. However, the vast majority of people and families do not have the choice to be able to purchase a 300m² house. There is no evidence to suggest that there is local demand for this size of dwelling, whereas there is clear evidence in the Lewisham SHMA that more affordable family accommodation is required.
- 6.16 “Choice”, and certainly “*genuine choice*” referred to in paragraph 50 of the NPPF, must therefore considered in light of local demand and affordability. When these matters are also considered, it is clear that this increase in the number of family dwellings, with a mix comprising a wide range of more affordable sizes, will actually generate more choice for a far greater number of people and families.

6.17 It is therefore considered that the proposal would not have any significant harm on the supply of family housing in the Borough and, as such, would comply with paragraph 50 of the NPPF, Policy 3.8 of the London Plan, Core Strategy Policy 1 and DM Policy 3. Furthermore, it would accord with the Framework's objective of providing mixed communities.

Design and conservation

6.18 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

6.19 Chapter 7 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

6.20 Paragraph 131 of the NPPF states that, in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.21 London Plan Policy 7.4 Local Character states that new developments should complement or repair and existing streetscape, and respect the urban grain in the vicinity.

6.22 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.

6.23 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.

6.24 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and Historic England best practice.

6.25 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural

characteristics, detailing of the original buildings. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.

- 6.26 DM Policy 36 states that the Council will require a statement that describes the significance of the asset and its setting and an assessment of the impact on that significance for development proposals affecting designated heritage assets. Also required is clear and convincing justification if the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting. The Council encourages the retention and thermal upgrading of historic windows. The Council will not grant planning permission where:
- a. new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials; and
 - b. development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the conservation area.
- 6.27 DM Policy 37 states that the Council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets, and that development proposals affecting non-designated heritage assets should be accompanied by a heritage statement. The Council will seek to retain and enhance locally listed buildings and structures and may use its powers to protect their character, significance and contribution made by their setting.
- 6.28 DM Policy 37 applies here because, whilst the conservation area in which the application property sits is a designated heritage asset, the property itself is considered to be a non-designated heritage asset due to its fine architectural features and the generally good condition of the building's exterior and interior.
- 6.29 It is considered that the proposed extension and alterations protect the building's character and significance for the reasons given below.
- 6.30 No objection is raised to the extension at lower ground floor level to help facilitate access to the maisonette at that level from the rear given its modest size (5.5m²).
- 6.31 The existing conservatory detracts from the character and appearance of the host property and therefore Officers welcome its removal. The replacement extension would be largely of the same scale and is considered to be subordinate to the main building. The replacement of the veranda would appear to be done sympathetically without employing a pastiche approach given the use of a black painted metal frame and glass for the roof as opposed to corrugated uPVC.
- 6.32 The two storey extension to the rear of the Coach House would match the height of the host structure, and would still incorporate the raised central parapet and white stucco banding below the flat roof. This is welcomed, as is the removal of the incongruous painted timber balcony at first floor level.
- 6.33 No objection is raised to the slightly wider replacement rear dormer, or to the replacing of the rear rooflight given that this would still be of 'conservation style' i.e. with central glazing bar and installed flush with the roof plane. Given that the other replacement rooflights would be to the flat roof of the Coach House, then this is deemed acceptable.

- 6.34 In terms of the changes to the front elevation, which would therefore be visible from Loampit Hill, Officers recognise that these would help with the provision of a dwelling over two floors, as opposed to the existing single floor unit. In this case, the use of double glazed sash windows with white painted timber frames and the provision of a white painted timber framed door more suitable for a residential unit makes the alterations acceptable. It is noted that new door would appear similar to the existing front door to the main house.
- 6.35 The changes at lower ground floor level, however, would not be visible and Officers have to objection to the replacement of a door with a window.
- 6.36 Whilst objections have been raised in terms of overdevelopment, in terms of the extensions at least, they would add 49m² to the property, which is an increase in size of less than 13% of the existing gross internal area. As such, that assertion is unsubstantiated and not supported by Officers.
- 6.37 Therefore, it is considered that the proposals are acceptable due to their scale, form, design and materials. Therefore, there would not be any significant impact on the character and appearance of the host property or the St Johns Conservation Area in accordance with London Plan Policies 7.4, 7.6 and 7.8, Core Strategy Policies 15 and 16 and DM Policies 1, 30, 31 and 36.

Landscaping and trees

- 6.38 The proposed landscaping is mostly to the rear of the property. However, the limited alterations to the front in the form of a ramped driveway for Unit 2, separated with a brick wall, and new steps up to the hardstanding would be acceptable as the use of the prevalent material (asphalt) is conditioned since the site is not located within a Flood Risk Area and the pavers would match the existing. The type of brick for the wall is recommended to be secured by condition.
- 6.39 No specific materials or plant species have been given for the landscaping to the rear, but they too are recommended to be conditioned. It is also important for the boundary treatment between Unit 1 and Unit 2 to be sufficiently high and opaque to avoid overlooking between the external amenity areas.
- 6.40 Therefore, subject to conditions, the landscaping is acceptable in principle.
- 6.41 Tree T1 (a black locust) on the boundary with no. 72 is proposed to be felled, as are trees T2 (a bay laurel) and T5 (a European beech), but T2 would be relocated or replanted and T5 would be replaced. All are located within the rear garden and, with the exception of T5 (category C - low quality), are category A (high quality) trees.
- 6.42 Officers recognise that the felling of category A trees is not usually acceptable, since they have arboricultural value, particularly in the case of T2 that has a 'remaining contribution' of 40+ years. However, they are not street trees that are considered to significantly contribute to the character and appearance of the St Johns Conservation Area. As such, Officers would accept their felling to facilitate the construction of a well-designed extension and additional high quality residential units.

- 6.43 Whereas the applicant has proposed the replacement of T2 and T5, Officers require T1 to be replaced too. It is also important that direct replacements are planted so the planting of two mature trees and one young trees of the same or indigenous species is recommended to be secured by condition. If T2 could be relocated to a new location, then this would also be supported.
- 6.44 In terms of the protection of the other trees on site during construction works, an exclusion zone is to be established on commencement of the works. The fencing is to be maintained throughout the duration of the works and this is recommended to be secured by condition.

Impact on the amenity of neighbouring occupiers

- 6.45 Core Strategy Policy 15 High quality design for Lewisham seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed developments to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers.
- 6.46 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.47 The main impact of the proposal would be on the property to the south east side, 68 Loampit Hill. No. 72 is a commercial property and therefore Officers do not consider that the proposals would have any impact upon it. In any case, a condition is recommended to be added preventing the use of the flat roof of the extension as a balcony or similar amenity area.
- 6.48 The proposals would introduce hedging 4.53m away from the rear-most part of no. 68, and whilst its height has not been given at this stage, it would be unlikely to cause any significant impact on their amenity.
- 6.49 The proposals would not cause a loss of daylight or sunlight, an increase in overshadowing, an increased sense of enclosure or a loss of outlook or privacy. The proposed intensification of a residential use at the property is unlikely to generate the creation of a higher level of noise. However, a condition is recommended to be added to ensure adequate sound insulation is installed.
- 6.50 None of the other alterations would have any impact on neighbouring amenity and therefore, the application is deemed acceptable.

Standard of accommodation for proposed occupiers

- 6.51 London 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. It also states that the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 6.52 DM Policy 32 states that all new residential development should be attractive and neighbourly, provide a satisfactory level of privacy, outlook and natural lighting

both for its future residents and its neighbours as well as meet the functional requirements of future residents.

- 6.53 Having assessed all of the residential units against the Technical Housing Standards - Nationally Described Space Standard, they all comply with regards to the requirements for GIAs, bedroom sizes and widths and internal floor to ceiling heights. In terms of outlook, if not dual aspect, then at least none of the units are single aspect north, so they have adequate ventilation and daylight via the windows, as well as the doors, which provide access onto the existing raised platform for the upper floor of Unit 1.
- 6.54 In terms of storage space, whilst not all of the units have a sufficient amount specifically designated on the plans, this can be added to with built-in cupboards and wardrobes. Since the units are oversized, they can accommodate this.
- 6.55 Units 1 and 2 would have external amenity space provided within the rear garden, which would be split to provide space in excess of the size requirements set out in Standard 26 of the London Plan Housing SPG, and this is therefore acceptable. It is recommended that boundary treatments are secured by condition to ensure privacy and security. Units 3 and 4 would have shared use of the rear garden. Furthermore, they are on the edge of a town centre location and within walking distance of Friendly Gardens (0.3 miles), Brookmill Park (0.4 miles), Luxmore Gardens (0.6 miles) and Hilly Fields Park (0.6 miles).
- 6.56 Regarding the access to the flats, none of them would be accessed from the rear with all primary entrances located to the front (off Loampit Hill), which is considered to be a positive arrival experience compliant with Standard 8 of the London Plan Housing SPG (March 2016).
- 6.57 Officers have no objection to the proposed unit mix of a 4 bed, 6 person maisonette, a 3 bed, 4 person maisonette, a 2 bed, 3 person flat and a 1 bed, 2 person flat, the former two of which would be a welcome addition of family-sized units to the borough.
- 6.58 Core Strategy Policy 1 requires that 10% of all housing is to be wheelchair accessible or easily adapted for those using a wheelchair. Whilst this requirement would usually not be required for a scheme of this minor nature, it is noted that Unit 1 is wheelchair unit adaptable in the staircase is stairlift compatible.
- 6.59 Therefore, the proposed standard of accommodation is considered to be acceptable.

Highways

- 6.60 London Plan Policy 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions).
- 6.61 Core Strategy Policy 14 Sustainable movement and transport states that car free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street, and cycle parking will be required for new development and TfL

guidelines will be used to assess provision. Design will need to incorporate safe and secure cycle storage and parking as well as other facilities including showers and lockers, where appropriate.

- 6.62 This site has a PTAL rating of 5, which rates as good public transport access. However, it is noted that St Johns and Lewisham rail stations are approximately 5 and 10 minutes' walk respectively from the site and are served by frequent services. No additional car parking spaces have been provided as part of this proposal, which is considered acceptable.
- 6.63 Eight cycle parking spaces are to be provided within a timber cycle store in the communal rear garden, which is compliant with Table 6.3 of London Plan 6.9. Details of the specific store, including how the bikes would be secure and dry, are recommended to be secured by condition.
- 6.64 Residential Development Standards SPD seeks to ensure that all new developments have adequate facilities for refuse and recycling. It is proposed to provide a covered timber clad bin store behind the shrubbery area within the front garden of the property to create secure storage for both recycling and waste bins. This is considered acceptable and shall be conditioned in perpetuity.
- 6.65 Officers therefore have no objection to raise on highways grounds.

Prevention of crime and disorder

- 6.66 Section 17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:
- a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local community);
 - b) the misuse of drugs, alcohol and other substances in its area; and
 - c) re-offending in its area.
- 6.67 No issues of crime or disorder were raised as a result of the public consultation undertaken in respect of this application, and therefore they are not considered to be an issue.

Community Infrastructure Levy

- 6.68 On 1st April 2015 the Council introduced its Local CIL to be implemented along with the existing Mayoral CIL. The charge will replace a number of financial contributions currently required through Section 106 Agreements.
- 6.69 CIL is chargeable on the net additional floorspace (gross internal area) of all new development. However under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended) affordable housing is exempt from CIL. However, it should be noted that the applicant is required to apply for the exemption.
- 6.70 Under the CIL charging schedule, the amount of CIL payable for the SE13 postcode for new residential development is £70 per sqm. The Mayor CIL is charged at £35 per sqm of new development.

- 6.71 It is the Local Planning Authority's responsibility to collect CIL payments from new development.

Issues raised by consultation

- 6.72 Issues regarding emergency escape are not planning considerations. Therefore, they have not been taken into account in the consideration of this application.

Equalities Considerations

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

- 6.74 In summary, the Council must, in the exercise of its function, have due regard to the need to:

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

- 6.75 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

- 6.76 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

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

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

- 6.78 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It

covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

- 6.79 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.

Human Rights Act

- 6.80 Under the Human Rights Act 1998, the Council must not act in a way which is incompatible with the rights referred to in the Act. There is an exception to this, in that the Council will not be acting unlawfully if Acts of Parliament mean that it cannot act in any other way. The relevant human rights in this instance are the:
- Right to respect for the home, under Article 8; and
 - Right to peace enjoyment of possessions, under Article 1 of Protocol 1.
- 6.81 However, these rights are not absolute, and may lawfully be infringed in certain defined circumstances. Where infringement is permissible, it must occur in accordance with, or subject to, the conditions provided for by the law. It must also be proportionate; i.e. it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involve.
- 6.82 On balance, it is considered that the interference with the owners' human rights described in paragraph 6.76 are proportionate. As such, the application is not considered to raise any Human Rights Act implications.

Conclusion

- 6.83 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).
- 6.84 In summary, it is considered that the proposal is acceptable in terms of the principle of development, design, impact on the St Johns Conservation Area, trees and neighbouring properties, standard of accommodation for the proposed and highways. As such, Officers recommend that planning permission be granted subject to the imposition of suitable planning conditions.

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

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

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

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

51616- PL-01 Rev D; 51616- PL-02 Rev D; 51616- PL-03 Rev D; 51616- PL-10 Rev D; 51616- PL-11 Rev D; 51616- PL-12 Rev D; 51616- PL-13 Rev D; 51616- PL-14 Rev D; 51616- PL-22 Rev D; 51616- PL-24 Rev D; 51616- D_1 Rev D; 51616- D_2 Rev D; 51616- PL-30 Rev D; 51616- PL-31 Rev D; 51616- PL-40 Rev D; 51616- PL-41 Rev D; 51616- PL-50 Rev A; 51616- PL-51 Rev A; 51616- PL-52 Rev A; 51616- PL-53 Rev A; 51616- PL-60 Rev A; 51616- PL-61 Rev A; 51616- PL-62 Rev A; 51616- PL-63 Rev A; Sustainability Statement Received 26th September 2017

51616- PL-23 Rev E Received 28th November 2017

51616- PL-20 Rev F; 51616- PL-21 Rev F Received 12th January 2018

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

- 3) a) No above ground works shall commence on site until details of the brick, including the mortar mix and bonding, for the extension and front wall have been submitted to, viewed on site and approved in writing by the Local Planning Authority.
- b) 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 extension and front wall and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 4) (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 Policies 12 Open space and environmental assets, 15 High quality design for Lewisham of the Core Strategy

(June 2011) and DM Policies 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 5) (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 Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 6) (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB L_{Amax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

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

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

- 7) The storage of refuse and recycling facilities for each residential unit hereby approved, and as shown on drawing no. 51616- D_1 Rev D 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 Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 8) (a) A minimum of eight secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) Details of how the cycle parking spaces would be secure and dry shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any of the new residential units.
- (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 6.9 Cycling of the London Plan (March 2016) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 9) The TPP as set out on page 7 of the Arboricultural Report (JP Watts Design Limited, September 2017) shall be adhered to.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and DM Policies 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 10) The proposed new windows shall be double-glazed timber framed sash windows with 90mm 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 Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 11) The whole of the amenity space as shown on drawing no. 51616- PL-03 Rev D 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 Policies 3 Conversion of a single family house to two or more dwellings and 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

- 12) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 31 Alterations and extensions to existing buildings including residential extensions and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 13) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 08:00 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 08:00 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays and not at all on Sundays or Public Holidays.

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

- 14) Trees T1, T2 and T5 shall be replaced with two mature trees and one young trees of the same or indigenous species, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the lopping or felling of the existing trees.

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and DM Policies 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

INFORMATIVES

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. During the course of the application, positive discussions took place which resulted in further information being submitted so that the proposal was in accordance with the Development Plan.

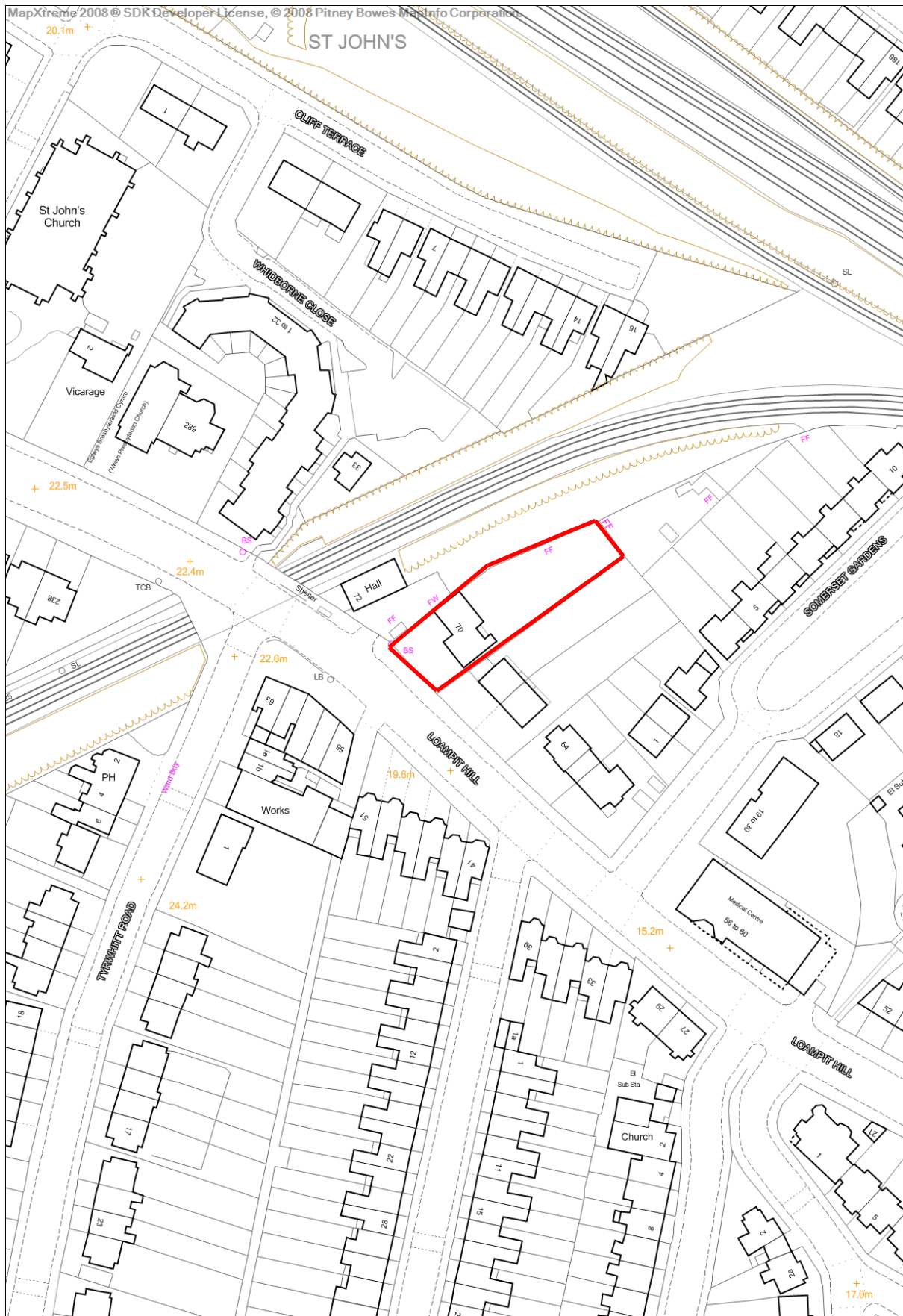
As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to 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>

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 webpage.

The applicant is 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.

This page is intentionally left blank

70 LOAMPIT HILL, LONDON, SE13 7SX Site Map



This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	43 Sunderland Road, Forest Hill, London, SE23 2PS	
Ward	Perry Vale	
Contributors	David Robinson	
Class	PART 1	1 st February 2018

Planning Application Details

This application (planning application reference number DC/17/104739) has been made by a Lewisham Councillor, Councillor John Paschoud on behalf of the Lewisham West and Penge Constituency Labour Party.

As set out in the London Borough of Lewisham Constitution (November 2017), in the interest of impartiality in the planning process any application made by a Councillor must be referred to an appropriate committee meeting by the Head of Planning.

In this instance, the planning application has been made on behalf of a local Labour Party Office and is to be heard by Planning Committee B where all 10 Councillors who sit on said Planning Committee are members of the Labour Party. The Council's constitution does allow a committee to delegate to officers those decisions that would have ordinarily been determined by themselves. Whilst members, although having to declare an interest in the matter, would not be precluded from determining the application, officers believe that in the interests of impartiality this may be an application that members would want the Head of Planning to determine. Therefore, members are asked to delegate this decision to the Head of Planning for determination. for.

For clarity, the Planning Officer's report for this planning application is available below under Appendix 1.

Appendix 1 – Officer Report

<u>Reg. Nos.</u>	DC/17/104739
<u>Application dated</u>	27.11.2017
<u>Applicant</u>	Councillor John Paschoud on behalf of Lewisham West & Penge Constituency Labour Party
<u>Proposal</u>	Replacement of three ground floor windows on the front and one ground floor window on the rear elevations with timber double glazed windows at 43 Sunderland Road, SE23.
<u>Applicant's Plan Nos.</u>	Site location plan, Sollex window specification 3884 page 1 of 3, Sollex window specification 3884 page 2 of 3, Sollex window specification 3884 page 3 of 3 Plans, Annotated front elevation photograph, Annotated rear elevation photograph.
<u>Background Papers</u>	(1) Case File LE/420/43/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Local Open Space Deficiency
<u>Screening</u>	N/A

1.0 Property / Site Description

- 1.1 This application relates to a ground floor office located within a semi-detached period building located on the eastern side of Sunderland Road. The office is currently used by the Lewisham West and Penge Constituency Labour Party.
- 1.2 There are three existing flats located on the upper stories of the application building. The surrounding area is primarily residential in nature.
- 1.3 The application site and property are not subject to any particular designations.

2.0 Planning History

- 2.1 No relevant planning history.

3.0 Current Planning Application

- 3.1 The application seeks permission for the replacement of three ground floor windows on the front elevation and one ground floor window on the rear elevation with white painted timber double-glazed sliding sash windows at 43 Sunderland Road. The existing windows are white painted single glazed sliding sash windows.

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.
- 4.2 Adjoining neighbours and ward councillors were consulted. A site notice was also erected by the applicant.

Written Responses received from Local Residents and Organisations

- 4.3 No representations have been received as a result of the consultation process.

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 7.4 Local character
 - Policy 7.6 Architecture

Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:
- 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. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:
- 5.9 The following policies are considered to be relevant to this application:
- DM Policy 30 Urban design and local character
 - DM Policy 31 Alterations / extensions to existing buildings

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

- 5.10 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix,

density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6.0 Planning Considerations

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

- a) Design
- b) Impact on Adjoining Properties

Design

6.2 The majority of existing windows on the application property are white painted sliding sash windows with the exceptions being two uPVC windows on the rear elevation on a modern extension; however, these are not the subject of this application.

6.3 This application proposes to replace three ground floor windows on the front elevation and one ground floor window on the rear elevation with white painted, double glazed, timber sliding sash windows of the same design as those existing.

6.4 As the windows will be of the same material, colour, design and opening style as those to be replaced, and the proposed windows are consistent with others on the application property, there is no objection to the proposed development with regard to design.

Impact on Adjoining Properties

6.5 There will be no unreasonable impacts on neighbour amenity as a result of the proposed development as the existing openings sizes and styles are maintained.

6.6 Given the above, there is no objection to the proposed development with regard to impact on adjoining properties.

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 not applicable on this application.

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:-
- i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - ii. advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - iii. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 8.4 Equality issues have been duly considered as part of the assessment of this application. It is not considered that the application would have any direct or indirect impact on the protected characteristics.

9.0 Conclusion

- 9.1 The proposals are considered to accord with the development plan. The proposed windows would be the same colour, material, design and opening style as those existing and would not result in any loss of neighbour amenity over the existing fenestration arrangement.

10.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

Conditions

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

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

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

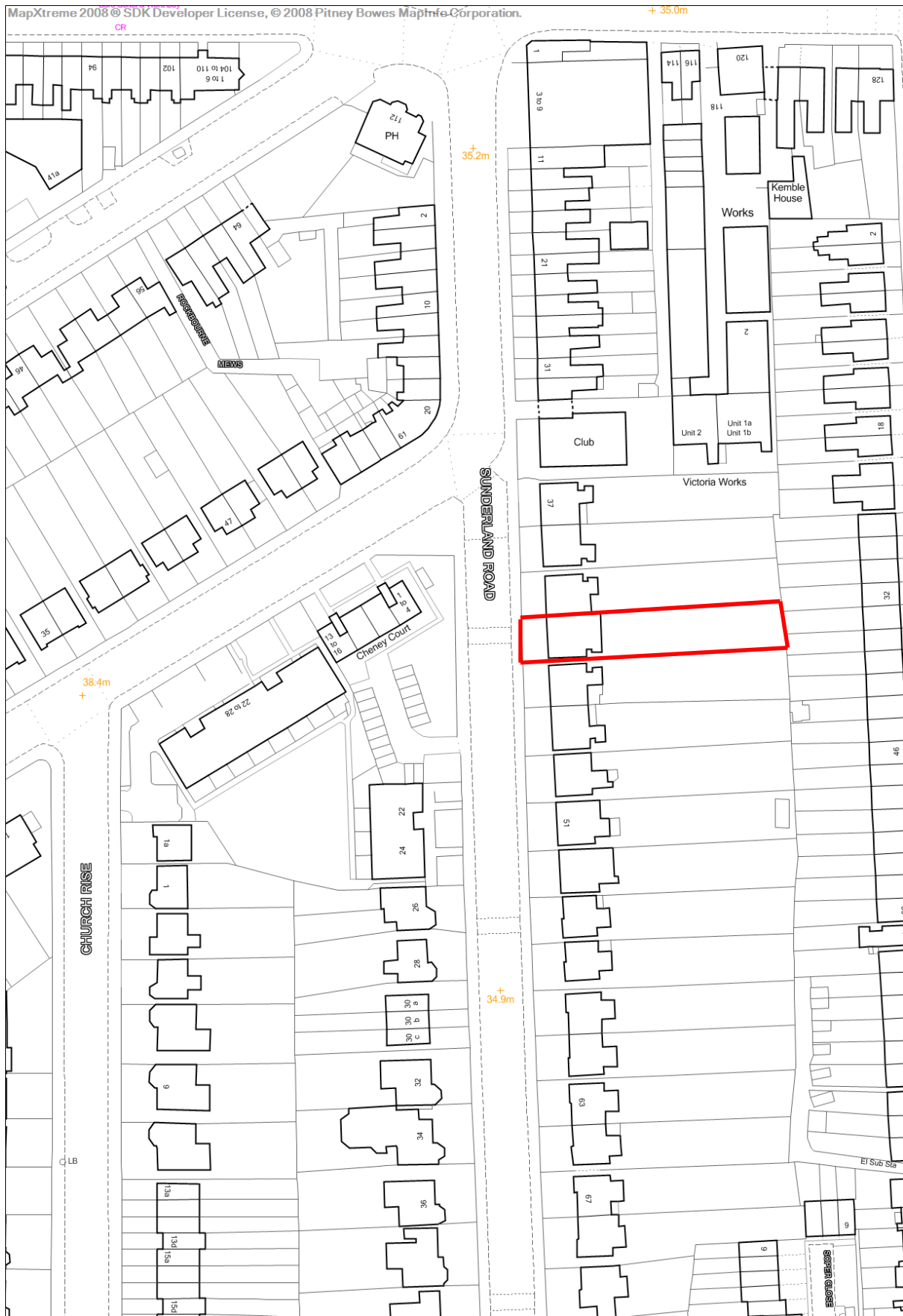
Site location plan, Sollex window specification 3884 page 1 of 3, Sollex window specification 3884 page 2 of 3, Sollex window specification 3884 page 3 of 3 Plans, Annotated front elevation photograph, Annotated rear elevation photograph.

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.

This page is intentionally left blank

43 SUNDERLAND ROAD, LONDON, SE23 2PS Site Map



This page is intentionally left blank