

PLANNING COMMITTEE A

Date of Meeting: **TUESDAY, 16 JANUARY 2018 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Abdeslam Amrani (Chair)
Jacq Paschoud (Vice-Chair)
Andre Bourne
Obajimi Adefiranye
Amanda De Ryk
Stella Jeffrey
Roy Kennedy
Pat Raven
Alan Till
James-J Walsh**

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

**Janet Senior
Acting Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: 08 January 2018**

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	PLANNING COMMITTEE (A)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 16 January 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).

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Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 16 January 2018

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 7th December 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (A) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 7th December 2017 at 19:30.

PRESENT: Councillors Amrani (Chair), Jacq Paschoud (Vice Chair), Bourne, Till, Jeffrey, De Ryk.

OFFICERS: Helen Milner and Holly Lucas – Planning Service, Paula Young – Legal Services and Amanda Ghani – Committee Co-ordinator

APOLOGIES: Councillors Adefiranye, Raven, Kennedy. Councillor Walsh arrived at 9pm but excused himself from the meeting shortly afterwards; he did not vote on any item

1. DECLARATION OF INTERESTS

There were no declaration of interests.

2. MINUTES

Members approved minutes for Planning Committee (A) held on 19th October 2017.

3. Kenton Court, 132 Adamsrill Road, SE26 4AU (Item 3 on the agenda)

The Planning Officer Helen Milner outlined details of the proposal for the demolition of the disused three storey residential care building to allow redevelopment for a part three/four storey residential building comprising 25 social rent flats. The officer outlined the proposed landscape works, 46 cycle spaces, 3 wheelchair accessible car parking spaces and living roof details.

Statutory consultation was undertaken resulting in 6 objections, as detailed in Section 6 of the officer's report. The objections were outlined to members. Section 8 of the report was highlighted to members, particularly regarding parking stress, space standards, daylight/sunlight assessments and an Ecology Survey, which officers consider satisfactory. The officer responded to all the issues raised in the received objections.

Questions put to the planning officer by members included the difference between green and living roofs, which the officer explained and the use of more than one entrance by future occupiers.

The Committee received verbal representation from the Project Manager of Lewisham Homes, Anthony Kelly and the Architect David Lomax who gave an overview of the application history, the withdrawal of a scheme for 35 units on site and how the development forms part of Lewisham Council's New Homes Programme which will provide 100% social rent, secure tenancies for households on Lewisham's housing register. Mr Lomax highlighted the level of engagement that had taken place with the Planning Authority and the local community. With regards to design, he stated that living spaces within the flats had been sited to prevent as much overlooking to neighbouring properties as possible.

The committee received verbal representation from Sarah Tabbitt a resident in Adamsrill Road and Barry Milton from the Sydenham Society who handed a print out to members containing a site location plan, elevation drawing and a picture of Adamsrill Nursery which is situated opposite the subject site.

Ms Tabbitt outlined the impact on existing residents which included loss of privacy due to overlooking from walkways and roof terrace, noise, loss of sun/daylight, the proposed building being too large and sited too close; having a dominating and intrusive impact on neighbouring properties.

Mr Milton spoke about perceived social negative effects of having residential development of this size directly opposite a nursery with overlooking into the playground at the front.

Councillor Hall spoke under standing orders regarding the density and scale of the development and its proximity to a school. He opined that a less dense, lower development would suit the site and mention was also made of the amount of parking on surrounding roads due to the school and Sydenham Green Health Centre.

Councillor John Paschoud spoke under standing orders regarding the boundary between Perry Vale Ward and Bellingham Ward which runs across Adamsrill Road. The Councillor stated that Perry Vale Councillors should have been consulted and whilst he supports the strategic objective; traffic pressure on Adamsrill Road should be acknowledged.

Paula Young the Council's Lawyer, was questioned by members as to whether there were legal restrictions regarding development near an existing school/nursery. There are none.

The Planning Officer replied to the objections that the objectors and Councillors made. The distance between the nursery and the proposed elevation of the building would be 16m. Many schools and nurseries can be found in residential areas and as such there would always be an element of overlooking, however, whilst it is within planning remit to limit overlooking onto a site, controlling potential occupier's behaviour is not.

Officers have been guided by survey details regarding on street parking and parking stresses, which are reviewed at Section 8.34 in the officers report. The density and scale of the development is considered appropriate, with no overall increase in height. With regards to consultation, a site notice, press notice and neighbour letters were sent; one of which went to the school/nursery. It is adopted policy that only ward councillors of the ward where the site is situated are consulted and so the consultation was carried out in line with statutory requirements.

Members asked the planning officer if it was possible to attach further conditions regarding obscuring the view from both the top floor roof terrace and external walkway and also limiting noise from the walkway.

The planning officer confirmed that would be possible and would be done along with the rewording of Condition 3 to clarify the units would be social housing. Amendments to the living roof condition (5) were also proposed, along with a new landscaping condition to include details of living wall and tree retention, therefore removing the need for separate tree retention condition (18) and living wall condition (22). The condition (23) for which highways works to be secured is also to be amended to be clearer in it's intend.

After summing up from the Chair (Cllr Amrani), Councillor Jeffrey proposed a motion to accept the officer's recommendation, it was seconded by Councillor Till.

Members voted as follows:

FOR: Councillors Amrani (Chair), Paschoud, De Ryk, Till, and Jeffrey

AGAINST: Councillor Bourne

RESOLVED: That the application DC/17/103961 be accepted with the amendments to the conditions as listed above and the new conditions relating to screening and walkway floor material.

4. 151 Waller Road SE14 5LX (Item 4 on the agenda)

The Planning Officer Helen Milner outlined the application for a minor material amendment to allow for a variation of condition 2 of planning permission DC/16/095772, in order to address inaccuracies in the height of a glazed roof and side wall of a rear extension, together with a change to the opening style of the window in the side of the original rear addition.

The officer explained that the extension has been built higher than approved plans although there would be no increase in the width and depth of the extension. Consultation was carried out as mentioned in Section 4 of the officer's report. The officer listed the objections and stated that no objections had been received regarding the original planning application.

The Committee received verbal and written representation (documents tabled) from the architect Martha Reid, who stated that the two adjacent neighbouring properties supported the application.

Members obtained clarification from Ms Reid regarding the original error in height of the extension.

The Committee received verbal representation and printed photographs, from local residents Linda Bernhardt and Charles Collins who voiced concerns over the scale of the extension, it setting a precedent, light pollution and the undermining of the planning process. Mr Collins was concerned that the neighbourly feel would be lost. Both objectors complained that they had received no notice about the original planning application.

Members questioned the Planning Officer with regards to the height of the extension and why it was being decided at committee. The officer stated to members that the new height would add 8cm to the approved height and when dealing with householder minor applications, consultation is confined to properties that adjoin the subject site. The

application is presented at committee due to the application receiving two objections from residents and an objection from a ward councillor.

Councillor Till moved a motion to accept the officer's recommendation and grant permission. It was seconded by Councillor De Ryk

Members voted as follows:

FOR: Councillor Amrani (Chair), Paschoud, De Ryk, Bourne, Jeffrey and Till.

RESOLVED: That the application DC/17/103876 be approved.

5. 239 Lewisham Way, SE4 1XF (Item 7 on the agenda)

The Planning Officer outlined the application for an approval of details of cleaning methodology (including demonstration sample panel) submitted in compliance with Conditions (2) & (3) of the Listed Building Consent dated 23rd October 2014 (ref. DC/14/88548) for the cleaning of the exterior of the building at 239 Lewisham Way, SE4.

The officer stated that three similar applications at this site have been refused; however, planning and conservation officers are now satisfied that the cleaning methodology is acceptable. With this type of application, there is no need to consult, however, The Brockley Society objected and the officer reiterated the objections to members.

The Committee received verbal and pictorial representation from Verity Rowsell an architect and local resident who spoke on behalf of the Brockley Society. Ms Rowsell said that the cleaning approach had not materially changed. No new methodology has been submitted since the previous cleaning method statement dated October 2016, which was found to be insufficient. Ms Rowsell called for a more sympathetic manual cleaning approach to be adopted and asked why the yellow stock brickwork would be cleaned with an officer present, yet cleaning the more fragile red brick and terracotta ornamentation would not be monitored. Ms Rowsell showed members photographs of the damaged brickwork and terracotta which it was claimed have been damaged during a trial cleaning process.

Members asked the planning officer if manual cleaning had been considered and whether soiling was damaging the fabric of the building. The officer read out the conservation officer's comments and stated officers were satisfied with the proposed methodology. The officer could not comment on the apparent damage shown in the photographs, not knowing when they were taken.

Members and the officer discussed adding an informative to have the conservation officer present during the first cleaning process of panels yet to be tested and also another informative requesting photographic recording of the building before and after the cleaning.

Councillor Till moved a motion to approve the officer's recommendation. It was seconded by Councillor Paschoud

Members voted as follows:

FOR: Councillors Amrani (Chair), Paschoud, Bourne, De Ryk, Till and Jeffrey

RESOLVED: That approval of details be granted in respect of application No. DC/17/102944 subject to the two informatives.

6. 45 Mount Ash Road, SE26 6LY (Item 5 on the agenda)

The Planning Officer outlined the application for the construction of a single storey rear extension together with installation of new steps and a retaining wall. The property is subject to an Article 4 Direction and an example of Victorian bye law housing. A special characteristic of this and other houses in the terrace is the rear external toilet block that straddles the boundary between the host property and the adjacent neighbour to the east. The consultation was undertaken as set out in section 4 of the officer's report. Three objections from neighbouring residents and the Sydenham Society were received; the officer outlined the objections. The officer also highlighted the attached conditions which have been successfully imposed on similar applications in this terrace.

The Committee received verbal representation from Mr and Mrs Dwight, the applicant. Mrs Dwight informed members about the proposal and how the new internal configuration would enhance their living arrangements. She explained that she had sought a recommendation from the Sydenham Society regarding retaining an architect and hired a structural engineer to make sure work is carried out sensitively and safely.

Members had no questions for the applicant.

Councillor De Ryk moved a motion to approve the officer's recommendation. It was seconded by Councillor Till.

Members voted as follows:

FOR: Councillors Amrani (Chair), Paschoud, Bourne, De Ryk, Till and Jeffrey

RESOLVED: That planning permission be granted in respect of application No. DC/17/103019

7. 2 Ventnor Road, SE14 5QT (Item 6 on the agenda)

The Planning Officer outlined the application for the extension of the existing two storey original rear addition at ground and first floor levels, together with alterations to the rear elevations and the insertion of timber sash windows to replace the existing shopfront glazing to the north and west elevations. The proposals would improve living conditions in the existing four flats. Consultation was undertaken as set out in Section 4 of the officer's report. Six objections were received and were set out to members.

The Planning officer informed members that the application had been revised, which mainly involved the removal of the mansard roof extension from the proposal and changes to windows, which officers consider acceptable.

Councillor Jeffrey stated a dislike for the proposed windows.

The Committee received verbal representation from Peter Swain the architect who told members that the windows had been chosen with historic, traditional design features in mind. His brief was primarily one of improving the living conditions of the existing occupied flats, hence the proposed openable windows to the front of the building. The proposed

window to the basement bedroom is to improve light and ventilation to the room. Members considered the dark grey windows against dark brick to be good design.

The Committee received verbal and pictorial representation from Mr Aholou a neighbour, who spoke about the badly applied render to the rear of the property. He asked that the render be removed and that work on site be between 8am and 6pm Monday to Friday.

The Planning Officer informed members that the render to the rear of the property did not form part of the current proposal, however, Condition 3 asks for details of proposed render to be submitted and approved by the Council. With regards to building working hours, this is not something that is usually conditioned as a minor development, although if members so wished it could be added. The officer stated that conditions could only be added regarding what is being proposed and therefore members requested that the is condition for the render be strength so that further details are required to ensure high quality. Members did not request that a condition be added regarding working hours.

Councillor De Ryk moved a motion to approve the officer's recommendation. It was seconded by Councillor Till

Members voted as follows:

FOR: Councillors Amrani (Chair), Paschoud, Bourne, De Ryk, Till and Jeffrey

RESOLVED: That planning permission be granted in respect of application No. DC/17/103645

The meeting ended at 9.45pm. Chair

7th December 2017

Committee	PLANNING COMMITTEE A	
Report Title	54 AVONLEY ROAD, LONDON, SE14 5EW	
Ward	NEW CROSS	
Contributors	Russell Brown	
Class	PART 1	16th January 2018

Reg. Nos. DC/17/103958

Application dated 06.10.2017

Applicant Horn & Horne LLP

Proposal The change of use of 54 Avonley Road, SE14 from a vehicular repair and MOT centre (Use Class B2) to residential (Use Class C3) in the form of 9 residential units, together with associated landscaping and parking.

Applicant's Plan Nos. 926-ExS00 P2; 926-ExS01 P2; 926-EGA00 P2; 926-EGARF P2; 926-DE00 P2; 926-EXGE01 P2; 926-EXGE02 P2; 926-EXGE03 P2; 926-EXGS01 P2; 926-EXGS02 P2; 926-S00 P2; 926-S01 P2; 926-GE05 P2; 926-GS01 P2; 926-GS02 P2; 926-GAM-Type A P2; 926-GAM-Type B P2; 926-GAM-Type C P2; Planning Statement (Pegasus - Oct 17); Design & Access Statement (October 2017 - Horn & Horne LLP); Built Heritage & Archaeological Assessment (Pegasus - October 17); Flood Risk Assessment (Geo SMART - March 17); Arboricultural Impact Assessment (Tree Environmental Practice - 3rd Oct 2017); Marketing Update Report (Brasier Freeth – Oct 17); Structural Report; Daylight & Sunlight Report (CHP Surveying Ltd - 2nd Oct 17); Transport Statement (CANEPARO ASSOCIATES- Sept 17); Daytime Bat Scoping Survey Report (REC - April 17); Viability Statement (Acorn – March 17); Phase I & II Geo-Environmental Report (eps - Sept 17) Received 9th October 2017

TR002 Rev A; 926-LA02-P3 Received 21st November 2017

926-GE04-P4; 926-LA03-P2 Received 5th December 2017

926_171217_54 Avonley Road; 926-GA00-P5; 926-GA01-P5; 926-GAM-Unit 1-P4; 926-GAM-Units 2 & 3-P4; 926-GAM-Units 4 & 5-P3; 926-GAM-Units 6 & 7-P4; 926-GAM-Units 8 & 9-P5; 926-GE01-P5; 926-GE02-P3; 926-GE03-P3;

Background Papers

- (1) Case File LE/19/A/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2016)

Designation

Hatcham Conservation Area

1.0 Property/Site Description

- 1.1 The application site lies to the rear of Hunsdon Road, Edric Road and Avonley Road and can be accessed via an access road off the latter. The site is bounded by rear gardens of the residential properties on those roads which are typically two storeys high with hipped roofs and from the Victorian era.
- 1.2 The site is currently occupied by a motor garage and an MOT centre (Use Class B2), although it is not currently in use, and comprises three buildings, two of which are single / one and a half storeys high, and the warehouse building, which is two storeys high.
- 1.3 The site is located within Hatcham Conservation Area, subject to an Article 4 direction, but is not a listed building nor is it in the vicinity of one. It has a PTAL of 2, is within an Area of Archaeological Priority and Flood Risk Zones 2 and 3.

2.0 Relevant Planning History

- 2.1 Pre-application advice was sought (ref. PRE/16/002752) for the redevelopment of the site for nine residential units and Officers stated that they were unable to support the proposal for the following reasons:
 - No evidence was provided to demonstrate the acceptability of the principle of development, mainly the loss of the existing B2 use which is in current operation.
 - The scale and massing of the proposed buildings was considered to be incompatible with surrounding existing development and historic environment.
 - Standard of accommodation
 - Impact on neighbouring amenity
 - Potential refuse and parking issues

The applicant was advised that if a scheme was received and any of the points raised were not adequately addressed / overcome, the scope for negotiation would be limited.

- 2.2 DC/17/100635: The change of use of 54 Avonley Road, SE14 from a vehicular repair and MOT centre (Use Class B2) to residential (Use Class C3) in the form of 9 residential units, together with associated landscaping and parking. Refused under delegated powers for the following reasons:
 1. **Insufficient supporting information has been provided to demonstrate that the loss of the site for a use providing employment would not have a significant harmful impact on the vitality and viability of the local economy, contrary to Policy 5 Other employment locations of the**

adopted Core Strategy (June 2011) and DM Policy 11 Other employment locations of the Development Management Local Plan (2014).

2. The proposal, by reason of excessive height, unsatisfactory design and poor site layout, would appear as an excessive form of development that would substantially over-develop the restricted plot and is thereby considered to be of poor design and inappropriate within its context contrary to Policies 7.4 Local character and 7.6 Architecture of the London Plan (March 2015, as further altered in March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and DM Policies 30 Urban design and local character, 32 Housing design, layout and space standards, 33 Development on infill site, backland sites, back gardens and amenity areas and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservations areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (2014).
3. The scheme fails to provide an acceptable level of outlook, privacy and security for the adjoining residential occupiers, and therefore the impact on their amenity is considered to be unacceptable, contrary to DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).
4. The proposed works to the trees on site, by reason of a lack of root protection mitigation measures and ground protection areas as well as inaccuracies between the Tree Protection Plan and the Arboricultural Impact Assessment, would cause them significant harm, contrary to Policies 5.10 Urban greening and 5.11 Green roofs and development site environs of the London Plan (March 2015, as further altered in March 2016) and DM Policy 25 Landscaping and trees of the Development Management Local Plan (November 2014).

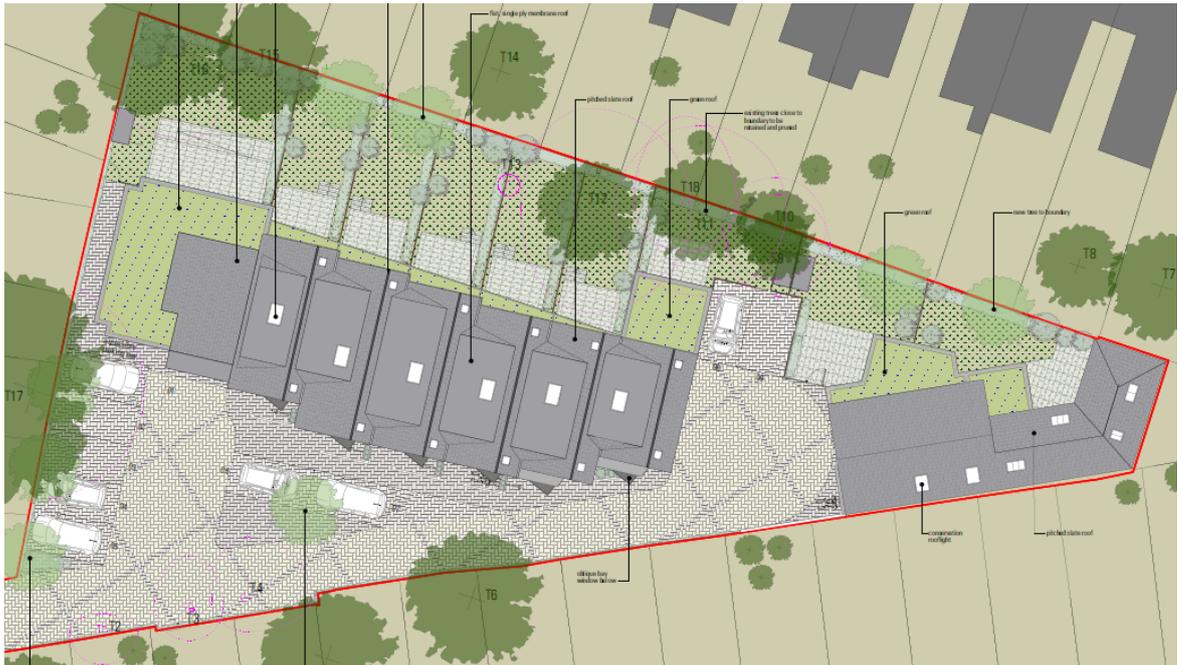
2.3 Following the refusal of DC/17/100635 on 19th May 2017, further pre-application advice was sought (ref. PRE/17/102017) and Officers stated that there were still fundamental concerns relating to the dwellings in the east corner of the site, landscaping and boundary treatment, 'pinch points' and pedestrian experience within the site. However, it is also considered that these can be overcome and any future application must satisfactorily address them. This application is submitted following those pre-application discussions.

3.0 Current Planning Application

3.1 The current application proposes the change of use of the site from a vehicular repair and MOT centre (Use Class B2) to residential (Use Class C3) in the form of nine residential units (4, four bed units, 3, three bed units and 2, two bed units). This would involve the demolition of all three buildings on site and the re-provision of two buildings. The vehicular repair and MOT centre ceased operating on 16th December 2016.

3.2 In terms of the first building in the centre of the site (Units 1-7) is arranged as a linear terrace, all of the four bed houses and two of the three bed houses would be grouped together in a terrace. Nos. 2-6 would be separated from the rear gardens of nos. 35-45 Hunsdon Road by 9m deep rear gardens, whilst Unit 1 (a two bed unit) would have a garden of 8.2m deep and Unit 7 a garden of 5.1m

deep. The second building in the east corner of the site (Units 8 and 9) would be of a similar form to the existing structure and would house the other two properties, a three bed and a two bed.



- 3.3 Unit 1 would be part single, part double storey with a flat roof to the former and a pitched roof to the latter. The front would feature an obscure glazed door and a window with another window and ground floor bi-fold doors to the rear. It would measure 8.13m wide by 9.63m deep by 5.92m high with an eaves height of 4.9m. The flat roof would be 3.1m high. It would have two bedrooms, a kitchen / dining / living area and a bathroom on the ground floor and an ensuite bedroom on the first floor. There would be space for a lift on both floors. The GIA (Gross Internal Area) would be 100m².
- 3.4 Units 2-7 would be of three storeys with an asymmetrical hip to gable roof form, on top of which is a flat roofed extension punctuated by a rooflight to allow the third storey to be habitable space. They would also feature projecting bay windows over first and second floors to the front and rear elevations with louvers to the latter, recessed front doors, ground floor bi-folding doors to the rear and a dwarf front boundary wall with integral planter and cycle storage. They would measure 4.34m wide by between 9.8m and 11.75m deep by 8.64m high with an eaves height of 6.88m.
- 3.5 Units 2-7 would have a living / kitchen / dining area and WC / shower room on the ground floor, two bedrooms and a bathroom on the first floor and two bedrooms and a bathroom on the second floor. The GIA of Unit 2 would be 103m², 114m² for Unit 3, 112m² for Unit 4, 105m² for Unit 5, 100m² for Unit 6 and 94m² for Unit 7.
- 3.6 The other two houses (Units 8 and 9) would be within a two storey building with a multi-pitched roof, although the most northern part would be limited to a single storey. The units within this building would be accessed to the west elevation. The building housing the units would measure a maximum of 10.24m wide by a maximum of 19.97m deep by 6.84m high with an eaves height of 4.86m.

- 3.7 Unit 8 would have a living / kitchen / dining area and WC on the ground floor and two double bedrooms (one ensuite), a single bedroom and a bathroom on the first floor. The total internal floor space would be 96m².
- 3.8 House 9 would have a living / kitchen / dining area, study and WC on the ground floor and two double bedrooms (one ensuite) on the first floor. The total internal floor space would be 113m².
- 3.9 The proposed materials in respect of all the units are:

Flat roof	Green roof
Pitched roof	Nature slate tiles
Walls	Light yellow buff brick
Ground floor treatment	Red cedar or larch cladding
Windows and doors	Dark grey metal framed

- 3.10 The development would also involve hard and soft landscaping of the site and the provision of nine car parking spaces with 17 for bicycles with all but one of these being for use by the occupiers.

4.0 Consultation

- 4.1 Pre-application advice was sought on three occasions with the last response prior to submission being in August 2017 stating that there were still concerns about the dwellings in the east corner of the site, landscaping and boundary treatment, 'pinch points' and pedestrian experience within the site.
- 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 notice were displayed and letters were sent to 65 adjoining addresses, New Cross Ward Councillors and the Council's Environmental Protection, Highways and Conservation Officers.

Written Responses received from Local Residents

- 4.4 Nine objections were received, raising the following concerns:
- More community consultation should be had because it was insufficient.
 - There are concerns about security, privacy, noise and light pollution, sufficient space for vehicles to turn around and the density of the development, which should be reduced.
 - No windows should be inserted into the southern elevation of Units 8 and 9, which should feature a mono-pitch roof rising to the south as opposed to a hipped roof with its eaves terminating on the boundary.
 - A 3m brick wall with anti-climb rollers should form the Edric Road boundary.
 - There has been no mention of access to neighbouring properties for demolition, construction or maintenance, which would give rise to security concerns.
 - The appearance of new party walls to Units 8 and 9 is marred by the brickwork patterns and the rainwater pipes, which would empty into the gardens along the southern boundary.
 - The development would undermine the historical preservation of the area.

- If future residents have more than one car, or car-driving visitors, then there is insufficient capacity on the nearby streets.
- Damage from construction works may occur to homes and trees and noise would disturb homeowners' peace and comfort.
- The height of the buildings would block light and obscure views.
- The development site should be used as an open green space with an outdoor gym and street art installation.
- The site is being overdeveloped and nine new houses on a site bordered entirely by private gardens is excessive.
- The proposed properties would overlook neighbouring properties.
- The overall effect of the revised proposals is cosmetic and they fail to take into account the objections raised by local residents.
- The current access is not safe or convenient, including for emergency services.

4.5 Furthermore, 14 letters of support were received, giving the following comments:

- The plans are acceptable as long as our rear wall remains in place.
- Further discussions on access and security will be had if permission is given.
- The new development will be an improvement on the existing buildings.
- The development prevents the land being disused.
- More housing is required.
- Previous comments have been successfully incorporated into these proposals.
- There were adverse levels of noise from the MOT business.

Responses received from Internal Consultees

4.6 The Council's Highways Officer stated the following:

- There are safety concerns about the access road.
- The swept path drawings provided for emergency vehicles suggest an extremely tight fit. The emergency vehicle used in the swept path drawings is slightly smaller than standard UK emergency vehicles.
- The means of access/servicing the site is unsafe for pedestrians and drivers. There is a pinch point of 3.2m, which would not allow two vehicles to pass each other in opposite directions. Should a pedestrian be passing through, the access road would not allow for enough room for both a vehicle and a pedestrian. This would call for the vehicle to reverse onto the highway, which is unsafe.
- In addition, there is poor inter-visibility for vehicles entering and exiting the site due to high walls. For example, a vehicle entering the site would not be able to determine if another vehicle was exiting the site, which would not provide a safe way of access.
- Residential cycle parking will need to be fully enclosed and secure. The cycle parking facilities shown on the drawings do not appear to be fully enclosed. 18 cycle parking space for residents must be provided.
- If planning permission is granted, the following conditions will be required:
 - Waste Management Plan
 - Construction Method Statement
 - Cycle Parking
 - Parking Management Plan
 - Travel Plan Statement

4.7 The applicant has sought to address the points raised, which are discussed throughout the report, leading to no objection.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

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

Other National Guidance

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

London Plan Supplementary Planning Guidance

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

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

London Plan (March 2016)

- 5.7 The London Plan was adopted on 14th March 2016. 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 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood Risk Management
Policy 5.15 Water use and supplies
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.21 Contaminated land
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 8.3 Community infrastructure levy

Core Strategy

- 5.8 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
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 5 Other employment locations
Core Strategy Policy 7 Climate change and adapting to the effects
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

- 5.9 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 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 11 Other employment locations

DM Policy 22 Sustainable design and construction

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: conservations areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (updated May 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 relevant planning considerations are:

- a) Principle of development
- b) Design and impact on the character and appearance of the Hatcham Conservation Area
- c) Ecology and trees
- d) Impact on the amenities of adjoining properties
- e) Proposed standard of residential accommodation
- f) Traffic and parking issues
- g) Contamination
- h) Sustainability and energy
- i) Community Infrastructure Levy

Principle of development

- 6.2 London Plan Policy 2.13 Opportunity areas and intensification areas states that development proposals within those areas should seek to optimise residential output and densities, contribute towards meeting the minimum guidelines for housing and promote inclusive access including cycling and walking.
- 6.3 Spatial Policy 2 Regeneration and Growth Areas states that Deptford, Deptford Creekside, New Cross/New Cross Gate area will accommodate up to 2,300 additional new homes by 2016 and a further additional 8,325 new homes by 2026, and therefore 10,625 in total.
- 6.4 Core Strategy Policy 5 states the following:
1. The Council will protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations.
 2. Employment land within town centres, which has the potential to contribute to a Major Town Centre should be recommended for retention in employment use.
 3. Other uses including residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.
- 6.5 DM Policy 11 states the following:
1. The Council will seek to retain employment uses (B Use Class) on sites and buildings in Town Centres where they are considered capable of continuing to contribute to and support clusters of business and retail uses, and where the use is compatible with the surrounding built context. A number of site characteristics and factors will be taken into account when reaching this assessment. This will include whether sites:
 - a. are well located in relation to the highway network
 - b. are well located in relation to town centres and public transport
 - c. offer the potential for the expansion of existing in-situ businesses
 - d. offer the potential for the provision of workshop/industrial units for small and medium sized enterprises (SMEs) serving local residential and commercial areas, particularly where there is little alternative provision in the local area, or
 - e. provide lower cost accommodation suitable for small, start-up businesses.
 3. Where uses are proposed for a site or building in employment or retail use that do not involve any job creation or retention, the Council will require evidence that a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent, that reflects the market value has been undertaken.
 5. A mix of uses in a new scheme will be considered positively subject to the context of the site and meeting the requirements of other policies in this plan, including, in the case of any residential development proposed as part of a scheme an appropriate level of amenity and the suitability of the site for this use.
 6. The Council will seek contributions to training and/or local employment schemes where there is loss of local employment as a result of redevelopment or change of use.

- 6.6 This site was most recently used as a car repair and MOT service centre (Use Class B2), but it has now been vacant since 16th December 2017. The site is an 'other employment location' and should be retained in employment use if it has the potential to contribute to the local economy. Core Strategy Policy 5 makes reference to these uses being the smaller, more scattered clusters of business premises associated with town centres and activity hubs, which provide sustainable local services and vitality and variability to the local economy, and, according to DM Policy 11, can contribute to and support clusters of business and retail uses. A car repair and MOT service centre is not a food manufacturing business or a creative industry. However, this application must still address criterion 3 of Core Strategy Policy 5 and the criterion of DM Policy 11, the acceptability of which will be assessed on a case-by-case basis.
- 6.7 Officers agree that, subject to the highways impact, site accessibility is not ideal for a continuation of a B2 use, especially where it is enclosed by residential dwellings. Furthermore, it was not controlled in terms of vehicular size, loading issues and hours of operation at this site. Officers accept that an unfettered B2 use, especially with regard to noise and fumes, could harm the amenities of neighbouring occupiers and this could have been the case with the last owners of the site had they not been 'winding it down' towards retirement.
- 6.8 In this case, the applicant considers that the site is not suitable for other employment generating uses, but that it would be viable for residential redevelopment. To accompany the revised proposals, a Marketing Report has been submitted, including a letter updating the situation as of 28th November 2017, together with the Viability Assessment provided with the previous application.
- 6.9 The Marketing Report states that the site has been advertised since 22nd June 2017 on the website of Brasier Freeth (who are chartered surveyors), which is linked to related search engines, and via a marketing board positioned on the wall at the entrance to the site. The latter stated that the site was "Commercial Premises To Let" whilst the online advert states that rent was on application so not to preclude any enquiries, and that the landlord would consider Use Classes B1, B8 or any others, subject to planning consent.
- 6.10 The issues raised about the site by the marketing Report (the condition of the existing buildings / land and restricted access to / from Avonley Road) are also raised by the Viability Assessment. The latter also found that the surrounding residential properties would be affected by noise, smells, wastage and traffic issues from an industrial use, the prohibitive cost of an extensive refurbishment with this not considered to be an attractive proposition for an SME, and that there is a lack of demand for the site is such a use, away from other employment centres.
- 6.11 As such, Officers consider that the marketing information in this case is sufficient because it has been demonstrated that there is no demand for any use other than residential, the site would require significant investment and work to be lettable, the proximity of the adjoining residential users and the highways issues in that the site is not located on the main road network and has restricted access.
- 6.12 However, given the proposal results in industrial land being replaced by residential dwellings, a financial contribution is due under DM Policy 11 in order to

support the current training and operation costs of running the Local Labour and Business Scheme. Based upon the estimated number of new dwellings (1,385) to be created annually as required by the London Plan (FALP 2014) and the number of new jobs (500) required annually as estimated by the Lewisham Business Growth Strategy, each new job and dwelling will require a contribution of £530 towards employment training. Therefore, this application is subject to a £4,770 contribution, which shall be subject to a Unilateral Undertaking.

- 6.13 Therefore, the revised proposals would be compliant with paragraph 22 of the NPPF, Core Strategy Policy 5 and DM Policy 11.
- 6.14 With regard to the proposed development, housing is a priority use for all London boroughs with the need for family-sized dwellings being particularly acute in Lewisham, and the Core Strategy (June 2011) welcomes the provision of small scale infill residential development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation and it provides garden and amenity space.
- 6.15 The evidence for Lewisham shows an overwhelming housing need which is spread across the borough and for a mix of housing tenures as well as housing size. The main need for housing is for family housing, which is defined in the London Plan as houses having three or more bedrooms.
- 6.16 Officers recognise that housing is a priority use in the borough and infill sites are a sustainable use of land to help meet housing targets. DM Policy 33 is relevant here and it states that development on infill sites will only be permitted in the following circumstances:
- a. make a high quality positive contribution to an area
 - b. provide a site specific creative response to the character and issues of the street frontage typology identified in Table 2.1 Urban typologies in Lewisham and to the special distinctiveness of any relevant conservation area
 - c. result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens
 - d. provide appropriate amenity space in line with DM Policy 32 (Housing design, layout and space standards)
 - e. retain appropriate garden space for adjacent dwellings
 - f. repair the street frontage and provide additional natural surveillance
 - g. provide adequate privacy for the new development and
 - h. respect the character, proportions and spacing of existing houses.
- 6.17 The proposal constitutes infill development as defined by DM Policy 33 because it is a backland site surrounded by residential properties on Avonley Road, Edric Road and Hunsdon Road. The principle of development can only be supported where a proper means of access and servicing is provided, there is no significant loss of privacy, amenity and security for adjoining houses and their rear gardens, and the provision of appropriate amenity space. These issues, and others, will be fully considered in the relevant sections of the report. However, Officers support the principle of development.

Design and conservation

- 6.18 Para. 17 of the NPPF details within its core planning principles that the planning system should enhance and improve the places in which people live their lives.

- 6.19 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.
- 6.20 Paragraph 17 (Core planning principles) of the NPPF states that (in summary) heritage assets (that is conservation areas and/or listed buildings) should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 6.21 Part 12 of the NPPF ("Part 12") contains detailed guidance on conserving and enhancing the historic environment. The principles and policies set out in Part 12 apply to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-taking. Consequently as the application site is situated in the Hatcham Conservation Area, the contents of Part 12 have to be considered by the Council in determining this application.
- 6.22 Paragraph 131 of Part 12 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".*
- 6.23 Paragraph 132 of Part 12 states that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".*
- 6.24 Paragraph 133 of Part 12 states that (in part) "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent...".
- 6.25 Officers consider that the current proposal would not lead to substantial harm to the Hatcham Conservation Area.
- 6.26 Paragraph 134 of Part 12 states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".*
- 6.27 Officers consider that the current proposal would lead to less than substantial harm to the Hatcham Conservation Area, but would not create any public benefits.

- 6.28 Paragraph 135 of Part 12 states that "*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*"
- 6.29 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.
- 6.30 Para. 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Para. 131 of the NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness'.
- 6.31 London Plan Policy 7.4 states that buildings, streets and open spaces should provide a high quality design response that has regard to the existing spaces and streets in orientation, scale, proportion and mass, is human in scale, and is informed by the surrounding historic environment.
- 6.32 London Plan Policy 7.6 states that buildings and structures should be of the highest architectural quality, comprise details and materials that complement the local architectural character, not cause unacceptable harm to the amenity of surrounding residential buildings, provide high quality spaces and integrate well with the surrounds, meet the principles of inclusive design and optimise the potential of sites.
- 6.33 London Plan Policy 7.8 states that development should identify, value, conserve, restore, re-use and incorporate heritage assets. Furthermore, development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 6.34 Core Strategy Policy 15 states that the Council will ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character. The New Cross/New Cross Gate Town Centre has a number of development opportunities that need to preserve and respect the character of the conservation areas.
- 6.35 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 and archaeological remains will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan, local policy and Historic England best practice.

- 6.36 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design. DM Policy 36 requires that all development describes the significance of a heritage asset, development will not be approved where it is harmful to the special characteristics of a conservation area or heritage asset.
- 6.37 Officers consider that the proposed demolition of the existing buildings on the site is acceptable because they are of low heritage value and do not make a positive contribution to the character of the Hatcham Conservation Area by reason of not displaying any architectural features of note. As such, Officers consider that that the proposal preserves the character and appearance of the Conservation Area.
- 6.38 Officers consider that the design of the new residential properties has improved since the last pre-application meeting. The design changes to the previous scheme and to that presented at pre-app stage are the following:
- Unit 1 has been setback from the western boundary, including staggered setbacks above ground floor level, and the distance between Units 2-7 and the southern boundary has been increased by approximately 80cm. Rear oblique bay windows have been replaced by vertical timber louvres to provide additional privacy between units.
 - The rear of Units 1-7 has been further setback from the northern boundary.
 - The massing and footprint of the building containing Units 8 and 9 has been reduced with access to the units via separate recessed entrances and the use of defensible space. The southern elevation of these units also incorporates new high-level windows with a patterned brick detail that enhances the façade.
 - The overall site landscaping layout has been enhanced with a more cohesive paving design / arrangement with a swept path analysis study confirming that access is achievable to all parking spaces as well as a fire tender vehicle.
 - A consistent 1.8m high fence with 0.3m high trellis above is proposed to the surrounding site boundary with extensive planting to the northern boundary. Southern and western boundaries would be greened.
 - The rainwater goods between Units 1-7 would be recessed within the façade using a 'shadow gap' of 10mm.
- 6.39 On reviewing the massing of the proposed Units 2-7, although they would be three storeys high, Officers acknowledge that they would still be lower than the properties to the north on Hunsdon Road by 0.65m. This is due to the change in levels where the land steps down to the south, which has been demonstrated by north to south sections through the site and the surrounding properties. The pitched roof design creates a much more slender profile and the roof typology draws from the surrounding context and reinterprets it in a contemporary way, an approach which is supported by Officers. Unit 1 is substantially lower than the existing properties and the other proposed dwellings.
- 6.40 Some of the dwellings would not be overly visible from views to the north west between 55 Hunsdon Road and 72 Avonley Road and Units 2-7 would be visible to the south west between 58 Edric Road and 56 Avonley Road, properties and areas which fall within Hatcham Conservation Area. Given that the design, including the scale and massing, is acceptable and further details of the materials can be secured by condition, then there is no objection to the development being visible from outside the site. It should be noted that Officers consider that the materials submitted are appropriate for use within the sensitive surrounds and do

recommend that detailed specifications and samples of these, including of the ageing of the timber cladding, and the detailed design be secured by condition.

- 6.41 Any impact from the proposed buildings on neighbouring properties would not be considered overly significant as a result of the setting back of the dwellings from the western, southern and northern boundaries such that it would warrant a refusal of this application.
- 6.42 Following Officers' concerns that the proposal for two dwellings in the east corner (Units 7 and 8) would represent overdevelopment, different options have been explored, as presented within the Design and Access Statement. They demonstrate that there would be significant disadvantages to changing the form and layout of any new building from that of the existing with regards to creating adverse amenity impacts, insufficient garden space, a poor standard of accommodation and being congruous with the layout of the rest of development on site. It is therefore considered that two dwellings can be provided in this part of the site without constituting overdevelopment.
- 6.43 In London Plan Policy 3.4, Optimising housing potential, Table 3.2 outlines the required density for housing schemes depending on their PTAL rating and setting. Since this site has a PTAL of 2, is within an urban setting and most of the surrounding properties have 4-5 habitable rooms, the the density should be 45-120 units per hectare. The density of this development would provide the equivalent of slightly over 58 units per hectare and is therefore acceptable.
- 6.44 Furthermore, Officers welcome the revised access to Units 7 and 8, the defensible space created around them and the changes to the southern elevation, which would help to provide visual interest and dual aspect dwellings.
- 6.45 In terms of the landscaping, the site would now be more equally divided between hard and soft materials. The paving would be either permeable block paving or paving slabs with feature banding to demark spaces between the pedestrian, vehicular and shared spaces. Planting has now been introduced to the boundary treatment in the form of climbing planting and all but four of the trees would be retained on site. This is considered to result in improved visual amenity throughout the site. Details of the landscaping are recommended to be secured by condition.
- 6.46 Therefore, the revised proposals are considered to be acceptable in design terms and therefore would be compliant with London Plan Policies 7.4, 7.6 and 7.8, Core Strategy Policies 15 and 16 and DM Policies 30, 33 and 36.

Ecology and trees

- 6.47 A comment was made by a neighbouring occupier regarding bats roosting in one of the existing buildings on site. This has been investigated by the applicant and, following a Daytime Bat Scoping Survey, it was found that the existing buildings on site had low bat roosting potential. A Nocturnal Bat Survey at dusk was subsequently carried out, which revealed no evidence of bats roosting, only 'commuting' through the site.
- 6.48 The proposals would result in the retention of all but four of the trees (T2, T3, T4 and T18), of which three would be Category C and the latter would be Category

U. No objection is raised to the removal of T18 given its condition and trees T2, T3 and T4 would block the vehicular routes through the site so have to be removed. To offset this loss, eight new trees are proposed to be planted. It is recommended that details of these trees be secured within a soft landscaping condition.

Impact on the amenity of neighbouring occupiers



- 6.49 The proposals have the potential to have the most impact on 64-68 Avonley Road, 17, 19, 23, 25 and 33-45 Hunsdon Road and 18-24 Edric Road. The issues of relevance are levels of sunlight, daylight, associated overshadowing, outlook, privacy and security, and whether the development would be overbearing.
- 6.50 A Daylight and Sunlight Study has been submitted by the applicant to support the view that the new dwellings would not adversely impact on levels of daylight to 23-47 Hunsdon Road, 60-72 Avonley Road and 30-40 Edric Road, on levels of sunlight to, or overshadow 23-47 Hunsdon Road and 60-72 Avonley Road. It confirms that all neighbouring windows pass the BRE diffuse daylight and direct sunlight tests and that the development also satisfies the BRE overshadowing to gardens and open spaces requirements.
- 6.51 The Daylight and Sunlight Study used two tests that measure diffuse daylight: Vertical Sky Component (VSC) and Average Daylight Factor (ADF). Whilst there is a loss of VSC, this is within the acceptable recommendations of the BRE Guide since no habitable room window has a reduction greater than 20% of its existing level. Where a new development is proposed an element of loss is inevitable if the proposed development is to be larger than what currently exists, which is the case here.
- 6.52 All windows which face within 90 degrees of due south have been tested for direct sunlight, which all pass both the total annual sunlight hours test and the winter sunlight hours test (annual probable sunlight hours between 21st September and 21st March). The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

- 6.53 The results of the assessment show that, on average, 65.8% of the area of each amenity space will receive at least two hours of sunlight on 21st March, which satisfies the BRE recommendation that at least 50% of any garden or amenity area should receive at least two hours of sunlight on 21st March. The proposed development therefore passes the BRE overshadowing to gardens and open spaces test.
- 6.54 The separation gap between Units 1-6 and 31-45 Hunsdon Road would now be at least 19m, which is sufficient distance so as not to affect outlook, and the bedroom windows at first and second floors would be approximately 9m from the rear gardens of those properties, which is acceptable given that they would be fitted with louvers for privacy, which shall be conditioned. The distance between the ground floor of Units 7 and 9 and those properties closest on Hunsdon Road would be approximately 14m, whilst the ground floor of Unit 8 would be 14.5m. Details of boundary treatments are recommended to be secured by condition.
- 6.55 The western side of Unit 1 would still be 12.1m from 66 and 68 Avonley Road, but now its height would be reduced to 3.1m high from 6.87m from the previous scheme. As such, its reduction in height to a single storey from the boundary is not considered to give rise to a significant reduction in outlook or create an adverse sense of enclosure.
- 6.56 In terms of Units 8 and 9, the proposed building that would house the units would be approximately 2.2m lower than the existing building with a similar eaves height. Therefore, it would not have an adverse impact on outlook, nor would it be overbearing compared with the existing situation. Given that the windows in the south and south east elevations would be obscure glazing and would not have any opening parts below 1.7m from internal floor level, then it is not considered that they would give rise to any overlooking. This shall be secured by condition. Noise would be limited to that generated by a domestic property.
- 6.57 Numerous objections have made reference to a lack of security that would ensue were these dwellinghouses to be built, both during the construction process and afterwards. Apart from to the rear gardens of Units 7, 8 and 9 and next to 'Building 2', the boundary treatments are to be 1.8m high fences with a 0.3m high trellis on top. These would be located up against any existing boundary treatment and are considered sufficient to negate any security concerns, as is typically found in a residential context.
- 6.58 Construction working hours, noise and dust pollution is covered by Lewisham's Good Practice Guide - Control of Pollution and Noise from Demolition & Construction Sites. The introduction of a residential use to a predominantly residential area is not considered to cause a significant problem. Compliance with this document within a Construction Management Plan is recommended to be secured by condition.
- 6.59 Therefore, the scheme is deemed acceptable in terms of neighbouring amenity in accordance with London Plan Policy 7.6 and DM Policies 32 and 33.

Standard of accommodation for proposed occupiers

- 6.60 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.
- 6.61 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.
- 6.62 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, storage space and internal floor to ceiling heights. In terms of outlook, all units are dual aspect.
- 6.63 The amenity space provided for each dwelling would be in excess of the size requirements set out in Standard 26 of the London Plan Housing SPG of 5qm for 1-2 person dwellings (of which there are none) and an extra 1sqm being provided for each additional occupant.
- 6.64 Officers have no objection to the proposed unit mix of 4 x four bed properties, 3 x three bed properties and a two bed property, which would be a welcome addition of family-sized units.
- 6.65 Core Strategy Policy 1 requires that 10% of all housing is to be wheelchair accessible or easily adapted for those using a wheelchair. Therefore, for this scheme, the requirement would be rounded up to one dwelling. Unit 1 is wheelchair unit adaptable and therefore this is considered sufficient.
- 6.66 As such, the standard of accommodation is deemed to be acceptable.

Highways and traffic

- 6.67 London Plan Policy 6.3 Assessing effects on development on transport capacity states that development proposals should ensure that impacts on transport capacity and the transport network are fully assessed. Development should not adversely affect safety on the transport network. Furthermore, transport assessments will be required in accordance with TfL's Transport Assessment Best Practice Guidance.
- 6.68 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).
- 6.69 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.

- 6.70 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.
- 6.71 Each house has been provided with one car parking space and two cycle parking spaces. Subject to this being secured by condition, the proposal meets London Plan standards, and is therefore acceptable. London Plan Policy 6.13 requires that 20% of the parking spaces must provide an electrical charging point to encourage the uptake of electric vehicles, and the installation of these charging points is recommended to be secured by condition. The applicant is also advised to ensure that the proposed cycle storage is enclosed.
- 6.72 Details of how the car parking would be allocated and managed is recommended to be secured by condition via a parking management strategy. A disabled parking space is provided directly outside Unit 1.
- 6.73 Following revisions to the swept path analysis, the drawings demonstrate that the site can accommodate emergency vehicles and that future residents' cars can manoeuvre around the site, including turning around without having to reverse out onto the highway.
- 6.74 It is acknowledged that the access to this site is relatively restricted in terms of width with its most narrow point at 3m for a length of 21m. However, there is no scope to widen it with existing residential properties either side. Measures, such as concave mirrors for any vehicles reversing or existing the site are recommended to be secured by condition and Officers welcome the removal of the entrance gates. As such, it is considered that the proposed means of access would be acceptable for a residential development given that there would limited impact on the public highway.
- 6.75 Given the set back of the properties from the southern boundary, Officers do not consider that a 'pinch point' is created within the development, as the distances between the site boundary and the pavement or a dwelling is less than 3.1m.
- 6.76 Officers consider that pedestrian access this can form part of the wider landscape strategy, the finer details of which as previously mentioned is recommended to be secured by condition. An appropriate level of lighting would also be required without creating unnecessary light spillage to neighbouring properties. This is recommended to be secured by condition.
- 6.77 Refuse is proposed to be located adjacent to the site access point, close to Avonley Road, and this is considered to be acceptable given the proximity to the street for collection. Whilst the drag distance for the units, especially those to the east of the site, is not ideal, the future residents will pass by the designated refuse store as they exit the site.
- 6.78 Apart from Officers recommending that another condition being added in respect of a Construction Method Statement, Officers raise no objection on highways or traffic grounds.

Contamination

- 6.79 London Plan Policy 5.21 Contaminated land states that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination.
- 6.80 DM Policy 28 Contaminated land states that the Council will use the following steps to ensure that contaminated land is fully investigated and remediated, to minimise and mitigate any harmful effects to human health and the environment. This is applicable wherever development is proposed on contaminated land, land suspected of being contaminated, or if a sensitive use is proposed, to ensure contamination is properly addressed. Applicants are required to submit site assessments.
- 6.81 A Phase I & II Geo-Environmental Assessment & Validation Report was submitted with the application and this confirmed that it is unlikely that the property would be designated "contaminated land" within the meaning of Part 2A of the Environmental Protection Act 1990 and that there are no environmental issues. It states that the site was a field until 1896 and then the structures built upon it during the 1950s and 1970s are still present today. The surrounding land use has generally remained as residential with railway lines to the north, a school to the east and a hospital to the west. However, it also indicates that the shallow soils / made ground are not of a suitable quality for modern domestic gardens and soft landscaping. Therefore, a condition is recommended to be added requiring these materials to be removed from proposed garden areas with replacement by an appropriate thickness of clean soils.

Sustainability and energy

- 6.82 Paras. 94 and 95 of the NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change, which must be consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
- 6.83 Core Strategy Policy 8 Sustainable design, construction, and energy efficiency states that the Council is committed to prioritising the reduction of the environmental impact of all new developments, with a focus on minimising the overall carbon dioxide emissions of the development while improving sustainability aspects through sustainable design and construction. All minor and major non-residential development will be required to achieve a minimum of B REEAM 'Excellent' standard, or any future national equivalent.
- 6.84 DM Policy 22 Sustainable design and construction states that, in addition to those policies in the London Plan and Lewisham's Core Strategy Policies 7 and 8, the Council will require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling.
- 6.85 The Council considers that the measures proposed in regards to energy and water efficiency measures by the New Build Energy Strategy Report to be acceptable, which meets Core Strategy Policy 8 and DM Policy 22.

Prevention of crime and disorder

- 6.86 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.
- 6.87 No issues of crime or anti-social behaviour were raised as a consequence of the public consultation undertaken in respect of this application. Security, however, was a concern, which shall be addressed by the detailed boundary treatment, which is recommended to be secured by condition. The existing gate would be removed as part of the proposal.
- 6.88 As such, Officers consider that the scheme would not add to crime or general anti-social behaviour in the immediate vicinity.

Community Infrastructure Levy (CIL)

- 6.89 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.
- 6.90 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.
- 6.91 Under the CIL charging schedule, the amount of CIL payable for the SE14 postcode for new residential development is £70 per sqm. The Mayor CIL is charged at £35 per sqm of new development.
- 6.92 It is the Local Planning Authority's responsibility to collect CIL payments from new development.

Issues raised by consultation

- 6.93 Issues regarding the access to neighbouring properties for demolition, construction or maintenance and party wall matters are not planning considerations. Therefore, they have not been taken into account in the consideration of this application.

Removal of permitted development rights

- 6.94 Officers recommend that if this application is approved conditions are imposed to remove permitted development rights in respect of the site. Paragraph 017 of that part of the Planning Practice Guidance that is concerned with the use of planning conditions states that "conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances". Officers in this case consider

that exceptional circumstances exist to justify the removal of permitted development rights as set out in the draft conditions for the reasons stated therein.

Human Rights Act

- 6.95 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.
- 6.96 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.
- 6.97 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.

Equalities Considerations

- 6.98 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.
- 6.99 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.
- 6.100 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.
- 6.101 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/>

- 6.102 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
- 6.103 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/>
- 6.104 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.

Planning Obligations

- 6.105 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:
- (a) Necessary to make the development acceptable
 - (b) Directly related to the development; and
 - (c) Fair and reasonably related in scale and kind to the development.
- 6.106 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 6.107 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.
- 6.108 London Plan Policy 8.2 (Planning obligations), and Core Strategy Policy 21 (Planning Obligations) together with the Councils Adopted Planning Obligations SPD (2015) sets out the policy context for considering planning obligations. Whether a development makes appropriate provision for, or contribution towards,

requirements that are made necessary by, and are related to, the proposed development would be a material consideration relevant to the planning application being considered. Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area. Planning obligations should reflect strategic and local needs. In accordance with the statutory and policy context, and as a result of the assessment of the impacts of the proposed development the agreed Heads of Terms for a Unilateral Undertaking are set out below:

- Financial contribution of £4770 in respect mitigating against the loss of employment floorspace. The funding would be used towards Council initiatives towards local employment schemes across the borough.

Local Finance Considerations

- 6.109 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 would or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) sums that a relevant authority has received, or would or could receive, in payment of Community Infrastructure Levy (CIL).
- 6.110 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 6.111 CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.
- 6.112 The above development is liable for both the Mayor's CIL and the Council's CIL. The completed CIL form was submitted with the application documents. An informative would be added to the decision notice advising the applicant to notify the Council when works commence.

Conclusion

- 6.113 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).
- 6.114 Since planning application (ref. DC/17/100635) for the change of use of 54 Avonley Road, SE14 from a vehicular repair and MOT centre (Use Class B2) to residential (Use Class C3) in the form of 9 residential units, together with associated landscaping and parking was refused under delegated powers, Officers consider that circumstances have changed in respect of this site in that:
- 1) Sufficient supporting information has now been provided to demonstrate that the loss of the site for a use providing employment would not have a significant harmful impact on the vitality and viability of the local economy.
 - 2) The proposal is no longer considered to be an excessive form of development that would substantially over-develop the site.
 - 3) The scheme now provides an acceptable level of outlook, privacy and security for the adjoining residential occupiers, and therefore the impact on their amenity is considered to be acceptable.

4) Adequate root protection mitigation measures and ground protection areas have now been submitted to the Council, and inaccuracies between the Tree Protection Plan and the Arboricultural Impact Assessment have been rectified.

6.115 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, trees, highways, contamination and sustainability / energy. As such, Officers recommend that planning permission be granted subject to the imposition of suitable planning conditions.

7.0 **RECOMMENDATION A:** To agree the proposals and authorise Officers to negotiate and complete a legal agreement to secure a financial contribution of £4,770 to mitigate against the loss of employment floorspace.

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

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:

926-ExS00 P2; 926-ExS01 P2; 926-EGA00 P2; 926-EGARF P2; 926-DE00 P2; 926-EXGE01 P2; 926-EXGE02 P2; 926-EXGE03 P2; 926-EXGS01 P2; 926-EXGS02 P2; 926-S00 P2; 926-S01 P2; 926-GE05 P2; 926-GS01 P2; 926-GS02 P2; 926-GAM-Type A P2; 926-GAM-Type B P2; 926-GAM-Type C P2; Flood Risk Assessment (Geo SMART - March 17); Arboricultural Impact Assessment (Tree Environmental Practice - 3rd Oct 2017); Marketing Update Report (Brasier Freeth - Oct 17); Daylight & Sunlight Report (CHP Surveying Ltd - 2nd Oct 17); Transport Statement (CANEPARO ASSOCIATES- Sept 17); Daytime Bat Scoping Survey Report (REC - April 17); Phase I & II Geo-Environmental Report (eps - Sept 17) Received 9th October 2017

TR002 Rev A; 926-LA02-P3 Received 21st November 2017

926-GE04-P4; 926-LA03-P2 Received 5th December 2017

926_171217_54 Avonley Road; 926-GA00-P5; 926-GA01-P5; 926-GAM-Unit 1-P4; 926-GAM-Units 2 & 3-P4; 926-GAM-Units 4 & 5-P3; 926-GAM-Units 6 & 7-P4; 926-GAM-Units 8 & 9-P5; 926-GE01-P5; 926-GE02-P3; 926-GE03-P3; 926-LA01-P5 Received 12th December 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) A) No development other than demolition to existing ground level shall take place until the applicant (or theirs and successors in title) has secured the implementation of a programme of archaeological observation and recording in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing.

B) Under Part A, the applicant (or theirs and successors in title) shall implement a programme of archaeological observation and recording in accordance with a Written Scheme of Investigation.

C) The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part A, and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The Local Planning Authority wishes to secure the provision of appropriate archaeological investigation including the publication of results, in accordance with Section 12 of the NPPF.

4) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall cover:-

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

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 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 Policies 5.3 Sustainable design and construction and 6.3 Assessing effects of development on transport capacity of the London Plan (March 2016).

5) (a) No development (including demolition of existing buildings and structures unless otherwise agreed in writing) shall commence until the shallow soils / made ground have been removed from the site and replaced by an appropriate thickness of clean soils.

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

- 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 Local Planning Authority.
- iii. The required remediation scheme shall be implemented in full.

Reason: To ensure that the Local Planning Authority may be satisfied that the shallow soils / made ground are of a suitable quality for modern domestic gardens and soft landscaping and to comply with Policy 5.21 Contaminated land of the London Plan (March 2016) and DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

6) The building shall be designed so as to provide sound insulation against external and internal 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. 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.

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) (a) Notwithstanding the details hereby approved, no development shall commence above ground level until detailed plans at a scale of 1:20 (apart from the window and door sections that shall be at a scale of 1:5) showing windows, doors, recessed porches, louvres, rainwater goods and boundary treatments for the dwellings 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 Policies 7.4 Local character,

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).

- 8) No development shall commence above ground level until detailed specifications and samples of all external materials and finishes, windows, external doors, roof coverings and wooden cladding, including how it would weather / age, to be used on the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority may be satisfied as to the external appearance of the buildings and to comply with Policies 7.4 Local character, 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).

- 9) The refuse facilities as approved shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

- 10) (a) A minimum of 19 secure and dry cycle parking spaces shall be provided within the development.

(b) No development shall commence above ground level until the full details of the cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

(c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- 11) All hard landscaping works which form part of the approved scheme, and as set out in pages 72 and 73 of the Design & Access Statement (October 2017, Horn & Horne LLP) shall be completed prior to occupation of the development.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the proposal and to comply with Policies 5.13 Sustainable Drainage and 7.4 Local character in the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policies 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 12) (a) A scheme of soft landscaping (including details of proposed hedge and 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 and 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).

- 13) (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, including the security of adjoining occupiers, 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).

- 14) (a) Details of the location of the two electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.

(b) The electric vehicle charging points as approved shall be installed prior to occupation of the development and shall thereafter be retained and maintained in accordance with the details approved under (a).

Reason: To reduce pollution emissions in accordance with Policies 6.13 Parking and 7.14 Improving air quality in the London Plan (March 2016) and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

- 15) (a) Details of the living roof shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. A 1:20 scale plan of the living roof that includes contoured information depicting the extensive substrate build up and a cross section showing the living roof components shall be submitted for approval. The living roof shall be:
- i. biodiversity based with extensive substrate base (depth shall vary between 80-150mm with peaks and troughs but shall average at least 100mm);
 - ii. will include details of how the roof has been designed to accommodate any plant, management arrangements, and any proposed photovoltaic panels and fixings; and
 - iii. plug planted with sedum species & seeded with an agreed wildflower mix of species within the first planting season following the practical completion of the building works.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening and 5.11 Green roofs and development site environs in the London Plan (March 2016), Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

- 16) (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage, shall be submitted to and approved in writing by the Local Planning Authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and any directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security purposes and that the proposals minimise light pollution from glare and spillage.

Reason: In order that the Local Planning Authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with Policy 7.3 Designing out crime of the London Plan (March 2016) and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

17)

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

Unit reference number	Approved Document M (2015) Access Requirement	Dwelling Type
1 wheelchair unit as shown on plan 926-GAM-Unit 1-P4	M4(3)(2)(a)	Wheelchair user (adaptable)
All other units	M4(2)	Accessible and adaptable

- b) No development above ground shall commence until written confirmation from the appointed Building Control Body has been submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with Part a).
- c) The development shall be carried out in accordance with the approved details under part b).

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

- 18) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no extensions or alterations to the building, including the insertion of windows (or other openings), shall be constructed in any of the elevation of the building other than those expressly authorised by this permission. Any further alterations shall require the prior written permission of the Local Planning Authority.

Reason: In order that, in view of the nature of the development hereby permitted, the Local Planning Authority may have the opportunity of assessing the impact of any further development in the interests of amenity and privacy of adjoining properties in accordance 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).

- 19) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the ground and first floors of the south and south east elevations of Units 8 and 9 hereby approved shall be fitted as obscure glazed (and fixed shut where they are more than 1.7m above internal floor level) and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with Policy 7.6 Architecture of the London Plan (March 2016), 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).

- 20) The whole of the amenity space as shown on drawing nos. 926-LA01-P5 and 926-LA02-P3 hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

- 21) The whole of the car parking accommodation shown on drawing nos. 926-LA01-P5 and 926-LA02-P3 hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

Reason: To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the buildings does not increase on-street parking in the vicinity and to comply with Policies 6.3 Assessing effects of development on transport capacity and 6.13 Parking of the London Plan (March 2016), Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011) and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

- 22) 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).

- 23) A parking management strategy for the proposed car parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the new residential units.

Reason: In order to secure designation of each car parking space and to ensure that the use of the buildings does not increase on-street parking in the vicinity in compliance with Policy 6.13 Parking of the London Plan (March 2016), Policy 14 Sustainable movement and transport of the Core Strategy (June 2011) and DM

Policy 29 Car parking of the Development Management Local Plan (November 2014).

- 24) The buildings hereby approved shall achieve the following:
- (a) A minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and
 - (b) A reduction in portable water demand to a maximum of 110 litres per person per day.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies of the London Plan (2016), Policies 7 Climate change and adapting to the effects and 8 Sustainable design and construction and energy efficiency of the Core Strategy (2011) and DM Policy 22 Sustainable design and construction 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. Positive discussions took place during the application process which resulted in further information being submitted so that the proposal was in accordance with the Development Plan.

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. Furthermore, 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.

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.

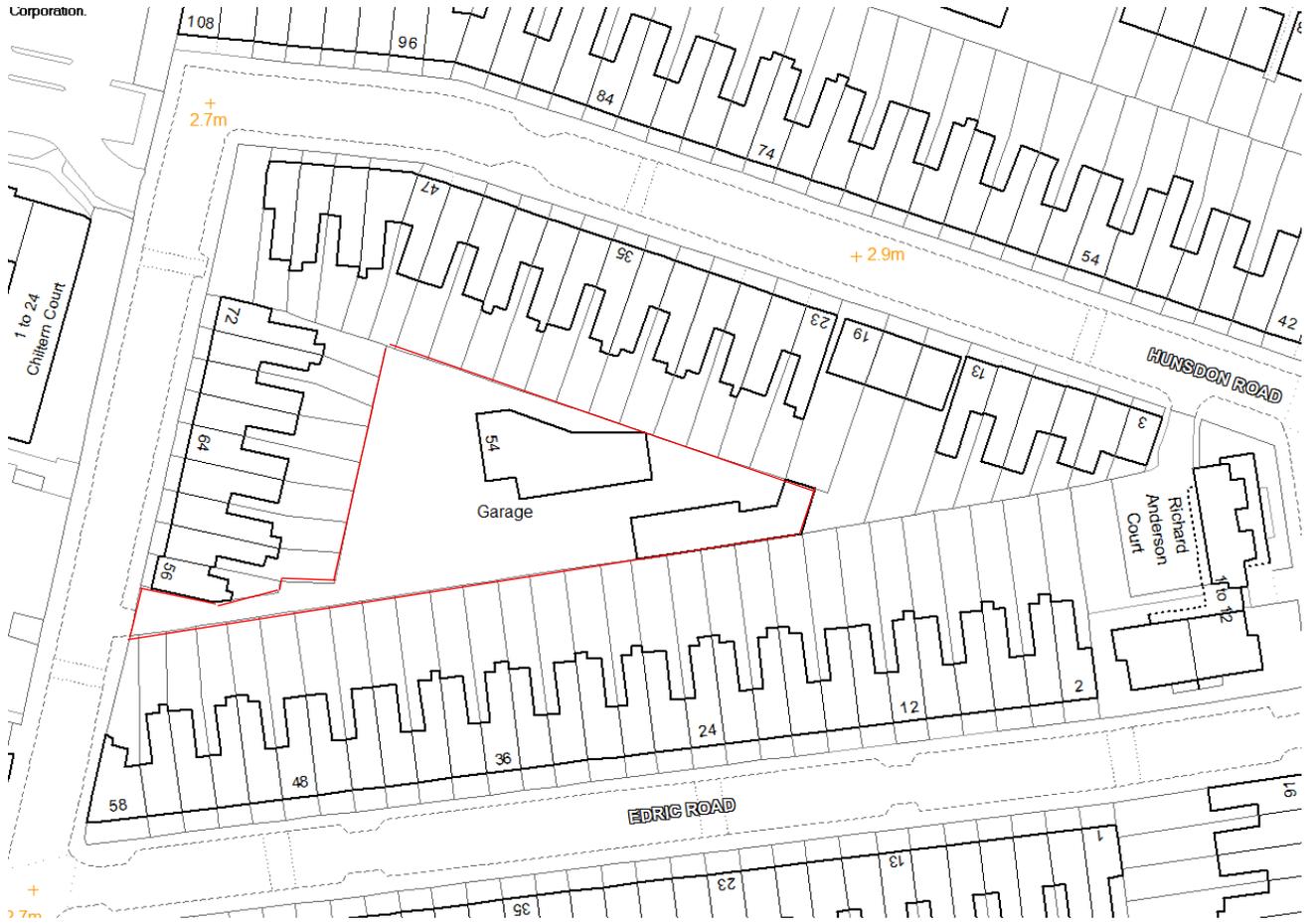
In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.

The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.

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.

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54 Avonley Road



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Committee	PLANNING COMMITTEE A	
Report Title	Basement Flat 8 Granville Park, London, SE13 7EA	
Ward	Blackheath	
Contributors	Alfie Williams	
Class	PART 1	16 January 2018

Reg. Nos. DC/17/103717

Application dated 20 September 2017

Applicant Mr Chapman

Proposal The construction of a single storey extension to the rear of Basement Flat 8 Granville Park SE13, together with the installation of a window in the side elevation.

Applicant's Plan Nos. 158_P_02_002; 158_P_02_003; 158_P_02_006; 158_P_02_008 received 21 September 2017; 158_P_02_007 rev A; 158_P_02_009 rev A; 158_P_02_010 rev A; 158_P_02_014 rev A; 158_P_02_015; 158_P_02_016 received 30 November 2017; 158_P_02_005 rev A; 158_P_02_011 rev B; Design & Access & Heritage Statement received 5 December 2017; 158_P_02_004 rev B received 7 December 2017.

Background Papers

- (1) This is Background Papers List
- (2) Case File LE/127/8/TP
- (3) Local Development Framework Documents
- (4) The London Plan

Designation Blackheath Conservation Area

1.0 Property/Site Description

- 1.1 The application site is a large four storey Victorian semi-detached property divided into four self-contained flats. This application relates to the basement flat only. The property is located on the western side of Granville Park in an area that is predominately residential in character.
- 1.2 Granville Park is situated within the Blackheath Conservation Area and forms part of character area 6. The road is characterised by pairs of Victorian villas with two storey projecting bays and is noted for the cohesive architectural character of the villas. 8 Granville Park is good example of the characteristic Victorian villas and makes a positive contribution to the character of the road.
- 1.3 The rear elevation of the property is notable for a three storey projecting box bay. The basement flat benefits from use of the 23m deep back garden. The garden is somewhat overgrown with six significant trees along the southern boundary of the site predominately located towards the rear. The rear of the property cannot be seen from the public realm.
- 1.4 The property is not listed not is it subject to an Article 4 Direction. The property is not situated within the setting of any listed buildings

2.0 Planning History

- 2.1 An application for a single storey rear extension and summerhouse was withdrawn following discussions with the case officer. Reference DC/17/102505.

3.0 Current Planning Applications

The Proposals

- 3.1 The proposal is to construct a full width single storey extension to the rear elevation of the basement flat. The extension would measure 5m in depth from the rear elevation with a width of 8.5m and height of 3m from the proposed ground level.
- 3.2 The proposed extension would abut the boundary with 6 Granville Park. A parapet wall on northern boundary with 6 Granville Park would be 2.65m above the ground level at 6 Granville Park. The proposed extension would be 1.3m from the boundary with 10 Granville Park.
- 3.3 The extension would have a glazed rear elevation with slim aluminium frames. The northern side elevation is to be constructed from brick and rendered. The southern side elevation would be timber with two glazed panels. The glazed panels would be frosted to 1.7m above ground level. The extension would have a flat roof with a zinc covering and four rooflights.
- 3.4 The proposal also includes the installation of a window in the existing side elevation facing 10 Granville Park, and would measure 1.47m x 0.85m and would be obscure glazed and fixed shut.
- 3.5 It is noted that a proposed summerhouse and replacement front door were removed from the proposal following discussions with officers.

Supporting Documents

- 3.6 158_P_02_002; 158_P_02_003; 158_P_02_006; 158_P_02_008 received 21 September 2017; 158_P_02_007 rev A; 158_P_02_009 rev A; 158_P_02_010 rev A; 158_P_02_014 rev A; 158_P_02_015; 158_P_02_016 received 30 November 2017; 158_P_02_005 rev A; 158_P_02_011 rev B; Design & Access & Heritage Statement received 5 December 2017; 158_P_02_004 rev B received 7 December 2017.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.
- 4.3 Seven letters of objection were received from residents at numbers 6, flats within no 8 and 10 and 12 Granville Park.

The grounds of objection are summarised as follows:

- Contemporary design of the extension not in keeping with the character of the building

- Light spillage from the glazed panels in the roof and the reflective materials of the extension.
- Damage to foundations and sewage infrastructure from the excavation of the garden.
- Loss of privacy caused by the proposed windows in the side of the extension and the side elevation of the existing building.
- The extension could potentially mean it would not be possible to maintain the upper floors of the rear elevation.
- The extension compromises future development on the rear elevation at the ground floor flat.
- Detrimental impact on the wildlife due to development in the garden and the rear extension.
- The proposed revised internal layout of the basement flat would result in the relocation of a bedroom to below a lounge potentially leading to noise complaints to the flat above.

4.4 Officers note that several of the concerns raised within the objections relate to the summerhouse that was withdrawn from the application. These concerns will be not be considered in this report. It is also noted that the impact of the works on foundations and sewage will be dealt with under building regulations and are not a material planning consideration for this application.

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

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

Core Strategy

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

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

Development Management Local Plan

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

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

DM Policy 1 Presumption in favour of sustainable development
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings

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

Residential Standards Supplementary Planning Document (August 2006)

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

5.11 Blackheath Conservation Area Character Appraisal (March 2017)

6.0 Planning Considerations

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

- a) Design & Conservation
- b) Impact on Adjoining Properties

Design & Conservation

6.2 DM Policy 30 states that 'materials used should be high quality and either match or complement existing development, and the reasons for the choice of materials should be clearly justified in relation to the existing built context'.

6.3 DM Policy 36 (New development, changes of use and alterations affecting designated heritage assets and their setting...) requires all planning applications for proposals affecting heritage assets to provide a statement setting out the impact to the significance of that asset and any harm or loss to that asset should be robustly justified. In particular, the policy continues to advise that planning permission would not be granted for developments or alterations and extensions to existing buildings that is deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

6.4 The extension would be contained entirely to the rear, not visible from the public realm and Officers consider the contemporary materials of the proposed extension to be of high quality that would complement the historical character and design features of the host building. The use of glazing with slim frames and a zinc roof gives the appearance of a contemporary conservatory to be read as a modern addition to the building rather than pastiche of the existing architecture. The extension is set forward of the bay therefore respecting the significant architectural feature on the rear elevation.

6.5 The proposed extension would be proportionally subservient to the host property and neighbouring properties by virtue of its size and scale within the context of four storey buildings and the large rear garden.

6.6 DM Policy 36 states that developments should preserve or enhance the character and appearance of conservation areas. It should therefore be noted that the proposed extension is confined to the rear elevation and as such would not be perceptible from viewpoints within the Blackheath Conservation Area nor the general public realm. Furthermore, the proposed extension is considered to accord with the principles of DM Policy 36 by virtue of the proposed high quality complementary materials and proportionate scale.

- 6.7 No objection is raised to the installation of a window in the existing side elevation facing 10 Granville park. The window would be located behind the existing fence and door to the side of Granville Park and therefore would not have a significant impact on the appearance of the Blackheath Conservation Area.

Impact on Adjoining Properties

- 6.8 DM Policy 31 states that residential extensions should not result in a significant loss of amenity or privacy to adjoining houses and gardens. The proposed development should therefore demonstrate that significant harm will not arise with respect to overbearing impact, loss of light, loss of outlook or general noise and disturbance
- 6.9 The proposed rear extension would have a height of 2.65m at the boundary with 6 Granville Park with a depth of 5m from the rear elevation. At the proposed scale, the extension is not considered to be overbearing or result in a sense of enclosure or significant loss of light given the width of the property and the neighbouring large back gardens.
- 6.10 The property is set in 1.3m from the boundary with 10 Granville Park and as such is not considered have a significant impact on amenity for the occupiers of that property in terms of overbearing impact or loss of light. The proposed side windows in the extension and new window in the existing side elevation would face no.10 Granville Park. The drawings show that the windows would be obscure glazed up to 1.7m above floor level. Officers consider the obscure glazing sufficient to guard against a loss of privacy at no.10 Granville Park given the ground floor location of the extension and dividing boundary treatment and is it recommended that a condition be imposed to secure this specification.
- 6.11 The issue of light spillage from the proposed extension was identified as a concern by a number of objectors both in regard to light from within the extension and reflected from the external walls and roof. Officers are satisfied that the position and size of the rooflights would not result in a significant increase in light spillage and note that an element of light spill from windows is typical within a developed urban residential setting such as this. The external materials proposed are typical materials used for extensions and are not considered to be overly reflective.
- 6.12 Officers are also satisfied that repair work to the rear elevation could continue with an extension in place. Maintenance could be carried out with scaffolding for example, and officers consider there no reasonable ground to refuse permission on this basis.

Ecology

- 6.13 The proposed rear extension would result in the loss of an area of approximately 42.5m² of the rear garden leaving approximately 187m² remaining. The consultation section of the report details residents' concerns regarding the impact of the development on wildlife within the garden. At present, the garden is untidy and overgrown and accommodates a pond in the northwest corner.
- 6.14 The removal of the proposed summer house from the application both reduces the cumulative footprint of the development and ensures that works are restricted to the area immediately adjacent to the property. The proposed extension is therefore not anticipated to have a significant impact on biodiversity within the garden. Officers also note that minor alterations to the garden do not require planning permission and consequently it is not possible to ensure that the garden is retained in its present state. It is not considered reasonable grounds exist to warrant refusal for this reason.

7.0 Community Infrastructure Levy

7.1 The above development is not CIL liable.

8.0 Equalities Considerations

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

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

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

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

9.0 Prevention of crime and disorder

9.1 S.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 crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).

9.2 Officers are of the view that the proposals would not have any crime and disorder implications.

10.0 Human Rights Act

10.1 Officers have considered the Human Rights Act 1998 and are of the view that the application for a single storey rear extension with alterations to the elevations do not have any Human Rights Act implications.

11.0 Removal of permitted development rights

11.1 Officers recommend that if this application is approved that conditions are imposed to remove certain permitted development rights in respect of the site. Paragraph 017 of that part of the Planning Practice Guidance that is concerned with the use of planning conditions states that ‘conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances’. Officers in this case consider that exceptional circumstances exist to justify the limited removal of certain permitted development rights as set out in the draft conditions.

12.0 Conclusion

- 12.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 12.2 The proposed single storey extension would preserve the character of the Blackheath Conservation Area and would have an acceptable impact on residential amenity in accordance with DM Policies 30, 31 and 36. The scheme is therefore considered acceptable and planning permission should be approved.

13.0 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:

158_P_02_002; 158_P_02_003; 158_P_02_006; 158_P_02_008 received 21 September 2017; 158_P_02_007 rev A; 158_P_02_009 rev A; 158_P_02_010 rev A; 158_P_02_014 rev A; 158_P_02_015; 158_P_02_016 received 30 November 2017; 158_P_02_005 rev A; 158_P_02_011 rev B received 5 December 2017. 158_P_02_004 rev B received 7 December 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 Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the side elevations of the single storey extension and existing building hereby approved shall be fitted as obscure glazed up to 1.7m as shown on drawing number 158_P_02_009 Rev A and retained in perpetuity.

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

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

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

Informatives

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

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8 Granville Park



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Committee	PLANNING COMMITTEE A	
Report Title	108 MARSALA ROAD	
Ward	LADYWELL	
Contributors	LILI LAINE	
Class	PART 1	16 th January 2018

<u>Reg. Nos.</u>	DC/17/104633
<u>Application dated</u>	20.11.2017
<u>Applicant</u>	Mr and Mrs Kennedy
<u>Proposal</u>	Lawful Development Certificate (Proposed) in respect of the construction of a hip-to-gable roof extension and a rear dormer roof extension incorporating a Juliet balcony along with the replacement of the existing single storey rear extension to install bi-folding doors at 108 Marsala Road SE13, together with the insertion of three rooflights to the front roof slope.
<u>Applicant's Plan Nos.</u>	SPP-01; SPP-02; SPP-03; SPP-04; SPP-05; SPP-06; SPP-07; SPP-08; SPP-11; SPP-14; Site Plan (received 21st November) SPP-09 Rev A; SPP-10 Rev A; SPP-12 Rev A; SPP-13 Rev A; (received 24th November)
<u>Background Papers</u>	(1) LE/809/108/TP (2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)
<u>Designation</u>	PTAL 3 Flood Risk Zone 2 Ladywell Conservation Area Article 4 (2) Direction Not a Listed Building

1.0 Property/Site Description

- 1.1 This application relates to a two-storey end-of-terraced single-family dwellinghouse located on the north west side of Marsala Road.
- 1.2 The property features a single storey rear infill extension, a single storey rear extension and a small shed to the rear garden.
- 1.3 The property is not located is within a Conservation Area and is not subject to an Article 4 Direction. It is not a listed building.

2.0 Relevant Planning History

- 2.1 **DC/04/057980** - Certificate of Lawful Development in respect of the construction of two single storey extensions to the rear of 108 Marsala Road SE13 to provide additional living accommodation. **Granted**, 11/10/2004

3.0 Current Planning Application

3.1 This application seeks a Lawful Development Certificate (Proposed) in respect of the construction of a hip-to-gable roof extension and a rear dormer roof extension incorporating a Juliet balcony along with the replacement of the existing single storey rear extension to install bi-folding doors at 108 Marsala Road SE13, together with the insertion of three rooflights to the front roof slope.

3.2. The existing single storey rear extension would be replaced by a similar structure with similar footprint and construction materials. Bi-folding doors would be added to the rear and side elevations of the proposed single storey rear extension. The proposed single storey rear extension would extend 2.42m from the original two storey projection, with a maximum height of 3.21m, eaves height of 2.43m and a maximum width of 2.94m.

3.3 The proposed dormer conversion would measure as follows:

$$\frac{H2.67 \times w4.975 \times d3.63}{2} = 24.11m^3$$

The proposed hip-to-gable roof extension would measure as follows:

$$\frac{H2.34 \times w7.13 \times d3.53}{6} = 9.82m^3$$

In total, the proposed development would result in 33.93m³ of additional roof space.

4.0 Consultation

4.1 There has been no consultation with regards to this application as it is for a Lawful Development Certificate

5.0 Legislative context

5.1 The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) sets out the limits for the enlargement, improvement or other alteration of a dwellinghouse.

Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) sets out the limits for the enlargement of a dwellinghouse, consisting of an addition or alteration to its roof.

Schedule 2, Part 1, Class C of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) sets out the limits for any other alteration to roof of dwellinghouse.

Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) sets out the limits for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

6.0 Planning Considerations

6.1 This application for a Certificate of Lawful Development must be determined with regard to the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and the facts of the case.

Part 1 Class A (the enlargement, improvement or other alteration of a dwellinghouse)

6.2 Part 1 Class A : Development is not permitted if:

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	No
b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	There would be no increase in the area of ground covered by buildings as result of the works.
c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;	There would be no increase in height to the extension as result of the works.
d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;	N/A
e) the enlarged part of the dwellinghouse would extend beyond a wall which— (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse;	N/A
f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	N/A
g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	N/A
h) the enlarged part of the dwellinghouse would have more than a single storey and—	N/A

<ul style="list-style-type: none"> (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse; 	
<ul style="list-style-type: none"> i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres; 	N/A

6.3 Development is permitted by Class A subject to the following conditions—

<ul style="list-style-type: none"> a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; 	No evidence, an informative would be added to this effect.
<ul style="list-style-type: none"> b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be— <ul style="list-style-type: none"> I. obscure-glazed, and II. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and 	N/A
<ul style="list-style-type: none"> c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse. 	N/A

6.4 *The proposed single storey rear extension **would comply** with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).*

Part 1, Class B (addition or alteration to the roof of a dwellinghouse)

6.5 Part 1, Class B: Development is not permitted if:

<ul style="list-style-type: none"> a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use); 	No
<ul style="list-style-type: none"> b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof; 	No
<ul style="list-style-type: none"> c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway; 	No

<p>d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—</p> <p>(i) 40 cubic metres in the case of a terrace house, or</p> <p>(ii) 50 cubic metres in any other case;</p>	<p>No</p> <p>33.93m³</p>
<p>e) it would consist of or include—</p> <p>6.6 (i) the construction or provision of a verandah, balcony or raised platform, or</p> <p>6.7 (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or</p>	<p>No</p> <p>Yes, assessed under Class G.</p>
<p>f) the dwellinghouse is on article 2(3) land.</p>	<p>No</p>

6.6 Development is permitted by Class B subject to the following conditions

<p>a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;</p>	<p>An informative to a decision notice would be added to this effect.</p>
<p>b) the enlargement must be constructed so that—</p> <p>(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—</p> <p>6.7 (aa) the eaves of the original roof are maintained or reinstated; and</p> <p>6.8 (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and</p> <p>(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—</p> <p>(i) obscure-glazed, and</p> <p>(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.</p>	<p>N/A</p>

6.7 *The proposed roof extension **would comply** with Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).*

Part 1, Class C (other alteration to the roof of a dwellinghouse)

6.8 Part 1, Class C: Development is not permitted if

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	No
b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;	No. An informative to a decision notice would be added to this effect.
c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or	No
d) it would consist of or include— (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.	Yes, assessed under Class G.

6.9 Development is permitted by Class C subject to the following conditions

Development is permitted by Class C subject to the condition that any window located on the roof slope forming a side elevation of the dwellinghouse must be a) obscure-glazed; and b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.	N/A
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6.10 *The proposal to include the rooflights to the front roof slope **would comply** with Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).*

Part 1, Class G (the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse)

6.11 Part 1, Class G : Development is not permitted if

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	No
b) (b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or	No

<p>c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—</p> <p>(i) fronts a highway, and</p> <p>(ii) forms either the principal elevation or a side elevation of the dwellinghouse.</p>	<p>N/A</p>
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6.11 *The proposal to alter the chimney would comply with the provisions of Class G, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).*

7.0 Equalities Considerations

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

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

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

7.3 The duty a 'have regard duty' and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevant and proportionality. In this matter there is minimal/ no impact on equality. The proposed plans confirm that the works would be lawful when considered under the General Permitted Development Order.

8.0 Conclusion

8.1 The proposal would comply with Class [A], [B], [C] and [G] of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

9.0 RECOMMENDATION: Issue Certificate of Lawful Development

Informatives

Class A

Development is permitted by Class A subject to the following conditions:

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

- (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Class B

Development is permitted by Class B subject to the following conditions:

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the enlargement must be constructed so that—
 - (iii) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—
 - (aa) the eaves of the original roof are maintained or reinstated; and
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
 - (iv) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Class C

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- (a) obscure-glazed; and
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The applicant is reminded that in order for the proposed rooflights to comply with Class C, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the alteration must not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.

108 Marsala Road



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