

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 21 JUNE 2018 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

Membership

Councillors:

Olurotimi Ogunbadewa (Chair)

Stephen Penfold (Vice-Chair)

Bill Brown

Aisling Gallagher

Leo Gibbons

Louise Krupski

Jim Mallory

Hilary Moore

Sakina Sheikh

Alan Smith

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.

Ian Thomas
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 12 June 2018

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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 21 JUNE 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 (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 21 JUNE 2018

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 29th March 2018.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (C) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 29th March 2018 at 19:30.

PRESENT: Councillors Clarke (Chair), Hooks (Vice Chair), Bernards, Dacres, Hordijenko, Sorba, John Paschoud, Jacca.

OFFICERS: Michael Forrester – Planning Service, Kheng Chau Legal Services and Georgia McBirney – Committee Co-ordinator

APOLOGIES: Councillor Curran

1. DECLARATION OF INTERESTS

There were no declaration on interests.

2. MINUTES

The minutes of the meeting Planning Committee (C) held on the 22nd February were discussed. Councillors raised the following amendments to be made.

The last line of paragraph 3 on page 6 should be amended to read: *has not been built in accordance with the plans.*

Line two of paragraph 6 of Agenda Item 5 on page should be amended to read: *stated that the units have only been marketed as B1 as that is what they have consent for.*

3. Basement Flat, 89 Arbutnot Road, SE14 5NP (Item 4 on the agenda)

The presenting officer outlined that the application is for the construction of a single storey rear extension to basement flat, 89 Arbutnot Road. It was explained that two objections were received and that one of these was from the Telegraph Hill Society. It was explained that no objections had been raised by the Council's Conservation Officer. No questions were put to the Presenting Officer by members.

The Committee received verbal representations from Nigel Broome who is the applicant. Nigel Broome outlined that the proposal does not cause harm to the conservation area, only 7.5% of amenity space would be lost and that the topography of the site would

prevent the extension being visible from the street as the extension would be two levels below the street level. It was also outlined that the proposed materials would not harm the conservation area as they would not be visible from the conservation area. No questions were put to the applicant by members.

The Committee received verbal representations from Malcolm Bacchus of the Telegraph Hill Society and Richard Wells a resident. Malcolm Bacchus outlined that his objection is on a matter of principle in terms of the Councils application of DM Policy 36 on terms of visibility and comparability with the existing property. Malcom Bacchus further outlined that the proposed extension does not comply with the original building or the form and character of the conservation area. Richard Wells outlined that there is no objection to the principle of the extension but raises an objection in regards to the materials and design of the conservation area.

Councillor Jacca asked the Presenting Officer about whether the materials have to match the existing. The Presenting Officer clarified that materials do not have to match and that it is considered that the design of the extension is appropriate. The Presenting Officer also outlined that the application can be conditioned for samples of materials to be confirmed in writing by the Council.

Councillor Paschoud asked for the Presenting Officer to clarify the position on materials and visibility from the public realm. The Presenting Officer clarified that even if an extension is visible from the public realm the materials do not have to match the existing and that they need to be of a high quality.

Councillor Clarke (Chair) sums up that the main concerns in the regards to the proposal are whether the proposal is appropriate in a conservation area and whether the materials are acceptable.

Councillor Hooks moved a motion to accept the officer's recommendation, it was seconded by Councillor Paschoud.

Members voted as follows:

FOR: Councillors Clarke (Chair), Hooks (Vice-Chair), Bernards, Paschoud and Hordijkeno

Abstained: Councillors Sorba and Jacca

RESOLVED: That the application DC/17/104373 be approved

4. Garages at Crossway Court, Endwell Road, SE4 2NE (Item 5 on the agenda)

The Presenting Officer outlined the details of the proposal for the demolition of one (1) existing single storey garage block comprised of eleven (11) garages and a screen wall at Crossway Court, Endwell Road SE4 2NE and the construction of a part three/part four storey building to provide nine (9) residential units comprised of 5 x 3 bed, 2 x 2 bed and 2 x 1 bed self contained units, together with landscaping, refuse, sixteen (16) secure cycle parks and nine (9) car parks.

The Presenting Officer outlines that the application site is adjacent to the Telegraph Hill Conservation Area. The Presenting Officer also highlights that the standard of accommodation proposed is unobjectionable and that all of the proposed units would be for social rent. The Presenting Officer explained that three objections were received as well as an objection from the Telegraph Hill Society.

Councillor Paschoud asked the presenting Officer the reasoning behind the proposed flat roof and whether solar panels are proposed on the roofs. The Presenting Officer clarified

that the proposal was designed to be a contemporary block and that a flat roof would reduce the bulk of the building. The Presenting Officer stated that the requirement for solar panels could be conditioned if this was proposed by members.

The Committee received verbal representations from Philip Harvey of PCKO Architects and Kelvin Barker of Lewisham Homes. It was outlined that the proposal is a part of Lewisham Homes programme to deliver 500 new homes for social rent, that five of the proposed units family sized and that all units would be for social rent. Philip Harvey further outlined that the design had been amended in response to consultation by reducing the number of units, amending the cycle storage and the provision of living roofs. Kelvin Baker outlined that all of the proposed units would be for social rent, that all of the proposed units comply all standards and that the units would be allocated to residents on the housing waiting list. Kelvin Barker also outlined that Lewisham Homes has a requirement for contractors to liaise with residents throughout the construction process.

Councillor Sorba asked for clarification on the amended cycle storage. Philip Harvey stated that in response to consultation, the access to the cycle storage was amended so that it can be accessed from the front of the property and confirmed that 16 spaces would be provided.

Councillor Jacca asked whether solar panels have been considered. Philip Harvey responded that both green roofs and solar panels cannot be proposed, and that green roofs were preferred as to improve the energy efficiency of the building.

Councillor Clarke (Chair) asked for clarification on what would happen to the mature trees that are existing on the site. Philip Harvey confirmed that from the group of five trees, two would be removed and that smaller trees are proposed in the new planting.

Councillor Bernards asked whether any of the proposed car parking spaces are disabled. Philip Harvey confirmed that one space would be disabled.

The Committee received verbal representations from Malcolm Bacchus of the Telegraph Hill Society. Malcolm Bacchus outlined that his comments are in regards to DM Policy 36 and that the proposal has a negative impact on the conservation area. Malcolm Bacchus further outlined that the proposed buildings are plainer than those in the conservation area, the window patterns does not complement the conservation area, the proposal does not include a pitched roof and the design is not good enough for a conservation area.

No questions were put to the objector by members.

Councillor Sorba asked for clarification on the existing trees on the site. Councillor Clarke confirmed that two mature trees would be removed. Councillor Sorba also asked for clarification on whether the policy is interpreted differently as the application site is adjacent to a conservation area. The Presenting Officer clarified that the setting of the conservation area still has to be considered and that the Council's Conservation Officer has not objected to the application.

Councillor Hooks moved a motion to accept the officer's recommendation, it was seconded by Councillor Bernards.

Members voted as follows:

FOR: Councillors Hooks, Bernards, Sorba and Jacca.

Abstained: Councillors Clarke, Paschoud and Hordijenko.

RESOLVED: That the application DC/17/105055 be approved.

5. Pepys Housing Office, Eddystone Tower (Item 6 on the agenda)

Councillor Dacres joined the committee meeting.

The Presenting Officer outlined the details of the case for the change of use, alteration and conversion of the Class B1 office space at ground and first floor levels of Eddystone Tower, Oxestalls Road SE8 together with the demolition of the existing rear extension, the construction of a two storey rear extension and alterations to the elevations to provide 2 three bedroom maisonettes, 1 two bedroom, 1 three bedroom and 1 four bedroom self-contained flats and a community facility (Use Class D1).

The Presenting Officer outlined that five units would be provided as a part of Lewisham Homes 500 Homes Programme and that all of the units would meet or exceed the required space standards. The Presenting Officer outlined that one objection was received.

Councillor Hooks asked whether the application was being determined at Committee due to the objection, this was confirmed by the Presenting Officer.

The Committee received verbal representations from John Milner of Baily Garner LLP and Kelvin Barker of Lewisham Homes. John Milner outlined that five social rent units and a community space would be provided, all units would benefit from private amenity space and that cladding has been removed from the proposal. Kelvin Barker outlined that the management of the community facility is yet to be confirmed but it will either be managed by the Council or Lewisham Homes. Kelvin Barker states that everything he stated in regards to the community liaison on the previous item on the agenda is applicable to current application. Councillor Clarke states this is fine and it does not need to be repeated.

Councillor Paschoud asked if the Tenants Residents Association (TRA) have raised concerns over the move of the office. Kelvin Barker stated that the housing office was moved a few years ago and that this was subject to consultation.

Members also asked questions in regards to use of the community space and Kelvin Barker stated that the proposed use of the community space is in response to consultation with residents.

The Committee received verbal representations from Malcolm Cadman a resident and from the Chair of Tenants action Group and Pepys Forum. Malcolm Cadman outlined that he is not opposed to the provision of social rent units but does not consider the proposal to be attractive. Malcolm Cadman also raised concerns about the proposed use of the community space and the lack of consultation in the design of the proposal. It was stated that consultation events were regularly cancelled.

Councillor Paschoud outlined that the objectors raise valid points in regards to the communication between existing tenants and Lewisham Homes but that they are not relevant to the current planning application. Councillor Paschoud asked Councillor Clarke (Chair) to raise these concerns to the relevant bodies/committees.

Councillor Sorba and Jacca asked for clarification on the consultation process as the objectors stated that consultation was not carried out correctly. The Presenting Officer clarified that there are two types of consultation, there is the statutory consultation for the planning application and that there is a separate corporate consultation process.

Councillor Paschoud moved a motion to accept the officer's recommendation, it was seconded by Councillor Hooks.

Members voted as follows:

FOR: Councillors Clarke (Chair) Hooks, Paschoud, Dacres, Hordijkeno, Sorba and Jacca.

ABSATINED: Councillor Bernards

RESOLVED: That the application DC/17/104445 be approved.

Councillor Hooks left the committee.

6. 14 Manor Lane, SE13 5QP (Item 7 on the agenda)

The Presenting Officer outlined the details of the case for the construction of a hip-to-gable roof extension and rear roof extension together with installation of two replacement front rooflights at 14 Manor Lane, SE13. The Presenting Officer clarified that the application site is in the Lee Manor Conservation Area Extension which was extended in 2008. The Presenting Officer outlines that a number of properties in the street altered their roofs under Permitted Development prior to the extension of the conservation area.

The Presenting Officer outlines that two neighbour objections were received and that an objection was received from the Lee Manor Society. The Presenting Officer outlined that ordinarily the proposed extension would not be supported in a conservation area but as the street has a different character from the rest of the conservation area the proposal is not considered to cause any harm to the conservation area. The Presenting Officer also outlined that a similar extension to that which is proposed was allowed on appeal at No. 26 Manor Lane and a development approved at no 22 Manor Lane.

Councillor Paschoud asked for further information on the appeal at No. 26 Manor Lane. The Presenting Officer stated that extension at No.26 was refused by the Council in 2016 and approved on appeal as the Planning Inspectorate did not consider the extension to detract from the character and appearance of the conservation area.

Neel Dakshy of Neel Dakshy Architects stated that he would only speak on behalf of the applicants if members had any questions. Members did not have any questions.

The Committee received verbal representation from Charles Batchelor of the Lee Manor Society. Charles Batchelor stated that the proposed hip to gable and the size of the rear dormer was concerning, that four of the seven examples provided are from before the extension to the conservation area and that different Planning Inspectors take different views, as hip to gable extensions have been refused in the conservation area. Charles Batchelor also made reference to a draft Supplementary Planning Document (SPD) and stated that the proposal would be inconsistent with the draft SPD.

No questions were put to the objector by members.

Councillors Paschoud and Sorba raised questions about the status of the draft SPD. The Presenting Officer stated that this draft SPD is not policy and holds no weight as it has yet to be consulted on.

Councillor Sorba asked for reaffirmation as to if why the proposal is inconsistent with policy, why is it recommended for approval. The Presenting Officer stated that this has been debated and that the proposed hip to gable in its specific terrace is not considered to harm the character of the conservation area and that no objections have been raised by the design and conservation officers.

Councillor Sorba moved a motion to reject the officer's recommendation, this was seconded by Councillor Jacca. However this motion was not carried forward.

Members voted as follows:

For: Councillors Sorba and Jacca

Against: Councillors Bernards and Paschoud

Abstained: Councillors Clarke (Chair), Dacres and Hordijkeno

Members deliberated the recommendation further. Councillors John Paschoud moved a motion to accept the officer's recommendation, this was seconded by Councillors Bernards.

Members voted as follows:

For: Councillors Clarke (Chair), Paschoud, Bernards and Hordijkeno

Against: Councillors Sorba and Jacca

Abstained: Councillor Dacres

7. 58 Effingham Road, SE12 8NU (Item 8 on the agenda)

The Presenting Officer outlined the details of the case for the construction of a dormer extension to the rear roof slope together with the installation of two roof lights to the front roof slope at 58 Effingham Road SE12. The Presenting Officer outlined that the roof lights on the front roof slope would be flush and that the proposed rear dormer would be recessed.

The Presenting Officer outlined that one objection was received from the Lee Manor Society in regards to the proposed roof lights. The Presenting Officer outlined that there are numerous examples of roof lights on the front roof slopes in the vicinity of the application property.

Members had no questions for the Presenting Officer.

The Committee received verbal representations from the applicant Guy Swarbeck. Guy Swarbeck outlined that the proposed extension is to accommodate his growing family and that proposal is consistent with other extensions and alterations on the street. The applicant clarified that the proposed roof lights would be conservation style. Members had no questions for the applicant.

The Committee received verbal representations from Charles Batchelor of the Lee Manor Society. Charles Batchelor confirmed that the objection was only in regards to the proposed roof lights on the front roof slope as they lead to spreading of light at night and result in additional detailing on the roof line. Charles Batchelor stated that an alternative to having the roof lights on the front roof slope should be found as they erode the character of the conservation area.

Councillor Paschoud asked the objector if a condition to address light pollution would address the concerns. Councillor Clarke (Chair) stated that clarification should be sought from the Presenting Officer. The Presenting Officer stated that that a condition to address light pollution would not be reasonable or enforceable, it was stated that an informative can be added to a decision. Councillor Clarke (Chair) asked whether the type of glazing could be conditioned as to reduce light spill. The Presenting Officer stated that there are different technical types of glazing, but it should be remembered that this is a residential street in London so there is an existing light spill.

Members asked the Presenting Officer if there was an alternative to having roof lights on the front roof slope. The Presenting Officer outlined that as the proposal includes a rear dormer they cannot be proposed on the rear roof slope. The Presenting Officer clarified that the proposed roof lights would be flush to the roof slope and that the Conservation Officer raised no objection to the proposed roof lights.

Councillor Dacres moved a motion to accept the officer's recommendation, this was seconded by Councillor Jacca.

Members voted as follows:

For: Councillors Clake (Chair), Bernards, Dacres, Paschoud, Hordijenko and Jacca.

Abstained: Councillor Sorba

The meeting ended at 9.30pm.
29th March 2018

Chair

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Committee	PLANNING COMMITTEE C	
Report Title	222-222A TRUNDLEY'S ROAD, LONDON, SE8 5JE	
Ward	EVELYN	
Contributors	Russell Brown	
Class	PART 1	21st June 2018

<u>Reg. Nos.</u>	DC/17/101678
<u>Application dated</u>	18.05.2017
<u>Applicant</u>	Mr G Hopkins & Mr De Kock Van Zyl
<u>Proposal</u>	The demolition of the existing buildings at 222-222a Trundley's Road, SE8 and construction of a new part 3, part 4 storey residential building comprising a total of 7 self-contained residential units (3 x 1 bed and 4 x 2 bed) with associated outdoor amenity space, landscaping and cycle storage.
<u>Applicant's Plan Nos.</u>	2613 / L / 01 Rev A; 2613 /P / 01; 2613 /P /02 Rev A; 2613 /P /03; Construction Management Plan; Daylight and Sunlight Assessment; Demolition Method Statement; Design and Access Statement; External Materials Schedule; Noise and Vibration Assessment; Planning Statement; Sustainability Statement Received 18th May 2017 Phase 1 Contamination Risk Assessment (August 2017); Phase 1 Flood Risk Assessment (September 2017) Received 21st September 2017 2613 /P /43 Rev K; 2613 /P /46 Rev B Received 23rd March 2018 2613-P-42 Rev M; 2613-P-44 Rev J; 2613-P-51 Rev D; 2613-P-52 Rev D; 2613-P-53 Rev C; 2613-P-54 Rev B; 2613-P-55 Rev D; 2613-P-56 Rev A; 2613-P-61 Rev F; 2613-P-62 Rev E Received 4th April 2018
<u>Background Papers</u>	(1) Case File DE/191/222/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	Area of Archaeological Priority PTAL 1a London Underground Zone

Screening

N/A

1.0 Property/Site Description

- 1.1 The proposal site is an amalgamation of two sites; 222 Trundley's Road which is a two storey house of traditional appearance, and 222a Trundley's Road which is a small single storey building occupying the majority of the rectangular shaped plot, save a courtyard to the front.
- 1.2 222 Trundley's Road is a two storey, three bedroom, double-fronted end-of-terrace house with a part butterfly, part pitched roof attached to a two storey flat-roofed dwellinghouse with a single storey extension to the rear, spanning both elements of the frontage building. The building is located on a triangular shaped plot, and the building itself is tapered, assumed to maintain a distance from the adjacent railway line. The garden to the rear has mostly been covered by the single storey conservatory. A small hard surfaced courtyard has been left to the side/rear of the property, leaving a gap between the buildings on 222 and 222a Trundley's Road.
- 1.3 222a Trundley's Road is a single storey, flat roofed dwelling with two bedrooms, spanning the entire depth of the rectangular shaped plot. The yard in-between the buildings was historically used for vehicle repairs, but that use has long since ceased. The site is located on the southern side of Trundley's Road and has approximately 16m of road frontage, overlooking Folkestone Park opposite.
- 1.4 The existing outlook from both properties is either onto the railway line and sidings to the rear, or onto Trundley's Road and the park beyond from the front of the plot. To the immediate south is a railway embankment that steps up approximately 15m to the railway line from the ground level of the application site.
- 1.5 The site has a Public Transport Accessibility Level of 1a meaning that the site does not benefit from readily accessible public transport links. Trundley's Road and Rolt Street to the south east are B Classified Roads, which means that they are not as busy as an arterial route through London, but not as quiet as a lightly trafficked residential road.
- 1.6 This part of Trundley's Road is within an Area of Archaeological Priority, Flood Risk Zones 2/3, a London Underground Zone and a Site of Importance for Nature Conservation while the adjacent railway sidings/embankment forms part of a Green Corridor. The site does not comprise any listed buildings, nor is it in within a Conservation Area.

2.0 Relevant Planning History

- 2.1 DC/08/69821: In December 2008 planning permission was refused for the construction of a two storey, two bedroom house to the side and rear of 222 Trundleys Road, SE8. The reasons for refusal were as follows:
1. The proposed development, by reason of its form, excessive site coverage and loss of the external amenity space currently serving the existing three bedroom house on the site, would result in overdevelopment of the site and inadequate amenity space for the existing dwelling, contrary to Policies HSG 5 Layout and Design of New Residential Development, HSG 4 Residential Amenity and HSG 7 Gardens of the adopted Unitary Development Plan (July 2004).
 2. The proposed development would fail to provide secure cycle storage, contrary to policy TRN 14 Cycle Parking in the adopted Unitary Development Plan (July 2004).

This application was dismissed on appeal on 3 August 2009 on the grounds of overdevelopment and a lack of outside space and cycle parking for future occupiers.

2.2 DC/09/70941: In 2009, a revised application for the construction of a two storey, two bedroom house with roof terrace to the side and rear of 222 Trundleys Road SE8 was refused for the following reasons:

1. The proposal would result in an unacceptable standard of accommodation for future occupiers by reason of a poor layout that would result in a narrow and cramped ground floor living area, much of which would need to be used for circulation space, which is unsatisfactory and contrary to Policy HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (July 2004) and the Council's Residential Development Standards: Supplementary Planning Document adopted August 2006.
2. The proposal, by virtue of the proposed roof terrace, would result in an unacceptable impact on the properties located at 220-206 Trundleys Road in terms of overlooking and potential for disturbance and is therefore contrary to Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
3. The applicant has failed to provide a satisfactory Flood Risk Assessment that sufficiently addresses the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25) and therefore does not demonstrate that future residents would be adequately protected from flooding.
4. The proposed development would result in loss of existing garden area for the existing house, contrary to Policy HSG 7 Gardens in the adopted Unitary Development Plan (July 2004).

2.3 DC/13/83516: Planning permission was refused on 8th August 2013 to extend and convert the existing dwelling into two self contained 2 bedroom dwellings. The proposals included a two storey extension to the rear. The scheme was refused for the following reasons:

1. The existing building has a net internal floor space of less than 130m², consequently the principle of conversion would fail to comply with policy HSG 9 'Conversion of Residential Property' of the adopted Unitary Development Plan (July 2004) and the Adopted Residential Development Standards SPD (June 2006) and Policy DM 3 'Conversion of a single dwelling to two or more dwellings' of the Local Development Framework Development Management Local Plan submission version (May 2013) which seeks to retain such properties for family occupation.
2. The proposed conversion and extension would result in the provision of a contrived two bedroom unit that by virtue of the poor circulation and impractical layout would create an unacceptable standard of living accommodation contrary to Policy DM 32 'Housing design, layout and space standards' of the Local Development Framework Development Management Local Plan submission version (May 2013) and adopted Residential Development Standards SPD (June 2006).
3. The proposed extension, by reason of its form, depth and scale, would result in an overbearing impact upon the future occupiers of the converted dwelling, resulting in overshadowing and an excessive of enclosure, contrary to Policies HSG 4 Residential Amenity and Policy DM 32 'Housing design, layout and space standards' of the Local Development Framework Development Management Local Plan submission version (May 2013).
4. The applicant has failed to provide a satisfactory Flood Risk Assessment that sufficiently addresses how the development would adequately protect future residents from the risk of flooding. The proposal is therefore contrary to Core Strategy Policy 10 of the Core Strategy 2011, and paragraph 103 of the National Planning Policy Framework 2012.

2.4 DC/15/94457: Planning permission was refused on 8th April 2016 for the demolition of the existing buildings and the construction of a part 1-4 storey building, including basement level, to provide 2, one-bedroom and 5, two-bedroom self-contained flats and

maisonettes with a roof terrace and balconies, associated landscaping and cycle and refuse storage for the following reasons:

1. The proposed development would provide a poor standard of residential accommodation for future occupiers by failing to achieve the minimum floor areas in Units 2 & 3 and by creating poor outlook and poor quality external space and a lack of adequate cycle parking facilities for the maisonettes and a loss of privacy for the second bedroom in Unit 5, contrary to Policy 3.5 Quality and design of housing developments and Policy 6.9 Cycling of the London Plan (2015), Core Strategy Policy 14 Sustainable movement and transport (2011), DM Policy 32 Housing design, layout and space and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2015).
2. The proposed development by virtue of its siting, excessive scale and mass and design would result in a development which fails to visually relate to the adjacent row of terraced properties and would be located too close to the railway embankment. The proposal therefore results in overdevelopment of the site which is contrary to London Plan Policy 7.4 Local Character and London Plan Policy 7.6 Architecture (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (2011), DM Policy 30 Urban design and local character and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).
3. The proposed roof terrace would result in an unacceptable level of overlooking into the garden of 220 Trundleys Road and potential for disturbance which would be contrary to Core Strategy Policy 15 High quality design for Lewisham (2011) and DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2015).

This application was dismissed on appeal (ref. APP/C5690/W16/3156325) on 23rd December 2016 on the grounds of providing an unsatisfactory standard of accommodation and having an adverse effect on the living conditions of the adjoining occupiers. Officers' design-related concerns, however, were dismissed.

2.5 DC/16/098769: Planning permission was refused on 14th December 2016 for the demolition of the existing buildings at 222-222a Trundley's Road SE8 and construction of a new part 3/part 4 storey residential building comprising a total of 7 self contained residential units (2 x 1 bed and 5 x 2 bed) with associated outdoor amenity space, landscaping and cycle storage for the following reasons:

1. The proposed development by reason of its siting, excessive scale and mass together with poor detailed design would fail to visually relate to either the adjacent two storey terraced houses or the adjoining railway embankment and bridge. The proposal therefore results in overdevelopment of the site which is contrary to Policies 7.4 Local Character and 7.6 Architecture of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).
2. The proposed development would provide a poor standard of residential accommodation for future occupiers of the ground floor units by reason of unsatisfactory outlook and inadequate quality of private amenity space provision, contrary to Policy 3.5 Quality and design of housing developments of the London Plan (March 2016) and DM Policy 32 Housing design, layout and space and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).
3. The Flood Risk Assessment by ambiental (August 2016) fails to demonstrate that adequate flood mitigation measures would be available to protect the two ground floor units from the impact of flooding, contrary to Policy 5.12 Flood risk

management, of the London Plan (March 2016) and Policy 10 Managing and reducing the risk of flooding of the Core Strategy (June 2011).

3.0 **Current Planning Application**

3.1 Planning permission is sought for the demolition of the existing buildings on site and the construction of a new part 3, part 4 storey residential building comprising a total of 7 self contained residential units (3 x 1 bed and 4 x 2 bed) with associated outdoor amenity space, landscaping and cycle storage.

3.2 The proposed accommodation schedule is below:

Unit Number	Dwelling Type	Proposed GIA (m ²)	External amenity space
1	1B/2P	53.81	Garden (22.4m ²)
2	1B/2P	53.2	Garden (19.1m ²)
3	2B/3P	61.5	Balcony (7.6m ²)
4	2B/3P	66.14	Balcony (7.6m ²)
5	1B/2P	50.59	Terrace (8.9m ²)
6	2B/3P	66.16	Balcony (7.6m ²)
7	2B/3P	66.5	Terrace (17.7m ²)

3.3 The difference between the previous application and the current proposals is the following:

- The omission of the stepped access to the rear with the provision of a single, lower level amenity space;
- The use of brickwork punctuated by contrasting brickwork designs and metal framed windows;
- The increase in overall height;
- The raising in the ground floor levels for Units 1 and 2 and the provision of an internal communal stairwell from the ground floor to upper floors with a new access door to it from Units 1 and 2;
- The replacement of the top storeys with elements that are stepped in from all the boundaries and proposed to be constructed in a different material;
- The introduction of a larger terrace for Unit 7;
- The change to the design of the ground floor doors; and
- The removal of vertical strip glazing and the incorporation of patterned textured brick panels.

3.4 Generally, the building would be up to four storeys in height, stepping down to 3 storeys towards the remainder of the adjoining terrace. The parapet height and plot width of the latter section would align with no. 220. The building would then step up to four storeys towards the railway bridge. The top storeys would be lightweight in appearance, being that they would be clad in metal, contrasting with the brick façades below.

3.5 The building would be constructed using brickwork with patterned, textured brick panels, metal cladding and the following materials for the other details:

- Polyester powder coated metal framed double glazed windows and cappings.
- Clear, frameless glass balustrades with stainless steel handrails for the composite decked balconies.
- Grey felt membrane flat roof to the main building
- A green roof for the flat roof on top of the three storey element.

3.6 Refuse storage is proposed to be located within a single storey ground floor annexe to the south east side of the site, while cycle storage would be located within the communal hallway for Units 5, 6 and 7 and within cupboards in the hallways of Units 1 and 2.

4.0 Consultation

- 4.1 Pre-application advice was sought and advice was given that a revised proposal would likely be acceptable subject to concerns about the rear amenity space and flood risk being satisfactorily addressed.
- 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 A site notice was displayed and letters were sent to 13 adjoining addresses, Evelyn Ward Councillors, the Environment Agency, Thames Water, London Overground, Network Rail, TfL and the Council's Highways Officer.

Written Responses received from Local Residents

- 4.4 Four responses were received (three objections and one comment), raising the following concerns:
- The proposed development, particularly the roof terraces, would give rise to direct overlooking and would also restrict outlook and levels of both daylight and sunlight, contrary to the Right to Light Act and the Human Rights Act, and therefore residents' right to the quiet enjoyment of their properties.
 - The proposed development would fail to visually relate to and would look completely out of character with the adjacent terraced period properties.
 - The proposed development would create a parking and congestion problems for existing residents.
 - The proposed development would likely cause serious foundational / structural damage to the other properties at Trundley's Road.
 - The external cladding fascias should not be made of timber, which looks unsightly over time.
 - CIL/Section 106 money should fund a new playground in Folkestone Gardens.
 - The proposed development does not respect local context, street pattern or the scale and proportions of surrounding buildings and would be to the detriment of the local area and neighbouring occupiers.
 - The proposal would affected the period features of the properties, which would result in the loss of the historical look of the terrace.

Written responses received by Internal Consultees

- 4.5 The Council's Highways Officer made the following comments:
- At least 1.8m should be allowed for the length of a bicycle, not the 1.2m shown. Consideration should be given to adequate space for manoeuvring bicycles in and out of the store. There should be at least 0.5m of space around the bicycles located near the stairs. Vertical racks are not encouraged as they are not accessible for all types of users and Sheffield stands or two tier Josta racks would be acceptable.
 - A Construction Management Plan must include the following:
 - delivery vehicle routing (swept path analysis may be required to demonstrate that delivery vehicles can access the development dependent on the location)
 - details of the number of deliveries and the times when deliveries and servicing takes place
 - details of size of delivery vehicles
 - details of a waste management strategy as refuse collection, including domestic waste, is a servicing activity and will need to be considered
 - details of hoarding at street level.

Written responses received by External Consultees

- 4.6 On reviewing revised information relating to flood risk, ground contamination and floor levels, the Environment Agency raised no objection provided the following planning conditions are included:
1. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Ambiental, updated September 2017 and updated plans and drawings submitted on 21 September 2017, and the following mitigation measures detailed within the FRA: Finished floor levels of sleeping accommodation are set no lower than 3.24m AOD.
Reason: To reduce the risk of flooding to the proposed development and future occupants.
 2. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reason: To ensure development complies with the National Planning Policy Framework. To prevent any impact on groundwater within the underlying Principal and Secondary aquifers.
 3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reason: To ensure development complies with the National Planning Policy Framework. To prevent any impact on groundwater within the underlying Principal and Secondary aquifers.
 4. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: To ensure development complies with the National Planning Policy Framework. To prevent any impact on groundwater within the underlying aquifers located in Source Protection Zone 1 for a public water supply.

4.7 TfL commented that cycle parking for 12 cycles have been provided, and these spaces should be secured by condition.

4.8 Rail for London (RfL) sought various conditions on the planning application regarding demolition and construction works, including methodology, machinery, scaffolding, lighting and landscaping.

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 (March 2016)

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

- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.15 Water use and supplies
- Policy 5.18 Construction, excavation and demolition waste
- Policy 5.21 Contaminated land
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling

Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 8.3 Community infrastructure levy

Publication of the Draft London Plan for consultation

- 5.7 The Draft London Plan has been under consultation, the period for which expired in March. As the policies within the Plan are at a very early stage, they can be afforded an extremely limited weight, and are not at this stage considered to represent sufficient weight to warrant the departure from adopted local Planning Policy.

London Plan Supplementary Planning Guidance (SPG)

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

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

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 10 Managing and reducing the risk of flooding
Core Strategy Policy 12 Open space and environmental assets
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Development Management Plan

- 5.10 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development
DM Policy 22 Sustainable design and construction
DM Policy 24 Biodiversity, living roofs and artificial playing pitches
DM Policy 25 Landscaping and trees
DM Policy 26 Noise and vibration
DM Policy 27 Lighting
DM Policy 28 Contaminated land
DM Policy 30 Urban design and local character
DM Policy 32 Housing design, layout and space standards

Residential Standards Supplementary Planning Document (updated May 2012)

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

6.0 Planning Considerations

- 6.1 The relevant planning considerations are:
- a. Principle of development
 - b. Scale, layout and design
 - c. Housing
 - d. Highways and traffic issues
 - e. Impact on adjoining properties
 - f. Sustainability and energy
 - g. Flood risk and contamination
 - h. Nature conservation
 - i. Other matters, including CIL

Principle of development

- 6.2 The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.3 The NPPF encourages the effective use of land by reusing land that has been previously developed (brown field land).
- 6.4 Lewisham's Core Strategy Policy 1 Housing provision, mix and affordability states that new developments should not result in a net loss of housing. However, in this case there would be an uplift in housing provision, from two to seven units.
- 6.5 With regard to the yard that was formerly used for vehicle repairs, this is a historic use which ceased decades ago and, as such it is not necessary to consider the loss of employment space.
- 6.6 In light of the above, the principle of demolition of all buildings on site was supported previously, and Officers still consider the principle of demolition to be acceptable in this instance. DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas 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.

- 6.7 The proposed development is for the demolition of the existing buildings, both of which are single family dwellings. Neither of the buildings on the proposal site hold any particular architectural interest, although the flat-roofed section of 222 Trundley's Road is paired with the adjoining house to the north (no. 220) and therefore this visual relationship dictates a design solution to create a fluid transition between the new and old structures.
- 6.8 The pitched roof element of 222 Trundley's Road that forms the 'book-end' to the row of terraced houses has a different form and scale from the adjoining buildings of the terrace. The single storey building on 222a Trundley's Road appears to have been altered to such an extent that all original features are unrecognisable. As such, the replacement of both of the existing buildings on site is acceptable and provides an opportunity to enhance the site.
- 6.9 Core Strategy Spatial Policy 2 identifies Deptford as a Regeneration and Growth Area. This area will support the creation of a more sustainable Borough by being the prime location for new development. Deptford generally benefits from good transport links and a range of town centre uses and facilities. However, the proposal site is surrounded mainly by other residential properties with the closest railway stations being more than 20 minutes walk away. The closest bus stop is approximately 160m away on Sanford Street, so the application site does not yet fully benefit from the close proximities of infrastructure as envisaged for the Regeneration and Growth Areas.
- 6.10 The existing buildings on site are used for residential purposes and therefore there are no objections to a residential development on the site. The fact that the site is within the Regeneration and Growth Area means that sustainable developments are supported in the area and therefore Officers do not raise any objections to the principle of an increase in residential development at the application site.
- 6.11 The principle of infill development is generally supported by the Council. However, the details of the application must also be acceptable in relation to the criteria in DM Policy 33, which also makes reference to DM Policy 32. In addition to this, Officers will have regard to the design, standard of accommodation, impact on neighbours, sustainability and highways / transport impacts of the proposal.

Design

- 6.12 Chapter 7 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.13 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.
- 6.14 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 6.15 Officers acknowledge that a number of design changes have been implemented by the applicant and agent necessary to gain Officer support to the current proposal. Generally, the building would be up to four storeys in height, stepping down to 3 storeys towards the remainder of the adjoining terrace. The parapet height and plot width of the latter section would align with no. 220. The building would then step up to four storeys towards the

railway bridge. The top storeys would be lightweight in appearance, being that they would be clad in metal, contrasting with the brick façades below.

- 6.16 In the appeal decision issued after the Council's previous refusal of planning permission, the Inspector found that the proposed development would be not of an incongruous scale or height, and therefore would not be unduly dominating. They also considered that the development would continue the rhythm created by the existing terrace and would visually relate to it. Furthermore, she raised no issue about the proposed lightwells or the plot coverage.
- 6.17 However, since the appeal and as set out in the current planning application, the basement floor has been removed and an additional storey has been added meaning that the proposed development is higher by 725mm, or 9.425m where it adjoins no. 220 compared with 8.7m previously. The fourth storey would now be 2.62m higher than the third storey, a decrease of 21cm from the previous 2.83m difference in height.
- 6.18 The detail of how the proposed building would adjoin the existing, neighbouring terraced property is crucial to its successful integration into the streetscene and as a continuation of the existing terrace. Officers now consider that it reads as a terrace of three buildings, which helps it to better reflect the form and massing and visually relate to the plot width of the Victorian terrace to which it is attached. This is evidenced by the contextual analysis, which demonstrates that the proposed development has a sufficiently horizontal emphasis.
- 6.19 The fourth storey has only been considered acceptable as it would be well setback across the whole front (north east) and north west elevations, thereby having a positive impact on the streetscene and appearing a more lightweight element. Therefore, the proposed development is considered to visually relate well to the adjacent row. A recess through the use of a consistent set back and parapet height has been incorporated at the uppermost floor levels across both levels of built form, as advised by Officers. It is also evident that care has been taken to allow the building to appear coherent at roof level to the non-recessed element on the railway-facing elevation.
- 6.20 With regard to the elevational treatment, the use of brickwork punctuated by contrasting brickwork designs and metal framed windows to complement the cladding is also acceptable. The choice of the cladding materials reflects the need to ameliorate the impression of height to the building and responds to the character of the attached terrace, with its transition from main façade material to roof level material. Further details of the brickwork, metal cladding and windows, as well as the green roof, are recommended to be secured by condition. It is noted that the provision of green roofs are encouraged by Officers.
- 6.21 The fenestration is also considered to relate well to the adjoining terrace. At ground floor level, the doors are evenly spaced out with each division of the building featuring a door. Furthermore, the design of the door for the refuse store is adequately differentiated.
- 6.22 Therefore, Officers raise no objection to the proposals on design grounds.

Housing

- 6.23 The proposal is for seven units, which is below the 10 unit threshold where a family sized unit would form part of a required dwelling mix. There are no local policy requirements suggesting that the proposed 3 x 1 bed and 4 x 2 bed flats would be unacceptable in planning terms. The proposal is therefore acceptable to this regard.

- 6.24 The proposed floor areas and floor to ceiling heights in all units, which are dual aspect, now achieve or exceed the London Plan requirements and demonstrate that basic furniture can be accommodated in each of the rooms, which is acceptable.
- 6.25 Officers consider that the removal of the basement level from the previous application goes a considerable way to improving the standard of accommodation for future occupiers, and therefore the outlook for the bedrooms and living spaces in the revised layout is now considered acceptable. Furthermore, the conclusions of the daylight and sunlight report are deemed acceptable.
- 6.26 The stepped access previously proposed has now been removed, which has led to Officers' concerns being alleviated about poor outlook and a sense of enclosure being created for future occupiers. A single, lower level amenity space is now proposed for Units 1 and 2 and whilst this is still relatively irregular in shape, due to the constraints of the site this is deemed acceptable in terms of the quality of outside space.
- 6.27 The application was submitted with a noise and vibration assessment given the close proximity of the adjacent railway line, which is used by Overground trains and by freight. The document concludes that with the provision of appropriate glazing, an acceptable internal level of noise can be achieved for the development, which will be conditioned. With regard to the assessment of vibrations, the document concludes that there would be a low probability of an adverse impact during both the daytime and night-time periods and therefore vibration mitigation would not be required. The application therefore complies with DM Policy 26.
- 6.28 Given the results of the survey, the alternative amenity space provided for all units to the front of the new building, and the presence of existing properties within the terrace, Officers do not raise any objections to the proposal on the grounds of noise or vibrations.
- 6.29 The proposed development would be between 8m and 16m from the adjacent railway line that is elevated by approximately 15m from the ground level of the application site, sitting at a similar level to the third floor of the proposed development. Lewisham's Residential Standards SPD provides guidance with regard to residential buildings and their habitable rooms facing each other, but there is nothing prescribed for overlooking from other sources.
- 6.30 The other windows facing directly onto the railway line serve the communal staircase, bathrooms and secondary windows to a bedroom, bathrooms and living/dining/kitchen areas which Officers consider to be acceptable with regard loss of privacy for future occupiers.
- 6.31 The standard of accommodation is now considered acceptable.

Highways and traffic issues

- 6.32 The Council's Highways Officer raised objections to the Construction Management Plan submitted with the application as it lacked sufficient detail and advised that it should not form part of the approved documents if planning permission were to be granted. Therefore, it is recommended that a condition be added in order to secure a suitable CMP.
- 6.33 The current scheme is proposed to be car-free, but Officers are satisfied that there is ample parking on both Trundley's Road and Rolt Street such that any additional parking resulting from the proposed development would not significantly compromise the availability of existing car parking spaces. In any case, one and two bedroom flats are being provided, which are less appealing to families who are more likely to own or buy a car.

- 6.34 The application submission includes the provision of a refuse chamber which comprises two large communal bins that Officers consider would provide sufficient capacity for a scheme of seven units.
- 6.35 Based on the unit type proposed, the development would be required to provide 12 cycle parking spaces in line with Table 6.3 of London Plan Policy 6.9. The proposal is for 11 spaces to be within the communal hallway. In the absence of sufficient space for adequate provision in the form of Sheffield stands or a covered store, Officers are minded to accept the use of vertical racks. A condition is recommended for details of the racks and to demonstrate that they can accommodate the requisite number of bicycles.

Impact on the amenity of neighbouring occupiers

- 6.36 Core Strategy Policy 15 High quality design for Lewisham seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed developments to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers. Development Management Policy 33 Development of infill sites, backland sites, back gardens and amenity areas therefore seeks to ensure that infill development would result in no significant overshadowing or overlooking, and no loss of security or amenity.
- 6.37 The sunlight and daylight study submitted with the application confirms that there would not be any significant adverse effects upon access to daylight and sunlight to neighbouring occupiers within the terrace. Given the southern orientation of the rear of the application terrace, and the fact that none of the proposed development projects forward of the building line to the front or the rear, Officers consider that any impact from the proposed development would be negligible and therefore acceptable.
- 6.38 An objection was received on the grounds of overlooking from a terrace, which was previously proposed as part of the scheme. Since this has been removed from the current iteration, no overlooking would ensue. Appropriate boundary treatments are recommended to be secured by condition for the balconies and terrace at third floor level, and the green roof would not be accessible. As such, Officers consider that there would be no significant loss of privacy.

Sustainability and Energy

- 6.39 The Sustainability Statement submitted refers to measures that could reduce the energy demand and water consumption of the proposed development. This is recommended to be secured by condition.

Flood risk and contamination

- 6.40 The Environment Agency initially raised objections to the scheme on the basis of inadequate flood risk assessment and insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.
- 6.41 However, revised drawings were submitted demonstrating that the floor levels to the ground floor living rooms and bathrooms would be sufficiently raised. Also the Flood Risk Assessment and a Contamination Risk Assessment have been re-submitted. The submitted information confirms that that floor levels for sleeping accommodation would need to be set 300mm above the breach flood level to avoid being inundated by water, which is the same for the communal stairway from the ground floor to the upper levels, the information provides details of flood resilience measures. The evidence submitted is supported by Officers and the Environment Agency.

- 6.42 Both these documents are recommended to be secured by a condition, with further conditions as set out in the Environment Agency comments.

Site of Importance for Nature Conservation

- 6.43 The proposed development is to be constructed on previously developed land that does not itself hold any significant ecological value. Officers do, however, acknowledge that the site is immediately adjacent to the railway embankment that comprises dense green foliage.
- 6.44 Officers are satisfied that the proposed development, being approximately 8-16m away from the sidings, would not adversely affect the flora or fauna through light spillage from the proposal. Officers recommend that a lighting strategy be secured by condition in order to minimise any light spillage to the rear.

London Underground Zone

- 6.45 The proposal would be located within a zone in which development could have implications upon the running of the railway network. To this regard RfL (Railways for London, including London Overground) recommended several conditions to be applied if planning permission were to be granted. It is recommended that planning conditions, where appropriate, are recommended to be added and informatives added where the requirement is from RfL, but fails to meet the six tests for a condition as set out in planning legislation.

Local Finance Considerations

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

Issues raised by consultation

- 6.49 Issues surrounding foundation and structural damage, as well as the Right to Light have been raised as contrary to the Human Rights Acts, however these matters are not planning considerations. Therefore, they have not been taken into account in the consideration of this application.

7.0 Equalities Considerations

7.1 Human Rights Act

- 7.2 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

7.3 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Equalities Considerations

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

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

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

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

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

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

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

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

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

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

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

8.0 **Conclusion**

8.1 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).

8.2 In summary it is considered that the proposal is acceptable in terms of the principle of development, design, standard of accommodation, impact on neighbouring properties, highways and flood risk, including water contamination. As such, Officers recommend that planning permission be granted subject to the imposition of suitable planning conditions.

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

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

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

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

2613 / L / 01 Rev A; 2613 /P / 01; 2613 /P /02 Rev A; 2613 /P /03; Daylight and Sunlight Assessment; Demolition Method Statement; Noise and Vibration Assessment; Sustainability Statement Received 18th May 2017

Phase 1 Contamination Risk Assessment (August 2017) Received 21st September 2017

2613 /P /43 Rev K; 2613 /P /46 Rev B Received 23rd March 2018

2613-P-42 Rev M; 2613-P-44 Rev J; 2613-P-51 Rev D; 2613-P-52 Rev D; 2613-P-53 Rev C; 2613-P-54 Rev B; 2613-P-55 Rev D; 2613-P-56 Rev A; 2613-P-61 Rev F; 2613-P-62 Rev E Received 4th April 2018

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

3) 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 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 to ensure satisfactory vehicle management 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) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 4) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Local Planning Authority shall be notified immediately and the following shall apply 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 implemented in full.

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.

Reason: To ensure that the Local Planning Authority may be satisfied that potential site contamination is identified and remedied 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).

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

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with Policy 7.15 Reducing noise and enhancing soundscapes of the London Plan (March 2016) and DM Policies 26 Noise and vibration, 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).

- 6) (a) Notwithstanding the details hereby approved, no development shall commence above ground level until detailed plans at a scale of 1:20 showing windows, doors,

parapets, brick panels, canopies and how the building would join 220 Trundley's Road 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 and 7.6 Architecture of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

7) No development shall commence above ground level until a detailed schedule and physical samples of all external materials and finishes, windows, external doors and roof coverings to be used on the building have been viewed on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority may be satisfied as to the external appearance of the building and to comply with Policies 7.4 Local character and 7.6 Architecture of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

8) The refuse and recycling facilities as shown on drawing no. 2613 / P / 42 Rev M shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: 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).

9) (a) A minimum of 12 secure and dry cycle parking spaces shall be provided within the development.

(b) None of the residential units shall be occupied 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).

10) (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or

diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the proposal and to comply with Policies 5.10 Urban greening and 5.11 Green roofs and development site environs in the London Plan (March 2016), 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).

11) (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

12) (a) Details of the living roof shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground level works. 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 details of the extensive substrate base and living roof components shall be submitted for approval. The living roof shall be:

- biodiversity based with extensive substrate base (depth shall vary between 100-150mm with peaks and troughs but shall average at least 130mm);
- will include details of how the roof has been designed to accommodate any plant, management arrangements, and any proposed photovoltaic panels and fixings; and
- plug planted with wildflower and 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).

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

(b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security purposes and that the proposals minimise pollution from glare and spillage.

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

- 14) Units 1 and 2 shall be constructed to be easily adapted as wheelchair dwellings as shown on drawing no. 2613 / P / 42 Rev M hereby approved prior to its first occupation.

Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policies 1 Housing provision, mix and affordability and 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).

- 15) All window and door openings shall be constructed with minimum 90mm deep external reveals.

Reason: To ensure that the Local Planning Authority may be satisfied as to the external appearance of the building and to comply with Policies 7.4 Local character and 7.6 Architecture of the London Plan (March 2016), 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).

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

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

- 17) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), all of the new windows serving bathrooms in the proposed building hereby approved shall be fitted as obscure glazed and retained in perpetuity.

Reason: To avoid the loss of privacy and to comply with Policy 7.6 Architecture of the London Plan (March 2016) and DM Policies 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).

- 18) The whole of the amenity space (including roof terraces and balconies) as shown on drawing nos. 2613 /P /42 Rev M and 2613 /P /44 Rev J 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).

- 19) 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).

- 20) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Ambiental, updated September 2017 and updated plans and drawings submitted on 21 September 2017, and the following mitigation measures detailed within the FRA: Finished floor levels of sleeping accommodation are set no lower than 3.24m AOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants, and to comply with Policy 5.12 Flood risk management of the London Plan (March 2016) and Policy 10 Managing and reducing the risk of flooding of the Core Strategy (June 2011).

- 21) No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: In order to prevent any impact on groundwater within the underlying Principal and Secondary aquifers, and to comply with the NPPF, Policy 5.12 Flood risk management of the London Plan (March 2016) and Policy 10 Managing and reducing the risk of flooding of the Core Strategy (June 2011).

- 22) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: In order to prevent any impact on groundwater within the underlying Principal and Secondary aquifers, and to comply with the NPPF, Policy 5.12 Flood risk management of the London Plan (March 2016) and Policy 10 Managing and reducing the risk of flooding of the Core Strategy (June 2011).

- 23) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: In order to prevent any impact on groundwater within the underlying aquifers located in Source Protection Zone 1 for a public water supply, and to comply with the NPPF, Policy 5.12 Flood risk management of the London Plan (March 2016) and Policy 10 Managing and reducing the risk of flooding of the Core Strategy (June 2011).

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. Whilst the proposal was broadly in accordance with these discussions, further information was submitted to bring it 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.

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.

No part of the development shall be commenced unless a minimum of 6 weeks' notice of the commencement date has been given in writing to RfL.

No demolition is to be carried out until full details of such works, including design and methodology, have been submitted to and approved in writing by LBL in conjunction with RfL. Thereafter, the works shall only be carried out in accordance with the approved details in a manner that does not endanger the safe operation of the railway.

No development shall take place, including any works of demolition, until full details of the Demolition and Construction Environmental Management Plan and Construction Logistics Plan have been submitted to and approved in writing by LBL in conjunction with RfL. We would also expect LBL to approve in conjunction with RfL the applicant's Health and Safety Plan and plans for traffic management.

No works of excavation, demolition or construction are to be carried out until the details of such works have been submitted to and approved in writing to LBL in conjunction with RfL. These details should comprise:

- a) Geotechnical report for the site.
- b) Foundation design and construction methodology (including excavation and verified calculations).

- c) Superstructure design and construction methodology (including verified calculations) (including any lift pits).
- d) Specification, construction methodology, calculations and lifting plan for any cranes proposed to be used.
- e) An impact assessment setting out predicted ground and structure movements.
- f) Emergency preparedness plan.
- g) Ground and structure movement monitoring regime.
- h) Risk assessments and method statements for all structural works, excavation and installation of services in the land.
- i) Details of temporary works and all equipment planned to be used in construction.

Thereafter the works shall only be carried out in accordance with the approved details in a manner that does not endanger the safe operation of the railway.

The development is to be constructed adjacent to an operational railway. RfL has suffered damage to its station canopies, track and vehicles from debris/equipment falling from developments adjacent to its railway. RfL would like to be assured that the applicant will introduce adequate safety measures into the construction of the development, to ensure that the debris/equipment cannot fall or be blown onto its railway.

Prior to the commencement of works on the relevant part of the development, full details of the design and construction methodology for the foundations shall be submitted to and approved in writing by LBL in conjunction with RfL. Thereafter, the works shall only be carried out in accordance with the approved details in a manner that does not endanger the safe operation of the railway.

Cranes and other lifting equipment will be required during the construction of this development and as such, RfL would request that LBL requires the applicant to submit a Crane / Lifting Management Plan for approval by LBH in conjunction with RfL. For cranes this would typically include crane base design (including certification), Risk Assessment and Method Statement for siting, erection, lifting arrangements, operational procedure (including any radio communications), jacking up, derigging in addition to plans for elevation, loads, radius, slew restrictions and collapse radius. No cranes should be erected or dismantled until RfL's approval has been obtained in writing.

The construction of the development is likely to involve scaffolding. All scaffolding on buildings to be erected adjacent to the railway imposes a risk on the operation of the railway. RfL would require the applicant to submit plans for any proposed scaffolding in proximity of the railway to be approved in conjunction with LBL as appropriate. This would include a Risk Assessment and Method Statement in addition to design details (including certification).

No vibro-compaction machinery is to be used in the development unless details of the use of such machinery and a method statement have been submitted to and approved in writing by LBL in conjunction with RfL. The works shall only be carried out in accordance with the approved method statement.

No maintenance regime for the facades of the building elevations facing the railway should be permitted which compromises the safe, efficient and economic operation of the railway and should be agreed by LBL in conjunction with RfL.
To protect the safe and efficient operation of the railway

The external lights and those installed during the construction period shall not shine directly onto RfL's railway tracks.

RfL would be opposed to balconies and fully openable windows facing the railway. Any openable windows overlooking the railway should be fitted with restrictors to limit the extent that they can open to 100mm.

Details of the landscaping scheme must be submitted to and approved in writing by LBL in conjunction with RfL.

RfL requires that the applicant enters into an Asset protection Agreement with RfL to ensure that the development is carried out safely and in accordance with RfL's requirements.

All development shall be carried out in accordance with RfL London Overground's document entitled 'Special Conditions for Outside Parties developing on or near the railway'.

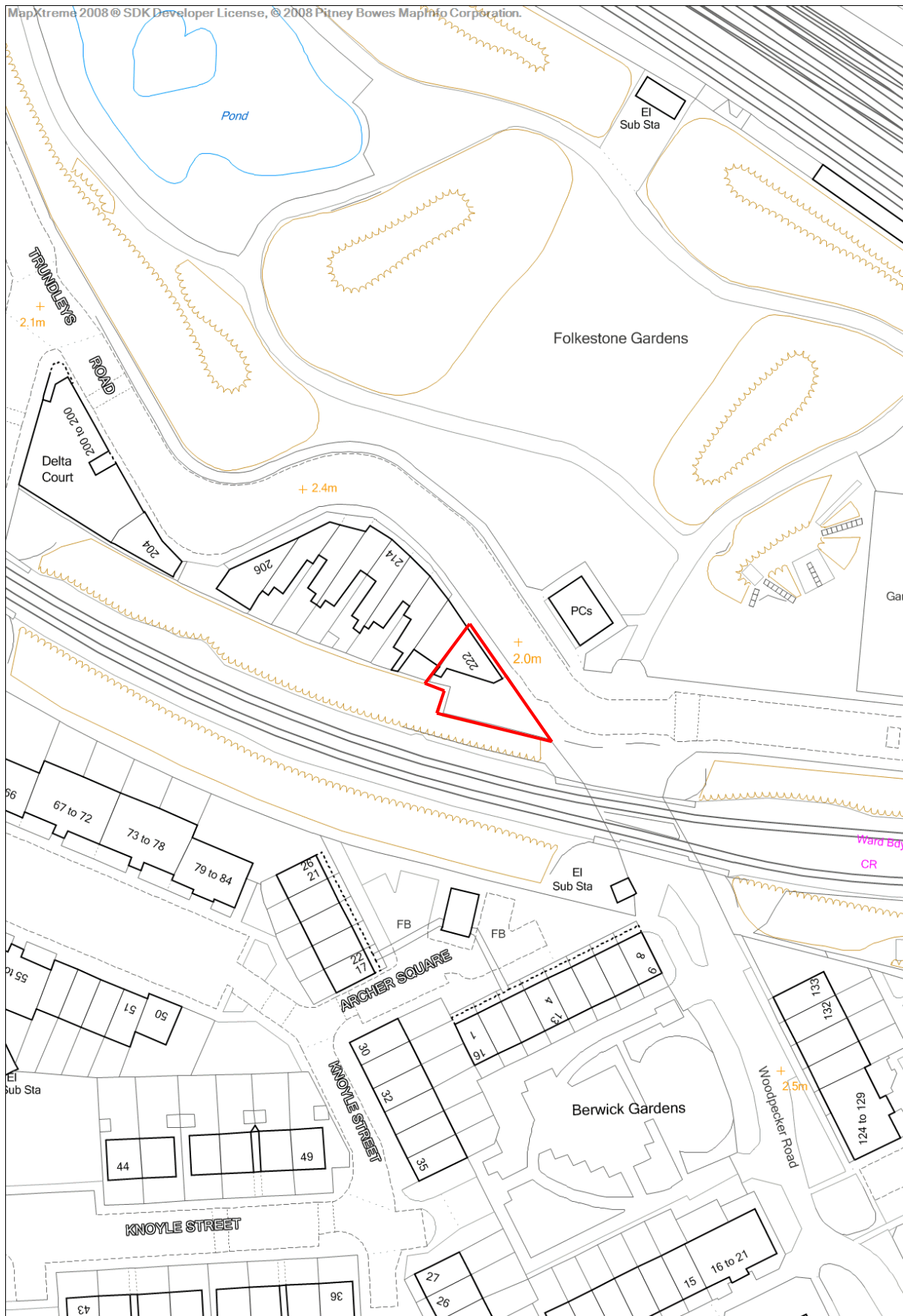
RfL is an operational railway and as such, there are times when access to its infrastructure is required for the replacement, renewal, repair and maintenance of that infrastructure. RfL would require an access strip to be included within the development footprint along the length of the boundary wall between the live railway and any building of the development of a minimum of 3 metres in width from the outer face of the railway boundary wall.

RfL may need to request that the applicant conducts radio surveys before and after the construction to assess the level of impact the development has on RfL's radio signal.

RfL would wish to ensure that site security is sufficiently high so as not to endanger the railway. During the construction and demolition works, RfL would expect the developer to ensure that any boundaries are not compromised.

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222-222A TRUNDLEY'S ROAD, LONDON, SE8 5JE Site Map



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Committee	PLANNING COMMITTEE C	
Report Title	2 Radlet Avenue, London, SE26 4BZ	
Ward	Forest Hill	
Contributors	Georgia McBirney	
Q21	PART 1	21 st June 2018

<u>Reg. Nos.</u>	DC/18/105608
<u>Application dated</u>	30/01/2018
<u>Applicant</u>	Mr Taylor
<u>Proposal</u>	The construction of a double garage at the side of 2 Radlet Avenue, SE26, together with the construction of a first floor side extension
<u>Applicant's Plan Nos.</u>	16323/02; 16323/03; 16323/05; Site Location Plan received 31st January 2018; 1801/02 A; 1801/5 A; 1801/06 A received 14th February; 1801/03 B; 16323/01 A; 1801/01 C and 1801/04 C received 5th March 2018
<u>Background Papers</u>	(1) Case File LE/454/2/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 3 Adj. Forest Hill Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.-1 The application property is a two-storey, semi-detached house located on the north-west side of Radlet Avenue directly opposite the junction with Round Hill. Radlet Avenue is a short cul-de-sac with access via Thorpewood Avenue, and Round Hill is a cul-de-sac, with vehicle access via Radlet Avenue.
- 1.0 The existing house has a moderate-sized front garden and a larger side garden, plus small triangular shaped rear garden area. The property has a hip to gable roof extension, a rear roof extension and single storey extension to the rear.
- 1.1 The front elevation of the main dwelling is finished with brickwork at the ground floor and render on the first floor. The side elevation is also finished in render. The front door is timber.
- 1.2 The road is characterised by similar style two-storey semi-detached residential properties. The houses at the rear in Thorpewood Avenue lie within the Forest Hill Conservation Area, such that the boundary of the Conservation Area runs along the side boundary of the application site.

2.0 Planning History

- 2.-1 **DC/16/095225:** The construction of a double garage to the side of 2 Radlet Avenue SE26. **Refused and allowed at appeal 24/03/2017.**
- 2.0 The key points made in the decision notice issued by the Planning Inspectorate are detailed below.
- 2.1 In this case, as a single storey building, it would clearly read as subordinate addition to the host property and when approaching the site from the North along Radlet Avenue, it would set down relative to the road level and occupy a discrete position to the side.
- 2.2 Whilst the Council refer to it disrupting the symmetry between the host dwelling and its attached neighbour, the fact is that this has been eroded by a hipped to gable roof on the appeal dwelling and what appears to be a front extension to its attached neighbour. I therefore cannot accept that it would unbalance the pair, especially given its limited height.
- 2.3 I am mindful that the flat roof would be quite extensive given the width of the proposed extension and clearly visible from the road. Nonetheless, there are a multiplicity of modern additions and extensions to the properties in the vicinity, including roof alterations and flat roofed rear extensions to the rear of properties on Thorpewood Avenue, which stand within the adjacent Forest Hill CA. When viewed from Radlet Avenue to the front of the appeal site, the proposal would be seen in the context and against the backdrop of these modern additions. I thus cannot accept that it would harm the setting of the CA and I consider it would appear as an unremarkable addition to the property.
- 2.4 **DC/17/09905:** The formation of a basement area to the side of 2 Radlet Avenue SE26. **Granted 06/07/2017.**
- 2.5 The site visit demonstrated that neither of the approved permissions have been built out nor have works started.

3.0 Current Planning Application

The Proposal

- 3.1 The application proposes the construction of a double garage to the side of 2 Radlet Avenue, SE26, together with the construction of a first floor side extension.
- 3.2 The proposed double garage is proposed to the side of 2 Radlet Avenue, the proposed double garage would have a depth of 7.95m, a width of 6.5m and a flat roof with a maximum height of 3.05m. The proposed double garage would be set back by 0.30m from the front of the dwellinghouse.
- 3.3 Previously a proposed double garage was allowed on appeal (APPC5690/17/3167018). The double garage allowed on appeal had a depth of 8.35m, a width of 6.5m and a maximum height of 3.05m. In terms of design and material, the double garage proposed under this application is identical to the double garage that was approved at appeal (APPC5690/17/3167018).
- 3.4 A first floor side extension is proposed on top of the proposed double garage. The first floor side extension would extend 3.00m from the side elevation for a depth of 7.95m. The first floor side extension would not extend beyond the rear building line of the main dwellinghouse. The proposed first floor side extension would be in line with the front elevation of the proposed double garage, which would be set back 0.30m from the front of the main dwellinghouse.

3.5 The proposed first floor side extension would have a pitched roof with a maximum height of 7.71m and an eaves height of 5.43m. The first floor side extension would be set down 0.80m from the ridgeline of the main dwellinghouse.

3.6 The application form states that extension would be constructed in brick and block work with white render, would have a tiled roof and would incorporate uPVC features to match the current property.

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 Six adjoining neighbours, Forest Hill Ward Councillors and the Forest Hill Society were consulted as a part of this application. In addition, a site notice was displayed and a press advert was published, as the site is adjacent to the Forest Hill Conservation Area.

4.3 Written Responses received from Local Residents

4.4 Three objections were received from properties, which adjoin the site to the rear and are all within the boundary of the Forest Hill Conservation Area. The objections can be summarised as followed:

-The size of the the proposal is excessive and is the overdevelopment of a semi-detached property and out of scale with surrounding properties.

- The proposal will result in loss of outlook and natural light to surrounding properties

-The proposal will adversely affect the character of the Forest Hill Conservation Area

-Increased volume of traffic from the building project

4.5 Residents also raised concern about the number of applications to alter the property over a number of years, land ownership and holes in the ground, but these are not considered to be material planning considerations.

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

5.0 Policy Context

Introduction

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

(a) the provisions of the development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

A local finance consideration means:

(a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or

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

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

National Planning Policy Framework

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

Other National Guidance

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

5.6 London Plan (March 2016)

- 5.7 The London Plan was updated on 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning application, does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:

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

Core Strategy

- 5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:
5.10 Core Strategy Policy 15 High quality design for Lewisham

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

Development Management Local Plan

5.11 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:

5.12 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 (May 2012)

5.13 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.

Forest Hill Conservation Area Appraisal (2010)

5.14 As outlined, the property is adjacent to the Forest Hill Conservation Area.

6.0 Planning Considerations

6.1 The relevant planning considerations for the proposal are the principle of development, impact on the character and appearance of the existing property, surrounding area, including the adjacent conservation area and on the amenities of neighbouring occupiers.

Principle of Development

6.2 The principle of an extension is considered acceptable, given the existing residential nature of the property and in the context of DM Policy 1, which supports sustainable development, subject to considerations of other relevant matters including design and impact on neighbouring amenity.

6.3 It is noted that the neighbouring property, No. 4 Radlet Avenue benefits from first floor extension above the original garage. It should also be noted that a number of properties in the cul-de-sac benefit from two storey side additions, with the side extension of No. 6 Radlet Avenue having many similarities to the proposed scheme, especially the roof design.

Design

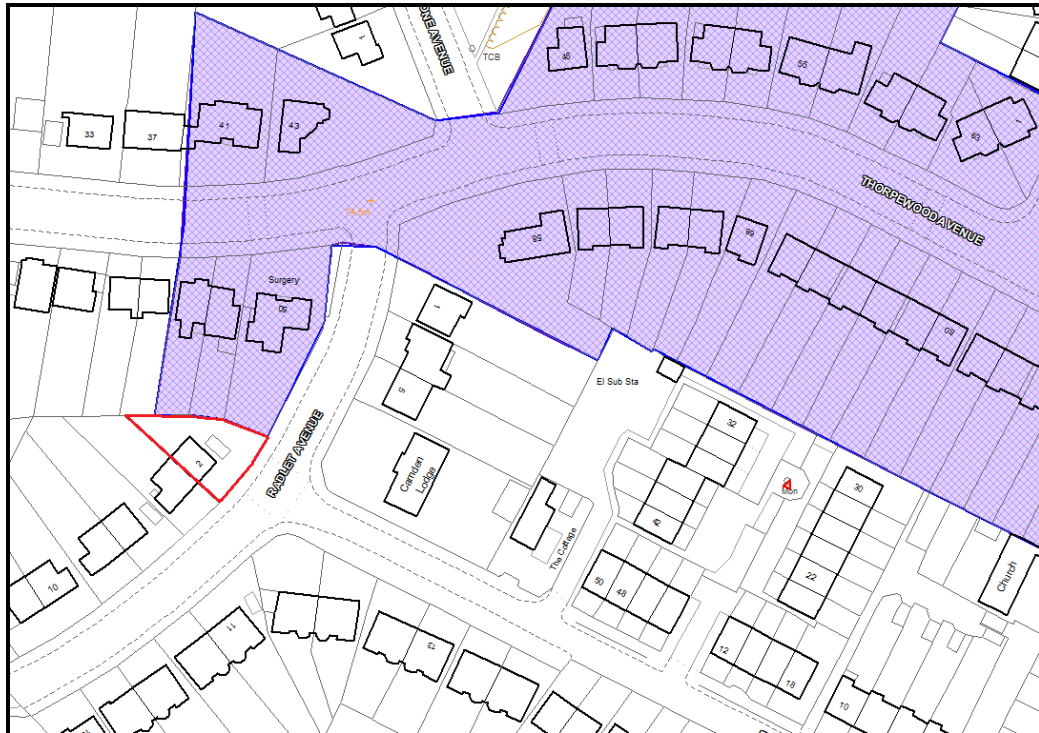
6.4 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on design of the built environment.

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development including individual buildings, public and private spaces and wider area development schemes.

- 6.5 Paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs, which help raise the standard of design more generally in an area. In addition to this paragraph, paragraph 64 states that permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions.
- 6.6 In relation to Lewisham, Core Strategy Policy 15 outlines how the council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the urban typology of the area.
- 6.7 DM Policy 30 require planning applications to demonstrate a site-specific response which creates a positive relationship with the existing townscape, whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 6.8 DM Policy 31 requires alterations and extensions, including roof extensions to be of a high, site specific and sensitive design quality and respect and/or complement the form setting, period, architectural characteristics, and detailing of the original buildings. In addition, this policy requires high quality matching or complementary materials to be used, appropriately and sensitively in relation to the context.
- 6.9 DM Policy 36 states that planning permission will not be granted where the development adjacent to a conservation area would have a negative impact on its significance.
- 6.10 The Residential Standards SPD states in section 6.4 that extensions should be subsidiary to the main structure and that over-dominant extensions may destroy the architectural integrity of existing buildings.
- 6.11 Paragraph 6.5 (side extensions) states that in order to ensure that a side extension appears subsidiary to the main dwellinghouse a setback may be used which should be followed through to the roof which should be similarly setback. The setback should be at least 300mm, but the depth might need to vary considerably dependent on the nature of the urban form of the street, the prominence of the building, its location, the design of the surrounding buildings and the character and rhythm of the street as set by distances between buildings. In some cases, the character of a street will mean that a side extension is not appropriate.
- 6.12 The proposed extension would be constructed from matching materials, as set out in paragraph 3.6 above. In this regard, the proposed materials are considered acceptable.
- 6.13 The proposed double garage has introduced a 0.3m setback from the front of the main house compared to the double garage that was allowed on appeal (APP/05690/17/3167018), given that this is the only difference, officer's raise no objection to the proposed double garage.
- 6.14 The proposed first floor element is considered an appropriate size in relation to the host property; the proposed extension would be sufficiently set down from the ridgeline of the main roof and would retain the height of the existing eaves of the property.
- 6.15 The site visit demonstrated that a number of properties in Radlet Avenue benefit from side extensions. The proposed extension at first floor level is considered to rebalance the

semi-detached pair that the application property is a part of and be in keeping with the altered character of the streetscene.

- 6.16 The application site is adjacent to the Forest Hill Conservation area and as seen below on Map 1 the application site (outlined in red) adjoins three properties with the conservation area (highlighted in purple). Although the proposed extension would be visible from the public realm and from the Forest Hill Conservation Area, as it would be of an appropriate design for the road on which it is sited and in matching materials, it would appear as a coherent addition to the host property. Being mindful of the scale and design of the proposed extension it is not considered to have a negative impact on the significance of the adjacent Forest Hill Conservation Area, especially considering its location and potential to obscure views through the conservation area.



Map 1: site adjacent to Forest Hill Conservation Area

- 6.17 The proposed extension is therefore considered acceptable at this property, due to its scale, form and the materials proposed. It would complement the form, detailing and materiality of the existing building and would therefore be in accordance with Core Strategy Policy 15, DM Policies 30, 31 and 36 and paragraphs 6.4 and 6.5 of the Residential Standards SPD.
- 6.18 Impact on residential amenity
- 6.19 Application DC/16/095225 for the proposed garage, which was allowed on appeal (APP/05690/17/3167018), established that the proposed garage would not have and unacceptable impacts on neighbouring amenity.
- 6.20 The proposed first floor side extension would be situated 2.1m to 6m from the rear garden boundaries on Nos. 44 to 50 Thorpewood Avenue and the rear gardens measure approximately 18m in depth. There are no windows proposed on the north side elevation of the proposal and therefore given the separation distance to the rear elevations of Nos. 44 to 50 Thorpewood Avenue, the proposed first floor side extension is not considered to result in any unacceptable impacts in terms of loss of outlook and privacy.

- 6.21 In regards to impact on daylight/sunlight or overshadowing, as the application property is to the south of Thorpewood Avenue there will be an element of overshadowing on to the gardens of these properties. However as there is an existing two storey dwelling on the site, the increase in overshadowing between the existing and proposed situation on the gardens of Thorpewood Avenue is not considered significant or harmful.
- 6.22 The proposed extension would be situated away (6.5m) from the shared boundary with No. 4 Radlet Avenue. Given that the application property is situated between the proposed extension and No.4 Radlet Avenue and that the proposed extension does extend beyond the existing rear elevation of the application property, the proposed first floor extension would have a negligible impact on No. 4.
- 6.23 The separation distance from the proposed first floor side extension to the eastern side of Radlet Avenue is approximately 21m, the proposal is not considered to have a significant impact on the residential amenities opposite the application property.
- 6.24 In respect of the impact on the area as a result of construction traffic, given that this is a domestic extension, the intensity and duration of any construction traffic is not considered to be so adverse as to require further regulation through planning conditions.

7.0 Equalities Considerations

7.1 Human Rights Act

7.2 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

7.3 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Equalities Considerations

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

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

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

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

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

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

7.7 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010

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

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

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

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

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

8.0 Local Finance Considerations

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

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

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

8.3 The Mayor of London's CIL is therefore a material consideration. CIL is not payable on this application

9.0 Conclusion

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

9.2 Officers consider the proposed development to be acceptable in principle, of no significant harm to the character of the host property, streetscene or adjacent conservation area or to residential amenity. It is therefore considered acceptable.

10.0 RECOMMENDATION: Grant permission subject to the following conditions:

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

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

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

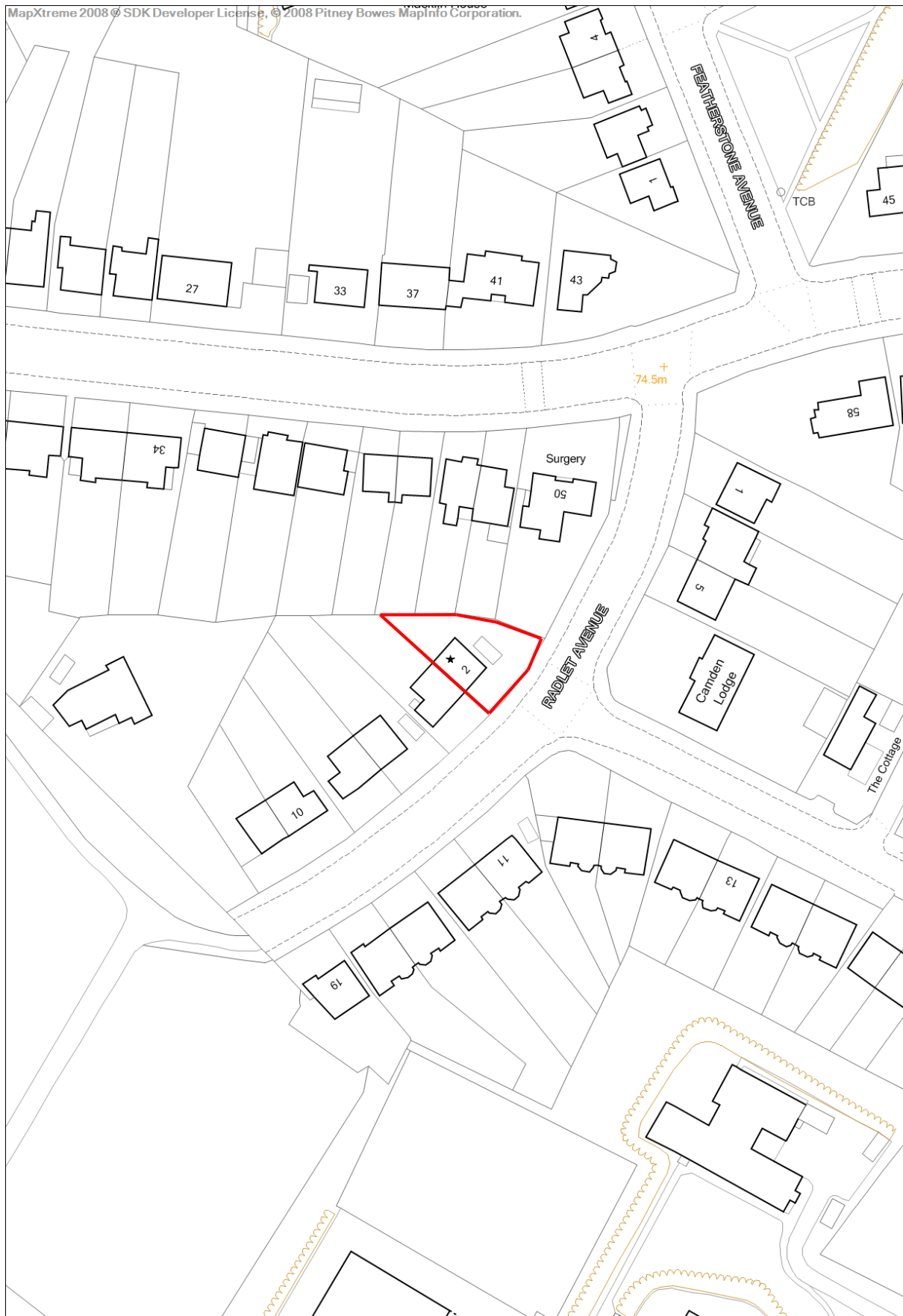
16323/02; 16232/03; 16232/05; Site Location Plan received 31st January 2018;
1801/02 A; 1801/5 A; 1801/06 A received 14th February; 1801/03 B; 16323/01 A;
1801/01 C and 1801/04 C received 5th March 2018

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

3. 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 garage 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).

2 RADLET AVENUE, LONDON, SE26 4BZ Site Map



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Committee	PLANNING COMMITTEE C	
Report Title	318 QUEEN ROAD, LONDON, SE14 57N	
Ward	BROCKLEY	
Contributors	Joshua Ogunleye	
Class	PART 1	21st June 2018

<u>Reg. Nos.</u>	DC/18/105326
<u>Application dated</u>	12.01.2018
<u>Applicant</u>	Mr Waterman
<u>Proposal</u>	The conversion of a single family dwelling into three self-contained units at 318 Queens Road SE14, Comprised of x1 3bed, x1 2bed and x1 1bed properties, together with the replacement of a window with timber French doors in the rear elevation at lower ground floor.
<u>Applicant's Plan Nos.</u>	D1.00 rev B; D1.01 rev B; D2.01 rev B; D2.10 rev A; Design And Access Including Heritage Statement; Noise Report; Air Quality Assessment.
<u>Background Papers</u>	(1) Case File LE/113/70/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	Telegraph Hill Article 4(2) Direction PTAL 6a Local Open Space Deficiency
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application relates to a two storey with basement, semi-detached Victorian property. The property sits on the south side of Queens Road (A2) close to the junction with Pepys Road. The property has a two storey canted bay window on its left side and two front dormer windows. Window openings on the property's front are occupied by timber sashes with a 1/1 glazing arrangement. The front façade of the property is decorated with concrete moulded lintels around the windows and white painted stone copings between floors.
- 1.2 This is consistent with design and materials used on other properties on the road. The property faces the north side of Queens Road fronting the A2 and the White Hart Pub; a grade two listed building. The property is part of a group of semi-detached properties on the street located close to the junctions with Pepys Road. The area in which this dwelling is situated is largely mixed use with commercial and residential properties and is within a short walking distance of New Cross Gate railway station and New Cross bus garage.

- 1.3 The property is set back from Queens Road by a distance of 12m, with a tiled path leading from the pavement up to the stepped front entrance. There is a lawn to the front of the property and a planted shrubbery border along the boundary with no. 316 Queens Road. There is pedestrian access from the front of the property to the rear, with a path alongside the west side of the house to the rear garden. There is no off-street parking or formal on street car parking provided with the property.
- 1.4 The property sits within the Telegraph Hill Conservation Area and is subject to an Article 4(2) Direction, removing specific permitted development rights. The Telegraph Hill Conservation Area is bounded by Queens Road and New Cross Road (part of the major roads A202 and A2 respectively) to the north of the site, from where the land rises up southwards to the public park at the top of Telegraph Hill. The houses are good examples of late 19th century middle class houses and villas with many surviving design features such as pitched slate roofs and decorative brickwork.

2.0 Relevant Planning History

- 2.1 PRE/17/102575 the conversion of an existing single family dwelling house into four flat self-contained flats. Officers objected to the proposed scheme
- 2.2 DC/17/103828 The conversion of a single family dwelling into 2 x two bedroom and 2 x one bedroom self-contained flats at 318 Queens Road, SE14, together with the alteration of a rear elevation window to form a door and the installation of replacement roof covering. Refused for the following reason and under appeal consideration.

The proposed change of use would result in the loss of an existing single family dwelling house which is suitable for family occupation, contrary to DM Policy 3 Houses in multiple occupation of the Development Management Local Plan (2014).

3.0 Current Planning Application

- 3.1 The conversion of a single family dwelling into three self-contained flats at 318 Queens Road SE14, together with the replacement of a window with timber French doors in the rear elevation at lower ground floor.

	Room Size	Storage	GIA	Pass/Fail
Flat 1				
Bedroom 1	7.8	4.5	121.2	Pass
Bedroom 2	14			
Bedroom 3	20			
Flat 2				
Bedroom 1	18	1	53	Pass
Flat 3				
Bedroom 1	12	1	61	pass
Bedroom 2	9			

- 3.2 Unit 1 (3 bedroom, 5 person) would be a maisonette apartment, being located over two floors (lower ground and ground floors) of the property. There would be three bedrooms (two doubles and one single) along with a bathroom and storage cupboard

on the lower ground floor and a living room, kitchen/dining area and W/C on the upper ground floor. Access to the unit is available through the communal entrance at upper ground floor to the front of the property and also through a private side access at lower round floor.

- 3.3 Unit 2 (1 bedroom, 2 person) would be located on the first floor with a living room / kitchen, storage cupboard, one bedroom (one double) and a bathroom provided.
- 3.4 Unit 3 (2 bedroom, 3 person) would be located on the second floor of the property with two bedrooms (one double and one single), a living room / kitchen, storage cupboards and a bathroom provided.
- 3.5 The front garden is marked as communal amenity space, with the rear garden divided into 3 sections to provide each of the proposed units with private amenity space. Unit 1 would have direct access to its rear amenity area (closest to the rear of the property) from both lower ground and ground floors. The middle section of the garden is allocated to unit 2 and the rear section to unit 3. Access for unit 2 and 3 will be via the communal path to the side of the property.
- 3.6 Storage for cycles and bins would be in the rear garden of the site. The application also includes the installation of replacement roof tiles and the installation of replacement rear elevation doors and windows.

4.0 Consultation

- 4.1 Letters were sent to eighteen Neighbouring addresses – no comments received.
- 4.2 Telegraph Hill Ward Councillors – Councillor Millbank objected to the proposed scheme. The objection was supported by Councillor Sobra and Councillor Bel.
- 4.3 The objection was raised on the on the grounds that the proposed conversion would result in the loss of single family house. This would be to detriment of meeting housing needs and maintaining a mix of housing type to support household balance within the community, contrary to the Local Plan. The case by the applicant that the property is not suitable as a single family unit is not supported. Although it is noted that the proposal includes a 3 bedroom flat for family accommodation concern is raised regarding noise and loss of amenity. It is also noted that the proposed 3 bedroom flat would be sited on the top floor, which is the worst location in terms of potential noise nuisance for other households and there would also be a loss of garden amenity to a family living on the top floor.
- 4.4 Telegraph Hill Society – Submitted no comment.
- 4.5 Environment Health - Submitted no comment.
- 4.6 Along with a site notice displayed at the property, as the site is within a conservation area a public notice was displayed at the site and a press advert issued – no comments received.

5.0 Policy Context

Introduction

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

A local finance consideration means:

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

National Planning Policy Framework

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

Other National Guidance

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

London Plan (March 2016)

- 5.7 The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The

new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:-

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

London Plan Supplementary Planning Guidance (SPG)

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

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

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 2 Regeneration and Growth Areas
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 8 Sustainable design and constructions and energy efficiency
Core Strategy Policy 13 Addressing Lewisham's waste management requirements
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

5.10 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the

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

DM Policy 1 Presumption in favour of sustainable development
DM Policy 3 Conversion of a single dwelling to two or more dwellings
DM Policy 22 Sustainable design and construction
DM Policy 23 Air quality
DM Policy 25 Landscaping and trees
DM Policy 29 Car parking
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings
DM Policy 32 Housing design, layout and space standards
DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (updated May 2012)

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

6.0 Planning Considerations

- 6.1 The main planning issues are the impact on the proposed character of the host property, the conservation area, the principle of conversion, the quality of the proposed accommodation and impact on the amenities of neighbouring occupiers, as well as any transport and highways issues.

6.2 Principle of development

- 6.3 Paragraph 50 of the NPPF clearly highlights the importance of housing choice, stating: "To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes) and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand".

- 6.4 London Plan Policy 3.8 provides the strategic aim to secure an adequate choice of housing in London and CS Policy 1 sets out how this should be provided in Lewisham, with regard to mix and affordability. DM Policy 3 (Prevention of loss of existing housing) is particularly relevant to the proposal in addressing the conversion of a single family house to two or more dwellings.

- 6.5 The purpose of the DM Policy 3 is to manage the future subdivision of single family homes into self-contained flats, with the focus of retaining family accommodation and providing a wide choice of quality housing and a mixed housing base. The Council, under DM Policy 3, will refuse planning permission for the conversion of a single family house into flats except where there is a lack of external amenity space and where the house is adjacent to noise generating or other environmentally unfriendly uses.
- 6.6 Whilst the current application proposes to sub-divide a larger family dwelling, which could provide at least 5 bedrooms, Officers are mindful of the proposed unit mix and overall increase in number of units to be provided.
- 6.7 Consideration has also been given to appeal decisions in determining whether the loss of the 6 bedroom family house is acceptable. There have been two relatively recent appeals regarding the conversion of a single family dwellinghouse into flats; six bedroom dwellinghouse at 204 Devonshire Road (appeal ref. APP/C5690/W/16/3151591) and a five bedroom dwellinghouse at 245 Stanstead Road (appeal ref. APP/C5690/W/15/3137556). Both were decided in 2016 (September and January respectively) so are relevant given they were decided on current planning policies.
- 6.8 The Inspectors for both appeals determined that DM Policy 3 and its supporting justification do not make any distinction between different sizes of family housing other than the reference to three or more bedrooms, nor do they state that the retention of larger family houses is more important than small family houses. The Courts have held that development plan policies must be interpreted objectively in relation to the common meaning of the language used and the context in which they have been drafted. Therefore, they found that both small and large houses are equally important valuable resources. Consequently, this proposal, whilst resulting in the loss of a five bedroom house, would re-provide a family sized unit.
- 6.9 The proposed development seeks to provide 1 x 3 bed, 1 x 2 bed and 1 x 1 bed unit. A family unit is considered to be one which provides 3 or more bedrooms. Therefore although the scheme would see the loss of a 5 bedroom house, it would retained a family unit in the form of a 3 bedroom unit. Although there is evidence of the need for 3 bedroom units, there is also some demand for units up to 6 bedrooms. However Offices consider that should the proposal seek to provide a family unit, along with other smaller sized units, all of a good standard of accommodation then the principal of the loss of this larger family dwelling is acceptable.
- 6.10 It is therefore considered that the proposal would not result in any significant harm to the supply of family housing in the Borough and, as such, would comply with paragraph 50 of the NPPF, Policy 3.8 of the London Plan, Core Strategy Policy 1 and DM Policy 3. Furthermore, it would accord with the Framework's objective of providing mixed communities.

Design and conservation

- 6.11 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.

- 6.12 Chapter 7 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.13 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.
- 6.14 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 6.15 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.16 DM Policy 36 states that the Council will require a statement that describes the significance of the asset and its setting and an assessment of the impact on that significance for development proposals affecting designated heritage assets. Also required is clear and convincing justification if the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting. The Council encourages the retention and thermal upgrading of historic windows. The Council will not grant planning permission where:
 - a. new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials; and
 - b. development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the conservation area.
- 6.17 The external alterations would consist of the replacement of the existing roof covering with natural slate tiles and the existing rear door and windows, which would be replaced with timber framed fixtures of an appropriate design, scale and material for the character of the host property. Officers consider the proposed alterations would not detract from the host property's character or appearance, nor would it harm the character of the conservation area.

Landscaping and trees

- 6.18 The proposed landscaping is mostly to the rear of the property which includes the subdivision of the rear garden area to form three contained sections. No specific materials or plant species have been given for the landscaping and therefore further details will be required by condition.

Impact on the amenity of neighbouring occupiers

- 6.19 Core Strategy Policy 15 High quality design for Lewisham seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed developments to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers.

- 6.20 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.21 The physical alterations to the exterior of the property are not considered to have any adverse impact on the amenity of neighbouring occupiers. In respect of the proposed sub-division, Officers consider that given the size of the existing property, in relation to the proposed 3 units, there would not be an intensification of the site that would result in harm to the amenity of neighbouring occupiers.

Standard of accommodation for proposed occupiers

- 6.22 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 floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 6.23 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.
- 6.24 Having assessed all of the residential units against the Technical Housing Standards - Nationally Described Space Standards, Officers can confirm that all of the proposed units would comply. The units would meet the requirements for floor area, bedroom sizes (including widths) and internal floor to ceiling heights. In terms of outlook, all units are dual aspect, providing good outlook, but also adequate ventilation and daylight via the windows.
- 6.25 All 3 units proposed would have private external amenity space within the rear garden, which would be divided to provide space in excess of the size requirements set out in Standard 26 of the London Plan Housing SPG, and this is therefore acceptable. It is recommended that boundary treatments are secured by condition to ensure privacy.
- 6.26 Concern over noise generated by the sub-division of the property was raised as an objection, specially the noise impact of the family unit on the other flats proposed. The family unit is situated on the lower two floors and given the scale of the unit and the proposed residential use of the entire property it is not considered to result in harmful levels of noise and disturbance, which would warrant refusal.
- 6.27 All proposed units are considered to be of good quality, providing sufficient internal space as well as external amenity space and therefore the standard of accommodation to be provided is considered acceptable and is supported.

Highways

- 6.28 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).

- 6.29 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.
- 6.30 The proposal does not provide for any off street parking, which is not commonly provided within the area. However as the site has excellent public transport accessibility a car free development in this location is considered acceptable. Furthermore there is no CPZ in the streets to the rear of the site and as such there will be some availability for parking should it be required and given the scale of the proposal it is not considered to significantly increase the demand for parking on the area.
- 6.31 Cycle storage is to be provided within the development and this will be secured by condition.

7.0 Local Finance Considerations

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is not payable on this application.

8.0 Human Rights Act

- 8.1 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 8.2 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

8.3 Equalities Considerations

- 8.4 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.

- 8.5 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.
- 8.6 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.
- 8.7 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/>
- 8.8 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
- 8.9 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/>
- 8.10 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.

9.0 Conclusion

9.1 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) along with material considerations.

9.2 In summary, it is considered that the proposal is acceptable in terms of the principle, which will still provide a family unit on the site. Also design, impact on the Telegraph Hill Conservation Area, neighbouring properties and standard of accommodation and impact on highways are all considered to be acceptable. As such, Officers recommend that planning permission be granted subject to the following conditions.

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

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

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

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

D1.00 rev B; D1.01 rev B; D2.01 rev B; D2.10 rev A;

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 shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

4. (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

5. (a) A scheme of hard and soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

6. (a) A minimum of six secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.

(b) Details of how the cycle parking spaces would be secure and dry shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any of the new residential units.

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

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

Informatives

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

with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

318 QUEENS ROAD, LONDON, SE14 5JN Site Map



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