

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 19 JULY 2018 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Suzannah Clarke (Chair)
Tom Copley (Vice-Chair)
Obajimi Adefiranye
Tauseef Anwar
Andre Bourne
Liz Johnston-Franklin
Silvana Kelleher
John Muldoon
John Paschoud
James Rathbone**

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, 10 July 2018**

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

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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 19 July 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 (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 19 July 2018

MINUTES

To approve the minutes of the meetings of Planning Committee (B) held on the 26th April 2018 and 7th June 2018.

LONDON BOROUGH OF LEWISHAM

MINUTES of the PLANNING COMMITTEE (B) meeting held in Council Chambers, Civic Suite, CATFORD SE6 on Thursday 26 April 2018 7:30pm.

Present

Councillors: Reid (Chair), Ogunbadewa (Vice Chair), Hilton, McGeevor, Ingleby & Muldoon.

Apologies: Councillors Mallory, Moore, Wise & Siddorn

Officers: Suzanne White – Planning Service, Paula Young - Legal Services, Alfie Williams - Planning Committee Co-ordinator.

1. DECLARATION OF INTERESTS

There were no declarations of interests.

2. MINUTES

The Minutes of the Planning Committee (B) meeting held on 15 March 2018 were agreed by members.

3. 53 Canonbie Road

The meeting began at 19:30. Planning Manager Suzanne White outlined the details of the application to members and explained that the primary planning considerations for the application were design and impact on neighboring amenity. Councillor Ingleby asked whether the development involved any increase in massing. Suzanne White replied that there would be no increase in massing given that the terrace would be installed within the existing roof space.

The Committee then heard a verbal representation opposing the development from Mr. Maynard Firth representing the Tewkesbury Lodge Estate Residents' Association. Mr. Firth explained that a condition was imposed on the permission for the construction of the house restricting the use of the flat roofs to protect the amenity of neighboring properties. Mr. Firth then stated that the wording of the condition is ambiguous and does not refer to a specific flat roof.

Councillor Hilton asked how the roof terrace would permit overlooking. Mr. Firth replied that it would allow views of rear gardens and of Sydmons Court. Councillor Hilton stated that the side elevation shows that the roof terrace would be set forward of the rear making it difficult to overlook the gardens due to the distance and buildings obscuring the view. Mr. Firth then stated that the roof terrace would represent a departure from the character of the street.

Councillor Mcgeevor stated that she did not find the wording of the flat roof condition ambiguous. Councillor Muldoon asked whether a condition can be revised by a new planning permission. Paula Young confirmed that the permission would supersede the condition. Councillor Hilton explained that she could understand the concerns of some local residents but agreed with the officer recommendation and moved to approve the application. The motion with seconded by Councillor Muldoon.

Members voted as follows:

FOR APPROVAL: Reid (Chair), Ogunbadewa (Vice Chair), Hilton, McGeevor, Ingleby & Muldoon

AGAINST: None

Resolved: That planning permission be approved in respect of application DC/18/105333.

4. 9-19 Rushey Green

Planning Manager Suzanne White introduced the details of the application to members and noted that the massing had been reduced in the north-east corner to avoid an overbearing impact on properties within Meadowcroft Mews. Suzanne White explained that the consultation involved the display of two site notices and hand delivered letters to which no objections were received. It was noted that a contribution would be made to local employment training as the development would result in a loss of employment space. Suzanne White then gave an overview of the viability assessment and confirmed that the development would exceed the expected number of affordable units.

Councillor Muldoon confirmed that the application had resulted in no objections from the local ward councillors and stated that he welcomed the dispersal of the affordable units throughout the development. Councillor Muldoon then noted concerns regarding the disabled parking on Davenport Road. Suzanne White explained that the disabled spaces could be provided on the red route subject to TFL approval.

Councillor McGeevor noted that the condition states that residents would not have access to the CPZ permits but that in practice residents are often not aware of this condition. Suzanne White stated that an obligation would be added ensuring that the developers informed residents. Councillor Muldoon stated that in cases in which flats are sublet tenants are not always informed. Councillor Hilton criticized the number of 1 bedroom units but welcomed the design. Councillor Ingleby asked whether any comments had been received on Common Place as part of the Catford Town Centre Masterplan. Suzanne White explained that representation had to be made directly to the council.

The Committee then heard a verbal presentation from Richard Quelch and Dominic Chapman representing the agents for the application. Mr. Quelch outlined the pre-application process which included meetings with council officers and an evaluation from the Design Review Panel which informed the massing of the development. Mr Chapman explained that the three disabled parking spaces had originally been located within the courtyard but that the proposal was revised due to highway safety and space constraints. Mr Quelch stated that the studio units are larger than the national technical standards and explained that the studios were originally 1 bedroom units.

Councillor Hilton stated that the layout of the studio units looked like 1 bedroom units. Suzanne White responded that the development provides a good quality of accommodation. The chair then sought legal advice and clarification from Paula Young regarding the Viability Report. Councillor McGeevor raised a concern that the affordable units would be restricted to the smaller flats. Suzanne White explained that the viability assessment was based on floor space.

Councillor Hilton commented on the layout of the residential units and welcomed the separation kitchens and living areas. Councillor Ingleby welcomed the number of cycle parking spaces and asked where the cycle parking would be located. Richard Quelch identified the two locations within the site. Councillor Hilton noted that some flats would be single aspect. Suzanne White responded many of the flats were dual aspect and that none of the units would be north facing.

Councillor McGeevor commented that Lewisham has a number of developments with vacant commercial units and asked whether the applicants have a marketing strategy. Dominic Chapman replied that the design of the commercial units would allow for subdivision and that the units would have flexible uses to appeal to a wider range of users. Richard Quelch confirmed that the applicant would be happy to agree to a marketing condition.

Councillor McGeevor stated that meanwhile uses should be considered to avoid vacant units. Councillor Hilton stated that voluntary organisations could be approached. Councillor Muldoon stated that historically it was more difficult to let shops on the eastern side of Rushey Green. Dominic Chapman responded that the existing Job Centre created a large block of non-retail uses and that therefore the development would assist in making the eastern side of the road more attractive to commercial organisations. Councillor McGeevor noted that it was regrettable that Rushey Green would lose the Job Centre.

Councillor Reid agreed that vacant commercial units are a concern within Lewisham but noted that it should not be left exclusively to developers to address the problem and emphasised that more needs to be done politically. Councillor McGeevor asked if the Marketing Strategy would have a clause that would allow community uses. Suzanne White noted that marketing would be secured as part of the Section 106 Agreement. Paula Young explained that the flexible uses allowed within the commercial unit does not include community uses.

Suzanne White stated that officers have responded to past experiences of the commercial units within previous developments. Officers now require a higher quality fit-out and allow a greater flexibility of uses. Councillor Reid stated that Councillors need to do more to make Lewisham more attractive to commercial uses. Paula Young noted that the minimum GIA of the affordable units and the approval of a marketing strategy would be added to the Section 106 Agreement in addition to an obligation to inform residents of the CPZ permit restrictions.

Councillor Ogunbadewa moved the motion to approve the application. The application was seconded by Councillor Ingleby.

Members voted as follows:

FOR APPROVAL: Reid (Chair), Ogunbadewa (Vice Chair), Hilton, McGeevor, Ingleby & Muldoon.

AGAINST: None

Resolved: That planning permission be approved in respect of application DC/17/101909 subject to the negotiation of the Section 106 Agreement.

Meeting ended at 20:43

LONDON BOROUGH OF LEWISHAM

MINUTES of the PLANNING COMMITTEE (B) meeting held in Council Chambers, Civic Suite, CATFORD SE6 on Thursday 7 June 2018 7:30pm.

Present

Councillors: Clarke (chair), Copley (vice-chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone

Apologies: Adefiranye

Officers: Michael Forrester – Planning Service, Holly Lucas – Planning Service, Kheng Chau - Legal Services, Alfie Williams - Planning Committee Co-ordinator.

1. DECLARATION OF INTERESTS

Cllr Copley declared that he was a member of RUSS and that he would not take part in the consideration or voting of items 4 and 5 of the agenda (Church Grove) and left the room for these items.

2. MINUTES

The Minutes of the Planning Committee (B) meeting held on 26th April 2018 were not agreed by Members due to it being unknown if these could be agreed by a single Member. The elections has resulted in the change in Planning Committee B and this was deferred for legal consideration.

3. 62 Sunderland Road

Planning Manager Michael Forrester outlined the details of the application to members. He explained that the property was considered to be a non-designated heritage asset. The site is not in a conservation area, and although the Christmas Estate is being considered for a future conservation area, it is currently undesignated and that cannot be given any weight. Michael Forrester then gave an overview of the site history and explained how officers have come to a balanced decision where the proposed building is considered to be of an acceptable quality and the loss of the non-designated heritage asset justified.

The committee then received a verbal representation from the agent for the application who stated that the scheme had been revised to address the previous refusal for a larger development. The viability of the scheme had been presented to officers who were satisfied that the dwelling could not be retained and redeveloped. The scheme had also been amended to improve the design. Members questioned the agent with regard to the demolition of the building and whether this had arisen out of site investigation or whether the property had been purchased with the intention of demolition. The agent confirmed the latter.

Members then heard a verbal presentation from a local resident objecting to the loss of a non-designated heritage asset, scale of the proposals and wider impacts on parking and the locality.

Cllr Wise spoke under standing orders, making objections to the proposals.

Members deliberated the scheme raising concern with regard to the loss of the undesignated heritage asset and how this scheme has not overcome the previous reasons for refusal. The scheme's scale and mass remained of a concern as did the bulk and impact upon neighbouring residents.

Councillor Paschoud moved a motion to refuse the application for the same grounds as the previous scheme (DC/16/99620). Reason 1 would include a reference to non-designated heritage asset. Reasons 2 and 3 would remain the same. Reason 4 would not be included as this issue was resolved in the revised application. The motion was seconded by Cllr Rathbone.

Members voted as follows

FOR APPROVAL: Clarke (chair), Copley (vice-chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone

Resolved: That planning permission be refused in respect of application DC/17/103895

5. Land and garages between 11 and 29 Embleton Road and 44 and 70 Algernon Road, London SE13

Planning Manager Michael Forrester introduced the application to members and explained this formed part of the Councils affordable housing programme and was submitted by Lewisham Homes on behalf of Lewisham Council.

Members then heard a verbal presentation on behalf of the applicant, Lewisham Homes. They explained that the houses would be for social rent and provide genuinely affordable housing.

Cllr Kelleher and Rathbone raised why no wheelchair housing was provided on this site. The applicant confirmed this was due to the sloping land levels and that there was more appropriate alternative sites in the borough. The 4 dwellings proposed also do not meet the trigger for onsite wheelchair housing (5 units).

Members heard from a local resident in objection to the scheme stating that the level levels were inaccurate on the plans and that officers had not made a site visit to the neighbouring property. There were also concerns about daylight and site security.

The presenting officer clarified that the case officer has made a site visit, but that it was not routing to make visits to neighbouring properties. Officers were confident in the land levels being correct, and that there was a boundary treatments condition proposed which would ensure appropriate privacy between dwellings.

Cllr Bourne moved a motion to approve the application, this was seconded by Cllr Paschoud.

Members voted as follows:

FOR APPROVAL: Clarke (chair), Copley (vice-chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone

Resolved: That planning permission be approved in respect of application DC/18/105952

Following deliberation of this item Cllr Copley left the room due to the earlier stated conflict of interest.

6. Land at Church Grove, SE13

Planning Manager Michel Forrester outlined the details of the application to members, the scheme being a community self-build proposal and all homes classified as affordable housing (100%). An addendum report was also presented which recommended additional conditions. It was confirmed that the affordable housing would be secured through s106 agreement.

Members then received a verbal representation the applicant, who stated that all homes would be affordable and that RUSS had carried out significant community pre-consultation ahead of the planning application.

The committee then heard a verbal presentation from a local resident in objection to the proposals. They stated that the scheme was overly dense for the site and was contrary to an earlier scheme of only 9 homes which would have reflected the local surroundings. There was concern regarding the building of the scheme and timber cladding which represented a fire risk. The level of traffic generation was also of concern.

The presenting officer clarified to Members that the planning process was there to control design and amenity impacts and the construction and fire safety of the building is an issue for Building Regulations. Officers had consulted with the London Fire Brigade during the application who have not raised an objection to the scheme, but do confirm the scheme needs to meet building regulations.

Councillor Rathbone moved a motion to approve the application. The motion was seconded by Councillor Muldoon.

Members Voted as follows:

For Approval: Clarke (chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone

Resolved: That planning permission be approved in respect of application DC/18/104264

7. Land at Church Grove, SE13

Planning Manager Michael Forrester outlined the details of the application to members and explained that the application was for a temporary community facility which would form a community base whilst the longer term Church Grove self-build project was completed.

Members than received a verbal representation from the applicant who stated the need for the temporary facility and that this would be dismantled following the construction of the larger scheme and the materials recycled into the development.

The committee then heard a verbal presentation from a local resident in objection to the proposals on the grounds of noise and disruption.

Members deliberated the proposals and Cllr Rathbone moved a motion to approve the application. The motion was seconded by Councillor Muldoon.

Members voted as follows:

IN FAVOUR: Clarke (chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone

Resolved: That the details be approved in respect of application DC/18/105952

Meeting ended at 10:05

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Committee	PLANNING COMMITTEE B	
Report Title	Mayfields Hostel, 47 Burnt Ash Hill, London, SE12 0AE	
Ward	Lee Green	
Contributors	David Robinson	
Class	PART 1	19 th July 2018

Reg. Nos. DC/17/103886

Application dated 28.09.2017

Applicant Rogers Stirk Harbour + Partners on behalf of Lewisham Homes

Proposal The demolition of the existing hostel and the construction of a five/six storey building comprising 24 two bedroom, 16 three bedroomed self-contained flats, a two storey commercial space (flexible use classes A1 / A2 / A3 / B1(a) / D1 (crèche, education, museum, art gallery) and 7 two storey houses at Mayfields 47 Burnt Ash Hill SE12, together with the provision of 4 disabled spaces and bicycle spaces, bins storage and associated landscaping.

Applicant's Plan Nos. BURN-AECOM-P1-00-M3-SV-0001,
7107_P_001 revision A, 7107_P_002 revision A,
7107_P_003 revision D, 7107_P_005 revision A,
7107_P_006 revision A, 7107_P_007 revision A,
7107_P_008 revision A, 7107_P_009 revision A,
7107_P_010 revision A, 7107_P_011 revision A,
7107_P_012 revision A, 7107_P_021 revision D,
7107_P_022 revision D, 7107_P_023 revision B,
7107_P_024 revision B, 7107_P_025 revision B,
7107_P_026 revision B, 7107_P_031 revision A,
7107_P_032 revision A, 7107_P_033 revision A,
7107_P_034 revision A, 7107_P_035 revision A,
7107_P_036 revision A, 7107_P_037 revision A,
7107_P_038 revision A, 7107_P_039 revision A,
7107_P_040 revision A, 7107_P_041 revision A,
7107_P_042 revision A, RSHP-0000-P-XX P1,
RSHP-0001-P-XX P1, RSHP-0002-P-XX P1,
RSHP-0003-P-XX P1, RSHP-0010-P-00 P1,
RSHP-0011-P-01 P1, RSHP-0012-P-02 P1,
RSHP-0013-P-RF P1, RSHP-0020-E-N P1,
RSHP-0021-E-E P1, RSHP-0022-E-S P1,
RSHP-0023-E-W P1, RSHP-0041-P-XX P1,
RSHP-0042-P-XX P1, RSHP-0043-E-XX P1,
RSHP-0044-E-XX P1, RSHP-0100-P-00 P1,
RSHP-0101-P-01 P1, RSHP-0102-P-02 P1,
RSHP-0103-P-03 P1, RSHP-0104-P-04 P1,
RSHP-0105-P-05 P1, RSHP-0106-P-RF P1,

RSHP-0200-E-S P1, RSHP-0201-E-N P1,
RSHP-0202-E-S P1, RSHP-0203-E-N P1,
RSHP-0204-E-E P1, RSHP-0205-E-W P1,
RSHP-0300-S-AA P1, RSHP-0301-S-BB P1,
RSHP-0302-S-CC P1, RSHP-0303-S-DD P1,
RSHP-0304-S-EE P1, RSHP-0305-S-FF P1,
RSHP-0306-S-ZZ P1, RSHP-0307-S-YY P1,
RSHP-1700-D-XX P1, RSHP-1701-D-XX P1,
RSHP-1702-D-XX P1, RSHP-1703-D-XX P1,
RSHP-1704-D-XX P1, RSHP-1705-D-XX P1,
RSHP-1706-D-XX P1 received 4 October 2017

Mayfield Development – Air Quality Impact Assessment (AECOM) issue number 1 dated August 2017, Mayfield, 47 Burnt Ash Hill, Arboricultural Impact Assessment Report (AECOM) dated 17 August 2017, Burnt Ash Hill Car Parking Survey (AECOM) dated 25 April 2017, Construction Method Statement (AECOM) dated 4 August 2017, Design and Access Statement (RSHP) dated 25 September 2017, Drainage and SuDS Strategy (AECOM) dated August 2017, Mayfield Preliminary Ecological Appraisal (AECOM) dated 4 August 2017, Energy Statement (AECOM) dated 17 August 2017, Planning and Affordable Housing Statement (RSHP) dated 25 September 2017, Fire Engineering Statement (AECOM), Site Waste Management Plan (AECOM) dated August 2017, Sustainability Statement (AECOM) dated 11 August 2017, Mayfield Transport Statement (AECOM) dated August 2017, Mayfield Utilities Statement (AECOM), CIL liability form, CIL Form 1, CIL Form 2 received 4 October 2017

Mayfield – Bat Survey Report (AECOM) dated June 2018, received 12 June 2018

Information relating to proposed tree planting (Breeze) dated 15 June 2018, received 15 June 2018

Background Papers

- (1) Case File LE/365/55/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

Local Open Space Deficiency

Screening

N/A

1.0 **Property / Site Description**

Existing Site and Location

- 1.1 The application site is located at 47 Burnt Ash Hill and accommodates a two-storey (with small three-storey element) flat roofed building, currently in council ownership, and in use as hostel accommodation. The hostel is currently occupied by homeless families who are placed at Mayfield hostel on an emergency basis while they await a move to a permanent home.
- 1.2 The existing building is set back from Burnt Ash Hill behind a formal line of mature Sycamore trees. The site is bordered by our Lady of Lourdes Church to the north and residential properties to the south and the east.
- 1.3 The existing building was constructed in the mid 1970s and is believed to be constructed from reinforced concrete with masonry cladding. There are three single storey garages located on-site as well as a number of mature trees.



Surrounding Context

- 1.4 The surrounding built context is largely residential in nature. To the immediate south and west of the site sit residential housing blocks ranging from 3 to 4 storeys in height. To the east, or rear of the site, lie terraced and semi-detached two-storey residential dwellinghouses with long rear gardens, which abut the eastern boundary of the application site.

1.5 To the immediate north of the site lies Our Lady of Lourdes Church and beyond that lies a 3 storey terraced building with commercial uses at ground level and residential above.

1.6 The site is located 5 minutes walk south of Lee rail station and Burnt Ash Hill is served by a number of bus routes (160, 202, 261, 273). The South Circular lies just south of the application site and is served by a number of other bus routes.

Site Designations and Constraints

1.7 The site is not located within a Conservation Area, nor is the land subject to any Article 4 Directions. The site is not located in the vicinity of any locally or nationally listed buildings. The site has a PTAL rating of 3.

2.0 Planning History

2.1 No relevant planning history

3.0 Background

3.1 Lewisham Homes is acting as the development agent of Lewisham Council as part of the Council's strategy to deliver as much new affordable housing as possible. In 2012 the Council agreed its New Homes, Better Places programme to deliver 2,000 new affordable homes for Lewisham residents in housing need, including 500 new Council homes at social rent.

3.2 This programme responds to the on-going housing crisis in London that is felt most acutely by those with the lowest incomes and the least recourse to access market products. In Lewisham, this is expressed most clearly in the fact that 1,900 Lewisham households are homeless and housed in temporary housing of varying kinds. This number has doubled since 2010/11 and has been driven principally by the withdrawal of Government capital funding for new affordable homes, leading to a drop in supply and fewer homes for the Council to use to meet its duties to homeless households.

3.3 It was in that context the Lewisham Council initiated its own housebuilding programme to deliver the first new Council homes in the borough for a generation. It is backed by £100m of Council investment, with the new homes being delivered on the Council's behalf principally by Lewisham Homes on a number of small "infill" sites around the borough.

3.4 This application is one of the schemes that contribute to this programme, and if approved will contribute forty seven new homes as part of the 500 Council home target for social rent.

4.0 Current Planning Application

4.1 The demolition of the existing hostel and the construction of a five/six storey building comprising 24 two bedroom, 16 three bedroomed self-contained flats, a two storey office unit and 7 two storey houses at Mayfields 47 Burnt Ash Hill SE12, together with the provision of 4 disabled spaces and 100 bicycle spaces, bins storage and associated landscaping.

- 4.2 The proposed development would consist of a change of use on the site from C2 (residential institutions) to C3 (dwellinghouses) and a flexible use class for the commercial unit to include A1 / A2 / A3 / B1(a) / D1 (crèche, education, museum, art gallery).
- 4.3 The proposed redevelopment would feature a main residential block facing Burnt Ash Hill in a 5-6-5 storey arrangement. This block would accommodate community space at ground and first floor level as well as 24 two bedroom and 16 three-bedroom flats. This block would be flat roofed with Photo Voltaic (PV) panels above, with the 5 and 6 storey elements being connected via two external stair and lift cores. Amenity space is proposed to all flats in the form of private balconies.
- 4.4 To the rear of the site a staggered terrace of 5 dwellinghouses is proposed, and to the north of there would be a semi-detached pair of houses. This terrace and semi-detached pair would also be flat roofed. Private amenity space here would be provided in the form of rear gardens.
- 4.5 The proposed development would be of a modular construction. All proposed buildings would be finished in Glass Reinforced Concrete (GRC) cladding. The colours proposed are white, black, orange and yellow. A landscaping scheme is also proposed which would include playspace located to the north east of the application site.
- 4.6 The proposed mix is outlined in the table below:

Table 1

	Apartments			Terraced Units		Total	
Unit Total	40			7		47	
Habitable Rooms	136			49		185 Habitable Rooms	
GIA*	3500m ² / 37674ft ²			924m ² / 9946ft ²		4424m ² / 47620ft ²	
	Open Plan Kitchen / Living			Separate Kitchen / Living		16% Separate Kitchen/Living 84% Open Plan Kitchen/Living	
Unit Breakdown	Two-bed (Central)	Two-bed	Three bed		Three bed	Two-bed	Three-bed
Unit Amount	4	20	16		7	24	23
Percentage	60%	60%	40%		100%	51%	49%
GIA sq.m*	74	79	101.5		132		
GIA sq.ft*	797	850	1092.5		1421		

- 4.7 All proposed units would be Social Rented.
- 4.8 Vehicular access would be provided centrally via a double height undercroft to the 6-storey block. Four disabled parking spaces are proposed.

5.0 Consultation

- 5.1 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.
- 5.2 Site notices were displayed, an advert was placed in the local press and letters were sent to residents and businesses in the surrounding area, as well as the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

5.3 Representations were received from 18 parties in objection to the proposed development. These were largely from residents of the immediate surrounding residential area, in particular, those at Pitfold Road to the east of the application site. The objections are summarised as follows:

- Concerns over loss of light, privacy and overshadowing to properties on Pitfold Road
- The proposed development will cause unreasonable pressure on local services such as GP surgeries, schools and Lee rail station
- The proposed development is excessive in scale and should be reduced in height
- Concerns with regard to the loss of existing mature trees on site and the screening that these provide
- The use of cladding is not appropriate, nor is the colour of such
- Concerns over increase on parking pressure
- Noise during construction

5.4 Given the application received 18 representations objecting against the proposed development, a Local Meeting was carried out in the form of a drop-in session in accordance with Lewisham's Statement of Community Involvement.

5.5 9 representees attended the drop-in session, which was held at Our Lady of Lourdes Church, directly adjacent to the application site, on 13th December 2017. The minutes of the drop-in session are attached as Appendix A.

5.6 Following the drop-in session, an additional joint written representation was made by a group of local residents who attended the session. This representation is attached as Appendix B.

Internal Consultee Responses

Strategic Housing

5.7 The current hostel at Mayfield, provides 26 x 1-bed or 44 bed spaces and serves as temporary accommodation for residents on the Council's housing register; the current application for new dwellings is to reduce the dependency on temporary accommodation such as hostels, thus creating better quality homes with greater security for homeless families in the borough.

5.8 Core Strategy Policy 1 Housing and DM Policy 2 Prevention of loss of existing housing state that there should be no net loss of housing. DM Policy 2 however, goes further to state that permission for the loss of housing would only be acceptable if the 'proposed redevelopment would result in housing gain which regenerate and replace older housing estates in line with an agreed plan or strategy'.

- 5.9 The current application is for the replacement of the hostel with 24 two bedroom and 16 three bed roomed self-contained flats (176 bed spaces) and therefore the proposed development would result in an overall uplift of 6 homes or 132 bed spaces. All future and current occupiers of Mayfield will be re-homed in either alternative temporary accommodation, or permanent housing.
- 5.10 The households in Mayfield will remain on the Council's homelessness register and to provide for those on the register. All residents on the register are allocated homes in line with the Council's Housing Allocations Scheme and development cannot commence at Mayfield until all occupiers have been re-homed in either alternative temporary accommodation, or permanent housing.
- 5.11 The proposals form part of an overall Council strategy to provide 500 new homes, which has just been increased by a further 1,000 homes by the new Mayor of Lewisham. The new homes will serve residents in housing need by being 100% social rent, therefore reducing the reliance upon temporary accommodation such as hostels, providing a better environment in which to live, and benefit from a secure tenancy.
- 5.12 The 500 and 1,000 home programmes are providing a variety of housing typologies across a series of sites in the borough including hostels; the proposed development at Edward Street, (DC/18/106309) is to provide 34 temporary accommodation units (hostel type, better quality temporary accommodation) (20 x three bed and 14 x two bed flats), and there are more in the pipeline coming forward.
- 5.13 Officers are therefore satisfied that the proposed redevelopment of the Mayfield Hostel would result in an uplift in replacement housing, which would still serve families on the housing register, and in forming part of an overall programme of delivery of 500 homes, forms part of a strategic regeneration programme by the Council.

Written Responses received from External Statutory Agencies

Environment Agency

- 5.14 No objection subject to conditions

Historic England

- 5.15 No objection

Metropolitan Police (Designing out crime)

- 5.16 No objection in principle – comments made to applicant on meeting dated 20th March 2017

- 5.17 *Thames Water*

No objection subject to informative regarding waste water and piling

- 5.18 Copies of all representations are available to Members to view.

6.0 Policy Context

Introduction

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

A local finance consideration means:

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

National Planning Policy Framework

- 6.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 6.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.
- 6.5 The new, draft National Planning Policy Framework was published for public consultation on 5 March 2018 (until 10 May 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.

Other National Guidance

- 6.6 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)

- 6.7 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 2.9 Inner London
- Policy 2.13 Opportunity areas and intensification areas
- Policy 2.14 Areas for regeneration
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.11 Affordable housing targets
- Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 Affordable housing thresholds
- Policy 4.1 Developing London's economy
- Policy 5.3 Sustainable design and construction
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.4 Enhancing London's transport connectivity
- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.13 Parking

- Policy 7.1 Lifetime neighbourhoods
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

- Accessible London: Achieving an Inclusive Environment (2004)
- Affordable Housing and Viability (2017)
- Housing (2012)
- Sustainable Design and Construction (2006)
- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- The Control of Dust and Emissions during Construction and Demolition (2014)

London Plan Best Practice Guidance

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

- Development Plan Policies for Biodiversity (2005)
- Wheelchair Accessible Housing (2007)

Core Strategy

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

- Spatial Policy 1 Lewisham Spatial Strategy
- Core Strategy Policy 1 Housing provision, mix and affordability
- Core Strategy Policy 7 Climate change and adapting to the effects
- Core Strategy Policy 8 Sustainable design and construction and energy efficiency
- Core Strategy Policy 9 Improving local air quality
- Core Strategy Policy 10 Managing and reducing the risk of flooding
- Core Strategy Policy 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 19 Provision and maintenance of community and recreational facilities
- Core Strategy Policy 21 Planning obligations

Development Management Local Plan

6.11 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:

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

- DM Policy 1 Presumption in favour of sustainable development
- DM Policy 7 Affordable rented housing
- DM Policy 22 Sustainable design and construction
- DM Policy 23 Air quality
- DM Policy 24 Biodiversity, living roofs and artificial playing pitches
- DM Policy 25 Landscaping and trees
- DM Policy 26 Noise and vibration
- DM Policy 27 Lighting
- DM Policy 28 Contaminated land
- DM Policy 29 Car parking
- DM Policy 30 Urban design and local character
- DM Policy 32 Housing design, layout and space standards
- DM Policy 35 Public realm
- DM Policy 41 Innovative community facility provision

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

6.13 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.

Planning Obligations Supplementary Planning Document (February 2015)

6.14 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

7.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology
- h) Trees and Landscaping
- i) Air Quality

Principle of Development

- 7.2 The current hostel at Mayfields provides 26 x 1-bed or 44 bed spaces and serves as temporary accommodation for residents on the Council's housing register; the current application for new dwellings is to reduce the dependency on temporary accommodation such as hostels, thus creating better quality homes with greater security for homeless families in the borough.
- 7.3 The application site is not located within a town centre, a designated shopping frontage nor within any of the defined Strategic Industrial Locations, Local Employment Locations or Mixed Use Locations as defined by Core Strategy.
- 7.4 The National Planning Policy Framework (NPPF), within paragraph 17, states that Planning 'should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'. Policy 3.4 of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Demolition of Existing Building

- 7.5 Officers have reviewed the proposal and have previously visited the site, and do not consider that the existing building is of sufficient architectural merit that would warrant its retention, subject to a high quality redevelopment being proposed on the application site.

Residential Use

- 7.6 The existing use onsite, whilst occupied, is not considered to make best use of the site's location, or to be the optimal use of the land given the low density of the existing development.
- 7.7 Core Strategy Policy 1 'Housing' and DM Policy 2 'Prevention of loss of existing housing' state that there should be no net loss of housing. DM Policy 2 however, goes further to state that permission for the loss of housing would only be acceptable if the "proposed redevelopment would result in housing gain which regenerate and replace older housing estates in line with an agreed plan or strategy".
- 7.8 The current application is for the replacement of the hostel with 24 two bedroom and 16 three bedrooled self-contained flats (176 bed spaces) and therefore the proposed development would result in an overall uplift of 6 homes or 132 bed spaces over the existing hostel.

- 7.9 Residential use is a priority in both London and the borough and it is considered that an additional 47 (including 23 family units) socially rented units would make an extremely valuable contribution towards meeting housing need, which is set by the London Plan as 1,385 unit per year for the borough or 13,847 as a minimum ten year target.
- 7.10 The proposed development forms part of a Council strategy to provide 500 new homes across the borough. The 500 home programme provides a variety of housing typologies across a series of sites in the borough including hostels.
- 7.11 Given the above, and by virtue of its good public transport accessibility and location within an area with a high proportion of residential use, it is considered that the site could be more appropriately used for a residential led development with a small area community use component. The application site is located within a sustainable urban location and would optimise the use of previously developed land as well as providing an uplift in housing which would serve families and others on the Council's Housing Register.

Community Use

- 7.12 The proposed development would include a small unit with a flexible use class to include A1 / A2 / A3 / B1(a) / D1 (crèche, education, museum, art gallery) at 260 square metres.
- 7.13 There is no objection to the inclusion of this flexible use in the proposed scheme. All of the uses are considered appropriate for the nature and location of the application site.
- 7.14 Given that occupiers are not confirmed for the space, to ensure the unit is attractive to future prospective tenants, details of fit out of the shopfront are recommended to be secured by condition.

Residential Density

- 7.15 Core Strategy Policy 15 seeks to ensure a high quality of development in Lewisham, including residential schemes and that densities should be those set out in the London Plan. Policy 3.4 of the London Plan 2016 seeks to ensure that development proposals achieve the maximum intensity of use compatible with local context. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a sites setting (assessed in terms of its location, existing building form and massing) and public transport accessibility level (PTAL).
- 7.16 The site is located within a largely residential area and has a PTAL of 3, indicating reasonable accessibility to public transport connections. The scheme proposes 47 dwellings on a 0.4866 hectare site which equates to a density of 97 dwellings (380 habitable rooms) per hectare. The relevant London Plan density range states a range of 45-120 units or 200-450 habitable rooms per hectare is sustainable for such a location.
- 7.17 Given the above, the proposed density is considered by officers to be acceptable.

Summary

- 7.18 Given the above, it is considered that the principle of the proposed development is acceptable. This is subject to achieving a high quality scheme in response to the other policies of the Development Plan, as discussed below.

Design

- 7.19 Paragraph 63 of the National Planning Policy Framework states that ‘in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’. Paragraph 64 states that ‘permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions’.
- 7.20 Urban design is a key consideration in the planning process. Part 7 of the NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 7.21 London Plan Policies 7.1-7.7 (inclusive) and Core Strategy Policy 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

Layout

- 7.22 This application proposes the demolition of the existing two-storey hostel building and the construction of a new three segment front block of five, six and five storeys facing onto Burnt Ash Hill with a two storey terrace to the rear portion of the site and one semi-detached pair adjacent to the northern boundary.
- 7.23 The layout of the proposed development has evolved through a pre-application process as well as two public consultation sessions. The proposal has also been reviewed by the Design Review Panel.
- 7.24 The main contextual adjacencies which have been considered in the layout of the proposed development are the proximity to the Lady of Lourdes Church and the proximity to the residential properties on Pitfold Road to the rear, and Burnt Ash Hill to the south.
- 7.25 The proposed building as detailed would consist of a modular construction and employ a simple plan form, arranged as a series of boxes. They can be arranged flexibly, and in this instance it is proposed to construct a main block of apartments which would front Burnt Ash Hill, and would be setback from the road arranged in a 5-6-5 storey configuration. The block is broken down into three smaller blocks and two central circulation cores between such. To the rear and northern boundary, the terrace houses and semi-detached pair are arranged around a proposed Home Zone – these will be two storey in height. The rear terrace is staggered which helps to mitigate against loss of existing trees and break up the massing when viewed from residential properties on Pitfold Road.

7.26 It is considered that the proposed layout of the development is an appropriate and successful response to the nature of the site in terms of size, shape and location. The height, massing and design of the development are elaborated upon below.

Height and massing

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

7.28 As stated above, the main portion of the proposed building would be arranged in a 5-6-5 storey linear arrangement running parallel to Burnt Ash Hill. The block is further broken down into three separate blocks with two central circulation cores between such.

7.29 Whilst taller than immediately adjacent buildings, the scheme is not considered to represent a 'tall building' as defined by Core Strategy Policy 18 which states that 'tall buildings are defined as 'i) buildings that are significantly taller than the predominant height of buildings in the surrounding area ii) buildings which have a notable impact on the skyline of the borough iii) are more than 25m high adjacent to the River Thames or 30m high elsewhere in the borough'.

7.30 Officers consider that the height proposed, and the stepped approach downwards both towards Swallow Court to the south, and Our Lady of Lourdes Church to the north, acknowledges the finer scale and lower height of these buildings – the proposed five storey blocks would stand only marginally taller than the existing building at Swallow Court and church as depicted by the image below.



7.31 Whilst the main portion of the building will be taller than buildings immediately adjacent to the application site, the proposed mass and height will be focused towards the centre of the block enabling greater separation from the surrounding lower buildings. It is considered that this is an effective approach in enabling additional height over that of the existing adjacent built environment.

7.32 When considering the wider context, it is important to acknowledge mid-rise and taller buildings existing in the area. Swallow and Honeysuckle Court stand at four storeys tall with a pitched roof to the south of the site. The residential buildings on

the opposite side of the road stand at three storeys tall with a pitched roof as do buildings to the further north of our Lady of Lourdes Church on Burnt Ash Hill.

- 7.33 The proposed flat roofed, two-storey terraced units and semi-detached pair are considered to be of an appropriate scale given their location to the rear of the site, and their relationship with the two storey dwellinghouses to the west of the site on Pitfold Road.
- 7.34 Given the above, it is apparent that the surrounding area is characterised by buildings of a variety of heights and forms. The main portion of the proposed building would read visually against this context, as opposed to the two storey dwellinghouses located to the rear of the site. As such, it is considered that the proposed development would sit comfortably against the scale of buildings in the wider context, and suitably accord with surrounding built environment.

Detailed design

- 7.35 The proposed building would be clad in GRC panels. The colour of these panels is indicated as being the following:
- RAL 7016 Anthracite Grey
 - RAL 9003 Signal White
 - RAL 2006 Traffic Orange
 - RAL 1021 Colza Yellow
- 7.36 The use of the colour has been 'calmed' through the pre-application process and following a presentation to the Lewisham Design Review Panel. On the main block, the use of colour is restricted to the lift shafts / cores which would be finished in 'Traffic Orange'. The inward facing gable walls of the main block would be finished in 'Antracite Grey' with the remainder, and majority of this block being finished in 'Signal White'
- 7.37 The proposed two-storey terrace would use yellow panelling on only inward facing walls. Elevations facing the residential properties to the rear of the site on Pitfold Road will be finished in white, which from a distance would appear similar to white render, a material typical of the residential area found to the rear of the site. The proposed semi-detached pair would feature a yellow panelled gable wall facing the aforementioned properties on Pitfold Road; however, this wall would be largely screened from these properties by existing mature trees which are to be retained.
- 7.38 Officers consider that this careful application of colour serves to break up the massing and further articulate the main block of the proposed development. The majority of the block will be finished in white, which is not unusual for a residential area.
- 7.39 There is no prevalent or dominant building material for the area with a variety of finishes apparent; however, officers note that various brick mixes and colours are employed and public comments stating that the development too should be finished in brick. In this instance, it is not considered appropriate to clad the proposed development in brick slips; rather, the use of panelling and selective use of colour is considered the correct design response for this contemporary form of architecture.

- 7.40 It is considered that the proposed development, as a result of the cladding and colour, would not appear incongruous on the streetscene. The use of colours are striking rather than brash and would selectively animate and break up the proposed development in a positive manner. Officers therefore support the colour scheme given the very high quality of design.
- 7.41 To support the design, material samples and detailed sections through the building have been submitted with the application, these are considered to provide a realistic impression of the final buildings' appearance and would allow for a high quality scheme.

Summary

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

Housing

a) Size and Tenure of Residential Accommodation

- 7.44 Policy 3.12 of the London Plan (Negotiating Affordable Housing on individual private residential and mixed use schemes) states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential mixed use schemes, having regard to:
- a) current and future requirements of affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.
 - b) affordable housing targets adopted in line with Policy 3.11
 - c) the need to encourage rather than restrain residential development
 - d) the need to promote mixed and balanced communities
 - e) the size and type of affordable housing needed in particular locations
 - f) the specific circumstances of individual sites.
- 7.45 The Policy goes on to state that 'negotiations on sites should take account of individual circumstances including development viability'.
- 7.46 Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. Core Strategy Policy 1 confirms that the maximum level of affordable housing would be sought by the Council, with a strategic target of 50%, as a starting point for negotiations and subject to an assessment of viability. The policy seeks provision at 70% social rented and 30% intermediate housing (based on total unit numbers) and family housing (three+ bedrooms) in development of more than 10 units. Where existing

areas have a high concentration of social rented housing, different proportions of affordable housing could be sought.

- 7.47 The proposals provide 47 units (24 two bedroom, 23 three bedroom) units all within an affordable tenure (social rented). Whilst the proposed development would provide 100% social rented units and would not achieve the 70% social rented and 30% intermediate housing split as specified above; officers consider this mix to be acceptable in this instance given the proposed development is replacing an existing homeless hostel, there is not an existing overprovision of social rented housing in the area and as there is an overriding and urgent need for units within a social rented tenure in the borough. As such, officers consider that the proposed development therefore meets the requirements of Core Strategy 1 and significantly provides housing for families currently homeless in the borough, who otherwise are temporarily housed within bed and breakfast accommodation.

b) Wheelchair units

- 7.48 Core Strategy Policy 1 and London Plan Policy 3.8 state that all new housing should be built to Lifetime Homes standards and that 10% of the new housing is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. As such, the application is required to provide 5 wheelchair units.
- 7.49 The applicant has indicated that all units will be wheelchair accessible. A condition is recommended to secure the provision of the wheelchair units to Building Regulations Part M4(3)(2).
- 7.50 The proposed development is well in excess of the required standards regarding wheelchair units and as such is supported by officers.

c) Standard of Residential Accommodation

- 7.51 Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing developments to be of the highest quality internally, externally and in relation to their context. This policy sets out the minimum floor space standards for new houses relative to the number of occupants and taking into account commonly required furniture and spaces needed for differing activities and circulation, in line with Lifetime Home Standards.
- 7.52 Core Strategy Policy 1, Development Local Plan Policy 32, London Plan Policy 3.5 and the London Plan Housing SPG seek to ensure that all new residential development meets minimum size standards.
- 7.53 Nationally prescribed space standards were released in March 2015 to replace the existing different space standards used by local authorities. It is not a building regulation and remains solely within the planning system as a new form of technical planning standard.
- 7.54 The plans confirm that all the units would exceed minimum standards by 10% (bar Apartment type 1 which exceeds by 4 sq. m.) and all dwellings would have a floor to ceiling height, which exceeds the minimum 2.5m floor to ceiling height as set out in the London Plan.

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

d) *Playspace Provision*

7.56 London Plan Policy 3.6 (Children and Young People’s Play And Informal Recreation Facilities) states that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor’s Supplementary Planning Guidance (SPG) *Providing for Children and Young People’s Play and Informal Recreation* sets out guidance to assist in this process. This SPG states that 10 square metres of playspace should be provided per child.

7.57 The Providing for Children and Young People’s Play and Informal Recreation SPG states that the 10 square metres per child benchmark should be set in the context of the overall open space requirements, and where open space provision is genuinely playable, the open space may count towards the play space provision.

7.58 The SPG playspace requirement calculator indicates the following levels of child occupancy in relation to the proposed development:

Table 2

	<i>Number of children</i>	<i>Percentage</i>
Under 5	30	42
5 to 11	25	36
12+	15	22
Total	70	100

7.59 The calculator indicates a child occupancy of 70 meaning that 700 square metres (70 children x 10 square metres) of playspace should be available.

7.60 The development proposes a shared garden to the north east of the application site. This would provide approximately 350 square metres of playspace available to all children within the development. The Home Zone within the centre of the development would provide a further 340 square metres approximately of incidental playspace which would also be available for use by all. It should be noted that this calculation does not include the areas occupied by disabled parking spaces or landscaping.

7.61 Further to the above, playspace is also provided locally within Northbrook Park (650m from site) and Horn Park (1km from site).

7.62 As such, it is considered that sufficient playspace provision would be provided both on site and from existing facilities in close proximity to the application site. As such, the proposal is acceptable in this regard.

Highways and Traffic Issues

a) Access

- 7.63 The site is arranged to front onto Burnt Ash Hill where vehicular access would be provided centrally, along with separate pedestrian access for the residential use to the south, and the commercial units to the north of the site. The residential and commercial units would benefit from level access.
- 7.64 The site is located in close proximity to train services from Lee Station and benefits from many bus routes, which run along Burnt Ash Hill itself, and the South Circular just to the south of the application site. It has a Public Transport Accessibility Level (PTAL) of 3, where '1' is rated as Poor and '6' is rated as Excellent.

b) Refuse and servicing

- 7.65 The proposed Waste Management Plan is considered acceptable. Refuse storage would be provided in two areas within the 'Home Zone'. Details of such would be secured via condition.
- 7.66 The Delivery and Servicing Plan submitted with the application fails to provide swept path analysis for the largest refuse vehicle used by Lewisham's Waste Department (which is 11.2m long), the swept path analysis used was a 7.9m vehicle.
- 7.67 An amended Delivery and Servicing Plan illustrating a 11.2m refuse vehicle would be secured by planning condition. The Delivery and Servicing Plan should include a revised Waste Management Plan if an 11.2m vehicle is unable to access the site. This plan should include details of refuse and re-cycling collection points, and should include details of how bins will be brought out to collection points on collection days and returned to bin stores.

c) Cycle Parking

- 7.68 The London Plan Housing SPG Standard 20 and London Plan Policy 6.9 state that all developments should provide dedicated storage space for cycles at the following level:
- 1 per studio and one bed
 - 2 per all other dwellings
- 7.69 In addition, one short stay cycle parking space should be provided per 40 units.
- 7.70 Communal cycle parking (12 no.) is provided within an external, covered and secure cycle parking unit located within two stores in the Home Zone. Furthermore, each unit provides internal storage for cycle parking. This would be conditioned to provide 2 spaces per unit in accordance with the London Plan Housing SPG standards.
- 7.71 The Design and Access Statement indicates that the proposed community space (260 square metres) would provide space for a further 8 bicycles. The standard for a D1 unit of this size would be a maximum of 5 (1 space per 8 staff and 1 space per 100 square metres) assuming that the unit would not accommodate more than

16 staff which is unlikely given the nature of the unit. The details of such would be secured by condition.

7.72 The number of cycle spaces is in accordance with the London Plan and as such is considered acceptable.

d) Car Parking and Highways

7.73 Officers have considered the parking survey data submitted with the application and the level of car ownership in the surrounding area, a car-free scheme (with the exception of 4 disabled parking spaces) is considered acceptable in this location, subject to conditions requiring the following:

- Provision of membership to a car club scheme at the site as a sustainable alternative to car ownership.
- A contribution towards a controlled parking zone to mitigate the impact of parking demand being displaced from the development onto the streets surrounding the site.
- A Travel Plan for the site. The Travel Plan should include measures to encourage the use of sustainable modes of travel at the development.
- Improvements to the informal crossing facilities on Burnt Ash Hill (close to the junction with Woodyates Road). The improvements to the crossing will include widening the crossing facility, installing dropped kerbs and tactile paving, which will improve pedestrian accessibility to the application site.

7.74 Further to the above, officers would require that the applicant must agree with the Highway Authority to secure the highways works identified within the Transport Statement submitted with the application which include:-

- The closure of the existing crossover and the creation of a new vehicular access
- The re-instatement of the footway adjacent to the site on Burnt Ash Hill
- The relocation of the bus stop adjacent to the site, amendment of the bus lane/cage on Burnt Ash Hill and the associated Traffic Regulation Order.

7.75 Finally, a Parking Management Plan would also be secured by condition. The plan should provide details of how informal parking will be enforced/managed within the site and provide details of how the four disabled parking spaces will be allocated.

7.76 Subject to the above, the proposed development is considered to be acceptable with regard to parking and highways matters.

e) Construction

7.77 Given the location of the site on a busy road with active bus lanes, and the existing bus stops adjacent the application site, a full Construction Management Plan is required to be secured by condition.

Impact on Adjoining Properties

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

a) Daylight and Sunlight

7.79 The application site is bounded by Our Lady of Lourdes Church to the north, residential development at Swallow Court to the south, and residential development on Pitfold Road to the east or rear of the proposed development. To the front of the site lies Burnt Ash Hill and beyond the road lies further residential development.

7.80 To the north, the proposed development would be located some 14m from the Clergy House and some 26m from the church. It is worth noting that there is only one window on the flank of the Clergy House which is relatively small and appears to be obscure glazed. Given this separation distance and the nature of the use of this site, the proposed development would not impact unreasonably on this site with regard to sunlight or daylight.

7.81 To the east, the proposed development would be located some 53m from the residential development on the other side of Burnt Ash Hill. Given this separation distance, no unreasonable impact with regard to daylight or sunlight would be expected.

7.82 To the rear of the site the two storey element of the proposed development would be located 32 to 37m away from the rear elevations of the residential dwellings on Pitfold Road. Given this separation distance and the modest height of the proposed development in this location, no impact with regard to daylight or sunlight would be expected. It is noted that the 6 six storey element would be located some 60m from the rear of these properties and as such would also present no unreasonable impact in this regard.

7.83 To the south of the site lies Swallow Court, which ranges from two to four storeys in height. The flank of the proposed development would be located some 3m from the flank of Swallow Court. There are only two small windows on the northern flank of Swallow Court at fourth floor level which face the application site; given their location, small size, and that the proposed development would only extend to 5 storeys in height at this location, it is anticipated that there would be no unreasonable impact on this residential building with regard to loss of light. It is also noted that Swallow Court sits on a higher ground level than that at the application site. Furthermore, officers note that the proposed development would not extend beyond the rear elevation of the existing building at Swallow Court, and would only marginally extend beyond the front.

7.84 Given the above, officers consider that the proposed development would have no unreasonable impact with regard to loss of daylight or sunlight to occupants of neighbouring residential dwellings.

b) Outlook

- 7.85 With regard to outlook, an important consideration is the impact of the development from neighbouring properties and whether the development would have an overbearing impact by virtue of its scale and mass. Whilst it is evident that the view of the site from surrounding sites would change, it is not considered that there would be an adverse impact in this respect.
- 7.86 The proposed development would be located a sufficient distance away from neighbouring residential dwellings on the opposite side of Burnt Ash Hill and Pitfold Road to ensure no unreasonable loss of outlook.
- 7.87 The small flank window on the flank elevation of the Clergy House to the north of the site would be located 14m away from the proposed development. Given the nature of this window and that the existing development is 3 storeys in height at this location, it is not considered that this window would experience any unreasonable loss of outlook over and above the existing arrangement on site.
- 7.88 As stated above, there are only two small windows on the northern flank of Swallow Court at fourth floor level which face the application site. These are secondary windows in the flank elevation. Such a flank-to-flank relationship is common for residential properties of this nature on Burnt Ash Hill and in urban environments in general. Given the windows location, small size, and that the proposed development would only extend to 5 storeys in height at this location, it is anticipated that there would be no unreasonable impact on this residential building with regard to loss of outlook.

c) Privacy

- 7.89 The Council's Residential Development Standards SPD (updated 2012) states that developers will be expected to demonstrate how the form and layout of their proposals will provide residents with a quality living environment, and how privacy will be provided both for the neighbours and the occupiers of the proposed development.
- 7.90 It states that a minimum separation distance of 21 metres should be maintained between directly facing habitable room windows on main rear elevations, unless mitigated through design. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development. A greater separation distance will be required where taller buildings are involved.
- 7.91 The acceptable distance between front elevations should normally be determined by the character of road widths in the area. The use of mews, courtyard, and other similar forms of development may entail relatively small front to front distances. The minimum distance between habitable rooms on the main rear elevation and the rear boundary, or flank wall of adjoining development, should normally be 9 metres or more.
- 7.92 There would be no loss of privacy to the church to the north of the site given the nature of the use of this site and the lack of habitable room windows facing the application site. Similarly, the proposed development would be located some 53m from the residential development on the other side of Burnt Ash Hill. Given this separation distance, no unreasonable impact with regard to loss of privacy would arise.

- 7.93 With regard to the residential properties to the rear of the application site on Pitfold Road, the main block of the proposed development, which would extend to 6 storeys in height would be located some 60m from the rear elevations of these houses and some 33m from the closest part of the rear gardens. As such, there would be no unreasonable loss of privacy in this respect.
- 7.94 The two-storey terraced dwellings proposed to the rear of the application site would be located 4m to 9m from the rear gardens and 32 to 37m away from the rear elevations of the residential properties on Pitfold Road. Given the proposed screening on the boundary through landscaping and the separation distance, it is considered that the proposed two-storey terrace would have no unreasonable impact on the properties on Pitfold Road with regard to loss of privacy.
- 7.95 With regard to Swallow Court to the south of the application site, only two small windows at fourth floor level would face the proposed development. Officers recognise that given the separation distance here of 5m from the existing windows to proposed windows that there is potential for loss of privacy. However, these windows are secondary flank windows with the orientation of the building running from east to west. The potential for an element of mutual overlooking that may exist here would be common for residential properties of this nature and in this arrangement. As such, officers consider that there would be no unreasonable loss of privacy to the occupants of Swallow Court, which would warrant refusal of the application.

d) Summary

- 7.96 Given the separation distances from surrounding residential uses, which largely are well in excess of the Council's recommended minimum standards it is considered that there would be no unreasonable impact on the occupants of neighbouring residential dwellings with regard to neighbour amenity.
- 7.97 Concerns have been raised particularly from residents on Pitfold Road with regard to the impact on these properties by way of loss of neighbouring amenity. As discussed above, the rear elevations of these properties are located some 60m away from the 6 storey element and 32-37m from the 2 storey terrace. These separation distances are well in excess of the council's recommended standards and it is noted that much smaller separation distances could be considered acceptable in urban locations.
- 7.98 Where these standards are not met at the flank-to-flank relationship with Swallow Court, it is accepted that there may be a degree of loss of privacy in this location however this is not uncommon for such an arrangement in an urban setting and is considered acceptable in this instance.

Sustainability and Energy

- 7.99 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 7.100 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

- 7.101 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4.
- 7.102 The energy assessment confirms that along with a solar photovoltaic panels array of 429 square metres at roof level will achieve a total carbon reduction of 35% beyond those defined in Building Regulations Part L (2013).
- 7.103 Given the above, the proposal is considered acceptable with regard to sustainability and energy.

Ecology

- 7.104 DM Policy 24 (Biodiversity, living roofs and artificial playing pitches) states that Applicants for all major and, where appropriate, non-major development will be required to use up to date surveys and reports that are based on the latest legislation and carried out by a suitably qualified ecologist registered with the Chartered Institute of Ecology and Environmental Management (CIEEM). The surveys should be carried out during an optimal time and contain the appropriate degree of detail needed to identify and consider existing biodiversity interests and possible impacts on them, where the proposed site is part of, or located adjacent to, a site designated for its biodiversity value.
- 7.105 The applicant has submitted a Preliminary Ecological Appraisal and a Bat Survey Report. The surveys undertaken indicate no bat roosts are present at the existing application site with minimal bat activity noted over three separate visits (May and June 2018) to the site. The Council's Ecological Regeneration Manager has no objection to the proposed development subject to compliance with the measures outlined in section 5 (Discussions and Recommendations) of the Bat Survey Report. No other ecological issues have been raised.
- 7.106 Given the above, the proposed development is acceptable with regard to impact on ecology.

Trees and Landscaping

- 7.107 London Plan Policy 5.11 confirms that development proposals should include 'green' roofs. Core Strategy Policy 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which compromise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity bio-diversity.
- 7.108 Core Strategy Policy 12 (Open Space and Environmental Assets) recognises the importance of trees and details the arboricultural considerations required during the planning process. It states that the Council's targets to conserve nature and

green the public realm will be achieved by “protecting trees, including street trees, and preventing the loss of trees of amenity value, and replacing trees where loss does occur”.

- 7.109 DM Policy 25 (Landscaping and Trees) states that Development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey. Where trees are removed as part of new development, replacement planting will normally be required. New or replacement species should be selected to avoid the risk of decline or death arising from increases in non-native pests and diseases.
- 7.110 The tree survey has categorised the existing trees on site using British Standard BS5837:2012 Tree Categorisation Process as follows:

Table 3

<i>Category</i>	<i>Definition</i>
A	High quality, minimum of 40+ years remaining contribution
B	Moderate quality, minimum of 20+ years remaining contribution
C	Low quality, minimum of 10+ years remaining contribution
U	Unsuitable for retention, <10 years remaining contribution

- 7.111 The existing site accommodates 51 items of vegetation including 3 groups and 48 individual existing trees, 13 of which are Category B, 36 of which are Category C and 2 of which are Category U. There are no Tree Protection Orders on any of the trees on the application site.
- 7.112 32 individual trees are to be removed to facilitate the proposed development, 7 of these are classed as being of moderate quality (Category B) and 25 are classified as low quality (Category C). Nine trees are to be pruned to provide a reasonable clearance of new structures or hard surfaces and to facilitate access for construction. The Arboricultural Impact Statement submitted indicates that the level of pruning proposed will not have a significant long-term negative impact on the health or amenity value of the trees.
- 7.113 The proposed tree loss will be mitigated by a robust and high quality landscaping scheme. The applicant has submitted plans demonstrating that such a scheme is feasible on site and that the proposed development presents the opportunity for replacement tree planting of a better quality, and more appropriate and diverse species than that existing. The new proposed trees are as follows:

Table 4

<i>Tree type</i>	<i>Number</i>
London Plan	8
Norway Maple	3
Scots Pine	4
Snowy Mespilus	9
Sargent’s Cherry	4
Vilmorin’s Rowan	6
Silver Birch	17
Hazel	5

Wild Cherry	5
Rowan	5
	Total: 66

- 7.114 This scheme proposes replacement planting to the front, rear and northern flank of the site as well as within the internal courtyard. The proposed landscaping scheme will provide 85 trees in total (19 no. retained existing and 66 no. new), of various sizes and species in comparison to the existing 51 trees on site, many of which are of low quality. The replanting proposed by the landscaping scheme and the greater public benefit presented by the provision of 47 social rented homes is considered to outweigh the loss of existing trees on site.
- 7.115 The proposed landscaping scheme including replanting is considered to make a positive contribution to the character, appearance and setting of the area, and an improvement over the existing situation. It is recommended that the details of both soft and hard landscaping be secured by condition.
- 7.116 Further to the above, it is recommended that a Tree Protection Plan is also secured by condition to ensure that the trees proposed for retention are appropriately safeguarded during the construction process.

Air Quality

- 7.117 The proposed development is located with Air Quality Management Area 1 as identified by the London Borough of Lewisham Air Quality Action Plan (2016–2021) The applicant has submitted an Air Quality Impact Assessment with the application. This report concluded that the application site was ‘low risk’ with regard to Air Quality Impact and recommended that appropriate dust control mitigation measures are implemented. It was also concluded that the proposed development would be Air Quality Neutral.
- 7.118 The council’s Environmental Health Officer has reviewed the application and confirmed no objections with regard to air quality impact, subject to the development being carried out in accordance with the mitigation measures outlined in Appendix C of the Air Quality Impact Assessment. It is recommended that this be secured by condition.
- 7.119 A further recommendation was made requiring that the applicant display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary during construction of the proposed development. This should be included as part of a Construction Management Plan which would be required by condition.

8.0 Local Finance Considerations

- 8.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 8.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application however the applicant has claimed social housing exemption.
- 9.0 Community Infrastructure Levy**
- 9.1 The proposed development is CIL liable and the applicant has claimed social housing exemption which is expected to be granted.
- 10.0 Equalities Considerations**
- 10.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 10.2 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.
- 10.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 10.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 10.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making

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

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

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

11.0 Human Rights Implications

11.1 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.

11.2 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.

12.0 Conclusion

12.1 This report has considered the proposals in the light of adopted development plan policies and other material considerations including information or representations relevant to the environmental effects of the proposals.

12.2 It is considered that the scale of the proposed development is acceptable, that the building has been designed to respond to the context, constraints and potential of the site and that the development would provide a high standard of affordable residential accommodation which is desperately required by the borough.

12.3 The NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place the scheme accords with local and national policies.

12.4 The proposals are considered to accord with the development plan. Officers have also had regard to other material considerations, including guidance set out in adopted supplementary planning documents and in other policy and guidance documents as well as the responses from consultees (received both during consultation and the drop-in session), which lead to the conclusions that have been reached in this case. Such material considerations are not considered to outweigh a determination in accordance with the development plan and the application is accordingly recommended for approval.

13.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

Conditions

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

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

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

BURN-AECOM-P1-00-M3-SV-0001, 7107_P_001 revision A, 7107_P_002 revision A, 7107_P_003 revision D, 7107_P_005 revision A, 7107_P_006 revision A, 7107_P_007 revision A, 7107_P_008 revision A, 7107_P_009 revision A, 7107_P_010 revision A, 7107_P_011 revision A, 7107_P_012 revision A, 7107_P_021 revision D, 7107_P_022 revision D, 7107_P_023 revision B, 7107_P_024 revision B, 7107_P_025 revision B, 7107_P_026 revision B, 7107_P_031 revision A, 7107_P_032 revision A, 7107_P_033 revision A, 7107_P_034 revision A, 7107_P_035 revision A, 7107_P_036 revision A, 7107_P_037 revision A, 7107_P_038 revision A, 7107_P_039 revision A, 7107_P_040 revision A, 7107_P_041 revision A, 7107_P_042 revision A, RSHP-0000-P-XX P1, RSHP-0001-P-XX P1, RSHP-0002-P-XX P1, RSHP-0003-P-XX P1, RSHP-0010-P-00 P1, RSHP-0011-P-01 P1, RSHP-0012-P-02 P1, RSHP-0013-P-RF P1, RSHP-0020-E-N P1, RSHP-0021-E-E P1, RSHP-0022-E-S P1, RSHP-0023-E-W P1, RSHP-0041-P-XX P1, RSHP-0042-P-XX P1, RSHP-0043-E-XX P1, RSHP-0044-E-XX P1, RSHP-0100-P-00 P1, RSHP-0101-P-01 P1, RSHP-0102-P-02 P1, RSHP-0103-P-03 P1, RSHP-0104-P-04 P1, RSHP-0105-P-05 P1, RSHP-0106-P-RF P1, RSHP-0200-E-S P1, RSHP-0201-E-N P1, RSHP-0202-E-S P1, RSHP-0203-E-N P1, RSHP-0204-E-E P1, RSHP-0205-E-W P1, RSHP-0300-S-AA P1, RSHP-0301-S-BB P1, RSHP-0302-S-CC P1, RSHP-0303-S-DD P1, RSHP-0304-S-EE P1, RSHP-0305-S-FF P1, RSHP-0306-S-ZZ P1, RSHP-0307-S-YY P1, RSHP-1700-D-XX P1, RSHP-1701-D-XX P1, RSHP-1702-D-XX P1, RSHP-1703-D-XX P1, RSHP-1704-D-XX P1, RSHP-1705-D-XX P1, RSHP-1706-D-XX P1 received 4 October 2017

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

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process

- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

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

- 4. (a) The buildings hereby approved shall be constructed in accordance with the approved Energy Assessment (AECOM revision 3, 17th August 2017) in order to achieve the following requirements:
 - a minimum of 35% improvement in the Target Emission Rate (TER) over the 2013 Building Regulations Part L1A minimum requirement to accord with current (April 2015) GLA requirements for carbon reduction

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- 5. Prior to any above ground works a detailed schedule and sample panel of all external materials, including surface treatments, and finishes/windows and external doors/roof coverings to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- 6. The refuse storage and recycling facilities shown on drawing RSHP-0100-P-00 revision P1 hereby approved, shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the

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

7. (a) A minimum of 94 residential and 12 communal secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

8. (a) The commercial unit hereby approved shall be fitted with a minimum of 8 secure and dry cycle parking spaces prior to occupation
- (b) The commercial unit shall not 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 14: Sustainable movement and transport of the Core Strategy (2011).

9. (a) The proposed development hereby approved shall be constructed in accordance with scheme of soft landscaping as indicated on drawing numbers 7107_P_021 revision D, 7107_P_022 revision D, 7107_P_023 revision B, 7107_P_024 revision B, 7107_P_025 revision B, 7107_P_026 revision B, 7107_P_031 revision A, 7107_P_032 revision A, 7107_P_033 revision A, 7107_P_034 revision A, 7107_P_035 revision A, 7107_P_036 revision A, 7107_P_037 revision A, 7107_P_038 revision A, 7107_P_039 revision A, 7107_P_040 revision A, 7107_P_041 revision A and 7107_P_042 revision A .
- (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).

10. (a) Prior to any above ground works, drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall have been submitted to and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

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

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

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

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

Reason: In order that both the local planning authority may be satisfied as to

the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

13. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the elevations or the roof of the building.

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

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

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

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

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

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

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

17. (a) No development shall commence above ground level on site until plans (1:50) and details showing the physical fit out of the commercial unit hereby approved have been submitted to and approved in writing by the

local planning authority.

- (b) No occupation of the residential units shall take place until the commercial unit hereby approved is be constructed in full accordance with the approved details.

Reason: To ensure that the fit-out of the units is sufficient to ensure that they are an attractive and commercially viable option and to demonstrate the developers commitment to delivering the commercial units as part of this development in accordance with Core Strategy Policy 4 Mixed Use Employment Locations (June 2011) and Development Management Local Plan (November 2014) DM Policy 9 Mixed Use Employment Locations

- 18. (a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) standard M4(3)(2).

- (b) No development shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a) of this condition.

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

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

- 19. (a) Prior to completion of superstructure works on site, a Parking Management Plan indicating how the proposed car parking spaces will be allocated to the future residents, and how informal parking will be managed, shall be submitted to and approved in writing by the local planning authority.

- (b) Parking Management Plan shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

- 20. The proposed development shall be carried out in accordance with the mitigation measures outlined in Appendix C of the Air Quality Impact Assessment (AECOM, 2017).

Reason: In order to ensure that the proposed development does not unreasonably impact on local air quality in accordance with Core Strategy Policies 7 Climate change and adapting to the effects and 9 Improving local air quality and Development Management Plan Policy 23 Air Quality.

- 21. (a) No development shall commence until details of the following works

(including drawings and specifications) have been submitted to and approved in writing by the Local Planning Authority:

- i. Improvements to the informal crossing facilities on Burnt Ash Hill (close to the junction with Woodyates Road) to include widening the crossing facility, installing dropped kerbs and tactile paving
- ii. The closure of the existing crossover at the application site and the creation of a new vehicular access
- iii. The re-instatement of the footway adjacent to the application site on Burnt Ash Hill
- iv. The relocation of the bus stop adjacent to the application site, amendment of the bus lane and cage on Burnt Ash Hill and the associated Traffic Regulation Order.

(b) Prior to occupation, the works required under (a) must be completed and evidence of approval from the Highways Authority to this work must be submitted and approved by the Local Planning Authority.

Reason: To secure highways improvement works on the public highway and to accord with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

22. Prior to occupation of any of the residential units hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that car club membership for each of the flats has been provided. The memberships shall be a minimum of two years in duration and apply 7 days a week.

Reason: To limit car ownership/use and encourage sustainable modes of transport in accordance with Policies Objective 9: Transport and accessibility and Core Strategy Policy 14: Sustainable movement and transport (June 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

23. (a) No development above ground level shall commence on site until plans and sectional details at a scale of 1:10 or 1:20 showing the proposed frontage to the commercial unit hereby approved have been submitted to and approved in writing by the local planning authority. Such information should demonstrate the location of the fascia sign, any shutter/grill box, the window system, the stall riser (if included), canopies, awnings and the entrance.

(b) The development shall be constructed in full accordance with the approved details prior to first occupation of the residential units hereby approved.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 19 Shop fronts, signs and hoardings.

24. No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly

indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

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

25. The proposed development shall be carried out in accordance with Section 5 (Discussions and recommendations of the report entitled "Mayfield – Bat Survey Report" (AECOM) dated June 2018, received 12 June 2018.

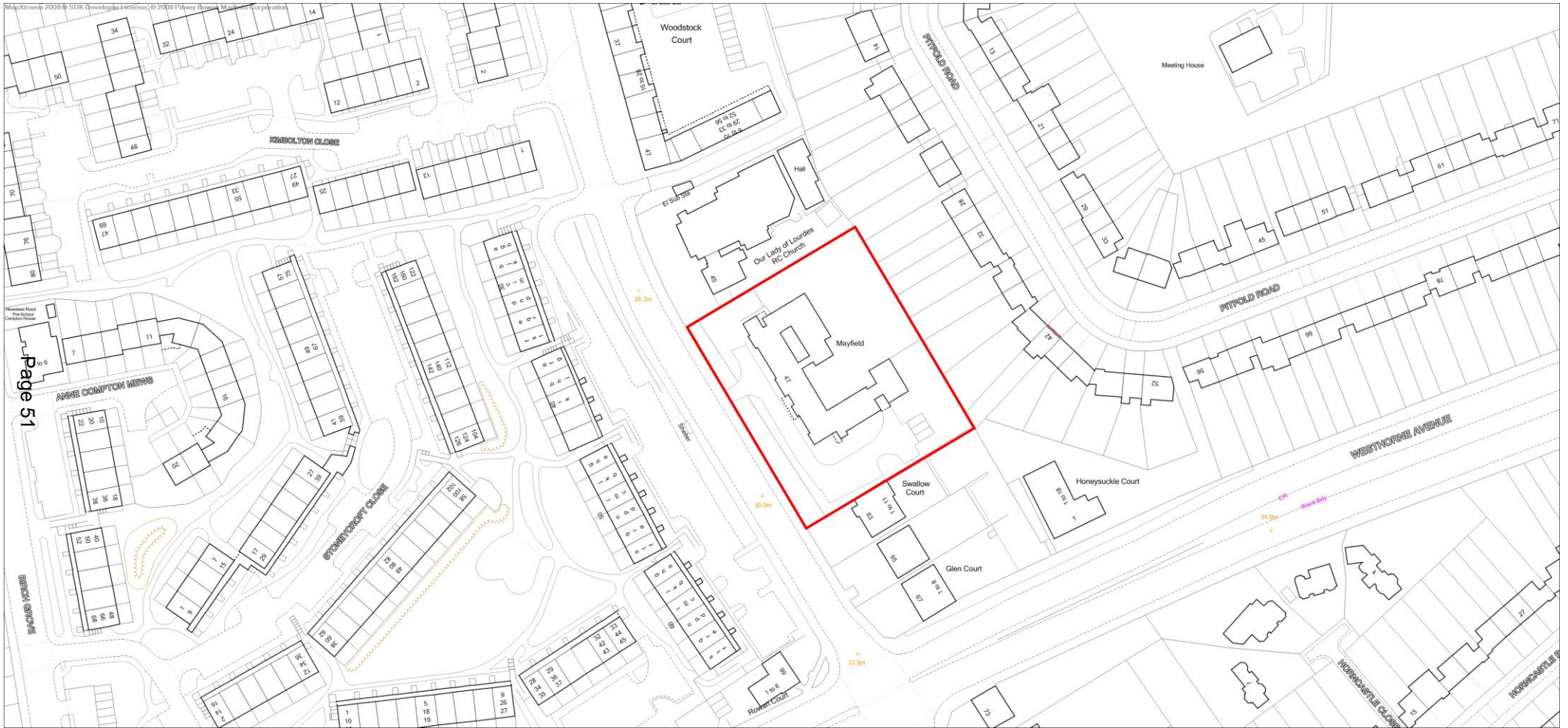
Reason: In order to ensure compliance with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character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

26. At least twenty four (50%) of the residential units hereby granted permission shall be provided and maintained in perpetuity as affordable housing for social rent to meet the needs of householders whose incomes are not sufficient to permit them to access and afford to rent on the open market. The affordable housing shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Reason: In order to meet the housing needs of the Borough and comply with Core Strategy Policy 1 of the Lewisham Core Strategy (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 discussions took place which resulted in further information being submitted.
- B. The applicant is advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- C. The applicant is advised that the name and contact details of the person(s) accountable for air quality and dust should be displayed on the site boundary during construction of the proposed development.



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Appendix A

MAYFIELDS HOSTEL, 47 BURNT ASH HILL, LONDON, SE12 0AE

DC/17/103886



Drop-in Session Minutes

13th December 2017

Drop-in Session Minutes: Mayfields Hostel, 47 Burnt Ash Hill, Lee, SE12 0AE

Date: 13th December 2017

Time: 6.30pm to 8.00pm

Attendees

Planning department: Michael Forrester (Major and Strategic Projects Officer)
David Robinson (Senior Planning Officer)

Applicant (Lewisham Homes): Suzannah Taylor
Femi Adenusi
Kelvin Barker

Applicant's Team: Mark Rintoul (RSHP Architects)
Lorna Jackson (RSHP Architects)

- Nine members of the public attended the drop-in session
- Local councillors were invited however were unable to attend on this date

The meeting began with attendees reviewing the material brought along by the applicant and the applicant's team; following this, a more formal discussion was held to allow attendees from the public to outline their concerns with the proposed scheme and discuss with the applicant, the applicant's team and members of the planning department.

The points raised by members of the public during discussion are categorised, and outlined below:

Trees

- Concerns were raised over the amount of trees being removed. It was stated that the quantum of development was being driven by numbers and not by a desire to retain existing trees on site
- Where does the proposal fit in with the Mayor for London's "Greener London" proposals?
- How are trees graded?
- Even low quality trees have value
- Why do so many trees have to be removed?

Height and design

- The scale of the development is being driven by numbers
- The proposed height is alarming
- The proposed building would be two storeys higher than the church
- An image was shown to the applicant team showing a line drawn through the ridge of Swallow Court and the church, indicating that the proposed development would be taller than the established building line
- Concerns regarding the use of colour on the proposed cladding
- Could the colour of the cores be changed from orange?

Impact on neighbour amenity

- What will the impacts be on the properties to the rear of the application site in terms of noise, loss of privacy and light spillage?

Parking

- There are always around 8 cars parked at the front of Mayfields Hostel
- There is insufficient parking for the number of units proposed
- Parking will spill onto Burnt Ash Hill and surrounding streets. It was stated that parking is already a problem in the area and many people have to drive some distance to park
- There have been instances when owners of vehicles in surrounding residential streets have been unable to move their vehicle from their drive as they have been blocked in
- There is a particular strain on parking on Sundays when people arrive to go to church. Elderly people may have to park some distance away and walk to church
- Particular concerns regarding the family units not having a parking space. Car use is a necessary part of family life and Lewisham Homes cannot prevent occupants of the site owning cars and parking these elsewhere
- Parents will need cars to take children to school, particularly if no school spaces are available in the immediate locality
- If a Controlled Parking Zone is introduced in the future, this would further limit the number of unrestricted parking spaces available for future occupants of the proposed development

Children's playspace

- The proposed degree of playspace is insufficient for the likely 140 children who would live on site
- Concerns over how the proposed community space / playspace would be managed

Strain on local services

- The proposed development would put a strain on local services such as dentists and GP surgeries
- How would enough school places be provided for the number of children who are likely to live on the proposed development?
- It was stated that the attendees were not aware of any plans for any of the surrounding schools to expand

Crime and anti-social behaviour

- Currently drug needles and other rubbish is thrown over the boundary into the rear gardens of properties on Pitfold Road – how would this be prevented in any future development?
- How would drug dealing and other anti-social behaviour be prevented in any future development?

Modular construction

- Why is modular construction being proposed on this site?
- The use of modular construction was the reason why a development of this scale could be proposed on the application site

Other

- Concerns were raised that the public were misled at consultation stage regarding the number of trees that were to be removed
- The proposed development involved a change of use and should be referred to the Mayor of London
- Is it good practice for Lewisham Homes to have so many affordable homes grouped together in one development with no private housing provision? Concerns over how future occupants would be regarded by the surrounding community
- It was stated that there was a preference that the land remained in council ownership
- Would tenants have the right to buy the properties after 5 years?

It was stated following the discussion that the attendees would be submitting a further joint objection letter to be with the Planning Department for early to mid-January 2018.

Appendix B

MAYFIELDS HOSTEL, 47 BURNT ASH HILL, LONDON, SE12 0AE

DC/17/103886

Group Representation



Re: Planning application ref DC/17/103886 – Mayfields, 47 Burnt Ash Hill, SE12

Dear Sirs,

At the public consultation meeting held on 13th December 2017 you kindly invited those members of the public in attendance to submit a group representation giving our collective views and objections to the proposed development at Mayfields, 47 Burnt Ash Hill.

The first thing that we want to make clear is that we fully support the need to provide additional homes in Lewisham and understand that The Mayfield site would be ideal for this purpose.

Our major concerns about the proposed development relate to:

1. The height and character of the main building.
2. Inadequate amenities for future residents.
3. The impact on local services.
4. Design and density.

We have referred to the London Plan and the Housing Supplementary Planning Guidance published by the Mayor of London when commenting on the proposed development.

1.Height and Character

1a Local area and streetscape

- The proposed height and character of the development is totally out of context with the local area and streetscape.
- Policy 7.4 of the London Plan refers to local character and states:

Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.

- We fail to understand how a building of this magnitude and elevational treatment conforms in any way to the above requirements. The adjacent buildings have a maximum height of 4 storeys and are generally of brick elevation.
- The proposed design does not demonstrate any regard for the pattern of the existing streetscape in terms of scale, proportion or mass. Nor does it allow the existing adjacent church to retain its positive contribution to the character of the area. This proposed development will simply dominate the streetscape.

1b Privacy

- The 6-storey height of the main building will have a very detrimental impact on the privacy of those properties that it overlooks both front and rear. To the rear, balconies and

habitable rooms of the main block on Burnt Ash Hill will provide a direct and intrusive view of gardens and rooms at the back of Pitfold Road properties. These currently benefit from a high level of privacy and the proposals will significantly reduce residents' enjoyment of their own homes. This will be further exacerbated by the proposed tree removal (see below). The enjoyment of natural light to existing homes will also be significantly reduced should a six-storey block be constructed.

- The Housing Supplementary Guidance states:
***Standard 28** –design proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces.*

This standard is aimed at the properties on the new development but it should also apply to the pre-existing neighbouring properties.

The balconies of the new flats will be overlooked by the rear of the properties in Pitfold Road and also the properties on the opposite side of Burnt Ash Hill. Due to the height of the new development the fronts of the properties on the far side of Pitfold road will also be affected.

1c Trees

- Paragraph 2.2.5 of the Housing Supplementary Guidance states:

Development proposals should also enhance provision of green infrastructure in the public realm, helping to mitigate and adapt to climate change (Policy 5.10 Urban Greening), extend tree cover (Policy 7.21), improve biodiversity (Policy 7.19) and to help enhance physical activity, walking and cycling opportunities and reconcile conflicts of use (Policy 3.2 Improving health and addressing health inequalities Policy 6.9 Cycling and Policy 6.10 Walking).

- There are many existing, mature trees on the site that must be considered as a major constraint to the development. We would have expected the Arboricultural Impact Assessment Report to have included a survey of the existing trees, and then to have recommended confining the development of the site in such a way that the trees were not affected. However, it is stated in the conclusions of the Report that, “The proposed development will require the removal of 32 trees”. This clearly demonstrates that it is **the scale of the proposed buildings that is dictating tree removal rather than assessing the constraints that the trees place on the development of the site and then designing a development to suit.**
- These trees are a real asset to the area. Of the 49 trees on the site, it is proposed to fell 32 and we wonder how the removal of this number of trees will affect local air quality given that the area is already dominated by traffic on the South Circular Road and Burnt Ash Hill.
- We are also concerned by the potential for increased noise pollution posed by tree removal in conjunction with new residential development.
- How does the proposal to fell so many trees fit into the London Mayor's plans for a greener London? Although the proposals allow for landscaping, it will be decades before any new planting might provide the privacy and environmental benefits afforded by the existing trees.

2 Amenities for future residents

- The proposed development comprises 47 family homes. We consider that the provision of open space, play space, car parking and social infrastructure has not been addressed satisfactorily.

2a Parking

- There will be just 4 disabled parking spaces on this site with no other parking provided. We understand that this is a matter of policy. However, it seems highly unlikely that the development of family accommodation will not generate car use and therefore an increased demand for, and pressure on, local parking provision.
- A car parking survey submitted with the planning application clearly shows that there will be very little parking available for the new residents. This area suffers an influx of cars on weekdays due to non-residents parking in our roads to use Lee train station to travel to work. The residents of this new development will be car owners, regardless of the dictates of policy, and these cars will have to be parked in the surrounding streets which will only exacerbate an existing problem. If this is the case, it is likely that residents of nearby streets will apply for controlled parking zones thus further reducing the number of available parking spaces.
- It was reported at the last meeting that car owners who currently live in Mayfield park their vehicles in the private parking area of the adjacent flats and climb the fence to access Mayfield. This practice is likely to continue, or get worse, should this development go ahead.

2b Play areas and open spaces

- This development could potentially house 140 children but no provision has been made for play areas within the site.
Paragraph 1.3.21 of the Housing Supplementary Guidance states:
Where a development includes family housing, accessible play spaces designed to meet the needs of younger and older children should be provided, taking account of the projected child population in line with Policy 3.6.
- The Housing Supplementary Guidance includes the following:
Standard 5 (and Policy 3.6) – *For developments with an estimated occupancy of ten children or more, development proposals should make appropriate play provision in accordance with the Mayor’s Play and Informal Recreation SPG.*
- And paragraph 2.2.13 of the Housing Supplementary Guidance states:
Policy 3.6 Children and Young People’s Play and Informal Recreation Facilities, seeks to ensure that all children and young people have safe access to good quality, well designed, secure and stimulating¹²³ play and informal recreation provision. Housing development proposals are expected to make appropriate provision for play and informal recreation based on the expected child population generated by their scheme and an assessment of future needs.

- None of the above guidance is met by these development proposals.
- The Housing Supplementary Guidance includes the following:

Standard 4 - *Where communal open space is provided, development proposals should demonstrate that the space:
is overlooked by surrounding development;
is accessible to disabled people including people who require level access and wheelchair users;
is designed to take advantage of direct sunlight;
has suitable management arrangements in place.*

- The proposed development has very little communal open space. There is an area designated as “Community Garden Space” but this is in the northern most corner of the site, is not overlooked as adjacent house walls have no windows, is not accessible to wheelchair users and will be in the shadow of the main building. As such this space does not comply with the guidance.
- It was suggested at the public meeting that the need for play areas and open space was met by the provision of the balconies to each flat. There could be 4, or more, children living in some of these flats and the provision of a balcony cannot be deemed suitable or adequate play space.
- Paragraph 2.2.5 of the Housing Supplementary Guidance states:

Whilst there are inherent benefits in providing larger family housing at relatively low densities, it is possible to successfully accommodate family homes within higher density schemes, where these units are carefully located and designed. For example, ground level family maisonettes, duplex apartments or terraced houses can be provided within schemes of much higher densities, with front doors at street level, private gardens and play space provided either in communal areas or public open space, with good overlooking from family units. This also provides a number of advantages in terms of natural surveillance (see standard 10).

- And paragraph 2.2.26 of the Housing Supplementary Guidance states:

Where family units are provided on the upper floors it is important to ensure appropriate private open space is provided with adequate outlook, orientation, and privacy. Social infrastructure including child care and primary schools should be accessible and within a safe and convenient walking distance.

- We do not consider that the proposed development accords with this guidance.

3 Local services

- As stated above the provision of social infrastructure should be addressed for any proposed development. With 47 families moving into the proposed development there could be up to 94 adults and 140 children living on this site.
- We are concerned that existing services such as doctors and schools will not be able to adequately meet increased demand. We particularly note that none of the primary schools within a safe and convenient walking distance have any excess capacity. Is the expectation that children will be required to make potentially unsafe and inconvenient journeys to schools outside the local area?

4 Design and Density

- We believe that the proposed use of modular construction arises from financial considerations that fail to take account of the existing environment (both on site and the surrounding area), or the quality of life for future residents. We understand that this type of construction is eligible for grant funding under the London Mayor's Innovation Fund, and that it becomes more cost efficient by increasing the number of modules employed due to the repetition involved. The Council has only to look to its own recent housing developments (Longfield Crescent, Atlas Mews and Wood Vale) to find examples of high quality new homes with a more 'traditional' aesthetic and which we all agree would be far better suited to the Mayfields site.

- With regard to the design and **density of the proposed development**, we would highlight the following guidance;

- Paragraph 1.3.16 of the Housing Supplementary Guidance states:

*In broad terms, higher densities (which assume a lower number of habitable rooms per dwelling) will be more suitable for households without children and will require less open space and play provision. Higher density housing can be particularly suitable in town centre and edge of centre locations; in areas with good public transport accessibility; and as an element of mixed-use developments, where open space and car parking may be limited. **This does not preclude provision of family homes in town centres when open space, play space, car parking, social infrastructure and other relevant factors can be addressed satisfactorily.***

- Paragraph 1.3.17 of the Housing Supplementary Guidance states:

*In areas with particularly high accessibility, consideration should be given to capitalising on this to make higher density provision for **smaller households**. In addition, there should be consideration of the extent to which the provision of smaller accessible and adaptable units in suitable locations as part of higher density mixed use development can encourage downsizing and potentially help to free-up under-occupied larger properties for families in the existing housing stock.*

- Paragraph 1.3.1 of the Housing Supplementary Guidance states:

*One of the key themes of the London Plan is the recognition that while the best use should be made of development opportunities, proper account must be taken of the range of factors which have to be addressed to “optimise,” rather than simply maximise, housing potential. Of particular importance are ensuring good design and taking into account public transport capacity and local context and character. Other relevant factors include access to social infrastructure, open space and play provision. This balanced approach to optimising output is supported by the London Plan’s broad design policies in Chapter 7 and the specific housing standards proposed in Policy 3.5. Taking all these factors into account independent consultants suggest that for the purposes of the Plan, **‘optimisation’ can be defined as ‘developing land to the fullest amount consistent with all relevant planning objectives.***

With regard to this guidance, we believe that the development proposal has been prepared to maximise the housing potential without due regard to the living conditions of the incoming residents.

- The Housing Supplementary Guidance includes the following:

Standard 29 *Developments should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.*

Many of the properties in this development are near north facing and as such will be devoid of direct sunlight which is noted in the guidance as being *vital* to a sense of wellbeing in the home. Those properties at the rear of the development will be worst affected with those at ground and first floor being in the shadow of the main block.

The terraced houses at the rear of the development will be constantly in the shade as will the private gardens associated with them.

- The main block will cast a significant shadow on the rear gardens of the properties in Pitfold Road during the afternoon and homes on Burnt Ash Hill during the morning, affecting existing residents’ sense of wellbeing in their homes and the enjoyment of their private outdoor space.

Conclusion

- We do not believe that this development has been designed to fit into the existing streetscape or the existing site constraints.
- We believe that it has been developed based upon the use of modular construction, for which a grant is available from the London Mayor’s Innovation Fund, and which becomes more cost efficient by increasing the number of modules employed due to the repetition involved. It is our view that a more traditional method of construction would be best suited to this site.
- The modular form of construction was used for the Lewisham Council development at PLACE/Ladywell, but at this location the requirement was for a building to provide temporary and redeployable accommodation for families. The proposed Mayfields development is for permanent homes and as such the proposals are not suitable.
- We consider that this approach to the design of the buildings and their layout on the site disregards key principles of The Housing Supplementary Guidance for London and

consequently, will have a deleterious effect on the quality of life for both existing and future residents of the area.

- Mature trees are being removed from the site un-necessarily. A more suitable development could be carried out on this site to provide permanent housing for Lewisham residents which would meet the requirements of The Guidance and fit in with the local streetscape. This development could provide family homes with private gardens and parking for residents and visitors with the potential to enhance rather than blight the local area.
- This submission should be read in conjunction with the individual submissions made earlier. This submission reinforces the views of the individuals and is presented as a group submission as requested at the public meeting on 13/12/17.

For and on behalf of;

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Committee	PLANNING COMMITTEE B	
Report Title	159a Upper Brockley Road, SE4	
Ward	Brockley	
Contributors	Jan Mondrzejewski	
Class	PART 1	19 th JULY 2018

Reg. Nos. (A) DC/17/101182

Application dated 18 April 2017

Applicant Mr Smith of Strutt and Parker on behalf of Mr Selva (Alcomax)

Proposal The demolition of existing buildings at 159a Upper Brockley Road, SE4 and the construction of a three storey plus basement building comprising 4 two bedroom, 2 one bedroom and 1 studio, self-contained flats/maisonettes with pedestrian access from Geoffrey Road, together with the provision of bicycle and refuse / recycling storage and front and rear gardens.

Applicant's Plan Nos. UBR2 A0 02; URB2 A0 03; UBR2 A0 11; Heritage Statement; Planning Statement; Design and Access Statement; Sustainability Statement Received 18th April 2017

UBR2 A0 02; UBR2 A0 03; UBR2 A0 06 Rev C; UBR2 A0 11; UBR2 A0 13 Rev C; UBR2 A0 17 Rev C; UBR2 A0 18 Rev B; UBR2 A0 19 Rev C; UBR2 A0 20; UBR2 A0 21; UBR2 A0 22; Received 26th February 2018.

UBR2 A0 01 Rev C; UBR2 A0 04 Rev D; UBR2 A0 05 Rev D; UBR2 A0 07 Rev D; UBR2 A0 08 Rev D; UBR2 A0 09 Rev D; UBR2 A0 10 Rev C; UBR2 A0 12 Rev D; UBR2 A0 14 Rev D; UBR2 A0 15 Rev D; UBR2 A0 16 Rev D; Received 13th March 2018

Background Papers Background Papers List
(1) Case File LE/104/159/TP
(2) The London Plan
(3) The Core Strategy
(4) Development Management Local Plan.

- (5) Residential Design Standards SPD
- (6) Brockley Conservation Area Character Appraisal and SPD
- (7) Planning Obligations SPD

Designation

Core Strategy, Site Allocations Local Plan - Existing Use.
Brockley Conservation Area
PTAL 4

1.0 Property / Site Description

- 1.1 The application site is a triangular shaped corner plot fronting Upper Brockley Road to the west and Geoffrey Road to the east. To the north-east the site is bounded by single storey garages on Ashby Mews. The site slopes down from east to west and comprises two low grade single storey buildings, now vacant and formerly occupied by a garage, a MOT business and a tyre business with associated hardstanding used for vehicle parking. The site adjoins the boundary with 159 Upper Brockley Road, which is a three storey end of terrace house in the applicant's ownership, which was recently rebuilt following fire damage.
- 1.2 The site is located in the Brockley Conservation Area which was designated in 1968. The Conservation Area is subject to an Article 4 direction which restricts permitted development rights for the alteration of street elevations and front gardens of dwelling houses within the Conservation Area.
- 1.3 The site has a PTAL rating of 4.

2.0 Relevant Planning History

- 2.1 The site may have originally formed garden land belonging to No 159 Upper Brockley Road and would have compensated for the comparatively short rear garden of this property.
- 2.2 The site has been used for commercial purposes for a considerable time, possibly commencing in the inter-war period. Between 1959 and 1998 various applications relating to the use of the site for car sales servicing and underground storage of fuel were made to the Council. These are of relevance to the current application for residential development as they indicate the possible presence of contamination.
- 2.3 In 2003, planning permission was refused for the alteration and conversion of 159 Upper Brockley Road to provide 2, two bedroom, self contained maisonettes, together with the installation of a dormer window in the rear roof slope, together with the demolition of the existing garage buildings at 159a Upper Brockley Road and the construction of a part three/part four storey block incorporating roof terraces, comprising 6, one bedroom and 4, two bedroom, self contained flats, associated landscaping, storage space at basement and the provision of bin stores. The reasons for refusal were as follows:

1. *The proposed scheme by reason of its form, siting and overall design and relationship to adjacent properties in Upper Brockley Road and Geoffrey Road, would be detrimental to the street scene in this significant site and would fail to preserve and enhance the character and appearance of the Brockley Conservation Area.*
2. *The proposal would result in the loss of employment generating uses, with no evidence having been submitted that there is no reasonable prospect of an employment use continuing or new employment use materialising (as a single use or as part of a mixed use).*
3. *The development would result in additional on street parking pressure, detrimental to safety on the highway and the amenities of neighbouring residential occupiers.*

2.4 In 2007, a planning application was submitted for the alteration and conversion of 159 Upper Brockley Road to provide 1, two bedroom and 1, three bedroom self-contained maisonettes and the installation of a dormer window in the rear roof slope, together with construction of a part three/part four storey block incorporating roof terraces and balconies on the site of 159a Upper Brockley Road, comprising 10, two bedroom, self-contained flats, associated landscaping, storage space at basement level, the provision of bin stores and 13 bicycle and 5 off-street parking spaces. The application was withdrawn following advice from officers that the scheme would be likely to be refused on similar grounds to the 2003 scheme.

2.5 In 2008, planning permission (DC/08/68086) was refused for the construction of a three storey building, plus roof space, to the side of 159 Upper Brockley Road SE4, comprising 1, two bedroom and 1, three bedroom, self-contained maisonettes. The reasons for refusal were as follows:

1. *The plans submitted with the application do not contain sufficient detail or information to permit a comprehensive assessment of the proposed accommodation, particularly the layout and standard of accommodation of the upper maisonette*
2. *The proposed window openings in the side (east) elevation would unreasonably prejudice the future development of the neighbouring property at 159a Upper Brockley Road.*
3. *The plans submitted with the application do not contain sufficient detail or information to permit a comprehensive assessment of the proposals and the impact of the proposed development on the adjacent property, the terrace of which the site forms part and on the character and appearance of the Brockley Conservation Area. The Council is not, therefore, satisfied that the proposed development would preserve or enhance the character and appearance of the conservation area.*

2.6 In 2008, planning permission (DC/08/69721) was granted for the construction of a three storey, plus roof space building at 159 Upper Brockley Road, comprising 1, one bedroom and 1, three bedroom, self-contained maisonettes. This development has been implemented and completed.

2.7 In 2016, an application (DC/16/098840) was submitted for the demolition of existing buildings and construction of a four storey building to provide 7 residential units and

53sqm of commercial floorspace (Use Class B1), together with associated landscaping, cycle parking and refuse and recycling storage at 159a Upper Brockley Road, SE4. The building line at Geoffrey Road would be located approximately 1000 mm from the back of pavement. The main elevations of the building would be constructed in red brick with precast stone window frames and featured a glazed staircase and bay element within Upper Brockley Road elevation and inset balconies in Geoffrey Road elevation. The building would address the corner in a chamfered fashion.

2.8 This application was refused under delegated powers in December 2016 for the following reasons:

1. *The proposed commercial floor space, by reason of its lower ground floor location within the building, access arrangements via a light well, lack of street frontage and public visibility, restricted headroom and reliance on artificial lighting, would not ensure its attractiveness and marketability, thereby undermining the future viability of this commercial floor space and its sustainable contribution towards local employment and would not compensate for the loss of the existing commercial uses. As such, the loss of the existing operational employment floor space is unjustified and the proposals are contrary to Policy 5 of the Core Strategy (2011) and DM Policy 11 of the Development Management Local Plan (2014).*

2. *The proposed building, by reason of its siting forward of the Upper Brockley Road building line, scale, height, materials and absence of detailed design would result in an incongruous addition to the street scene whilst failing to preserve or enhance the special character and appearance of the Brockley Conservation Area, contrary to Policies 15 and 16 of the Core Strategy (2011), DM Policies 30, 33 and 36 of the Development Management Local Plan (2014).*

2.9 This application was the subject of an appeal which was dismissed on 28 June 2017. Although the Inspector did not find against the scheme on the issue of the commercial accommodation located at basement level, he considered that the scheme would fail to preserve or enhance the character and appearance of the Brockley Conservation Area. The main reasons for this were the footprint, scale, and detailed design of the proposed development. In particular, the Inspector stated that:

The proposed building would extend forwards of the line of the adjacent terrace created by the front elevations, to an extent consistent with the protrusion of the bay windows. However, with the existing bay windows on the adjacent terrace restricted to ground floors only, the 4-storey proposal would appear as a prominent addition at the end of the terrace within the street scene, the impact of which would be further exacerbated by the incorporation of a substantial full-height squared bay window on the same elevation, extending even further beyond the established building line on the Upper Brockley Road elevation. I am also mindful that the proposed building would essentially extend nearly to the back of the pavement along a substantial section of the Geoffrey Road frontage, where this was not observed to be a particularly characteristic form of development

.....the differing roof forms, the junction between the eaves of No. 159 Upper Brockley Road, and the parapet of the proposed development would appear as an awkward and jarring design feature, even allowing for the set-back glazed element

accommodating the stair-core acting as the visual link. Whilst I accept that the proposed materials would reflect the palette of materials found within the conservation area, I am not persuaded that the detailed design and elevational treatment of the proposed building, including the use of inset balconies on the Geoffrey Road, would result in a successful architectural solution which would relate sympathetically to the character and appearance of the adjoining buildings and conservation area.

3.0 Current Planning Application

- 3.1 The current application was submitted as one for the demolition of existing buildings at 159a Upper Brockley Road, SE4 and the construction of a three storey plus basement building comprising 4 two bedroom and 2 one bedroom, self-contained flats/maisonettes and one 89.9sqm Class B1(a) Office Unit at ground and basement level with pedestrian access from Geoffrey Road, together with the provision of bicycle and refuse/recycling storage and front and rear gardens.
- 3.2 The application was submitted in April 2017 before the outcome of the appeal in respect of the 2016 application was known. However, while the application was considered by officers to be an improvement on the appeal proposal, they considered that there was still considerable scope for improvement.
- 3.3 The scheme was therefore altered on the basis of feedback from officers and comments from residents, to move the building footprint back from Geoffrey Road and omit the commercial unit as this was regarded as isolated and likely to be unviable in this part of the Conservation Area. Setting the scheme back further from Geoffrey Road and meeting National minimal floorspace standards for residential development, also made it difficult to achieve the quantum of development originally proposed without utilising the B1 floorspace for C3 purposes. Bin and bike storage was also moved from the Upper Brockley Road frontage of the site to a rear storage and collection area accessed from Geoffrey Road and more attractive lightwells were provided to the basement accommodation. Reconsultation on a revised scheme comprising 2 two bedroom maisonettes, 1 two bedroom flat, 3 one bedroom flats and a studio flat of 40.7m² therefore took place in August 2017.
- 3.4 The scheme was further revised after a Local Meeting on 31st January 2018 to amend the treatment of the corner of the Upper Brockley Road and Geoffrey Road elevations and introduce a glazed link between the proposed building and the adjoining end terraced house.
- 3.5 The roof of the new building would have a false roof slope mimicking that of the adjoining terrace in Upper Brockley Road and concealing a living roof and photovoltaic panels. This has been further revised following feedback from the Brockley Society and local residents to provide a curved corner to the roof to reflect the curve of the building below and increase the number of trees shown within the garden area of the building from 1 to 3.

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 met those required by the Council's adopted Statement of Community Involvement.

- 4.2 Notification letters were sent to surrounding occupiers, the Brockley Society and local ward councillors. A site notice was displayed and a press advert was published in the local paper.

Highways comments

Cycle Parking

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

Waste Management

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

Crossover

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

Car Parking

- 4.6 Car free development in this location should be conditional on a Section 106 Agreement which commits the applicant to providing a car club subscription for all residents of the proposed development for a period of 3 years following the completion of the scheme. In view of the proximity of the proposal to the one-way section of Geoffrey Road, a contribution of £6,000.00 should also be requested in order to provide a contraflow cycle lane to this part of the road. The provision of such lanes which, allow cyclists to move in both directions in one-way streets, is in line with the Lewisham Cycling Strategy 2017 (See Strategy 16, page 25). In this case it would provide a more direct route for cyclists between Geoffrey Road and Brockley Station and will therefore be of benefit to the future occupiers of the proposed development.

Construction Management Statement

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

Written Responses received from Local Residents

- 4.8 Comments on the scheme as initially submitted:

Replies from the occupiers of Nos 155 & 161 Upper Brockley Road, Nos 32c, 38, 40, 42, 44, 46a & 52, Geoffrey Road and 12 Cranfield Road, objecting to the application on the following grounds:

- 1 The number of units seems completely out of scale with its direct neighbours.

2. The size and number of units will also cause a considerable increase in traffic on an already very busy road.
3. The development will give rise to overshadowing and privacy issues for the gardens of the adjoining houses on Upper Brockley Rd, particularly by that part of the development which extends up Geoffrey Rd beyond the rear building line of the existing terrace of houses.
4. If building is to extend up Geoffrey Road, beyond the rear of the Upper Brockley Road units, it should be at the same height as the existing buildings, ie single storey.
5. There is little demand for more commercial space. A number of commercial units, in the area have remained empty for several years, while other commercial premises have recently been converted to residential use.
6. The design itself is not of exceptional quality and adds nothing to the architectural value of the conservation area.
7. Bricks – the proposed “Buff Waterstruck” are not appropriate. The entire street is predominantly London yellow stock.
8. The vehicle repair business operating from a garage directly adjacent to the proposed development, on the corner of Ashby Mews and Geoffrey Road is a constant nuisance to existing residents as a result of noise, disturbance and pollution. If this garage is allowed to continue they will, post development, park even more of their customer’s cars on the street, having lost the use of the existing hard standing of the application site. Parking is already difficult enough for existing residents. This is a residential area with very little need/space for a commercial operation of this type, especially once the adjacent 3 motor businesses have closed.
9. The loss of the existing commercial site would result in a loss of potential employment.
- 10 Existing properties in Geoffrey Road will be in view of 2 flats and an office only a short distance away giving rise to overlooking, with very little intervening space for tree planting. The design should incorporate at least one additional tree to the rear, and ideally a semi-mature fast growing species that will quickly soften the view and provide an alternative focal point.
11. Aside from the issue of Bricks, the remaining garage use and tree planting, the general design of the new proposal is acceptable. The inclusion of the green roof is good and the overall style and layout will complement the street better than the existing buildings.
- 12 The proposal will change a single story build with large parking area (but where many cars still park in the cycle lane or on the yellow lines) into a four story building with no parking.
13. The huge increase in height over the garage that is currently there will completely dominate the 2-storey Victorian houses opposite on Upper Brockley Rd which are some of the oldest and most significant in the Conservation Area

14. The proposal needs to sit back in line with houses on Upper Brockley Rd and be two storey at the front in order to not visually dwarf the houses opposite.
15. Geoffrey Rd is already blocked with traffic most mornings with slow moving traffic jams close to the front of 161 and 163 Upper Brockley Rd. This huge increase in building volume will bring further loss of quality air and increase traffic on this already dangerously busy road.
16. The proposed site already sits considerably higher than the two storey dwellings on the opposite side of Upper Brockley Road. The proposed development will completely dwarf them and change the nature of this part of the Conservation Area. The proposal should be no more than two storeys in height.
17. The proposed build extends out past the building line with the terraced houses in Upper Brockley Rd and would loom out larger still onto the turning into Upper Brockley Rd , distorting the view, light and character of the smaller Victorian houses opposite. The proposal should therefore respect the existing building line in Upper Brockley Rd.
18. Building work is currently happening on each side of No 161 Upper Bromley Road in what is a 'regeneration hotspot', with no account is being taken of the need for air quality, trees and parking for local residents
19. Parking is already difficult and arguments happen daily between irate drivers and pedestrians.
20. The proposed roofline does not reflect either Upper Brockley Road or Geoffrey Road and is inappropriate in the Conservation Area.
21. The proposed 'decorative brick detailing' on the upper Brockley Road elevation looks out of place and is not adequately justified.
22. The provision of balconies on Geoffrey Road are just 18m from habitable rooms on the southern side of Geoffrey Road. There are full height glass double doors opening onto these balconies will impact significantly on the houses on the southern side of Geoffrey Road in terms of privacy/overlooking as well as for the new residents. It is not an appropriate design feature for what will be an enclosed public realm.
23. As Geoffrey Road is very heavily trafficked it is unlikely that balconies on the Road would be desirable as amenity space.
24. The balconies would be far better situated on the Upper Brockley Road which has a larger frontage. The new development also backs almost onto the Geoffrey Road pavement which will lead to a loss of privacy for both old and new residents.
25. The contaminated land issue is not addressed within the application and the Council can have no confidence that this will be adequately taken into account (especially given the new end use that includes private gardens).
26. Insufficient space for refuse provision is provided and will exacerbate the current 'bins on pavement' issue within the area.

27. As with the previous proposals there has been a complete lack of public consultation or consultation with the Brockley Conservation Society. If the developers would just speak to the people who will be affected and to the Brockley Society there would not have to be an endless submissions of substandard designs which the Council rightly reject.
28. There is insufficient parking space for the commercial units in the area. There are already problems with a lack of parking space in the immediate area and Lewisham is considering restrictions around Brockley Station - loading/unloading/customer access will all be difficult.
29. There are currently no other residential frontages along Geoffrey Road that are set this far forward.
30. 6 cycle storage provisions for 2x1bed and 4x2 bed apartments does not comply with the London Plan standard.
31. The site is currently boarded up and the boards are covered in graffiti which is unsightly with no attempt being made by the current owners to clean up the site.
32. Lewisham Council should not be granting permission to developers proposing to build sub-standard developments that will generate maximum profits for them at the expense of those who will have to live with the development and those that will have to live in it.
33. Please either insist that the garages are replaced with Victorian style houses consistent with those on Geoffrey Rd and Upper Brockley Rd as appropriate or an exceptional design as per the mews development at the top of Geoffrey Rd.

One reply received from the occupier of No 88 Upper Brockley Road, supporting the application for the following reasons:

1. This is a very attractive proposal and certainly an improvement on the current use of this site. It is sympathetic and attractive and not too large, with materials that seem very in keeping with the conservation area.
2. More housing is needed in London and the scheme as currently proposed is not an ugly, overbearing, plastic clad (fire hazard) block of flats.
3. If there are problems with it the use of basements due to lack of light the height of the building could be slightly raised to four storeys to keep the same number of homes .
4. Most people would rather a nice block of flats is built rather than have the site remain an eyesore as it has been for years.

Comments on scheme as revised:

Replies received from the occupiers of Nos 76 (flat 3), 161 Upper Brockley Road, Nos 32b, 38, 40, 46a, 48 & 50 Geoffrey Road and 71 Braxfield Road,

1. Before 1950 there were no buildings on this site, and since then only a single storey garage with car repair and MOT services.

2. The drawings show a large building which extends well beyond the existing building line in Geoffrey Road and completely overshadowing the two cottages opposite.
3. It would loom over the houses in Geoffrey Road and create an increased blind spot for cars turning sharply into Upper Brockley Road as well as for pedestrians.
4. It would also create a pollution tunnel in Geoffrey Road
5. Information provided to date suggests the use of cheap bricks of the kind used in other parts of Lewisham.
6. The proposal is of inappropriate design and scale in relation to for the plot size.
7. The proposal will be dangerous to pedestrians as this is already a congested and sharp corner and is used by many people as a route to two local primary schools.
8. Whilst an improvement on the original scheme, the proposal does not meet the Council's policy requirement for 'exceptional design', being an oversized and cheap-looking building constructed in poor quality and highly generic building materials.
9. The proposal would fail to preserve or enhance the character and appearance of the Brockley Conservation Area.
10. The scale of development on Geoffrey Road is excessive in terms of height and would impact significantly on this street.
11. Objection to the loss of Loss of employment from the revised proposal. No robust evidence has been provided to demonstrate alternative sites within Brockley were sought for the businesses who were forced to shut down in June 2017. Furthermore, the revised drawings include no provision for any commercial space and represents a fundamental change of use.
12. While it is appreciated that the revised scheme has removed balconies overlooking properties in Geoffrey Road and the wall to be located on Geoffrey Road has been pulled back from the boundary by 1m, there is still very limited space between the proposed building and the pavement of Geoffrey Road.
13. Although the balconies overlooking existing houses on Geoffrey Road have been removed, the revised drawings show twice as many windows facing the existing houses in Geoffrey Road than in the previous two designs.. This will impact significantly, in terms of privacy/overlooking, of occupiers of both the houses on the southern side of Geoffrey Road as well as the new flats.
14. As the site has previously been garden land and more recently occupied by low commercial buildings, the extension of the existing Upper Brockley Road scale of development onto the site is completely inappropriate. And harmful to the amenity of the occupiers of the two story dwellings on the other side of the road.
15. Proposal still includes no evidence of any investigation in respect of ground contamination.

16. The principle of development and the improved scheme design since the previous application are acknowledged. However, the quality of the design proposed is disappointing. The site is located in an excellent location within the Brockley Conservation Area and provides an opportunity to deliver a landmark building offering beautiful architecture, enhancing the Conservation Area. The proposed scheme just does not offer this. The building is bland and lacking in detailed information.
17. Refuse storage and collection arrangements still remain poorly thought out.
18. The proposal has improved things dramatically for the residents of Geoffrey Rd but not the residents opposite on Upper Brockley rd. The proposed plans acknowledge that Upper Brockley Rd elevation forms the principle frontage – yet this is the least sympathetic or balanced part of the proposed development. It is windows heavy looking into and dominating the cottages opposite; the roof line doesn't match the other terrace houses, it juts out disproportionately far onto Geoffrey Road restricting views, blue sky and trapping pollution for the 2-story houses 161 and 163 opposite.
19. All negative features of the build, from entrances, bins to bike sheds, overbearing frontage and bulk are contained in the Upper Brockley Road section of the proposed development. This elevation needs to stop in line with the building line on Geoffrey rd and be mindful of the houses opposite.
20. The frontage on Upper Brockley rd. goes nearly to the kerb on Geoffrey Road. This elevation needs to end in line with the building line on Geoffrey Rd. or reduce to 2-stories as it approaches the corner so as not to dominate it and overwhelm the other well-balanced properties that form this part of the Conservation Area.

Local Meeting

- a. A Local Meeting was held on 31 January 2018 in the Civic Suite of the Town Hall at 7pm. The meeting was attended by the applicant, his architect and planning consultant. Seven local residents also attended together with two representatives of the Brockley Society with the Council represented by Cllr Adefiranye and the Planning Officer. Revised plans were tabled at the meeting by the applicant's architects which took account of comments made by residents and officers on the previous proposal. These showed the following:
 - Refuse storage and collection, previously sited in the front garden of the new building, moved to the rear of the site where it would not be visible from the street.
 - A glazed link to provide a visual break between the recently rebuilt No 159 Upper Brockley Road, which provides the current terminus of the Victorian Terrace and the proposed development, which represented a continuation in a more contemporary style.
 - More generous lightwells to the lower ground floor accommodation, integrating these with the adjoining gardens.

- b. Minutes of the Local meeting are attached as an appendix to this report. Although there was general acknowledgement that the scheme had been considerably improved since the original submission, there was still concern about parking and traffic generation, impact on sunlight to existing properties and the provision of a more satisfactory design to the corner of the building at the junction of Geoffrey Road and Upper Brockley Road.
- c. Residents were advised that a revised scheme would be produced to address these concerns and this would include a shadow path analysis to show the impact of the new scheme on existing properties. There would be further consultation on the revised scheme prior to the proposal proceeding to the Planning Committee for determination.
- d. Comments were received from the Brockley Society and two local residents regarding the revisions made to the scheme after the Local Meeting. The Brockley Society were broadly happy with the revisions subject to the following points:
- In accepting the curved corner and uniform setback as a distinct improvement the curvature of the prow is tight and assurance would be required that if cut bricks are to be used, these can be formed to achieve an even radius and with a prescribed bond - a detail to condition this would therefore be essential.
 - The type of brick was also questioned as it will need to be 'frogless' in order to provide solidity when cut to shape. In which case we have doubts about the buff brick proposed and also because we consider this to be too light and not particularly indigenous. We therefore wish to be further advised and involved with brick selection and suitability
 - The street views of the proposed corners of the pv panelled and angled sections of the roof need to be better equalised - for instance this could be achieved for the curved prow formed at the junction of the Upper Brockley and Geoffrey Road sections by extending the pv panelled angled runs by c1m into the point of the prow. This would then better enable a balance to be created with the run towards Ashby Mews
 - A wider glazed link would be preferred.
 - Two residents maintained objections to the scheme on the issue of height, scale and mass and impact on properties in Geoffrey Road and on the potential generation of increased on-street parking in Geoffrey Road. An additional CGI view of the scheme from Ashby Road was requested.

Officer Response to Resident Comments

- e. It is recommended that if the proposed design is considered acceptable by the Planning Committee, the issue of contamination can be dealt with by means of a pre-commencement condition. This will require the site to be investigated for potential contamination and if this is present, a programme for the decontamination of the site to be submitted to and approved by the Council prior to the occupation of the proposed

dwellings. The issue of parking/traffic generation is also dealt with in the Planning Considerations section of this report and, as in the case of other car free schemes which have been approved within this area this will involve a Section 106 Agreement with the applicant to mitigate the impact of additional parking on existing residents. This will be done by the applicant funding of car share membership for residents for an initial 3 year period. In addition the applicant has now agreed to make a financial contribution to the provision of a contraflow cycle lane in the one-way section of Geoffrey Road which will assist cyclists travelling between Geoffrey Road and Brockley Cross/Brockley Station.

- f. Officers considered that the appearance of the scheme from Geoffrey Road would be evident from the submitted elevations and the CGIs already produced.
- g. In terms of the Brockley Society comments, the design of the glazed link has been refined in the latest iteration of the scheme. Although it has not been made wider, Design, Planning and Conservation Officers are now happy with this feature of the proposed building. If the Committee were minded to approve the scheme, a condition on materials and brick detailing would be applied to the planning permission.

10. Policy Context

Introduction

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

- k. 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)'.
- l. 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.
- m. The new, draft National Planning Policy Framework was published for public consultation on 5 March 2018 (until 10 May 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.

Other National Guidance

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

London Plan (March 2016)

- o. In March 2016 the London Plan (consolidated with alterations since 2011) was adopted. 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 3.3 Increasing Housing Supply
- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.3 Sustainable design and construction
- Policy 5.13 Sustainable drainage
- Policy 5.21 Contaminated land
- Policy 6.13 Parking
- Policy 7.1 Lifetime Neighbourhoods
- Policy 7.2 An Inclusive Environment

Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate sound-scapes

London Plan Supplementary Planning Guidance

Housing Supplementary Planning Guidance (March 2016)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 5 Other employment locations
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 9 Improving local air quality
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 21 Planning obligations

Development Management Local Plan

- q. 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:-

DM Policy 1 Presumption in favour of sustainable development
DM Policy 11 Other employment locations
DM Policy 22 Sustainable design and construction
DM Policy 23 Air quality
DM Policy 25 Landscaping and trees
DM Policy 26 Noise and vibration
DM Policy 28 Contaminated land
DM Policy 29 Car parking
DM Policy 30 Urban design and local character
DM Policy 32 Housing design, layout and space standards

DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas

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

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

DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets.

Planning Obligations Supplementary Planning Document (2015)

- r. This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

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

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

Brockley Conservation Area Character Appraisal and SPD (2007)

- t. This document sets out the history and spatial character of the area, identifying areas of distinct character, advises on the content of planning applications, and gives advice on external alterations to properties within the Brockley Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens. The SPD also specifically addresses the issue of Mews development and states that apart from Harefield Mews, which is a public highway adjoining the rear of shops in Brockley Road, there will be a presumption against residential development.

11. Planning Considerations

- u. The main issues to be considered in respect of this application for planning permission are:
 - a) Principle of development
 - b) Design and impact on heritage assets

- c) Quality of accommodation
- d) Impact on adjoining properties
- e) Highways & Traffic
- f) Environment & Sustainability

Principle of Development

- v. The National Planning Policy Framework through its core planning principles encourages the effective re-use and development of previously developed (brownfield) land. The NPPF also speaks of the need for delivering a wide choice of high quality homes which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- w. The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment. Policy 7.8 Heritage assets and archaeology sets out that development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate.
- x. Locally, Core Strategy Policy 5 which protects employment uses outside of designated employment locations and centres sets out that other uses (including residential) will be supported if it can be demonstrated that the site specific conditions including accessibility, adjacent land uses, building age, business viability and viability for redevelopment show that the site should no longer be retained in employment use. Development Management Policy 11 outlines that where development does not involve any job creation or retention, the Council requires evidence of a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent has been undertaken. This policy also outlines that where appropriate the Council will seek contributions to training and/or local employment schemes where there is a loss of local employment as a result of redevelopment or change of use.
- y. In this instance, the application is not supported by evidence of active marketing of the building for re-use or redevelopment for business uses. This is because the application as originally submitted featured a small B1 Unit accessed from Geoffey Road. Indeed, the previous scheme in respect of this site also featured a B1 unit of similar size in a basement location and was refused by the Council on the basis of the poor quality of the commercial accommodation which it would have provided. The reason for refusal states that the proposed B1unit '*would not provide suitable compensation for the loss of the existing commercial use*'. As will be seen in the 'Planning History' section of this report, this decision was the subject of an appeal. While the Inspector considered that the

Council's objection to the scale, bulk and design of the building was justified and the proposal would therefore not preserve or enhance the character and appearance of the Brockley Conservation Area, he did not consider that the B1 Unit was unacceptable because of its size, lack of a street frontage or position in the building. Although the B1 Unit in the current application as initially submitted was considered an improvement on the unit in the Appeal application, officers had the same concerns as previously in relation to its size and the fact that it did not appear to have been designed in order to facilitate or encourage a commercial user. For example, the exterior elevations of the unit were no different to the residential parts of the building, floor to ceiling heights were also the same and the building had clearly been designed to be easily converted to a maisonette, once a marketing exercise had established that the unit was unviable as B1 accommodation. However, it is unlikely that a refusal of planning permission on the basis of the quality of the proposed accommodation would be upheld in the event of an appeal, given the recent appeal decision in which a B1 unit of lesser quality had been found to be acceptable in this location.

- z. Officer concerns on the viability of the proposed B1 Unit were also shared by many residents who pointed out in their replies to the Council's initial consultation letter that this part of the Conservation Area was overwhelmingly residential in character and that in terms of size and location the B1 Unit would be unlikely to be viable. Given that the application would have to undergo substantial amendment to increase the set back of the proposed Geoffrey Road elevation and address other design issues, the applicant was advised that officers would no longer pursue that the scheme should incorporate a B1 Unit.
- aa. Members are advised that units originally granted planning permission as B1 artist studios in mixed use development at 2a Commerford Road (rear of 308 Brockley Road), which was completed in January 2014, are currently being used as residential accommodation. Although enforcement action in respect of this breach of planning control is being pursued, this is currently the subject of an appeal. The case highlights the difficulty of maintaining small commercial units in mixed use developments and the resources that are needed to prevent unauthorised conversion to residential use. In the case of 2a Commerford Road the properties adjoin a shopping parade fronting Brockley Road, where small B1 units are likely to be more viable than in Upper Brockley Road where the environs are predominantly residential. Indeed, the former commercial use of the application site was a tyre fitting centre, which was established on garden land many years ago, which brought considerable traffic and parking to Geoffrey Road and Upper Brockley Road and which detracted from the appearance and character of the Conservation Area.
- bb. In view of the above considerations, officers are satisfied that a wholly residential development of the site is acceptable in principle.

Design and impact on heritage assets

- cc. The NPPF through Chapter 7 addresses good quality design as a key aspect of sustainable development, which is indivisible from good

planning, and should contribute positively to making places better for people. It also states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and function of an area and the way it functions. Paragraph 137 of the NPPF sets out that local planning authorities should look for opportunities for new development in Conservation Areas within the setting of heritage assets to enhance or better reveal their significance.

dd. London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. London Plan Policy 7.8 Heritage assets and archaeology outlines that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate, and that development should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

ee. Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment repeats the necessity to achieve high quality design and requires new developments to conserve and protect heritage assets (including Conservation Areas). Development Management Policy 36, New development, changes of use and alterations affecting designated heritage assets and their setting sets out that planning permission will not be granted where new development is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials. This policy also sets out that the Council will require bin stores to be located at the side or rear of properties where access to the side and rear exists.

ff. In terms of its height, scale, external appearance and compatibility with the existing street scene, the development proposal initially submitted was considered an improvement on the scheme previously submitted and refused by the Council, which was at that time still the subject of an appeal. However, officers expressed concern over several aspects of the design, as did local residents and the Brockley Society. Although, it was suggested by officers that the application be withdrawn and resubmitted following a paid pre-application discussion, the applicants asked for written comments from officers outlining the matters of concern. They would then respond to these with amended plans

gg. The applicant was advised by officers to redesign the scheme to:

1. increase the setback to the Geoffrey Road elevation (preferably from 1 metre to 3 metres).
2. to remove the balconies from the Geoffrey Road elevation
3. to improve the relationship between the parapet height of the new development and the adjoining terrace of Victorian houses.
4. to remove the commercial unit from the proposal for the reasons outlined in the previous section.

- hh. Revised plans were received in July 2017 showing the set back to Geoffrey Road increased from 1m to 2m, and incorporating the other recommended changes including a studio apartment of 44sqm in area to replace the B1 unit initially proposed.
- ii. Reconsultation on the revised proposal commenced on 23rd August 2017. While the improvements to the plans were generally acknowledged by many respondents, elevation design, refuse storage and landscaping still remained a source of contention. Revised plans to address these issues were submitted prior to the local meeting with residents on 31st January 2018. This included the use of a glazed link between the Victorian replica elevation of No 159 Upper and the new block. The communal bicycle and bin storage area adjoining the upper Brockley Road entrance to the proposed flats was transferred to the communal rear garden adjoining Geoffrey Road. This improved the appearance of the block, while the use of communal rather than individual bins reduced land take and allowed refuse to be collected more efficiently, reducing the risk of individual wheely bins obstructing the footway. The basement light wells to the lower ground floor flats were also enlarged and landscaped to make them part of the adjoining gardens.
- jj. Following the local meeting, further alterations to the scheme were requested by officers. The most significant change was the removal of the bay window on the Geoffrey Road elevation of the building (thereby increasing the set back from Geoffrey Road) and the provision of a rounded corner to the building at its junction with Upper Brockley Road and Geoffrey Road. This alteration was particularly supported by the Brockley Society and as well as working better in townscape terms, it also reduced the massing of the proposed building for residents on the opposite side of Upper Brockley Road. Revised plans showing these changes and providing a shadow path analysis to show the impact of the proposed building on sunlight to adjoining properties were submitted in March 2018.

Quality of accommodation

- kk. Paragraph 17 of the NPPF states within its core planning principles that new development should seek to enhance and improve the health and wellbeing of the places in which people live their lives. London Plan policy 3.5 'Quality and Design of Housing Developments' sets out minimum space standards which should be applied to all new housing developments. London Plan Policy 3.5 also seeks convenient and efficient room layouts to meet the changing needs of Londoners over their lifetimes.
- ll. Guidance on the implementation of London Plan Policy 3.5 has been produced in the form of the Housing SPG (2016), which responds to the Department for Communities and Local Government's publication Technical housing standards – nationally described space standard (in March 2015).
- mm. Specifically regarding housing developments, Policy DM32 of the Lewisham Development Management Local Plan expects development to

respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area. Policy DM32 also reinforces the prescribed minimum standards for housing development as set out in the Government's Technical housing standards – nationally described space standard 2015 and the London Plan Policy 3.5. It is also acknowledged that the shape and layout of rooms are indicators of housing quality.

nn. All of the proposed residential units have been assessed in accordance with the standards associated with the policies above and are considered to meet or exceed the required minimum values. With regard to the provision of a single person studio unit, Policy DM32 of the Lewisham Development Management Local Plan states under paragraph (e) that single person dwellings will not be supported other than in exceptional circumstances and that developments will be required to have an exceptional design quality and be in highly accessible locations. In this case the proposed unit has a floor area of 40.4sqm (the minimum size being 37sqm), is dual aspect, benefits from having its own private amenity space as well as access to additional communal garden area and a bike store. The PTAL for this area is 3 but close to the Brockley Cross PTAL 4 zone. In view of this, the provision of a studio unit is considered acceptable.

oo. Changes to the scheme have also considerably improved the design and the light wells for the lower ground floor accommodation allowing these to be terraced and integrated into the adjoining gardens which are substantial in area and form part of the demise of the maisonettes in question. Front garden boundaries in Brockley Road have similarly also been designed to provide privacy to these gardens using traditional brick walls and hedges which are generally a feature of front gardens in the Conservation Area.

Impact on Adjoining Properties

pp. The NPPF states in its core principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London Plan policy 7.6 additionally states that development should not cause unacceptable harm to the amenity of neighbouring buildings in relation to loss of privacy or overshadowing.

qq. Locally, Policies DM31 & DM32 of the Development Management Local Plan require that for development adjacent to dwellings, there should result in no significant loss of privacy, outlook, and amenity (including sunlight and daylight) to adjoining houses and their back gardens.

rr. The proposed development is not considered to give rise to unacceptable amenity impacts to adjoining residential occupiers.

Highways and Traffic Issues

ss. The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular, it offers encouragement to developments

which support reductions in greenhouse gas emissions and those which reduce congestion. It is also expected that new development will not give rise to the creation of conflicts between vehicular traffic and pedestrians.

- tt. London Plan Policy 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well considered travel plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. Core Strategy Policy 14 Sustainable movement and transport states that the Council will take a restrained approach to parking provision.
- uu. London Plan Policy 6.9 as reinforced by the Draft Interim Housing SPG requires that all residential development provide dedicated storage space for cycles at 1 one bed unit, and 2 for all other dwellings.
- vv. The proposed development is for a total of 7 residential units within a site which has a PTAL rating of 4. Highway officers comment that subject to the provision of secure cycle storage in accordance with London Plan standards and the provision of car club membership for initial residents of the proposed development, a car free development in this location would be acceptable.
- ww. Given that the site was previously occupied by an automotive use, the proposed development is expected to generate a reduced level of vehicle movements.
- xx. In terms of encouraging residents of the new development to use bicycles for daily travel, the Highways Officer has requested that a £6,000.00 contribution to the provision of a contraflow cycle lane to the one way section of Geoffrey Road (which runs between the junction with Upper Brockley Road and the mini roundabout at Brockley Cross) be secured by a Section 106 Agreement. This will make travel by bike between the station and the proposed development easier and has been accepted in principle by the applicant.

Environment & Sustainability

- yy. The National Planning Policy Framework states that there is a presumption in favour of sustainable development and acknowledges the role of planning in shaping places to provide resilience to the impacts of climate change and support the delivery of renewable and low carbon energy infrastructure. It is acknowledged at Paragraph 98 that even small scale projects can provide a valuable contribution to cutting greenhouse gas emissions.
- zz. London Plan Policy 5.3 encourages the highest standards of sustainable design and construction to improve the environmental performance on new development and to adapt to the effects of climate change. Policy 5.7 encourages the use of renewable energy sources on all new developments.

aaa. Core Strategy Policy 8 Sustainable design and construction and energy efficiency requires that all new residential development will be required to achieve a minimum of Level 4 standards in the Code for Sustainable Homes from 1 April 2011 and Level 6 from 1 April 2016, or any future national equivalent. Although the Code for Sustainable Homes was revoked in March 2015, current building Regulations now require all new homes to be build to the equivalent of the previously applied Code 4.

bbb. Sustainability & Energy Statement by Enspere Group Ltd provides an overview as to how the proposed scheme contributes to sustainable development in the context of the strategic, design and construction considerations. The proposed scheme includes a range of sustainable design and construction features including:

- Incorporation of photovoltaics (PV);
- Highly efficient lighting;
- Water saving sanitary fittings and appliances to deliver a water efficient development;
- The use of materials with a low lifecycle environmental impact and embodied energy;
- Efficient construction and operational waste management; 7.5 The energy strategy will be consistent with the Energy Hierarchy and each house will satisfy the Council target for a 19% carbon reduction relative to Part L 2013 (equivalent to the mandatory requirement under Code Level 4).

Overall, the proposals for the scheme are in line with the overarching principles of sustainable development as well as the policy requirements of the planning authority.

12. Local Finance Considerations

ccc. 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).

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

eee. On 1st April 2015 the Council introduced its Local CIL to be implemented along with the existing Mayoral CIL. The charge replaced a number of financial contributions currently required through Section 106 Agreements.

fff. CIL is chargeable on the net additional floorspace (gross internal area) of all new development. Under the CIL charging schedule, the amount of

CIL payable for the SE4 postcode for new residential development is £70 per sqm. The Mayor's CIL is charged at £35 per sqm of new development.

ggg. The proposal is CIL liable and a CIL form has been completed.

13. Planning Obligations

hhh. The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development
- iii. Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

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

- £6,000.00 contribution to the provision of a contraflow cycle lane in the one way section of Geoffrey Road; and
- the developer meeting the Council's legal, professional and administrative costs associated with drafting, finalising and monitoring the Section 106 Agreement.

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

14. Equalities Considerations

Human Rights Act

iii. 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.

mmm. 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.

Equality Act

nnn. 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.

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

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

ppp. 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.

qqq. 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/>

rrr. 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

sss. 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/>

ttt. 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.

15. Conclusion

uuu. As detailed in this report, on the balance of policy considerations, which seek both to protect employment land as well as deliver new housing, the principle of redeveloping the site is considered acceptable.

vvv. The new development should respond positively to the character and appearance of its context. It has had considerable input from the Brockley Society and local residents which has strongly influenced the final design and officers consider that the scale and massing of the proposed building is now in keeping with the local context of the site

www. As a result of the above, the proposed building represents a high quality of design which will enhance the character and appearance of the Brockley Conservation Area.

16. RECOMMENDATION A:

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

- £6,000.00 contribution to the provision of a contraflow cycle lane in the one way section of Geoffrey Road; and
- the developer meeting the Council's legal, professional and administrative costs associated with drafting, finalising and monitoring the Section 106 Agreement.

17. RECOMMENDATION B

yyy. Following the satisfactory completion of the Section 106 Agreement, authorise officers to **GRANT PERMISSION, Subject to the following Conditions:-**

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

is granted.

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

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

Heritage Statement; Planning Statement; Design and Access Statement; Sustainability Statement Received 18th February 2017

UBR2 A0 01 Rev C; UBR2 A0 02; UBR2 A0 03; UBR2 A0 04 Rev D; UBR2 A0 05 Rev D; UBR2 A0 06 Rev C; UBR2 A0 07 Rev D; UBR2 A0 08 Rev D; UBR2 A0 09 Rev D; UBR2 A0 10 Rev C; UBR2 A0 11; UBR2 A0 12 Rev D; UBR2 A0 13 Rev C; UBR2 A0 14 Rev D; UBR2 A0 15 Rev D; UBR2 A0 16 Rev D; UBR2 A0 17 Rev C; UBR2 A0 18 Rev B; UBR2 A0 19 Rev C; UBR2 A0 20; UBR2 A0 21; UBR2 A0 22; Received 13th 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. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

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

4. (a) No development (apart from the demolition of existing buildings to facilitate site investigations in accordance with this condition) shall commence until each of the following have been complied with:-

(i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.

(ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.

(iii) The required remediation scheme implemented in full.

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

(c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council. This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full. The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

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

5. No above ground work shall commence on site until a detailed schedule and specification of all external materials and finishes, windows and external doors, roof coverings to be used on the building, which shall include a sample panel of facing brickwork erected at the site showing bond, decorative detail, mortar colour and pointing style to be used on the building, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High

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

6. (a) No above ground work shall commence on site until details of proposals for the storage of refuse and recycling facilities for the development 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 Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character. Development Management Local Plan (November 2014)

7. (a) A minimum of 11 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.

(b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

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

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

8. (a) No above ground work shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.

(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

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

9. (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees

and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

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

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

10. (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

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

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

11. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan hereby approved and maintained thereafter.

(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever.

(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

12. The development hereby approved shall not be occupied until the existing access has been closed and the highway reinstated in accordance with the permitted plans.

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

13. All window and door openings shall be constructed with minimum 110 mm deep external reveals.

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

14. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on any elevation or the roof of the building.

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

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

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

16. No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

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

Reason: In order to safeguard the amenities of adjoining occupants at

unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

18. Prior to occupation of any of the residential units hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that car club membership for the occupiers of each of the flats has been provided. The memberships shall be a minimum of three years in duration and apply 7 days a week.

Reason: To limit car ownership/use and encourage sustainable modes of transport in accordance with Policies Objective 9: Transport and accessibility and Core Strategy Policy 14: Sustainable movement and transport (June 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

Informatives

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: -
<http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- C. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

159A UPPER BROCKLEY ROAD, LONDON, SE4 1TF Site Plan



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Appendix A

159A Upper Brockley Road, SE4 1TF
DC/17/101182

Local Meeting Minutes

31st January 2018



Notes of Local Meeting, 7.30pm, 31st January 2018, Committee Room 4, Civic Suite, Lewisham Town Hall

Application Site: 159 Upper Brockley Road, SE4 Application No DC/17/101182

Proposed Development: Demolition of existing buildings at 159a Upper Brockley Road, SE4 and the construction of a three storey plus basement building comprising 4 two bedroom and 2 one bedroom, self-contained flats/maisonettes and one 89.9sqm Class B1(a) Office Unit at ground and basement level with pedestrian access from Geoffrey Road, together with the provision of bicycle and refuse/recycling storage and front and rear gardens.

Attendance:

Lewisham Council:

Cllr Adefiranye
Jan Mondrzejewski (Planning Officer)

Applicant:

John Smith of Strutt and Parker
Malcolm Last and Albert Shih of Chassay and Last Architects
Steve Selva of Alcomax Investments

Brockley Society:

Chris Johnson
Clare Cowen

Local Residents:

Six Residents from Geoffrey Road and 1 from One Resident of Upper Brockley Road

JM welcomed residents to the meeting, gave a brief background to the proposal, and explained the purpose of the local meeting. Local meetings are held where there are 10 or more objections to a proposal or an objection from an Amenity Society, both of which apply in this case. Cllr Adefiranye kindly agreed to chair the meeting which commenced with a presentation of the latest version of the proposal by the applicants team. It was explained that the drawings which residents were re-consulted on in August last year had been specifically revised for the local meeting to incorporate further feedback from residents and Council Officers.

Due to applicant's plans being at A3 scale, it was decided that the meeting should proceed along the lines of an informal discussion centred on the revised drawings so that these could be seen by all present at the meeting and the detailed changes made clear.

The Architect for the proposal explained that the bin and cycle storage had been moved from the front garden on Upper Brockley Road to the rear of the site adjoining Geoffrey Road. This change had been made in response to resident's comments during the most recent consultation on the application.

Residents raised the issue of whether bins would be allocated to individual flats, as shown on the revised plan, or be communal. JM stated that although either could be appropriate, a scheme for 7 flats would generate a lot of individual bins while communal bins for refuse and

recycling would make more efficient use of the space available while being accessible to all residents of the proposed development.

A Geoffrey Road resident made the point that the street is often left on refuse collection day with bins lettering the pavement. JM stated that this would be less likely to happen with refuse/recycling paladins which would be collected from and returned to the storage area subject to this being (as shown on the revised plans) within 10m of the highway.

The applicant stated that another change incorporated into the scheme was the redesign of the lightwells to the basements of the 2 two maisonettes fronting Upper Brockley Road. Previously, these had been of limited size and due to their depth would have needed to be covered by grilles or protected by 1.1m high railings to ensure the safety of residents using the garden. These light well have now been enlarged and incorporated into the garden, considerably improving natural light and outlook for occupiers of the proposed maisonettes. This was regarded as a positive change by the Brockley Society.

On the boundary treatment to upper Brockley Road, JM stated that front gardens in the Brockley Conservation Area generally have low garden walls, which were sometimes surmounted by railings. The later were generally removed during WW1 to assist the war effort. The proposed garden walls to Upper Brockley Road, which will become the main amenity space for two of the proposed maisonettes, should therefore be of a traditional form for the Conservation Area, with privacy dealt with by panting within the garden.

On the detailed design of the elevations, discussion focussed on the parapet height and the design of the corner of the building with Geoffrey Road. The re-introduction of a glazed link adjacent to the end of terrace property now created a visual break between the parapet of the new building and the eaves height of the existing terrace. The architect explained that lowering the height of the parapet had been explored but would detract from the appearance of the façade of the new building by diminishing the gap between the tops of the second floor windows and the parapet coping. JM stated that officers welcomed the re-introduction of the glazed link but felt that it could be a little wider than shown of the revised proposals.

On the design of the corner, there was a general feeling by residents and the Brockley Society that having the junction of two bay windows meeting at this point resulted in a visually awkward juxtaposition which would need to be addressed. CJ suggested that the re-introduction of a curvilinear feature at this point (as used in an earlier proposal for this site) might work. He also said that the Brockley Society were willing to engage with developers and their architects to resolve design issues such as this.

On parking and traffic, the architect stated that the scheme had been designed to be car free, hence no on-site parking was intended. JM explained that in areas such as this, which are reasonably well served by public transport, such scheme were acceptable subject to the provision of covered and secure cycle storage for residents in accordance with London Plan standards and a 3 year car club subscription (secured by a Section 106 Agreement) for all initial residents of the proposed development. As the site was not within a CPZ, JM stated that it would not be possible to place any restrictions on future residents of the development with respect to parking should a CPZ be introduced. Cllr JA advised residents that formal consultation on a CPZ for Brockley has taken place in the past but has previously been rejected by the majority of residents.

On the subject of pollution and on-street parking, residents considered that this had improved since the vehicle repair use which formerly occupied the site had closed. On the removal of the small commercial office from the proposal, this was in response to previous feedback from residents that this was an inappropriate location for such a use and the proposal would be unviable in this location. In any event the need to move the building further away from the

Geoffrey Road boundary (also in accordance with the views of residents and officers) has significantly reduced the footprint of the building and the floorspace available for development.

Many residents were concerned about the amount of traffic using Geoffrey Road, the speed of the traffic (despite the presence of a width restriction) and the localized pollution generated. JM explained that this was a matter concerning the local highway network which residents would need to raise with Highway Officers. On the subject of pollution, JM stated that the life expectancy of the building would mean that it will be in place long after the transition to non-polluting vehicles, indicating the pollution is best tackled by government legislation rather than building design.

The issue of daylight and sunlight was also raised by one resident of Upper Brockley Road and one resident of Geoffrey Road whose property contained basement accommodation. The architect stated that the orientation of the site meant that loss of sunlight as a result of the proposed building would be negligible. It was agreed that the architect would produce a shadow path analysis to demonstrate this and that this would be made available to residents. The resident of the Upper Brockley Road property which was located opposite the site felt that his position would be improved by the corner of the building being reduced to two storeys

One resident was concerned that, given the former use of the site, the application had been submitted without a site contamination report. The applicant stated that he expected this to be a requirement of a planning condition should the proposal be granted planning permission. He also considered that the size of the scheme and the need to demolish buildings in a conservation area in order to undertake the investigation meant that this was best done prior to commencement of development, once such development had been agreed by the Council. JM stated that this was also the case with a commercial garage site in Brandram Road Blackheath where a proposal for redevelopment to provide 4 flats would be considered by the Planning Committee on 1st February 2018.

JM explained that following this meeting the applicant would produce a revised scheme taking into account the comments raised at tonight's meeting and that this would include a shadow path analysis. Residents would be consulted on these proposals prior to the scheme proceeding to the Planning Committee for determination.

The meeting ended at 8.30pm.

Committee	Planning Committee B	Item No
Report Title	THE GLASSHOUSE, 2A MORLEY ROAD, LONDON SE13 6DQ	
Lewi	Lewisham Central	
Contributors	Vincent Murphy	
Class	PART 1	19 July 2018

<u>Reg. No(s).</u>	DC/18/106561
<u>Application dated</u>	28/03/2018
<u>Applicant</u>	Design Squared Ltd Mr Hodgkinson on behalf of Bowlwonder Limited
<u>Proposal</u>	The construction of a roof extension (additional storey) to The Glasshouse, 2A Morley Road, SE13 to provide a two bedroom self-contained flat, together with the provision of a bin and bike stores.
<u>Applicant's Plan Nos.</u>	Drawing Nos. 642-101; 642-102; 642-103; 642-104; 642-105; 642-106; 642-107; 642-108; 642-109; 642-110; 642-111; 642-112; 642-113; 642-114; 642-115; 642-116; 642-117; 642-118; Site Location Plan; External Materials Schedule; Planning, Design and Access Statement; Photomontages; Flood Risk/Surface Water SuDS) Assessment.
<u>Background Papers</u>	(1) Case File - LE/787/2A/TP (2) Local Development Framework (3) The London Plan
<u>Designations</u>	Area of Archaeological Priority PTAL 6a Local Open Space Deficiency Green Corridor Major District Centre Flood Risk Zone 1 Not in a Conservation Area Not a Listed Building Road Unclassified

1.0 Property/Site Description

- 1.1 This application relates to a three-storey terraced building on the southern side of Morley Road, SE13. The subject building is one of three blocks of a building complex, and is the eastern end-of-terrace block. The other two blocks of the terraced building are four storeys in height. The blocks of the building are subdivided into flats on each floor. The two blocks of the building complex located furthest to the east (including the subject building block) are known as 'The Glasshouse' whilst the western-most block is known as 'Reflection House'.

- 1.2 The building at the subject site addresses Morley Road, whilst behind the site lies the railway line between Lewisham and Hither Green stations.
- 1.3 The property is not located in a conservation area, and it is not subject to any Article 4 direction.
- 1.4 Surrounding properties are predominantly residential in use, being similarly-constructed terrace dwellings and flats. The underlying topography slopes upwards from the subject site east towards Lingards Road. The southern end of Lewisham High Street with similar if not larger scale mixed-use buildings is located nearby to the west. Two Grade II listed heritage buildings are located immediately south of the railway tracks behind the site – Riley’s (Former Temperance Billiards Hall), list reference no. 139237, and United Reform Church Sunday School, list reference 1261924.
- 1.5 The site is located within Flood Zone 1 (low probability of flooding) as informed by published flood data by the Environment Agency.

2.0 Planning History

- 2.1 There following planning history is relevant to the subject application:
- 2.2 DC/17/102580 - The construction of an extension at roof level to The Glasshouse, 2A Morley Road SE13, to provide a two bedroom self-contained flat, together with the provision of a bin store and bike store. Refused December 2017, for the following reasons:
 - 2.2.1 The proposed development, by reason of its scale, massing and detailed design, would be obtrusive and over-dominant in the context of the existing street scene and detrimental to the original roof form and architectural integrity of the existing building, contrary to Policy 3.5 Quality and design of housing developments, Policy 7.4 Local character and Policy 7.6 Architecture of the London Plan (December 2017), 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 31 Alterations and extensions to existing buildings including residential extensions, of the Development Management Local Plan (November 2014).
 - 2.2.2 The proposed development, by reason of its siting and detailed design would give rise to a loss of privacy and overlooking for the occupiers of surrounding properties, contrary to Policy 7.4 Local character of the London Plan (December 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 31 Alterations and extensions to existing buildings including residential extensions, of the Development Management Local Plan (November 2014).
- 2.3 The subject application is a revised application addressing the reasons for refusal of the above application.

3.0 Present Application

- 3.1 It is proposed to construct a roof extension (additional storey) to The Glasshouse, 2A Morley Road, SE13 to provide a two bedroom self-contained flat, together with the provision of a bin and additional bike storage.
- 3.2 The revised proposal would be constructed to match the design and materials of the existing Glasshouse/Reflection House building. In particular, brick cladding, a profiled aluminium roof, and brown aluminium-framed glazing to match the materials of and roof form of the existing building. The front-façade fenestration pattern from the lower elevation (also expressed in the other two blocks of this building) would be repeated in the proposed additional storey – the existing stairwell and external glazing would be extended as a strong vertical design component of the proposed building block with additional storey.
- 3.3 Kitchen and interior living and dining areas are located in the eastern half of the proposed flat within the additional storey, whilst two bedrooms and a bathroom are located in the western half.
- 3.4 Two outdoor amenity spaces are provided, serving the two bedrooms and positioned on the northern (street) and southern (rear) facades. These outdoor amenity spaces have a collective area of approximately 7 square metres.
- 3.5 The building is inset slightly from the street (northern) elevation of the existing three-storey building upon which it is proposed to construct the addition. There is a much greater set-back from the eastern (side) elevation. The apex of the roof of the proposed additional storey is also slightly lower than that of the adjacent block within the Glasshouse building.
- 3.6 Screened bin storage is proposed at the front of the site. Existing hard landscaping at the front of the site is proposed to be substituted to permeable paving.
- 3.7 At least two additional cycle spaces in the existing secure cycle storage area are proposed to be provided.

4.0 Consultation

- 4.1 The following consultation has been undertaken in accordance with the Lewisham Statement of Community Involvement:
- 4.1.1 Neighbours and Site Notice – Five objections received. The premise of the objections centred on:
1. Noise, inconvenience and general disruption during construction;
 2. Safety during construction due to mess on-site, the potential for falling debris during construction;
 3. Insufficient notice period for consultation to be undertaken;
 4. Justification for development – not significantly contributing to the issue of meeting housing demand in Lewisham;
 5. Having to relocate and potentially lose tenants due to construction requirements;
 6. Additional movements of persons occupying the flat once constructed past doors, the potential for disturbance and security issues;
 7. Accessibility of the flat - the lack of a lift in the building meaning that the flat would only be available to those without disabilities or small children/prams etc.;
 8. Development costs being passed on to existing occupiers/owners of properties within the building through charges levied by the building owner;

- 9. Privacy – overlooking from new unit;
- 10. No reason to change existing bike storage.

4.1.2 Lewisham Central Ward Councillors – No submissions received.

4.1.3 Highways Officer – Submission received, requiring further information of the details of the changes to cycling storage. Confirmed that this is acceptable to be secured by way of condition of planning permission.

4.1.4 Environment Agency – Submission received, no objection.

5.0 Policy Context

Introduction

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

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

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

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

National Planning Policy Framework (NPPF)

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

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

London Plan (March 2016)

- 5.6 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.
- 5.7 The London Plan policies relevant to this application are:-
Policy 3.3: Increasing housing supply
Policy 3.5: Quality and design of housing developments
Policy 3.8: Housing Choice
Policy 5.2: Minimising Carbon Dioxide Emissions
Policy 5.3: Sustainable Design and Construction
Policy 5.12: Flood risk management
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9: Cycling
Policy 6.13: Parking
Policy 7.4: Local character
Policy 7.5: Public realm
Policy 7.6: Architecture

London Plan Supplementary Planning Guidance (SPG)

The London Plan SPG's relevant to this application are:-
Housing (2016)

Core Strategy

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:-
Core Strategy Policy 1: Housing provision, mix and affordability
Core Strategy Policy 8: Sustainable design and construction and energy efficiency
Core Strategy Policy 10: Managing and reducing the risk of flooding
Core Strategy Policy 14: Sustainable movement and transport
Core Strategy Policy 15: High quality design for Lewisham

Development Management Local Plan

- 5.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:-
DM Policy 1: Presumption in favour of sustainable development
DM Policy 29: Car parking
DM Policy 30: Urban design and local character

DM Policy 31: Alterations and extensions to existing buildings including residential extensions

DM Policy 32: Housing design, layout and space standards

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

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

6.0 Planning Considerations

- 6.1 The pertinent planning considerations are:
- a. Principle of development;
 - b. The quality of the proposed design and its relationship to the character of the host property and surrounding properties,
 - c. The standard of residential accommodation provided;
 - d. The potential impacts on the amenity of persons occupying neighbouring properties, including during construction;
 - e. Any change in flood risks generated by the development due to the location of the site within Flood Zone 1.
 - f. Highways and traffic issues; and
 - g. Other impacts raised in submissions.

These matters are addressed below.

Principle of development

- 6.2 The proposed additional storey is to accommodate a residential use in a predominantly residential area (in particular to the east), as opposed to a commercial non-residential use which could generate character compatibility concerns in this context.
- 6.3 One matter raised by way of objection is that the development would not be accessible to persons with disabilities or young families utilising prams due to the lack of an elevator in the building. The London Plan requires 10% of new housing to be wheelchair accessible (Policy 3.8). Considering this is the addition of only one household unit, literally on top of three storeys of multiple existing dwellings where no elevator is currently provided, it is not considered to be reasonable, proportionate or a sensible application of the relevant policy to require the installation of an elevator in the building to serve a small additional development.
- 6.4 As such, there is no objection to the principle of the development of an additional residential unit in this location, subject to satisfying the remaining planning considerations.

Design quality, neighbourhood character impacts

- 6.5 Paragraph 17 of the NPPF details that it is the intention of the planning system to secure high-quality design as a core land-use planning principle to be achieved. Section 7 of the NPPF concerns 'requiring good design' and expands and elaborates on the expected outcomes of the application and interpretation of this core land-use planning principle. These national policies are reinforced by the London Plan (Policies 3.5 and 7.4-7.6 relating to quality and design of housing developments, local character, public realm and architecture). At a local level, the directions of these higher-level planning policies are reflected as specific policies and expected outcomes through Core Strategy Policy 15 (High quality design for Lewisham) and Development Management Local Plan Policies 30-32 (relating to urban design and local character, additions and alterations to buildings including residential buildings, and housing design) of the Lewisham Local Development Framework.
- 6.6 The design of the additional storey utilises the design language of the existing Glasshouse building, repeating the same fenestration pattern, roof form and materials, building cladding materials, and set-back from the street. The resulting building is considered to be of a scale that is appropriate for this context. This conclusion is reached when considering the four-storey height of the other two blocks which make up the terraced building of the Glasshouse and Reflection House. Also a factor is that this site contains clearly more modern, larger buildings delineating the start of a clear building-scale transition towards larger scale buildings on nearby Lewisham High Street. The rising elevation of buildings located on Morley Road to the east is further considered to lessen the impact of the four-storey scale of the proposed building at the neighbourhood level.
- 6.7 The proposal does not result in the removal of any existing vegetation which contributes to the neighbourhood character of the area, nor enlarges the footprint of the building so as to give rise to uncharacteristic plot coverage.
- 6.8 The changes to the front yard of the site are not considered to be harmful to the streetscape. A change to permeable paving remains in keeping with the aesthetic of the building frontage (by retention of pavers), whilst bin or purpose-built storage units are a common feature of residential street frontages and are found further along Morley Road. The proposed bin storage area would be enclosed so as to be appropriately treated to be sympathetic to the existing materials utilised in the front façade of the building. The appearance of the cycle storage area would not materially change as part of the proposal.
- 6.9 For these reasons, the proposal is considered to exhibit suitably high design quality, and any adverse impacts on neighbourhood character are considered to be suitably and sufficiently mitigated to be acceptable. The proposal is therefore considered to be consistent with the relevant design quality and character provisions of DM Policies 30 and 31 and the relevant policies of higher planning policy instruments.

Standard of accommodation provided

- 6.10 Paragraph 17 of the NPPF seeks to secure high quality design and a good standard of amenity for existing and future occupants of dwellings. Policy 3.5 of the London Plan concerns quality and design of housing developments, setting minimum space, storage and floor-to-ceiling height standards. Supplementary planning guidance, technical housing standards and the London Housing Design Guide (LHDG) reinforce or (in case of LHDG) complement this policy. DM Policy 32 of the Lewisham Development Management Local Plan (2014) reinforces these requirements in the local planning context.

- 6.11 The proposed gross internal floor area of the dwelling exceeds, and floor-to-ceiling heights meet, the requirements of the London Plan Policy 3.5. The design generally accords to the spatial layout recommendations of the LHDG. Adequate access to direct sunlight, ambient daylight and ventilation by way of fresh air exposure (through windows and rooflights) are considered to be provided by the design of the dwelling. More than suitable outlook is provided given the spatial relief to the front and rear of the dwelling to which windows facilitating outlook face. The elevation also ensures the dwelling or its amenity spaces are not unduly physically imposed upon or enclosed by existing surrounding development. Internal acoustic protection will be provided in accordance with building regulations and it is noted that it is not uncommon in the Lewisham/south London context for sites containing residential development to back on to railway lines. For these reasons the standard of accommodation is considered to be acceptable. The proposal is considered to be consistent with DM Policy 32 and the relevant policies of higher planning policy instruments.

Neighbouring amenity (including during construction)

- 6.11 Paragraph 17 of the NPPF details that it is the intention of the planning system to secure high quality design and a good standard of amenity for existing and future occupants of dwellings. Policy 7.6 (Architecture) of the London Plan gives effect to this and sets a direction that buildings and structures not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. These policy directions are reinforced at a local level by Core Strategy Policy 15 (High quality design for Lewisham) and Development Management Local Plan Policy 31 (Additions and alterations to existing buildings including residential extensions) of the Lewisham Local Development Framework.
- 6.12 Due to the proposed building being set-back from the eastern façade by 1.76m, and not extending any further back into the rear yard, when considering the scale of the existing building the additional storey is not considered to unacceptably physically impose, overbear or generate a sense of enclosure upon any occupier of any neighbouring property.
- 6.13 Due to the trajectory of the sun, any additional shading effects generated by the proposal are considered to be sufficiently brief or limited in extent so as to be acceptable in the context of this neighbourhood.
- 6.14 Due to the separation distance provided to neighbouring windows, reasonable natural ambient daylight is considered to be able to reach any windows at neighbouring properties. Considering further the relationship and distance of the additional bulk to neighbouring windows, and the location of the additional building mass on the roof of the existing building, the amenity provided by outlook available from habitable spaces served by nearby windows is considered to be sufficiently preserved.
- 6.15 The remaining rooftop space surrounding the new flat would not be accessible for outdoor amenity purposes. As such, no overlooking would occur from outdoor use of those spaces.
- 6.16 The northern-most balcony would be provided with a privacy screen to preserve privacy between that space and the balcony space immediately adjoining it to the west. The southern-most balcony is enclosed by walls on both sides, and as such a line of sight to neighbouring windows is not within the natural outlook from this space. The elevation of this balcony is considered sufficient to ensure the natural outlook

from the use of the space is such that it would be over rather than into private rear-garden amenity spaces to ensure reasonable privacy to these spaces.

- 6.17 Only high-level windows face east towards neighbouring residential properties. As such, no overlooking through these windows from uses of interior spaces would occur.
- 6.18 Other windows face either north or south, to the street or to the railway line. The elevation of these windows, attributable to its fourth-floor location, render natural outlook over rather than into private rear-garden amenity spaces.
- 6.19 Light spill from the two proposed rooflights are not considered to give rise to material additional adverse effects, considering the small size of the rooflights and the elevation of the roof above neighbouring residential properties.
- 6.20 One submission discusses the matter of additional foot movements by persons going past the door of their unit as a result of the proposal, and potential disturbance and security issues arising from this. These are not considered to be certain effects of the proposal. The action of foot movements past a door are a reasonable expectation in apartment living environments which the majority of occupiers in the subject building complex are already subject to. It is not considered reasonable to infer that all foot movements are noisy or disturbing in nature; rather the opposite case is considered more appropriate. For these reasons, any actual or potential effects of this nature are considered to be acceptable.
- 6.21 Multiple submissions are concerned with construction-related effects – noise, disruption (including to persons who work from home), safety for residents during construction activities, mess on-site. It is noted that these effects are temporary in nature and can be reasonably expected when undertaking construction activities. A condition of planning permission relating to construction management has been recommended to address these concerns to mitigate the construction-related potential effects upon residential amenity.
- 6.22 Privacy and overlooking is raised in a submission. This is addressed in the assessment above.
- 6.23 For the reasons discussed above, the proposal is considered to be acceptable in terms of residential amenity effects, and is therefore considered to be consistent with the relevant amenity provisions of DM Policy 31 and 32 and the relevant policies of higher planning policy instruments.

Change in flood risk

- 6.24 The applicant has submitted a Flood Risk Assessment (FRA) in relation to the proposal, prepared by UK Flood Risk Consultants, given its location in Flood Zone 1. The conclusion of the report is that “the proposal will be safe, in terms of flood risk, for its design life and will not increase the flood risk elsewhere”. The proposal would not increase hard surfacing at the site – the front yard and paving of cycle storage area are proposed to be converted to permeable paving to improve the drainage of the site which would assist during flood events.
- 6.25 The submitted information has been reviewed by the Environment Agency, who have confirmed that they have no objection to the proposal.

- 6.26 Considering the above, it is considered that the proposed dwelling is not at risk from flooding, and there would be no material change in flood risk to any existing properties as a result of the proposal. Any flood risk impacts of the proposal are therefore considered to be acceptable. The proposal is also considered to be consistent with CS Policy 10 and the relevant policies of higher planning policy instruments.

Highways and traffic issues

- 6.27 The site has a PTAL level of 6a, which is considered to be excellent. Therefore the principle of providing a car park-free unit does not raise any concerns.
- 6.28 At least two additional cycle storage spaces would be added to the existing space. This meets the requirements of the Policy 6.9 of the London Plan as applicable to the proposal.
- 6.29 The provision of a screened bin storage area would not adversely affect sightlines from vehicle crossovers to private on-site parking spaces or with respect to inter-visibility between vehicles, considering the location of the structure clear of the footpath and the lack of vehicle crossovers to on-site parking in close proximity to the siting of the structure.
- 6.30 Council's Highways Officer has been consulted, and has raised no concerns with respect to highways/traffic issues discussed above. The Highways Officer has advised that the specifics of the additional cycle storage spaces can be confirmed through a condition of planning permission.
- 6.31 For the reasons as stated above, any adverse highways and traffic-related impacts are considered to be acceptable. The proposal is also considered to be consistent with DM Policy 29 and the relevant policies of higher planning policy instruments.

Other impacts raised in submissions

- 6.32 One submission discusses the issue of potentially losing tenants as a result of the development which in turn generates adverse economic impacts to the lessor(s) of the unit. The likelihood of this occurring is not precisely known, and is dependent on a number of factors, such as tolerance of the tenants in question, mitigation measures put in place and maintained during construction, construction methodology to be utilised by the chosen construction contractor. The implementation of a site and project-specific construction management plan which is recommended as a condition of planning permission to address construction-related impacts is considered to be a practical and reasonable response to this issue. In any case, the precise issue in question is not considered to fall within the ambit of planning permission consideration. This type of impact falls outside of the scope of economic role within the meaning of sustainable development which is at the heart of the NPPF, which in turn directs relevant policy in the London Plan and Lewisham Local Development Framework which do not frame the issue in question as forming part of economic objectives of those plans.
- 6.33 One submission raises an issue of costs being passed on to existing owners within the Glasshouse building. This is not considered to be an amenity issue but rather a civil matter outside of the scope of planning permission considerations.

7.0 Equalities Considerations

Human Rights Act

- 7.1 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.
- 7.2 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.

Equality Act

- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 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/>
- 7.7 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

- 7.8 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/>
- 7.9 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, with the exception of accessibility for disabled persons which has been assessed. For the reasons as stated in the above assessment however, it therefore 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 payable on this application and the relevant form has been completed in relation to the application.

9.0 Conclusion – All Considerations

- 9.1 For the reasons as discussed above, the proposed development is considered to be acceptable with regards to all pertinent planning considerations and is considered to be consistent with the relevant policies of applicable planning policy instruments. Human rights, equality and local finance considerations, as material considerations, have been considered in coming to this position.

- 9.2 Recommendation: GRANT PERMISSION** subject to conditions.

Recommended 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:

Drawing Nos. 642-101; 642-102; 642-103; 642-104; 642-105; 642-106; 642-107; 642-108; 642-109; 642-110; 642-111; 642-112; 642-113; 642-114; 642-115; 642-116; 642-117; 642-118; Site Location Plan; External Materials Schedule; Flood Risk/Surface Water SuDS) Assessment.

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

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities, including any plant or other temporary structures required to be located on the road.
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process, in particular considering the rooftop location of the approved development above an occupied residential unit. This must include restrictions on working hours and practicable measures to reduce vibration and noise.
 - (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, in particular upon the residents of the existing complex atop of which the approved additional storey is to be constructed.
 - (iii) Measures to provide for pedestrian safety, particularly regarding the pedestrian routes and access points used by the residents of the existing complex atop of which the approved additional storey is to be constructed
 - (e) Security and works management to minimise risks to unauthorised personnel including and residents of the existing properties at the subject site.
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

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

4. Within 3 months of the commencement of development on site a detailed precise schedule and samples or specification (if providing a sample is impractical) of all external materials and finishes (specifically bricks, joinery, roof material, balcony balustrades, and privacy screen) to be used on the buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

5. (a) A minimum of two additional secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) Within 3 months of the commencement of development on site the full details of the cycle parking facilities shall have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

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

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

Informatives

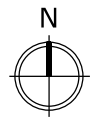
- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being verbally provided to confirm compliance with relevant planning policies.
- B. The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, the pre commencement condition (Condition 3 - Construction Management Plan) attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works take place.
- C. In preparing the Construction Management Plan in accordance with Condition 3 of this planning permission, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition, and Lewisham Council's Good Practice Guide: Control of pollution and noise from demolition and construction sites. All mitigation measures listed in the guides appropriate to the size, scale and nature of the development will need to be included in the emissions and nuisance minimisation scheme to form the Construction Management Plan.

- D. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- E. Assessment of the sound insulation scheme for the new dwelling should be carried out by a suitably qualified acoustic consultant, considering the proximity to a railway line.

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Site Location Plan 1-1250



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Committee	PLANNING COMMITTEE B	
Report Title	1 Tyrwhitt Road	
Ward	Ladywell	
Contributors	Alfie Williams	
Class	PART 1	19 July 2018

<u>Reg. Nos.</u>	(A) DC/17/104231
<u>Application dated</u>	23/10/17
<u>Applicant</u>	Mr & Mrs Patel
<u>Proposal</u>	The construction of a single-storey rear replacement extension and change of use, alteration and conversion of the ground floor at 1A Tyrwhitt Road SE4 to a 2 bedroom flat (use Class C3), together with the installation of timber sash windows at the front and alterations to the shop front.
<u>Applicant's Plan Nos.</u>	185/100/P; 185/101/P; 185/102/P; 185/103/P; 185/104/P; 185/121/P; 185/122/P; 185/123/P; 185/234/P1; Design, Access & Heritage Statement (October 2017 - Jo Townsend Architects) received 24 October 2017; 185/111/P1; 185/112/P1 received 1 December 2018; Supporting Document for Change of Use; Letter from Richard Cleminson (21 February 2018) received 28 February 2018; 185/201/P3; 185/202/P3; 185/203/P3; 185/204/P3; 185/211/P3; 185/212/P3; 185/221/P3; 185/222/P3; 185/223/P3; 185/224/P3; 185/231/P3; 185/232/P3; 185/233/P3;
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/187/1A/TP (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	PTAL 5 Local Open Space Deficiency Brockley Article 4 Direction

1.0 Property/Site Description

- 1.1 The application site is a three storey mixed use Victorian property located on the eastern side of Tyrwhitt Road close to the junction with Loampit Hill. The property is comprised of a retail unit at ground floor level with two flats arranged over the

first and second floors. The retail unit operated as an Off Licence for 22 years up until July 2017 and has been vacant since that point.

- 1.2 The front elevation of the property faces Tywhitt Road and looks out onto the Talbot public house located on the opposite side of the road. The site is within 100m of a parade of shops located at 55-63 Loampit Hill. The parade is comprised of five shops including a large convenience store, a pharmacy and builders' suppliers. To the south of the site is a large three storey residential building, similar in size to the host property, constructed in 2012.
- 1.3 The majority of the ground floor is taken up by the shopfront with a side door providing access to the flats above. The shopfront retains the original pilasters; however, modern alterations including an uPVC fascia sign and uPVC casement windows on the upper floor detract from the character of the property.
- 1.4 At the rear, the property has a three-storey outrigger located in the centre of the rear elevation. At ground floor level there is an existing single storey timber outbuilding that provides storage for the retail unit.
- 1.5 The property is located within the Brockley Conservation Area and is subject to an Article 4 Direction. The property is not listed and nor does it affect the setting of a listed building.

2.0 Planning History

- 2.1 In March 1992, planning permission was refused for the erection of single storey extensions at the front of 1 Pretoria Parade, Tyrwhitt Road SE4 to provide additional floorspace for the existing shops.
- 2.2 In August 2017, an application was granted for a Lawful Development Certificate (existing) in respect of the use of the first and second floors as self-contained flats (C3) at 1 Tyrwhitt Road SE4. (Reference DC/17/101992)

3.0 Current Planning Applications

The Proposals

- 3.1 The construction of a single storey extension to the rear of the property to facilitate the change of use of the ground floor retail unit to provide a 2b4p flat. The extension would project from the outrigger and infill the southern side return. The extension would measure 7.5m in depth projecting 4.1m from the outrigger with a width of 5.9m. The roof would be flat with a height of 3.3m and would accommodate two large rooflights. The extension would be constructed with London stock bricks and would feature an aluminium framed patio door.
- 3.2 The extension would provide a kitchen and dining room with the two bedrooms and living room sited within the volume of the host building. Access to the flat would be gained via the existing communal entrance to the side of the front elevation.
- 3.3 In addition, the development also includes alterations to the front elevation. These include the installation of retail style fenestration at ground floor level with a combination of clear and opaque glazing with grey tiled stall risers. The existing entrance door to the flats on the upper floors would be replaced with traditional

style timber front door. The first and second floor windows would be replaced with timber sliding sash windows. The refuse and recycling bins for all of the three flats within the building would be stored within the front garden along the southern side boundary. A front boundary would be constructed with a stock brick dwarf wall with black painted metal railings and a black painted metal pedestrian gate.

- 3.4 It is noted that the design of the front elevation, front boundary treatments and location of the bin and bike stores was revised following discussions with officers.

Supporting Documents

Design, Access & Heritage Statement prepared by Jo Townsend Architects

- 3.5 This statement provides a description of the subject site and its contribution to the Brockley Conservation Area. It outlines the contextual analysis, consultation, design, schedule of accommodation, refuse strategy, and transport impact.

Supporting Document

- 3.6 This statement gives background information regarding the retail unit and documents the recent operating history and future financial viability as a retail unit.

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 met those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors. The Council's Highways Department were also consulted in addition to the Brockley Society. Two letters of objection were received in response to the proposal including an objection from the Brockley Society.

Written Responses received from Local Residents and Organisations

- 4.3 The Brockley Society objected for the following reasons:
- The proposed front wall is incongruous and inappropriate, and quite unlike the traditional railings that feature in Brockley CA, including nearby neighbours.
 - The applicant needs to justify the change of use. The two nearby convenience stores have been in successful operation for more than 25 years. Asda opening on Loampit Hill was not described by the owners as a reason for closing the shop and has little impact on the residents who have always used the two local shops. A similar or different model of shop could be very successful in this position.
 - The proposed change of use represents a loss of employment space.
 - The proposed change of use represents a loss of business space.

- Finally, we regret the loss of small business and object in principle. Brockley CA needs the businesses and shops that exist on its periphery. Closing this would be detrimental to the character and resources for the CA.

4.4 A local resident objected to the application because the space previously provided a useful and valuable commercial space. The local area would significantly benefit from retaining this commercial space, either under the current Class A1 use or under a change of use to Class A3 to allow use of the space as a coffee shop, cafe or other similar outlet. The continuing success of nearby properties on Loampit Hill, e.g., 57 Loampit Hill (DC/15/094336), shows that there is high demand for Class A1 and Class A3 premises in this area, and that such premises can be successful if properly managed.

5.0 **Policy Context**

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At

paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

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

Other National Guidance

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

London Plan (March 2016)

- 5.6 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 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 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG’s relevant to this application are:
Housing (2012)

Core Strategy

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

Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

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

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 16	Local shopping parades and corner shops
DM Policy 19	Shopfronts, signs and hoardings
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 (August 2006)

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

Shopfront Design Guide Supplementary Planning Document (March 2006)

5.12 This document seeks to promote good design in order to enhance the character and appearance of the borough as a whole. The guide advises on the use of sensitive design and careful attention to detail and that whilst shopfront design encompasses a wide variety of styles and details there are certain basic rules that apply everywhere.

Brockley Conservation Area Supplementary Planning Document (December 2005)

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

6.0 Planning Considerations

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

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

Principle of Development

6.2 The main planning consideration relating to the principle of development is the loss of the existing A1 residential unit. DM Policy 16 seeks to retain retail uses within sites that are not designated as Town or Districted Centres to protect the needs of local residents and the character of the area. The policy also establishes a framework under which changes of use will be considered summarised below.

6.3 DM Policy 16 states that changes of use from A1 in local shopping parades will only be considered in cases in which an applicant can demonstrate that:

- a. the availability of similar alternative shopping facilities within a comfortable walking distance (approximately 400 metres or less)
- b. a balance to the number and type of units within the parade
- c. that reasonable attempts have been made to market vacant shop units, for more than 12 months, at an appropriate rent
- d. the replacement use will result in no harm to the amenity of adjoining properties.

6.4 The application site is short distance (approximately 20m) from the small parade of shops located at 55 to 63 Loampit Hill. The parade is comprised of five shops including a convenience store. It is also noted that the site is located within 400m of shopping parades on Lewisham Way and Loampit Vale.

6.5 The viability and marketing evidence submitted with the application documents the operating history of the shop. The documents provide financial evidence demonstrating the declining financial performance of the shop and the various responses to the decline, including extensions to the operating hours and diversification of the products provided. The decline is attributed to an increase in competition from the larger convenience store on Loampit Hill in addition to multinational retailers opening on Loampit Vale. A letter from a commercial agent advised that the unit was not viable as a commercial premises due to the location and declined to market the unit for letting as a commercial premises.

- 6.6 It is acknowledged that the unit has not be marketed for twelve months. However, the financial information and advice from the letting agent are considered sufficient evidence to demonstrate the shop is no longer viable as a commercial unit.
- 6.7 Tyrwhitt Road is predominantly residential in character and therefore the addition of a 2 bedroom flat is not considered to have an adverse impact on residential amenity. It is also noted that the upper two floors of the building are already in residential use.
- 6.8 DM Policy 16 also states that a change of use to residential use will only be considered acceptable at the end of a parade in order to preserve the continuity of retail frontage. The shop is visually separated from the parade on Loampit Hill by virtue of both its location on Tyrwhitt Road and the distance between the building and the corner shop at 63 Loampit Hill. The change of use is therefore not considered detrimental to the retail character of the Loampit Hill parade.
- 6.9 The proposed development is considered to satisfactorily meet the criteria established by DM Policy 16 and therefore the loss of the A1 unit is considered acceptable.

Design

- 6.10 The application building is highly visible from public viewpoints within the Brockley Conservation Area and makes a strong contribution to the streetscene. Small shopping parades were fundamental to 19th and early 20th century terraced housing developments and they continue to make an important contribution to the special qualities of such areas. The proposed development would see the installation of a Victorian style shopfront in the front elevation, retaining the original pilasters with glazing proportions and stall risers that emphasise the former retail character of the building. The ground floor alterations preserve a record of the original architectural use, respecting the form and architectural character of the building in accordance with DM Policy 36.
- 6.11 The installation of timber sliding sash windows to the front elevation would enhance the appearance of the property by restoring an original feature and removing the unsympathetic contemporary casement windows. The proposed stock brick dwarf wall with metal railings along the front boundary would be in keeping with the prevailing character of the road and is therefore considered acceptable.
- 6.12 The proposed single storey rear extension would be of typical appearance incorporating a combination of historically appropriate materials and high quality contemporary design features and is therefore considered to be acceptable. Given the large size of the property, the extension is considered subordinate in scale.

Housing

a) Size of Residential Accommodation

- 6.13 The proposed flat would have a GIA of 87m² and would be comprises of two double bedrooms arranged over one storey. Both bedrooms would be located at the front of the flat and both would have a floor area of 12m². The two storage spaces have a combined area of 3.1m². To the rear of the property, the flat would benefit from a private amenity space measuring 9m².

b) Standard of Residential Accommodation

- 6.14 DM Policy 32 states that the London Plan will be used to assess that new residential units provide an appropriate level of residential quality and amenity. The proposed GIA of 87m² exceeds the 70m² required for a 1 storey 2b4p flat. Both bedrooms exceed the 11.5m² area and minimum widths required within the National Technical Standards. The level of storage provided is also policy compliant.
- 6.15 Floor to ceiling heights are in excess of 2.3m (as measured from the plans provided with the application). The flat would be provided with a dual aspect by virtue of windows facing two directions to enable an acceptable amount of daylight and sunlight into habitable rooms.
- 6.16 The London Plan recognises the importance of private amenity space as a means of retreat. For that reason, all new development should have private open space. The London Plan Housing SPG states that for 1-2 person dwellings, a minimum 5m² is required and an additional 1m² per person thereafter. The SPG also states that the minimum depth and width should be 1.5m. The 9m² of private amenity space provided would therefore comply with the specifications of the London Plan.
- 6.17 Given the above, officers are satisfied that overall, the design and layout of the new flat created would be suitable and the proposal would provide an appropriate standard of residential accommodation in accordance with the NPPF, the London Plan, the London Plan Housing SPG, the Technical Housing Standards and the Council's DMLP. Therefore, the development is considered to provide adequate amenities for future residents.

Highways and Traffic Issues

- 6.18 Table 6.3 of the London Plan requires that two Cycle Spaces should be provided. Further to the London Plan requirements, Transport for London's (TFL's) 'London Cycling Design Standards' sets out that cycle parking should be fit-for-purpose, secure, dry and well-located.
- 6.19 A cycle store containing 2 cycle spaces has been proposed in accordance with the requirements of the London Plan. The cycle store would be located in the rear garden with access onto Loampit Hill via the side alley.
- 6.20 DM Policy 29 supports reducing the provision of on-site car parking on sites with a PTAL level 4 or higher. Therefore, the principle of a car free development is considered acceptable.
- 6.21 The refuse and recycling bins would be stored within the front garden of the building and would not present an obstruction to the public highway.

Impact on Adjoining Properties

- 6.22 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.
- 6.23 The proposed single storey extension is set in from the boundary with the adjoining property at Pretoria Court by approximately 0.6m. Pretoria Court is set

back considerably from the rear elevation of the application property. It is considered that the set in from the boundary and siting of the adjoining property would prevent an unacceptable impact on amenity at Pretoria Court by way of overbearing impact or reduced outlook.

6.24 The property is separated from the properties to the north on Loampit Hill by an alley. The alley measures 1.5m in width and is considered to prevent the extension from having a significant impact on No's 55-63 Loampit Hill. It is also noted that the properties to the north of the site are in commercial use at ground floor level. The proposed extension does not feature side windows and is therefore not considered to cause unacceptable overlooking to adjoining properties.

6.25 The proposed windows on the front elevation maintain existing openings and are a mix of obscure glazing to provide privacy and clear glazing similar to the existing windows. Officers are satisfied that the windows would not result in any additional overlooking to neighbouring properties.

7.0 Local Finance Considerations

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

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

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

7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Community Infrastructure Levy

8.1 The above development is CIL liable.

9.0 Equalities Considerations [delete if not relevant]

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

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

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

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

9.4 Human rights implications

9.5 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.

9.6 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.

10.0 Conclusion

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

10.2 Officers consider the loss of the A1 retail unit to be policy compliant. The development meets the relevant design and housing standards whilst having an acceptable impact on residential amenity and the local highway network. The scheme is therefore considered acceptable.

11.0 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:

185/100/P; 185/101/P; 185/102/P; 185/103/P; 185/104/P; 185/121/P; 185/122/P; 185/123/P; 185/234/P1 received 24 October 2017; 185/111/P1; 185/112/P1 received 1 December 2018; Supporting Document for Change of Use; Letter from Richard Cleminson (21 February 2018) received 28 February 2018; 185/201/P3; 185/202/P3; 185/203/P3; 185/204/P3; 185/211/P3; 185/212/P3; 185/221/P3; 185/222/P3; 185/223/P3; 185/224/P3; 185/231/P3; 185/232/P3; 185/233/P3;

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 a detailed schedule and specification of all facing materials to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

4. The shopfront shall be installed in full accordance with drawing 185/221/P3 prior to the occupation of the ground floor commercial unit and permanently retained thereafter.

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

5. (a) A minimum of 2 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the ground floor unit for residential use and permanently retained thereafter.

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

6. (a) No development shall commence on site until drawings showing the landscaping of the front garden (including details of the permeability of hard surfaces) have been submitted to and approved in writing by the local planning authority.

(b) All landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the ground floor unit for residential use. The landscaping works shall be permanently retained thereafter.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policies 25 Landscaping and trees, 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens.

7. (a) Details of the proposed front 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 ground floor unit for residential use and permanently retained thereafter.

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 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 of the Development Management Local Plan (November 2014).

8. The new windows to the first and second floors shall be installed in full accordance with drawing 185/221/P3 prior to the occupation of the ground floor unit for residential use and permanently retained thereafter.

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

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

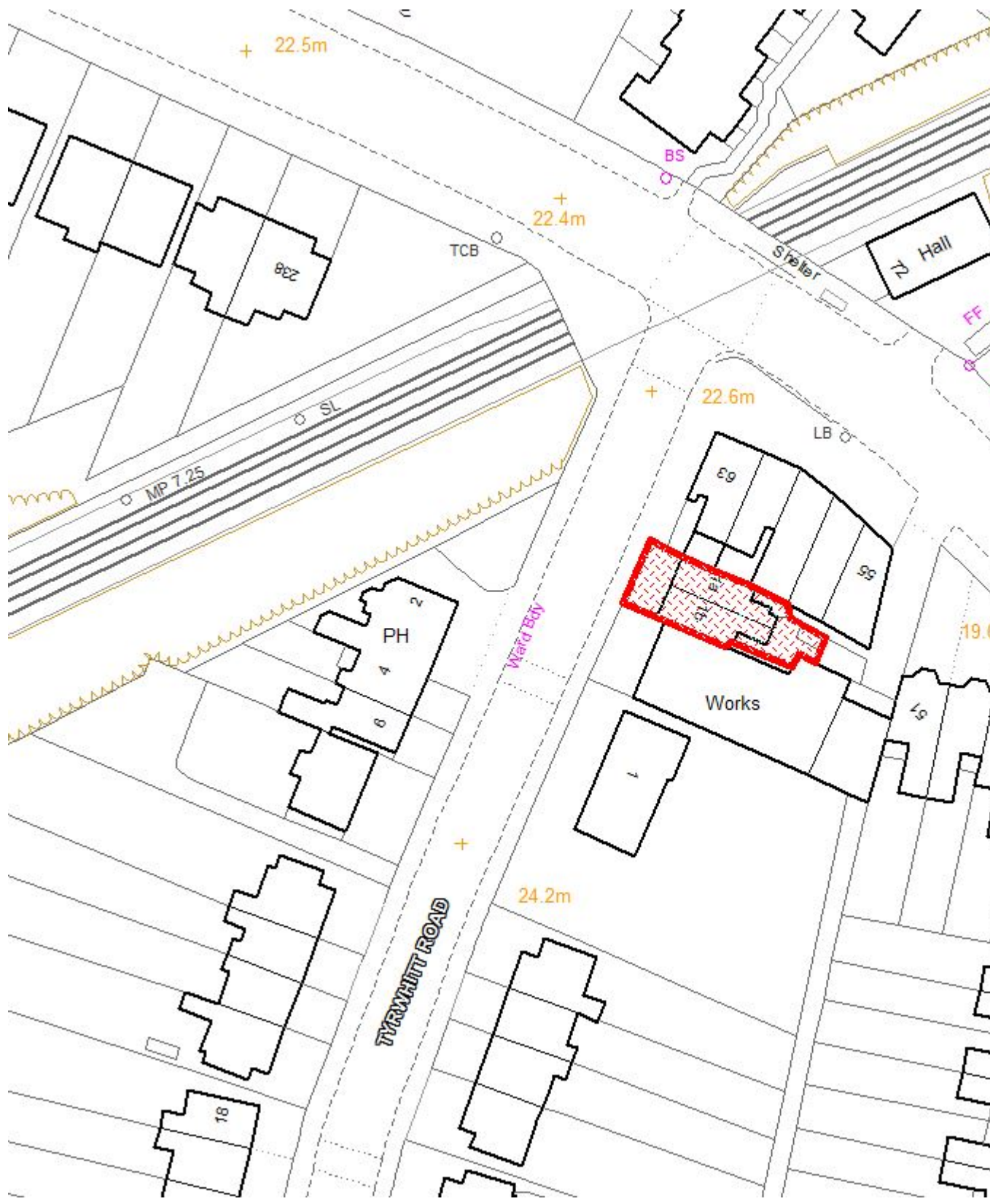
Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions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

Informatives

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

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

- C. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.



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