

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 15 NOVEMBER 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.

**Janet Senior
Acting Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 6 November 2018**

**For further information please contact:
Jesenka Ozdalga Committee Co-ordinator
2nd Floor Civic Suite
Catford Road SE6 4RU**

**Telephone No: 0208 314 7173
Email: planning@lewisham.gov.uk**



RECORDING AND USE OF SOCIAL MEDIA

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

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

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

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

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

Order Of Business			
Item No	Title of Report	Ward	Page No.
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 12
3.	88 SPRINGBANK ROAD, LONDON, SE13 6SX	Lewisham Central	13 - 34
4.	34 SUNDERLAND ROAD, LONDON, SE23 2QA	Perry Vale	35 - 57
5.	51 BARGERY ROAD, LONDON, SE6 2LJ	Catford South	59 - 80
6.	UNIT 2, GROSVENOR COURT, ADENMORE ROAD, LONDON, SE6	Rushey Green	81 - 95
7.	1 TYRWHITT ROAD, LONDON, SE4 1QD	Ladywell	97 - 113
8.	93-99 LADYWELL ROAD, LONDON, SE13 7JA	Ladywell	115 - 151

This page is intentionally left blank

Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 15 th November 2018

Members are asked to declare any personal interest they have in any item on the agenda.

(1) Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

This page is intentionally left blank

Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 15 th November 2018

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 23rd May 2018 and 11th October 2018.

MINUTES OF THE PLANNING COMMITTEE B – closed meeting

Wednesday, 23 May 2018 at 7.53 pm

PRESENT: Councillors Obajimi Adefiranye, Tauseef Anwar, Andre Bourne, Suzannah Clarke, Liz Johnston-Franklin, Silvana Kelleher, John Muldoon, John Paschoud, James Rathbone and Tom Copley.

1. Planning B membership

RESOLVED that the circulated report on the membership of Planning Committee B be noted.

2. Planning B Election of Chair

RESOLVED that Councillor Suzannah Clarke be elected as Chair and Councillor Tom Copley be elected as Vice-Chair for the Municipal Year 2018-19

LONDON BOROUGH OF LEWISHAM

MINUTES of the PLANNING COMMITTEE (B) meeting held in Council Chambers, Civic Suite, CATFORD SE6 on Thursday 11 October 2018 7:30pm.

Present

Councillors: Clarke (Chair), Copley (Vice Chair), Anwar, Bourne, Johnston-Franklin, Muldoon, Paschoud & Rathbone.

Apologies: Councillors Adefiranye & Kelleher.

Officers: Suzanne White – Planning Service, Vincent Murphy – Planning Service, David Syme – Planning Services, Kheng Chau - 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 30 August 2018 were agreed by members.

3. Ashmead Primary School

Planning Manager Suzanne White introduced the details of the application and noted that 36 objections and 9 letters of support were received in response to the consultation conducted by the Council. It was also noted that neither TfL nor the Council's Highways Department objected to the development. Suzanne White then explained that an Addendum Report had been produced detailing three further comments, two from local Ward Councillors and one from the Brockley Society. The comment from Councillor McGeevor proposed an amendment to Condition 11 strengthening the wording relating planting within the soft landscaping condition.

Councillor Paschoud asked for confirmation on whether the public space on Lewisham Way would be lost. Suzanne White confirmed that much of the existing space would be developed. Councillor Copley asked a question relating to the loss of playground space. Suzanne White responded by noting that the development would result in a better quality playground given the fragmented layout of the existing space, the provision of new all-weather facilities and the provision of a sandpit. Councillor Rathbone asked whether any new green space would be provided. Suzanne White stated that there would not be any new public green space. Councillor Clarke noted that there is a park in the vicinity of the school.

Councillor Anwar asked a question regarding highway safety. Suzanne White noted that the new entrance on Lewisham Way would be secondary to the existing entrance and that the school had proposed various safeguarding measures including limiting the time period the entrance would be in use and requiring staff supervision of the entrance. Councillor Johnston-Franklin asked a question relating to air quality. Planning Officer Vincent Murphy stated that some areas of the site did not meet EU standards but that the impact is very slight. Councillor Johnston-Franklin stated that even a very slight impact is not good enough. Councillor Clarke asked if the mature tree on Lewisham Way could be retained. Suzanne White replied that the loss of the tree is regrettable but would be necessary to allow the construction works to take place.

The Committee then received a verbal presentation from Sean O'Flynn (Head Teacher), Kerry-Anne O'Neil (Architect) and Russell Edwards (Project Manager). Sean O'Flynn explained that the scheme would provide Ashmead with key benefits and meets the brief required by the school. Mr O'Flynn explained that the key objective was to keep as much playground space and trees as possible and stated that the height of the building was key to achieving this objective and retaining the forest school.

Kerry-Anne O'Neil explained that the proposal would allow a 3rd of pupils a more direct entrance to improve the accessibility of the school. It was then stated that the planting of trees within the site would help mitigate the loss of trees on Lewisham Way and would help improve air quality. Kerry-Anne O'Neil then commented that the soft landscaping and level changes at the Lewisham Way entrance provide positive urban design and highway safety. In addition, it was noted that the area on Lewisham Way would still be public space.

Councillor Rathbone asked whether there would be an impact on the existing school facilities. Sean O'Flynn stated that the proposal provides substantial benefits for pupils including an improved playground given that the existing space is not fully utilised. Councillor Clarke asked which age groups would use the Lewisham Way entrance. Sean O'Flynn replied that the entrance would be used by years 4, 5 and 6. Mr O'Flynn then explained that there would be a management programme rehearsing the use of the entrance in order to

identify issues. It was also noted that the new forms would be introduced gradually and that the school would not be fully occupied until 2023 which would allow time to conduct risk assessments and suspend the use of the entrance if any issues are identified.

Councillor Clarke asked if railings had been considered for Lewisham Way. Vincent Murphy explained that the Road is managed by TfL and that TfL were opposed to railings. Planning Manager David Syme explained that a series of soft barriers had been used to enhance safety including level changes and planting. Russell Edwards confirmed that TfL were supportive of the design including the removal of fencing.

Members then received a presentation from Clare Cowen and Chris Johnson representing the Brockley Society. Yvonne Horsfall Turner (owner of Stone House), Shin Egashira (parent) and Douglas Jenkinson (parent) were also in attendance to answer questions from members. Clare Cowen stated that she had attended two meetings regarding the proposal and that there were extensive concerns within the local community including from parents, residents, the St John's Society and the Brockley Society. Clare Cowen acknowledged that improvement have been made to the design however, concerns remain regarding safety due to the proximity to the A2 and the impact on long views of the Grade II Listed Stone House. It was noted that the site is adjacent to Lewisham and Southward College which can cause mayhem with traffic during busy periods

Clare Cowen expressed concerns with air quality in the area and stated that the school had a duty of care to pupils given the effects on conditions such as asthma. It was highlighted that there had been a fatal collision recently further along the A2. Clare Cowen then stated that the entrance should be kept away from the main road and proposed that the building is either moved north or at an angle.

Councillor Bourne asked whether the proposal to relocate the building had been put to the project team. Chris Johnson replied that the proposal had not been put to the applicant. Mr Johnson also commented that the Trees are visually important to the area and stated that on bin collection days the width of the remaining footpath would be further reduced. Councillor Clarke stated that moving the building would reduce the size of the playground. Chris Johnson replied that a green roof could be installed and used as a play space. Councillor Clarke responded that a roof space may present safety issues and reminded members and the objectors that they must discuss the present application.

Councillor Rathbone commented that the views of Stone House are not historic given that there was a row of terrace houses on the site until the 1970s. Chris Johnson gave an overview of the planning history of the site and then stated that the benefit of the long view and green space on Lewisham Way should not be lost. Councillor Johnston-Franklin asked whether the entrance on Lewisham Way would be retained in the alternative plan. Chris Johnson stated that it would not. Councillor Clarke reiterated that members must only discuss the scheme put before them and asked what concerns parents of pupils at the school had with the scheme. Shin Egashira replied that he had concerns regarding pedestrian safety, air pollution and the loss of trees.

Councillor Clarke asked Council Officers for more information regarding air pollution and asked if the siting of the building would help with dissipation. Vincent Murphy replied by providing an overview of the air quality reports submitted with the application. The first report commissioned into air quality at the site used existing monitoring. The existing monitoring showed that air pollution had been declining over a 5 year period. The second report monitored air pollution at locations within the site and found that air pollution at 6 receptors demonstrated that EU limits were exceeded. The maximum impact of any change in air pollution exposure was assessed to be 'slight'. Vincent Murphy concluded by noting that the air quality consultant for the applicant had stated that this equates to a miniscule impact.

Councillor Clarke commented that the existing trees on Lewisham Way are larger than the proposed trees and raised concerns that the new trees would not be as effective in screening air pollution. Vincent Murphy replied that the quality of mitigation provided by

planting would be reviewed by an air quality expert which would be secured by condition. Suzanne White stated that it is not possible to ensure that the mature tree on Lewisham Way is retained but that a review can be secured by condition.

Councillor Paschoud noted that members do not know that the taller trees provide better air pollution mitigation and stated that there is sufficient information within the report to arrive at a conclusion. Councillor Paschoud then commented that the new building may provide a level of mitigation and noted that there is an existing school on the site. Vincent Murphy replied that the air quality consultants agree that the new building would provide a barrier.

Councillor Copley noted that Councillor McGeevor had withdrawn her objection due to the strengthened soft landscaping condition. Councillor Copley then moved to approve the application with the strengthen soft landscaping condition and a new condition securing further investigation for tree protection. The motion was seconded by Councillor Rathbone.

Members voted as follows:

FOR APPROVAL: Councillors Clarke, Copley, Anwar, Bourne, Johnston-Franklin, Paschoud, Muldoon & Rathbone

AGAINST: None

Resolved: That planning permission be approved in respect of application DC/17/104714 subject to conditions.

4. 77 Sydenham Park Road

Planning Manager Suzanne White introduced the details of the application to members and noted that that four objections had been received relating to the scale of the extension, overdevelopment, overlooking, loss of light, run-off and parking.

Members then heard a verbal representation from Chis De Souza the owner of the property. Mr De Souza explained that he had lived at the property for 12 years and that with a growing family they required extra space. Mr De Souza stated that they had taken all of the comments on board and had made amendments to the scheme. Mr De Souza noted that the extension is of a modest size similar to a neighbouring extension currently under construction. Mr De Souza concluded by explaining that the majority of the extension would be built on existing hardstanding so would not result in a loss of garden space and that the extension would not prevent parking on the drive.

The committee then received a verbal presentation from Jane McNamara objecting to the proposal. Ms McNamara explained that she was representing four households located on Chelsfield Gardens and stated that the extension was large and obtrusive. Ms McNamara stated that this type of extension would not be allowed in a Conservation Area and that although the property is not a Conservation Area, the area does benefit from a distinct character due to the contrasting line of red bricks. This characteristic would be lost and therefore the extension would not be in keeping with the appearance of the surrounding area. Ms McNamara also stated that the extension would reduce parking space at the property adding to parking pressures in the area and also raised concerns with increased run-off.

Councillor Clarke asked if the extension would be used for living space. Suzanne White confirmed that it would. Councillor Rathbone noted that No.81 has a similar extension. Following further deliberation Councillor Paschoud moved to approve the application. The motion was seconded by Councillor Bourne.

Members voted as follows:

FOR APPROVAL: Councillors Clarke, Copley, Anwar, Bourne, Johnston-Franklin, Paschoud, Muldoon & Rathbone.

AGAINST: None

Resolved: That planning permission be approved in respect of application DC/18/106425 subject to conditions.

5. 51 Bargery Road

Planning Manager Suzanne White presented the details of the application to members and noted that the application site was within the Culverley Green Conservation Area. Suzanne White also explained that the planning history at the property includes an application for seven rooflights to be installed in the front and rear roof slopes that was refused and dismissed at appeal and enforcement action against the conversion of the property to a HMO. It was also noted that discussions with officers had resulted in a revision to the proposal to include a gable window in place of a rooflight.

Councillor Rathbone asked for clarification regarding permitted development rights relating to HMOs. Suzanne White explained that the conversion of a property to a HMO for 6 people or less would be permitted development. Councillor Paschoud asked whether the property was currently in use as a HMO. Suzanne White replied that she did not know if the property is currently a HMO but noted that the Council has not received any enforcement complaints. Councillor Rathbone asked whether members could require an inspection of the property as a condition. Councillor Clarke stated that members can only consider the application being presented. Suzanne White commented that the application must be decided on its merits. Councillor Rathbone stated that there is historic enforcement action at the property so this issue is pertinent. Planning Lawyer Kheng Chau stated that members can not consider the potential future use of the property.

Members then received a verbal presentation from Eric Kently representing the Culverley Green Residents Association. Mr Kently stated that he shared members concern regarding potential conversion to a HMO but explained that the proposed front gable window is also a concern. Mr Kently explained that he was not against loft conversions and conceded that rooflights are a necessary evil but stated that a window in the gable would be the worst option. Mr Kently observed that the properties on Bargery Road are symmetrical pairs and that introducing a window would destroy this symmetry and ruin the triangular apex that had been well preserved. Mr Kently also objected to the loss of historic brickwork that could never be reversed and concluded by questioning why the Council are encouraging gable windows.

Councillor Rathbone requested clarification of what was originally proposed. Suzanne White replied that a front rooflight was originally proposed and it was determined that a gable window would be a less harmful alteration. Councillor Paschoud questioned why a gable window is considered preferable. Eric Kently responded to confirm that the Culverley Green Resident's Association were not clear why the Council had taken this position. Councillor Clarke asked if the Culverley Green Resident's Association would have an objection to a rooflight. Eric Kently commented that a rooflight would be preferable given that they can be temporary. Suzanne White stated that the Council's position is that rooflight is a modern intrusion to the roofscape and commented that she did not agree that rooflights are temporary.

Councillor Paschoud commented that the applicant had been persuaded to revise the proposal to something more objectionable and asked whether it was possible to defer the application to get the revision reversed. Suzanne White confirmed that the committee could defer the application to allow the applicant to make amendments. Kheng Chau stated that members had the option to defer or refuse the application.

Councillor Paschoud moved a motion to defer the application. The motion was seconded by Councillor Muldoon.

FOR DEFERAL: Councillors Clarke, Copley, Anwar, Bourne, Johnston-Franklin, Paschoud, Muldoon & Rathbone.

AGAINST: None

Resolved: That application DC/18/105821 be deferred.

6. 2 Manor Mount

Planning Manager Suzanne White introduced the details of the application and noted that the proposal was retrospective. Suzanne White then explained that three letters of objection were received to the application.

The committee then received a verbal representation from John Dalton the agent for the application. Mr Dalton explained that the works were necessary due to water ingress and commented that the planning process had been onerous as the application had originally been submitted in 2015. Mr Dalton stated that the Council had lost drawings and samples and commented that it had been difficult to contact Council Officers during the course of the application.

Councillor Paschoud asked Mr Dalton why he did not apply for planning permission prior to installing the replacement roof. Mr Dalton replied that the works were urgent and therefore this was not an option. Councillor Paschoud apologies to Mr Dalton for the poor quality service he had received. Councillor Paschoud then commented that he could see no material planning reasons for refusing the application and moved to recommend approval. The motion was seconded by Councillor Johnston-Franklin.

FOR APPROVAL: Councillors Clarke, Copley, Anwar, Bourne, Johnston-Franklin, Paschoud, Muldoon & Rathbone.

AGAINST: None

Resolved: That planning permission be approved in respect of application DC/17/99661 subject to conditions.

7. 9-19 Rushey Green

Planning Manager Suzanne White introduced the details of the application and explained that the application had previously been approved at a Planning Committee B held in April 2018. Suzanne White then explained that the site had subsequently changed ownership with a revised affordable housing offer increasing the affordable housing mix from 24% to 36% by habitable room. Suzanne White stated that the scheme was now eligible for the Mayor of London's 'fast-track route' removing the requirement for a late-stage viability review.

Councillor Copley stated that the applicant had made a good offer that complied with policy and noted that there would be uncertainty with the late stage review given Brexit. Councillor Copley then moved a motion to approve the application. The motion was seconded by Councillor Paschoud.

FOR APPROVAL: Councillors Clarke, Copley, Anwar, Bourne, Johnston-Franklin, Paschoud, Muldoon & Rathbone.

AGAINST: None

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

This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	88 SPRINGBANK ROAD, SE13	
Ward	Lewisham Central	
Contributors	Catriona Morgan	
Class	PART 1	15 November 2018

<u>Reg. Nos.</u>	DC/17/104854
<u>Application dated</u>	5 th December 2017 as revised 16 March 2018
<u>Applicant</u>	Robinson Escott Planning on behalf of mathBREW
<u>Proposal</u>	The change of use of the ground floor and basement of 88 Springbank Road, SE13 from retail (Use Class A1) to a micropub (Use Class A4) together with the insertion of a new window within the side elevation.
<u>Applicant's Plan Nos.</u>	Planning, Design and Access Statement (Robinson Escott Planning, December 2017); Appendix 1; Appendix 2 received 5 th December 2017; 2051-17-PL001 Rev P10; Operational Management Statement (mathBREW, March 2018) received 16 th March 2018; Transport Statement and Travel Plan (Robinson Escott Planning, July 2018) received 16 th July 2018; Noise Impact Assessment (Acoustics Plus, October 2018) received 16 th October 2018.
<u>Background Papers</u>	(1) Case File LE/782/88/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Existing A1 Use PTAL 3 Corbett Neighbourhood Forum Not located in a Conservation Area No Article 4(2) Direction
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application relates to a three storey plus basement, mid-terrace property located on the south-western side of Springbank Road. The subject building is part of a parade of buildings mostly comprising commercial/retail units on the ground floor and residential units on the upper floors. This proposal relates to the ground floor and basement unit, which is currently vacant.
- 1.2 There is a taxi office and a number of vacant commercial units to the north of the site. To the south of the site there are residential dwellings. A takeaway restaurant

is located directly opposite the application site, and an Indian restaurant is located two doors to the south of that. To the rear of the application site, on Wellmeadow Road, there are residential dwellings. The application site forms part of a local shopping parade which spans three sections of Springbank Road. In addition to the part of the street where the application property is located, there is another small parade of shops on the opposite side of Springbank Road and another parade to the north of Duncrevie Road.

- 1.3 The application site is approximately 185.5m², and has a large garden to the rear.
- 1.4 The application building is approximately 91 metres from the rear entrance to Hither Green train station, and is within walking distance to a number of bus stops serving Catford, Lewisham and Central London. A bus stop approximately 30 metres north of the application site serves the 225 bus and the N171 night bus, which terminates at Tottenham Court Road.
- 1.5 The site is located within Corbett Neighbourhood Forum, and has a PTAL rating of 3, based on a scale of 0-6b with 6b having the highest degree of accessibility to public transport. The site is not subject to any other particular designations.

2.0 Planning History

- 2.1 PRE/17/102084 – Pre-application advice sought concerning the change of use of the ground floor and basement of 88 Springbank Road, SE13 from retail (Use Class A1) to a micropub (Use Class A4).
- 2.2 DC/14/089704 - The change of use, alteration and conversion of the existing (A1) ground floor shop premises at 88 Springbank Road SE13, to provide a one bedroom self-contained flat, together with alterations to the front and rear elevations – Refused 01/07/2018.
- 2.3 The application was refused for the following reasons:
 - The proposed residential change of use would impact significantly upon the existing mix and balance of commercial units in Springbank Road, giving rise to the further fragmentation of the shopping parade that would serve to compromise its capacity to provide important local services, contrary to Policy 6 Retail hierarchy and location of retail development of the Core Strategy (2011) and DM Policy 16 Local shopping parades and corner shops of the Development Management Local Plan (2014).
 - The applicant has failed to suitably demonstrate that there is no economic demand for retail provision in this location, contrary to Policy 6 Retail hierarchy and location of retail development of the Core Strategy (2011) and DM Policy 16 Local shopping parades and corner shops of the Development Management Local Plan (2014).

3.0 Current Planning Applications

The Proposal

- 3.1 This application relates to the change of use of the ground floor and basement from retail (Use Class A1) to a micropub (Use Class A4) together with the insertion of a ground floor window in the side elevation, the installation of doors in

the rear elevation, the relocation of the existing entrance door to the right of the front elevation, and the installation of a condenser unit in the side elevation.

- 3.2 The applicant defines a micropub in their Planning, Design & Access Statement as, “A small premises that would serve the local community and would represent Hither Green’s first micropub on the Archibald Corbett Estate”.
- 3.3 The proposed windows and doors would be of a similar appearance to the existing.
- 3.4 The floor area of the unit (including basement) is approximately 107.6m².

Additional Information

- 3.5 The application initially proposed a smoking shelter and bin store at the rear of the building, and to retain the existing entrance to the ground floor premises. However following the submission of revised drawings on 16th March 2018, the application proposes to relocate the existing entrance door to the right of the shopfront, and to relocate the bin store to the basement. The smoking shelter has been removed from the proposal and the applicants have proposed reduced opening hours.

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. Following the submission of the amended documents, a further neighbour consultation was carried out, the responses are also summarised below. The Council’s consultation exceeded the minimum statutory requirements and those required by the Council’s adopted Statement of Community Involvement.
- 4.2 A site notice was displayed and letters were sent to fifty-one residents and businesses in the surrounding area, as well as the relevant ward Councillors in Hither Green and the Corbett Neighbourhood Forum. The Council’s Highways department and Environmental Health department were also consulted.
- 4.3 Nineteen neighbouring properties raised objection to the proposal; and a petition was submitted with 29 signatures opposing the development. Twenty-eight neighbouring properties commented in support of the proposal. A Local Meeting was held on 10th May 2018 where neighbouring residents were able to discuss the proposal with the applicant. It was attended by approximately 20 local residents (20 signed the attendance sheet), as well as Councillor Reid and Councillor Gibbons. The minutes of the local meeting are attached in full as Appendix A to this report.

Written Responses received from Local Residents and Organisations Following Post-Submission Consultation

- 4.4 The planning concerns raised by neighbouring residents are summarised below:
 - Noise and disturbance arising from the use of the premises as a micropub, and in particular:
 - Use of the outdoor area at the rear, which is proposed to be for smokers.

- Staff will also use this area at the rear to access the bin store, where bottles will be regularly emptied resulting in disturbance.
 - The sound from the use of the premises as a pub could potentially cause a statutory nuisance.
 - Noise and disturbance from comings and goings of patrons to the premises, particularly those under the influence of alcohol.
- Increased vehicular traffic and concern over lack of detail on number of patrons;
 - Increased parking demand;
 - Overlooking from smoking area;
 - Appearance of the bin store;
 - Opening hours are excessive and out of keeping with other businesses on Springbank Road;
 - A precedent would be set for other premises to be converted into drinking establishments;
 - Marketing of the property has been compromised as it has been 'under offer' since mid-2017, thereby putting off potential interested parties;
 - Evidence has not been submitted that the 'acoustic attenuated suspended ceiling' will mitigate noise created;
 - Proposed external condenser appears to be attached to the first floor flat, rather than the application premises, outside of the applicants' ownership/control;
 - Springbank Road can no longer be considered a local shopping parade, given the number of ground floor commercial and retail premises that have been converted to residential units;
 - Adjacent commercial and residential unit entrances could result in loss of security to occupants of the first floor flat.

4.5 Some of the concerns raised which are not planning considerations relevant to the proposal include:

- Scale of the proposal and impact on neighbours triggers classification of the application as a major application;
- Smoke and fumes arising from people smoking in the smoking shelter;
- Patrons of the pub congregating at the front of the premises; smoking/drinking and encouraging anti-social behaviour;
- Provision of rats/vermin as a result of the bin store at the rear of the building;
- There is a clause in the deeds of properties in the Corbett Estate that they are not allowed to sell alcohol.

4.6 The comments received in support of the application are summarised below:

- Currently very few options available for local people to meet and enjoy a drink;
- This proposal will invest in the parade and encourage other businesses to set up, promoting regeneration of the area;
- The proposal will be of huge public benefit and will improve the local economy;
-
- A real ale/craft beer premises will appeal to the local market and would be a welcome addition to the local community;
- The area is in dire need of more active frontages in its remaining commercial spaces.

4.7 Following the submission of amended proposals and a neighbour re-consultation, twelve neighbouring properties raised objections to the application. Eleven neighbouring properties commented in support of the proposal.

Written Responses received from Local Residents and Organisations Following Submission of Amended Plans

4.8 The planning concerns raised by neighbours are summarised below:

- Noise and disturbance arising from the use of the premises as a micropub, and in particular:
 - Use of the outdoor area at the rear by smokers.
 - The sound from the use of the premises as a pub could potentially cause a statutory nuisance, particularly if windows and doors are open.
 - Noise and disturbance from comings and goings of patrons to the premises, particularly those under the influence of alcohol.
- Noise arising from the condenser unit;
- Revised opening hours are not acceptable given residential nature of the area;
- Whilst the applicants have stated 'no amplified music is to be played', stereo music could still be played and that is very loud;
- The proposal fails to demonstrate an economic demand for an additional pub in this location, given the fact that there are already other drinking establishments nearby;
- Concerns that the proposal will result in additional litter around Springbank Road;
- Increased vehicular traffic and parking demand.
- Some of the concerns raised which are not planning considerations relevant to the proposal relate to patrons of the pub congregating at the front of the premises; smoking/drinking and encouraging anti-social behaviour.

4.9 Following the submission of a Noise Impact Assessment and a neighbour re-consultation, ten neighbouring properties raised objections to the application. Four neighbouring properties commented in support of the proposal.

Written Responses received from Local Residents and Organisations Following Submission of Noise Impact Assessment

4.10 The planning concerns raised by neighbours are summarised below:

- The report does not assess the impact of the proposed condenser unit upon noise sensitive windows of the upper floor flats at No.88A, No.86 and No.90 Springbank Road;
- The report does not assess breaking out noise from use of the pub (e.g. when windows and doors open, noise from operation of pub);
- The condenser unit referred to in the report is smaller than the condenser unit shown on the proposed drawings. However, the condenser unit referred to in the data sheet is closer in size to the condenser unit shown on the proposed plans, and exceeds the rating level of 30dBA, non-compliant with the requirements of the Council;
- The report makes assumptions with regards the condenser unit and is ambiguous in its conclusions;
- The sound insulation performance of the existing ceiling is based on an estimate through observation and no measurements, calculations or robust details were given to justify proposed solution. Additionally, no justification that internal noise level of the snug should justify a lower acoustic requirement;
- The report determines that the proposed internal sound insulation will not meet planning requirements;
- The residential area is not suitable for a drinking establishment;
- Some of the concerns raised which are not planning considerations relevant to the proposal relate to patrons of the pub congregating at the front of the premises; smoking/drinking and encouraging anti-social behaviour; fire safety.

Written Responses received from Statutory Agencies

Highways and Transportation

4.11 The Council's Highways Officer requested further detail in respect of cycle parking, waste management and expected number of visitors per day (to determine whether a Travel Plan would be required). These matters have been addressed and some can be controlled by condition.

Environmental Health

4.12 The Environmental Health Officer refers to the, 'Noise from Pubs and Clubs Final Report DEFRA Publication' (2005). The applicants have submitted a Noise Impact Assessment pertaining to noise arising from the use of the premises as a pub, and noise arising from the proposed condenser unit. The Environmental Health Officer

considers that the submitted report is acceptable, provided the applicants follow the recommendations in the report. This can be controlled by condition.

5.0 Policy Context

Introduction

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

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

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that '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 (NPPF) 2018

5.3 The revised NPPF, originally published in 2012, was published on 24th July 2018 and is a material consideration in the determination of planning and related applications.

5.4 It contains at paragraph 11, a '*presumption in favour of sustainable development*'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, 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 and in regard to existing local policies, that '*...due weight should be given to them, 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 and Development Management Local Plan 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 213 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

5.6 The DCLG launched the National Planning Practice Guidance (NPPG) resource on the 6th March 2014. This replaced a number of planning practice guidance documents.

London Plan (March 2016)

5.7 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). The Mayor published proposed modifications to the Draft Plan in August 2018. The document is at an early stage in the process and has some limited weight as a material consideration when determining planning applications. The policies in the current adopted London Plan (2016) relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 4.1 Developing London's economy
Policy 5.3 Sustainable design and construction
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.15 Reducing noise and enhancing soundscapes

There are no policies in the draft London Plan (2017) which deviate materially from adopted policies and would be of particular relevance to this application.

Core Strategy (June 2011)

5.8 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 2 Regeneration and Growth Areas
Core Strategy Policy 5 Other employment locations
Core Strategy Policy 6 Retail hierarchy and location of retail development
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

Development Management Local Plan (November 2014)

5.9 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 11 Other employment locations
DM Policy 16 Local shopping parades and corner shops
DM Policy 17 Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)
DM Policy 26 Noise and vibration
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings

6.0 Planning Considerations

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

- Principle of Development
- Design
- Impact on Adjoining Properties
- Highways and Traffic Issues

Principle of Development

6.2 Core Strategy Policy 6 outlines the Council's approach to retail hierarchy and location of retail development within district centres. It seeks to protect local shopping facilities from change of use or redevelopment where there is an economic demand for such services. In the neighbourhood local centres and parades, change of use and contraction of the shopping facilities will be considered if evidence is established that there is no economic prospect of such uses continuing.

6.3 DM Policy 16 supports this policy and requires the retention of Class A1 shops located in a local shopping parade or operated as a corner shop, in order to preserve or enhance the local character and support the provision of essential daily goods and services, unless an applicant can demonstrate:

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 DM Policy 17 states that the Council will consider proposals for restaurants and cafés (A3) and drinking establishments (A4) provided the following are met:

a) the location and design is acceptable and the proposed use does not detrimentally affect the vitality of the shopping area

b) there is no harm to the living conditions of nearby residents, including that created by noise and disturbance from users and their vehicles, smell, litter and unneighbourly opening hours

c) parking and traffic generation is not a danger to other road users, public transport operators or pedestrians.

6.5 DM Policy 17 goes on to state that applicants will be expected to provide acceptable arrangements for:

a) the efficient and hygienic discharge of fumes and smells, including the siting of ducts, which should be unobtrusive

- b) the collection, storage and disposal of bulk refuse and customer litter
- c) sound proofing, especially if living accommodation is above or adjacent
- d) other appropriate mitigation measures in relation to the impact on neighbours of the proposed opening hours.

Loss of the A1 Unit

- 6.6 The application site has a lawful A1 use, and is located within a local shopping parade which spans three sections of Springbank Road. Paragraph 2.112 of the Development Management Local Plan states that the main function of local shopping parades is providing for the daily needs of local residents. There are 23 units located within the parade on the north-eastern side of Springbank Road. Of these 23 units, 13 have been converted into residential use; mainly towards the southern end of the parade. A further 3 A1 units are vacant, and there is an Indian restaurant and a takeaway. There remain 4 active A1 units within this section of the parade, and 2 of these units are convenience stores. There is also an accountants (A2).
- 6.7 There are 7 units located on the parade to the north of Duncreevie Road and they are all in active use as commercial or retail units. Of these 7 units, 2 are cafes/restaurants; 3 units are in A2 use as estate agents' and an employment office; and there is a double-unit at the north of the parade in A1 use.
- 6.8 On the parade where the application premises is located, there are a total of 10 units. Of these 10 units, 3 have been converted into residential use and a further 5 A1 units are vacant, including the application site. There is 1 unit in use as a hairdressers (A1), and 1 unit in use as a taxi office (sui generis) which adjoins the application site.
- 6.9 In total there are 24 remaining commercial and retail units within this local shopping parade on Springbank Road, 16 of which are still in active use. In light of this, Officers consider that this section of Springbank Road is still a local shopping parade and as such, DM Policy 16 is relevant. It is acknowledged that the parade has suffered due to the conversion of a number of units into residential use; and given that there are currently 8 vacant units, the parade is in need of regeneration in order to ensure its viability and that it does not face further decay or loss of commercial space.
- 6.10 With regards the requirements of DM Policy 16, out of the 24 commercial and retail units within the local shopping parade, 7 of these are still in active A1 use. The majority of these A1 units are in close proximity to the application site, and comprise a range of uses e.g. hairdressers, convenience store, upholsters. The nearest convenience store is less than 30 metres away from the application site. Officers consider that there is an availability of similar alternative shopping facilities within a comfortable walking distance of the application site, and part (a) of DM Policy 16 has been met.
- 6.11 With regards the number and type of units within the parade, of the 16 occupied units there are currently 7 A1 units, 4 A2 units, 4 A3 units and 1 sui generis unit. There are currently no A4 uses within the local shopping parade. It is considered that there is an appropriate balance to the range and type of units currently within

the parade, particularly given that almost half of the active units are in A1 use. As such, Officers consider that part (b) of DM Policy 16 has been met.

- 6.12 Further to the above, the applicants have confirmed that the application premises have been vacant since October 2014. The applicants have also provided marketing information detailing that the unit was advertised and marketed as an available A1 or A2 unit from 25th July 2016, with no success until the applicants rented the premises on 13th April 2017. This marketing information, in addition to the existing number of vacant units within the local shopping parade, reinforces that there is not a high demand for A1 uses in this location.
- 6.13 With regards part (d) of DM Policy 16, this will be addressed later in the report. Notwithstanding, Officers consider that the loss of the A1 unit within this local shopping parade is justified and would be in accordance with DM Policy 16.

Provision of an A4 Use

- 6.14 As outlined above the existing shopping parade is suffering, with a considerable number of units in residential use and a number of vacant units. The provision of an A4 unit in this location is not considered to detrimentally affect the vitality of the shopping area and rather, could enhance regeneration and encourage further investment in the parade. With regards parts (b) and (c) of DM Policy 17, these will be addressed later in the report.
- 6.15 The applicants have submitted an Operational Management Report, outlining measures for the collection, storage and disposal of refuse; as well as detailing mitigation measures in relation to the impact on neighbours of the proposed opening hours.
- 6.16 Therefore Officers consider that the loss of the A1 retail unit and change of use to an A4 micropub would be acceptable in principle, subject to the impact of the proposal upon the amenities of neighbouring residents and impact upon traffic and parking.

Design

- 6.17 Urban design is a key consideration in the planning process. Chapter 12 of the NPPF makes it clear that national government places great importance on the design of the built environment. Proposals should contribute positively to making places better for people.
- 6.18 In relation to Lewisham, Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.19 DM Policy 30 carries through the principle of high quality design which complements the existing typology. DM Policy 31 requires development proposals for alterations to be of a high, site specific and sensitive design quality and to respect and/or compliment the form, setting period, architectural characteristics and detailing of the original building, including external features such as chimneys and porches. High quality matching or complimentary materials should be used appropriately and sensitively in relation to context.

- 6.20 The application proposes the installation of a ground floor window in the side elevation, the installation of doors in the rear elevation, the relocation of the existing entrance door to the right of the front elevation, and the installation of a condenser unit in the side elevation.
- 6.21 The proposed window in the side elevation of the building would replace an existing door. The window would be similar in appearance to those in the existing property, and the rest of the opening will be infilled with bricks to match the existing. The proposed doors in the rear elevation of the building would replace an existing window. These alterations would not be visible from the public realm and are considered to be acceptable.
- 6.22 The proposed condenser unit would be located in the side elevation of the building, at ground floor level. The condenser unit would be sited 1 metre above the external ground level, would not be more than 0.6 metres in height and would project approximately 0.3 metres from the flank elevation. The condenser unit would be modest in size and would not be visible from the public realm. As such, the condenser unit is considered to be acceptable.
- 6.23 The proposed relocation of the existing entrance door from the porch to the right side of the shopfront is not considered to impact upon the character or appearance of the application building, or surrounding shopping parade and would be acceptable. No details have been submitted as to how the space where the existing door is located will be infilled, however these details can be secured by condition.
- 6.24 The proposed alterations to the fenestration and installation of a condenser unit are considered to be acceptable from a design perspective and in accordance with Core Strategy Policy 15, DM Policy 30 and DM Policy 31.

Impact on Adjoining Properties

- 6.25 Core Strategy Policy 15 'High quality design in Lewisham' seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed development to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers.
- 6.26 The main properties to consider in an assessment of the impacts of the proposal upon residential amenities are No.88A, No.86A and the flats in No.90 Springbank Road; and No.s 9-13 Wellmeadow Road.

Noise and Disturbance

- 6.27 DM Policy 26 relates to noise generating or sensitive development. Although aimed primarily at industrial noise creating activities, the principles may be applied to other types of development where noise is a potential issue. The policy requires that a noise assessment, prepared by a qualified acoustician, is submitted in support of applications for such developments and states that, where development is permitted, conditions may be attached to ensure effective mitigation.
- 6.28 The application initially proposed a smoking shelter and bin store in the rear garden of the host site. A number of neighbouring residents expressed concern that the use of the smoking shelter and frequent access to the bin store would

result in increased noise and disturbance, particularly late at night. Following the submission of revised proposals, the smoking shelter and bin store have been removed from the application and the applicants have confirmed that access to the rear garden would only be for maintenance/emergency purposes.

- 6.29 Some neighbouring residents have raised concerns that there would be increased noise and disturbance arising from the comings and goings of patrons to the premises, particularly those under the influence of alcohol. The applicants have submitted an Operational Management Statement, which sets out how the premises would be managed so as to reduce the impact upon neighbouring residential amenity. The applicants have confirmed that smoking outside the premises will be discouraged and staff will supervise all customer activity outside the premises. Additionally the applicants propose that the door to the premises would be relocated to the right side of the shopfront, so that the occupants of the first floor flat would not share an entrance porch with the unit.
- 6.30 The applicants propose an acoustic suspended ceiling within the premises, to reduce the impact of the proposal upon the occupants of No.88A. The Operational Management Statement indicates the premises will control music played from a stereo, so that it is not audible from neighbouring properties. However, the Environmental Health Officer considers that this does not take into account the noise from patrons within the premises, and he states it is in the interest of the applicants to ensure they have a high level of sound insulation. The applicants also propose a condenser unit in the side elevation of the building. The Environmental Health Officer considers that a pre-commencement condition be attached to any permission, that specifies the noise reduction required of the premises and sufficient sound proofing measures for the condenser unit, so that there would not be any impact upon No.88A, No.86A and the flats at No.90 Springbank Road.

Overlooking/Loss of Privacy

- 6.31 Some neighbouring residents have raised concerns that there would be increased overlooking and a loss of privacy from the openings in the rear and side elevation of the unit.
- 6.32 The windows in the side elevation of the unit would serve toilets, and it is detailed on the plan that they would be obscurely glazed. The window in the rear elevation of the building would be at ground floor level, approximately 15 metres from the rear boundary of the application site and at least 30 metres from the rear elevations of the properties on Wellmeadow Road. As such, it is not considered that the premises will overlook or result in a loss of privacy to No.86A Springbank Road or No.s 9-13 Wellmeadow Road.

Opening Hours

- 6.33 The proposed opening hours are as follows:

Days	Opening Hours
Monday	08:00 – 21:00
Tuesday – Thursday	08:00 – 22:00

Friday	08:00 – 23:00
Saturday	08:00 – 23:00
Sunday	08:00 – 22:00

- 6.34 Given the location of the unit on a local shopping parade and in close proximity to a takeaway, restaurant and taxi office, as well as residential units, the proposed opening hours are considered acceptable and would not be unneighbourly.

Highways and Traffic Issues

- 6.35 Core Strategy Policy 14 ‘Sustainable movement and transport’ promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.
- 6.36 The application site has a PTAL rating of 3 (average).

Car Parking

- 6.37 The applicants have stated that the micropub would accommodate a maximum of 40 customers. Their application form states that they would employ 4 full-time staff and 3 part-time staff. Their Travel Plan states,

“The overall objective in relation to guidance for both staff and clients of the proposed use is to encourage those coming to site to use sustainable modes of travel. In light of the fact that most people will be from the surrounding area and will be visiting the premises to enjoy an alcoholic beverage, it is unlikely that the proposed use would attract significant private vehicle trips to and from the premises...a comparison with the existing use is also a material consideration to the assessment with there being no significant material change in vehicle movements or trips associated with the proposed use compared to the lawful use of the premises were an A1 use reintroduced”.

The Highways Officer has reviewed the Travel Plan Statement and notes that it does not outline how the applicants will encourage staff and visitors to use sustainable modes of transport. The Highways Officer also points out that a PTAL of 3 is not the most accessible. Whilst these comments are acknowledged, Officers would also highlight that the site is approximately 91 metres/4 minute walk from the rear entrance of Hither Green Station, as well as within walking distance to a number of bus stops serving Catford, Lewisham and Central London. Given the nature of the proposed A4 use and the fact that it is unlikely to be occupied by 40 patrons at all times, it is not considered that the proposal would generate a large number of additional car journeys. Additionally, patrons are more likely to opt for public transportation due to drink drive laws.

Servicing

- 6.38 The proposed use of the premises as a micropub is not considered to give rise to a need for large scale deliveries to the site. Notwithstanding this, the applicants have confirmed that all servicing will take place from Springbank Road. The

Operational Management Statement outlines that the applicants will ensure that deliveries are efficient and have a minimal impact on neighbouring amenity.

Cycle Parking

- 6.39 Policy 6.9 of the London Plan maintains that development should provide secure, integrated and accessible cycle parking facilities. The Highways Officer requests that 2 cycle parking spaces should be provided.

The proposed development is for the change of use of an existing retail unit, into an A4 use. The existing retail unit does not accommodate any cycle parking spaces for staff or visitors. Whilst the Highways Officer requests that 2 cycle parking spaces should be provided, Officers consider that this may be unreasonable given that the existing unit does not provide any cycle parking. Furthermore, the building is old and cannot easily accommodate cycle parking. If cycle parking spaces were to be located in the rear garden, cyclists would have to take their bikes through the pub, which is not ideal. Similarly, if cycle parking spaces were to be located in the basement, cyclists would have to take their bikes through the pub and down a flight of steps. The cycle parking would then not be step-free.

Given that the floor area of the proposed unit (not including basement) is approximately 60m² and the existing unit does not provide cycle parking spaces, Officers consider that on balance, cycle parking is not required to be provided with the proposed development.

Waste Management

- 6.40 The applicant proposes that refuse and recycling would be stored in the basement, and placed on the highway on collection day. This has not been shown on a plan, however these details can be secured by condition.

7.0 Equalities Considerations

- 7.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8.0 Human Rights Implications

8.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:-

- Right to a fair trial
- Respect for your private and family life, home and correspondence
- Peaceful enjoyment of one's property

8.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

8.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.4 This application has the legitimate aim of providing a new building with employment use. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence are not considered to be unlawfully interfered with by this proposal.

9.0 CONCLUSION

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

9.2 Officers consider that the proposed development would be in accordance with Policies DM 16 and DM 17 of the Development Management Local Plan, and would be acceptable in principle, of no significant harm to the character of the application site or surrounding area, or to residential amenity. The scheme is therefore considered acceptable.

10.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

Conditions

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

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

- 2 The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:
- Planning, Design and Access Statement (Robinson Escott Planning, December 2017); Appendix 1; Appendix 2 received 5th December 2017;
- 2051-17-PL001 Rev P10; Operational Management Statement (mathBREW, March 2018) received 16th March 2018;
- Transport Statement and Travel Plan (Robinson Escott Planning, July 2018) received 16th July 2018;
- Noise Impact Assessment (Acoustics Plus, October 2018) received 16th October 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 The development shall only be occupied once the soundproofing works as set out in the Noise Impact Assessment hereby approved have been implemented in accordance with the approved details. The soundproofing shall be retained permanently in accordance with the approved details.
- Reason:** In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).
- 4 (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) The development shall not be occupied until the scheme approved pursuant to the Noise Impact Assessment hereby approved has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.
- Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).
- 5 The premises shall not be occupied until a detailed schedule and specification/samples of the external materials and finishes to be used for the proposed changes to the shopfront and relocation of the door 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) The premises shall not be occupied until details of proposals for the storage of refuse and recycling facilities for the commercial unit hereby approved, have been submitted to and approved in writing by the local planning authority.

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

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

7 The premises shall only be open for customer business between the hours of **08:00 and 21:00 on Monday, 08:00 and 22:00 on Tuesday – Thursday, 08:00 and 23:00 on Friday - Saturday, and 08:00 and 22:00 on Sunday.**

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 180 of the National Planning Policy Framework and DM Policy 16 Local shopping parades and corner shops, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

8 No amplified sound system shall be used or generated which is audible outside the premises or within adjoining buildings.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

9 The whole of the rear yard as shown on drawing no. **2051-17-PL001 P10** hereby approved shall at no time be accessible to staff or patrons other than for the purposes of maintenance or in the event of an emergency.

Reason: In order to prevent any unacceptable impact on the amenities of adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), DM Policy 26 Noise and vibration and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

INFORMATIVES

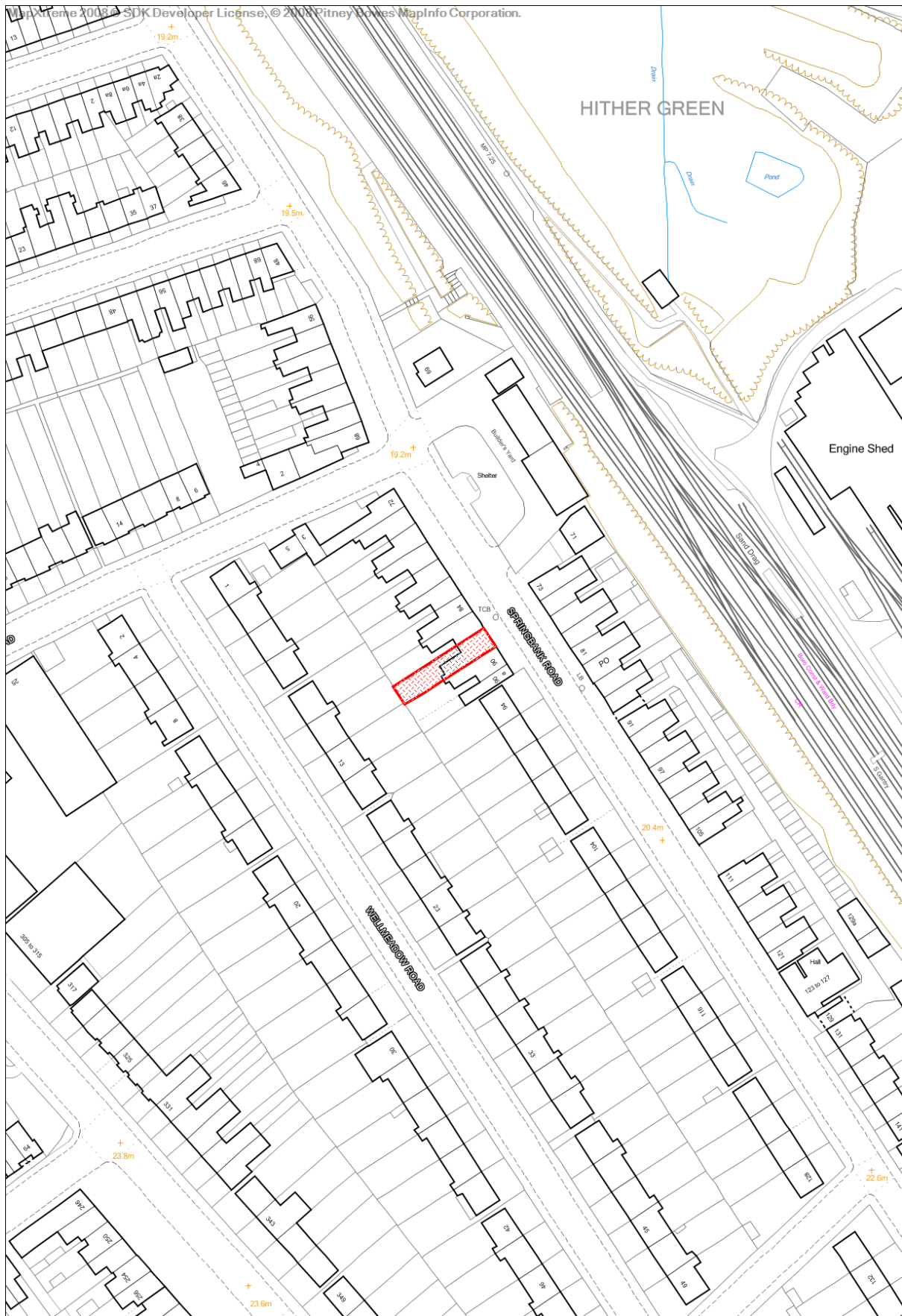
A **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application,

positive discussions took place which resulted in further information being submitted.

- B 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.

This page is intentionally left blank

88 SPRINGBANK ROAD, SE13 6SX Site Map



This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	34 SUNDERLAND ROAD, SE23	
Ward	Perry Vale	
Contributors	Catriona Morgan	
Class	PART 1	15 November 2018

<u>Reg. Nos.</u>	DC/18/106214
<u>Application dated</u>	07.03.2018
<u>Applicant</u>	Nicholas Jamieson Architect on behalf of London Quakers Property Trust
<u>Proposal</u>	The alteration and conversion of the existing 2 x No. residential units on the first floor at 34 Sunderland Road, SE23 to provide 1 x No. 1 bedroom unit and 2 x No. 2 bedroom units on the first and second floors together with the demolition of the existing external staircase and construction of a single storey front extension, construction of a rear dormer roof extension, installation of rooflights and alterations to the existing fenestration.
<u>Applicant's Plan Nos.</u>	2012 P01; EX01; EX02; EX03; EX04; EX05; EX06; EX07; EX08; EX09 received 7th March 2018. Design & Access Statement (Nicholas Jamieson Architect, 6 March 2018) received 23rd March 2018. PL02 Rev A; PL03 Rev A; PL04 Rev A; PL05 Rev A; PL06 Rev A; PL07 Rev A; PL08 Rev A; PL09 Rev A; PL10 Rev A; PL11 Rev A; PL12 Rev A received 18th July 2018. PL01 Rev B received 9th August 2018.
<u>Background Papers</u>	(1) Case File LE/420/34/TP (2) Local Development Framework Documents (3) The London Plan (2016) (4) The NPPF (2018)
<u>Designation</u>	Existing Ground Floor D1 Use; Existing Upper Floors C3 Use PTAL 2 Not located in a Conservation Area No Article 4 Direction

1.0 Property/Site Description

- 1.1 The application relates to a large two storey, detached Victorian building located on the western side of Sunderland Road. The ground floor of the application building has been converted into meeting rooms and associated areas, for use by Forest Hill Quaker Meeting and a variety of local community organisations. The upper floors are laid out as two self-contained residential units, comprising 1 x No. one-bedroom/studio unit, and 1 x No. three-bedroom flat.
- 1.2 The surrounding area is predominately residential in nature. The application building forms part of a group of five comparable buildings on the western side of Sunderland Road, which are detached and characterised by dominant two storey bay windows located to the left of the central entrance door. The buildings are largely constructed from London stock brick, however the front elevations of No.32 and No.40 have been rendered and painted light blue and cream respectively. The majority of the buildings have been split into flats.
- 1.3 There are a number of extensions to the application building, for which there is no planning history. These include an octagonal single storey rear extension; a single storey side extension to the north of the building, which adjoins the flank wall of No.32 Sunderland Road; and an external staircase leading from the north elevation first floor window to a walled stair from the roof of the side extension to ground level.
- 1.4 The site has a PTAL rating of 3, based on a scale of 0-6b with 6b having the highest degree of accessibility to public transport. The site is not subject to any other particular designations.

2.0 Planning History

- 2.1 PRE/17/103969 – Pre-application advice sought concerning the demolition of the existing external staircase and construction of a two storey staircase extension to the north of the building, construction of a rear dormer roof extension, installation of rooflights and alterations to the existing fenestration, together with the conversion of the 2 x No. existing flats into 3 x No. flats.
- 2.2 PRE/11/001064 – Pre-application advice sought concerning various alterations in connection with the self-containment of the upper floor (former Warden's) residential accommodation, plus conversion of roofspace to create an additional flat.

3.0 Current Planning Applications

The Proposal

- 3.1 This application relates to the alteration and conversion of the existing 2 x No. residential units on the first floor at 34 Sunderland Road, SE23 to provide 1 x No. 1 bedroom unit and 2 x No. 2 bedroom units on the first and second floors together with the demolition of the existing external staircase and construction of a single storey front extension, construction of a rear dormer roof extension,

installation of rooflights and alterations to the existing fenestration. The application also proposes the installation of a ramp leading to the main entrance of the building.

- 3.2 The single storey front/side extension would measure approximately 1.8 metres in depth and approximately 1.56 metres in width. The extension would have a flat roof measuring approximately 3.81 metres in height. The walls of the extension would be constructed from bricks similar to the existing. There would be a white finished aluminium framed door in the front elevation and a white finished aluminium framed window in the side elevation of the extension. This entrance would serve the proposed flats on the first and second floors of the building.
- 3.3 The proposed rear dormer roof extension would measure approximately 7.72 metres in width and approximately 2.32 metres in height. The dormer is proposed to be clad with zinc sheet cladding.
- 3.4 The application proposes the installation of two rooflights in the rear roofslope, the installation of four rooflights in the front roofslope and the installation of two rooflights in the roof of the projecting bay window.
- 3.5 The application also proposes the replacement of a first floor window and the installation of two second floor windows on the southern elevation; the replacement of the existing first floor window and installation of two first floor windows and one second floor window on the northern elevation; and the replacement of the existing first floor windows on the rear elevation with five windows. These windows would be white finished aluminium framed units.
- 3.6 The proposed ramp would extend 1.48 metres from the front elevation of the application property and would have a maximum height of 0.52 metres at the entrance to the building. The ramp then descends down to the front car parking area.

Revisions

- 3.7 The application initially proposed a second entrance to the Quaker Hall, adjacent to the proposed flat entrance. This has been removed from the proposal and replaced with a fixed window. The detailed design of the rear dormer and proportions of the proposed windows and velux windows have also been revised. Officers also requested that the internal kitchen/living/dining area of Flat 3 be increased. Revised drawings were submitted on 18th July 2018 to reflect these amendments.

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 A site notice was displayed and letters were sent to fifteen residents in the surrounding area, as well as the relevant ward Councillors in Perry Vale. The Council's Highways department were also consulted.
- 4.3 Three neighbouring properties have raised objection to the proposal.

Written Responses received from Local Residents

- 4.4 The planning concerns raised by neighbouring residents are summarised below:
- The dormer windows will overlook neighbouring properties and rear gardens, leading to a loss of privacy for occupants;
 - The scale of the proposed dormer will be visually overbearing and not in keeping with the original Victorian building;
 - A further extension will lead to the site being overdeveloped and add to noise nuisance;
 - The proposed windows on the northern elevation of the building will overlook neighbouring properties and rear gardens, leading to a loss of privacy for occupants.

Written Responses received from Statutory Agencies

Highways and Transportation

- 4.5 The Council's Highways Officer initially considered that insufficient information had been submitted with regards cycle parking, the access ramp and car parking. Additional information was sought in this regard.

Cycle Parking

Highways requested a plan showing where the proposed cycle parking will be located, including dimensions and type of store to be used. They requested that the cycle parking be covered, secure and fully enclosed, and at least 2m in length to fit bicycles comfortably.

The applicant submitted further information in this regard, and proposes 9 cycle parking spaces located in the forecourt, along the northern boundary of the application site. These spaces would be covered, secure and fully enclosed. Therefore, the cycle parking details are considered acceptable and the concerns raised by Highways have been resolved.

Access Ramp

Highways queried how the access ramp will be accessible should two cars be parked in the car parking spaces, and questioned how the access will be kept clear.

The applicant has submitted a revised proposed ground floor plan (PL01 Rev B) which details two cars in the proposed car parking spaces, the access ramp, and a low wall separating the car parking spaces from the access ramp. The low wall is set marginally above the height of the top of the ramp, and cars will not be able to encroach onto the ramp as the low wall will prevent them from doing so. Therefore, these details are considered to be acceptable and the concerns raised by Highways have been resolved.

Crossovers

Highways confirmed that the existing crossover is redundant, and noted that the applicant will have to pay for the removal of this redundant crossover and submit an application for a new proposed crossover, as currently there is not a crossover in this location.

The applicant confirms that they have submitted an application to Highways for a new crossover. Evidence that the new crossover has been installed can be conditioned.

Car Parking

Highways raised concern with how the car parking will be allocated such that one space is for the meeting house and one is for the flats. Additionally, they queried which bedroom unit will be allocated the car parking space.

The applicant submitted further information in this regard, and confirms that there is not enough space for more than two cars to be parked in the forecourt; a third car attempting to park on the site would prevent the first two cars from being able to drive in or out of the site. Further, the applicant employs a Lettings Administrator who is responsible for managing the use of the building, including the monitoring of the car parking. The applicants also propose notices in the forecourt stating that the car parking space to the north is to be used by the tenants of Flat 3 only. As such, the car parking details are considered to be acceptable and the concerns raised by Highways have been resolved.

5.0 Policy Context

Introduction

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

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

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that '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 (NPPF) 2018

5.3 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.

5.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this

states in paragraph 213, 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 and in regard to existing local policies, that ‘...due weight should be given to them, 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 and Development Management Local Plan 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 213 of the NPPF.

Other National Guidance

- 5.6 The DCLG launched the National Planning Practice Guidance (NPPG) resource on the 6th March 2014. This replaced a number of planning practice guidance documents.

Technical housing standards – nationally described housing standard (DCLG, March 2015).

London Plan (March 2016)

- 5.7 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). The Mayor published proposed modifications to the Draft Plan in August 2018. The document is at an early stage in the process and has some limited weight as a material consideration when determining planning applications. The policies in the current adopted London Plan (2016) relevant to this application are:

- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 3.9 Mixed & Balanced Communities
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.4 Local character
- Policy 7.6 Architecture

The policies in the draft London Plan of relevance to this application are:

- Policy GG1 Building strong and inclusive communities
- Policy GG4 Delivering the homes Londoners needs
- Policy D1 London’s form and characteristics
- Policy D2 Delivering good design
- Policy D4 Housing quality and standards
- Policy D6 Optimising density

Policy H1 Increasing housing supply
Policy H2 Small sites and small housing developments
Policy H12 Housing size mix
Policy SI2 Minimising greenhouse gas emissions
Policy T5 Cycling
Policy T6 Car parking

London Plan Supplementary Planning Guidance (SPG)

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

- [Sustainable Design and Construction](#) (April 2014)
- [Housing](#) (March 2016)

Core Strategy (June 2011)

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

Spatial Policy 1 Lewisham Spatial Strategy
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 13 Addressing Lewisham's waste management requirements
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan (November 2014)

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

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 2	Prevention of loss of existing housing
DM Policy 22	Sustainable design and construction
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

- 5.12 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.
- 5.13 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.
- 5.14 Paragraph 6.4 (Bulk and size) states that extensions should be smaller and less bulky than the original building and reflect its form and shape. It states that traditionally, extensions to buildings are subsidiary to the main structure and that over-dominant extensions may destroy the architectural integrity of existing buildings.
- 5.15 Paragraph 6.7 states that when considering applications for roof extensions they should be sensitively designed to retain the architectural integrity of the building. The following design principles should be used to achieve this:
- All roof alterations should be successfully integrated with and preserve the architectural character of the building, and be subordinate to the principal elevations.
 - The type and style of windows used should be similar to those used in the main elevations and reflect their alignment.
 - For Victorian and Edwardian buildings, particularly in Conservation Areas box dormers occupying a whole roof slope are unlikely to be permitted.
 - Roof extensions, including dormer windows, to the front and side elevations will be resisted in favour of roof lights set into the roof slope.
 - Rear roof extensions should be set back a minimum of one metre behind the lines of eaves and a minimum of 500mm from the gable, flank or party wall boundary.
 - Roof extensions will not be permitted where any part of the extension will be above the height of the ridge of the main roof.
 - Roof extensions should be set back into the roof slope and not be formed by building up external walls.
 - The materials used for roof extensions and dormers should be compatible with the existing roof material in order to be unobtrusive and blend into the roof slope. Preferred materials are natural or simulated slates, clay tiles, zinc, lead or copper as appropriate with fascia boards in painted timber or hardwood.

6.0 Planning Considerations

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

- Principle of Development
- Design
- Standard of Accommodation
- Highways and Traffic Issues
- Impact on Adjoining Properties
- Sustainability and Energy

Principle of Development

- 6.2 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.
- 6.3 Locally, Core Strategy Policy 1 Housing provision, mix and affordability sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space and other infrastructure requirements (such as transport links).
- 6.4 DM Policy 2 seeks to prevent the loss of housing stating that a core principle of the planning system is the delivery of homes to meet housing need. The loss of housing arising from redevelopment is not consistent with the NPPF, in general conformity with the London Plan or in accordance with the Core Strategy.
- 6.5 The upper floors of the application site currently comprise 1 x No. one-bedroom/studio flat, and 1 x No. three-bedroom flat. However, there is no planning history pertaining to the lawful use of the upper floors.
- 6.6 During the application process the applicants submitted four tenancy agreements for the one-bedroom/studio flat (known as No.34 Sunderland Road), dating from 1st September 1999 – 14th September 2001; from 10th April 2005 – 10th August 2005; and from 15th February 2008 – 14th February 2009. The applicant submitted two un-dated photos which they state were taken on 5th April 2017, showing that the three-bedroom flat (known as No.34A Sunderland Road) was occupied at that time.
- 6.7 Officers have checked the Valuation Office website and spoken with colleagues from the Council Tax department. Council Tax confirmed that No.34 Sunderland Road has been registered on their system from 2000 and has been empty since 2017; it also states that this is a wardens flat. Council Tax confirmed that No.34A Sunderland Road has been registered on their system from 2000 and council tax is still being paid for this flat.
- 6.8 Officers acknowledge that the evidence gathered and outlined above does not demonstrate that the first floor of the building has been in use as 1 x No. one-bedroom/studio and 1 x No. three-bedroom flat continually for a period of four years. As such, it cannot be established that their use is lawful and would meet the

requirements of Section 171B of the Town and Country Planning Act 1990. Notwithstanding, Officers consider that the evidence gathered and outlined above does indicate that the existing flats have been there for a considerable period.

- 6.9 The proposed scheme would provide 1 x No. one-bedroom unit and 2 x No. two-bedroom units. The one-bedroom unit is assumed to be for one person, due to the size of the proposed unit. The two-bedroom units are assumed to be for four people each, due to the size of the proposed units.
- 6.10 DM Policy 32 sets out how to achieve high quality design and internal layouts in new development. Specifically, part 4(e) of this policy states that, "Single person dwellings will not be supported other than in exceptional circumstances. Developments will be required to have an exceptional design quality and be in highly accessible locations". Officers acknowledge that the application site has a PTAL rating of 3 (average), and the proposed unit would not be of an exceptional design quality. Notwithstanding, Officers consider that the provision of a single person unit at the application site would be acceptable, given that there is an existing studio/one-bedroom unit that has been there for a considerable period of time. Furthermore, the proposed one-bedroom unit would be a significant improvement on the existing standard of accommodation of the studio flat. The existing studio flat has a floor area of approximately 21.35m², whilst the proposed one-bedroom unit would have a floor area of 41m²; almost doubling the internal floorspace for the potential occupant. The proposed one-bedroom unit would also provide a better outlook for a potential occupant, with more windows provided than in the existing studio flat.
- 6.11 The proposal would result in an additional residential unit and an overall improved quality of accommodation at the application site.
- 6.12 In light of the above, the proposed scheme is considered to be acceptable in principle subject to design, neighbouring amenity, provision of a good standard of accommodation for occupants and the impacts on highways.

Design

- 6.13 Urban design is a key consideration in the planning process. 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 and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.14 In relation to Lewisham, Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.15 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.

- 6.16 DM Policy 31 requires development proposals for alterations to be of a high, site specific and sensitive design quality and to respect and/or complement the form, setting period, architectural characteristics and detailing of the original building, including external features such as chimneys and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to context.

Single Storey Front Extension

- 6.17 The application proposes the demolition of the existing external staircase, which is accessed from a door along the northern boundary of the application site and extends up to the first floor window in the flank elevation of the building. Officers raise no objection to the demolition of the staircase.
- 6.18 The proposed single storey front/side extension would be set back from the front elevation of the application building by approximately 1.6 metres, and would be set back from the shared boundary with No.32 Sunderland Road by approximately 2.08 metres. The height and depth of the proposed development is considered to be subservient to the host dwelling and the walls of the extension would be constructed from yellow London stock brick, similar to the existing. As such, the proposal is considered to be a subordinate addition to the host building and would not have a detrimental impact upon the streetscene or surrounding area.

Rear Dormer Roof Extension

- 6.19 When viewing the rear roofslopes of the application site and neighbouring properties from the rear garden, it is noted that the surrounding roofslopes remain unaltered apart from a small rear dormer roof extension at No.32 Sunderland Road, which was approved in 2007 (ref. 07/065194/X).
- 6.20 The proposed rear dormer roof extension would be set in from the southern gable-end by approximately 1.3 metres and would be set in from the northern gable-end by approximately 2.72 metres. The dormer would be set down from the ridge line of the roof by approximately 1.4 metres and would be set up from the eaves by approximately 0.7 metres.
- 6.21 The proposed dormer would be appropriately set in from the eaves and gable-ends, and would sit substantially below the ridge line of the roof. The proposal is considered to be subordinate within the rear roofslope and would be in accordance with the principles of the Residential Standards SPD.
- 6.22 With regards the detailed design of the dormer, the original proposal comprised four sets of double-pane windows separated by white painted wood linings. Officers considered the original design was unnecessarily chunky, and this was emphasised as the proposed materials would match the existing roofslope.
- 6.23 Following the submission of revised plans, the detailed design of the dormer has been simplified. The current proposal comprises two sets of triple-pane windows separated by white finished aluminium lining. The dormer is also proposed to be clad in zinc sheet cladding. Officers consider the revised design of the dormer is of a high quality and would not have an adverse unacceptable impact upon the host property and surrounding area. Furthermore the proposed dormer is not considered to result in any loss of visual amenity from neighbouring properties,

given its high quality design and setback of at least 25 metres from the rear boundary of the application site.

- 6.24 No details have been submitted with regards the type and specification of zinc cladding to be used on the rear dormer extension, however these details can be secured by condition.

Rooflights

- 6.25 The application proposes the installation of two rooflights in the rear roofslope, the installation of four rooflights in the front roofslope and the installation of two rooflights in the roof of the projecting bay window. The rooflights are considered to be acceptable and not out of character with the appearance of the existing property.

Alterations to Fenestration

- 6.26 The application also proposes the replacement of a first floor window and installation of two second floor windows on the southern elevation; the replacement of the existing first floor window and installation of two first floor windows and one second floor window on the northern elevation; and the replacement of the existing first floor windows on the rear elevation with five windows. These windows would be white finished aluminium framed units.
- 6.27 The original proposed windows on the rear and side elevations appeared quite long and narrow, and were not in keeping with the proportions of the existing windows at the application property.
- 6.28 Following the submission of revised plans the size and proportions of the windows have been significantly reduced, so that they are more sympathetic and in keeping with the original window proportions of the building. Therefore, the revised window proportions are considered to be acceptable. The proposed windows on the rear and side elevations would not be out of character with the appearance of the existing property.

Ramp

- 6.29 The proposed ramp at the front of the application building is considered to be a subordinate addition to the host building and would not have a detrimental impact upon the streetscene or surrounding area.
- 6.30 In light of the above the proposed single storey front extension, rear dormer roof extension and rooflights, alterations to the fenestration and access ramp are considered to be appropriate for the application site and would have a limited impact on the surrounding area, and therefore the proposal is considered to be in accordance with Core Strategy Policy 15, DM Policy 30 and DM Policy 31.

Standard of Accommodation

- 6.31 DM Policy 32 'Housing design, layout and space standards' and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing

provision. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan. In particular, it provides detail on how to carry forward the Mayor’s view that “providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods”.

6.32 London Plan Policy 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. However, in 2015, the ‘Technical housing standards – nationally described space standards’ were introduced. The alterations to the London Housing SPG adopted these standards. The technical housing standards is therefore applicable..

6.33 With regards to unit type and size, the development seeks to deliver 1 x No. one-bedroom, one person unit and 2 x No. two-bedroom, four person units. An assessment of the proposal against required space standards is considered below.

Unit Type	Room	Size	Required	Compliance
Flat 1	Unit Size	41m2	37m2	Y
	Floor-Ceiling Height	Approx. 2.9m	2.3m for at least 75%	Y
	Bedroom 1	Approx. 8.91m2	7.5m2	Y
Flat 2	Unit Size	70m2	70m2	Y
	Floor-Ceiling Height	Approx. 2.9m	2.3m for at least 75%	Y
	Bedroom 1	Approx. 11.75m2	11.5m2	Y
	Bedroom 2	Approx. 12.96m2	11.5m2	Y
Flat 3	Unit Size	75m2	70m2	Y
	Floor-Ceiling Height	At least 2.3m	2.3m for at least 75%	Y
	Bedroom 1	Approx. 13.1m2	11.5m2	Y
	Bedroom 2	Approx. 13m2	11.5m2	Y

6.34 The technical housing standards state that the minimum floor to ceiling height of proposed units should be 2.3m for at least 75% of the Gross Internal Area. The Residential Design SPD states that attic rooms including loft conversions need to be provided with sufficient head clearance and floor space. Floor space calculations should be based on parts of the rooms with a headspace of more than 1.5m. All three units would meet a minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area.

6.35 The proposal fails to provide any private amenity space for the proposed units. However, given the existing flats do not have any amenity space available, it would be unreasonable to refuse the application on this basis. Furthermore, the

Horniman Museum and Gardens are only a 10 minute bus journey or 20 minute walk away; and the Garthorne Road Nature Reserve is only a 10 minute walk from the application site.

- 6.36 Officers have not assessed the standard of accommodation for the current flats. However all three proposed units would meet the technical housing standards, would be dual-aspect and are considered to be acceptable with regards to standard of accommodation for future occupants.

Highways and Traffic Issues

- 6.37 Core Strategy Policy 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.
- 6.38 The application site has a PTAL rating of 3 (average).

Car Parking

- 6.39 There are two existing off-street car parking spaces at the application site, located in the forecourt. The application proposes that one of these car parking spaces would be for the Quaker Hall and the other parking space would be for the tenants of Flat 3.
- 6.40 The applicants propose notices in the forecourt stating that the car parking space to the north of the site is to be used by the tenants of Flat 3 only.
- 6.41 The London Plan requires that proposals for residential development with 1-2 bedrooms per unit should provide less than 1 car parking space per unit. Given that there would be an increase of one unit on the site, officers consider that the proposed car parking would be acceptable and their retention can be conditioned.

Cycle Parking

- 6.42 Policy 6.9 of the London Plan maintains that development should provide secure, integrated and accessible cycle parking facilities. The London Plan requires that a one-bedroom flat should provide 1 cycle parking space, and 2 cycle parking spaces should be provided per all other dwellings.
- 6.43 The application proposes 9 cycle parking spaces for the residential units, which would be located within the forecourt of the application site. These spaces would be covered, secure and fully enclosed. As such the proposed cycle parking is considered acceptable.

Refuse

- 6.44 The applicant has submitted a plan detailing that refuse would be stored within the forecourt of the application site. This is considered acceptable. Further details can be conditioned.

Access Ramp

- 6.45 The applicant has submitted a revised proposed ground floor plan (PL01 Rev B) which details two cars in the proposed car parking spaces, the access ramp, and a low wall separating the car parking spaces from the access ramp. The low wall is set marginally above the height of the top of the ramp, and cars will not be able to encroach onto the ramp as the low wall will prevent them from doing so. This is considered to be acceptable.

Crossover

- 6.46 The applicant confirms that they have submitted an application to Highways for a new crossover. Evidence that the new crossover has been installed can be conditioned.

Impact on Adjoining Properties

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

- 6.48 The main properties to consider in an assessment of the impacts of the proposal upon residential amenities are No.32 and No.36 Sunderland Road, and No.9 – No.11 Church Rise.

Single Storey Front Extension

- 6.49 The proposed single storey front extension would be set back from the shared boundary with No.32 Sunderland Road by approximately 2.08 metres. The extension would not project beyond the front elevation of No.32. There are no ground floor windows on the side elevation of No.32. As such, the proposal is not considered to cause any unacceptable impacts in terms of loss of daylight/sunlight or outlook, or result in a loss of privacy to No.32.

Rear Dormer Roof Extension

- 6.50 The rear dormer roof extension would be located entirely within the original roofslope of the host building, meaning it would not unreasonably impact the occupants of neighbouring properties by way of loss of light or visual intrusion.

- 6.51 The rear dormer would be located approximately 25 metres from the rear boundary of the application site, and would be set back approximately 48 metres from the rear elevations of No.9 and No.11 Church Rise. The Council's Residential Standards SPD recommends that there should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations. Given the significant distance between the rear dormer and the rear elevations of No.9 and No.11 Church Rise, Officers do not consider that the proposal would result in a material loss of privacy to neighbouring residents.

Rooflights

- 6.52 Concerns were raised by neighbouring residents that the proposed velux window in the flank roofslope serving bedroom 2 of Flat 3 would overlook the existing rooflight in the flank roofslope of No.32 Sunderland Road. The rooflight at No.32 serves a bathroom, which is not a habitable room and in any event, the proposed rooflight would be located approximately 14 metres from the existing rooflight. As such, Officers do not consider that the proposed rooflight facing the flank roofslope of No.32 would result in a loss of privacy or increased overlooking to the neighbouring property.
- 6.53 The other proposed rooflights are not considered to result in a loss of privacy or increased overlooking for neighbouring occupants.
- 6.54 *Alterations to Fenestration*
- 6.55 The application proposes the replacement of a first floor window and installation of two second floor windows on the southern elevation of the host building. There are no windows in the flank elevation of No.36 and therefore, the proposed windows are not considered to result in a loss of privacy to the neighbouring property.
- 6.56 The application proposes the replacement of the existing first floor window and installation of two first floor windows and one second floor window on the northern elevation of the host building. There are two first floor windows and a ground floor window in the flank elevation of No.32, which are all obscurely glazed and serve a bathroom and toilet room respectively. Bathrooms and toilets are not considered to be habitable rooms and in any event, the windows on the flank elevation of No.32 are obscurely glazed. As such, the proposed windows are not considered to result in a loss of privacy to the windows at No.32.
- 6.57 Concerns were raised by neighbouring residents that two of the first floor windows on the northern elevation could overlook the rear patio of No.32B Sunderland Road. One of the proposed first floor windows serves a staircase, sits approximately 3.4 metres above ground level and directly faces the flank elevation of No.32. Given the position of this window within the flank elevation of the host building and the height of the boundary wall with No.32, Officers do not consider that this window would overlook or result in a loss of privacy to the patio of No.32. The other window serves the kitchen/dining/living room of Flat 1, sits approximately 3.8 metres above ground level and faces into the patio area of No.32B. In order to ensure that there would not be any overlooking or loss of privacy to the patio at No.32B, a condition is recommended requiring that the proposed first floor window serving the kitchen/dining/living area of Flat 1, in the flank elevation of the development, be obscurely glazed and fixed shut 1.7 metres below the relevant floor level.
- 6.58 The application proposes the replacement of the existing first floor windows on the rear elevation with five windows. These windows would be set back at least 20 metres from the rear boundary of the application site. As such, Officers do not consider that the proposed replacement windows would result in a loss of privacy or increased overlooking to neighbouring residents.

Sustainability and Energy

- 6.59 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. The NPPF requires planning policies to be

consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

- 6.60 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 6.61 For schemes of this scale, sustainability requirements have been absorbed into Building Regulations meaning the applicant does not have to comply with any particular sustainability requirements at this stage of the development process.

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 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) foster good relations between people who share a protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

9.0 Human Rights Implications

9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:-

- Right to a fair trial
- Respect for your private and family life, home and correspondence
- Peaceful enjoyment of one's property

9.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

9.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.4 This application has the legitimate aim of providing new residential accommodation. The rights potentially engaged by this application, including respect for private and family life, home and correspondence and peaceful enjoyment of one's property 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, and it is considered that the application complies with all such policies.

10.2 Officers consider the proposed development to be acceptable in principle, of no significant harm to the character of the application site or surrounding area, or to residential amenity. The scheme is therefore considered acceptable.

11.0 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:

2012 P01; EX01; EX02; EX03; EX04; EX05; EX06; EX07; EX08; EX09 received 7th March 2018.

Design & Access Statement (Nicholas Jamieson Architect, 6 March 2018) received 23rd March 2018.

PL02 Rev A; PL03 Rev A; PL04 Rev A; PL05 Rev A; PL06 Rev A; PL07 Rev A; PL08 Rev A; PL09 Rev A; PL10 Rev A; PL11 Rev A; PL12 Rev A received 18th July 2018.

PL01 Rev B received 9th August 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 (with the exception of demolition) shall commence on site until a detailed schedule and specification/samples of all external materials and finishes to be used on the extensions hereby approved 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.

4. (a) No development (with the exception of demolition) shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.

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

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

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

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general

safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

6. All cycle parking spaces shall be provided prior to occupation of the development and thereafter retained as shown on drawing no. **PL01 Rev B**.

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).

7. The whole of the car parking accommodation shown on drawing no. **PL01 Rev B** hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

Reason: To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (July 2011).

8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new window to be installed in the **northern elevation at first floor, serving the kitchen/dining/living room of Flat 1** of the development hereby approved shall be fitted as obscure glazed and fixed shut and retained in perpetuity.

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

9. 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.

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 180 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).

Informatives

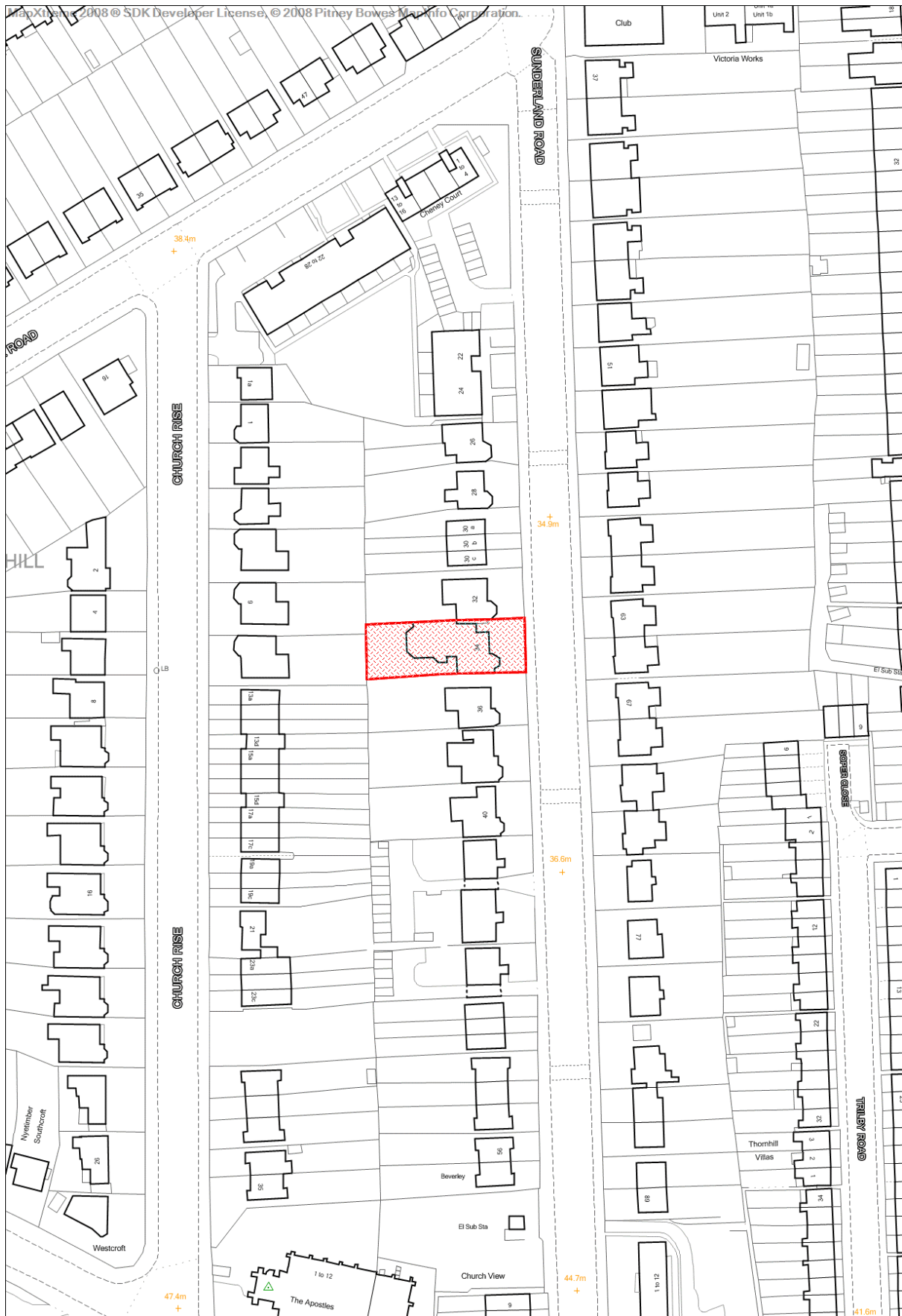
- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the

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.
- D. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

This page is intentionally left blank

34 SUNDERLAND ROAD, SE23 2QA Site Map



This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	51 BARGERY ROAD, LONDON, SE6	
Ward	CATFORD SOUTH	
Contributors	Joe Higgins	
Class	PART 1	15 th November 2018

<u>Reg. Nos.</u>	DC/18/105821
<u>Application dated</u>	12/02/2018
<u>Applicant</u>	Mr Waseem
<u>Proposal</u>	Installation of three rooflights in the rear roofslope at 51 Bargery Road SE6, together with insertion of a rooflight into the roofslope of the front gable end.
<u>Applicant's Plan Nos.</u>	1702_01-01; Site location plan; Design, access and heritage statement received 1202/2018. 1702_01-03 received 23/04/2018. 1805_02-03 A received 27/06/2018. 1805_02-05 D; 1805_02-06 D received 17/10/2018.
<u>Background Papers</u>	(1) Case File LE/702/51/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Existing C3 (Residential) Use C3

1.0 Introduction

- 1.1 This application was presented at Planning Committee B on 11th October 2018, but it was resolved that the decision be deferred to enable officers to seek a revision to the plans to substitute a gable end rooflight instead of the front gable end window presented to Committee.
- 1.2 This report should be read in conjunction with the report prepared for the 11th October 2018 meeting, which is attached at Appendix A.

2.0 Planning Considerations

- 2.1 DM Policy 36 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where: a) new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

- 2.2 The applicant has amended the proposal to remove a proposed gable end window on the front elevation of the property, and replaced it with a conservation style rooflight inserted into the north facing roofslope of the front gable end.
- 2.3 The applicant previously proposed a rooflight in this location, however prior to the case being heard at Planning Committee B on 11th October 2018 officers negotiated an amendment to the proposal to swap the gable end rooflight for a gable end window as it was considered that this would be less harmful to the conservation area. The size of the rooflight now proposed is smaller than the originally proposed gable end rooflight.
- 2.4 The currently proposed rooflight in the gable end would measure 0.75m wide by 0.89m tall and would be conservation style, fitted flush to the plane of the roofslope.
- 2.5 Planning permission for a gable end rooflight in the same position was refused by the Council under application DC/17/102267 due to the impact that this rooflight and another rooflight on the front roofslope would have on the character of the host property and streetscene. This decision was subsequently appealed, and although the appeal was dismissed, the Planning Inspector made reference to the gable end rooflight stating the following: *However, in contrast to the Conservation Officer's opinion I also see no objection to a small roof light located in the north-facing slope of the front gable, since this would be largely screened by the tree within Bargery Road outside no. 53 and by its siting within the gable roof slope.*
- 2.6 The currently proposed rooflight would be smaller than the rooflight in the appeal application referenced above. Officers also observe that the rooflight would be largely obscured by a tree lining Bargery Road. Furthermore, the Planning Inspector's comments regarding a gable end rooflight at the site are a material planning consideration, which officers consider the current proposal complies with.

3.0 Conclusion

- 3.1 The proposal has been amended in line with the reason for deferral.
- 3.2 The application has been considered in the light of policies set out in the development plan and other material considerations, including the previous appeal decision and on this basis is considered acceptable.

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:

1702_01-01; Site location plan received 12/02/2018. 1702_01-03 received 23/04/2018. 1805_02-03 A received 27/06/2018. 1805_02-05 D; 1805_02-06 D received 17/10/2018.

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.

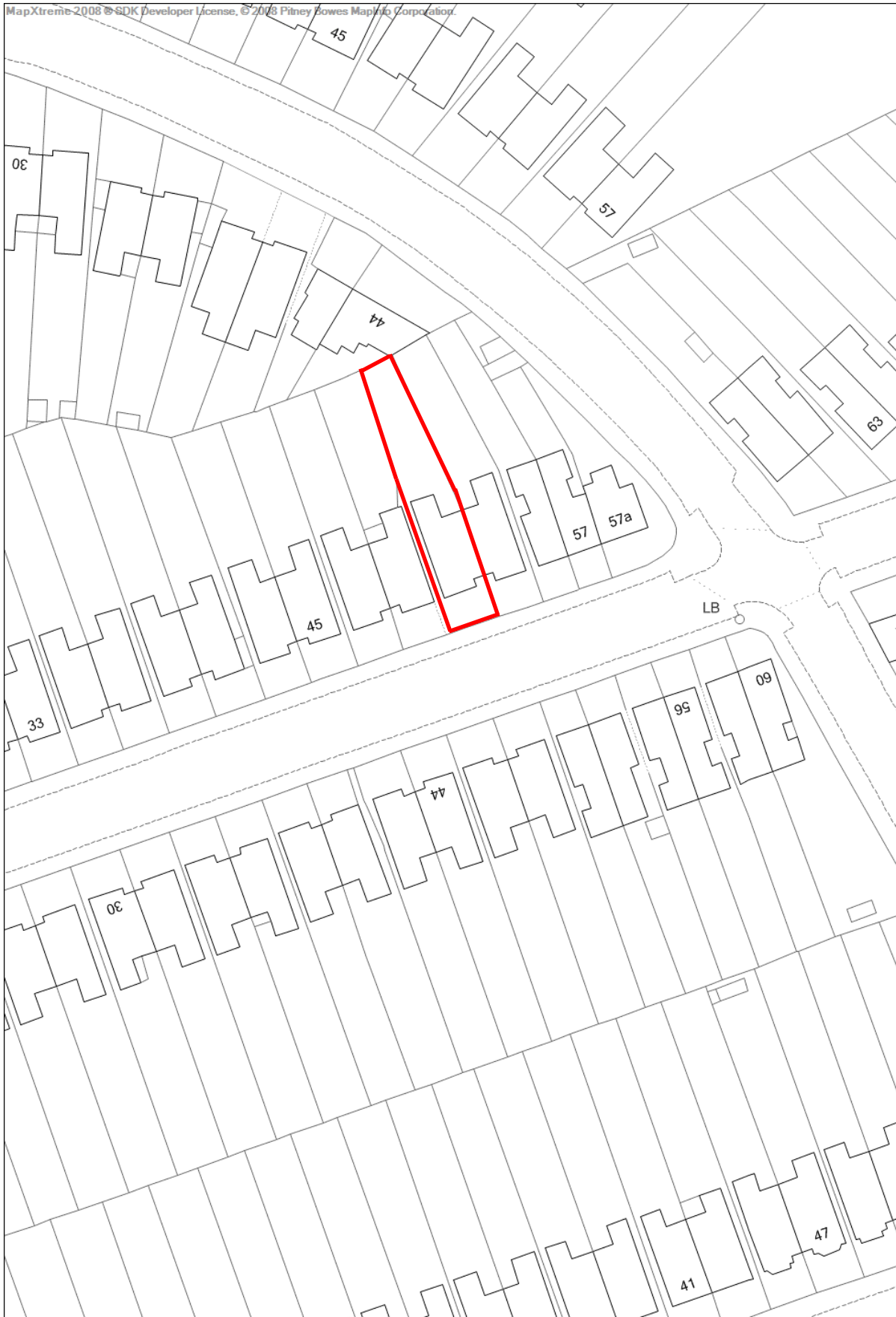
- 3 The rooflights hereby approved shall be conservation style fitted flush to the plane of the roof slope and retained in perpetuity.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham, Policy 16 Conservation areas, heritage assets and the historic environment 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.

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 the loft space of the application property is to be used for ancillary residential use and not for any other purpose and that there is an Enforcement Notice served in 2009 against the conversion of the property from C3 dwellinghouse to an HMO for more than 6 persons.

This page is intentionally left blank



This page is intentionally left blank

Appendix A
Committee Report:
51 BARGERY ROAD, LONDON, SE6 2LJ
11th October 2018

This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	51 BARGERY ROAD, LONDON, SE6	
Ward	CATFORD SOUTH	
Contributors	Joe Higgins	
Class	PART 1	11 th October 2018

Reg. Nos. DC/18/105821

Application dated 12/02/2018

Applicant Mr Waseem

Proposal Installation of three rooflights in the rear roofslope at 51 Bargery Road SE6, together with insertion of a timber sash window into the front gable end.

Applicant's Plan Nos. 1702_01-01; Site location plan; Design, access and heritage statement received 12/02/2018. 1702_01-03 received 23/04/2018. 1805_02-03 A received 27/06/2018. 1805_02-06 C; 1805_10-03 received 23/07/2018. 1805_02-05 C; 1805_10-01 A; 1805_10-02 A received 09/08/2018.

Background Papers (1) Case File LE/702/51/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation Existing C3 (Residential) Use C3

1.0 Summary

1.1 This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- Permission is recommended to be approved and:
 - There is 1 or more objection from a recognised resident's association or community/amenity group within the area

2.0 Property/Site Description

2.1 51 Bargery Road is a two-storey, semi-detached Edwardian single family dwellinghouse located on the northern side of Bargery Road. The property has a gabled roof with canted bay windows on the front elevation and is finished with pebbledash render. The rear of the property has a distinct L-shape with an existing lean-to structure in the space between the side wall and boundary with 53 Bargery Road. The property features white uPVC casement windows

and the roof covering is clay tiles, and there are two existing rooflights in the side roof slope

- 2.2 The existing use of the property is a single family dwellinghouse, Use Class C3.
- 2.3 The property is located within the Culverley Green Conservation Area as designated in 1990 and is subject to the Culverley Green Article 4 Direction. It is not a listed building, nor in the vicinity of a listed building.
- 2.4 The surrounding area is residential in nature, consisting of similarly styled semi-detached Edwardian properties, although these primarily feature timber sash windows and are finished in red brick.

3.0 Planning History

- 3.1 **DC/06/063912:** Lawful Development Certificate in respect of the construction of a single storey extension to the rear of 51 Bargery Road SE6. **Refused December 2006 as the property had been unlawfully converted to bed sit accommodation.**
- 3.2 **DC/07/064763:** The change of use, alteration and conversion of the existing dwelling house at 51 Bargery Road SE6 to a child contact centre (Use Class D1). **Refused May 2007.**
- 3.3 **DC/08/070465:** The continuation of use of 51 Bargery Road SE6 as a house in multiple occupation (HMO) and the retention of Velux-style windows in the front, side and rear roof slopes, and retention of the use of the loft space as additional accommodation. **Refused February 2009.**
- 3.4 **DC/17/102267:** The installation of 7 rooflights to the front, rear and side roofslopes of 51 Bargery Road, SE6. **Dismissed at appeal REF: APP/C5690/D/17/3187294**
- 3.5 **DC/17/102268:** - The construction of a single storey infill extension to the rear of 51 Bargery Road, SE6. **Allowed at appeal REF: APP/C5690/D/17/3187069**

Notable planning precedents for gable end windows:

- 3.6 **DC/12/079367:** The replacement of the clay tiled roof covering with Eternit slate tiles at 13 Bargery Road SE6, together with the repainting of the fascias & soffits on the front gable, alterations to the existing chimneys, extend the flue on the side wall by 3 metres and re-point the party wall. **Granted under delegated powers**
- 3.7 **DC/13/085893:** Loft conversion resulting in the installation of 1 sash window in the forward projecting gable, 1 conservation type roof light in the front roof slope, 3 flush roof lights to the side roof and 2 flush rooflights to the rear roof slopes at 17A Bargery Road SE6. **Granted at committee 13/03/2014**

3.8 **DC/15/092421** - The installation of a gable window in the front at 63 Bargery Road SE6 together with the installation of the 3 rooflights in connection with alterations to the existing roof space. **Granted under delegated powers**

3.9 **DC/16/095812** - The installation of a timber sash window in the projecting front gable, and the provision of conservation type rooflights in the side and rear roofslopes at 27 Bargery Road SE6, with the conversion of the loft to provide additional habitable floor space for the upper floor flat. **Granted under delegated powers**

4.0 Enforcement History

4.1 **EC/06/00215**: For unauthorised conversion of property into 9 flats.

4.2 Enforcement notice against the conversion of the property from C3 dwellinghouse to an HMO for more than 6 persons - **served June 2009 – Compliance achieved**

4.3 Enforcement notice against the insertion of rooflights into the front, side and rear roofslopes – **served June 2009 - Compliance achieved**

4.4 **EC/15/00241**: For alleged unauthorised satellite dish.

4.5 **ENF/17/00326** – Use as HMO/flats without planning permission. **Case closed 14/11/2017 – No breach identified.**

5.0 Current Planning Application

The Proposal

5.1 The installation of three rooflights in the side and rear roofslopes at 51 Bargery Road SE6, together with the insertion of a timber sash window into the front gable end.

5.2 Two rooflights would be inserted into the main rear roofslope, and one rooflight would be inserted into the side roofslope of the rear outrigger.

5.3 The rooflights would all be conservation style and fitted flush to the plane of the roofslope.

5.4 The gable end window would be a double glazed white painted timber sash window measuring 0.64m wide by 1.23m high and fitted with a100mm external reveal.

5.5 The proposal was amended to remove a proposed rooflight in the front gable end roofslope and instead to insert a sash window into the front gable end following advice from the Case Officer and Conservation Officer that the original proposal would harm the character of the conservation area.

6.0 Consultation

- 6.1 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.
- 6.2 A site notice was displayed and letters were sent to properties in the surrounding area, as well as the local amenity society, The Culverley Green Residents Association. The Council's Conservation Officer was also consulted.
- 6.3 Two rounds of consultation were carried out because the proposal was amended to remove a proposed rooflight in the front gable end roofslope and instead insert a sash window into the front gable end.
- 6.4 The consultation resulted in four letters of objection from the Culverley Green Residents Association.
- 6.5 The first two letters of objection relate to impact of the gable end rooflight on the character of the conservation area, and the proposal as a whole facilitating the use of the property as an HMO. As the gable end rooflight has been removed from the proposal Officers have only responded to the concerns regarding an HMO use below.
- 6.6 With regards to the use of the property as an HMO, the Culverley Green Residents Association drew attention to the past planning and enforcement history of the site, specifically in relation to the refused applications for use of the property as flats and as an HMO. The Culverley Green Residents Association raised concerns about the insertion of rooflights facilitating the conversion of the roofspace to habitable accommodation which would then, along with the rest of the property, be converted to flats or a HMO.
- 6.7 In two subsequent letters, The Culverley Green Residents' Association raised objections to the insertion of a rooflight into the front gable end because it would be harmful to the character and appearance of the conservation area as it would be out of character with surrounding properties. The Culverley Residents' Association did acknowledge the existing planning precedent for such proposals on the road and in the wider conservation area and Article 4 Area, however they cited that it is their policy to object to front gable end windows on properties within the Article 4 Direction area.
- 6.8 In addition to the objection from the Culverley Green Residents' Association, two letters of objection were received from the same property in the area. The letters state that gable end rooflights are out of character with the streetscene which harms the special character of the conservation area. One of the letters stated that gable end rooflights on two store properties on Bargery Road unbalance the architectural integrity of the host property. Objection was also raised to the loss of historic brickwork as a result of the proposal. Finally the comment states that a small gable end rooflight would be more appropriate.

6.9 The Conservation Officer raised no objections to the proposal and recommended that the proposal be amended from a gable end rooflight to a gable end window as this would preserve the character and appearance of the conservation area.

7.0 Policy Context

Introduction

7.1 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)

7.2 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

7.3 The NPPF was revised on 24th July 2018 and is a material consideration in the determination of planning applications. It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the revised NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the revised NPPF and in regard to existing local policies, that '...due weight should be given to them, 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)'.

- 7.4 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the revised NPPF and consider there are no issues of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraph 213 of the revised NPPF.

Other National Guidance

- 7.5 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)

- 7.6 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). Proposed modifications were released by the Mayor of London in August 2018 following review of consultation responses. Although still an early stage in this process, the draft with modifications has some weight as a material consideration when determining planning applications. Where the policies of the draft plan differ from the adopted plan and are relevant to the subject application, they will be referred to in this report.

- 7.7 The policies of the London Plan 2016 (as amended) relevant to this application are:

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

Core Strategy

- 7.8 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 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment.

Development Management Local Plan

- 7.9 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:

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

- 7.11 DM Policy 1 Presumption in favour of sustainable development
- DM Policy 30 Urban design and local character
- DM Policy 31 Alterations/extensions to existing buildings
- DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens.

Residential Standards Supplementary Planning Document (Updated May 2012)

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

Culverley Green Conservation Area Character Appraisal (2006)

7.13 Designated in 1990, Culverley Green conservation area is mainly an Edwardian residential suburb built at the turn of the last century characterised by rows of semi-detached houses arranged in a grid along wide tree lined boulevards. Bargery Road is typical of this characterisation, featuring semi-detached villas of similar size and plan form, consistent building line and spacing and set behind low boundary walls.

8.0 Planning Considerations

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

- a) Design and impact on the character of the host building and this part of the Culverley Green Conservation Area.
- b) Impact on the amenity of surrounding properties and the future occupiers of the block.

Design and Conservation

8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Chapter 16 of the NPPF states that (in summary) heritage assets should be conserved in a manner appropriate to their significance, so

that they can be enjoyed for their contribution to the quality of life of this and future generations.

- 8.3 Chapter 16 of the NPPF ("Chapter 16") contains detailed guidance on conserving and enhancing the historic environment. The principles and policies set out in Chapter 16 apply to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-taking. Consequently as the application site is situated in the Culverley Green Conservation Area, the contents of Chapter 16 have to be considered by the Council in determining this application
- 8.4 Paragraph 192 of Chapter 16 states that "In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness".
- 8.5 Paragraph 193 of Chapter 16 states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 8.6 Officers consider that the current proposal would not lead to substantial harm to the Culverley Green Conservation Area.
- 8.7 Paragraph 196 of Chapter 16 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".
- 8.8 Paragraph 197 of Chapter 16 states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 8.9 The property is located in a prominent position on Bargery Road, and it is noted that on balance the property makes a positive contribution to the character of the road and conservation area.

- 8.10 The proposed rooflights would be subordinate features in the roofslope. The positioning of the rooflights is acceptable as they would be set within the middle third of the roofslope and fitted flush to the plane of the roofslope.
- 8.11 The rooflights would not be visible from the public realm, and as such these rooflights would not have a significant impact on the character of the host property or conservation area.
- 8.12 Officers acknowledge that front gable end windows are not an original feature of the conservation area, however numerous properties on Bargery Road and across the wider conservation area have gable end windows and there is an established planning precedent. Notable examples with planning permission on the road include 63 Bargery Road (DC/15/092421 granted 2015) and 13 and 17A Bargery Road. A gable end window within the Article 4 Area of the conservation area was granted as recently as the 21st May 2018 at 49 Culverley Road (Ref: DC/18/106370). In addition to this, numerous other properties have gable end windows and Officers consider that the proposal would therefore not appear out of character in the area.
- 8.13 The proposed front gable end window at no. 51 Bargery Road would be well positioned in the centre of the gable end and would be subordinate to the windows below which would preserve the fenestration pattern despite the property only having two storeys. The window would be a white painted timber sash window fitted with a 100mm external reveal. The Conservation Officer raised no objections to the proposed gable end window. In light of the above design qualities of the proposal and the Conservation Officer's comments, the proposal is considered to be sympathetic to the character of the host property and streetscene.
- 8.14 The creation of a new window opening in the front elevation would result in the loss of historic brickwork. While the loss of historic fabric is regrettable, the property is not listed therefore such loss is not objectionable. The opening would accommodate a timber sash window which is characteristic of the area.
- 8.15 Additionally, the insertion of a window in this position would enable greater use to be made of the roofspace of the building and, in comparison with a rooflight in the gable end roof, provide a higher standard of residential accommodation by providing outlook for the room served. As such, there is support for the proposed alterations in DM Policy 1 and Policy 32.
- 8.16 Rooflights on the front roofslope are identified as a negative characteristic of the conservation area in the Culverley Green Conservation Area Character Appraisal (2006). There is currently no established planning precedent for rooflights on the front roofslope on the road. Officers consider gable end windows, where sensitively designed, to be an appropriate alternative to rooflights on the front elevation.
- 8.17 In light of the above, Officers consider that the proposal would preserve the character of the host property and conservation area, in accordance with Core Strategy Policies 15 and 16 and DM Policies 1, 30, 31, 32 and 36.

Impact on Adjoining Properties

- 8.18 Extensions and alterations to buildings should not significantly harm existing residential amenity in line with Core Strategy Policy 15.
- 8.19 Paragraph 2.13 of the Council's Residential Standards SPD states that Developers will be expected to demonstrate how the form and layout 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.
- 8.20 The adjacent properties are 49 and 53 Bargery Road to the side and 44 Penerley Road to the rear.
- 8.21 As the proposed rooflights and gable end window would not overlook adjacent properties, there would be no significant impact on amenity in terms of loss of privacy due to overlooking.
- 8.22 The proposal is therefore considered to be acceptable with regards to residential amenity, in accordance with DM Policy 31.

Use of the roofspace as an HMO or flats

- 8.23 Given the planning and enforcement history of the site, Officers understand the local concerns about the use of the property. However, the current proposal relates only to rooflights and no change of use is proposed. The submission only includes elevations and roof plans, it does not include ground, first or loft plans showing internal layouts, and as such the submitted drawings do not show works which would constitute the conversion of the property to an HMO or flats.
- 8.24 The submission previously included ground, first and loft plans which did not show any sub-division or internal layouts showing an HMO; despite this these plans were removed from the submission for the sake of clarity and because they were not relevant to the current proposal.
- 8.25 The insertion of rooflights into the roof would likely permit the use of the loft space as habitable accommodation, however this in itself is not objectionable provided the use of the property remains as a single family dwellinghouse (Use Class C3). The applicant confirmed in the Design and Access Statement that the proposal is to enhance the facilities of the existing C3 dwellinghouse and that no change of use is proposed.
- 8.26 Furthermore, there is an Enforcement Notice against the use of the property as an HMO which prohibits the change of use to a HMO for more than 6 people.

9.0 Equalities Considerations

- 9.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 9.4 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty

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

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

8.0 Prevention of Crime and Disorder

8.1 S.17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and need to do all that it reasonably can to prevent (in summary) crime and disorder in its area. It is not considered that this application will result in any crime and disorder issues.

9.0 Human Rights Act

9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:-

- Right to a fair trial
- Respect for your private and family life, home and correspondence
- Right to a peaceful enjoyment of one's property

9.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

9.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.4 This application has the legitimate aim of providing additional habitable accommodation in the roofspace of the application property. The rights potentially engaged by this application 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 proposal would preserve the special character and appearance of the host property and conservation area and is therefore in line with the stated policies. The application is therefore considered acceptable.

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:

1702_01-01; Site location plan received 12/02/2018. 1702_01-03 received 23/04/2018. 1805_02-03 A received 27/06/2018. 1805_02-06 C; 1805_10-03 received 23/07/2018. 1805_02-05 C; 1805_10-01 A; 1805_10-02 A received 09/08/2018.

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 The rooflights hereby approved shall be conservation style fitted flush to the plane of the roofslope and retained in perpetuity.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham, Policy 16 Conservation areas, heritage assets and the historic environment 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 window in the front gable end hereby approved shall be a white painted timber sash window fitted with a 100mm external reveal and shall be retained in perpetuity.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham, Policy 16 Conservation areas, heritage assets and the historic environment 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.

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 the loft space of the application property is to be used for ancillary residential use and not for any other purpose and that there is an Enforcement Notice served in 2009 against the conversion of the property from C3 dwellinghouse to an HMO for more than 6 persons.

Committee	PLANNING COMMITTEE B	
Report Title	Unit 2, Grosevnor Court, Adenmore, SE6	
Ward	Rushey Green	
Contributors	Georgia McBirney	
Class	PART 1	15 th November 2018

<u>Reg. Nos.</u>	(A) DC/18/108247 (B) DC/18/108259
<u>Application dated</u>	26.07.18 as revised on 22.08.18
<u>Applicant</u>	Indigo Planning
<u>Proposal</u>	The installation of a new shop front at Unit 2 Grosvenor Court, Adenmore Road, SE6, together with the installation of an ATM, ventilation louvers and two bollards Advertisement consent for the display of 4 internally illuminated signs, 2 internally illuminated projecting signs and 1 internally illuminated ATM surround
<u>Applicants Plan Nos.</u>	P-141641-100; PL-141641-210 Rev A; PL-141641-211; P-141641-212 Rev B; received 26 th July 2018; P-141641-220 Rev E; P-141642-221 Rev C received 22 nd August 2018
<u>Background Papers</u>	(1) Case File LE/943/A/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 5 Development Site Green Corridor
<u>Screening</u>	N/A

1.0 Summary

This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- there are three or more valid planning objections

2.0 Property/Site Description

- 2.1 This application relates to a unit in Grosvenor Court, which is situated on the former Catford Stadium and land to the south of the former stadium site, between Catford and Catford Bridge railway stations and the South Circular (A202). The site was in operation as a greyhound-racing track from 1932 until it closed on 5th November 2003. The redevelopment of the site is almost complete and it is now known as 'Catford Green'. Grosvenor Court is the southernmost block on the site, located between Catford and Catford Bridge rail stations.
- 2.2 The Greyhound Stadium Site is split into two main sections. The northern part of the site abuts Ladywell Fields and was where the dog track and main entrance were contained as well as some of the car park. The southern part of the site was the old overspill car park and sits between Catford and Catford Bridge Rail Stations.
- 2.3 The River Ravensbourne runs through the southern part of the site. It enters the site in the southeastern part of the site and leaves and runs diagonally through the site.
- 2.4 The main vehicular access is via Westdown Road, which gives access to the South Circular via Ravensbourne Park. Once the highways works on Adenmore Road are complete, a barrier will prevent access or egress from/to Ravensbourne Park. Instead, vehicles will access and egress from Westdown Road.
- 2.5 The area is mixed in character. Immediately to the east of the site is Catford Bridge Station, while across the rail line is Doggett Road, a terraced residential street facing the railway line and the site. Holbeach Primary School, Grade II listed, is also situated a distance to the north on this road. Catford Town Centre is approximately 200 metres east of the Hayes railway line.
- 2.6 The site borders onto the South Circular on the southern end of the site. South of the A205 is a retail park with branches of Wickes, Halfords, Paul Simon Curtains, Carpets, Sofas, Beds. Opposite the railway line is the St Dunstan's Sport Ground. The sports fields are part of the Culverley Green Conservation Area and are designated as Metropolitan Open Land.
- 2.7 The Waterlink Way is a designated cycle route (Route 21) and path. It follows the River Ravensbourne and enters the site from the Wickes car park south of the South Circular via an underpass next to the Hayes railway line. The route then follows Adenmore Road, passing through the remainder of Catford Green and leaving the site for Ladywell Fields via an underpass under the railway embankment. It continues to the south towards Bell Green and to the north to Lewisham Town Centre.
- 2.8 There is a main sewer running from south to north underneath the site, for which Thames Water require a 12 metre wide easement zone which cannot be built over. A further sewer runs off this main sewer on the southern part of the site and Thames Water require a 6-metre wide easement for that sewer. A maintenance 'manhole' of 7.5-metre diameter is furthermore stipulated where the two sewers converge. Network Rail, which owns the railway tracks to the east and the west of the site, require a 2-metre easement zone from the railway land and banks. Finally, the Environment Agency has stipulated an 8-metre easement zone next to the river for river enhancements.

3.0 Planning History

3.1 There is significant planning history at the site, the most relevant applications are detailed below:

3.2 **DC/17/102706:** Details submitted in compliance with Condition 1 (materials), in relation to Phase 2A (Block A), of application reference number DC/07/67276 as amended by DC/13/84895 and DC/14/89821 dated 06/04/16 for "The construction of 589 residential units, commercial floorspace and a community centre in 13 blocks, rising to a maximum of eight storeys in height, on the site of the former Catford Greyhound Stadium, including the land in between the railway lines and the South Circular (A205), comprising of 216 one bedroom and 311 two bedroom self-contained flats; 39 three bedroom and 23 four bedroom houses/maisonettes, as well as Use Classes A1/A2/B1 retail/commercial floorspace (508 m²) and a Use Class D1 community centre (298 m²), together with associated landscaping, including river naturalisation and creation of a public plaza between Catford and Catford Bridge Stations, provision of a footbridge to Doggett Road, an electricity sub-station, bin stores, 649 cycle spaces and 248 car parking spaces" at Catford Greyhound Stadium, Adenmore Road SE6." **Granted 18/09/2017**

3.3 **DC/17/103407:** An application submitted under Section 96A of the Town & Country Planning Act 1990 for a non-material amendment in connection with the planning permission granted 29 May 2015 (DC/14/89821), as amended, for "The construction of 588 residential units, commercial floor space and a community centre in 13 blocks, rising to a maximum of eight storeys in height, on the site of the former Catford Greyhound Stadium, including the land in between the railway lines and the South Circular (A205), comprising of 209 one bedroom, 316 two bedroom and 14 three bedroom self-contained flats; 2 two bedroom, 24 three bedroom and 23 four bedroom houses/maisonettes, as well as Use Classes A1/A2/B1 retail/commercial floorspace (508m²) and a Use Class D1 community centre (298m²), together with associated landscaping, including river naturalisation and creation of a public plaza between Catford and Catford Bridge Stations, provision of a footbridge to Doggett Road, an electricity sub-station, bin stores, 649 cycle spaces and 248 car parking spaces" in order to allow:

- The removal of the 8th floor stair cores and roof collonade on the 8th floor of Block A
- Raising of the parapet at 7th floor level
- Addition of roof terrace amenity space on the 4th floor and the 6th floor podiums

Granted 19/09/2017

4.0 Current Planning Applications

The Proposals

4.1 These applications seek planning permission (DC/18/108247) and advertisement consent (DC/18/108259) for the installation of a new shop front at Unit 2, Grosvenor Court, Adenmore Road, SE6, together with the installation of ventilation louvers and two bollards.

- 4.2 On the front elevation, the proposed shop front fascia would be 'Sainsbury's Plum' in colour, which would sit above the glazing. The front elevation would include three fascia signs. Two of the fascia signs would read 'Sainsbury's Local'. They would be situated 2.35m above ground level and the dimensions of the signs would be 0.68m in height, have a width of 5.16m and a depth of 0.1m. The 'Sainsbury's Local' signs would be Sainsbury's Plum in colour with the text being orange and white. The signs would be internally illuminated with static illuminance levels of 375cd/m. The third fascia sign on the front elevation would read 'open every day 7am – 11pm'. This sign would be situated 2.35m above ground level and the dimension of the sign would be 0.68m in height, have a width of 5.16m and a depth of 0.1m. The sign would have a plum background and white letters and would be internally illuminated with a static illuminance level of 375cd/m.
- 4.3 On the front elevation (facing east), vinyl incorporating photography is proposed in the glazing furthest to the right. It is also proposed that the width of the automatic entrance door is reduced compared to that originally approved. Also on the front elevation, it is proposed that the door opening furthest to the right would become a security door, which would colour match the glazing frames approved on application DC/17/102706.
- 4.4 An ATM and ATM surround is also proposed on the front elevation. The ATM would be situated 0.89m from the entrance to the residential units. The ATM surround would be orange in colour and would have a width of 1.00m and a height of 1.37m. Two bollards are proposed in front of the ATM and would have a height of 1.00m.
- 4.5 On the west elevation (facing the railway line) two ventilation louvers are proposed and associated with these four no. extract/ intake valves are proposed. The ventilation louvers are proposed to colour match the glazing frames approved under application DC/17/102706.
- 4.6 On the side (south) elevation one fascia sign reading 'Sainsbury's Local' is proposed, it would be situated 2.35m above ground level and the dimensions would be 0.68m in height, with a width of 2.82m and a depth of 0.1m. The sign would have a plum background and orange and white letters and would be internally illuminated with a static illuminance level of 375cd/m. The shop front on the side elevation is proposed to incorporate fascia 'Sainsbury's Plum' in colour. A lockable poster frame with a width of 0.8m and a height of 1.00m is proposed within the fascia on the side elevation.
- 4.7 Two projecting signs are proposed, one would be situated on the left hand side of the shop front and the second on the right hand side of the shop front. The projecting signs would be situated 2.36m above ground level, would project 1.00m from the elevation, and would have a height of 0.62m and depth of 0.1m. The projecting signs would be aluminium and orange in colour and have white text reading 'Sainsbury's Local'. The projecting signs would be internally illuminated with static illuminance level of 204cd/m.

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

5.2 A site notice was displayed and letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

5.3 Three objections were received, summarised below:

- The proposed signage is not in keeping with the green landscape and character of Catford Green
- Illuminated signs would disrupt sleep
- The proposed signage on the side elevation is unnecessary and detracts from the character of the property
- The ATM would be situated under a recessed walkway and due to its recessed nature it could give rise to begging and drug dealing
- The side elevation is adjacent to the residential entrance and should be kept clear of adverts

Highways and Transportation

5.4 No objection raised.

Metropolitan Police- Secure by Design Officer

5.5 No objection raised in relation to the installation of the ATM, and it was noted that there would be a CCTV camera above the ATM and that there is an opportunity for natural surveillance.

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.

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 (NPPF) 2018

- 6.3 The revised NPPF, originally published in 2012, was published on 24th July 2018 and is a material consideration in the determination of planning and related applications.
- 6.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, 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 and in regard to existing local policies, that '...due weight should be given to them, 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)'.
- 6.5 Officers have reviewed the Core Strategy and Development Management Local Plan 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 213 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

- 6.6 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas.

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

- 6.7 This legislation sets out the requirements for the display of advertisements, including projecting and illuminated signage.

The Development Plan

- 6.8 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

London Plan (March 2016)

- 6.9 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). The Mayor published proposed modifications to the Draft Plan in August 2018. The document is at an early stage in the process and has some limited weight as a material consideration when determining planning applications. The policies in the current adopted London Plan (2016) relevant to this application are:

- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character

There are no policies in the draft London Plan (2017) which deviate materially from adopted policies and would be of particular relevance to this application.

Core Strategy (June 2011)

6.10 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan (November 2014)

6.11 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:

The following policies are considered relevant to this application:

DM Policy 19	Shopfronts, signs and hoardings
DM Policy 27	Lighting
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings

Shopfront Design Guide Supplementary Planning Document (March 2006)

6.12 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.

7.0 Planning Considerations

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

- Design
- Impact on Adjoining Properties
- Public and Highway Safety

Design

7.2 Urban design is a key consideration in the planning process. 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, 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 space and wider area development schemes.

7.3 In relation to Lewisham, Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure the highest quality design and

the protection and 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 the local character.

- 7.4 DM Policy 19 requires all shopfronts to be designed to a high quality, reflect, and improve the character and quality of their surroundings.
- 7.5 DM Policy 30 requires planning applications to demonstrate a site-specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 7.6 DM Policy 31 requires the development proposals for alterations to be of a high, site specific and sensitive design quality and to respect and/or compliment the form, setting, period, architectural characteristics and detailing of the original building, including external features such as chimneys and porches. High quality matching or complimentary materials should be used appropriately and sensitively in relation to context.
- 7.7 The glazing of the shopfront is identical in colour (RAL 7006 – beige grey) and layout to the glazing approved on application DC/17/102706. The glazing would be the same colour as the glazing in the residential units above and this would help integrate the commercial units. The proposed reduction to the width of the automatic door and the replacement of the existing door with a security door to colour match the frames of the glazing approved on application DC/17/102706, are considered to a high quality finish that would provide consistency throughout the building as such is not considered to have a significant impact on the character of the host building and the wider area.
- 7.8 The introduction of an ATM to the front elevation is a typical feature associated with convenience stores and will be a useful addition to the station area. It is not considered that the ATM or associated bollards would have an unacceptable impact on the character of the host building and the wider area.
- 7.9 Given that the louvres and extract/intake valves on the western elevation would colour match the glazing frames approved on application DC/17/102706, they are not considered to have unacceptable impact on the character of the host building and the wider area.
- 7.10 Objections have been received in regards to the signage being out of character with the area and not inkeeping with the green character of Catford Green. The application site was approved planning permission for use as an A1/A2/A3/B1 unit as part of the Catford Green development, which incorporated commercial floor space at ground floor level with residential accommodation above. Given the approved uses, it a shopfront and signage would reasonably be expected at the site. The application site is also part of a modern apartment block for which a convenience store at ground floor would not be unusual. It is also considered that the context is mixed, situated between the River Ravensbourne, Catford and Catford Bridge Stations and South Circular and not especially sensitive to development of the type proposed. Whilst the objection has been noted, the proposal is not considered unusual given the context of the site.

Impact on adjoining properties

- 7.11 DM Policy 19 states that the Council should refuse permission for advertisements, banners, blinds, canopies, and awnings that are considered to adversely affect the amenity and character of an area or adversely impact on public safety.
- 7.12 The proposed alterations to the shop front, bollards, louvres and extract/intake valves are not considered to have an unacceptable impact on neighbouring amenity.
- 7.13 The proposed fascia signs on the front and side elevations would have a static illuminance level of 375 cd/m and the projecting signs would have a static illuminance level of 204 cd/m. For comparison, a standard candle would emit 1cd/m. Three of the proposed fascia signs would be situated under the colonnade and one fascia sign and both projecting signs not being sited under the colonnade. Within this section of the south circular, a number of commercial units such as Wickes and Halfords benefit from illuminated signage. Given the positioning of the proposed signage, the illuminance levels, and the application site is within an area of mixed character, the proposed signage is not considered to give rise to an unacceptable impact on the surrounding properties.
- 7.14 It has been acknowledged that objections have been raised in regards to the ATM due to concerns of begging and drug dealing. Secure by Design were consulted in regards to the ATM and no objection was raised in relation to the installation of the ATM, and it was noted that there would be a CCTV camera above the ATM and that there is an opportunity for natural surveillance by passers-by. Whilst it is noted that the proposed ATM would be situated 0.89m from the entrance to the residential flats, the proposed ATM would be a part of shopfront, and this coupled with no residential units and the comments from the Metropolitan Police's Secure by Design Officer, the proposed ATM is not considered to result in an unacceptable impact on the residential amenity of the flats within Grosevnor Court.

Public and highway safety

- 7.15 Local Planning Authorities are expected to have regards to the effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air. The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own safety.
- 7.16 In regards to transport safety, considering the consultee comments and the location and nature of the proposed signage, it is not expected to generate a distraction to the drivers of vehicles or cyclists and as such is considered acceptable with regard to transport safety.
- 7.17 In regards to pedestrian safety, the proposed signage would be at a sufficient height and attached to the main building, therefore would not cause an obstruction to pedestrians.

8.0 Equalities Considerations

- 8.1 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.

- 8.2 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.
- 8.3 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.
- 8.4 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 8.5 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
- 8.6 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 8.7 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 /minimal impact on equality.

9.0 Human Rights Implications

9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including

Right to a fair trial

Respect for your private and family life, home and correspondence

Peaceful enjoyment of one's property

9.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

9.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.4 The rights potentially engaged by this application, including right to a fair trial and right for your private and family life, home and correspondence and peaceful enjoyment of one's property are not considered to be unlawfully interfered with by this proposal.

10.0 CONCLUSION

10.1 These applications have been considered in the light of policies set out in the development plan and other material considerations.

10.2 Officers consider that the proposals are acceptable with regards to their design, impact on neighbouring amenity and impact on public and highway safety.

11.0 RECOMMENDATIONS:

Applicatoin DC/18/108247

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:

P-141641-100; PL-141641-210 Rev A; PL-141641-211; P-141641-212 Rev B received 26th July 2018; P-141641-220 Rev E; P-141642-221 Rev C received 22nd August 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.

INFORMATIVES

- (1) 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.

DC/18/108259

GRANT ADVERTISEMENT CONSENT subject to the following conditions:-

- (1) (a) This consent is granted for a fixed period expiring 5 years from the date of consent.
- (b) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (c) No advertisement shall be sited or displayed so as to:-
- (i) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).
- (ii) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.
- (iii) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (d) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (e) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(f) Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

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

P-141641-100; PL-141641-210 Rev A; PL-141641-211; P-141641-212 Rev B received 26th July 2018; P-141641-220 Rev E; P-141642-221 Rev C received 22nd August 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.

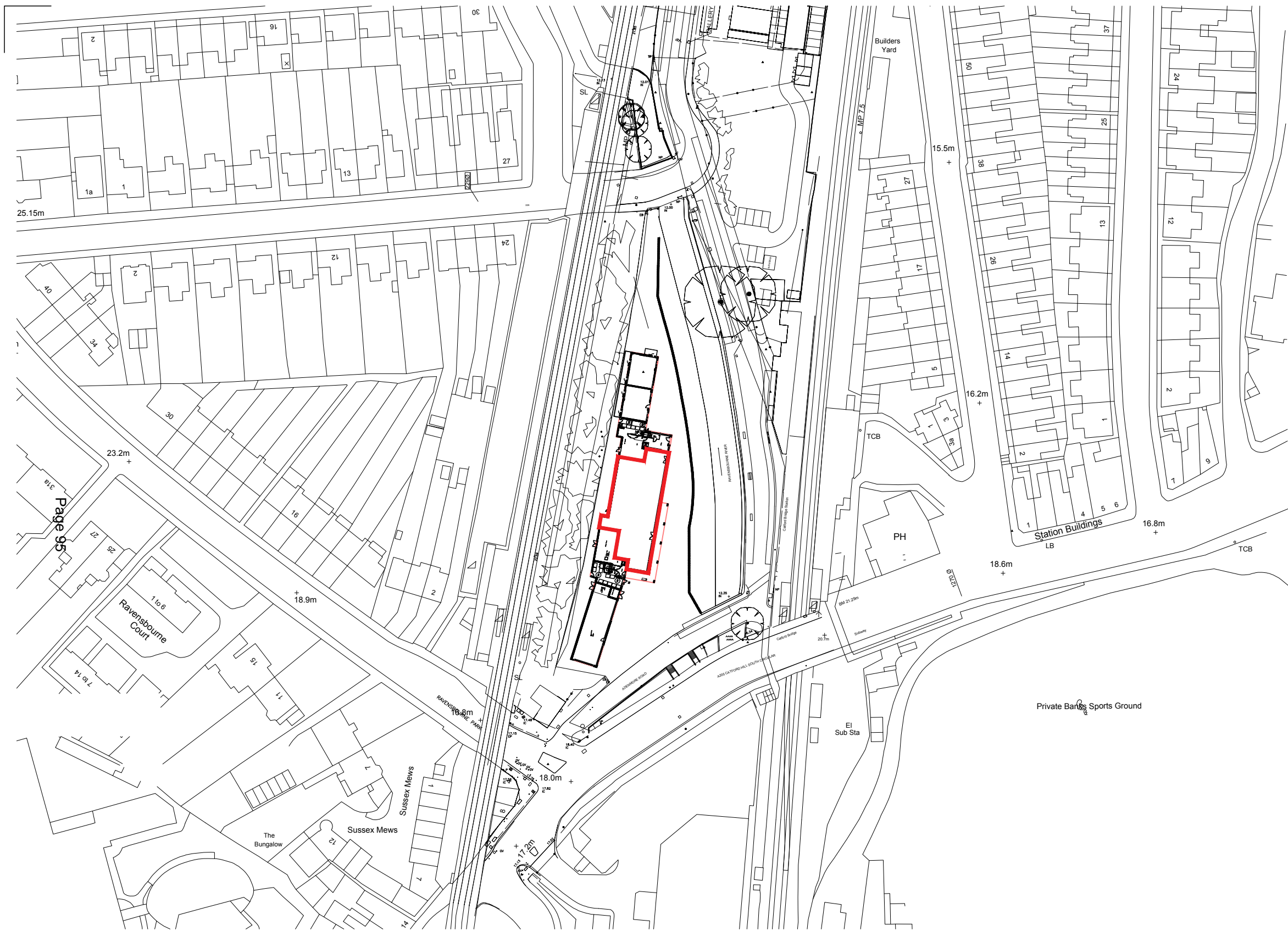
(3) The illuminated advertisements hereby granted consent shall not be displayed otherwise than in complete accordance with the approved plans, unless previously agreed in writing by the local planning authority.

Reason: To protect the visual amenities of the area and to comply with the terms of the application and DM Policy 19 Shopfronts signs and hoardings of the Development Management Local Plan (November 2014).

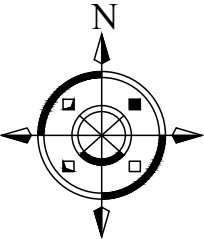
INFORMATIVES

(1)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.

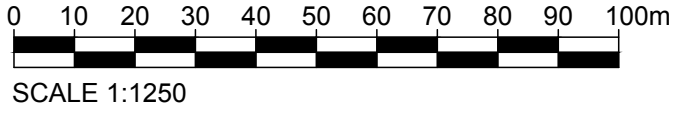
This page is intentionally left blank




Notes:
Contractors shall be responsible for the checking of all stated dimensions, with any anomalies being identified to the originator prior to any construction or fabrication works commencing.



01 LOCATION PLAN
P141641100 1:1250



Rev.	Date	Description	
--	03.05.18	First issue	
architects project managers cost consultants 2nd Floor 13 Swan Yard Islington London N1 1SD tel: 020 7440 8640			
Status	PLANNING		
Project Title	SAINSBURY'S LOCAL CATFORD STATION, BLOCK A ADENMORE ROAD, SE6 4RE		
Drawing Title	LOCATION PLAN		
Project Number	Drawing Number	Revision	
P-141641	P-141641-100	-	
Drawn	Checked	Scale	Date
JN	VA	As indicated @A3	03.05.18
<small>JLA Architects is a trading name of Company Ref: OC315606 registered in England and Wales Registered Office: Euro House, 1394 High Road, London, N20 9YZ. Any reproduction of all or any part of this drawing without formal consent of the copyright owner, Company Ref: OC315606, is prohibited. The content of this drawing is the property of the Company Ref OC315606.</small>			

This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	1 Tyrwhitt Road	
Ward	Ladywell	
Contributors	Alfie Williams	
Class	PART 1	15 November 2018

Reg. Nos. DC/17/104231

Application dated 23/10/17

Applicant Mr & Mrs Patel

Proposal 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.

Applicant's Plan Nos. 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;

Background Papers (1) Case File LE/187/1A/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation PTAL 5
Local Open Space Deficiency
Brockley Article 4 Direction

1.0 Summary

1.1 This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- Permission is recommended to be approved and:

- there is 1 or more objection from a recognised residents' association or community/amenity group within their area

2.0 Property/Site Description

- 2.1 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.
- 2.2 The front elevation of the property faces Tyrwhitt 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.

3.0 Planning History

- 3.1 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.
- 3.2 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)

4.0 Current Planning Applications

The Proposals

- 4.1 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.

- 4.2 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.
- 4.3 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.
- 4.4 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

- 4.5 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

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

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 met those required by the Council's adopted Statement of Community Involvement.
- 5.2 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

- 5.3 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.

5.4 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.

5.5 A second period of consultation was undertaken as documents detailing viability and marketing for the retail unit were not originally published. The second consultation period also exceeded the minimum statutory requirements and met those required by the Council's adopted Statement of Community Involvement.

5.6 One letter of objection was received in response to the second period of consultation. The objection concerned the loss of the A1 use and noted that the applicant has failed to market the unit for more than 12 months contrary to DM Policy 16. In addition, it was highlighted that the area supports a number of successful businesses, including previously vacant and run-down premises and that a new café/deli will be opening at 63 Loampit Hill in the near future.

5.7 A third period of consultation was undertaken in October. The consultation involved the display of a site notice and press advert in accordance with the statutory requirement. No representations were received in response to the site notice.

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.

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 (NPPF) 2018

- 6.3 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.
- 6.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the revised NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the revised NPPF and in regard to existing local policies, that '...due weight should be given to them, 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)'.
- 6.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the revised 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 213 of the revised NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

- 6.6 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas

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). The Mayor published proposed modifications to the Draft Plan in August 2018. The document is at an early stage in the process and has some limited weight as a material consideration when determining planning applications. 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

There are no policies in the draft London Plan (2017) which deviate materially from adopted policies and would be of particular relevance to this application.

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2016)

Core Strategy

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

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

Development Management Local Plan

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

6.11 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, revised 2012)

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

Shopfront Design Guide Supplementary Planning Document (March 2006)

- 6.13 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)

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

7.0 Planning Considerations

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

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

Principle of Development

- 7.2 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.

- 7.3 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:

- 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.

- 7.4 The application site is a 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.
- 7.5 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.
- 7.6 It is acknowledged that the unit has not been 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.
- 7.7 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.
- 7.8 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.
- 7.9 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 and Conservation

- 7.10 Urban design is a key consideration in the planning process. Part 10 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.
- 7.11 In relation to Lewisham, Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

- 7.12 DM Policy 30 carries through the principle of high quality design which complements the existing typology. DM Policy 31 requires development proposals for alterations to be of a high, site specific and sensitive design quality and to respect and/or compliment the form, setting period, architectural characteristics and detailing of the original building, including external features such as chimneys and porches. High quality matching or complimentary materials should be used appropriately and sensitively in relation to context.
- 7.13 As the application site is located within the Brockley Conservation Area, regard will be given to the Council's duties under s72 of the Planning (Listed Buildings & Conservation Areas) Act 1990. Section 72 of the act requires that local planning authorities pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. 'Preserving' in the context of the statutory duty means doing no harm.
- 7.14 Regard will also be given to Chapter 16 of the NPPF (2018), Core Strategy Policy 16 and DM Policy 36 which seek to manage new development affecting designated heritage assets in a manner that sustains and enhances their heritage significance, including the contribution of their setting.
- 7.15 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.
- 7.16 UPVC Windows are identified as inappropriate alterations that have a detrimental impact on the appearance of the Brockley Conservation Area within the Character Appraisal. In addition, DM Policy 36 encourages the reinstatement of important architectural features. 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.
- 7.17 The proposed single storey rear extension would be of typical appearance incorporating a combination of historically appropriate materials and high quality contemporary design features. Given the large size of the property, the extension is considered subordinate in scale. The proposed extension is considered to preserve the character of the Brockley Conservation Area by virtue of the appropriate scale, form and materials and is therefore compliant with DM Policy 36.
- 7.18 The importance of sustaining and enhancing the significance of heritage assets is emphasised throughout Chapter 16 of the revised NPPF. Officers consider that the proposed alterations to the front elevation of the property accord with this

emphasis by virtue of preserving the former retail character at ground floor level and restoring important architectural features on the upper floors. The proposed scheme is considered to make a positive contribution to the streetscape that enhances the character of the Brockley Conservation Area in accordance with the principles of Core Strategy Policy 16 and DM Policy 36.

Housing

a) Size of Residential Accommodation

- 7.19 The Core Strategy Spatial Policy 1 defines the location of the site as within an Area of Stability and Managed Change, which means that Spatial Policy 5 is relevant to this site. This states that the Areas of Stability and Managed Change will deliver approximately 2,590 additional new homes over the period of the Core Strategy (2011-2026). This accounts for approximately 14% of the borough's requirement in order to meet local housing need and contribute towards meeting and exceeding London Plan targets.
- 7.20 The proposed flat would have a GIA of 87m² and would be comprised 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

- 7.21 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, within the Technical Housing Standards, for a 1 storey 2b4p flat. Both bedrooms exceed the 11.5m² area and minimum widths required within the Technical Housing Standards. The level of storage provided is also policy compliant.
- 7.22 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 in accordance with the standards identified within DM Policy 32.
- 7.23 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.
- 7.24 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 revised 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

- 7.25 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.
- 7.26 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.
- 7.27 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.
- 7.28 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

- 7.29 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.
- 7.30 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.
- 7.31 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.
- 7.32 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.

8.0 Local Finance Considerations

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

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

9.0 Equalities Considerations

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

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

(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.

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

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

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

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

9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are

legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

9.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is minimal impact on equality.

10.0 Human Rights Implications

10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Right to a fair trial
- Respect for your private and family life, home and correspondence
- Peaceful enjoyment of one's property

10.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

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. Furthermore, the scheme would enhance the character of the Brockley Conservation Area and therefore the proposed development is 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 above ground level on site until a detailed schedule and specification of all front 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 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) 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 ground floor unit.

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 above ground level on site until drawings showing the landscaping of the front garden (including details of the permeability of hard surfaces) have been submitted 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.

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 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 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 commercial unit and retained thereafter.

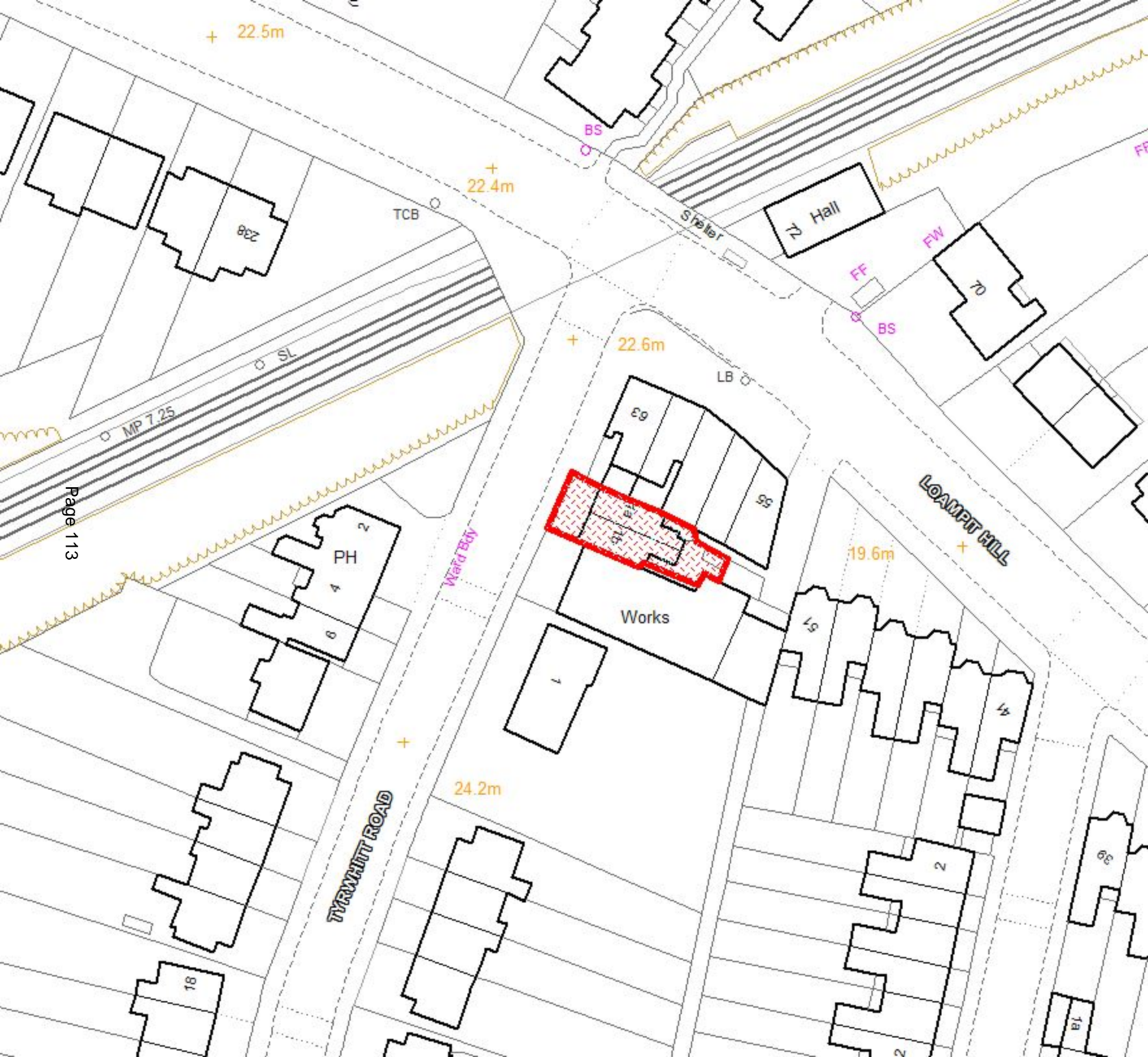
Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes 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.



+ 22.5m

+ 22.4m

+ 22.6m

+ 19.6m

+ 24.2m

Page 113

TYRNHIT ROAD

LOAMPIT HILL

MP 7.25

SL

TCB

S peler

Weald Bay

Works

Hall

PH

18

28

2

4

6

8

10

12

14

16

89

55

51

41

2

1A

6C

70

BS

FF

BS

FW

LB

FF

This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	93-99 LADYWELL ROAD, LONDON, SE13 7JA	
Ward	Ladywell	
Contributors	Jeremy Ward	
Class	PART 1	15 November 2018

<u>Reg. Nos.</u>	DC/18/107234
<u>Application dated</u>	17.05.18
<u>Applicant</u>	Mr Nickolds The Ladywell Group Limited
<u>Proposal</u>	Demolition and removal of existing buildings and associated structures at 93-99 Ladywell Road SE13 and construction of a three-storey mixed use building comprising 4, one bedroom self-contained flats and 3 two-bedroom self-contained flats and 266m2 of commercial space for use as Shops (A1), Restaurant or café (A3), or Gymnasium (D2) with cycle and refuse storage.
<u>Applicant's Plan No.s</u>	EX-L00; EX-SP; EX-E_a-a; EX-E_b-b, EX-E_c-c, EX-E_d-d, EX-E_e-e, GA-E-N (1-100); GA-E-S (1-100); GA-E-S (1-20); GA-P-L00 (1-100); GA-P-L01 (1-100); GA-P-L02 (1-100); GA-P-SP (1-500); GA-S-01 (1-100) P3; GA-S-02 (1-100); HERITAGE STATEMENT; PLANNING STATEMENT; PRELIMINARY GEOENVIRONMENTAL RISK; SUSTAINABILITY STATEMENT; TECHNICAL NOTE ; CIL FORM; LONDON FIRE BRIGADE ADDENDUM & FLOOD RISK ASSESSMENT.
<u>Background Papers</u>	(1) Case File LE/837/93/TP (2) Local Development Framework Documents (3) The London Plan (4) NPPF (2018)
<u>Designation</u>	PTAL 4 Flood Risk Zone 2 Ladywell Conservation Area Not a listed building B Road

1.0 Summary

- 1.1 This report sets out officer's recommendation in regard to the above proposal. The report is before members as permission is recommended to be approved and there is 1 or more objections from a recognised residents' association or community/amenity group within their area.

2.0 Site & Surroundings

- 2.1 This application site is a small infill site of 400 square metres (0.04 hectares) on the northern side of Ladywell Road, with building groups to the east and west of the site and Gillian Street to the north of the site. Opposite the site on the southern side of Ladywell Road is a vacant hoarded site to the west of Malyons Road.

- 2.2 The application site is currently occupied by a small single storey structure in the NW corner of the site and a canopy across the centre of the site (the site was formerly used as a petrol-filling station). The site and its structures are in use as a car wash and valeting service, and tyre repair shop.
- 2.3 The site is located in the Ladywell Road local shopping parade, close to the Ladywell railway station, and is also located within the Ladywell Conservation Area. The site doesn't benefit from any additional specific Core Strategy designations.

3.0 Relevant Planning History

- 3.1 Relevant planning history is limited to the following:

Pre-application relating to a proposal for seven new-build flats and 194sqm of commercial as a pre-cursor to the current planning application. Pre-application meetings held in March 2017 and July 2016 (**PRE-16-002410**); and

The continued use of the forecourt and buildings at 93-99 Ladywell Road SE13 as a car wash and valet service together with the erection of a dwarf wall with railings and gates to the Ladywell Road frontage of the site (**DC/07/067511** – Granted 15.10.2008).

4.0 Proposed Development

- 4.1 The proposal is for a small infill development, with the application proposing the demolition and removal of existing buildings and associated structures at 93-99 Ladywell Road SE13 and the construction of a three-storey mixed use building comprising: four one bedroom self-contained flats; three two-bedroom self-contained flats; 266m² of commercial space for use as Shops (A1), Restaurant or café (A3), or Gymnasium (D2); and cycle and refuse storage.

Siting, Scale, and Massing

- 4.2 The building would be located between 101 Ladywell Road and 87-91 Ladywell Road, and would provide a full and continuous frontage between the two buildings, creating a strong building line. The building would have 100% site coverage, although the rear upper floor building is off-set from the northern site boundary by between 3.5 metres and 5 metres. The building height is 9.65m to the top of the roof slab, with additional rooflights projecting above this by a maximum of 30cm (approx.) in specific locations. The building height ties into the building height of the adjacent 101 Ladywell Road (and related terrace) and projects approximately 70cm above the flat roof height of 87-91 Ladywell Road.

Building configuration

- 4.3 The proposed ground floor of the building houses commercial space, access to the upper floors via an internal corridor, cycle store, bin store and plant room and 256sqm of net lettable commercial space. The first floor houses three 2-bed apartments and the third floor houses four 1-bed apartments. The stairwell is located to the rear of the building, meaning that two one-bed flats are single aspect. All other dwelling units are dual aspect, with north-facing oblique windows in window bays. The ground floor is designed to be adaptable to be configured as 1, 2 or 3 commercial units.

Architectural treatment / materials / detailed design

- 4.4 The front elevation is designed with four distinct bays, each reflecting the traditional Edwardian plot width of buildings on the Ladywell Road commercial parade. Each

bay comprises a ground floor shopfront, full first floor and gabled second floor. The gabled second floor is a modern interpretation of the gabled buildings that form the context to the site. The main elevational treatment is of brown brick with beige mortar joints and anodised PPC aluminium framed windows. The four shopfronts are symmetrical with central doors and flank display windows with stall risers of anodised aluminium. Shop fascias are integrated into the elevational design.

- 4.5 The rear of the building reads as two brick storeys with a mansard roof at the second floor, the elevation composition being a central large stairwell window and two bay first and second-storey bay windows, one on either side of the stairwell. Materials reflect the front elevation and are of brick / mortar joints and anodised aluminium windows. The roofing and window bays / central window material is black zinc. Rooflights sit proud of the main flat roof and lightboxes sit above the single storey rear projection roof.

Building servicing / access

- 4.5 The building is accessed entirely from the Ladywell Road frontage. The left-hand (western) unit provides access to the residential units and related ground floor space. The bin storage space is also in this western unit directly accessed from the street through a dummy shopfront. The three shop frontages provide access to commercial space.

Proposed accommodation

- 4.6 The following accommodation is proposed:

Table 1: Schedule of Accommodation

Ground floor			Sqm	Terrace
Commercial units		1	49.4	
		2	117.7	
		3	98.9	
Ancillary			96.4	
First floor				
Flats	1B2P	1	58.5	
		2	55.9	
		3	57	
		4	63.3	
Second floor				
Flats	2B3P	1	67.4	2.9
		2	64.4	2.9
		3	73.0	3

Revisions to Proposals

- 4.6 The application has not been the subject of any revisions following its submission.

Supporting Documentation

Planning Statement

- 4.7 This statement sets out a full assessment of the proposed development in relation to national, regional and local planning policy and considers the proposal to comply with the relevant policies.

Design and Access Statement

- 4.8 This document supports the planning application and seeks to explain how the design proposals have evolved through the pre-application process in response to the sites characteristics, surrounding context and consultation with Lewisham Council and the local community.

Daylight / Sunlight Report and Addendum (20.09.18)

- 4.9 This report (prepared by AJ Energy Consultants Limited) outlines the findings of a comprehensive study of the impact of the proposed development on the relevant rooms in all of the surrounding dwellings. The tests were undertaken in accordance with the BRE Report 209 '*Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice*' (second edition, 2011).
- 4.10 The study assesses the impact on daylight and sunlight to adjacent dwellings at John's Court, Gillian Street and 87 (upper floor flats) and 101 Ladywell Road.
- 4.11 In addition the quality of sunlight / daylight levels in the proposed apartments are assessed.

Air Quality Assessment Report

- 4.12 The Air Quality Assessment Report (prepared by Capita) assesses the impact of the proposed development on air quality and also the potential impact of air quality on the occupation of the development (e.g. by residents). There is a risk of demolition / construction impacting on the air quality of the surrounding area (e.g. dust) but mitigation will reduce this risk to low levels. A Construction Management Plan will be a requirement and can be conditioned. In terms of air quality risk for the future (e.g. PM10, NO2) the development is considered to comply with national and local air quality policy.

Heritage Statement

- 4.13 The Heritage Statement (prepared by the Heritage Collective) presents an assessment of the significance of heritage assets capable of being affected by the proposed redevelopment of 93-99 Ladywell Road, namely the Ladywell Conservation Area and two locally listed buildings: 74-76 Ladywell Road and the Ladywell Tavern. The report concludes that the redevelopment of the site will not result in any harm to or effect on the significance, or ability to appreciate the significance, of the Ladywell Conservation Area and the two locally listed buildings. Instead, by virtue of the demolition of the existing detracting built form, infilling of the detracting gap in the street scene, provision of a consistent building line and provision of high quality, locally compatible architecture the significance of these assets will be enhanced. Overall, this report has demonstrated that the proposed development is in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF, local planning policy and relevant national planning policy guidance.

Construction Method Statement and Logistics Plan

- 4.14 This document was prepared in accordance with London Borough of Lewisham's Validation guidance to set out outline details relating to site access, legal loading and delivery management. This matter will be subject to a planning condition to enable sufficient detail to be provided that relates to the actual construction programme.

Delivery and Servicing Plan

- 4.15 This document (prepared by Yes Engineering Ltd.) anticipates that only 3 goods

vehicle movements per day will occur at the site (for both the commercial and residential development) and servicing will occur on-street in accordance with the current arrangement in the area and this can be accommodated within the provision of existing loading / parking spaces.

Flood Risk Assessment

- 4.16 The Environment Agency's Flood Map for Planning (Rivers and Sea) highlights that the site lies in Flood Zone 2. With reference to Table 2 of the PPG, the Flood Risk Vulnerability Classification of the proposed development is considered to be 'More Vulnerable'. The NPPF cites that more vulnerable uses are compatible for development within Flood Zone 2. The proposed development will be safe for all future occupants and will not increase the risk of flooding elsewhere. Therefore, the Sequential Test requirement of the NPPF is satisfied.

Preliminary Geo-Environmental Report

- 4.17 This document (prepared by Capita Property and Infrastructure Limited) considers that based on the information obtained, Capita considers the Site of **high** risk in terms of the potential contamination risk to identified sensitive receptors. This is primarily due to the historic operation as a petrol filling station and the potential release of contaminants that may have occurred as a result. It is recommended that site investigations should be undertaken at the site to confirm the presence/absence of potential underground fuel storage tanks, further assess the contamination status of the underlying soils/groundwater and confirm the ground gas/vapour regime to inform the detailed designs of buildings and infrastructure and update the conceptual model. Site contamination remediation will be subject to a planning condition.

Sustainability Statement

- 4.18 This document (prepared by AJ Energy Consultants Limited) report has responded to the issues raised within *Lewisham's Core Strategy* and the *GLA Sustainable Design and Construction SPG*, and has provided details of how the Proposed Development incorporates sustainable measures in its design, construction and operation. The statement concludes that the proposed development can be considered to be sustainable, using the criteria within *Lewisham's Core Strategy* and the *GLA Sustainable Design and Construction SPG*.
- 4.19 The ground floor commercial units would meet the BREEAM 'Excellent' standard, as detailed within a separate BREEAM Pre-Assessment report.

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 of the Planning Act (as amended) and met those required by the Council's adopted *Statement of Community Involvement*.
- 5.2 Site notices were displayed on 19/08/2018 to 22/09/18 and letters were sent to:
- Statutory consultees, including relevant ward Councillors, the Ladywell Society and Ladywell Village Improvement Group, Transport for London (TfL), the Environment Agency and LB Lewisham internal consultees; and
 - Occupiers of **60** neighbouring properties (residents and businesses) in the surrounding area,

5.3 Responses from Councillors (Ward Members)

5.3.1 No responses have been received at the time of writing this report.

5.4 Responses from External Statutory Consultees

5.4.1 The Environment Agency and Transport for London (Spatial Planning Unit) were consulted. The following responses have been received:

Environment Agency - No objection to the proposed development if (five) planning conditions are included requiring the submission of a remediation strategy, carried out by a competent person in line with the National Planning Policy Framework. Controlled waters are particularly sensitive in this location because the proposed development site is within a Source Protection Zone 2 and is located upon a secondary aquifer. The site has a high risk of contamination. Conditions should be applied relating to:

1. Contamination site remediation strategy: a. Preliminary risk assessment; b Site Investigation Scheme (based on a.) and detailed risk assessment of impact on receptors; c. Options appraisal and remediation strategy / measures; d. A verification plan to identify monitoring of data and arrangements for contingency action;
2. Verification report: Prior to occupation a verification report to be submitted for approval in writing in order to demonstrate achievement of site remediation criteria;
3. If additional contamination identified during works then then no further development (unless agreed in writing with the LPA) shall be carried out until a remediation strategy is prepared (for approval of LPA) and implemented.
4. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the LPA. Development to be carried out in accordance with approved details.
5. Piling (or other foundation designs) using penetrative methods shall not be permitted unless with the written approval of the LPA, and only in areas of the site where there is no unacceptable risk to groundwater.

Transport for London - no objections to the principle of the development, as the proposals will not have an adverse impact upon the strategic transport network. TfL supports the provision of no on-site car parking and high quality cycle storage on-site. The development will not have an adverse impact on the TfL London Road Network and is acceptable to the rail network, being 200m from the Ladywell Bridge railway station.

5.5 Responses from Internal Consultees

5.5.1 The following internal consultees were notified:

Environmental Protection – standard condition recommended relating to site contamination. No objections raised in respect of air quality.

Transport & Highways – see below.

5.5.2 The Highways and Transportation Officer made the following comments:

- As the site is to be car free and is in a PTAL of 5, future residents should be restricted from obtaining parking permits in the Controlled Parking Zone (CPZ);
- The CMP needs to show where vehicles will be un/loading. As the site is located

near a school, the CMP must state that vehicles will not arrive during school pick-up/drop-off times. The proposed hoarding of the footpath (mentioned in the CMP) will have to be subject to Highways team approval

- The redundant crossovers will need to be removed at the cost of the developer and surfaces made good to reflect adjacent levels and materials;
- A Waste Management Plan will be necessary.
- Cycle parking spaces need to be provided in accordance with the cycle parking requirements set-out in the London Plan (dimensions / spacings / number, etc.). The spacing between the racks is deficient (must be at least one metre and 1m behind the stands). The twelve private cycle parking spaces are likely to be deficient in number. Ten are required for the residential. provided is deficient in that 10 cycle spaces are provided for the dwellings and only 2 for the commercial uses (3 spaces for A1 use, 8 spaces for A3 use, 1 for D2 use);
- They mention the commercial space might be used as a gym – if this is the case, they might need a travel plan. They will need to comment how many staff/visitors per day etc for each potential use.
- The Delivery & Servicing Plan needs to show on a plan where vehicles are proposed to service the site. If it is too far from the site, this might not be acceptable.

5.6 Responses from Local amenity societies

5.6.1 The following local amenity societies were notified of the application: Ladywell Society and the Ladywell Village Improvement Group.

5.6.2 The following objections were received:

LADYWELL SOCIETY

- **Building design** - The design of the proposal is visually intrusive and has an adverse impact on the character of the Conservation Area (truncated gables, terraces / railings);
- **Building materials** - Zinc roof not acceptable in Conservation Area;
- **Second floor terraces** could be incorporated into units;
- **First floor layout** unacceptable – living spaces next to adjacent bedrooms;
- **Ground floor commercial units** – concerned that there are already vacant units in the parade and additional small units should be resisted as there is unlikely to be a market;
- **Land Contamination** - Construction Management Plan should be submitted to address removal of tanks and temporary measures in advance of construction to deal with the holes.

LADYWELL TRADERS GROUP

- Business should be either an independent or small chain to reinforce the character of the street; and
- Use to complement and not duplicate existing street offer (e.g. there is no gym).

5.6.3 The size and nature of businesses that would occupy any developed commercial space are not planning matters.

5.7 Responses from Local Residents / businesses

5.7.1 No responses were received from individual residents or businesses.

5.8 Pre-Application Consultation

5.8.1 The Planning Statement states that the applicant letter-dropped local neighbours and businesses with a leaflet regarding the proposed development. The applicant hand delivered these leaflets and spoke to a number of local residents at the door and others subsequently via the contact details included there-in. Feedback from local business and residents has been used to inform the development proposals.

6.0 Policy Context

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:-

- 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.

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)

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'.

6.3 The Development Plan for Lewisham comprises the *Core Strategy (2011)*, the *Development Management Local Plan (2014)*, 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.

6.4 It is important to note that when considering whether development proposals accord with the development plan, it is necessary to consider the question with regard to the development plan as a whole.

National Planning Policy Framework – 'NPPF' (2018)

6.5 The NPPF, originally published in 2012, was [revised](#) on 24th July 2018 and is a material consideration in the determination of planning and related applications.

6.6 It contains at paragraph 11, a '*presumption in favour of sustainable development*'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, 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 and in regard to existing local policies, that '*...due weight should be given to them, 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)*'.

- 6.6 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there are no issues of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraph 213 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

- 6.7 On 6th March 2014, DCLG launched the [National Planning Practice Guidance](#) (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas.

The Development Plan

- 6.8 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

The London Plan (2016)

- 6.9 The [London Plan](#) was updated on the 14th March 2016 to incorporate Housing Standards and Parking Standards, and Minor Alterations to the London Plan (2015). A draft London Plan was published by the mayor of London in November 2017 and minor changes were published on 13 August 2018. As such the weight that can be given to the emerging policies has increased to some weight.

- 6.10 The policies in the adopted *London Plan* (2016) most relevant to this application are:

Policy 1.1	Delivering the strategic vision and objectives for London
Policy 3.4	Optimising housing potential
Policy 3.5	Quality and design of housing developments
Policy 3.15	Co-ordination of housing development and investment
Policy 4.7	Retail and town centre development
Policy 4.8	Supporting a successful and diverse retail sector
Policy 4.9	Small shops
Policy 5.2	Minimising carbon dioxide emissions
Policy 5.3	Sustainable design and construction
Policy 5.9	Overheating and cooling
Policy 5.10	Urban greening
Policy 5.11	Green roofs and development site environs
Policy 5.12	Flood risk management
Policy 5.13	Sustainable drainage
Policy 5.18	Construction, excavation and demolition waste
Policy 5.21	Contaminated land
Policy 6.1	Strategic approach
Policy 6.3	Assessing effects of development on transport capacity
Policy 6.5	Funding Crossrail and other strategically important transport infrastructure
Policy 6.9	Cycling
Policy 6.10	Walking
Policy 6.12	Road network capacity
Policy 6.13	Parking
Policy 7.1	Building London's neighbourhoods and communities
Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.8	Heritage assets and archaeology
Policy 7.14	Improving air quality
Policy 7.15	Reducing noise and enhancing soundscapes
Policy 7.19	Biodiversity and access to nature
Policy 8.2	Planning obligations

The policies in the emerging London Plan most relevant to this application are:

- Policy GG4 Delivering the homes Londoners need
- Policy D1 London's form and characteristics
- Policy D2 Delivering good design
- Policy HC1 Heritage conservation and growth
- Policy SI2 Minimising greenhouse gas emissions
- Policy SI13 Sustainable drainage

6.11 The London Plan SPGs relevant to this application are:

- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Crossrail Funding (March 2016)
- Culture & Night Time Economy (November 2017)

Lewisham Core Strategy (June 2011)

6.12 The Core Strategy spatial and specific policies most relevant to this application are:

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change

- CS 1 Housing provision, mix and affordability
- CS 3 Strategic Industrial Locations and Local Employment Locations
- CS 4 Mixed Use Employment Locations
- CS 5 Other employment locations
- CS 6 Retail hierarchy and location of retail development
- CS7 Climate change and adapting to the effects
- CS8 Sustainable design and construction and energy efficiency
- CS9 Improving local air quality
- CS10 Managing and reducing the risk of flooding
- CS14 Sustainable movement and transport
- CS15 High quality design for Lewisham
- CS16 Conservation areas, heritage assets and the historic environment
- CS21 Planning obligations

Development Management Local Plan (November 2014)

6.13 The *Development Management Local Plan* policies most relevant to this application are:

- DM 1 Presumption in favour of sustainable development
- DM 16 Local shopping parades and corner shops
- DM 17 Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)
- DM 19 Shopfronts, signs and hoardings
- DM 22 Sustainable design and construction
- DM 23 Air quality
- DM 24 Biodiversity, living roofs and artificial playing pitches
- DM 28 Contaminated land
- DM 29 Car parking

- DM 30 Urban design and local character
- DM 32 Housing design, layout and space standards
- DM 33 Development on infill sites, backland sites, back gardens and amenity areas
- DM 36 New development affecting designated heritage assets and their setting

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

- 6.16 This document sets out guidance and standards relating to
- standards for new residential development
 - standards for conversions of existing houses into flats
 - residential extensions
 - roof extensions.

Planning Obligations Supplementary Planning Document (February 2015)

- 6.17 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.

Shopfront Design Guide Supplementary Planning Document (March 2006)

- 6.18 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.

7.0 Planning Assessment

- 7.1 The main issues to be considered in regard to the proposals are:

- Principle of Development
- Conservation and Urban Design
- Standard of Accommodation
- Transport Impact
- Impact on Adjoining Occupiers
- Sustainability and Energy
- Land Contamination
- Ecology, Trees and Landscaping
- Flood risk
- Air Quality; and
- Planning Obligations

7.2 Principle of Development

- 7.2.1 The principle of development is supported and the provision of new commercial floorspace and residential units is considered a planning merit to which significant weight is given. The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

- 7.2.2 The NPPF (para 118) states that planning decisions should ‘*give substantial weight to the value of using suitable brownfield land within settlements for homes and other*

identified needs’.

Land Use

- 7.2.3 This site is located in the Ladywell Road local shopping parade and benefits from no other specific land use designation. The site therefore falls within the aegis of *Spatial Policy 5: Areas of Stability and Managed Change*. This policy “seeks to “protect and support smaller local parades scattered throughout the area”. Currently in use as car wash / valet / tyre repair shop, the redevelopment of this site for commercial uses A1, A3 or D2 (gym) would support the protection of this local parade. It would provide additional high quality commercial space that has the potential to broaden the offer of the parade and support its commercial role by improving its overall offer.
- 7.2.4 The application is for a combination of A1 Retail, A3 restaurant or café, or Gymnasium D2 commercial uses. The building is designed to be adaptable to respond to the market requirements for commercial space. The development plan seeks the provision of commercial ground floor space in local shopping parades unless there is evidence to suggest that this is not viable.
- 7.2.5 An objection from the Ladywell Society is concerned about the provision of additional ground floor units in the Ladywell Road parade as there are already vacant units in the parade and they consider that additional small units should be resisted as there is unlikely to be a market for the property product being created. Vacancy can be for a wide range of reasons and not just lack of demand, including the configuration of the space, quality of the property, rental levels, conditions of occupation, etc. Officers consider that the provision of a flexible commercial space that can be configured to best suit the profile of specific users will enable this development to meet the needs of the market and support and improve the local parade.
- 7.2.6 In addition, the Traders group have sought that the planning process prescribe that the business type should be defined to be either an independent or small chain to reinforce the character of the street and not duplicate the existing offer of the parade. Whilst these may be reasonable objectives these are not planning matters. The planning application is for a range of uses and, if approved, this would enable a business to occupy the space to meet a market demand.
- 7.2.7 As outlined above, redevelopment of the site with commercial reprovision at ground floor level can be supported in accordance with DM Policy 11. As such, the proposed flexible use commercial floorspace is considered acceptable in principle subject to the design of shopfront proposed and hours of opening.
- 7.2.8 In accordance with London Plan Policy 4.9 and DM Policy 19, it is recommended that a planning obligation requires the Applicant to fit-out the units to shell and core together with internal fittings and install the glazed shop fronts and entrances prior to the occupation of any residential unit in the building in the interests of ensuring that the unit is attractive to potential end users.
- 7.2.9 London Plan Policy 4.6 and Core Strategy Policy 6 support the night-time economy, particularly in secondary frontages. DM Policy 17 makes clear that, amongst other things, soundproofing and opening hours will be taken in to account when considering applications for cafes/restaurants and DM Policy 26 seeks to ensure that new noise sensitive uses, such as residential, are located away from existing or planned sources of noise pollution.
- 7.2.10 A balance needs to be struck between encouraging additional commercial activities within this site, whilst safeguarding residential amenity. It is recommended that a planning condition restrict customer opening hours of all permitted uses in the

commercial units to 07.00 to 23.00 hours Monday to Sunday.

- 7.2.11 The proposals for the development of 7 dwelling units (three 2-bed and four 1-bed) are welcomed in principle as they will make a contribution to achieving the overall residential targets in a sustainable urban location and also provide an economic purpose for developing the site to the three-storeys required to reflect the character of the Ladywell Road area.

Physical development

- 7.2.12 The gap in the local shopping parade / street frontage presently has a negative impact on the character of Ladywell Road and the Ladywell Conservation Area, providing an unwelcome break in the street frontage and an unattractive site in the centre of the local parade that provides a physical focus for the surrounding neighbourhood. The development of this gap site is therefore considered to be an opportunity to improve the character and appearance of the area, in principle.

Density

- 7.2.13 The NPPF (para 123(c)) strongly encourages making efficient use of land, encouraging local planning authorities to:

'refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'.

- 7.2.14 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. Policy CS 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).
- 7.2.15 The general density of development proposed for this site is considered appropriate taking into account the local character of the Ladywell Road area.

7.3 Conservation and Urban Design

- 7.3.1 Paragraph 130 of the National Planning Policy Framework states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".
- 7.3.2 As the application site is located within the Ladywell Conservation Area, regard will also be had to the Council's duties under s72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Chapter 16 of the NPPF (2018), Core Strategy Policy 16 and DM Policy 36 which seek to manage new development affecting designated heritage assets in a manner that sustains and enhances their heritage significance, including the contribution of their setting. Section 72 of the act requires that local planning authorities pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. 'Preserving' in the context of the statutory duty means doing no harm.
- 7.3.3 Urban design is a key consideration in the planning process. *Chapter 7: Requiring*

good design of the *National Planning Policy Framework (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, central to good planning, and should contribute positively to making places better for people.

- 7.3.4 London Plan Policies 7.1-7.7 (inclusive) and Policy CS 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 7.3.5 Further to this, DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 7.3.6 As the application site is located within the *Ladywell Conservation Area*, regard will also be had to the Council's duties under s72 of the P(LB&CA)A 1990, Chapter 16 of the NPPF (2018), Core Strategy Policy 16 and DM Policy 36 which seek to manage new development affecting designated heritage assets in a manner that sustains and enhances their heritage significance, including the contribution of their setting.

Design response - Form / Bulk / Scale / Massing / Building design / Materials

- 7.3.7 The proposed building would be three storeys and seeks to infill the plot boundaries, presenting a significant increase in footprint from the existing buildings. This completes the street frontage and enhances the conservation area and is a planning merit to which significant weight is given. The front elevation of the building would be set flush with the front boundary of the site and along Ladywell Road. The upper floors maintain the same building line and at second floor level there are street-facing gables, which provides a modern interpretation of the common building form on the street. The gables reduce the bulk of the top floor apartments fronting onto the street, giving the south elevation of the building a form that is considered to fit well with the character of the street and conservation area.
- 7.3.8 The overall form of the building does not rigidly adopt the traditional form of the buildings on the street in that:
- The gables project forward of the main bulk of the roof, rather than being cross-gabled. Recessing the second floor in this way creates the opportunity to accentuate the gable volume and also to create a roof terrace to provide private space for the second floor units;
 - The rear building line projects 3.5m further than the main building line of the adjacent Edwardian typology and 2.5m further than the adjacent modern typology;
 - The two-storey rear projections in 101-107 Ladywell Road project to within 3.6 metres of the boundary. The bay-windows proposed by this development project to the same extent;
 - The roof form of the proposed development is akin to a mansard roof form in terms of its expression on the rear elevation in terms of form and differentiation in the materials used. The main roof is a flat roof with rooflights projecting above it.
- 7.3.9 The south (front) elevation is broken into four "building" bays to reflect the form and urban grain of the Edwardian buildings on the street. The adjacent building at 98-91 Ladywell Road is a flat-roofed modernist building with a building form that does not follow the traditional pattern of development on the rest of the shopping parade buildings.
- 7.3.1 Officers consider that the form / bulk / scale / massing is acceptable in that it provides a high quality modern interpretation of the traditional buildings in the street.

- 7.3.11 The Ladywell Society expressed concern that the overall design of the building is visually intrusive and would have an adverse impact on the character of the Ladywell Conservation Area (in terms of truncated gables, terraces / railings). Having considered the proposal, Officers consider that it provides a contemporary response to the character and architectural form of the Ladywell Road parade and wider conservation area. The design responds positively to the grain and form of the parade buildings, disregarding the adjacent modernist building at 87-91 Ladywell Road, which presents an entirely different form and language. The desirability of developing this infill site is a prerogative and the completion of the parade with a generally sympathetic building is considered to be appropriate.
- 7.3.12 The zinc roof is a high quality contemporary material that is appropriate to this type of roof form, notwithstanding that it is not employed elsewhere in the Conservation Area. The strong south elevation with its gables will be the principal portion of the building that people will see from Ladywell Road. The zinc material will be visible from the south but its extent will be broken by the gables and its set-back in other portions of the elevation. On balance it is considered that the zinc roof will be acceptable. A planning condition will require approval of the zinc material.
- 7.3.13 The rear elevation would be comprised of brick masonry and zinc-clad bays / the second floor mansard roof. Views of this elevation from the public realm will be limited, nevertheless the design and materials are acceptable.
- 7.3.14 The entire plot is covered, with the rear part covered by a single storey element. This would be roofed in zinc, which is acceptable subject to details of the material and the installation techniques, to be secured by condition.
- 7.3.15 Officers expressed concern at the originally proposed type of windows fronting onto Ladywell Road, which were top-hung opening aluminium casement windows. The traditional form of windows on the street would appear to be timber-sliding sash windows (one-over-one)-sashes, although very few remain intact in this building group. Officers consider that the use of top-hung casement windows on this prominent street frontage in the Conservation Area is inappropriate and that an alternative approach is required. The preferred typology is, on balance, considered to be clear-span contemporary windows given the style of the building and therefore this revision is accepted as a replacement to the original application drawings for the south elevation. Rear windows are considered appropriate in aluminium, as proposed.
- 7.3.16 Officers were also concerned about the very small size of window reveals, giving the elevation a very flat and lower quality appearance. A planning condition is proposed to ensure that the size of the reveal is increased.
- 7.3.17 Details of elevational materials and components should be to the highest possible standard and be compliant with the drawings submitted. A planning condition will help to secure control over the windows, depth of reveals, materials, glazing bar profiles, shopfront design, all clear and obscure glazing.
- 7.3.18 The proposed shopfront design appears to be appropriate and reflect the Council's *Shopfront Design Guide*.

7.4 Standard of Accommodation

- 7.4.1 The NPPF states that planning decisions should seek to provide a high standard of amenity for future users (para 127(f)). London Plan Policy 3.5 'Quality and design of housing developments' 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.

- 7.4.2 Policy CS 1, DM 32, London Plan Policy 3.5 and the London Plan Housing SPG all seek to ensure that all new residential development meets minimum size standards. Policy DM 32 requires that new residential development should provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect.
- 7.4.3 Nationally described space standards (NDSS) were established in March 2015 to replace the various 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. The NDSS largely reflect the space standards of the London Plan. However, there are differences in the spacing of individual rooms as well as floor to ceiling heights. In the instance of conflict, the national housing standards take precedent. For reference, the London Plan recommends a floor to ceiling height of 2.5m and the national housing standards prescribe a floor to ceiling height of 2.3m.
- 7.4.4 All of the units meet the minimum size standards - 50sqm for a 1B2P unit and 61sqm for a 2B3P unit, and also minimum storage requirements of 1.5sqm and 2.0sqm respectively. Minimum floor-to-ceiling heights of 2.5m are exceeded.
- 7.4.5 Standard 26 and 27 of the Housing SPG requires that Private Open Space of 5sqm is provided per unit with a minimum depth of 1.5sqm. In exceptional circumstances space of less than this requirement can be provided if the size of the unit is increased to incorporate the space. Table 2 (below) shows that all apartments meet the minimum spatial standards if a flexible view is taken that exceptional circumstances apply. The exceptional circumstances that officers consider apply are:
- Urban infill site that it is very desirable to develop;
 - Private open space cannot be provided to the rear due to the potential for overlooking (i.e. impact on neighbour amenity);
 - Private open space cannot be provided at the front at first floor level due to reasons of local character;
 - Second floor terraces of a larger size are not possible due to the combined reasons of local character and the need to provide generously sized 2B3P flats AND the strong desire not to project the rear building line closer to the rear boundary.
- 7.4.6 The proposed balconies have a depth of 1.55m, marginally exceeding the minimum dimension for an acceptable usable private space.
- 7.4.7 The Ladywell Society have objected to the provision of terraces in principle, identifying them as they are an alien typology within the Ladywell Conservation Area, and also expressed concern that the provision of roof terrace space would be better incorporated into the two-bed apartments. Officers consider that the provision of terraces are an acceptable form of private space to make the apartments attractive to live in and also provide a sensible use of the space between the projecting gables. It is acknowledged that roof terraces are an atypical (or "alien") building design feature but roof terraces are considered acceptable in that the building design is an honest contemporary building type, the form of which takes its cues from the architectural language of the street and provides roof-level amenity space that is entirely acceptable in that it relates to the building composition and causes no harm (subject to the quality of building façade elements). The provision of the roof terraces also assists in setting the bulk of the main roof form back from the street-facing elevation. In addition the terraces overlook a busy street and there is no problem in principle

from an overlooking perspective. The railings themselves have a slender profile / sections and are consistent with the aluminium materials of the rest of the elevation and generally acceptable. However, it will be necessary to request details by planning condition.

Table 2: Spatial standards for apartments and proposal assessment

			Min size	<i>Sqm</i>	Private open space	<i>Terrace</i>	Combined min.	<i>Net total</i>	Pass / fail
First floor									
Flats	1B2P	1	50	58.5	5		55	58.5	Pass
	1B2P	2	50	55.9	5		55	55.9	Pass
	1B2P	3	50	57	5		55	57	Pass
	1B2P	4	50	63.3	5		55	63.3	Pass
Second floor									
Flats	2B3P	1	61	67.4	6	2.9	67	70.3	Pass
	2B3P	2	61	64.4	6	2.9	67	67	Pass
	2B3P	3	61	73.0	6	3	67	76	Pass

Accessible Housing

7.4.8 Policy 3.8 of the London Plan 'Housing choice' requires ninety percent of new housing to meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings', and ten per cent of new housing to meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. Designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. As the proposed building would be 3 storeys only, there is no requirement for a lift to be provided. In such cases Building Reg Requirement M4 (2) does not apply.

Layout / Aspect / Ventilation

7.4.9 All of the units have a south-facing aspect onto Ladywell Road and therefore benefit from good sunlight onto their south-facing elevations. At first floor level 2 of the 4 units are dual aspect. At second floor level 2 out of 3 units are dual aspect. Each of the units served by the rear bay windows enjoy one opaque window to provide light and one oblique window.

7.4.10 The Ladywell Society object to the proposed one-bedroom flat layouts in that they place living spaces adjacent to bedrooms of adjacent flats. All partition walls between flats will meet *Building Regulations Part E: Resistance to the Passage of Sound*. This is not a planning issue.

7.4.11 All units will comply with *Building Regulations Part F: Ventilation* and will be fully ventilated.

Sunlight / Daylight & Outlook

7.4.12 The Sunlight / Daylight assessment shows that the units 1, 4, 5, 6 and 7 all have adequate sunlight to the dwellings. Units 2 and 3, the central single-aspect one-bed units do not pass the sunlight test. While the combined living room and kitchens for Flats 2, 3 and 4 do not meet the BRE recommended average daylight factors, the bedrooms for each of these flats exceed the BRE recommended average daylight factors and therefore there is sufficient daylight within one habitable room in each flat. It is the kitchen area in both units that will suffer from a marginally lower level of sunlight. Living spaces will all benefit from adequate sunlight. On balance the level of

light is considered acceptable to these units.

Privacy

- 7.4.13 All units will benefit from adequate privacy. The units are in an urban context and the south-facing elevation is 17.6m to the opposing building line of the vacant site opposite. This is considered to provide an acceptable level of privacy. The rear bedrooms are considered to have adequate privacy with the opaque window / oblique windows proposed.

Designing out Crime

- 7.4.14 S.17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).
- 7.4.15 In this case, in the view of the Officer, the proposal is considered to have adequately designed out the potential for crime in that it has strong urban design qualities with a full site coverage and a clear building line that provides a controlled interface between the public realm and private spaces within the development.

7.5 Transport Impact

Car Parking

- 7.5.1 No car parking is provided on site. This is considered acceptable in this highly accessible PTAL 5 location. As the site is to be car free due to its PTAL 5 rating, future residents should be restricted from obtaining parking permits in the Controlled Parking Zone (CPZ) by means of a s106 agreement.

Access, Servicing & Refuse Collection

- 7.5.2 DM Policy 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.
- 7.5.3 The application proposes that servicing is provided from existing loading bays / parking spaces on Ladywell Road and Gillian Street and surrounding streets. This is considered to be acceptable to Transport for London. The Council's Highways and Transport Officer considers that the *Delivery & Servicing Plan* needs to show on a plan where vehicles are proposed to service the site. Whilst this may be ideal Officers consider that there are a bank of 6 parking / loading spaces 40m-60m from the premises and that these would provide a suitable location for access and servicing of the site and are likely to be adequate to serve the small-scale of the proposed development.
- 7.5.4 In regard to Refuse storage & collection, Standard 22 and 23 of the *London Plan Housing SPG* highlights guidance on refuse for new residential development and references the British Standard BS5906:2005. A refuse area of 14.5sqm is proposed with an indicative layout. The bin storage area opens directly onto the street. The capacity of the stores and storage and collection arrangements are considered to be generally acceptable in principle, and their provision and details of refuse management via a Waste Management Plan will be ensured by condition.

Cycle Parking

- 7.5.5 Cycle parking standards are set out in Table 6.3 of the Parking Addendum to Chapter 6 of the *London Plan*. It states that residential dwellings should provide 1 space per one bedroom dwelling and 2 spaces per all other dwellings. Therefore the proposed residential development requirement is for 10 cycle parking spaces. Cycle parking requirements relating to non-residential uses are split into long term (commuter) parking and short-term (customer) parking. The nature of the commercial space is not specific to a particular use. If A1 use is assumed this would yield a requirement for 2 long-stay spaces to serve the development. If a gym were in use then a 1:100sqm employment density would yield a requirement (at 1/8 staff) of 0.25 spaces.
- 7.5.6 The submitted plans show that 12 spaces would be provided. This is considered to be an acceptable level of private cycle parking in relation to the standards set out in the *London Plan* to meet residential and long-term cycle parking needs. The applicants have indicated that if there is a greater long-term cycle parking need generated by occupiers then cycle storage could be integrated into the commercial units. Given the availability of Sheffield bike racks on Ladywell Road (there are bays at either end of the shopping parade) then short-term customer cycle parking requirements can be met by the existing cycle infrastructure. Additional cycle parking bays are not considered desirable as a significant upgrade to the street was recently made, rationalising street furniture and decluttering the space to make a more attractive public realm.

Construction Impact

- 7.5.7 A planning condition will ensure the submission of a Construction Management Plan, to detail the number and type of vehicles, vehicle loading / unloading bays, mitigation measures for dust and noise, safety implications and length of construction period (among other matters). The statement would also address proposed demolition and the removal of fuel tanks from the ground / structural support of adjacent buildings (see land contamination, below).
- 7.5.8 The proposed hoarding of the public footpath (mentioned in the Outline CMP) to enable construction on the site would be subject to Highways team approval.

Pedestrian realm

- 7.5.9 The redundant crossovers providing vehicular access to the site will need to be removed and the space integrated into the wider streetscape at the cost of the development. The space will need to be integrated into the wider streetscape in terms of levels, surfaces, materials, pattern of street trees and street furniture and the wider character of the Conservation Area. This will be achieved by means of a s106 Planning Obligation.

7.6 Impact on Adjoining Properties

- 7.6.1 The NPPF requires that planning decisions should ensure a high standard of amenity for existing residents (para 127). Policy DM 32 states that new residential development should be neighbourly and not result in adverse impacts on the amenities of nearby properties, providing a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.
- 7.6.2 The Council also has regard to BRE guidance 'Site layout planning for daylight and sunlight: a guide to good practice' (2011) where relevant, to assess the impact on existing properties in terms of daylight/ sunlight.
- 7.6.3 In regard to privacy, Paragraph 2.3.36 of the *London Plan Housing SPG* states that a

distance of 18-21 metres will generally be sought between existing and proposed habitable windows. However, it is considered that rigidly adhering to this distance can limit the variety of urban spaces and restrict density. Paragraph 2.250 of DM Policy 32 also references to a distance of 21 metres, however it also outlines that this must be interpreted flexibly, taking into account the height of buildings.

Daylight

- 7.6.4 In accordance with BRE Guidance, the assessment of daylight is based on the calculation of the vertical sky component (VSC) to an affected window in both the existing and proposed condition. The VSC, simply put, is the amount of light received at the centre of a window. There is a further assessment that assesses the distribution of daylight within a room. This is called the average daylight factor (ADF). Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced by the room area, the area of room surfaces, the reflectance of room surfaces and the transmittance of the glazing with the size of the obstruction being a smaller influence. A further measure of daylight distribution within a room is no sky line (NSL). This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.
- 7.6.5 The impact of the development on the Daylight levels to 69 adjacent windows at Gillian Street, John's Court, 87 and 101 Ladywell Road were assessed by the *Daylight and Sunlight Assessment*.
- 7.6.6 Based upon the thresholds established by the BRE guidance a number of windows (in the lower floor of 1-4 John's Court and 18-20 Gillian Street are impacted by the proposed development in terms of Daylight (VSC) and outside the standard BRE recommendations that a VSC value of 25 be achieved.

Table 3: Daylight Assessment Results for a number of adjacent properties

Property	Windows	VSC value existing	VSC value proposed	VSC % difference
No.1-4 John's Court (GF left)	19-20	30.8	24-24.9	21-22
No.1-4 John's Court (GF right)	21-24	30.8	22.5-24	23-25
20 Gillian Street	41	21.5	16	25
	44	33	25	24
18 Gillian Street	45	33	26	21

- 7.6.7 Given that the dwellings have a comparably high VSC level at present due to the fact that they lie behind a gap site with open Daylight it would be expected that the VSC would be affected and be impacted by a significant percentage reduction. All of the windows, apart from one (window 41) will have a reasonable level of VSC given the urban area that they are located in. It is highly desirable that this site is redeveloped and, on balance, it is considered that the impact on Daylight falls within the realms of tolerance for this kind of urban infill site within a local shopping parade setting. A mature medium-sized tree is located in the rear (south-facing) garden of 1-4 John's Court. This has not been modelled in the daylight analysis due to the complexity of

modelling a 3D tree form. In the view of the report authors the shading effect of the tree at the rear of the site has not been modelled within this report, and therefore it is considered that the impact of the Proposed Development on these dwellings is less significant than shown above. Officers consider this to be a reasonable assumption given the obvious impact of the existing tree, although the tree could be removed in the future.

Sunlight

- 7.6.8 BRE Guidance requires that all windows within 90 degrees of due south should be considered. The recommended numerical values set out within the BRE Guidelines are for a window to achieve Annual Probable Sunlight Hours (APSH) of 25%, including at least 5% during the winter months. Where the difference in the APSH is more than 4% between the existing and proposed both the total APSH and those enjoyed within the winter months are more than 0.8 times the existing values. The guidelines however also state that bedrooms are less important than living rooms. Due to the proposed massing of the development, and the orientation of the neighbouring residential properties (north and east) no analysis is required, as no adverse material impact would arise.
- 7.6.9 The impact of the development on the Sunlight levels to 69 adjacent windows at Gillian Street, John's Court, 87 and 101 Ladywell Road were assessed by the Daylight and Sunlight Assessment. All 69 windows passed the prescribed test.
- 7.6.10 The Daylight and Sunlight Assessment concludes that the proposal adheres to the BRE guidelines and does not cause an unacceptable level of loss of sunlight or daylight to the existing surrounding properties. On balance, this conclusion is supported.

Overshadowing

- 7.6.11 Shadow diagrams have been provided for the existing and proposed conditions, and for each hour of daylight on 21 March, 21 June and 21 December. These demonstrate that there is no significant increase in overshadowing of gardens in proximity of the site as a result of the development, particularly during key sunlight hours in the middle of the day. The percentage of the garden areas that achieve 2 hours of direct sunlight on the 21st March is greater than 50% (confirmed 18.10.18). John's Court has an existing medium-sized tree that shadows a substantial portion of the gardens 1-4 John's Court.

Outlook

- 7.6.12 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 reason of its proposed scale and mass.
- 7.6.13 The Council does not have guidance in respect of separation distances for flank to flank relationships, instead reference is made to the requirement of Policy DM 32 for new development to be neighbourly and provide adequate outlook.
- 7.6.14 The development proposal is for a three storey building on a gap site, with a height that is consistent with the rest of the Ladywell Road parade frontage. It is not considered that the proposal would have a significantly greater impact on the experience of the residents of buildings to the north of the site than that posed by the existing buildings forming the context to the site. The building line projects 3.5m further to the north of the building line of the principal building volumes in the rest of the block but this is not considered to be unreasonable.

Privacy

- 7.6.15 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.
- 7.6.16 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.
- 7.6.17 This urban site falls within a pattern of development within the block where 21m separation is not achieved anywhere. Neighbouring properties have a separation of about 14m to the main dwelling volumes and down to 9m to the gables walls of rear projections. Therefore it is entirely unreasonable to expect the development of this site to achieve a standard separation of 21m.
- 7.6.18 The rear bay windows mitigate the potential for overlooking by having the larger NW windows with opaque glass and the NE-facing (oblique) windows that aren't opaque are smaller and have a separation of 16m approximately. This degree of overlooking is considered reasonable given the context and the windows within this distance are the rear projections to the Gillian Street houses. The function of these rooms is not known but are likely to be bathrooms / small bedrooms.

7.7 Sustainability & Energy

- 7.7.1 London Plan Policy 5.2 'Minimising Carbon Dioxide Emissions' requires major developments to provide an assessment of their energy demands and to demonstrate that they have taken steps to apply the Mayor's energy hierarchy. Policies 5.5 and 5.6 require consideration of decentralised energy networks and policy 5.7 requires the use of on-site renewable technologies, where feasible. The residential aspect of the proposal would be expected to achieve zero carbon, [and the commercial aspect a 40% reduction] against part L of the Building Regulations.
- 7.7.2 Since 1st October 2016, the London Plan requires new major development to provide 'zero carbon' housing. The London Plan Housing SPG defines zero carbon homes as "homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site (in line with policy 2.5B). The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.
- 7.7.3 The onsite reduction in regulated CO₂ emissions over the Building Regulations Part L (2013) baseline will be 31.4% (site wide) in accordance with the *London Plan* Policy 5.2. Energy Efficiency measures and therefore compliant reduction over the Part L (2013) baseline. The applicant has stated that they will introduce measures around limiting light pollution and energy consumption, water usage and other measures. This achieves site wide savings at the 'be lean' stage through high levels of insulation and glazing, low air flow tightness, and high efficiency boilers, heat pumps, energy saving controls for space and lighting and provision of high performance photovoltaic panels. Officers consider the sustainability appraisal and energy strategy to be efficient for the site.
- 7.7.4 In accordance with the *London Plan*, the remaining regulated carbon dioxide

emissions, to 100 per cent, would be off-set through a cash in lieu contribution of £15,693.60.

- 7.7.5 Core Strategy Policy 8 requires that non-residential development should achieve a minimum of BREEAM 'Excellent' standard or any future national equivalent. The applicants submitted Sustainability Statement, indicates that the proposed commercial units would score 72.9%, thereby achieving 'excellent' status. This would need to be secured by planning condition.

Renewable Energy provision

	Total output (Kw)	CO₂ reduction (%)
Biomass boiler		
Solar water heating		
Solar PV		789 kg CO ₂ / 4.5%.
Ground source heat pump		
Any other		
Total Generating power (Kw)		
CO₂ reduction as % of total emissions		4.5%

Living Roofs & Ecology

- 7.7.6 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.
- 7.7.7 The proposed roof is a dark zinc roof with photovoltaic cells on the flat roof of the building (i.e. no living roof is proposed). A living roof has not been sought on this occasion.

Sustainable Urban Drainage Systems

- 7.7.8 Controlled waters are sensitive in this location. Groundwater is likely to be at shallow depth which means that there is limited thickness of unsaturated zone present at this site. For these reasons, the use of SuDs is unlikely to be feasible in this location.

7.8 Ecology, Trees & Landscaping

- 7.8.1 The site is proposed with 100% site coverage and therefore planting is not possible. Ladywell Road was recently upgraded to remove clutter from the street and street trees were omitted from the design to the northside footway in order to ensure that the available confined space optimises space allocated to pedestrian / building access. There are no street trees on the northern side of the street and therefore there is no potential to include street trees to the front of the building in the areas being reinstated as pedestrian realm currently occupied by the vehicle crossovers.

7.9 Flood Risk

7.9.1 The proposed development lies within Flood Zone 2. The proposal will be safe for all future occupants and will not increase the risk of flooding locally. Therefore, the Sequential Test requirement of the NPPF is satisfied. The Environment Agency have no objection to the development on flood grounds due to the nature and scale of the proposal, with residential uses on upper floors and being safe from flooding. The development is above the flood level but is within a flood plain and therefore may have problems with surface water disposal, dampness and means of access during flood events by virtue of its location.

7.10 Land contamination

7.10.1 Records held by the Authority note there are three single skin steel tanks present onsite for the historic storage of petrol and diesel fuel with a combined volume 54,549 litres. When the Site was redeveloped in 1978 these replaced four 1,000 gallon tanks dating from 1936. Further records indicate that the more recent tanks were filled with water in 2002. Two pollution incidents were also noted relating to losses from tanks and suction lines in the 1970s. Reports dated March 1977 refer to minor leaks to tanks and suction lines. Remedial action was taken but no detail given on the quantities of petrol involved. Reports dated April 1975 refer to losses from a tank on site being recorded. Remedial action was taken but no detail given on the quantity of petrol involved.

7.10.2 Based on the information obtained, Capita considers the Site of **high** risk in terms of the potential contamination risk to identified sensitive receptors. This is primarily due to the historic operation as a petrol filling station and the potential release of contaminants that may have occurred as a result. It is recommended that site investigations should be undertaken at the site to confirm the presence/absence of potential underground fuel storage tanks, further assess the contamination status of the underlying soils/groundwater and confirm the ground gas/vapour regime to inform the detailed designs of buildings and infrastructure and update the conceptual model.

7.10.3 The Environment Agency recommend that a site remediation strategy be put in place and specify five planning conditions that should be added to any grant of permission in order to render their view of NO OBJECTION to be valid.

7.10.4 The Ladywell Society request that a Construction Management Plan be put in place to deal with the removal of the tanks and structural support of adjacent buildings during construction. This matter can be conditioned.

7.11 Air Quality

7.11.1 The NPPF (para 181) states that planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

7.11.2 *DM Policy 23* states that the Council will require all major developments that have the potential to impact on air quality will be required to submit an Air Quality Management Assessment. The application site falls within a designated Air Quality Management Area, one of six in the Borough.

7.11.3 This development is a minor application. An Air Quality Impact Assessment has been undertaken on behalf of the applicants, and it concludes that the implementation of

appropriate measures and good practice during the demolition and construction phases would mitigate potential harm from dust. Due to the small size of the development, it does not exceed the criteria requiring an air quality neutral assessment to be carried out. This has, therefore, been screened out and no mitigation is required. The development is considered to comply with national and local air quality policy.

7.11.4 The Council's Environmental Health officers have reviewed the document, and have confirmed they are satisfied with the conclusions reached, with appropriate measures to be ensured by a planning condition in relation to Construction Management.

7.12 **Local Finance Considerations**

7.12.1 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).

7.12.2 The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and London Borough of Lewisham CIL are therefore material considerations. The applicant has completed the relevant form and CIL is/is not payable on this application. The likely CIL payment associated with this development would be in the region of **£70,234**. An informative would be added to the decision notice advising the Applicant to notify the Council when works commence.

7.13 **Equalities Considerations**

7.13.1 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.

7.13.2 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.

7.13.3 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.

7.13.4 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

7.13.5 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

7.13.6 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

7.13.7 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.

7.14 **Human Rights Implications**

7.14.1 In determining this application the Council is required to have regard to the provisions of the *Human Rights Act 1998*. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:-

- Right to a fair trial
- Respect for your private and family life, home and correspondence
- Peaceful enjoyment of one's property

7.14.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

7.14.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

7.15 **Planning Obligations**

7.15.1 The *National Planning Policy Framework* (NPPF) reflects Regulation 122(2) of the *Community Infrastructure Regulations 2010*, in stating that 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. 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.

Local Labour

7.15.2 The Lewisham Obligations: SPD (2015) states that ‘the addition of further population from new development has the potential to exacerbate the rate of unemployment as competition for a limited number of local jobs rises.’ For this reason, ‘financial support for the Local Labour and Business Scheme is vital in mitigating the impact of new development. Most development will have an impact and therefore obligations in this respect will be required.’

7.15.3 The Lewisham Local Labour and Business Scheme is a local initiative that helps local businesses and residents to access the opportunities generated by regeneration and development activity in Lewisham. It is therefore appropriate that the developer in this case incurs a financial contribution toward Local Labour in the Borough.

7.15.4 The Planning Obligations SPD states that the Council requires a contribution of £530 for each new job (8)/ dwelling (7). In this case, the contribution would be £7,950, which will be secured in the S106.

Transport & Public Realm

7.15.5 The development proposal is in a PTAL 5 area and proposes no on-site parking. It will be necessary to include within a s106 planning obligation agreement a requirement that occupiers of the development will not be entitled to parking permits within the Controlled Parking Zone.

7.15.6 The vehicular crossovers that provide access to the site for its current use as a vehicle washing / valet facility would be redundant if this planning permission is granted. It is a requirement that the vehicle crossovers are removed and the footpath reinstated to a quality that is to the satisfaction of the local planning authority. Ordinarily this would be secured by a s278 agreement under the Highways Act 1980. However, as a Planning Obligation is required then it is proposed to secure this under the aegis of the planning obligation agreement by requiring the applicant to enter into a separate s278 agreement.

Carbon Offset Payment

7.15.7 In accordance with the *London Plan*, the remaining regulated carbon dioxide emissions, to 100 per cent, would be off-set through a cash in lieu contribution of £15,693.60.

Playspace

7.15.8 London Plan Policy 3.6 and Core Strategy Policy 12 require that residential and mixed use developments make provision for children’s play and informal recreation space. The London Plan states that the amount of provision should be proportionally

based on the number of children expected to occupy the development and an assessment of future needs. Summarily, the Mayor of London concludes that new development that creates a child yield is expected to provide 10m² of play and recreation space for every child.

- 7.15.9 Based on the Mayor's playspace SPG, no children between the age of 0-16 are predicted to live in the development, therefore the scheme does not give rise to a requirement for playspace on site. This result is based on the tenure of the units and the fact that they are flats rather than houses. It is noted that the site is in close proximity to Ladywell Fields, which will provide amenity for all occupiers.

Commercial unit fit out

- 7.15.10 As discussed above, in reference to London Plan Policy 4.9 and DM Policy 19, it is recommended that a planning obligation requires the Applicant to fit-out the units to shell and core together with internal fittings and install the glazed shop fronts and entrances prior to the occupation of any residential unit in the building in the interests of ensuring that the unit is attractive to potential end users.

- 7.15.11 Developer to undertake initial fit-out of the commercial unit prior to any occupation of the residential unit to include:

- Service connections for gas, electricity, water and foul drainage;
- Provision for telecommunication services and broadband services;
- Wall and ceiling finishes;
- Wheelchair accessible entrances;
- Screed floors;
- Glazing solution.

Monitoring Costs

- 7.15.10 A fee of £2,000 to monitor the four clauses above, as defined by Table 6.1 – Monitoring Charges of the *Lewisham Planning Obligations SPD*.

Planning Obligations Conclusion

- 7.15.11 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).

8.0 Conclusion

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 Officers consider that this scheme represents an important development for the Ladywell Road area in that it would remove a negative feature from the area and make a significant physical improvement to the street and the wider area and conservation area. It will also contribute to the development of the local parade, and also provide additional commercial space and residential units in a highly accessible urban location. The quality of the development and its impact on the neighbouring properties are considered to be, on balance, satisfactory. The scheme is therefore considered acceptable subject to planning conditions and a planning obligation agreement.

9.0 **RECOMMENDATION A**

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

Transport and Public Realm

- Remove entitlement to Residents Parking in CPZ
- Re-instate area where vehicle crossing points are currently located and integrate into pedestrian realm

Employment & Training

- Local labour and business contribution of £7,950 prior to commencement

Carbon Offset Payment

- Financial contribution of £15,693.60.

Commercial unit fit out

- Developer to undertake initial fit-out of the commercial unit(s) prior to any occupation of the residential unit, to include:
 - Service connections for gas, electricity, water and foul drainage;
 - Provision for telecommunication services and broadband services;
 - Wall and ceiling finishes;
 - Wheelchair accessible entrances;
 - Screed floors;
 - Glazing solution.

Monitoring and Costs

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations
- The monitoring costs in this instance would equate to £2,000 as per the Planning Obligations SPD.

9.2 **RECOMMENDATION B**

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

Conditions

11. 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:
EX-L00; EX-SP; EX-E_a-a; EX-E_b-b, EX-E_c-c, EX-E_d-d, EX-E_e-e, GA-E-N (1-100); GA-E-S (1-20); GA-P-L00 (1-100); GA-P-L01 (1-100); GA-P-L02 (1-100); GA-P-SP (1-500); GA-S-01 (1-100) P3; GA-S-02 (1-100); GA-E-S (1:100)_b P4 (received 23 October 2018) HERITAGE STATEMENT; PLANNING STATEMENT; PRELIMINARY GEOENVIRONMENTAL RISK; SUSTAINABILITY STATEMENT; TECHNICAL NOTE ; CIL FORM; LONDON FIRE BRIGADE ADDENDUM & FLOOD RISK 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
 - (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;
 - (iv) Provide details of locations for loading / unloading of construction vehicles.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).
 - (g). Development to be constructed in accordance with the approved Construction Management Plan.

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

4. (a) No development (including demolition of existing buildings and structures) 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.

(d) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

Reason: To ensure 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). To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework. Piling or other foundation designs using penetrative methods can mobilise contaminants, and create preferential pathways for the migration of contaminants into the secondary aquifer A below.

5. (a) The commercial unit(s) of the buildings hereby approved shall achieve a minimum BREEAM Rating of ‘Excellent’.
- (b) No development shall commence above ground level until a Design Stage

Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (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).

6. (a) Notwithstanding the details hereby approved, no development shall commence above ground level on site until detailed plans at a scale of 1:20 showing **windows / doors / ballustrades / terraces / shopfronts** have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

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

7. (a) No development shall commence on site until a scheme for surface water management has been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011). To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

8. No development shall commence above ground level on site until a detailed schedule and specification / samples of all external materials and finishes (namely brick and zinc roof coverings, window frames and doors) to be used on the building(s) 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.

9. (a) No development shall commence above ground level on site until details of

proposals for the storage of refuse and recycling facilities for each residential/commercial unit hereby approved, have been submitted to and approved in writing by the local planning authority.

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

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

- 10. (a) A minimum of 12 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)*.

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

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

- 13. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the North-West facing windows in the two projecting bays on the rear elevation of the building at first and second floor levels hereby approved shall be fitted as obscure glazed/fixed shut and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to

existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

14. 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.

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).

15. The premises shall only be open for customer business between the hours of 6am-11pm.

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, DM Policy 16 Local shopping parades and corner shops, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

16. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the commercial spaces created on the ground floor of the premises shall be used for A1 (Shop), A3 (Restaurant or Cafe) or gym use (partial D2) and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In the interests of ensuring a commercial mix in the local shopping parade in order to protect and support the smaller local parades scattered throughout the area in order to achieve *Spatial Policy 5: Area of Stability and Managed Change* of the *Lewisham Core Strategy* development plan (adopted June 2011).

17. (a) Detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.

(b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 17 Restaurants and cafes (A3 uses) of the Development Management Local Plan (November 2014).

Informatives

Reason for Grant of Planning Permission:

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- B. 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.
- D. You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on CIL@lewisham.gov.uk.

This page is intentionally left blank

job	93-99 LADYWELL ROAD	drawn:	TR	date:	27/05
drawing	LEWISHAM	scale:	1/1250@A3	job no.:	2482
LOCATION PLAN		drawing no.	EX-SP	rev.	AS BELOW

note: all dimensions to be checked against the commencement of the work. If this drawing exceeds the quantities in any way, variations are to be informed before the work is commenced. For all other purposes, other than planning application purposes do not scale. Use dimensions. This drawing is copyright.

revisions

rev.	date	description	issued by	checked by
/	27.05.2016	ISSUED FOR PREAPPLICATION	TR	M/AS



This page is intentionally left blank