

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 10 JANUARY 2019 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, 1 January 2019**

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

**Telephone No: 0208 314 3530
Email: planning@lewisham.gov.uk**



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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 10 th January 2019

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 10 th January 2019

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 15th November 2018.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 15th November 2018 at 19:30.

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

OFFICERS: Suzanne White - Presenting Officer Planning Service, Kheng Chau – Legal Services and Jesenka Ozdalga – Committee Co-ordinator

NO APOLOGIES.

1. Declaration of interests

Cllr Copley declared being a member of The Real Ale Campaign.

There were no other declarations of interests.

2. Minutes of the last meeting

Cllr Paschoud highlighted and asked for an amendment to include conditions from the Councillors in the meeting minutes for the Ashmead Primary School application that was resolved for approval.

Cllr Paschoud commented and asked for amendment of the part where it states “Minutes of the Planning committee B – closed meeting”, as the meeting was not ‘closed’ and was open to the public.

3. 88 Springbank Road, SE13

The presenting officer outlined that the application is for change of use from retail use (Class A1) to micro pub (Class A4), together with installation of a new window to the side elevation and new door to the rear elevation. The officer further clarified that the site is within an existing parade with residential use above and that the application relates to the commercial unit only that has been vacant for some time. It is proposed to divide the existing ground floor into 3 areas where the largest space with a bar would be in the front, toilets would be in the middle and snug at the rear. The existing basement is proposed to be used as a cellar. There are no changes to the front elevation except for the door location.

The presenting officer outlined that 19 objections were received, a petition of 29 signatures against, 28 letters in support and 20 people attended a local meeting. Objections are in regards to the noise and disturbance, increased parking demand, opening hours, risk of setting a precedent and security issues.

Officers' view is that:

- the principle of the development would be acceptable
- it would improve the local economy
- there is no Class A4 use in the wider parade area,
- amendments to the proposal to limit access to the rear yard and remove the smoking area will reduce impact on neighbors
- operational plan and noise assessment reports were submitted, Environmental health officers reviewed it and conditioned details for ventilation system
- Highways were consulted and estimated that customers would come from local area using public transport and as such they considered that there will be no material impact on the traffic and raised no objections subject to conditions.

Cllr Kelleher outlined that she used to live in the area and that between Hither Green Lane and Hither Green Station there are no drinking establishments.

Cllr Johnston-Franklin raised a question in terms of the residents that are living above the establishment and how many of them have children which raises concerns about noise and opening hours, with further comment that if it is a drinking establishment, there is no need to be open at 8am.

The presenting officer clarified that there are measures that can be conditioned to reduce impact on neighbors, such as restricting opening hours and requiring soundproofing of walls and ceilings and that there should be balance between supporting local economy and impact on residents.

Cllr Copley pointed out that licensing would be able to restrict the hours when alcohol can be sold.

Cllr Adefiranye pointed out that local people whose life would be impacted should be considered in regards to the proportion of objections received.

The presenting officer clarified that in the local meeting, they had both objecting and supporting comments from local residents.

Cllr Rathbone raised questions about sound insulation and if Environmental Health officers were satisfied with the original and amended proposal, as well as if we know what is the use of the rooms above. The presenting officer clarified that there are 2 aspects, one of which is a condenser unit and that further details can be required through a condition. Another aspect is that there is not enough ceiling space for sound insulation to achieve 10db reduction over the building regulations requirement, though an improvement of 5db could be achieved. Furthermore, the presenting officer clarified the room above is a habitable room and that with the lower level of noise expected in the snug, and a condition to prevent use of an amplified sound system, these measures should be sufficient in reducing noise impact to an acceptable level for the residents.

Cllr Kelleher raised a question as to where the smoking area would be after the amendments. The presenting officer clarified that customers would have to use the footpath in front of the establishment.

The committee received verbal representations on behalf of the applicant. Pete Hadley – agent highlighted that the application was prepared with support of 3 councillors, that a micro pub would contribute to the viability of the parade, that changes were considered in order to address the concerns, access to the rear garden was removed from the application, refuse will be kept in the cellar area, an operational statement was provided, staff will supervise customers and no anti-social behavior would be allowed, and Environmental health officers were satisfied with sound insulation measures and the condenser unit.

Jenny Marsden, resident of Springbank Road highlighted that she is supporting this development, that sound and traffic impacts were mitigated, that opening hours are shorter than some shops on the road, that it would create 7 jobs, be a place for people to gather and improve and prevent further erosion of the street.

Paddy - local resident highlighted that families in the area are desperate for a facility like this, that the parade needs regeneration and investment and it would feed more into local economy.

Councillors did not have any questions.

The committee received verbal representations on behalf of the local residents Mark Glaysher and Ross Cameron.

Ross highlighted that he is a resident above the adjacent unit to the application property and that they are already experiencing a lot of noise from the cab office below. He raised concerns about noise from the busy pub and smoke that would come straight into rooms. It was also pointed out that some impacts were addressed by the applicant later and residents were not informed about it. Furthermore, it was highlighted that this proposal is creating a risk of a breach of human rights to use the property, insulation has to be provided to the bedroom above and assessment for breakout noise should be made as rooms above would not be able to open the windows in the summer due to the noise. It was also highlighted that the snug would overlook the children play area.

Cllr Johnston-Franklin asked for confirmation about noise they are currently experiencing and if noise is their main objection.

Ross clarified that they hear noise from the street and commercial unit below everywhere in their flat, that they had to soundproof their bedroom and confirmed that their main objections are noise and smoke from the outside.

Cllr Silvana Kelleher highlighted that she knows the area well and that the area suffered economically in the 80s and never recovered and asked if local representatives think that this may help bring the life to the area.

Mark pointed out that regeneration of the area is the priority but for the right proposal. Ross added that there are no empty units on the parade and there isn't anything that needs further regeneration.

Cllr Clarke (Chair) pointed out that the opening hours proposed by the applicant did not match those in the proposed condition and that a supporting letter from the ward councillors is distributed to everyone at the table.

The presenting officer clarified that the applicant has submitted their opening hours but that officers considered it was appropriate to condition longer opening hours (opening from 8am each day) as this would not cause harm to amenity and would enable the applicant to provide other services such as a café style offer during the day, which would improve the viability and activity of the parade.

Cllr Anwar asked what is the procedure following the approval of the application and is it possible to condition monitoring of the development in 3 or 6 months.

SW clarified that we cannot put a monitoring condition as such, but if a breach of any condition were notified to the planning enforcement team, it would be investigated.

Cllr Adefiranye raised a concern about smoking outside the premises and that smoke would go up to flats and asked if we can put a condition on that.

The presenting officer clarified that the property is on a public street and reasonably busy route and that it would not be possible to construct the condition to prevent smoking on the street.

Cllr Copley added that it is probably an issue for the licensing department when it comes to smoking and drinking outside the premises.

Cllr Kelleher suggested to install an extendable canopy in front of the premises to prevent smoke going to upper flats.

The presenting officer clarified that it is for the applicant to consider such suggestion but that it cannot be conditioned as part of this application. Furthermore, the presenting officer clarified that there is already a condition in place to prevent people accessing the rear, for refuse to be kept in the basement and that the report covers details such as vacant units on the parade.

Cllr Clarke (Chair) highlighted that noise issues, the snug being under the bedroom, smoke issues and overlooking should be discussed further.

The presenting officer clarified that when it comes to the noise assessment, it is detailed in the addendum report, that Environmental health, considering the size and the use of the room and limited ceiling space accept a 5db improvement as sufficient.

Cllr Clarke (Chair) required further information on overlooking and the presenting officer clarified that the existing window would be the snug window and the rear garden is approx. 15m long to the rear boundary, therefore given the distance it should mitigate overlooking. It was subsequently clarified that the distance from the rear elevation of the application unit to the rear elevation of the dwelling to the rear is 30m.

Cllr Copley suggested conditioning shorter opening hours for the snug, as there is a bedroom above the snug and sufficient sound insulation cannot be provided.

Cllr Paschoud highlighted that the report was clear and thorough and it seems that issues with the snug were addressed, and that the conversation is going beyond planning considerations for the change of use. Furthermore, there are other council services who deal with issues that are raised. Cllr Paschoud suggested adding an informative to the applicant to do their best to prevent smoking outside as we cannot condition it.

Cllr Rathbone and Cllr Copley raised a question about how the wording of the condition for the use and opening hours of the snug would be added and they further suggested not to leave that question to the licensing department and that it should be conditioned within the application. Cllr Rathbone further suggested to reduce one opening hour each day for the snug.

Cllr Anwar expressed his disagreement for a condition on the opening hours of the snug for a reason that evening is the main time when pubs are operating.

The presenting officer highlighted that Condition 7 in the main report covers the opening hours for the whole premises and the area labeled as a snug should be only be opened during certain hours. The presenting officer also clarified that opening of the premises during the day would be preferable to maintain viability.

Cllr Copley suggested to pass approval with condition on opening hours until 10pm for the snug and moved motion to approve officer's recommendation. This was seconded by Cllr Adefiranye.

Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve application DC/17/104854 subject to a condition restricting opening hours for the snug until 10pm any day.

4. 34 Sunderland Road, SE23

The presenting officer outlined that this application is for alterations and conversion of the existing 2 residential units into 1 x one-bedroom and 2 x two-bedroom units. The property is a large two-storey detached Victorian building, located on the west side of Sunderland Road with PTAL 3-4. The proposed side extension is to accommodate an internal staircase for upper flats and would be set back from the front elevation. The ramp to the entrance hall is proposed with a low retaining wall separating it from the front yard parking area. Meeting rooms at the ground floor would remain the same, and on the first floor it is proposed to provide a larger 1 one-bedroom and 1 two-bedroom unit. On the second floor and in the roof extension another two-bedroom unit is proposed. The treatment of the proposed front elevation with side extension and rooflights would match the existing property. To the rear elevation, a large rear roof extension is proposed set in from the sides and eaves and clad in zinc with two rooflights. To the side elevation 5 new windows and rooflights are proposed to be installed and to the south elevation 2 new windows and a rooflight are proposed.

The application received 3 objections from local residents in regards to overlooking, scale of the dormer and being overdeveloped with further extensions.

Highways were consulted and were satisfied with a proposal, subject to conditions.

Officer's view on the principle of the development is that it would increase the size of the existing one-bedroom unit which is considered an improvement, that design is acceptable and sensitive to the character of the property, that there are no parking issues and no material issues to local neighboring amenities.

Cllr Copley asked for clarification of paragraph 6.8 whether it can be established or not if the use is lawful.

The presenting officer clarified that there was no planning permission, but Council Tax has been paid for several years and on balance officers are satisfied that the use has likely been in place for 4 years and would be lawful.

Cllr Copley raised concern about loss of family sized three-bedroom property and what policy we have to protect those units.

The presenting officer clarified that policies are against subdivision of houses, and flats are not protected.

Cllr Paschoud asked for clarification on which windows are overlooking and what kind of rooms are behind those windows, and if they are stairways or bathrooms.

The presenting officer outlined which windows would potentially overlook the neighbouring property.

Cllr Rathbone asked for clarification on paragraph 6.33 and whether new units would meet required standard sizes.

The presenting officer clarified that the existing one-bedroom unit does not meet required size, but the enlarged unit proposed would.

Cllr Johnston-Franklin raised concern on lack of amenity space and increase in accommodation and it seems not to be considered as part of the proposal from developers.

The presenting officer clarified that there was no amenity space attached to the existing property.

The committee received verbal representations on behalf of the applicant, Richard Martin, member of Forest Hill Friends Meeting House and the architect Nicholas Jamieson. Richard highlighted their involvement with the community and work with groups helping refugees. Meeting rooms on the ground floor are used by a wide variety of groups for mutual support and afterschool activities. Meeting House is very active with families and children who are part of the church and the objective of this application was to use empty space above the meeting area and to make that available for housing in the local community and in order to improve the quality and quantity of the housing offered. It was important to separate the housing which led to the need for a staircase. Meeting House is looking to generate income from the flats that will be needed to support society friends. Furthermore, it was highlighted that the society has a strict approach to maintenance of their buildings and all their properties are subject to maintenance every 5 years.

Cllr Kelleher raised two questions, first on the noise impact, and second on whether the housing would be for low-income members.

Richard Martin clarified that their meetings are held quietly, that activities in their meetings don't involve noise, that activities are not happening late in the evening and that they will take interest in who would rent the flats. Furthermore, Richard clarified that in terms of rental intention, at the moment they are looking into a number of alternatives and they will set the policy.

Cllr Clarke (Chair) highlighted that rentals are not within the scope of planning committee.

The committee received verbal representations on behalf of the local residents, Jason Kee and Paul Bolger, owners of property at 32 Sunderland Road.

Cllr Clarke (Chair) asked for clarification of overlooking issue.

Jason clarified that the proposed north elevation window on far right, is overlooking directly on their patio and hallway, one large window at the bottom is 3.75m opposite our bathroom, velux window looks directly into bathroom and that placement of proposed windows is perfectly opposite.

Cllr Bourne asked about which room is to the far right and the presenting officer clarified that it is a kitchen and that that window will be obscured glazed.

Jason furthermore explained that they don't object to the proposal in principle, but they object to the proposed fenestration and rooflight. They further propose that the rooflight could be moved to the east facing roofslope and that the far right kitchen window is superfluous as that space already has another three windows. Bathroom windows need to be open in the summer and for ventilation and therefore, they are recommending a condition on the proposed windows to be obscured glazed and fixed shut only to provide light into the staircase.

Cllr Paschoud asked if some windows don't have conditions, and if we could put a condition on them to be obscured glazed.

Jason Kee clarified that the stairway windows don't have a condition.

Cllr Clarke (Chair) clarified that neighbours want those windows to be fixed shut as well and that stairways need some ventilation.

The presenting officer clarified that it can be added as condition that windows are obscured glazed and fixed shut to a set level with fanlight opening.

Jason Kee added that the rooflight should be obscured glazed too.

Cllr Paschoud highlighted that there should not be any changes to move rooflights to the front elevation.

Cllr Clarke (Chair) asked the applicant and architect whether they would accept the stairway windows being obscured and fixed shut and what comment would they have on the rooflight.

Architect Nicholas Jamieson clarified that windows on the stairways have to be openable by fire regulations to vent the smoke out, and in order to protect privacy there are other solutions and agreed for the rooflight to be obscured glazed.

Cllr Clarke (Chair) proposed to put a condition on the stairway windows and rooflight to be obscured glazed and there will be no condition on limiting their opening.

Cllr Paschoud moved the vote for the application to be approved, with the additional restrictions on the windows conditioned. This was seconded by Cllr Muldoon.

Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve application DC/18/106214 subject to condition on stairway windows and rooflight at the north elevation to be obscured glazed.

5. 51 Bargery Road, SE6

The presenting officer highlighted that this application was deferred at the last committee. Officers negotiated with the applicant to remove the gable end window and instead insert a rooflight on the side gable roofslope.

Cllr Paschoud clarified that at the last committee meeting the applicant was asked to revise the proposal which is now done and moved the vote for the application to be approved. This was seconded by Cllr Muldoon.

Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve application DC/18/105821.

6. Unit 2 Grosvenor Court, Adenmore Road, SE6

The presenting officer outlined that these are two applications, one full application and one advertisement consent for the installation of a new shopfront and ATM, at the Catford Green development, between Catford and Catford Bridge stations, at the front elevation of the ground floor unit. The proposal is retaining the shopfront as it was approved in the original application, with installation of an ATM and change of width of the sliding door. It would be a Sainsbury's shop with their typical signage. The ATM would include CCTV above it. To the side elevation there is no proposed change to the previously approved shopfront. To the rear elevation, next to the service area 2 ventilation louvres are proposed.

The application received 3 objections from local residents in regards the ATM may attract anti-social behavior and advertisement light may disturb sleeping at night.

Highways were consulted and raised no objections.

Officer's view is that proposed illumination levels are low and acceptable.

Cllr Rathbone added that inclusion of retail was originally part of the development, and any future resident was aware of that.

Cllr Kelleher added that the corner sign is small in size and its light would not affect residents above.

Cllr Johnston-Franklin raised question about the location of the ATM and if that location would be unsafe for people trying to take their money out.

The presenting officer pointed out that the area around the ATM is open and the ATM includes lightning and CCTV.

Cllr Bourne moved the vote for the application to be approved. This was seconded by Cllr Copley.

Members voted as follows:

For: Councillors Copley, Adefiranye, Clarke (Chair), Anwar, Bourne, Johnston-Franklin, Kelleher, Muldoon, Paschoud, Rathbone.

Against: None

Vote was unanimous.

RESOLVED: Approve applications DC/18/108247 and DC/18/108259.

7.1 Tyrwhitt Road, SE4

The presenting officer highlighted that this is an application for the change of use and conversion of the ground floor unit from A1 retail to a residential unit and alterations to the shop front. The property is located on the eastern side of Tyrwhitt road, in the Brockley Conservation Area and is subject to an Article 4 Direction. It is a three-storey Victorian property with retail unit at the ground floor that operated as an off-licence shop and has been vacant since July 2017. There are some existing shops nearby on Loampit Hill.

It is proposed to convert the retail unit to a two-bedroom flat at the ground floor with an extension to the rear. A front yard would be established with boundary treatment. The first and second floors are proposed to remain as existing with only window replacements. At the front elevation, elements of the traditional shopfront would be retained and restored with some obscured glass inserted.

The application received 2 objections, 1 from a local resident and 1 from The Brockley Society in regards lack of justification for change of use and loss of employment.

The presenting officer outlined that the applicant did not submit marketing evidence, but they submitted a viability statement to justify the loss of the retail unit and on balance it is considered acceptable to justify the change of use. In regards to design, reinstating timber sash windows is an improvement, the front boundary treatment would be in keeping with local character, the standard of the accommodation is good and there would be no negative impact on neighbours.

Cllr Johnston-Franklin recalled that the property was under offer for a long time, so it could have been a restriction for people who may have wanted to occupy it as a business in that very viable situation.

The presenting officer clarified that they only have confirmation that the occupiers were out of business for some time.

Cllr Adefiranye pointed out that Tyrwhitt road is a residential road in the Brockley Conservation Area and that this proposal would be harmful, front wall details should be looked at in more detail and that Brockley Society is one of the biggest consultees for the Council and they were concerned about loss of employment.

The presenting officer clarified that it is officer's opinion that the proposed front boundary treatment fits in well with existing properties but it is possible to condition some of those details.

Cllr Kelleher shared concerns raised with Cllr Johnston-Franklin and asked for clarification on a large garden behind and if access is restricted.

The presenting officer showed drawings and Cllr Clarke (Chair) confirmed that there is no garden, it is an outdoor space.

The committee received verbal representations on behalf of the applicant, Jo Townshend, architect and agent of Mr and Ms Patel who own the building for 30 years and they have an ongoing interest in the property. They are aware of community concerns, they have worked with officers to redesign the proposal from the first application. Hard work was put in to be respectful of the tradition of the shopfront and providing what would be someone's home. The previous occupier who was leasing the property had struggled with viability, they tried to market the property and it wasn't considered to be viable. They consider that DM 16 relates to a parade of shops and this is one shop sitting on its own, behind the main busy parade, where most successful shops are and it doesn't attract the same level of interest. There is a shop on the corner that has been empty and has a much better location. The application would provide good quality accommodation in the area with a good PTAL rating.

Cllr Rathbone raised a question on how many commercial agents were approached to market the property. The agent did not have an answer.

Cllr Adefiranye raised concerns on the fact that the original scheme had a solid wall and brick panels, and it is replaced with railings and that the location of cycle storage and bins has moved.

Cllr Clarke (Chair) pointed out that there is a viability report and even viable businesses can close, and this property appears not to be too far from the parade to be considered isolated.

The agent clarified that the unit was an off-licence shop, and that new retail stores had taken away trade from the property and that the corner property has been empty for a long time.

Cllr Clarke (Chair) pointed out that it is difficult to discuss the corner property as there is no sufficient information.

The committee received verbal representations on behalf of the Brockley Society, Clare Cowen, the chair of the Society who asked for refusal of the change of use and that there is nothing to indicate that this property has been properly marketed. The proposed boundary treatment is acceptable as are the upstairs windows changed to sash windows. The area is dependent on these shops on the outskirts. The corner shop will be a deli, the owner confirmed it will be opened by Christmas. The whole area is going through changes with new developments and units like this are an asset to the community. The Victorian shopfront cannot be used as a residential front.

Cllr Anwar commented that no one will close their shop if it is making money and that residential rent is much lower than commercial rent.

Cllr Rathbone pointed out that the current business is not viable and it has not been marketed and proposed to defer this application so that the applicant can provide more viability justification.

Legal officer Kheng Chau clarified that officers recognized that the property was not marketed and consultations were carried out as a departure.

Cllr Clarke (Chair) pointed out that main issues here are loss of retail, loss of employment, change of use.

Cllr Johnston-Franklin went back to the point of assumption of viability, as there is development of viable businesses in the area.

Cllr Adefiranye stated that it is more rewarding to create jobs and that there is no proof that sufficient effort was made to market this property and proposed this application to be rejected, or to defer for additional proof of marketing.

Cllr Bourne drew attention to the fact that focus on employment is irrelevant if a property has been empty for a year and that property owners would know what they can or cannot do.

Cllr Clarke (Chair) asked if a motion to suspend standing orders could be moved. Cllr Rathbone moved to suspend standing orders. Cllr Kelleher seconded. Standing orders were suspended at 9.59pm.

Cllr Copley moved the vote for the application to be rejected for lack of marketing and loss of retail unit. This was seconded by Cllr Johnston-Franklin.

Members voted as follows:

For: Councillors Copley, Johnston-Franklin, Adefiranye, Clarke (Chair), Kelleher, Rathbone

Against: Anwar, Bourne, Muldoon, Paschoud

RESOLVED: Refuse application DC/17/104231 for change of use from retail unit (Class A1) to residential unit (Class C3) for reason of loss of commercial space and employment.

8. 93-99 Ladywell Road, SE13

The presenting officer highlighted that this is an application for a three storey new development with 256 sqm flexible commercial use ground floor space with cycle and refuse storage. It is located on the north side of Ladywell Road within a local parade. Previously it was used as a petrol station with a canopy and there is a single storey building to the rear. The existing buildings would be

demolished and the proposed ground floor would provide a flexible commercial area. The residential entrance is on the left side of the plan. At the first floor 4 one-bedroom units and on the second floor 3 two-bedroom units are proposed. The front elevation has similar height to adjacent buildings with 4 gables and terraces in between for the 2 bed flats. The design reflects the existing positive character on Ladywell road. The building would have a mansard roof and to the rear a projecting bay includes a stairwell with bay windows are also proposed. Proposed materials are brown brick, velux rooflights system and dark zinc mansard roof with aluminium windows. The addendum report covers revision of drawings and an additional condition relating to PV panels.

The application didn't receive any comments from local residents and received one objection from The Ladywell Society in regards of overprovision of commercial units, design and materials. The Ladywell Traders Group prefer smaller businesses in the area.

Highways and TFL raised no objections.

Officer's view is that the scheme would be acceptable in principle, it would contribute to the local parade and would remove an unsightly feature from the area. The proposed residential units would meet minimum standards of accommodation. It would be a car free development with high public transport accessibility. The development would not result in significant harm to the neighboring amenities.

Cllr Johnston-Franklin pointed out that zinc is proposed and raised a concern that this development is setting a precedent, because there was no use of zinc previously in the conservation area and that there may be alternatives in material choice.

The presenting officer clarified that we do see zinc in many conservation areas and that it is a modern and very durable material and it would be used on the roof only and that policies look for a materials to be complementary to the existing context, rather than prescribing that they match.

Cllr Paschoud pointed out that Ladywell Tavern, just on the other side of the road has a good amount on the zinc on its roof.

The committee received verbal representations on behalf of the applicant. Alex Wythe, architect and Jack Southon, who clarified that this would be a sustainable development, replacing a dreadful area, providing residential and commercial units that are designed to be flexible in the future. In terms of materials they are willing to discuss conditions. Alex Wythe explained that this development is a modern interpretation of conservation area with zinc as a modern alternative to lead, with specially designed bay windows at the rear to avoid impact on the neighbors. In terms of materials, they are willing to discuss and condition them.

Cllr Kelleher highlighted the previous case with concerns on viability of retail use.

Alex Wythe clarified that Ladywell is a vibrant area with no vacant shops and the proposed ground floor is a flexible space. With the location being in a flood zone 2 it wouldn't be possible to put residential units on the ground floor.

Cllr Johnston-Franklin raised a question on overlooking at the back and impact in terms of daylight.

Alex Wythe clarified that windows closest to the rear properties would be opaque and other windows are positioned at an angle to prevent overlooking. Mr Southon further clarified that there is a report for daylight and sunlight.

The committee received verbal representations on behalf of The Ladywell Society. Geoffrey Thurley, committee member of The Ladywell Society pointed out that the design is not sympathetic to the Ladywell area, that the proposed color of bricks is too dark, that the front gables are not as soft as on the adjoining buildings, that space for terraces at the front could be incorporated within the internal space, that black zinc is not a material used in the area and that tiles or grey slates could be more appropriate. Material for windows cannot be aluminum as windows at adjoining buildings are single glazed. The Ladywell Traders Association raised concerns that Class A1-A3 units could have

detrimental impact on the viability of the parade. There is already a good variety of Class A1 units. There is no gym in the area and no viability survey has been carried out and it is not clear from the proposal whether divided commercial units would be fitted with separate toilets.

Cllr Rathbone highlighted that there is already a condition in place for materials.

Cllr Copley pointed out that the design is in keeping with the area and moved a vote for the approval of the application.

Cllr Paschoud commented that this constitutes a sustainable development and is not bad enough to be refused and that respect is given to the Society for bringing up design details and seconded the vote.

Furthermore, Cllr Paschoud raised an issue over having this most significant application last on the agenda when it is late and where design details concerns are being presented from The Ladywell Society.

Cllr Clarke (Chair) asked Cllr Paschoud about which points should be further covered.

Cllr Paschoud highlighted issues about the design and proposed to make the applicant work with society and those concerned as they seem to be open to some flexibility when it comes to materials.

Cllr Anwar agreed with Cllr Paschoud and proposed condition that no big superstores like Tesco should be allowed in proposed commercial units.

The presenting officer clarified that it is not possible to restrict the occupier, only the use.

Cllr Adefiranye supported Cllr Clarke (Chair) to allow for more time to discuss many elements of this proposal.

The presenting officer clarified that design in conservation areas is the main concern, and that in officer's view this is a good quality design and fits well with the character of the area. The detailing and materials would be discussed with conservation officers at the approval of details stage and, if Members were minded, these condition applications could be brought back to committee.

Cllr Rathbone pointed out that conditions on materials are already attached.

Cllr Paschoud clarified that his concern was relating to the late hour for discussing the most important application with the most extensive impact on public realm, expressed his agreement with planning officers and that it seems that the developer could be trusted to resolve issues over materials.

Councillors were reminded that there was a motion on the table.

Cllr Copley moved the vote for the application to be approved. This was seconded by Cllr Paschoud.

Members voted as follows:

For: Councillors Copley, Anwar, Bourne, Muldoon, Paschoud, Rathbone.

Against: Clarke (Chair), Adefiranye, Johnston-Franklin, Kelleher

RESOLVED: Approve application DC/18/107234.

The meeting ended at 22.50.

15th November 2018.

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Committee	PLANNING COMMITTEE B	
Report Title	1 Waldram Park Road, London, SE23 2PW;	
Ward	Forest Hill	
Contributors	Jeremy Ward	
Class	PART 1	10 th January 2019

Reg. Nos. **DC/18/106467**

Application Dated: 23 March 2018

Applicant: Mr Srikrishna SJS Garages Limited

Proposal: The demolition of the existing building and the construction of a part 4, part 5, part 6 storey building to accommodate an 89 bedroom hotel (use class C1) with ancillary restaurant and bar at ground floor level, and the provision of a 180 square metre convenience store (use class A1) at ground floor level, together with associated landscaping, provision of a disabled parking space and drop-off parking spaces, servicing bay, cycle storage and refuse storage at 1 Waldram Park Road, SE23 (amended description).

Plan Nos: 061-A-000-A2-000: 061-A-001-A2-000: 061-A-010-A2-000: 061-A-000-A2-011: 061-A-000-A2-100: 061-A-000-A2-101: 061-A-000-A2-102: 061-A-000-A2-103: 061-A-000-A2-104:061-A-000-A2-105: 061-A-000-A2-106: 061-A-000-A2-110: 061-A-000-A2-120:061-A-000-A2-200: 061-A-000-A2-201:061-A-000-A2-202:061-A-000-A2-203:061-A-000-A2-204:061-A-000-A2-210:061-A-000-A2-300:061-Waldram-Final Design And Access Statement;:Transport Statement: Framework Construction Management::Planning Statement: BREEAM Specifications.

061-A-205-A1-100 (E-W Section WPR frontage) received 12 October 2018; 061-A-500-A2-000 (Proposed External Plant) received 15.10.18; Design and Access Statement Addendum (External Plant) received 15.10.18.; 061-A-206-A1-100 Proposed Section C-C (received 20.11.18)

Background Papers: (1) LE/548/1/TP
(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)

Designation: PTAL 3
PTAL 4
Local Open Space Deficiency
Major District Centre
Not in a Conservation Area
Not a Listed Building

1. 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 are 3 or more valid planning objections.*

2.0 Site & Surroundings

- 2.1 The application site is a 1,070sqm corner site located at the junction of Waldram Park Road (South Circular Road) and Stanstead Road and is approximately 50 metres from the eastern pedestrian access to the Forest Hill railway station. The site is immediately adjacent to the Forest Hill (BT) Telephone Exchange that occupies a three-storey building (although those storeys are generous in -height) fronting onto the South Circular Road and a two-storey building / ancillary depot with buildings to the north of varying size and scale.
- 2.2 Stanstead Road is a residential street, with 2.5-storey houses to the west of the site. To the south and west of the site are small mixed commercial / residential buildings on Perry Vale and the South Circular Road.
- 2.3 The existing building is a single storey retail convenience store occupied by the Co-op, with parking to the south and west of the building.
- 2.4 Forest Hill is a District Hub in the Local Plan, including the District town centre and the immediate residential neighbourhoods (Spatial Policy 3) and there are specific objectives for the development of Forest Hill to support its development and improvement. The site has a PTAL rating of 4. In addition to Forest Hill station there are several bus stops in the immediate area. Stanstead Road has a segregated cycle way running along the east side along the frontage of this site.
- 2.5 The site is not within or adjacent to a Conservation Area nor are there any listed buildings on or near the site.

3.0 Relevant Planning History

- 3.1 The site was previously in use as a petrol station until a change of use to an A1 supermarket in 1996.
- 3.2 Pre-application meetings have been held relating to the redevelopment of this site over the past two years..
- 3.2 Other recent planning history includes minor applications to do with advertisements, plant and servicing. These are not relevant to this application.

4.0 Proposed Development

- 4.1 The applicant seeks permission for the demolition of the existing single-storey building and erection of a predominantly five-storey building comprising an 89 bedroom hotel (all doubles or twins including six accessible rooms) with ancillary bar / restaurant (155sqm) at ground floor and new Co-Op convenience retail store (180sqm), without on-site parking, of equivalent size to the existing store. Ancillary works to the public realm will result in the provision of a wider pedestrian realm and loading bays / coach drop-off bays on the South Circular and taxi / short-term parking

/ a disabled parking bay on Stanstead Road.

Siting, scale and massing

- 4.2 The building would be in a V-shape sited between the Forest Hill Telephone Exchange and Stanstead Road on the north side of Waldram Park Road, extending north along the Stanstead Road frontage to the site boundary with the telephone exchange buildings. Much of the building would be five storeys with a small sixth storey on the corner of the site.
- 4.3 The building would have a maximum height of 18.9m to the top of the partial sixth floor. The general building height to the top of the fifth floor is 16.4m. On the Stanstead Road frontage the fifth floor is recessed from the elevation by 3.8m, meaning the Stanstead Road shoulder height (to the top of the fourth floor) will be 13.4m.
- 4.4 The majority of the site area would be built up, though at the rear some external space for customers would be provided. Frontage building lines would be such that a more generous pedestrian realm, as well as functional transport-related space (loading, parking and disabled parking) could be accommodated along with the planting of street trees.

5.0 Consultation

- 5.1 This section outlines the consultation carried out by the applicant prior to submission and that by the Council following the submission of the application and summarises the responses received.

Pre-Application Consultation

- 5.2 The applicant carried out public engagement in accordance with the recommendations of the Council's Statement of Community Involvement (SCI). The applicant issued 380 letters to neighbouring properties informing them of a public information event being held on 21st February 2018 on the first-floor function room at *The Signal Pub* on nearby Devonshire Road. Nine people came to the event, with seven people being positive about the proposal. Concerns included the possible loss of the Co-op store, parking, impact on amenity, visual prominence. Two people felt that the hotel would reduce the noise impact of the South Circular on their home. Design and Access Statement excerpts were emailed to attendees.

Application consultation

- 5.3 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted *Statement of Community Involvement*.
- 5.4 Site notices were displayed on 25/04/2018 and letters were sent to 73 neighbouring properties of residents and business in the surrounding area, the relevant ward Councillors, the Forest Hill Society, internal Council consultees and external statutory consultees.

Responses from Councillors & MPs

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

5.6 No responses received at the time of writing this report.

Written responses received from local businesses

5.7 No responses received to date.

Written responses received from Local Residents

5.8 Twelve written submissions were submitted in relation to this application. One of these was supportive and eleven were objections to the proposal. The issues raised in the objections can be summarised below:

Table 1: Issues raised by Local Residents

Sub-Issue	Para. reference
Proposed development welcomed in principle and provide a much needed improvement to the area;;	n/a
<ul style="list-style-type: none"> • No general car parking • Number and location of disabled space; Loss of On-street parking and increase in overspill Increased levels of traffic Bus stops in this location could be considered dangerous;	See 7.5: Transport Impact / Car Parking / 7.5.1 See 7.6: Transport / Street Design Issues / 7.5.1-7.5.6
<ul style="list-style-type: none"> • Harmful impact on air quality 	See 7.10: Air Quality / 7.10.4
Harm of loss of retail store	See 4.0 Proposed Development / 7.2: Principle of Development / 7.2.1
<ul style="list-style-type: none"> • Scale of the building is out of character with the area 	See 7.3: Design Quality / 7.3.5-7.3.13
<ul style="list-style-type: none"> • Scale of the building will have negative impacts on living conditions of neighbours including harmful loss of daylight and sunlight, privacy 	See 7.6: Impact on Adjoining Properties / Daylight, Sunlight and Overshadowing
<ul style="list-style-type: none"> • Elevations and detailing 	See 7.3: Design Quality / Architectural Treatment 7.3.13-18
<ul style="list-style-type: none"> • Question need for a hotel 	See 7.2: Principle of Development / 7.2.4-7.2.6

<p>Concerns about hours of operation, , dust and noise during construction.</p>	<p>See 7.6: Impact on Adjoining Properties / Hours of Operation</p> <p>See 7.5: Transport / Construction Impact / 7.5.18</p>
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Maintenance of the property	Not a planning matter.
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Local Planning Meeting

5.9 A Local Meeting was held on 22 August as more than ten objections were submitted in relation to this application. The meeting was held at the Friends Meeting House on Sunderland Road, chaired by Councillor Susan Wise and attended by the applicant / their team and two members of the public. The meeting explored the above issues raised by residents.

Responses from External Consultees

5.11 The following responses have been received from external consultees.

Consultee	Response	Paragraph
Thames Water	Requested conditions and two informatives be added to any planning permission regarding water network.	See 7.7: Sustainability and Energy
Met Police (Designing out crime)	No objection – SBD condition recommended	
London Fire and Emergency Services	No comments received at time of writing this report.	
Transport for London	TfL support the car-free nature of the scheme and welcomes the inclusion of a blue badge parking space and set down bays on Stanstead Road which is away from TLRN. Subject to agreeing a traffic regulation order and s278 agreement TfL would not object to this application being granted.	See 7.5: Transport impacts

Table 2: Issues Raised by External Consultees

Responses received from Internal Consultees

5.12 The following responses have been received from LB Lewisham internal consultees.

Transport & Highways

5.13. No objections subject to planning conditions and obligations (see Section 7.6, below).

Environmental Protection

5.14.No objections subject to conditions including contamination, noise and plant.

Drainage

5.15 No objection subject to conditions including Drainage Strategy (SUDS) and Living Roofs.

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).
- 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 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

Policy 2.15 Town centres

Policy 3.8 Housing choice

Policy 3.14 Existing housing

Policy 4.1 Developing London's economy

Policy 4.5 London's visitor infrastructure

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. As such, this document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are listed below and discussed within the report. These are limited to policies that are materially different to existing London Plan policies. The emerging London Plan policies relevant to this application are:

GG2 Making the best use of land

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

D1 London's form and characteristics

D2 Delivering good design

D12 Agent of change
D13 Noise
E10 Visitor infrastructure
SI13 Sustainable drainage
T1 Strategic approach to transport
T5 Cycling
T6 Car parking
T6.4 Hotel and leisure uses parking
T6.5 Non-residential disabled persons parking
T7 Freight and servicing
T9 Funding transport infrastructure through planning
DF1 Delivery of the Plan and Planning Obligations

6.11 The *London Plan* SPGs relevant to this application are:

- [Sustainable Design and Construction](#) (April 2014)
- [Character and Context](#) (June 2014)
- [Town Centres](#) (July 2014)
- [The control of dust and emissions during construction and demolition](#) (July 2014)
- [Accessible London: Achieving an Inclusive Environment](#) (October 2014)
- [Culture & Night Time Economy](#) (November 2017)

Lewisham Core Strategy (June 2011)

6.12 The Core Strategy ([webpage here](#)) spatial and specific policies most relevant to this application are:

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 3 District Hubs

CS8 Sustainable design and construction and energy efficiency
CS14 Sustainable movement and transport
CS15 High quality design for Lewisham
CS21 Planning obligations

Development Management Local Plan (November 2014)

6.13 The Development Management Local Plan ([webpage here](#)) policies most relevant to this application are:

DM 1: Presumption in favour of sustainable development
DM 2: Prevention of loss of existing housing
DM 11: Other employment locations
DM 12 Hotels
DM 13 Location of main town centre uses
DM 14 District centres shopping frontages
DM 15: Neighbourhood local centres
DM 16: Local shopping parades and corner shops
DM 22 Sustainable design and construction
DM 23 Air quality
DM 24 Biodiversity, living roofs and artificial playing pitches
DM 25 Landscaping and trees
DM 28: Contaminated land
DM 29: Car parking

DM 30: Urban design and local character
DM 35: Public realm

Planning Obligations Supplementary Planning Document (February 2015)

- 6.17 This document ([webpage here](#)) 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 ([webpage here](#)) 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: (add / delete as necessary)

- Principle of Development
- Design Quality
- Standard of Accommodation
- Transport Impact
- Impact on Adjoining Properties
- Sustainability and Energy
- Air Quality
- Planning Obligations

7.2 Principle of Development

- 7.2.1 The hotel and convenience retail store are acceptable in principle and considered a planning merit of the scheme.
- 7.2.2 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. 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*'.
- 7.2.3 Forest Hill is designated as a **District Hub** in the *Lewisham Core Strategy 2011* (Spatial Policy 3: District Hubs and CS6: Retail Hierarchy) and in DM13 of the Development Management Plan 2014.
- 7.2.4 Policy 4.1 of the London Plan seeks to promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London. This includes London's visitor economy, with Policy 4.5 seeking to ensure that proposals support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors. As part of this, the Mayor of London seeks to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10% should be wheelchair accessible. In light of this, planning decisions should support and encourage the development of good quality budget category hotels.

- 7.2.5 Currently, Lewisham has few hotels and the borough has a small tourism sector, it is however highly connected to Central London with a number of high profile tourist attractions on the periphery of the borough. Therefore, there is an opportunity to encourage tourists to use Lewisham as a base for exploring attractions elsewhere, with new hotel developments helping to cater for both business and leisure needs as well as stimulating the local economy. Wider benefits include an increase in the number and variety of local jobs and an increased market for local businesses through both employees and visitors, including supporting the evening economy. In light of this, DM Policy 12: *Hotels* states that the Council will encourage the provision of hotels in appropriate locations, with a preference given to those in highly accessible sections of town centres, in close proximity to train stations or other locations where there is good public transport access.
- 7.2.6 In line with the above policy framework, the Council is supportive of the development of hotels within the borough. The application site, which is in a district town centre and a highly accessible location due to its very close proximity to Forest Hill Station, is considered to be an appropriate location for the development of a new hotel. The principle of the proposed hotel use is therefore supported. The application documentation confirms that the proposed hotel is aimed at a London-wide visitor business / tourism market and that the location adjacent to Forest Hill station suits this market.
- 7.2.7 The proposed development also seeks to re-provide the A1 retail convenience (*Co-Operative*) supermarket at the ground floor level fronting onto 1 Waldram Park Road. This is considered to be in line with Spatial Policy 3: District Hubs and CS6: Retail Hierarchy) and is supported in principle.
- 7.2.8 The proposed development would result in the creation of 13.5 additional Full Time Equivalent (FTE) jobs in relation to the hotel and the retention of the 13 FTE retail jobs on site, which is welcomed. [be clear if you identify this and other items above as a planning merit, and is so the weight you are giving it]

7.3 Design Quality

- 7.3.1 The proposed building would make a substantial positive contribution to the local townscape, due to its scale, position, detailing and materials.
- 7.3.2 Urban design is a key consideration in the planning process. *Chapter 12: Achieving Well-designed places* of the NPPF makes it clear that national government places great importance on the design of the built environment. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.3.3 London Plan Policies 7.1-7.7 (inclusive) and Policy CS 15: *High Quality Design for Lewisham* reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. CS15 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. Further to this, *DM Policy 30: Urban Design and Local Character* 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.

Layout

- 7.3.4 The proposed development provides a layout that is urban in character with building lines / frontages defining the edge of the street, broadly to the rear edge of pavement. The configuration pulls the building line of the whole block forward, towards the site boundary of Waldram Park Road, offering an approximately 2.5m wide strip of additional public realm between the building and the existing pavement. This repeats the pattern of the corner terrace 55-61 Waldram Park Road and 2-20 Sunderland Road, forming a bookend to the street.. The proposed building sits approximately 4.4 metres forward of the adjacent British Telecom building at the rear edge of footway, which itself has a characterless forecourt occupied by hard surfaces and dwarf wall to define the rear edge of pavement. The relationship of the proposed hotel to Waldram Park Road and the British Telecom building is considered to be appropriate given the context and objectives of the development.
- 7.3.5 The Stanstead Road frontage is also set-back to allow for the creation of a generous pedestrian realm and parking spaces. This proposed configuration does result in the loss of the dedicated cycle lane (see Transport, below).
- 7.3.6 The building on Stanstead Road extends to the site limit at its northern edge and similarly the eastern edge on Waldram Park Road.
- 7.3.7 The corner is emphasised appropriately by a building line that defines the corner boldly and leaves sufficient space to reflect the status of the corner and the building and to accommodate the flows of pedestrians passing and exiting the building. This more urban layout also reflects the other corners within the Forest Hill centre, including those immediately adjacent at the corners of Perry Vale and Waldram Crescent.

Form / Bulk / Scale / Massing

- 7.3.8 The proposed building would be five storeys along the eastern wing fronting Waldram Park Road, except for the corner feature, and a generous set back of the fifth storey gives the impression of four storeys along the northern wing fronting Stanstead Road. The scale onto Waldram Park Road reflects the scale and status of this key street, which is suitable for such an urban location. The east wing elevation is broken into three components: plinth (base), body (middle) and head (roof). This approach to the elevation has a number of benefits to the overall composition and in reducing the overall bulk of the building fronting onto this key street. The head (fifth storey) is recessed by 80cm, meaning that the shoulder height of the building is to the top of the fourth storey, resulting in an elegant composition. The plinth has a colonnade, which roots the building on the site, creates a human scale at ground floor level, and differentiates this from the overall elevation, meaning that the main elevation reads as floors one-to-four. This composition is considered both appropriate and acceptable.
- 7.3.9 The greater set back of the fifth storey on the northern wing increases the perception that the shoulder height is the top of the fourth storey. This reflects the reduced status and scale of Stanstead Road. This is considered acceptable.
- 7.3.10 The proposed six-storey corner element has been designed to provide a focal building volume at this fulcrum of the building and prominent corner for the benefit of the marking the hotel building, the corner itself and providing an urban scale to mark

the edge of the Forest Hill centre.

- 7.3.11 In light of the above, the proposed building is considered to be acceptable with regards to form, scale and massing.

Architectural Treatment

- 7.3.12 The proposed facades reinterpret the architectural language of the historic context of Waldram Park Road and Perry Vale: the mixed use typology with commercial ground and residential upper floors (here hotel bedrooms), the tripartite division of plinth (base) – body - head (roof), divided by horizontal string courses; the simple material palette of buff brick and painted plaster/concrete for detailing and ornament.
- 7.3.13 The public facing elevations are broken down and given a human scale by the combination of the ground floor colonnades and the vertical variations in the size and arrangement of windows.
- 7.3.14 The colonnade is an architectural device; it is not intended to create a covered walkway between its pillars and the glazed facade behind.
- 7.3.15 The eastern flank of the east wing would have windows and variations in materials to add visual interest and avoid a blank façade, The northern flank wall of the north wing follows a similar architectural language with solid masonry and concrete panels to emulate window openings to provide interest to the elevation, and narrow windows serving the hallway and side windows to single bedroom on each floor. The courtyard elevations follow the same architectural language as the main elevations.

Materials

- 7.3.16 The choice of materials consists of a limited palette of durable materials that reflect the context of the area and other materials traditionally used in local architecture. The proposed brick for the development is a distressed multi-buff in warm pale-yellow/grey tones. Feature elements will be expressed in reconstituted stone or concrete: as 150mm thick ring beams in between the floors and as recessed lintels above doors and windows.. Windows, railing and rainwater pipes would be in bronze coloured PPC metalwork. This palette is considered acceptable and would contribute to the high quality architecture proposed..
- 7.3.17 Locations for appropriate signage in discrete locations have been identified. A planning condition is recommended to require details of signage for approval.
- 7.3.18 In light of the above, the proposed development is considered to be of a high standard of design that would make a positive contribution to this part of the borough. This is a planning merit to which significant weight is afforded.

External space

- 7.3.19 A Landscape Masterplan is submitted with the application that sets out the applicants proposed public realm configuration and treatment, including the following elements:
- Waldram Park Road – loading bay / coach drop-off, five bike stands, five street trees and 2.5m footpath.
 - Corner – pedestrian crossing, bench / planter, tactile surfaces at crossing points and additional small street tree;
 - Stanstead Road - 3 taxi / disabled bays and 4m footpath.
 - Proposed materials are concrete products with granite setts / kerbing on Waldram Park Road.

The nature of that proposed is generally acceptable but will be the subject of the

s278 Agreement to agree the final design and deliver the proposed upgrade.

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)).
- 7.4.2 The scheme proposes to accommodate 89 rooms on the site, all in the form of double bedrooms. There are no prescriptive policy requirements for hotel room sizes or mix besides the requirements in relation to wheelchair accessibility (discussed below). The rooms would be of varying sizes, ranging from 17.8sqm to 27sqm accessible rooms.
- 7.4.4 These room sizes exceed budget-sized hotel rooms (see recent 133 Deptford High Street scheme) significantly and are considered to be acceptable. The purpose-built hotel is also equipped with suitable ground floor ancillary services to ensure that the hotel meets the expectation of the market and provides reception, bar and restaurant facilities. The stated hotel operator would be Holiday Inn.
- 7.4.5 Based on the arrangement and articulation of the building, including floor layouts and window/ light well positions, Officers are satisfied that the building would be a high quality hotel offering. It is however vital in terms of supporting the overall regeneration of the town centre that the quality of this type of use is secured in operational terms as well as design, especially with regards to preventing a more hostel type offering. This also includes the 'active' use of the ground floor of the building which is crucial to the compatibility of the proposed building in its primary shopping frontage/ town centre location.
- 7.4.6 In light of the above, the quality of the proposed hotel accommodation is considered to be acceptable.

7.5 Transport Impact

- 7.5.0 The applicant's transport statement (prepared by ADL Traffic & Highways Engineering Ltd) concludes that the site is suitable for the proposed development as it is well connected by public transport to Central London and it would be car free, therefore generating minimal traffic movements.

Car Parking

- 7.5.1 The scheme proposes no off-street parking. Three on-street parking bays are proposed: one for disabled users and two for short stay drop off/pick up. This is acceptable, subject to a Traffic Regulation Order being agreed.
- 7.5.2 The Council, in line with the *London Plan* and *NPPF* policies, takes a restrictive approach to private car parking provision in order to promote use of sustainable modes of transport. Parking should comply with the standards of the *London Plan*, as shown in Table 6.2 of the *Parking Addendum*. All developments that generate significant amounts of movement should be supported by a *Transport Statement* or *Transport Assessment*. The *London Plan* also favours sustainable transport modes where it is reasonable to decrease the need to travel by car. This is in order to reduce traffic congestion and the environmental impacts of car use. This is achieved through promoting cycling through the provision of storage space, improve pedestrian routes were necessary, supporting the use of public transport through

travel plans and preventing excessive parking through the maximum standards provided.

- 7.5.3 *Core Strategy Policy 14* states that a managed and restrained approach to car parking provision will be adopted to contribute to the objectives of traffic reduction while protecting the operational needs of major public facilities, essential economic development and the needs of people with disabilities. The car parking standards contained within the *London Plan* will be used as a basis for assessment.
- 7.5.4 The site has a PTAL of 4 and is therefore in a sustainable location, and is well located in terms of access to public transport, and the parking survey included within the transport statement that accompanied the planning application has demonstrated that there is sufficient capacity on-street to accommodate the parking demand generated by the proposed development.
- 7.5.5 It is proposed to provide one disabled parking bay and two short stay parking spaces for drop off by guests and taxis on street for the hotel on Stanstead Road. This would comply with policy Table 6.2: Car Parking Standards of the *London Plan* which requires at least one on or off-street disabled parking bay for non-residential development.
- 7.5.6 It is proposed that the loading bay on Waldram Park Road (see below) could also be used for occasional coach drop off.

Access, Servicing & Refuse Collection

- 7.5.7 The Delivery and Servicing Plan application document identifies that the hotel would generate a minimal number of servicing and delivery trips during peak hours. The hotel operator is however required to make all reasonable endeavours to encourage the use of smaller and more efficient delivery vehicles. DM Policy 29 requires new development to have no negative impact upon the safety and suitability of access and servicing. Access & servicing is proposed to be undertaken from a new loading bay to be formed off Waldram Park Road. This is acceptable subject to a condition securing a Delivery and Servicing Plan (DSP).
- 7.5.8 The refuse and recycling store, shared by the hotel and the retail store, is at the rear of the courtyard, out of sight from the courtyard facing bedroom windows. On collection days the bins would be moved to a holding area behind the service entrance. Refuse vehicles will stop in the allocated loading bay. Bins will be trolleyed from the holding area to the collection vehicles. Refuse collection will be at specified times agreed with the local authority in the DSP. Sufficient refuse and recycling capacity would be provided for both uses.

Cycle Parking

- 7.5.12 Cycle parking standards are set out in Table 6.3 of the Parking Addendum to Chapter 6 of the *London Plan*. The proposed development would provide 15 cycle parking spaces, 10 on the street and five in a secured cycle parking bay on-plot), meeting the standards.
- 7.5.14 A planning condition is recommended to secure further details regarding the type of cycle stands and ensuring they are provided prior to first occupation.

Street design issues

7.5.15 The Highways and Transport Office raise a number of important matters that will need to be addressed by the development of this site by means of a s278 agreement via condition / Planning Obligation, including:

- A Traffic Regulation Order;
- A *s278 Highways Act* agreement to deliver the loading bay on Waldram Park Road and the Stanstead Road improvements set out in the Site Landscape Plan, Design and Access Statement and other documents, including: creation of short-stay parking and disabled parking bays, the closure of vehicle crossovers, removal of cycle lane, widening of footway / construction of a raised planter, planting of street trees, installation of cycle signage, and other associated reinstatement works;
- A s38 Highways Agreement to adopt the new footway on Waldram Park Road (TfL)
- A Road Safety Audit - Given the reduction in the visibility splays along Waldram Park Road/Crescent (as a result of the building line moving forward) a Road Safety Audit of the proposed loading bay is required. The development shall not be occupied until the recommendations made in the approved Safety Audit document are addressed in full. The applicant will be required to undertake reasonable endeavours to implement the recommendations within the Audit. Where recommendations are not implemented an Exemption Report should be provided.

7.5.16 Planning conditions relating to the following matters will also be recommended:
A financial contribution for the installation of Legible London signs in Forest Hill town centre;

- Installation of cycle signage on Stanstead Road / Waldram Park Road;
- Further details of the proposed *Delivery and servicing plan*;
- Further details of the proposed *Construction Management Plan*;
- Details of the proposed cycle storage and bin storage;
- Provision of a *Travel Plan*; and
- Improvements works to the cycling infrastructure on Stanstead Road and on Perry Vale between the applications site and Forest Hill station

7.5.17 The Transport and Highways Officer has agreed to the principle of omitting the contra-flow cycle lane on Stanstead Road in order to allow the footpath to be widened from 2m to 2.8m on Stanstead Road to ensure that the pedestrian realm is generous and street trees are can be located on the Stanstead Road frontage, as proposed in the planning application. This has been agreed to, providing the applicant make a financial contribution to works specified in the s278 agreement above. This to include delivery of the upgraded pedestrian realm around the site and additionally install cycle signage to encourage the use of Stanstead Road as a contraflow cycle lane within the existing street

corridor, for which there is space.

7.5.18 The Highways and Transport Office have also requested that a raised table be constructed at the mouth of Stanstead Road in order to provide a safe pedestrian –crossing environment and connect both side of the street in the form of a hotel foyer space, this being to compensate for the loss of the contra-flow cycle lane. The applicant vehemently objects to this proposal on the following grounds, principally that the carriageway has already been raised so the pedestrian crossing point is nearly level and that any further raising of the carriageway would be of limited planning benefit as there would be minimal benefit to pedestrians. The applicant is happy to cover the cost of cycle signage to compensate for the loss of the contra-flow cycle lane. The development proposal (Site Landscape Plan) already includes improvements to the pedestrian environment/public realm on Waldram Park Road. On balance Planning Officers have not included the requirement to provide a raised table at Stanstead Road as additional highway works due to the disputed need for them. The applicant has agreed to all other works.

7.5.19 **Transport for London (TfL)** – TfL support the car-free nature of the scheme and welcomes the inclusion of a blue badge parking space and set down bays on Stanstead Road which is away from TLRN. The site is within an acceptable walking distance of Forest Hill station which is served by London Overground and National Rail services. The Transport Assessment (TA) predicts that the proposed development would result in a total of 55 two-way trips being generated in the AM peak and 85 in the PM peak. This is estimated to represent a decrease of 7 and 18 trips in the AM and PM peaks respectively in comparison to the current land uses which has 11 parking spaces on the site. It is therefore expected to reduce the impact on the TLRN, although a traffic regulation order will need to be agreed with TfL for the proposed loading area on Waldram Park Road. A section 278 agreement will need to be entered into with TfL as highway authority for the proposed changes to the site. The cycle provision proposed is 10 short stay and 5 long stay cycle spaces for the hotel and commercial units which is in line with draft London Plan requirements. Clarification is needed on whether the applicant is planning on retaining the physical separation between parked cars and the contraflow cycle track on Stanstead Road? It would be advisable to retain it.

7.5.20 Subject to agreeing the following TfL do not object to the granting of this application:

- A Traffic Regulation Order;
- A s278 Highways Act agreement to deliver the Waldram Park Road improvements set out in the Site Landscape Plan, Design and Access Statement and other documents, including the closure of vehicle crossovers, provision of loading / coach parking bays, construction of a raised table, provision of street trees, widening of footpaths, and the provision of cycle parking stands);
- A S38 Highways Agreement to adopt the new footway on Waldram Park Road (TfL);
- Given the number of accidents recorded in the vicinity of the site, and the reduction in the visibility splays along Waldram Park Road / Crescent as a result of the building line moving forward, a Road Safety Audit of the

proposed loading bay is required, and the applicant will be required to undertake all recommendations identified in the audit.

7.5.21 TfL also request that a number of informatives be added to any permission:

- The footway and carriageway on Waldram Park Road must not be blocked during the installation. Temporary obstructions during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Eastern Avenue. All vehicles associated with the installation must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>

Construction Impact

7.5.22 A planning condition will be recommended to be imposed to ensure the submission of a *Construction Management Plan for the council's approval*, that will be expected to detail the number and type of vehicles, mitigation measures for dust and noise, safety implications and length of construction period (among other matters). The statement would also be expected to address proposed demolition works.

Summary of Highways matters

7.5.23 The Highways and Transport Office have also requested that the construction of a raised table be provided at the . The scheme would make adequate provision for private vehicles, taxis and coaches. Loading and deliveries would be carried out off-street. The scheme would not have an appreciable impact on the local highway network. The loss of part of the dedicated cycle path is regrettable however on balance the merit of the improvements to that part of Stanstead Road would outweigh the harm to cycling infrastructure.

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 a distance of 21 metres, however it also outlines that this must be interpreted flexibly, taking into account the height of buildings.

Daylight, Sunlight and Overshadowing Assessment

7.6.5 With regards to daylight and sunlight impacts of the proposed development, a *BRE Daylight/Sunlight Report* has been submitted which outlines the findings of a comprehensive study of the impact of the proposed development on the relevant windows / rooms in all of the surrounding residential properties. The BRE guidelines are to be applied flexibly according to the context of each application site and the nature of its context. The following neighbouring residential properties were assessed for Daylight and Sunlight:

- 2 Perry Vale (upper floor windows 1-4); and
- Residential living spaces at Stanstead Road (see Figure 1, below) – i.e. non-residential spaces excluded from assessment:

Figure 1: Stanstead Road windows assessed.



Daylight

7.6.4 In accordance with BRE Guidance, the assessment of daylight is based on the calculation of the Vertical Sky Component (VSC) (or in layman’s terms – diffuse daylight light) 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.

7.6.7 The assessment has the following conclusions:

- The impact on 2 Perry Vale is minimal and levels exceed the threshold of 27% VSC;
- The only windows within 1A-13B Stanstead Road that have an existing VSC that exceeds 27% are the dormer windows. These all have post-development values that exceed the minimum.

- All of the other windows in this group of buildings have pre-development values that are less than the 27%. The post-development values are all within a difference range of 0.4%-2.0%, apart from 1A Stanstead Road, which has a difference of 3%. The relative difference in VSC is considered to be acceptable and well within the tolerances of change in an urban environment. This is particularly the case given the site is effectively a void at the moment in terms of VSC, as it has a single-storey structure on a small portion of the site. It is reasonable to expect development on the site to happen and that this would have some impact on VSC.

Sunlight

- 7.6.7 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.
- 7.6.8 All windows have post-development values that exceed the minimum Annual Probable Sunlight Hours and Winter Probable Sunlight Hours. The development therefore is considered to be acceptable in terms of impact on Sunlight.

Overshadowing

- 7.6.10 No open spaces/gardens would be overshadowed therefore further analysis is unnecessary.

Outlook

- 7.6.11 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.
- 7.6.12 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.
- 7.6.13 The development is considered to be of an acceptable scale in relation to its context and the potential impacts on neighbouring properties. The Waldram Park Road elevation has a general building height of 16.3m compared to a street width of 25m between facing elevations. The Stanstead Road elevation has a shoulder height of 13.7m compared to a street corridor width of 16.8m between facing elevations. Neither of these street-facing elevations are considered to present an unacceptable scale of development within the context of the Waldram Park Road and Stanstead Road street corridors..

Privacy

- 7.6.12 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.

7.6.15 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. The distance on front elevations should reflect local context.

7.6.16 The nearest dwelling to the rear of the hotel is 2 Stanstead Road. There are two windows on the north elevation (one to a corridor and one to a single bedroom) of the north wing. The separation between these and 2 Stanstead Road exceeds 21 metres and therefore presents an acceptable relationship without undue impact on privacy.

Hours of Operation

7.6.17 The stated hours of operation of the development (hotel and A1 retail) is 7am to 11pm (07:00 to 23:00). This is considered reasonable given the location of the development site in central Forest Hill and the proximity to adjacent live uses in close proximity. As both building access points are on Waldram Park Road, the strategic South Circular and not on the residential Stanstead Road, it is the Officer's view that the hours of operation should be extended to midnight, even if the operators do not want to utilise this initially. This will be done by planning condition. The principal customers of the hotel bar are most likely to be those staying at the hotel.

Summary

The scheme would not result in material harm to the living conditions of neighbours.

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. Policy 5.7 requires the use of on-site renewable technologies, where feasible. New major non-residential development must achieve a 35% on-site reduction of carbon emissions beyond Part L of the Building Regulations 2013 (the Target Emission Rate, or TER)

7.7.3 The onsite reduction in regulated CO2 emissions over the TER would be 63.3%. The applicant has stated that their strategy to reduce energy consumption / carbon production is to utilise Combined Heat and Power, VRF air source heatpumps and building fabric / spec investments.. This achieves 63.3% site wide savings at the 'be lean' stage through the integration of Combined Heat and Power (CHP) systems and VRF air source heat pumps, as well as high levels of insulation and glazing, low air flow tightness, energy saving controls for space and lighting. Officers consider the sustainability appraisal and energy strategy to be efficient for the site.

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 72.2%, thereby achieving 'excellent' status. This would need to be secured by planning condition.

Table 3: Renewable Energy provision

Total output (Kw)	CO2 reduction (%)
Building fabric / spec	4.8%
CHP	51.4%
VRF air source heat pumps	7.1%
Total Generating power (Kw)	
CO2 reduction as % of total emissions	63.3

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 A living roof is proposed, planted with a sedum and herbaceous wild mix. This is acceptable and a condition is recommended to ensure it is installed correctly.

Sustainable Urban Drainage Systems

7.7.8 Core Strategy Policy 10: *Managing and Reducing the risk of flooding* provides the principal policy basis for sustainable urban drainage systems within Lewisham by reducing the risk of flooding and end employing the best drainage system that can practically be provided on the site. Sustainable urban drainage strategies (SUDS) offer an alternative approach to drainage in developed areas taking into consideration long term environmental and social factors.

7.7.9 The existing site is entirely covered by the supermarket and its surrounding hardstanding for servicing and car parking. The proposed scheme will reduce any surface water runoff from the site.

7.7.10 A *Surface Water Drainage Strategy* (Simpson, July 2018) has been developed for the site that incorporates SUDS in the form of green (living) roofs and a below ground storage tank. The strategy would ensure that surface water runoff is discharged at a rate that does not adversely affect flood risk whilst also providing sufficient capacity for excess runoff to be stored and attenuated on site up to and including the 1 in 100 year storm return period with 40% allowance for increase in peak rainfall intensity over the lifetime of the development. The post-development run-off rate will be approximately 10% lower than the pre-development run-off rate as a brownfield site. .

7.7.11 Thames Water advise that with regard to water network infrastructure capacity they do not have any objection to the planning application in principle, subject to the developer following the sequential approach to the disposal of surface water

7.7.12 Nevertheless, Thames Water has identified an inability of the existing combined water infrastructure to accommodate the needs of this development proposal; they request a planning condition so the development shall not be occupied until this is resolved. Local water supply is adequate.

Site Contamination

7.7.14 DM Policy 28: Contaminated Land of the *Development Management Local Plan* (2011) provides the policy basis for assessing development proposals in terms of site contamination. The application is supported by an Environmental Desk Study, which concludes further environmental investigation is required to verify current site conditions.

7.7.15 Lewisham's Environmental Protection Officer has assessed the evidence submitted and requests that the standard Site Contamination planning condition is added.

7.8 Ecology, Trees & Landscaping

7.8.1 The existing site / pavements have no street trees / planting. The ecological value of the site is low. The development proposal would enhance the ecological value and aesthetic value of the site by:

- planting six small and one medium-sized trees on Waldram Park Road and Stanstead Road; and
- planting trees in the hotel courtyard; and the provision of a living (green) roof.

7.8.2 The proposed soft landscape strategy is considered acceptable in principle from an ecological and aesthetic perspective. The provision of street trees would be secured via a s142 licence granted under the *Highways Act 1980* and in doing so would meet the Council's duties in respect of s.197 of the *Town and Country Planning Act 1990* (as amended).

7.9 Flood Risk

7.9.1 The site falls within Flood Zone 1, where flooding from rivers or sea is very unlikely. There is less than a 0.1 per cent (1:1000) chance of flooding occurring each year. This presents an acceptable flood risk and no further analysis is necessary.

7.10 Air Quality

7.10.1 The Air Quality Assessment (prepared by Gem Air Quality Ltd) assesses the impacts of air pollution in relation to construction and vehicle emissions. It concludes that construction impacts can be mitigated by best practice measures and these should form part of the Construction Management Plan. Vehicle-related air pollution (PM₁₀ and NO₂) are all well within the target objectives and the impacts are considered to be acceptable (negligible / low) in this location.

7.10.2 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.

7.10.3 *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.

7.10.4 In response, an 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.

7.10.5 An *Addendum to the Air Quality Assessment* (received 11.12.18) confirms that the impact of the CHP across the proposed development is not considered to be significant as the predicted increase in concentrations will not result in the annual mean objective exceeding 60 µg/m³, meaning the short-term objective (applicable to hotels) across the proposed development will not be exceeded.

7.10.6 The Council's Environmental Health officers have reviewed the document, and have confirmed they are satisfied with the conclusions reached, subject to a condition to secure a Construction Management Plan to cover all aspects of development including demolition.

7.11 Local Finance Considerations

7.11.1 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).

7.11.2 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 payable on this application. The likely CIL payment associated with this development would be in the region of **£303,240** on the basis of a net increase of 2888sqm on site. An informative would be added to the decision notice advising the Applicant to notify the Council when works commence. This amount includes the Mayor of London CIL (£202,160 approx.) and the LB Lewisham CIL (£101,080 approx.).

7.12 Equalities Considerations

7.12.1 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.

7.12.2 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.

7.12.3 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.

7.12.4 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>

7.12.5 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

7.12.6 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>

7.12.7 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.

7.13 Human Rights Implications

7.13.1 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

7.13.2 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.

7.13.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 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.

7.13.4 This application has the legitimate aim of providing a new building with employment uses. It is considered that this development proposal does not interfere with the

above human rights.

7.14 Planning Obligations

7.14.1 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

7.14.3 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.'

7.14.4 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.

7.14.5 The Planning Obligations SPD states that the Council requires a contribution of £530 for each new job / dwelling. In this case, the contribution would be **£7,155** on the basis of employment on site increasing from 13 jobs to 26.5 jobs (i.e. a net increase of 13.5 FTE jobs), which will be secured in the S106.

Transport & Public Realm

7.14.6 The applicant will be required to enter into a *s278 Highways Act* Agreement with LB Lewisham (the Highways Authority) to undertake works to Stanstead Road. This will be to deliver:

- A Traffic Regulation Order;
- A *s278 Highways Act* agreement to deliver the Stanstead Road improvements set out in the *Site Landscape Plan, Design and Access Statement* and other documents, including: creation of short-stay parking and disabled parking bays, the closure of vehicle crossovers, removal of cycle lane, widening of footway, planting of street trees, construction of raised planters, installation of cycle signage on Stanstead Road, installation of cycle parking stands, and other minor works;
- A *s38 Highways Act* Agreement to adopt the new footway on Waldram Park Road (TfL)

7.14.7 The applicant will also be required to enter into a *s278 Highways Act* Agreement with Transport for London (TfL) relating to works to Waldram Park Road (the South Orbital). This will be to deliver:

- A Traffic Regulation Order;

- A s278 Highways Act agreement to deliver the Waldram Park Road improvements set out in the *Site Landscape Plan, Design and Access Statement* and other documents, including the closure of vehicle crossovers, provision of loading / coach parking bays, provision of street trees, widening of footpaths, and the provision of cycle parking stands;
- A s38 Highways Agreement to adopt the new footway on Waldram Park Road (TfL).

Carbon Offset Payment

7.14.8 In accordance with the *London Plan*, as this development achieves the target of a 35% reduction on Part L of the Building Regulations then the development is not liable to a carbon-offset payment.

Monitoring Costs

7.14.9 Table 6.1 of the *Lewisham Planning Obligations SPD 2015* stipulates that there are three bands of monitoring charges:
 Type 1 - Standard clauses - £500 per item;
 Type 2 – Non-standard clauses requiring assessment - £750 per item
 Type 3 – Non-standard complex clauses - TBD

7.14.10 The Proposed s106 Planning Obligation involves the monitoring of six Type 1 clauses, and therefore the proposed fee for this will be **£3,500**.

Planning Obligations Conclusion

7.14.10 Officers consider that the obligations outlined above (and listed in Table 4, below) 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)*.

Table 4: Planning Obligation summary

<i>S106 Item</i>	<i>Agreement sum within s106</i>
Local Labour	£7,155
S278 Agreement with London Borough of Lewisham	£0
Traffic Regulation Order	£0
S38 Highways Agreement	£0
S278 Agreement with Transport for London	£0
Traffic Regulation Order	£0
S38 Highways Agreement	£0
Carbon Offset Payment	£0
Monitoring Costs	£3,500
Total	£10,655

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 the proposed hotel / retail mixed use scheme at 1 Waldram Park Road will offer a hugely positive contribution to Forest Hill as a designated

District Hub. In addition to contributing to London's visitor economy, it is considered to provide wider benefits to the local area, including local employment opportunities, a boost to Forest Hill's evening economy and major urban design benefits by developing what is effectively a gap site on Waldram Park Road with a building of high architectural quality that offers significant urban design benefits to the site and its context. The proposed building is expected to introduce a prominent addition and help frame the Forest Hill centre in a location immediately adjacent to the railway station to enhance the sense of arrival to a key location.

- 8.3 In light of this, and for the reasons outlined within this report, the proposed development is considered to be acceptable, subject to the proposed conditions and legal agreement.

9.0 Recommendation A1

- 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 at Table 4, Section 7.14 above:-

OR:

Subject to no direction being received from the Secretary of State for Housing, Communities and Local Government or the Mayor of London, 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 at Table 4, Section 7.14, above

Conditions

- 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:

061-A-000-A2-000: 061-A-001-A2-000: 061-A-010-A2-000: 061-A-000-A2-011:
061-A-000-A2-100: 061-A-000-A2-101: 061-A-000-A2-102: 061-A-000-A2-103:
061-A-000-A2-104:061-A-000-A2-105: 061-A-000-A2-106: 061-A-000-A2-110:
061-A-000-A2-120:061-A-000-A2-200: 061-A-000-A2-201:061-A-000-A2-
202:061-A-000-A2-203:061-A-000-A2-204:061-A-000-A2-210:061-A-000-A2-
300:061-Waldram-Final Design And Access Statement:Transport
Statement:Framework Construction Management::Planning
Statement:BREEAM Specifications.

061-A-205-A1-100 (E-W Section WPR frontage) received 12 October 2018;
061-A-500-A2-000 (Proposed External Plant) received 15.10.18; Design and
Access Statement Addendum (External Plant) received 15.10.18

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.

Construction Management Plan

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
- (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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 or phase of development (including demolition of existing buildings and structures, **except where enabling works for site investigation has been agreed by the local planning authority**) shall commence until :-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been

complied with in relation to the new contamination.

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

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

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

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

5. (a) Notwithstanding the details hereby approved, no development prior to completion of the superstructure shall commence until detailed plans at a scale of 1:20 showing windows / doors / balustrades / 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.

6. No development **above ground** shall commence on site until a detailed schedule and specification/samples of all external materials and finishes / windows / grilles 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.

7. (a) **Prior to installation**, plans and sectional details at a scale of 1:10 or 1:20 showing the proposed shop fronts **shall be** submitted to and approved in writing by the local planning authority. Such information should demonstrate the location of the fascia sign, any shutter/grill box, the window system, the stall riser (if included), canopies, awnings and the entrance..
- (b) The development shall be constructed in full accordance with the approved details.

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

the proposal and to accord with *Policy 15 High quality design for Lewisham* of the *Core Strategy* (June 2011) and *Development Management Local Plan* (November 2014) DM Policy 19 Shopfronts, signs and hoardings.

8. (a) Details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior the **completion of above ground works** of development hereby approved.
- (b) The approved details shall be carried out in full prior to occupation of each phase of development and retained thereafter.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, 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).

- (a) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

9. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with the plan nos. *061-A-106 Roof Plan*, *061-A-300 Section* and *the Design and Access Statement*, a detailed specification and 1:20 sectional drawings to be provided prior to commencement of the fit-out of the superstructure for the approval by the local planning authority.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

10. (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).

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

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the *Travel Plan* for the site and to comply with Policy 14 Sustainable movement and transport of the *Core Strategy* (June 2011).

12. 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).

Hours of Operation

13. (a) The A1 Retail Unit shall be open for business between the hours of 06:00 to 23:00 seven days per week;
- (b) Publicly accessible services (breakfast bar / restaurant / cafe / meeting rooms) at the hotel shall be open between the hours of 06:00 to 23:00 seven days per week;
- (c) The hotel shall be operational 24 hours per day for hotel guests only.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with DM Policy 26 Noise and Vibration, DM Policy 14 District centres shopping frontages, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the *Development Management Local Plan* (November 2014).

14. (a) Prior to occupation details of a proposal to upgrade the combined water infrastructure to accommodate the needs of the proposed development shall be submitted for approval by the Planning Authority;

(b) the combined water infrastructure shall be upgraded according to the approved details.

Reason: In order to ensure that the development can be adequately serviced by the available infrastructure and to ensure the provision of high quality visitor accommodation in order to comply with DM Policy 12: Hotel of the Development Management Local Plan (2014).

Signage locations

- (a) Details shall be submitted **prior to occupation** of the proposed locations / sizes of signage relating to the permitted hotel use and A1 convenience store use;
- (b) Signage shall be implemented according to that approved.

Reason: In order to ensure a high standard of design in the built environment and to comply with DM Policy 30: Urban Design and Local Character of the *Development Management Local Plan 2014*.

Lighting locations

- (c) Details shall be submitted **prior to occupation** of the proposed locations / specifications for external lighting;
- (d) Lighting shall be implemented according to that approved.

Reason: In order to ensure a high standard of design in the built environment and to comply with DM Policy 27: Lighting and DM Policy 30: Urban Design and Local Character of the *Development Management Local Plan 2014*.

Informatives

- 15. **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. On this particular application, positive discussions took place which resulted in further information being submitted. 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.
- 16. 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>
- A. The land contamination condition requirements apply to both whole site and phased developments. Where development is phased, no unit within a phase shall be occupied until a), b) and c) of the condition have been satisfied for that phase.

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

the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

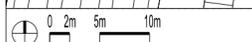
Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on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

- B. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- C. The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- D. Assessment of the sound insulation scheme should be carried out by a suitably qualified acoustic consultant.
- E. 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.
- F. It should be noted that all illuminated signage will be subject to a separate statutory Advertisement Consent process.
- G. *The footway and carriageway on Waldram Park Road must not be blocked during the installation. Temporary obstructions during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Eastern Avenue. All vehicles associated with the installation must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.*

No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>



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This drawing is for design purposes only. Do not scale from this drawing other than via scale bar. All dimensions are to be checked on site and any discrepancies noted in writing to PA. All dimensions are in millimetres unless noted otherwise. If in doubt ask the contract administrator. Copyright © 2018 Petroschka Architects Ltd

Rev	Date	Description

PETROSCHKA ARCHITECTS <small>Tradescant Court, 77a Tradescant Road, London SW8 1XJ TEL: 020 7582 4211</small>		1 WALDRAM PARK ROAD FORST HILL, LONDON, SE23 2PU PROPOSED SITE PLAN	
Dwg No:	061-A-011	Dwg Status:	Planning
Scale:	1:500@A2 or 1:1000@A4	Revision:	00
Job No:	061	Issue Date:	15.03.2018
Created on:	19.02.2016	Dwg by:	JMP
		Checked by:	JMP

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Committee	PLANNING COMMITTEE B	
Report Title	110 WOOD VALE, SE23 3DY	
Ward	Forest Hill	
Contributors	Catriona Morgan	
Class	PART 1	10 th January 2019

<u>Reg. Nos.</u>	DC/18/107209
<u>Application dated</u>	16.05.2018
<u>Applicant</u>	Rapleys LLP on behalf of The Property Unit Ltd
<u>Proposal</u>	The change of use and the construction of an additional storey to the existing vehicle repair garage (Use Class B2) at the land to the rear of 110 Wood Vale SE23, in order to provide 7no. self-contained residential units (Use Class C3) together with associated elevational alterations, landscaping, bin storage and visitor cycle parking stands.
<u>Applicant's Plan Nos.</u>	049-01; 049-02; 049-03; 049-04; 049-05; 049-06; 049-07; 049-08; 049-011 P1; 049-012 P1; 049-013 P1; 049-014 P1; 049-015 P1; :049-016 P1; 049-017 P1; 049-018 P1; 049-019 P1; 049-020 P1; 049-021 P1; 049-022 P1; 049-023 P1; Planning Statement (Rapleys LLP, April 2018); Heritage Statement (Rapleys LLP, April 2018); 049-DA-01 P1 Design and Access Statement (Un Fold Architecture and Design, April 2018); Transport Statement R01B (Markides Associates, May 2018); Daylight and Sunlight Study (Right of Light Consulting, April 2018); Lighting Strategy (Detail Light, May 2018) received 18th May 2018; 049-031 P1 received 30th August 2018; 049-010 P2 received 2nd November 2018.
<u>Background Papers</u>	(1) Case File LE/342/110/TP (2) Local Development Framework Documents (3) The London Plan (2016) (4) The NPPF (2018)
<u>Designation</u>	Existing B2 Use PTAL 2 Forest Hill Conservation Area Forest Hill Article 4 Direction
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application relates to a vacant industrial building located in a backland site to the rear of Nos 112–124 Wood Vale. The site is approximately 420m². The site is surrounded by residential properties on its northern, western and southern boundaries, however some of the buildings on Wood Vale retain some shops/commercial premises at ground floor. To the east of the site lies a large electricity substation with adjoining open land. The application site is accessed via a private driveway known as Moonlight Drive, located between Nos 110 and 112 Wood Vale.
- 1.2 The building is currently vacant, however it was formerly in use as a Motor Garage (Use Class B2). Officers understand that the building has been vacant since July 2015. It is not a designated employment site.
- 1.3 The site is flat and level, however the ground level increases to the east and slopes downwards to the west of the site. There is a difference of approximately 2 metres in the ground level between the application site and Buckley Close to the north, with the application site sitting at a higher level. The boundaries of the site are made up of a steel palisade fence to the eastern (rear) boundary, a close boarded fence to the northern boundary, and a tall brick wall to the western (front) boundary.
- 1.4 The majority of the site is located within Forest Hill Conservation Area and is subject to an Article 4 Direction. The site is within close proximity to the Horniman Nature Trail, which is allocated as a Site of Importance for Nature Conservation, Metropolitan Open Land and part of the Green Chain. There is one listed structure in proximity of the site, the K2 Telephone Kiosk outside No.112 Wood Vale, as well as a number of listed structures in Camberwell Old Cemetery which is located on the opposite side of Wood Vale.
- 1.5 The site has a PTAL rating of 1b, based on a scale of 0-6b with 6b having the highest degree of accessibility to public transport. Honor Park Station is approximately 17min walk, Forest Hill Station 20min.

2.0 Planning History

Application Site

- 2.1 DC/17/104929 - The change of use and the construction of an additional storey to the existing vehicle repair garage (Use Class B2) at the land to the rear of 110 Wood Vale SE23, in order to provide 7no. self-contained residential units (Use Class C3) together with associated elevational alterations, landscaping, bin storage and visitor cycle parking stands – Refused 08/03/2018.
- 2.2 The application was refused for the following reason:
- The increased height and bulk of the enlarged building, would materially worsen the existing relationship between the present building and No. 8 Langton Rise, giving rise to an unneighbourly, overly dominant and overbearing form of development, which when viewed from the rear windows and the rear amenity space of this property would considerably increase the sense of enclosure.

- 2.3 PRE/17/102809 – Pre-application advice sought concerning the change of use of the motor garage to 8 flats.
- 2.4 DC/04/056538 - The construction of a two storey building, to provide a garage workshop, spray shop, MOT testing bay, reception and office area on the ground floor and part of the first floor of 110 Wood Vale SE23 – Granted 03/04/2008.

3.0 Current Planning Applications

The Proposal

- 3.1 This application relates to the change of use and construction of an additional storey to the existing vehicle repair garage (Use Class B2) in order to provide seven self-contained residential units (Use Class C3) together with associated elevational alterations, landscaping, bin storage and visitor cycle parking stands.
- 3.2 The proposed additional storey, in the form of a mansard with dormers, would increase the height of the building by approximately 1.3 metres, bringing the total height of the building to approximately 8.8 metres. Parapet walls extending to 9.1m high would be constructed from yellow London stock brick.
- 3.3 The additional storey would also increase the height and alter the roof form of the north-eastern section of the building, from 5m to 6.5 metres in height.
- 3.4 The proposal would also incorporate two extensions to the front of the building, measuring approximately 1.9 metres in depth, 4.5 metres in width and 7 metres in height. They would have flat roofs serving as roof terraces for the flats in the additional storey extension.
- 3.5 The proposed elevations of the building would have a modern design approach and use contemporary materials. The additional floor and dormers would be dark grey zinc standing seam cladding. The walls would be constructed from yellow London stock brick. The windows and doors would be aluminium-framed and the roof would be a dark grey zinc.
- 3.6 The proposal would deliver seven residential units, comprising four x one-bedroom units, two x two-bedroom units and one x three-bedroom unit.
- 3.7 Access would be from the existing front forecourt and Moonlight Drive that leads to Wood Vale.
- 3.8 The application proposes 10 cycle parking spaces for the occupants of the residential units, located within a cycle storage room near the entrance to the building; four visitor cycle parking spaces in the front forecourt.
- 3.9 Refuse and recycling would be located along the western boundary of the forecourt.

Supporting Documents

- 3.10 During the application process, the applicant submitted additional information with regards landscaping and lighting of the front forecourt and the external amenity spaces of the ground floor flats.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to fifty-nine residents and business in the surrounding area, as well as the relevant ward Councillors in Forest Hill. The Council's Highways department, Environmental Protection department, Planning Policy Team and Conservation Officers were consulted. The Forest Hill Society were also consulted.
- 4.3 Five neighbouring properties and the Moore Park Residents Association have raised objection to the proposal.

Written Responses received from Local Residents and Organisations

- 4.4 The planning concerns raised by neighbouring residents are summarised below:

Overdevelopment of application site	Paras. 6.23 to 6.28
Overshadowing of rear gardens along Wood Vale	Paras. 6.62 to 6.69
Overlooking and loss of privacy to rear gardens along Wood Vale	Paras. 6.70 to 6.73
Increase in parking stress	Paras. 6.44 to 6.47
Impact on provision of daylight to properties along Wood Vale	Para. 6.74
Increased noise level as a result of the number of residential units proposed, as well as external terraces and increased use of Moonlight Drive	Para. 6.75
Proposal not in keeping with the character of the Forest Hill Conservation Area	Para. 6.25
Loss of unit suitable for employment	Paras. 6.6 to 6.9

Written Responses received from Statutory Agencies

- 4.5 Highways raised no objections to the proposal, subject to conditions in relation to the provision of a Waste Management Strategy, a Delivery and Servicing Plan and a Construction Management Plan.
- 4.6 The Planning Policy Team and Environmental Protection department have made no comments.
- 4.7 The Forest Hill Society have made no comment.

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.

5.3 S.72 of the Planning (Listed Building and Conservation Areas) Act 1990 gives Local Planning Authorities particular duties in respect of preserving or enhancing the character or appearance of Conservation Areas.

National Planning Policy Framework (NPPF) 2018

5.4 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.

5.5 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)'.

5.6 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)

5.7 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)

5.8 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). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, and does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to in this report. The policies in the current adopted London Plan (2016) relevant to this application are:

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 3.9 Mixed & Balanced Communities
Policy 4.4 Managing industrial land and premises
Policy 5.3 Sustainable design and construction
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 8.3 Community infrastructure levy

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 D7 Public realm
Policy H1 Increasing housing supply
Policy H2 Small sites and small housing developments
Policy H12 Housing size mix
Policy HC1 Heritage conservation and growth
Policy T5 Cycling
Policy T6 Car parking

London Plan Supplementary Planning Guidance (SPG)

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

- [Sustainable Design and Construction](#) (April 2014)
- [Accessible London: Achieving an Inclusive Environment](#) (October 2014)
- [Housing](#) (March 2016)

Core Strategy (June 2011)

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

Spatial Policy 1 Lewisham Spatial Strategy
 Spatial Policy 2 Regeneration and Growth Areas
 Core Strategy Policy 1 Housing provision, mix and affordability
 Core Strategy Policy 5 Other employment locations
 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
 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan (November 2014)

5.11 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:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 4	Conversions of office space and other B Use Class space into flats
DM Policy 11	Other employment locations
DM Policy 22	Sustainable design and construction
DM Policy 25	Landscaping and trees
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 28	Contaminated land
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

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 Core Strategy Policy 5 outlines that the Council will protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations. However, the policy also considers that other uses including residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.
- 6.3 DM Policy 4 supports this policy and states that the Council will support the conversion of office space and other B Use Class space into self-contained flats in the following circumstances:
- a. the proposal does not conflict with other policies in relation to employment floorspace (DM Policies 9, 10, 11)
 - b. the proposal meets the standards set out for residential development in DM Policy 32 (Housing design, layout and space standards)
 - c. the proposal achieves a good living environment with adequate access, parking and safety standards, refuse storage and collection arrangements.
- 6.4 DM Policy 11 requires when an employment or retail building does not propose job creation or retention as part of the proposal, the council will require evidence that a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent has been undertaken; reflecting the market value at the time. The London Plan SPG 'Land for Industry and Transport' (September 2012) considers the time period for this should be at least for two years.

Loss of the B2 Employment Unit

- 6.5 The application site has a lawful B2 use, and was previously in use as a Motor Garage however is currently vacant.
- 6.6 The application is supported by a number of letters from Kirklands Estate Agents in relation to the marketing of the site. A letter dated 9th October 2017 states that the building was advertised and marketed as an available commercial property from 31st July 2015 until 9th August 2017. The letter details that whilst some interest was generated in the building for use as a Motor Garage, this resulted in very few viewings, and none of the viewings proceeded further. The letter dated 9th October 2017 and a letter dated 30th October 2017 argue that the building was marketed without success, and notes a number of reasons why the site has proven to be unattractive to potential users. To summarise, this was due to its proximity to residential properties, a difficult access road (narrow with a 90 degree turn), and poor visibility with the property hidden from view.
- 6.7 Whilst not directly relevant to this proposal, part 1 of DM Policy 11 sets out a number of site characteristics and factors to be taken into account when assessing whether a B use is compatible with the surrounding built context. In their Planning Statement, the applicant has considered each factor in turn:
- The site is not well related to the highway network. Moonlight Drive is very tight and narrow with a sharp left-hand turn to access the site. It would be

impossible for two cars to pass each other, let alone a larger transit or light goods vehicle, or even a car transporter. Vehicles larger than a car would have difficulty negotiating the sharp left-hand turn, and if a pick up vehicle was towing a car to the site for repair, this would prove very problematic;

- The site is not located close to a town centre, and has a PTAL rating of 1b (very poor). It is not well located in relation to other shops, services and public transport;
- There is little potential for expansion of a business that might occupy the premises, given that the building encompasses almost the entire footprint of the application site. The only real possibility for expansion is to create more floorspace above the first floor, and this would not suit a B2 or light industrial user;
- The marketing exercise revealed that there was little substantive interest in the use of the site by other SME's;
- Again, the marketing details demonstrated that there was little interest as low cost accommodation suitable for small start-up businesses.

6.8 In light of the above, Officers accept that the building is not compatible with its surrounding built context. The marketing evidence submitted details that the use of the premises as a commercial unit is unattractive to potential users. As such, it is considered that the loss of the B2 unit within this predominately residential area is justified and would meet the requirements of Core Strategy Policy 5 and DM Policy 11 of the Development Management Local Plan.

Provision of a C3 Use

6.9 As outlined above, DM Policy 4 supports the conversion of B Use Class space into self-contained flats in certain circumstances. The proposal does not conflict with DM Policy 11, and therefore meets part a. of this policy.

6.10 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.

6.11 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).

6.12 The proposed development would result in the creation of seven new residential units, on a site that is located within a predominately residential area. As such, the provision of residential accommodation 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.

- 6.13 The proposal would make the most efficient use of the land in providing new residential units that would make a small but significant contribution to Lewisham's housing need. This is a planning merit to which moderate weight is given, accounting for the accessibility of the site.

Design

- 6.14 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.
- 6.15 Paragraph 185 of the NPPF states that new development within a Conservation Area should make a positive contribution to local character and distinctiveness. Paragraph 189 of the NPPF requires a significant weight to be given to the conservation of designated heritage assets and noted that significance can be harmed or lost through unsympathetic development.
- 6.16 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.
- 6.17 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, which include conservation areas, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.18 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.
- 6.19 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 usedm appropriately and sensitively in relation to context.
- 6.20 DM Policy 36 aims to manage new development affecting designated heritage assets in a manner that sustains and enhances their heritage significance, including the contribution of their setting.
- 6.21 The Forest Hill Conservation Area appraisal refers to No.110 Wood Vale (once a hotel), as it provides a prominent focal point in the area in terms of scale and architectural detailing. The appraisal states that as a group with No.110, the Victorian terrace of No.s 112 – 122 make a strong impression on the streetscene.

Extensions and Alterations to Building

- 6.22 The northern elevation of the building is partially visible from Buckley Close. However, the views are highly limited and the application site is not visible from the wider public realm. The proposed additional storey extension would largely follow the footprint of the existing double-height workshop area. The additional floor would take the form of a mansard roof extension with dormer windows, with the flank elevations of the building extended upwards to form parapet walls.
- 6.23 The terrace row No.s 112 – 122 Wood Vale are three storeys in height, and No.110 Wood Vale is four storeys high including dormer windows in the roof. No.8 Langton Rise is two storeys in height and the buildings in Moonlight Drive (No.s 1 - 3 fronting Langton Rise) are three storeys in height including dormer windows in the roof.
- 6.24 When viewed from Moonlight Drive, the scale and massing of the proposed development would appear comparable and appropriate to the buildings along Moonlight Drive. Officers consider that, due to its height, the proposed development does not successfully reflect its subordinate position in relation to the frontage buildings along Wood Vale, which are in the Conservation Area. This notwithstanding, any harm to the Conservation Area would be minimal given its backland location.
- 6.25 Further it is considered that the use of a zinc-clad mansard roof with dormer windows helps to reduce the bulk and scale of the proposed extension and read as sympathetic to the buildings in the immediate vicinity.
- 6.26 When viewed from Buckley Close, the scale and massing of the proposed extension would appear appropriate in relation to the scale of the main part of the host building. Further, the setbacks of the extension from the northern and eastern elevations helps to reduce the bulk and scale of the proposed extension and read as a subordinate addition.
- 6.27 The two proposed front extensions are considered to be modest in scale given their depth, width and the fact that they would be no greater than two storeys in height. They are considered to be subservient to the host building and the walls of the extensions would be constructed from yellow London stock brick, similar to the existing.
- 6.28 Several windows would be installed. These would be grey finished metal framed units and the dormer windows would be zinc-clad.
- 6.29 The proposed alterations are of a contemporary design, adding visual interest to the existing building and enhancing its appearance while reflecting its proposed residential use.

Landscaping and Lighting of Front Forecourt

- 6.30 The applicant has submitted a landscaping and lighting plan for the front forecourt and external amenity spaces of the ground floor flats. The lighting would add to the perception of safety when accessing the site while not resulting in harmful glare or spill and is acceptable.

- 6.31 With regards hard and soft landscaping, Officers consider that enhanced soft landscaping should be introduced to soften the hard edges that surround the forecourt and increase permeability. These details can be secured by condition. Due to the historic use of the site, details of site investigation and remediation are recommended by condition to ensure the site is safe.

Summary

- 6.32 In accordance with paragraph 196 of the NPPF, the development would result in less than substantial harm and would have some limited wider public benefits in the provision of new homes to meet Lewisham's need while making the most efficient use of the site.
- 6.33 As such, the proposed roof extension is considered to be acceptable and would preserve the character of the Conservation Area.

Standard of Accommodation

- 6.34 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".

London Plan Policy 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. With regards to unit type and size, the development seeks to deliver four one-bedroom two person units, two two-bedroom three-person units and one three-bedroom five-person unit.

- 6.35 The proposed units would achieve the minimum Gross Internal Areas (GIA) and bedroom size thresholds. The level of storage provided is also policy compliant and floor to ceiling height would be in excess of 2.3 metres.
- 6.36 Four of the proposed units would not be dual aspect, however Officers acknowledge that the nature of the building means that this is not possible for all of the units; none of those units would face directly north (thus achieving acceptable daylight) nor any directly south (thus avoiding overheating).
- 6.37 Additionally, a number of bedrooms would be served by angled windows on the eastern elevation of the building. The rear boundary of the site is a 1.9 metre high metal railing fence, and this would be retained with the current proposal. However it is noted that these windows would be full-length and would be set back from the rear boundary of the site by approximately 0.75 metres. Further, the bedrooms served by these angled windows would be within dual aspect flats. Of more weight is the use of the site to the east: this is open land to the rear of the electricity substation. The likelihood of future development that would further hinder outlook is low. Therefore and on balance, Officers consider that in this

instance, the use of angled, full-length windows for bedrooms would provide an acceptable outlook.

- 6.38 The London Plan Housing SPG states that a minimum of 5sqm of private outdoor amenity space be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The private outdoor amenity space for each of the proposed units would meet this requirement. The terraces for the upper floor flats would be recessed within the elevations to ensure privacy to potential occupants.
- 6.39 Officers are satisfied the design and layout of the proposed flats would be suitable and the proposal would provide an appropriate standard of residential accommodation in accordance with the above policies.

Highways and Traffic Issues

- 6.40 Policy 6.1 of the London Plan (2016) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.
- 6.41 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.
- 6.42 The site is not well connected to the wider public transport network with a PTAL rating of 1b (very poor). It is more than 15mins walk to train stations. However, numerous bus services and day-to-day amenities are less than 5mins walk, so it is a suitable site for residential use.

Car Parking

- 6.43 The application does not propose any off-street parking spaces within the proposed development.
- 6.44 DM Policy 29 sets out criteria for the acceptability of new car limited major development.
- 6.45 The applicant has submitted a Transport Statement and parking stress survey with the application. The parking survey encompassed neighbouring roads surrounding the application site, namely Langton Rise, Underhill Road, Westwood Park and Wood Vale. The parking survey undertaken shows that there is sufficient unoccupied kerb length to accommodate an average additional 112 vehicles between 01:00-05:00 and an additional 83 vehicles at 10:00. The likely parking demand for the development, based on the most recent census car ownership data, would be for five car parking spaces. Therefore, Officers accept the evidence submitted demonstrates there is sufficient capacity to accommodate this additional demand. There are bus stops approximately a 1 minute walk from the

application site serving areas between Crystal Palace and Elephant and Castle and amenities within walking distance on Forest Hill Road.

- 6.46 Consequently, despite the application site having a low PTAL rating, there are no in principle objections to a car free development.

Cycle Parking

- 6.47 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.

- 6.48 The application proposes 10 cycle parking spaces for the residential units, which would be located within a cycle storage room near the entrance to the building. These spaces would be covered, secure and fully enclosed. The application also proposes four visitor cycle parking spaces in the front forecourt.

- 6.49 The proposed cycle parking is considered acceptable.

Access

- 6.50 The Transport Statement states that Moonlight Drive is a private cul-de-sac that provides access to the existing B2 unit and residential dwellings. The drive operates as a shared surface, with the only current vehicular reliance being that associated with the existing B2 unit given the existing residential units have no car parking.

- 6.51 The applicants have confirmed that Moonlight Drive has already benefited from improvements to the pedestrian environment as a result of the implementation of permission DC/14/089685. These improvements included resurfacing the route with gravel and installing lighting. The route benefits from natural surveillance via the existing occupied units on Moonlight Drive. The applicant has also submitted a proposed landscape and lighting strategy for the front forecourt of the application site, detailing how this area would be attractive and accessible for occupants of the proposed units. From a Highways perspective, these details are considered acceptable. Further details with regards soft landscaping can be secured by condition.

Waste Management

- 6.52 The application proposes that refuse and recycling bins for each residential unit would be stored along the western boundary of the front forecourt of the application site. On collection day, occupants would transfer bins to the same collection point used by existing residents on Moonlight Drive. Refuse vehicles would remain on the Wood Vale carriageway. The applicant has submitted a revised proposed site plan detailing that additional bins can be accommodated temporarily on Moonlight Drive on collection day, adjacent to the provision associated with the existing units without blocking pedestrian access on Moonlight Drive. A detailed Waste Management Strategy can be secured by condition.

Delivery and Servicing

- 6.53 The proposed development will generate some servicing activity, and details would be required of where loading activity associated with the proposed development would occur. These details would identify if waiting restrictions are required on Wood Vale to ensure the proposed development can be adequately serviced. A Delivery and Servicing Plan can be conditioned.

Construction Management Plan

- 6.54 Given the proximity of the existing residents who share the Moonlight Drive access with the application site, a Construction Management Plan is required. This can be secured by condition.

Impact on Adjoining Properties

- 6.55 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).
- 6.56 LP7.6(b)(d) requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing.
- 6.57 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 6.58 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.
- 6.59 The Council has published the Residential Standards SPD (2012) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.
- 6.60 The main properties to consider in an assessment of the impacts of the proposal upon residential amenities are No.s 112 – 126 Wood Vale, No. 11 Buckley Close, No.7 Moonlight Drive and No.8 Langton Rise.

Enclosure and Outlook

- 6.61 To the west, there are a row of outbuildings which separate Nos 112 – 120 Wood Vale from the application building. The building is set back from the rear boundaries of Nos 112 – 122 Wood Vale by approximately 17.8 metres and from the nearest rear elevation by at least 24 metres.
- 6.62 The site adjoins the rear boundaries of No.124 and No.126 Wood Vale. The building is set back 33 metres from the rear elevations of these properties.
- 6.63 Given the significant separation distances, it is not considered that the proposed extensions would be overbearing.

- 6.64 No.11 Buckley Close is approximately 11 metres to the north-east of the building, at an oblique angle. Given the separation distance and modest increase in the height of the roof, the extension is not considered to be overbearing.
- 6.65 No.7 Moonlight Drive, a recent construction, has a small rear garden located along the south-eastern boundary of the application site. The proposed additional storey would increase the height of the building along the side boundary of No.7 by approximately 1.4 metres. Given the existing relationship between the host building and No.7, Officers do not consider that the proposed development would have a materially harmful impact upon the occupants of No.7 to the extent that this scheme ought to be refused, when balanced against the merit of making the most efficient use of the site. Further, the submitted Daylight and Sunlight study confirms that the proposed development would not significantly worsen the results of the BRE overshadowing to gardens and open spaces test with regards to No.7 Moonlight Drive.
- 6.66 The site encloses the rear boundary and part of the side boundary of No.8 Langton Rise. The building is set back from the rear elevation of No.8 by approximately 8.5 metres.
- 6.67 The previously refused application (ref. 17/104929) proposed an additional storey extension to the building, however this extension proposed to cover the entire footprint of the host building. As a result the extension would have increased the height of the building along the side and rear boundaries of No.8, and Officers considered that this would give rise to an unneighbourly development. The current proposal has been revised so that the extension does not extend over the rear part of the building and therefore does not change the building along the rear boundary of No.8. As a result, Officers consider that the reason for refusal of the previous application has been overcome, as the extension would not significantly impact upon outlook from the rear windows of No.8, and there would be no material increase to the sense of enclosure.
- 6.68 The proposed additional storey extension would increase the height of the building along the side boundary of No.8 by approximately 1.8 metres for a depth of approximately 4 metres, however given the mansard roof form the roof would slope away from the neighbouring garden. Given the existing relationship between the host building and No.8, Officers do not consider that the proposed additional storey extension would have a materially harmful impact on the occupants of No.8 to the extent that this scheme ought to be refused, when balanced against the merit of making the most efficient use of the site.
- 6.69 In summary, the development would not, on balance, unacceptably enclose the outlook of neighbouring residents.

Privacy

- 6.70 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.
- 6.71 From the front elevation, the distances to Wood Vale properties exceed this distance.

- 6.72 The application proposes the installation of windows and doors and the provision of two terraces in the north-eastern elevation of the building. Given that No.11 and the other properties on Buckley Close are at an oblique angle to the application building, the proposal is not considered to result in a material loss of privacy or increased overlooking to neighbouring residents. The angled windows on the eastern elevation are sufficiently far also to not have an effect.
- 6.73 No windows are proposed that would affect No. 7 Moonlight Drive or No. 8 Langton Rise.

Daylight and Sunlight

- 6.74 The applicant has submitted a Daylight and Sunlight study produced by Right of Light Consulting, which assesses the impact of the development on the light receivable by neighbouring properties at No. 8 Langton Rise, No.7 Moonlight Drive and No.11 Buckley Close. The results of the study found that the proposed development would have a low impact on light receivable by the immediate neighbouring properties, and such impact would not be materially harmful. Further, the report confirms that the development design satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'. Officers do not contest the results of the survey and are satisfied the proposal would not materially harm the daylight and sunlight to adjoining properties.

Noise and Disturbance

- 6.75 Concerns have been raised by local residents in relation to the potential increase in noise resulting from the proposed development. The existing building could be used for general industrial uses without further planning permission. This fallback position has a far greater potential to generate harmful levels of noise and disturbance than a residential use. Officers consider that the proposed residential use would not generate a harmful degree of noise disturbance for other existing residential units in the area.

Sustainability and Energy

- 6.76 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.
- 6.77 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 6.78 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.

Environmental Matters

Contamination

6.79 DM Policy 28 aims to ensure that any land known or suspected of being contaminated is dealt with before the development commences, to minimise and mitigate any harmful effects to human health and the environment.

6.80 The site was previously used as a motor garage; this use indicates a risk of site contamination. Officers consider it is reasonable to condition further investigation to determine the contamination risks.

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. Where less than substantial harm has been identified, this is outweighed by the weight given to the planning merit of providing new homes and making the most efficient use of land. 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:

049-01;
049-02;
049-03;

049-04;
049-05;
049-06;
049-07;
049-08;
049-011 P1;
049-012 P1;
049-013 P1;
049-014 P1;
049-015 P1;
049-016 P1;
049-017 P1;
049-018 P1;
049-019 P1;
049-020 P1;
049-021 P1;
049-022 P1;
049-023 P1;

049-031 P1 received 30th August 2018.

049-010 P2 received 2nd November 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 **above ground** 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) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the **above ground** works.

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

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

5. (a) Details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development.

(b) The approved details shall be carried out in full prior to first occupation of development and retained thereafter.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, 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).

6. (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).

7. No development whatsoever 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 approved Construction Management Plan shall be implemented in full in accordance with the approved details. The plan shall cover:-

(a) Dust mitigation measures.

(b) The location and operation of plant and wheel washing facilities

(c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site.

- (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).
- (g) 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.
- (h) 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 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).

8. (a) No development or phase of development (including demolition of existing buildings and structures, **except where enabling works for site investigation has been agreed by the local planning authority**) shall commence until :-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

9. (a) Details of the proposed boundary treatments for the private gardens, including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.

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

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

10. All cycle parking spaces shall be provided prior to occupation of the development and thereafter retained as shown on drawing no. **049-11**.

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

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

12. The whole of the amenity space (including roof terraces and balconies) as shown on drawing nos. **049-11, 049-12, 049-13** hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

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.



PROPOSED SITE PLAN



NOTE:
 Do not scale. Figured dimensions only to be taken from this drawing. Dimensions are shown in millimeters unless noted otherwise. Check dimensions on site and report discrepancies to the Architect or Contract Administrator. Not to be used for Construction purposes unless stated.

This drawing is protected by copyright and may not be reproduced without the Architect's written permission. The design is site specific and may not be reproduced on any other site without the Architect's written permission.

All areas have been measured from current drawings. They may vary because of (eg) survey, design development, construction tolerances, statutory requirements or re-definition of the areas to be measured.

This drawing is to be read in conjunction with all relevant details and other consultants information for the project

P2	REFUSE BIN HOLDING AREA SHOWN	31/10/18
P1	REVISED FOR PLANNING RE-SUBMISSION	30/04/18

PLANNING ISSUE

THE WORKSHOP, MOONLIGHT DRIVE, SE23
 PROPOSED SITE PLAN (GROUND FLOOR)
 DEC' 2017
 1:200 @A3
 049-10

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 ARCHITECTURE + DESIGN

info@un-fold.co.uk
 www.un-fold.co.uk
 (+44) 02035192182 ©

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Committee	PLANNING COMMITTEE B	
Report Title	59 QUENTIN ROAD	
Ward	BLACKHEATH	
Contributors	JAN MONDRZEJEWSKI	
Class	PART 1	10 th January 2018

<u>Reg. Nos.</u>	DC/18/107273
<u>Application dated</u>	21.05.2018
<u>Applicant</u>	Mr Godfrey on behalf of Mrs King
<u>Proposal</u>	The construction of a single storey extension at 59 Quentin Road SE13.
<u>Plan Numbers</u>	JK/18/01; JK/18/02; JK/18/03; JK/18/04; Design & Access Statement..
<u>Background Papers</u>	(1) Case File LE/749/59/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) The London Plan (March 2016) (5) The NPPF
<u>Designation</u>	Blackheath Conservation Area Quentin Road Article 4 Direction PTAL 4

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:

Permission is recommended to be approved and there 4 separate letters of objection to the application to the application from two neighbouring properties.

2.0 Property/Site Description

- 2.1 No 59 Quentin Road is a ground floor flat with its own entrance onto the street. The upper two floors of the building comprise two flats numbered 57 and 57a and have a separate shared access directly onto the Street. As a result Nos 57/57a and 59 appear from the street to be 2 three storey dwellinghouses rather than three flats. The properties appear to have been constructed in the 1870s as a terrace of identical properties, occupying comparatively shallow plots. At the rear is a small amenity space shared by the ground and first floor flats which is effectively a pathway around the two storey back addition

belonging to the ground and first floor flats, with an external staircase giving the first floor flat at No 57 access to the yard. According to the Land Registry title deeds supplied by the occupier of No 57, who is an objector to the application, this rear yard lies within the demise of the lease for the first floor flat but is clearly shared by the occupiers of the downstairs flat at 59 who have an access onto this area. The freehold of the property is held jointly by Nos 57 and 59.

2.2 The properties on this side of the Quentin Road back onto flats in Lock Chase, which have garage blocks and communal amenity space adjoining the rear boundaries of Nos 43-85 (Odd) Quentin Road.

2.3 The property is located in the Blackheath Conservation Area, designated in 1968. The street is subject to an Article 4 Direction dated 21 February 1984, which removes permitted development rights for alterations to street elevations of dwellinghouses at Nos 5-85 (odd) Quentin Road. However, as many of the properties would appear to be flats, such alterations would require planning permission in any case.

3.0 Planning History

3.1 The property has no recent planning history.

4.0 Current Planning Applications

The Proposals

4.1 The current application is for planning permission for the construction of a single-storey rear extension at 59 Quentin Road SE13 (ground floor flat). This would adjoin the yard of Nos 61 and 63 Quentin Road which are the adjoining ground and first floor flats, the first floor flat having an external staircase proving access to the rear yard where it adjoins the application site.

4.2 The proposed extension measures just over 3m in depth and 1.83m in width (which corresponds to the width of the side passage adjoining the back addition of Nos 57 & 59 Quentin Road). The extension would have an eaves height of 2.2m adjoining the boundary with no 61 and would have a lean-to roof adjoining the side elevation of the back addition of Nos 57 & 59, with a maximum height of 3.2m, extending to just under the level of the first floor cills in the principle window in the side elevation of the back addition. The submitted drawings specify facing brickwork to match existing and 'Eternit' fibre cement slats for the lean-to roof. The latter features an obscure glazed rooflight and the rear elevation of the proposed extension features glazed folding doors.

5.0 Consultation

5.1 In addition to press and public notices, letters were sent to 15 properties adjoining the site, Local Ward Councillors and the Blackheath Society,. The Conservation Officer was also consulted. Three additional letters were sent to the occupiers of 53, 55 and 63 Quentin Road on 28th August 2018. This

was to ensure that all residents with flats adjoining the red line area of the site had been consulted.

- 5.2 A total of 4 replies representing 2 neighbouring properties in Quentin Road were received, objecting to the application for the following reasons

The Written Responses received from Occupiers of the first floor flat at No 57 and 61 Quentin Road are as follows:

Proposed extension would prevent access for maintenance to upper floor flats.	See para. 7.13
Incorrect ownership information submitted.	See para. 7.12
Site of proposed extension is in the leasehold ownership of No 57 (documentation supplied) who do not consent to the proposed work	See para. 7.12
The proposed extension would give burglars easier access to the rear windows of No 57.	See para. 7.14
The proposed extension will reduce natural light to No 61 Quentin Rd.	See paras. 7.4 – 7.5
The proposed extension will increase dampness to the yard and rear external staircase at 61 raising safety concerns.	See para. 7.5
The view of the lawns of Lock Chase for No 61 will be impeded by the proposed extension.	See para. 7.6
There will be additional noise and disturbance to No 61 from the proposed rooflight.	See paras. 7.7 – 7.8
Loss of view to No 61 clarified as ‘gaze will fall on the extension’ from two first floor windows.	See para. 7.6
The proposed development is high density overdevelopment.	See para. 7.10

- 5.3 In addition, a number of replies were received from the Occupiers of Nos 44, 56 and 58 Lock Chase residents of Lock Chase to the rear of the site. These refer to point (ix) of the Design & Access Statement which states that *‘access will be by way of the main house for all materials via the rear of the living room’*. Residents request the Council to ensure that this is adhered to as they have had problems in the past with workmen trespassing into the communal garden to obtain access to Quentin Road properties.

- 5.4 The objections from the occupiers of Nos 59 and 61 Quentin Road were submitted as 4 separate letters of objection. This meets the threshold of 3 or more separate objections, as set out in the Statement of Community Involvement SPD, which would require the application to be determined by the Planning Committee. The objection from No 61 was supplemented by additional comments on 22 October 2018 which are included in the above table.

- 5.5 The objections are addressed in the Planning Considerations section of the following report and the relevant paragraph numbers are given in the above table.

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

The Development Plan

- 6.7 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)

- 6.8 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 policies in the current adopted London Plan (2016) relevant to this application are:

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

- 6.9 The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August 2018. As such, this document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are listed below and discussed within the report. These are limited to policies that are materially different to existing London Plan policies. The emerging London Plan policies relevant to this application are:

Policy D2 Delivering Good Design

Policy HC 1 Heritage Conservation and Growth

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:

Spatial Policy 5 Areas of Stability and Managed Change

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 (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:

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

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

Residential Standards Supplementary Planning Document (2006, updated 2012)

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

Blackheath Conservation Area Appraisal and Supplementary Planning Document (2007)

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

7.0 Planning Considerations

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

7.2 The main considerations in relation to the application are impact of the works on the character and appearance of the Conservation Area and impact on the amenities of adjoining occupiers.

Impact on neighbour amenity

7.3 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.

7.4 In terms of orientation, the proposed extension lies to the north west of the back addition of Nos 61 and 63 Quentin Road, while the rear elevation windows of these flats which adjoining the boundary of the application site face to the north east. Rear windows at 61 and 63 closest to the proposed

extension application site are therefore unlikely to get any direct sunlight at any time of day and the construction of the proposed extension will therefore lead to no reduction in sunlight to adjoining properties.

7.5 The eaves height of the proposed extension is specified on the submitted plans as being 2.2m on the boundary with 61 and 63 Quentin Road. Where extensions to the side elevations of back additions to Victorian terraced houses are proposed, officers generally require an eaves height of no more than 2.3m. This is because an eaves height greater than this could have a detrimental impact on the rear passageway of the house adjoining the proposed extension. The harm will generally be loss of outlook rather than loss of daylight/sunlight, as the latter are often already compromised by the presence of the original back addition. As the proposed extension does not exceed this limit and the depth of the extension is only slightly more than could be provided without planning permission on the rear of a dwellinghouse not in a Conservation Area, officers consider that the size and scale of the proposal is modest and unlikely to adversely affect the amenities of neighbouring occupiers as a result of either loss of daylight or loss of outlook. The rear of No 61/63 at this point has an external staircase giving the occupiers of the upper maisonette (No 61) access to the yard at the rear of the property. This is more likely to compromise the outlook available from the rear ground floor window of flat 63 than the proposed extension. Although the occupier of the ground floor flat at No 63, has not objected to the proposed development, officers have, nevertheless, considered the potential impact of the development on the amenities of the occupier of this property. As noted above, the overall dimensions of the proposed single storey extension are such that there is likely to be no adverse effect on daylight or outlook. The damp conditions in the side passage way and associated external staircase belonging to No 61 is likely to be due to the largely north facing location of this area. The construction of an extension of just over 3m in length and 2.2m to the eaves (which is 0.2m taller than a 2m high boundary wall or fence which could be erected without planning permission) is most unlikely to make this situation noticeably worse. Officers do not consider that the proposed extension will therefore lead to increased dampness or any potential safety issues for adjoining occupiers.

7.6 Although the objection from the occupiers of No 61 also cite loss of views of the lawned gardens of Lock Chase at the rear of the property, the loss of an existing view of a distant feature, unlike loss of outlook, is not a planning consideration. As a first floor flat, it is not considered that a single storey ground floor extension to the neighbouring property would interfere with such a view. In a more recent supplementary objection from No 61, received on 22nd October, the issue of loss of view is clarified as being due 'to gaze falling on the roof of the proposed extension'. Officers do not consider that a lean-to slate covered roof, at slightly greater proximity to the windows of No 61, is likely to be any more distracting than the existing paved yard and side elevation window and door to the back addition of No 59 visible in current views.

- 7.7 Although the lean-to roof of the proposed extension will feature a single rooflight, these are a common feature of domestic single storey rear extensions, particular those which adjoin or wrap around Victorian back additions. The Council has not previously taken the view that these cause any harm to the amenities of adjoining occupiers, as glare and light spillage at night time can be controlled by blinds fitted to the proposed rooflight and likely to be present in the rooms of buildings adjoining the proposed extension.
- 7.8 In terms of the further supplementary objection from No 61, received on 22nd October 2018, on the subject of potential additional noise nuisance from the rooflight, Officers consider that the proposed extension is likely to better contain noise than the existing yard, which is adjoined by existing windows and doors from which noise may also escape.

Impact of the works on the Blackheath Conservation Area.

- 7.9 DM Policy 36 requires all extensions to be compatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials. As the proposed extension is single storey, will be constructed in matching materials and will not be visible from the public realm, officers consider that the proposal will preserve the character and appearance of the Blackheath Conservation Area.
- 7.10 Although the occupier of 61 Quentin Road has made an additional objection to the application on 22nd October 2018 on the basis that the single storey extension is 'high density and overdevelopment', Officers disagree with this assessment. The proposed extension measures just over 3m in depth and 1.83m in width (which corresponds to the width of the side passage adjoining the back addition of Nos 57 & 59 Quentin Road). The extension would have an eaves height of 2.2m adjoining the boundary with no 61 and would have a lean-to roof adjoining the side elevation of the back addition of Nos 57 & 59, with a maximum height of 3.2m. The proposed development is therefore considered to be in accordance with the requirements of DM Policy 36 by virtue of the combination of appropriate materials and proportionate scale.
- 7.11 In the event that the Committee is minded to grant permission, a condition on face materials is proposed. As well as facing brick to match the existing building, this will require the face bond and pointing style to also match that of the host building.

Other Issues raised by objectors

- 7.12 The objection to the proposal on the basis that the person claiming leasehold and joint freehold ownership of the land in question refuses to sell the land required for construction to the applicant is not a planning consideration. The applicant is only required to notify the owner of her intention to submit a planning application and does not necessarily have to own the land required for development. Although the applicant in this case submitted the application without notifying the leasehold/joint freehold owner of the land, a correctly completed ownership certificate B was subsequently submitted. This

confirmed that the leasehold owner and joint freeholder of the land at No 57 Quentin Rd had now been formally notified of the proposed development. If Members are minded to grant permission for the proposed development and the applicant is unable to successfully negotiate the purchase of the land, the extension could clearly not be implemented and the planning permission would lapse after three years.

7.13 The argument that the proposed extension would make the maintenance of the rear of the building at first and second floor level more difficult is also not a planning consideration. Although the proposed extension would impede access by ladder to parts of the upper floors of the building, there would be ways of overcoming this. For example, sash windows can be cleaned from the inside of the building or externally by the use of extendable brushes connected to a hose. Less frequent maintenance work such as painting windows or repointing would probably require scaffolding and while this could be more expensive to erect with the proposed extension in place, it is assumed that this would be factored into the negotiations for the purchase of the land in question.

7.14 Policy 7.3 Designing out crime, of the London Plan states that '*development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating*'. While designing out crime is therefore a planning consideration, officers do not consider that the principle is relevant to this particular application because of the small scale of the proposed development and the location of the extension in a private rear garden/yard to which there is no public access. Ground floor rear extensions are a common form of development for both dwellinghouses and ground floor flats. Should illegal entry be made to the rear of the property it would normally be easier to gain access to the ground floor accommodation without attracting attention. The use of a lean-to roof, as proposed in this case, rather than a flat roof, would also make it more difficult to break into the first floor flat. As with the issue of external maintenance of the fabric of the building, there are also security measures such as intruder alarms and window locks which could be installed to reduce the risk of burglary and the additional cost of providing these could again be factored into the negotiations for the purchase of the land.

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 not payable on this application as the floorspace is before the 100sqm threshold.

9.0 Equalities Considerations

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

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

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

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

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

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

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

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

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

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. 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.

11.0 CONCLUSION

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

11.2 Officers consider that, as a small lean-to extension of limited depth and height which would not be visible from the public realm, the scheme would preserve the character of the Blackheath Conservation Area in accordance with DM Policy 36. In addition, the proposed extension would not be detrimental to the residential amenity of neighbouring occupiers and is therefore considered acceptable in planning terms.

- 11.3 As noted in the report, the extension could only be built by acquisition of the leasehold interest of the land in question which currently belongs to the occupier of a different flat.

12.0 **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:

JK/18/01; JK/18/02; JK/18/03; JK/18/04.

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

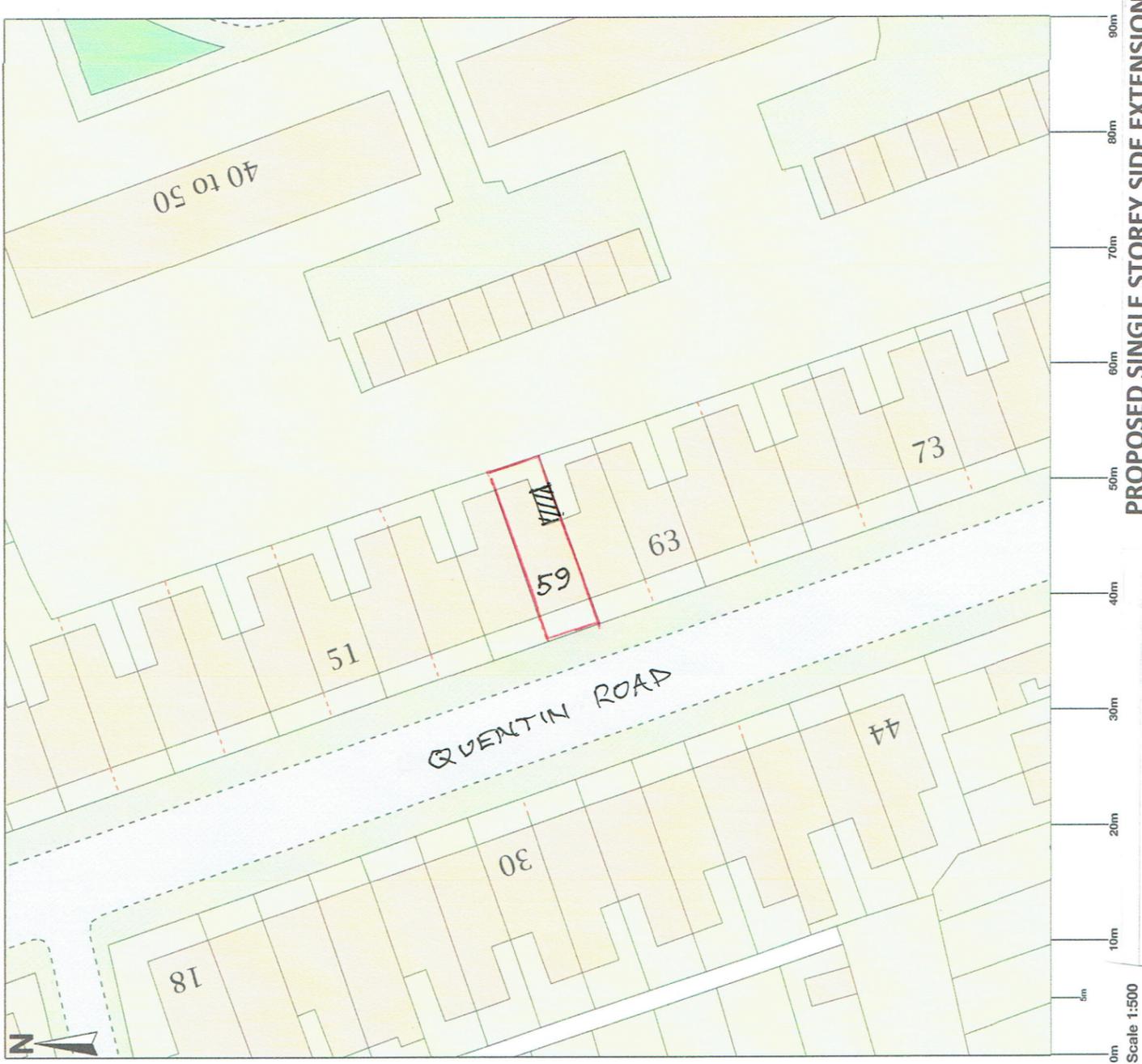
- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.
- (2) 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.
- (3) You are advised that building materials must be delivered to the site from Quentin Road and carried through No 59 to the rear yard of the property as there is no right of access to the rear of No 59 via Lock Chase.

59 Quentin Road, London, SE13 5DG



LOCATION PLAN

59 Quentin Road, London, SE13 5DG



BLOCK PLAN

at
 59, QUENTIN ROAD, BLACKHEATH,
 LONDON SE13 5DG
 for
 MRS. J. KING.

*Rev. A. Boundary marking
 amended as requested
 by h.A.*

LOCATION & BLOCK PLAN.
 REV. A
 Drawing No. JK/18/01 Scales 1:500 & 1:1250

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