

## PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 29 NOVEMBER 2018 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership**

**Councillors:**

**Olurotimi Ogunbadewa (Chair)**

**Stephen Penfold (Vice-Chair)**

**Bill Brown**

**Aisling Gallagher**

**Leo Gibbons**

**Louise Krupski**

**Jim Mallory**

**Hilary Moore**

**Sakina Sheikh**

**Alan Smith**

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

**Janet Senior**  
**Acting Chief Executive**  
**Lewisham Town Hall**  
**London SE6 4RU**  
**Date: Tuesday, 20 November**  
**2018**

**For further information please contact:**  
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- ensure that you never leave your recording equipment unattended in the meeting room.

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

<b>Order Of Business</b>			
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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 29 <sup>th</sup> November 2018

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

### (1) Personal interests

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

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

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

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

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

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

### **(3) Other registerable interests**

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

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

### **(4) Non registerable interests**

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

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

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

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

## **(6) Sensitive information**

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

## **(7) Exempt categories**

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

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

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Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 29 <sup>th</sup> November 2018

### MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 18<sup>th</sup> October 2018.

### MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 18th October 2018.

### LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (C) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 18th October 2018 at 19:30.

PRESENT: Councillors Olurotimi Ogunbadwa (Chair) (OO), Stephen Penfold (Vice Chair) (SP), Alan Smith (AS), Jim Mallory (JM), Sakina Sheikh (SS), Aisling Gallagher (AG), Louise Krupski (LK), Hillary Moore (HM), Bill Barnham (BB) (Under Standing Orders).

OFFICERS: Mehdi Rezaie (MR) – Planning Service, Kheng Chau (KC) – Legal Services and John Grierson – Committee Co-ordinator, Georgia McBirney – Shadow Coordinator

APOLOGIES: Bill Brown, Leo Gibbons.

#### 1. DECLARATION OF INTERESTS

There were no declarations of interests.

#### 2. MINUTES

Meeting Commenced at 19:30. The minutes of the meeting Planning Committee (C) held on the 11<sup>th</sup> September were approved.

Councillor Ogunbadwa (CO) welcomed all attendees, and announced that the order of items as set out in the agenda would be amended.

#### 3. WASTDALE MEWS, WASTDALE ROAD, LONDON, SE23 1HN

The presenting officer (MR) outlined the facts of the case for the retrospective application for the demolition of existing buildings at Wastdale Mews, Wastdale Road SE23 and the part-retrospective construction of a part one/part two storey building to provide studio's/workshop's (B1/B8 use). MR mentioned the objections received regarding privacy, parking, noise and operating hours, stating that these can be conditioned to make the scheme acceptable.

AS asked the presenting officer how the previous layout of the building was determined given that demolition works had already begun, and queried the presenting officer regarding the requirement for a demolition method statement.

MR advised that the previous layout of the building was taken from the applicant plans provided as there was no planning history available. MR also stated that a demolition method statement was not within remit.

Councillors discussed the retrospective nature of the application with the presenting officer and it was clarified that the principle of a retrospective application is acceptable by KC.

SP asked the presenting officer to clarify the location of the site and also queried the sites previous use. MR responded by confirming the site location and advising that the previous use is thought to be a mechanics.

The presenting officer then presented addendums to the committee report. These were amending paragraph 7.13 to reference part 12 of the NPPF, amending paragraph 9.1 as only the first 2 bullet points are applicable, amending paragraph 9.4 to state it is a new building instead of a residential extension, removing DM32 from condition 10, removing condition 11, and amending conditions 5, 7, 10 and 11 to reference paragraph 180 of the NPPF.

KC advised the reason for these changes regarding the NPPF were due to the NPPF being updated in July 2018. MR stated that these changes do not affect the officer's recommendation.

SP wanted clarification on what the site could be used for within use class B2/B8. MR advised light industrial / storage / workshops.

The applicant James McDonnel was invited to speak by the chair.

James McDonnel stated that the application was to reinstate the original building to provide 13 artist studios and that the new building would remove some external features such as staircases and doors but would retain the same internal layout.

AS asked the applicant if any of the studios would be rented out at affordable rental prices. James McDonnel advised that a similar workshop charges around £260pcm for a studio which he feels is affordable.

SP asked about the opening hours of 6 – 11pm. The applicant stated that the studio spaces were of non-commercial size and would be used as secondary workspaces for creative people to work on projects after office hours and on weekends. The presenting officer then clarified that the proposed use is actually B1 / B8 which is light industrial and office space.

Objectors were then invited to come forward.

Henry Mulligan and Karen Thomlin sat at the table along with Councillor Bill Barnham who would speak later under standing orders.

Mr Mulligan advised that he has lived at the site since 1975 and felt that the proposal would have a detrimental impact on the amenity of all the neighbouring properties, citing noise, hours of operation and vehicular access as concerns. Mr Mulligan stated that the proposed windows would be overlooking his property and reduce privacy and was concerned about the disturbance from noise when the passageway which passes through his property is used, citing the hours of operation as a further concern for this. Mr Mulligan also argued that the number of units has been increased from the previous building. He stated that he wanted the application to be refused or heavily restricted.

OO then invited the members to ask questions to the objectors.

SS asked the objectors for some clarification regarding their noise concerns. Mr Mulligan stated that the built form of the site means that noise is amplified giving a 'vortex' effect. Mr Mulligan stated that he wasn't sure of the lettings pattern but stated that he felt users of the site would not be considerate of the neighbouring residential properties with regard to noise.

Councillor Bill Barnham (BB) was then invited to speak under standing orders.

BB opened by stating that, although not a planning concern, the project history has led to tensions between the residents and the applicant, particularly because the project was started and demolition commenced without prior permission being sought by the applicant; this led to an enforcement case against the applicant and a loss of confidence in the applicant from the residents. BB stated that the building has not been operational for a number of years and that there was no evidence of the former use being B1 / B8. BB noted the changes made to the proposal and conditions but stated he was still not sure this was acceptable, mentioning the right of access to the site which passes under the living quarters of the objector, and queried if there was vehicular access proposed. He concluded by stating favour of more restrictions to vehicular access and hours of operation.

AS queried the hours of construction, and stated that the right of access was a civil matter. MR stated that this was a civil matter but that there were conditions in place regarding construction hours.

Members queried whether the number of vehicles could be restricted but MR stated that this was not enforceable as a condition.

SP asked the presenting officer if the hours of use for the site could be restricted by condition. MR advised that it could.

AS asked if the noise level could be conditioned and MR advised that is to be conditioned at under 5db.

KC referred the members to conditions 3 and 14 for operational noise and hours of construction.

SP asked the objector if he was a resident next to the access passageway and Mr Mulligan responded stating he lived above and beside the passageway. Mr Mulligan advised members that other similar workspaces had been used as spaces for musicians to perform and record music, stating that he did not want this to happen at this site.

MR stated that the use class means that the studios could be used for this purpose, but advised that there are 2 conditions regarding noise.

OO asked the members if they had any further questions.

AG questioned how a breach of the noise condition would be enforced. MR advised that an objection raised with environmental health would lead to the case being assessed and noise levels monitored and that a recorded breach would lead to enforcement action.

AG queried how the residents would know that the noise level was above 5db in order to raise an objection. MH stated he was not fully familiar with the process, but knows that other councils have smart phone applications which can measure sound levels.

LK asked for clarification regarding the issue of overlooking which was raised by the objector. MR stated that the distance between the windows and neighbouring properties have been assessed and that restrictions have been conditioned to prevent overlooking from the roofspace. MR went on to state that a further condition could be added to obscure glaze windows.

Members requested to look at the elevations and the presenting officer showed them on the projector. Members discussed the windows and doors and location of the terrace. AS stated that he felt the windows should be obscure glazed, and asked the presenting officer for clarification as to how the windows related to the internal layout.

MR advised that one of the windows was for a corridor and only 2 of the studios would have windows. AS stated that obscuring should not be an issue and LK agreed.

SP called up the objector to the table to confirm his concerns regarding the windows. Mr Mulligan advised that what were 3 doors on the previous building would be windows on the proposed building. Mr Mulligan returned to his seat.

HM questioned the number of units proposed. MR stated that the number of units on the plans are 12 and that this would be the number of units if approved as there would be an approved drawings list conditioned.

AS asked if the windows could be conditioned to be obscure glazed. MR stated that this would have to be decided by members.

*AS proposed a motion to obscure glaze the new first floor windows to be installed in the building and all members voted in favour.*

SS referred back to objectors concerns regarding access, and asked if vehicles could be restricted altogether. KC stated that the test for a planning condition means that it must be enforceable, reasonable and relevant.

AS asked the applicant if the studio was being managed by the applicant or it this would be leased to a studio company. The applicant James McDonnel stated that the site would be leased to 'World Art Space' and stated they have a proven record for business.

The members discussed the parking situation with the presenting officer. MR stated that there was no space for parking. AS argued that driving is more of an issue than parking.

SP stated that due to the residential proximity, the hours of operation should be reduced. AG suggested a vote on this. MR stated that some further restrictions may be possible, but that if these were too strict, it could make the proposal inviable due to the nature of the workspaces and their potential occupants. AS suggested reviewing the operational hours after a set period and seeing if they are a nuisance, at which point they could be revised. MR stated this cannot be done as it would invoke a temporary permission.

Members discussed the possibility of reducing hours. AG argued that reducing hours would affect the potential for creative and artistic individuals to be productive.

The applicant was invited back to the table to discuss opening hours.

James McDonnel advised that the hours of operation were necessary for the use to be viable. He stated that it was just as important for recording musicians to keep out external noises as it was for them to prevent internal noise from escaping. He stated that parking would not be required. He stated that obscure glazing was acceptable from his perspective and that, although he could not confirm the exact nature of the occupants or their activities within the use class, that any noise issues would be responded to by environmental health. He clarified that there were only 12 units proposed and stated he was mistaken when he mentioned 13 units earlier.

Councillor Smith stated that the still felt the hours of operation were too long and proposed a motion to condition the opening hours to be reduced to 6pm – 10pm Monday to Friday and 10am to 6pm Saturday and Sunday.

Councillor Penfold seconded.

*Members voted as follows:*

For: Councillors Ogunbadwa (Chair), Smith, Penfold (Vice Chair), Mallory, Sheikh, Krupski, and Moore.

Against: Councillor Gallagher

Councillor Smith moved to accept the officer's recommendation and approve planning permission.

Councillor Gallagher seconded.

*Members voted as follows:*

For: Councillors Ogunbadwa (Chair), Penfold (Vice Chair), Smith, Mallory, Sheikh, Krupski, Gallagher and Moore.

Against: None.

**RESOLVED: Vote to accept officer's recommendation to grant planning permission with added conditions for DC/17/105072.**

4. 10 BOWMAN'S LEA, LONDON, SE23 3TL

The presenting officer (MR) outlined the facts of the case for the construction of a single storey side and rear extension at 10 Bowman's Lea, SE23 together with the conversion of the garage into a habitable space, replacement of the front garage door with a window, replacement of first floor front elevation windows and alterations to the external landscaping. He discussed the site location and character, stating that officers did not have concerns of overdevelopment or overshadowing. MR stated that a Lawful Development Certificate (Proposed) has already been issued for the majority of the extension proposed and that only the corner infill which has been added in the application would be added.

Members asked for clarification regarding the corner infill and this was provided by MR.

The applicant, Simon Nolan, was asked by the chair to speak in favour of the application. He stated that he had been a resident for many years and wished to improve his family home. He mentioned the application history including the previously refused and appealed application which was disallowed. He stated that the works would be carried out responsibly to reduce noise impact on neighbours and that the officers report recognises that the proposal would cause no material harm to neighbour amenity.

SS asked the applicant how they would limit the hours of construction. The applicant advised he would discuss this with his architect. SS then asked the applicant if he had discussed this with his neighbours. The applicant advised that he initially consulted with the neighbours but they later objected.

The applicant left the table and OO invited any objectors to speak.

Jonathon Mitchell of 1 Haredon Close, Paul Bibby of 9 Bowman's Lea and third objector came forward (who did not register to speak). Mr Bibby handed out a sketch showing overshadowing from the proposal to councillors.

Mr Mitchell stated that he supports his neighbour improving their family home, but objects to the proposal as he felt this would have a negative impact on his amenity. He stated that the extension would be 6 to 6.5m higher than the ground floor of his house. He argued that the wrap around the garden to the side would create a sense of enclosure that would be

unacceptable as it would remove the only long distance view from his house. He referred to the planning inspector's statement from the appeal APP/C5690/D/18/3197132. Mr Mitchell also objected to the large glass door which he said would have a direct view into his garden and that the proposed tree works would lead to a further loss of privacy.

Mr Bibby then took over for the remainder of the allotted five minutes. He stated his objection to the 3m wall directly next to their garden wall. He referred the members to his sketch, and stated that this application was almost identical to the one previously refused, with a height reduction of 20cm and stated that he felt this small reduction was insignificant, and that he felt that planning officers had made a 'U-turn' in comparison with their decision on the previous application DC/17/104520. He quoted policy DM31 stating that residential extensions should be neighbourly and argued that in this respect that the proposed extension is unacceptable. Mr Bibby argued that planning officers had shown bias.

OO told the objector his time was up but Mr Bibby continued to conclude his argument briefly. OO asked the members if they had any questions.

AS stated that the sketch provided was inaccurate. He then stated that the permitted development was legally consented, not morally, and asked Mr Bibby to revoke his comment about the planning officers being bias.

Mr Bibby advised that his comment about planning officers had been misinterpreted.

AS then stated that the small corner infill proposed was insignificant in comparison with what was already permitted development, and that he understands the applicant wanting to expand their home. He also stated that planning committee should not be used to resolve neighbour disputes.

Mr Bibby questioned the members about the 'U-turn' he felt the planning officers had made. AS stated that there was no 'U-turn'.

SP asked the presenting officer for clarification on exactly what part of the scheme could be completed under permitted development rights. MR clarified that the rear and side extension elements could both be completed lawfully. He stated that the sketch provided was inaccurate and that given what could be done as permitted development, the proposed corner infill would have no impact on either property.

JM asked for clarification regarding the access to daylight and sunlight. MR stated that it can't be refused on these grounds as the Lawful Development Certificate for the side and rear extension has been issued.

Mr Bibby stated that he felt this was misleading. OO stated that the presenting officer would not mislead him.

SS asked the third objector at the table if she had anything to add. The third objector (who did not register to speak) stated that the proposed drawings show inaccurate boundary treatments and don't account for the changing topography within the street. SS referred the objector back to the Lawful Development Certificate which already shows the majority of the scheme can be done without planning permission. Mr Bibby and the third objector still expressed their objection to the scheme.

OO asked members if there were any questions for the presenting officer.

Councillor Smith moved to accept the officer's recommendation and approve planning permission.

Councillor Krupski seconded.

*Members voted as follows:*

For: Councillors Ogunbadwa (Chair), Penfold (Vice Chair), Smith, Mallory, Sheikh, Krupski, Gallagher and Moore.

Against: None.

**RESOLVED: Vote to accept officer's recommendation to grant planning permission for DC/18/106334.**

5. 16 SHELL ROAD, LONDON, SE13 7TW

The presenting officer (MR) outlined the facts of the case for the retrospective application for the construction of a raised platform (terrace) and new stairs down to rear garden space at 16 Shell Road, SE13. He stated how the principle of the terrace is not objectionable, would provide disabled access, and highlighted the trellises as being obscuring features. He noted that objections received were related to noise, privacy and appearance and argued that these were not considered to be material planning considerations.

OO asked the members if they had any questions for the presenting officer.

Councillors discussed whether the doorway was suitable for wheelchair users. MR said that this was not a material consideration at this point.

SP asked if the design of the terrace was a material consideration. MR said it didn't have much consideration as it is not visible from the public realm and therefore any harm created would not be on the street scene.

The applicant was invited by the chair to speak.

Marcus Krackowizer came forward and stated that he feels the door is acceptable for wheelchair users. He stated that the reason he didn't apply for permission initially was because he didn't know it was required. He discussed the design and said that this is intended to have planting to soften the appearance.

JM asked the applicant about the widening the doorway and inserting another door. The applicant stated he had not considered this. JM asked the presenting officer if he would need permission to widen the door and MR advised him that he would.

OO dismissed the applicant from the table and summoned the objectors.

Yashim Halil of 18 Shell Road came forward arguing that the owner and applicant does not live in the property and that the tenants which do occupy the property are not permanent and have a history of antisocial behaviour and noise complaints, of which there are records. She cited the use of the terrace would mean noises, loud music and smoking. She stated that the high turnover of tenants in the property would make the terrace a security risk. She raised concerns over privacy as she feels it overlooks her garden.

OO asked the councillors if they had any questions.

JM asked the objector about the records of noise complaints. The objector said this was a couple of years ago and that she didn't have the records. Councillors felt that this could not be considered without the records. LK asked the presenting officer if the raised height of the terrace would increase noise levels and MR said this was not the case, and that tenants is an environmental health issue not a planning consideration.

SS asked the presenting officers if the overlooking concerns had been addressed and MR advised that officers felt they had.

Councillors discussed the occupancy of the property and concluded that this was not a planning consideration.

Councillor Smith moved to accept the officer's recommendation and approve planning permission.

Councillor Krupski seconded.

*Members voted as follows:*

For: Councillors Ogunbadwa (Chair), Penfold (Vice Chair), Smith, Mallory, Sheikh, Krupski, Gallagher and Moore.

Against: None.

**RESOLVED: Vote to accept officer's recommendation to grant planning permission for DC/18/106734.**

6. FLAT 2, SUMMERHILL, 41 LONDON ROAD, LONDON, SE23 3TY

The presenting officer (MR) outlined the facts of the case for the Construction of a single storey extension to the rear of Flat 2, Summerhill, 41 London Road, SE23. He stated that the objections raised were regarding noise during construction, overlooking concerns and the impact on a tree. He stated that the working hours would be conditioned and that the tree is not within the curtilage of the application site.

OO asked the members if they had any questions for the presenting officer and members declined.

OO invited the applicant to speak but none were present.

OO invited the objectors to speak but none were present.

Councillor Moore moved to accept the officer's recommendation and approve planning permission.

Councillor Mallory seconded.

*Members voted as follows:*

For: Councillors Ogunbadwa (Chair), Penfold (Vice Chair), Smith, Mallory, Sheikh, Krupski, Gallagher and Moore.

Against: None.

**RESOLVED: Vote to accept officer's recommendation to grant planning permission for DC/18/107541.**

The meeting ended at 21.55, 18th October 2018.

Committee	PLANNING COMMITTEE C	
Report Title	The Arches, Childers Street, London, SE8 5PL	
Ward	Evelyn	
Contributors	Russell Brown	
Class	PART 1	29 <sup>th</sup> November 2018

<u>Reg. Nos.</u>	DC/17/103827
<u>Application dated</u>	28.09.2017
<u>Applicant</u>	Evelyn Court LLP
<u>Proposal</u>	The alteration and conversion of six vacant commercial units (Use Class B1a) into 1 x one bedroom, 6 x two bedroom and 1 x three bedroom self-contained flats, together with the provision of 4 car parking and 17 cycle spaces.
<u>Applicant's Plan Nos.</u>	TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Design & Access Statement rev. v. 6; Flood Risk Assessment; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Received 28th September 2017
	TP/118 Rev D; TP/119 Rev D; TP/120 Rev D; Schedule of External Facing Materials Received 16th January 2018
	TP/106 Rev F; TP/123 Rev A; TP/124; TP/125; TP/126 Received 1st February 2018
	TP/103 Rev L Received 2nd February 2018
	Marketing Report & Appraisal (with Appendices) Received 1st March 2018
<u>Background Papers</u>	(1) Case File DE/134/D/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016) (5) NPPF (2018)
<u>Designation</u>	None

## Screening

N/A

### **1.0 Introduction**

- 1.1 On Thursday 22<sup>nd</sup> February 2018 this application was presented to Committee C with an Officer's recommendation for approval. As part of the deliberation of the application by Members the extent and quality of the marketing of the units for commercial purposes was discussed. Objections received in writing during the application and verbally in the committee by Deptford Folk questioned the quality of the marketing appraisal and the findings. Following discussion Members resolved to approve the application, subject to conditions (see Appendix 2, Minutes of the meeting).
- 1.2 Following the committee meeting Officers became aware that due to a technical issue the marketing appraisal had not been visible for the public to view. Consequently no formal decision was issued and reconsultation took place to allow the public to view and comment of the submitted document.
- 1.3 In light of members having made a resolution to grant planning permission, the key consideration for Members is whether any new material planning considerations are raised following the reconsultation exercise. The only significant policy change since February is the draft London Plan, which now has some limited weight, and the adoption of the revised NPPF; these are considered in paras. 3.1-3.4 (below).
- 1.4 In the intervening period the applicant has submitted an appeal for non-determination, made valid by the Planning Inspectorate on 13<sup>th</sup> June. However, a Planning Inspector has not been appointed.
- 1.5 In line with the requirement of the Council's Statement of Community Involvement, a local meeting was held on 9<sup>th</sup> August. The minutes of the meeting are appended to this addendum report.
- 1.6 This addendum report addresses further consultation responses following the publication of the marketing information.

### **2.0 Consultation**

- 2.1 On the 1<sup>st</sup> March 2018, the marketing appraisal and appendices were made available on the Council's website for the public to view and consultation letters were re-sent to local residents giving 22 days for comments.
- 2.2 61 further objections have been received to the application raising the following issues:

The application units and public realm have been intentionally left unmaintained	New consideration, but not material
The application units have not been marketed and evidence is inadequate and inaccurate	See paras. 6.7-6.11 of original report
Other office units in the area are being let	New consideration, but not material
Requests to view the units and interest in them have been ignored.	New consideration, and addressed in local meeting notes
There have been issues with on-site notification of the application and availability of documents	See para. 4.2 of original report
The units should be used for social housing or by the local community	New consideration, but not material

The cost to let the units differs between the marketing report and online adverts, and is too expensive for the area	New consideration, and addressed in local meeting notes
The units are not suitable for human habitation and are a flood risk	See paras. 6.45-6.46 of original report
A full 'Healthy Streets' assessment should be undertaken	New consideration, but not material
The application would be contrary to the aims of <i>The New Cross &amp; Deptford Creative Enterprise Zone and Deptford Parks Liveable Neighbourhood</i>	New consideration, but not material
The developer has not engaged with local residents or groups	See para. 6.59 of original report
The location, date and agenda for the local meeting were unsuitable	New consideration, but not material

- 2.3 It is noted that the London Fire and Emergency Planning Authority were satisfied with the proposals with regard to the fire precautionary arrangements.

### **3.0 Policy Context**

- 3.1 Since the previous planning committee, the revised National Planning Policy Framework (NPPF), originally published in 2012, was revised on 24th July 2018. The majority of policies within the NPPF have been carried over to the revised NPPF, albeit with different paragraph numbers. Para. 118 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where supply is constrained and available sites could be used more effectively. Para. 121 states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed where this would help to meet identified development needs, in particular the use of employment land for homes in areas of high housing demand, provided that this would not undermine key economic sectors and would be compatible with other policies in the Framework.
- 3.2 Therefore, the revised NPPF is considered to support the proposal.
- 3.3 The draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 and minor modifications before the EIP 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 limited to policies that are materially different to existing London Plan policies or go to the heart of the application.
- 3.4 The only such policies are Draft Policy E1 Offices.
- 3.5 The current London Plan policy 4.2 Offices states at para (A)(b) that boroughs should support managed conversion of surplus capacity to more viable, complementary uses. Draft Policy E1, at paragraph G, states that development proposals should, amongst other things, support the change of use of surplus office space to other uses including residential. Therefore the only significant change is that the draft policy now specifically references residential as a suitable alternative use for surplus office space. In the context of this application, Officers consider that the new draft London Plan supports the proposal.
- 3.6 In summary, no material policy changes have occurred since Members resolved to grant planning permission which speak against the proposal.

#### **4.0 Planning Considerations**

- 4.1 Further to discussions between Officers and a local amenity society, it was discovered that the marketing information had not been made public for the duration of the application determination period for viewing by external consultees and local residents. The report was made public the day after the previous committee meeting (22<sup>nd</sup> February 2018) and the appendices were subsequently provided and made public on 1<sup>st</sup> March. Para 3.5 above summarises that no material changes have occurred to planning policy since the resolution. As such, the scope of this report is limited to any new material planning considerations raised since the original committee meeting.
- 4.2 The standard of accommodation was previously assessed within paragraphs 6.29-6.33 of the original report and it was found to be acceptable.
- 4.3 The marketing process has previously been outlined within the previous committee report and details can be found within the marketing document itself. The units were marketed for a period of eight years. The rent would have been £15 per square foot; this is a reasonable figure given the size and location of the units. The applicant has confirmed the fit out costs would have been borne by the applicant.
- 4.4 The applicant is not a residential developer and has submitted proof of office units that they rent out in south London and of the standard of internal fit out prior to occupation.
- 4.5 The long lease and the extant planning permission does not allow other uses without formal application. Therefore, it only makes sense to market for B1(a) uses. Furthermore, changes to the frontage in an attempt to attract interest would also require planning permission and the quality of the external part of the units is similar to Marine Wharf, which are occupied.
- 4.6 In terms of maintenance of the units, Officers note that units are not fitted out and the current shell appears to not suffer from a lack of maintenance. The front windows require cleaning, and one unit requires broken glass to be replaced, but that is not significant work.
- 4.7 Officers note that the issue about the units' potential use by a community group or charity has been raised and can confirm that either could site their offices in the units under Use Class B1(a). It would be for the groups concerned to negotiate a suitable rent with the owner.
- 4.8 Officers consider that the marketing evidence demonstrates that a long and extensive process has been carried out without any success in generating interest for the current use class. Consideration of the marketing report is also dealt with within paragraphs 6.9-6.11 of the original report.
- 4.9 As there have been no new material planning considerations raised since Members resolved to grant planning permission, it is considered that the recommendation to approve the proposed development should remain unchanged. The appendices contain supplementary information and the original committee report.
- 7.0 **RECOMMENDATION A:** To agree the proposals and authorise Officers to negotiate and complete a legal agreement to secure a financial contribution of £4,770 to mitigate against the loss of employment floorspace.

**8.0** **RECOMMENDATION B:** Subject to the completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT PLANNING PERMISSION subject to the conditions set out in the main committee report and those listed below.**

- 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:

TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Flood Risk Assessment; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Received 28th September 2017

TP/118 Rev D; TP/119 Rev D; TP/120 Rev D; Schedule of External Facing Materials Received 16th January 2018

TP/106 Rev F; TP/123 Rev A; TP/124; TP/125; TP/126 Received 1st February 2018

TP/103 Rev L Received 2nd February 2018

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

- 3) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new side elevation windows for bedroom 2 of Flat 1, bedroom 1 of Flat 5 and bedroom 1 of Flat 6 hereby approved shall be fitted as obscure glazed and retained in perpetuity.

Reason: To avoid the privacy of the new residential units being compromised and to comply with DM Policies 31 Alterations/extensions to existing buildings and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 4) The units shall be designed and fitted out so as to provide sound insulation against external and internal noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided. The evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policies 26 Noise and vibration, 31 Alterations and extensions to existing buildings including residential extensions and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 5) (a) A minimum of 15 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.  
(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- 6) The refuse facilities shall be provided within the development prior to occupation of the development as indicated on the plans hereby approved, and shall thereafter be permanently retained and maintained.

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

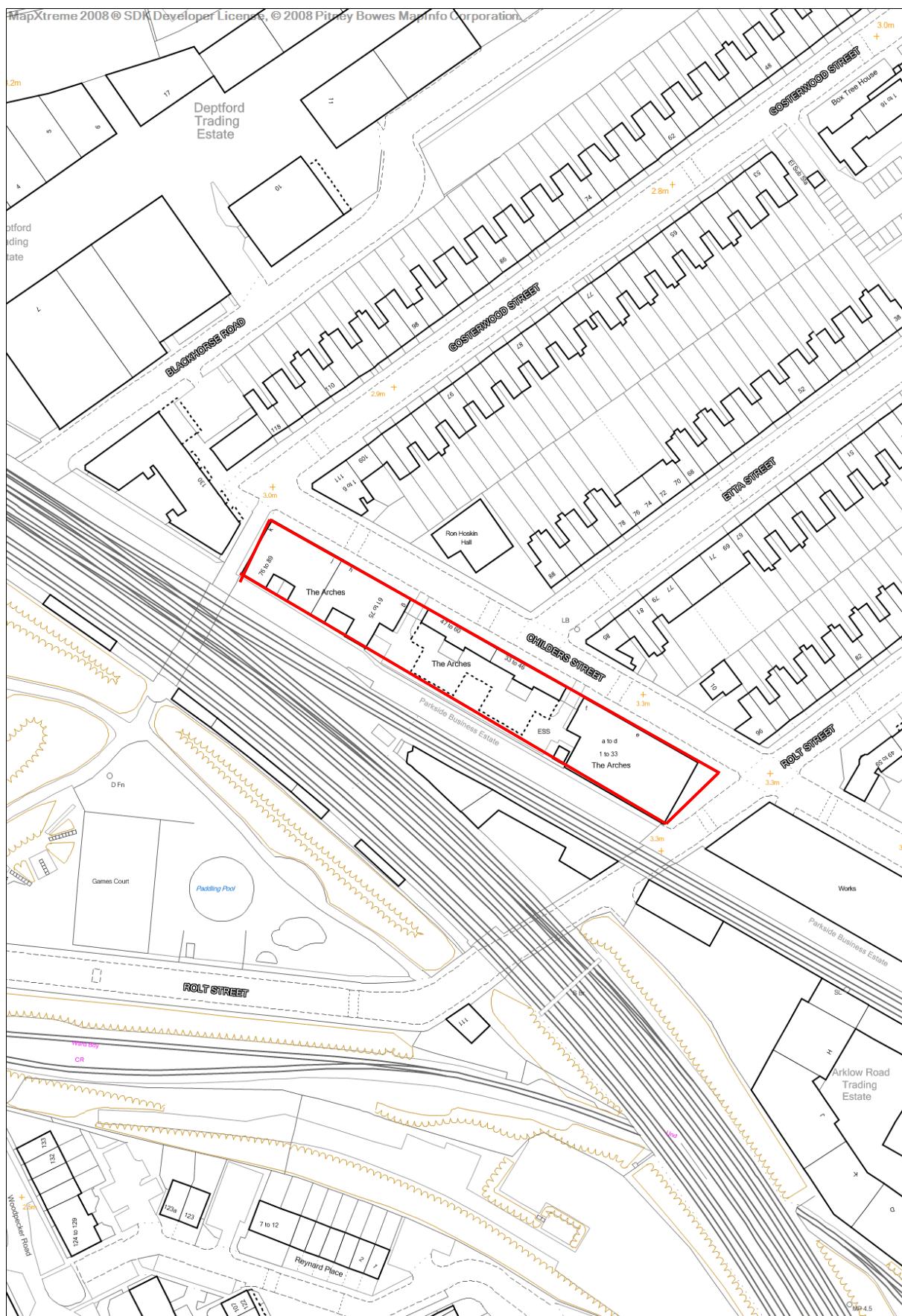
- 7) a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified in the schedule below:

Unit reference number	Approved Document M (2015) Access Requirement	Dwelling type
Unit 6	M4(3)(2)(a)	Wheelchair user (adaptable)
All other units	M4(2)	Accessible and adaptable

- b) The development shall be carried out in accordance with drawing no. TP/103 Rev L hereby approved prior to their first occupation of the development.

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

THE ARCHES, CHILDERS STREET, LONDON, SE8 5PL Site Map



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Appendix 1: Planning Committee C report 22<sup>nd</sup> February 2018 for DC/17/103827 THE ARCHES, CHILDERS STREET, LONDON, SE8 5PT

Committee	PLANNING COMMITTEE C	
Report Title	THE ARCHES, CHILDERS STREET, LONDON, SE8 5PT	
Ward	EVELYN	
Contributors	Russell Brown	
Class	PART 1	22nd February 2018

<u>Reg. Nos.</u>	DC/17/103827
<u>Application dated</u>	28.09.2017
<u>Applicant</u>	Evelyn Court LLP
<u>Proposal</u>	The alteration and conversion of six vacant commercial units (Use Class B1a) into 1 x one bedroom, 6 x two bedroom and 1 x three bedroom self-contained flats, together with the provision of 4 car parking and 17 cycle spaces.
<u>Applicant's Plan Nos.</u>	TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/106 Rev E; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/118 Rev C; TP/119 Rev C; TP/120 Rev C; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Design & Access Statement rev. v. 6; Flood Risk Assessment; Marketing Report & Appraisal; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Received 28th September 2017
	TP/103 Rev J Received 22nd November 2017
<u>Background Papers</u>	(1) Case File DE/134/D/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	None
<u>Screening</u>	N/A

## 1.0 Property/Site Description

- 1.1 The application site lies on the south west side of the western section of Childers Street between the junctions with Gosterwood Street and Etta Street. The site is approximately 0.49 hectares and is occupied by a six storey high block of commercial and residential units, which rises to nine storeys high on the junction with Rolt Street.
- 1.2 This application specifically refers to commercial units 1-6 within Blocks 1 and 3, which are at either end of the building and separated by Block 2 and the hard

landscaped area providing vehicular and cycle parking. Cycle Quietway 1 runs to the north west of the site underneath the bridge of the railway viaduct, which houses commercial units in its arches. Adjacent to Donovan House to the north-west is a recently built development on the site of the former William House comprising 70 residential units and 1,300m<sup>2</sup> of B1 floor space. The, now vacant, Lord Palmerston Pub and SR House are to the south east of the site.

- 1.3 The property is not located within a Conservation Area, nor subject to an Article 4 direction, but is in the vicinity of a listed building in the form of the railway viaduct from Abinger Grove to Rolt Street, which runs from Greenwich to London Bridge. The site is an 'other employment location', it has a PTAL rating of 1/2 and is within Flood Risk Zones 2 and 3.

## **2.0 Relevant Planning History**

- 2.1 DC/04/57406/X: The construction of 3 six-eight storey buildings on the site of William House and the former public car park adjacent, Childers Street SE8, comprising 18 live/work units, 8 one bedroom flats, 50 two bedroom self-contained flats and 8 commercial units (Use Class B1) with access off Childers Street. **Granted.**
- 2.2 DC/07/66538/X: The demolition of existing buildings on the site of William House and former car park, Childers Street SE8 and the construction of 3 single to eight storey buildings, incorporating terraces and balconies, comprising commercial units (1,304 m<sup>2</sup>) (Use Class B1) at ground and part of the first floor levels, 15 one bedroom, 68 two bedroom and 6 three bedroom, self-contained flats, together with associated landscaping and provision of an electricity sub-station, refuse stores, cycle stores and 33 car parking spaces. **Granted and implemented.**
- 2.3 Pre-application advice (PRE/15/02018) was sought in October 2015 and Officers stated that the principle of conversion of the commercial units to residential use cannot be established without thorough marketing evidence and a flood risk assessment, but if these issues can be overcome then residential use would be a suitable alternative use. Significant concerns were raised to the quality of the residential units, requiring a fundamental redesign.

- 2.4 DC/16/099613: The alterations and conversion of vacant commercial units at The Arches Childers Street SE8 into 2 one bedroom and 7 two bedroom self-contained flats, together with the provision of 4 car parking and 18 cycle spaces. **Withdrawn.**

## **3.0 Current Planning Application**

- 3.1 The current application proposes the alteration and conversion of six vacant commercial units (Use Class B1a) into 1 x one bedroom, 6 x two bedroom and 1 x three bedroom self-contained flats.
- 3.2 Flats 1-5 would be located within Block 1 with Flats 6-8 in Block 3. All would have frontage onto Childers Street and their own external amenity space to the rear. The total internal floor space of each unit is as follows:

Flat 1 (2b4p): 138.375m<sup>2</sup>

Flat 2 (3b6p): 136.32m<sup>2</sup>

Flat 3 (2b4p): 100.28m<sup>2</sup>

Flat 4 (2b4p): 81.3m<sup>2</sup>  
Flat 5 (2b3p): 65.865m<sup>2</sup>  
Flat 6 (2b3p): 65.34m<sup>2</sup>  
Flat 7 (2b4p): 84.685m<sup>2</sup>  
Flat 8 (1b2p): 100.155m<sup>2</sup>

- 3.3 This application also includes the provision of new entrances to the front elevation of each unit comprising aluminium doors and windows, a rendered panel, cedar panelling and steel fences and gates for access to the rear for the future residents. Replacement rear doors leading out onto private external amenity areas and rear windows facing onto the commercial units within the arches would also be installed. Brick walls would form the boundaries between amenity spaces.
- 3.4 Four car parking spaces within the wider development are to be allocated for the proposed flats and 17 cycle parking spaces would also be provided.

#### **4.0 Consultation**

- 4.1 No pre-application advice was sought prior to this particular application.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A site notice was displayed and letters were sent to 130 local addresses (including those who submitted comments on the previous scheme), Evelyn Ward Councillors, the London Fire and Emergency Authority, Thames Water, the Environment Agency and the Council's Environmental Protection and Highways Officers were consulted.

#### Written Responses received from Local Residents

- 4.4 Four objections were received, raising the following concerns:
- The original planning application described the units as "not for habitation whose lack of interface with the street will contribute to an increased lack of safety in the area".
  - The units have never properly marketed and local residents' enquires were either rejected or they received no response.
  - There has been little commitment to maintaining the units to present viable business opportunities, but fitted-out office space would be viable.
  - The application would not increase social / affordable housing stock while the original developer was compensated for providing business units.
  - There has been a lack of consultation with neighbours as no-one was aware of purported consultation until 10th October.
  - The residential use would receive low quality natural light.
  - It would result in the erosion of SIL/DEA in the area, which provides employment opportunities for local people.
  - The reclassification of these units to A1 / A3 (shops or cafes) usage would be supported as they reflect the changing demographics, population increase and use of the Cycle Quietway.
  - The conversion of these units to residential would result in an unpleasant, dark and crowded environment for any future residents close to the road and Cycle Quietway.
  - The current owner has failed to care for the building there have been issues, like rough sleepers in the units due to broken locks.

- The Council should purchase these units and put Council departments in there or let them to businesses.
- The residential units proposed would have a negative impact on the local area while business use would lead to positive local regeneration including increased safety, amenity and employment.

### Responses received from External Consultees

4.5 The Environment Agency had no objection, but offered the following advice:

- There may be other sources of flooding which affect this site, such as surface water and groundwater flooding, which could be important considerations for managing flood risk for the proposed development.
- 'More vulnerable' residential accommodation, particularly sleeping accommodation, is strongly recommended to be set at the first floor level and above or above the modelled breach flood level, which is between 3.21m and 3.29m above Ordnance Datum (mAOD).
- Flood resistant and resilient measures should be incorporated in to the design of the proposed development.
- Occupants of the proposed development should register with their Floodline Warnings Direct service, in order that they may prepare themselves in the case of a flood event.
- Please note that any flood response plan (or flood warning and evacuation plan) should set out suitable access and egress from the site.

## **5.0 Policy Context**

### Introduction

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

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

A local finance consideration means:

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

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

### National Planning Policy Framework

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

#### Other National Guidance

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

#### London Plan Supplementary Planning Guidance

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

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

#### London Plan (March 2016)

- 5.7 The London Plan was adopted on 14th March 2016. The policies relevant to this application are:

Policy 2.13 Opportunity areas and intensification areas  
Policy 3.3 Increasing housing supply  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 5.3 Sustainable design and construction  
Policy 5.12 Flood Risk Management  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 8.3 Community infrastructure levy

#### Core Strategy

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

Spatial Policy 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 & constructions and energy efficiency  
Core Strategy Policy 10 Managing and reducing the risk of flooding  
Core Strategy Policy 13 Addressing Lewisham's waste management requirements  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

### Development Management Plan

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

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 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 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

### Residential Standards Supplementary Planning Document (updated May 2012)

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

## **6.0 Planning Considerations**

- 6.1 The relevant planning considerations are:

- a) Principle of development
- b) Design
- c) Impact on the amenities of adjoining properties
- d) Proposed standard of residential accommodation
- e) Highways issues
- f) Flood risk
- g) Sustainability and energy

### *Principle of development*

- 6.2 Spatial Policy 2 states that the Deptford, Deptford Creekside, New Cross/New Cross Gate area will accommodate up to 2,300 additional new homes by 2016 and a further additional 8,325 new homes by 2026.
- 6.3 Housing is a priority use for all London boroughs and the Core Strategy welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation and it provides garden and amenity space.
- 6.4 The National Planning Policy Framework (NPPF) sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted. Furthermore, the document also encourages the effective use of land by reusing land that has been previously developed (brownfield land).
- 6.5 The site is undesignated, though it was formerly part of the Childers Street Mixed Employment Area. It is noted that the redevelopment of this former industrial site to provide the existing blocks was considered acceptable in planning terms on account of the reprovision of a proportion of employment space. However, where there is no reasonable prospect of an employment space being used for that purpose, alternative uses may be considered. Core Strategy Policy 5 identifies that alternative uses may be acceptable in these locations, “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”.
- 6.6 This approach is expanded upon by DM Policy 11, which states that:
- “Where uses are proposed for a site or building in employment or retail use that do not involve any job creation or retention, the Council will require evidence that a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent, that reflects the market value has been undertaken.”
- and:
- “The Council will seek contributions to training and/or local employment schemes where there is loss of local employment as a result of redevelopment or change of use.”
- 6.7 The applicant has submitted a Marketing Report and Appraisal, as well as a letter from the applicant, who are an operator of offices in Lewisham and Southwark. The letter states that the Childers Street units have been empty for six years and have been marketed via their website and several other companies (Officers noticed

marketing boards from Kalmars at the site), but that no interest has been forthcoming for the following reasons:

- The transport links are very poor with the nearest station more than 15 minutes' walk away.
- The area is not an office location and there are no shops or restaurants close by. People like to work among other people and Childers Street is just too remote.
- The unit sizes are too large at typically around 1,300sq feet each and it is not possible to divide them up.
- The car parking ratio of just one space per office is very low especially as there is poor access to public transport.
- There is no commercial fibre optic broadband available.

6.8 In terms of compliance with Core Strategy 5, the above deals with site accessibility and business viability. Officers do not consider that the use of the upper floors or of nearby properties as residential would restrict an office use and clearly, these are new units so the age of the building is not a factor, although it is noted that the units are 'shell and core'.

6.9 The Marketing Report and Appraisal was produced by Kalmars and gives the following reasons for not being able to fill the units with offices:

- Businesses have already moved away from this area.
- Public transport is pretty poor and inadequate for office use in what is predominantly a residential area with lots of social housing.
- The layout of the spaces is not conducive to an office use and they are irregularly shaped with limited ceiling heights and with large plate glass windows, which are more appropriate for shop uses and cause privacy, security and ventilation problems.
- Toilets and kitchens would have to be fitted as well as security measures like roller shutters and burglar alarms to the front and rear.
- They are in shell condition, requiring costly and expensive fitting out, which is not economically viable for office occupiers.
- There are other large developments in construction within competing areas, including in better located positions along the River Thames, and there are 99 available units in a four-mile radius south of the River Thames (excluding the SE1 postcode).
- There has been a slowdown in the market, perhaps due to Brexit and world trade.
- There are extensive and restrictive restrictions within the lease likely to deter occupiers.
- There are hardly any other office occupiers in the area and therefore it lacks the cluster effect of a central business district location.
- There are no facilities for office staff such as sandwich bars, shops and restaurants.
- Walking to the property is likely to be considered a security hazard by many office occupiers, particularly if working hours are outside 09:00-17:00.
- The ceiling heights are too low given that air conditioning would have to be installed.
- The units would be unsuitable for other uses. Hotels and gyms are again very unlikely to be attracted to a backstreet location and there is insufficient space for the former to operate. Light industrial uses are likely to create conflict with the floorspace up above, mainly due to lorry deliveries and general noise.

- 6.10 The property has been marketed by Kalmars since 2015 on competitive terms, including all appropriate modern marketing techniques (comprising five boards on site and it appearing on Kalmars and the most popular aggregate websites). The marketing response has been poor, consisting of only four responses from nursery (Use Class D1) operators. Before then, the units were marketed by Lamberts Chartered Surveyors from July 2010 until September 2014 and boards were displayed in January 2011 with amended signage in June 2012.
- 6.11 Officers consider that sufficient information is provided to demonstrate that there is no prospect of the units being let to commercial occupiers and therefore, in this instance, accept that residential use would be appropriate in this location.
- 6.12 However, given the proposal results in employment land being replaced by residential dwellings, a financial contribution is due under DM Policy 11 in order to support the current training and operation costs of running the Local Labour and Business Scheme. Based upon the estimated number of new dwellings (1,385) to be created annually as required by the London Plan (FALP 2014) and the number of new jobs (500) required annually as estimated by the Lewisham Business Growth Strategy, each new job and dwelling will require a contribution of £530 towards employment training. Therefore, this application is subject to a £4,240 contribution, which shall be subject to a S106 obligation.
- 6.13 Therefore, the revised proposals would be compliant with Core Strategy Policy 5 and DM Policy 11.
- 6.14 With regard to the proposed use, housing is a priority use for all London boroughs with the need for family-sized dwellings being particularly acute in Lewisham, and the Core Strategy Spatial Policy 2 welcomes the provision of additional new homes by 2026.
- 6.15 The evidence for Lewisham shows an overwhelming housing need, which is spread across the borough and for a mix of housing tenures as well as housing size. Officers recognise that housing is a priority use in the borough and change of use proposals in appropriate locations are a sustainable use of land to help meet housing targets.
- 6.16 As such, the principle of development is considered to be acceptable. Issues of design, impact on neighbouring properties, highways and the proposed standard of accommodation will be fully considered in the relevant sections of the report.

#### *Design*

- 6.17 Officers consider that sufficient detail drawings and information about the proposed materials have been submitted for the new entrances such that it is deemed that they constitute high quality design and relate well to the design of the existing residential units on upper floors. The gates would help to provide sufficient security for each residential occupier and the top-hung casement windows would allow for sufficient ventilation and penetration of natural light. It is considered reasonable to request further details of the cedar panelling to ensure that it is durable and would be treated so as not to weather, or if so, how it would look in future years.

- 6.18 The proposed design of the alterations to the ground floor units are otherwise appropriate for the proposed use, removing the large plate glass shopfronts more suitable for commercial uses, and would be congruous with the surrounds. As such, the proposals are compliant with London Plan Policies 7.4 and 7.6, Core Strategy Policy 15 and DM Policies 30 and 31.

*Impact on the amenity of neighbouring occupiers*

- 6.19 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.20 DM Policy 32 states that the Council expects all new residential development to:
- a. be attractive and neighbourly; and
  - b. provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.
- 6.21 Given the location of the proposed residential units at ground floor level, it is not considered that there would be an impact on neighbouring amenity.
- 6.22 However, it is important that an adequate level of privacy would be afforded to the new units. None of the primary bedroom windows would be located directly onto frontages facing the car park or the main pedestrian routes because the area to the rear is not considered to be such a route, being that it is mainly used by vehicles, and the windows to the front would be set back from the pavement by 82cm. The secondary bedroom windows to bedroom 2 of Flat 1, bedroom 1 of Flat 5 and bedroom 1 of Flat 6 would be obscure glazed and this is recommended to be secured by condition. Bedroom 2 of Flats 5 and 6 would have a single set of windows, but these would look out onto a resident-only access behind locked gates rather than a busy pedestrian thoroughfare.
- 6.23 The introduction of a residential use must not prejudice the functioning of the adjacent commercial space so sound insulation must be installed or upgraded, which is recommended to be secured by a compliance condition.
- 6.24 Therefore, the scheme is deemed acceptable in terms of neighbouring amenity in accordance with DM Policies 31 and 32.

*Standard of accommodation for proposed occupiers*

- 6.25 London Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context. It also states that the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 6.26 DM Policy 22 states that for conversions to residential from other uses, the Council will encourage cost effective and proportional energy efficiency measures to be carried out where feasible to a value not exceeding 10% of the overall construction costs.
- 6.27 DM Policy 32 states that all new residential development should be attractive and neighbourly, provide a satisfactory level of privacy, outlook and natural lighting both

for its future residents and its neighbours as well as meet the functional requirements of future residents.

- 6.28 Having assessed all of the residential units against the Technical Housing Standards - Nationally Described Space Standard, they all comply with regards to the requirements for GIAs, bedroom sizes and widths, storage space and internal floor to ceiling heights. In terms of outlook, all units are dual aspect, which would provide the units with adequate outlook, ventilation and daylight through the window, as well as the doors, which provide access into the external terraces, which each unit benefits from.
- 6.29 The amenity space provided for each dwelling would be in excess of the size requirements set out in Standard 26 of the London Plan Housing SPG, and is therefore acceptable in terms of area of space provided. However, as these amenity areas will be adjacent to car parking the row of commercial railway arches, boundary treatment for these areas is vital to ensure that the environment created is satisfactory and also that the operation of the commercial units is not compromised.
- 6.30 Officers have reviewed the submitted Daylighting Report, which has been revised since the previous application. It is now clear that all rooms in the units, particularly the kitchen / living / dining areas of Flats 2, 4 and 7 that failed previously, meet daylight standards.
- 6.31 Furthermore, regarding the access to the flats, none of them would be accessed from the carpark with all primary entrances located on Childers Street, which is considered to be a positive arrival experience compliant with Standard 8 of the London Plan Housing SPG (March 2016).
- 6.32 Officers have no objection to the proposed unit mix of 6 x two bed properties, a three bed property and a one bed property, which would be a welcome addition of a family-sized unit.
- 6.33 Core Strategy Policy 1 requires that 10% of all housing is to be wheelchair accessible or easily adapted for those using a wheelchair. Therefore, for this scheme, the requirement would be rounded up to one dwelling. Flat 8 is wheelchair unit adaptable and therefore this is considered sufficient.
- 6.34 Therefore, the proposed standard of accommodation is considered to be acceptable.

#### *Highways*

- 6.35 London Plan Policy 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions).
- 6.36 London Plan Policy 6.13 Parking states that the maximum standards set out in Table 6.2 in the Parking Addendum should be the basis for considering planning applications. Developments must ensure that 1 in 5 spaces provide an electrical charging point to encourage the uptake of electric vehicles and provide parking for disabled people.

- 6.37 Core Strategy Policy 14 Sustainable movement and transport states that car free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street, and cycle parking will be required for new development and TfL guidelines will be used to assess provision. Design will need to incorporate safe and secure cycle storage and parking as well as other facilities including showers and lockers, where appropriate.
- 6.38 This site has a PTAL rating of 2, which rates as poor public transport access. However, it is noted that New Cross Gate and Deptford rail stations are both approximately 15 minutes' walk from the site and are served by frequent services.
- 6.39 One car parking space has been provided per two flats, which meets London Plan standards, and is therefore acceptable. There is a requirement that 20% of the spaces (rounded up to one) must provide an electrical charging point to encourage the uptake of electric vehicles, which shall be secured by condition. Details are required of where the car parking spaces would be located I also to be secured.
- 6.40 The results of the submitted parking survey demonstrates that there is sufficient space to accommodate an increase in parking demand, should the demand for parking for the eight residential units exceed anticipated levels.
- 6.41 The proposal is for 17 cycle parking spaces are to be provided, which is compliant with Table 6.3 of London Plan 6.9. With the exception of flats 5 and 6 all of these are to be located in cupboards within the units, which makes them secure and dry. A condition is proposed to secure the details for flats 5 and 6 to ensure that the storage provide is safe and dry.
- 6.42 Residential Development Standards SPD seeks to ensure that all new developments have adequate facilities for refuse and recycling. All units are proposed to have the same existing servicing arrangements as the flats above where refuse is collected from existing waste stores, which are considered to have sufficient capacity and shall be conditioned.
- 6.43 Officers therefore have no objection to raise on highways grounds.

*Flood risk*

- 6.44 The Environment Agency did not raise an objection to the scheme, subject to the residential accommodation being set above the modelled breach flood level, which is between 3.21m and 3.29m. A condition is recommended to be added requiring section drawings to demonstrate that there would be an increase in internal floor heights of 0.25m in Block 1, the north west block, as set out in the Flood Risk Assessment.
- 6.45 An informative shall be added requesting that the applicant informs future occupiers to register with their Floodline Warnings Direct service so that they may prepare themselves in the case of a flood event.

*Sustainability and energy*

- 6.46 Paras. 94 and 95 of the NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change, which must be consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
- 6.47 Core Strategy Policy 8 Sustainable design, construction, and energy efficiency states that the Council is committed to prioritising the reduction of the environmental impact of all new developments, with a focus on minimising the overall carbon dioxide emissions of the development while improving sustainability aspects through sustainable design and construction. All minor and major non-residential development will be required to achieve a minimum of B REEAM 'Excellent' standard, or any future national equivalent.
- 6.48 DM Policy 22 Sustainable design and construction states that, in addition to those policies in the London Plan and Lewisham's Core Strategy Policies 7 and 8, the Council will require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling.
- 6.49 For conversions to residential from other uses, the Council will encourage cost effective and proportional energy efficiency measures to be carried out where feasible to a value not exceeding 10% of the overall construction costs.
- 6.50 The Council considers that the measures proposed in regards to energy and water efficiency measures by the Revised Sustainability & Energy Statement to be acceptable.

*Prevention of crime and disorder*

- 6.51 Section 17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:
- a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local community);
  - b) the misuse of drugs, alcohol and other substances in its area; and
  - c) re-offending in its area.
- 6.52 Issues of flytipping, litter and graffiti were raised as a consequence of the public consultation undertaken in respect of this application. Neglect of the units was also cited, although there was no major signs of this during the site visit, but is to be expected of empty premises. Once these units are occupied and become active frontages with comings and goings, it is likely that the issues would cease to be problems.
- 6.53 As such, Officers consider that the scheme would not add to crime or general anti-social behaviour in the immediate vicinity.

*Community Infrastructure Levy (CIL)*

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

- 6.55 CIL is chargeable on the net additional floorspace (gross internal area) of all new development. However under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended) affordable housing is exempt from CIL. However, it should be noted that the applicant is required to apply for the exemption.
- 6.56 Under the CIL charging schedule, the amount of CIL payable for the SE8 postcode for new residential development is £100 per sqm. The Mayor CIL is charged at £35 per sqm of new development.
- 6.57 It is the Local Planning Authority's responsibility to collect CIL payments from new development.

*Issues raised by consultation*

- 6.58 Further concerns from local residents were raised regarding the absence of consultation from the developer and the developer not engaging with local residents interested in the units. Whilst the Council encourages applicants to engage with local communities prior to submitting applications, given the scale of this proposal it is not a requirement that the local authority can insist on and therefore the application has been processed and assessed by Officers.

**Human Rights Act**

- 6.59 Under the Human Rights Act 1998, the Council must not act in a way which is incompatible with the rights referred to in the Act. There is an exception to this, in that the Council will not be acting unlawfully if Acts of Parliament mean that it cannot act in any other way. The relevant human rights in this instance are the:
- Right to respect for the home, under Article 8; and
  - Right to peace enjoyment of possessions, under Article 1 of Protocol 1.
- 6.60 However, these rights are not absolute, and may lawfully be infringed in certain defined circumstances. Where infringement is permissible, it must occur in accordance with, or subject to, the conditions provided for by the law. It must also be proportionate; i.e. it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involved.
- 6.61 On balance, it is considered that the interference with the owners' human rights described in paragraph 6.76 are proportionate. As such, the application is not considered to raise any Human Rights Act implications.

**Equalities Considerations**

- 6.62 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.63 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- a. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - b. advance equality of opportunity between people who share a protected characteristic and those who do not;

- c. foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.64 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.65 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.66 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 6.67 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 6.68 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

### **Planning Obligations**

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

The NFFP also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fair and reasonably related in scale and kind to the development.

- 6.70 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 6.71 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.
- 6.72 London Plan Policy 8.2 (Planning obligations), and Core Strategy Policy 21 (Planning Obligations) together with the Councils Adopted Planning Obligations SPD (2015) sets out the policy context for considering planning obligations. Whether a development makes appropriate provision for, or contribution towards, requirements that are made necessary by, and are related to, the proposed development would be a material consideration relevant to the planning application being considered. Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area. Planning obligations should reflect strategic and local needs. In accordance with the statutory and policy context, and as a result of the assessment of the impacts of the proposed development the agreed Heads of Terms for a Unilateral Undertaking are set out below:
  - Financial contribution of £4,240 in respect mitigating against the loss of employment floorspace. The funding would be used towards Council initiatives towards local employment schemes across the borough.

### **Local Finance Considerations**

- 6.73 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or would or could be, provided to a relevant authority by a Minister of the Crown; or
  - (b) sums that a relevant authority has received, or would or could receive, in payment of Community Infrastructure Levy (CIL).
- 6.74 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 6.75 CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.
- 6.76 The above development is liable for both the Mayor's CIL and the Council's CIL. The completed CIL form was submitted with the application documents. An informative would be added to the decision notice advising the applicant to notify the Council when works commence.

### **Conclusion**

6.77 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).

6.78 The principle of development has been found to be acceptable and Officers consider that the proposed development, by reason of the design of the alterations, impact on neighbouring properties, on highways and on flood risk, standard of accommodation and sustainability, would represent the provision of high quality residential units, subject to the imposition of suitable conditions.

**7.0** **RECOMMENDATION A:** To agree the proposals and authorise Officers to negotiate and complete a S106 Planning Obligation to secure a financial contribution of £4,240 to mitigate against the loss of employment floorspace.

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

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

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

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

TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/106 Rev E; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/118 Rev C; TP/119 Rev C; TP/120 Rev C; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Flood Risk Assessment; Marketing Report & Appraisal; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Received 28th September 2017

TP/103 Rev J Received 22nd November 2017

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

3) No development shall commence on site until details of the cedar panelling for the front entrance to the residential units, including how it would be treated and / or how it would weather, 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 units and to comply with London Plan Policies 7.4 Local character and 7.6 Architecture of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 30

Urban design and local character, 31 Alterations/extensions to existing buildings and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new side elevation windows for bedroom 2 of Flat 1, bedroom 1 of Flat 5 and bedroom 1 of Flat 6 hereby approved shall be fitted as obscure glazed and retained in perpetuity.

Reason: To avoid the privacy of the new residential units being compromised and to comply with DM Policies 31 Alterations/extensions to existing buildings and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 5) The units shall be designed and fitted out so as to provide sound insulation against external and internal noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmix (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided. The evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policies 26 Noise and vibration, 31 Alterations and extensions to existing buildings including residential extensions and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 6) (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the hereby approved residential units.  
(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 7.4 Local character of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 7) (a) A minimum of 17 secure and dry cycle parking spaces shall be provided within the development.  
(b) No occupation of the residential units shall commence on site until the full details of the cycle parking facilities, including how the cycle spaces for Flats 5 and 6 would be secure and dry and how the cycle spaces would be divided between each residential unit, have been submitted to and approved in writing by the Local Planning Authority.  
(c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- 8) The refuse facilities shall be provided within the development prior to occupation of the development as indicated on the plans hereby approved, and shall thereafter be permanently retained and maintained.

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

- 9) A) No development shall commence on site until the following information has been submitted to and approved in writing by the Local Planning Authority: Sections at 1:20 scale through the ground floor of Block 1 showing the internal floor level of these residential units being increased by 0.25m. The residential accommodation must be set above the modelled breach flood level, which is between 3.21m and 3.29m.  
B) The development shall be completed in accordance with the approved drawings and retained in perpetuity thereafter.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage of the London Plan (March 2016) and Objective 6 Flood risk reduction and water management and Policy 10 Managing and reducing the risk of flooding of the Core Strategy (2011).

- C) (a) Details of the electric vehicle charging point to be provided and a programme for its installation and maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.  
(b) The electric vehicle charging point as approved shall be installed prior to occupation of the development and shall thereafter be retained and maintained in accordance with the details approved under (a).

Reason: To encourage the uptake of electric vehicles and to comply with Policy 6.13 Parking of the London Plan (March 2016) and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

- D) The wheelchair dwelling hereby approved shall be constructed to be easily adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) as shown on drawing no. TP/103 Rev J hereby approved prior to their first occupation.

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

## **INFORMATIVES**

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

The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Furthermore, all pre-commencement conditions attached to this permission must be discharged by way of a written approval in the form of an application to the Local Planning Authority, before any such works of demolition take place.

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

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

The applicant is requested to inform future occupiers to register with their Floodline Warnings Direct service so that they may prepare themselves in the case of a flood event.

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Appendix 2: Planning Committee Meeting Minutes of 22<sup>nd</sup> February 2018 for DC/17/103927  
THE ARCHES, CHILDERS STREET, LONDON, SE8 5PT

## LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (C) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 22<sup>nd</sup> February 2018 at 19:30.

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

OFFICERS: Helen Milner (Presenting Officer) and Richard McEllistrum – Planning Service, Paula Young- Legal Services and Georgia McBirney – Committee Co-ordinator

APOLOGIES: Councillor Dacres

### 1. DECLARATION OF INTERESTS

There were no declaration on interests.

### 2. MINUTES

Members approved the minutes for Planning Committee (C) held on 23<sup>rd</sup> November 2017.

### 3. 165, Upper Brockley Road, SE4 1TG (Item 3 on the agenda)

The Presenting Officer outlined the details of the proposal and that the application was originally presented at Planning Committee C on the 23 November 2017, members resolved that the decision be deferred pending the submission of further information. The further information supplied was in regards to the non-opening blank opaque recesses on the south elevation facing towards the garden of 161 Upper Brockley Road. Specifically information regarding the definition of opaqueness, whether an opening mechanism is in place or not and whether the previous proposal allowed for an opening window in the third bedroom and whether it would comply with building regulations.

A new condition relating to the glazed panels/windows was also proposed by the Presenting Officer to be attached to a permission if approved.

The Presenting Officer answered questions from Councillors Clarke and Hooks in regards whether the proposed condition can be amended to include levels 4-5 of opaqueness, the presenting officer explained that the proposed condition could be amended.

The Committee received verbal representation from David Alabi from AATP on behalf of the applicants and highlighted that he believes the application now addresses the concerns raised.

The Committee received verbal representations from James Titley a resident and Chris Johnson from the Brockley Society who handed out a print out to members containing his objection and fire safety documentation. James Titley outlined the history of the application site and states the south elevation should be as approved on

the original application. Chris Johnson raised concerns over whether the proposed glazing would pass building regulations.

Members asked for clarification on whether the proposal would comply with building regulations. The Presenting Officer stated the passing of planning permission does not overcome the requirement for building regulations consent.

Members asked Mr Titley about the building not being built to plan and difficulties with Thames Water. Councillor Clarke explained that these questions do not relate to the current application and that there are other courses of action available to Mr Titley if the application has been built in accordance with the plans.

Councillor Sophie McGeevor spoke under standing orders, questioning that if the building had not already been built she doubts that it would be approved. Councillor McGeevor also explained the impact of the building on the Brockley Conservation Area and that the south elevation is contrary to what was originally approved. Councillor McGeevor asked for the condition to be strengthened.

Councillor Hooks moved a motion to accept the officer's recommendation with the additional condition being amended, it was seconded by Councillor Jacca.

Members voted as follows:

FOR: Councillors Hooks, Jacca, Clarke, Bernards, Paschoud, Hordijenko and Sorba.

RESOLVED: That the application DC/17/103945 be accepted with the additional condition to be amended to include level of glazing.

Planning Officer Richard McEllistrum left the committee.

#### 4. 34 Southbrook Road, SE12 (Item 5 on the agenda)

The Presenting Officer outlined the application for the construction of a two storey infill extension to the rear of 34 Southbrook Road. It was explained that the ground floor extension already has planning permission and that the proposal would not be visible from the street scene. It was explained that an objection was received from the Lee Manor Society.

No questions were put to the Presenting Officer by members.

The Committee received verbal representations from Lee Turner of LJT Architects Ltd on behalf of the applicants. Lee Turner outlined that the owners are conscious of preserving the existing building but wish to extend the property to serve growing family. It was also stated the proposal is modest and sensitive to the existing building.

No questions were put to Lee Turner by members.

Councillor Paschoud asked what triggered the application to committee and the Presenting Officer stated that the Statement of Community Involvement detailed that if an objection is received from a registered amenity society then the application is required to be determined by a Committee.

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

Members voted as follows:

FOR: Councillors Paschoud, Sorba, Clarke, Hooks, Bernards, Hordijenko and Jacca.

RESOLVED: That the application DC/17/104679 be approved.

##### 5. The Arches, Childers Street, SE8

The Presenting Officer outlined the details of the proposal for the alteration and conversion of six vacant commercial units (Use Class B1) into 1 x one bedroom, 6 x two bedroom and 1 x three bedroom self-contained flats, together with the provision of 4 car parking spaces and 17 cycle spaces. It was highlighted that there is no policy site designation, although noted that previously as part of the UDP there was a designation as an employment site, but the site has since been de-designated.

The Presenting Officer detailed the consultation that had been undertaken and that this had resulted in four objections being received. The objections were outlined to members. The Planning Officer also detailed the comments received as outlined in section 4.5 of the report.

The Presenting Officer noted that they received correspondence from an individual on the 22nd February 2018 stating that they were seeking to buy the units. It was explained by the Presenting Officer that as this email was only received on the 22nd February no consideration of these comments had been given in the report, but that the submitted marketing report had been used in the assessment of the application. The Presenting Officer also highlighted that alternative commercial uses for the units cannot be considered as they do not form part of the application proposal.

The Planning Officer stated that as documentation has been submitted to address specific conditions proposed and as such pre-commencement conditions would be amended to compliance conditions if permission were to be granted.

The Presenting Officer answered questions from Councillors Sorba and Jacca in regards to the de-designation of the site and whether the site can be re-designated and how long the process would take. The Planning Officer stated that it can take several years and that the application must be considered against current policy.

The Presenting Officer answered questions from Councillor Paschoud in regards to why the scheme was approved with B1 units in the first place, and whether the proposed accommodation would be of an acceptable standard and also raised concern about units fronting the street and the amenity space. It was stated by the planning officer the proposed units would exceed floor to ceiling height standards, some units are 10-20sqm larger than the requirements and that proposed additional openings would improve light and outlook. The Planning Officer explained that as the street is residential in nature so is not a hostile environment and the appropriate materials can soften the façade.

Councillor Hooks asked if the units can only be marketed as B1. The Presenting Officer stated that the units have only be marketed as B1 as that is what they have consent for and there is no requirement to market them for none B1 uses.

The Presenting Officer answered questions from Councillor Clarke in regards to whether residential units are proposed in block two and whether a plan of the proposed frontage is available. It was confirmed by the Planning Officer that residential units are not proposed in block two and an elevation of the frontage was displayed.

The Committee received verbal representations from Simon Fowler of Bilfinger GVA and from Paul Hensher, the owner of the units. Simon Fowler clarified that a daylight and sunlight assessment was submitted and describes the proportion of glazing on the front elevation and the marketing of the units. Paul Hensher explained that the intention was to use the units as offices but highlighted that the size of the units and distance from the station has contributed to the unsuccessful letting of the units. Paul Hensher expanded on the objection received from a potential buyer and stated that he contacted the potential buyer by email in March 2016 and has not had a response.

Councillor Hooks asked why the units had only been marketed as offices and why haven't other commercial uses been proposed. Paul Hensher stated he did not believe other commercial uses would be suitable in relation to the existing residential units in the floors above and that the units are too large for retail units. Paul Hensher and Simon Fowler clarified that the marketing was in line with policy. Councillor Hooks asked what engagement was done with Deptford Folk prior to the submission of the application, Simon Fowler stated that none was taken as the purpose of the planning process is for the Council to undertake consultation.

Councillor Paschoud asked Paul Hensher if he owned the whole building, Paul Hensher stated he has a 900 year lease for the ground floor units and car parking area. Councillor Sorba asked whether Paul Hensher was involved in the original planning application and why were the units purchased if he was aware of difficulties with marketing. Paul Hensher stated he owns other offices in the immediate area and had misinterpreted the demand in the area. Councillor Clarke (Chair) said questions should be specific to the application in hand.

Councillor Clarke asked about the proposed windows on front elevation, Simon Fowler passed around coloured copies of the proposed front elevation and window details. Councillor Clarke asked for clarification on the flood risk concern and the Planning Officer stated the Environment Agency agrees with evidence submitted by the applicant.

The Committee received verbal representations from Trina Lynskey of DeptfordFolk, a handout was provided outlining the objections from DeptfordFolk. Trina Lynskey outlined that local residents do not support the change from B1 and that the map in the handout shows the new residential units that have been approved with a five minute walk of the application site and outlines the types of new businesses that are moving into the area. Concerns were raised in regards to who is responsible for maintaining the public realm and that there was no engagement with local people.

Councillor Jacca asked Trina Lynskey if she believed the units have been advertised and whether she would object to a planning application for a different use. Trina Lynskey stated she does not believe the units have been advertised correctly. Councillor Clarke stated that questions need to be relevant to what is under consideration.

Members asked the Presenting Officer a series of questions in relation to the affordable housing provision reduction of the original scheme for providing B1 units. The Presenting Officer and Legal Services stated that reduction would have been in relation to old policy and the previous site designation.

Members deliberated the recommendation. Councillor Sorba proposed a motion to reject the officer's recommendation, it was seconded by Councillor Jacca. Planning and legal Officers sought clarification on the reason for refusal, which was given as insufficient marketing. However this motion was not carried forwards.

Members voted as follows:

FOR: Councillors Sorba and Jacca

AGAINST: Councillors Clarke, Hooks, Bernarnds, Paschoud and Hordijenko.

Members deliberated the recommendation further. Councillor John Paschoud proposed a motion to accept the officer's recommendation, it was seconded by Councillor Hooks.

Members voted as follows:

FOR: Councillors Hooks, Paschoud, Clarke and Hordijenko

AGAINST: Councillors Sorba and Jacca

ABSTINED: Councillor Bernards

RESOLVED: That planning permission be granted in respect of application DC/17/103827 with amended conditions.

It should be noted that during the motion Councillor Sorba asked if the application could be deferred before the motion was seconded. Legal Services had to check the constitution for clarification on process as to whether a new motion could be proposed before a motion could be seconded.

The meeting ended at 9.40pm.

Chair

22<sup>nd</sup> February 2018

## **The Arches, Childers Street Local Meeting notes**

Held at Festa sul Prato between 18:30 and 20:00 on Thursday 9<sup>th</sup> August 2018.

Apologies: Deptford Folk, Chair of the Evelyn Parents Forum and 12 local residents

Councillor James Walsh chaired the meeting and outlined what would take place during it, and noted that the applicant is here voluntary.

Officers gave a background of the site and outlined the current proposals, stating that the only issue for debate was surrounding the marketing of the units.

The floor was then opened to questions.

Councillor Silvana Kelleher: The background of the units was discussed and questioned whether the marketing undertaken reflected the demography of the area. She also asked the applicant what could have been done differently to reach local communities.

Simon Fowler (planning agent): He stated that boards had been displayed from the start of the Kalmars marketing process, potential occupiers were able to make contact with Kalmars, but no formal offers were received. He asserted that Kalmars were a reputable local business. This was considered to be in compliance with Council policies.

Paul Hensher (applicant): He provided an outline of his business (City Business Centre) and said that they rent out and refurbish office space; they are not a residential developer. Examples of where local units are occupied were provided. He entered into a lease on the units at Childers Street four years after they were built. They were marketed individually and together locally and on the internet. He also outlined why they were not occupied.

Councillor Silvana Kelleher: She recognised that they hadn't been bought to have been left empty, but raised the point of why they weren't let out to local community uses, which is a missed opportunity.

Paul Hensher: He stated that there was a need for a financial return. However, no interest had been forthcoming from community groups, even though such groups had been involved with other units pertaining to his company.

Local resident: He questioned the need for a local meeting and the lack of an agenda. He stated that the location of the meeting was not suitable and the inability for it to be staged within the units proved that they haven't been maintained to a good standard.

Officers: The need for a meeting is laid out in the Statement of Community Involvement.

Councillor James Walsh: The location in a neutral venue would be better for all parties, which was supported by Councillor Silvana Kelleher.

Councillor Alex Feis-Bryce: He stated that the maintenance of the units was pretty poor and the local businesses have tried to get in touch to rent with units without any response. The cost per m<sup>2</sup> is higher than the average in the local area and that cost in the marketing report does not tally with websites.

Paul Hensher: His company have a long lease on the ground floor. Housing for Women manage the units and the building, and the applicant has campaigned for rubbish to be cleared away and the associated area tidied. The bin stores pertain to the residential units on upper floors. 15ft<sup>2</sup> is the average rent on Childers Street. The applicant's company would refurbish the unit to the occupiers' requirements before occupation. He reiterated that he hasn't heard from local businesses recently, only receiving an enquiry to Kalmars in December 2014. There are no active enquiries.

Councillor James Walsh: Asked if a Section 215 notice could be considered.

Officers responded that this is an issue for Environmental Health / Clean Streets who have more powers in this area, and it is unlikely to be expedient to issue one for planning enforcement officers.

Councillor Alex Feis-Bryce: He asserted that the condition of the units impacts on the viability of the units, which was supported by a local resident.

Officers stated that it was not uncommon for empty units to appear in disrepair over time and that there is limited incentive to maintain their appearance as it is costly to do so.

Local resident: There is rubbish in one unit, a smashed window in another and an attempted break in. He rejects the previous point.

Councillor James Walsh: He brings it back on point and talks about the shell and core condition. Units like these are usually refitted to the needs of the occupier. However, he recognised that the conditions of the units affect property values, which is an important point and could be a line of enquiry at planning committee.

Paul Hensher: Shell and core is standard within the industry.

Local resident: He mentions Vive Living on the same street and other local businesses inhabiting units and questions why the application units can't be let out.

Paul Hensher: The long lease doesn't allow other uses and other types of uses would require planning permission for change of use, which is off-putting to them. Therefore, it only makes sense to market for B1(a) uses. Having checked for updates on the day of the local meeting, no enquires for offices had been received to the continuing advertisement.

Local resident: He asserts that this must be down to the quality of the building.

Councillor James Walsh: He questions whether the external appearance of the units is affecting marketing and occupiers wanting to move in.

Paul Hensher: Changes to the frontage require planning permission and the quality of the external part of the units is similar to Marine Wharf, which are occupied.

Councillor Silvana Kelleher: She queried whether local community groups could use the units as office space. Officers confirmed this. She also asked whether the applicant was open to those groups getting in touch.

Paul Hensher: Yes, but charities for example aren't likely to move in. Charities have moved into other units owned by the applicant and these have been occupied on market rents.

Councillor Silvana Kelleher: Could the units be changed to a flexible use? For example, A1, A3, D1.

Councillor James Walsh and Officers reminded her that it would be up to the applicant to make this application and we have to consider the current application.

Officers also clarified what the Planning Inspectorate have to consider for the current appeal and why they are involved.

Councillor Alex Feis-Bryce: He questioned why various reports weren't made public. What did the Flood Risk Assessment say?

Simon Fowler: The Flood Risk Assessment stated that the proposed development is acceptable and that further information has been provided to the satisfaction of the Environment Agency.

Local resident: He shows photos of an incomplete A board and a smashed window and questions the use of the units for residential given their condition and safety concerns.

Councillor James Walsh: He asks the applicant if he intends to rent or sell the dwellings.

Paul Hensher: He states that he has not decided yet.

Councillor Brenda Dacres: She asked who marketed the units and queried the instructions given. Something seemed to be lacking given that these units are not occupied.

Paul Hensher: He repeated the points about his company and the marketing reports, including mentioning an updated marketing letter from Kalmars.

Councillor Silvana Kelleher: She confirms that boards are visible in all the units, although some have fallen over.

Local resident: He questions the use of Kalmars, the market rent and the length of the marketing.

Councillor James Walsh: He reminded everyone that the applicant has to run a business and earn return on his investment.

Paul Hensher: He stated that the company and its owner, Richard Kalmars, are well-established and have been involved with the Southwark Chambers of Commerce, where the units have also been advertised. Most enquiries come from the internet through market brokers. Kalmars have a lot of clients, which was detailed in paragraph 8.6 of the report (which he read out).

Local resident: She questioned whether cross-marketing had been carried out; had the applicant or Kalmars offered these units to potentially interested parties within other units.

Paul Hensher: Businesses are not choosing to be in Childers Street, but he confirmed that cross-marketing had been carried out.

Local resident: He stated that Evelyn Court on Grinstead Road is also far from train stations yet is occupied. He questioned how important the location actually was.

Paul Hensher: There is an issue with free on-street car parking spaces on Childers Street, which might become a Controlled Parking Zone in the future. Occupiers tend to look for allocated car parking spaces as they will definitely be available.

Councillor Brenda Dacres: She felt as though the applicant hadn't gone the extra mile to market these units, rather just used standard methods used on other sites. This is a unique site requiring a different approach. She questioned whether this is a good area and whether the condition of the units affected potential future occupiers, which is a marketing issue.

Local resident: He questioned whether the 15ft<sup>2</sup> was per month or per year and when it was reduced from 20ft<sup>2</sup>. He also wanted to know how long it was marketed at those prices, although they did not seem to tally with what he found on the internet.

Paul Hensher: People do not look in local papers to find office space. He does do special offers like a three month free period as an incentive. He would also fit out the unit for free once an occupier is found. The unit was marketed more than once in the Southwark Chambers of Commerce magazine without any interest or officers being received.

Local resident: He stated that the prices online were misleading as the market rent came out at 70ft<sup>2</sup> depending on the size of the unit in question. This was not clarified before the Panel.

Paul Hensher: He clarified that the total amount is what could be quoted and it is reduced depending on how many unit one company takes. The units are listed as 15ft<sup>2</sup> on his company's website. They do not directly advertise on Zoopla; the units are promoted by internet brokers.

Councillor Silvana Kelleher: She asserted that the price was meaningless as there was no interest. She queried what the cost actually meant in real financial terms.

Paul Hensher: It would cost £20,000 for 13,000ft, which would be enough office space for 15-20 people.

Councillor Alex Feis-Bryce: He touched on maintenance, which is one of the limitations of the report. He was not sure why people did not express interest in the units.

Paul Hensher: He stated that people who want to fill offices won't be walking by them on Childers Street.

Councillor James Walsh ended the meeting.

Committee	PLANNING COMMITTEE C	
Report Title	15 Perks Close, London, SE3 0XD	
Ward	Blackheath	
Contributors	Hugh Walsh	
Class	PART 1	29 <sup>th</sup> November 2018

Reg. Nos. DC/18/108362

Application dated 02/08/2018 [as revised on 29/10/2018]

Applicant Mr M Jaques

Proposal The construction of a rear roof extension, together with the construction of a single storey rear extension and the installation of rooflights to the front roofslope at 15 Perks Close SE3.

Background Papers

- (1) 002; 005-REV-C; Heritage Statement; Planning Statement (Received 3rd August 2018)
- 003-REV D; 004-REV D (Received 25th October 2018)
- 001 - REV A; 006 - REV A (Received 13th November 2018) - RT Drafting Solutions Limited
- (2) Case File LE/1098/15/TP
- (3) Local Development Framework Documents
- (4) The London Plan
- (5) The NPPF

Designation Core Strategy, Site Allocations Local Plan – Residential; Blackheath Conservation Area;

Screening N/A

## 1.0 Summary

This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as permission is recommended to be approved and there are 3 or more valid planning objections.

## 2.0 Property/Site Description

- 2.1 The application site is located on the western side of Perks Close, comprised of a mid-terrace two-storey contemporary dwelling house with a town house design. The property is built of yellow London stock brick with brown coloured uPVC windows.
- 2.2 The site is located within the Blackheath Conservation Area, however is not subject to an Article 4 Direction removing permitted development rights for dwelling

houses. Neither was the right to extend the property removed by any condition attached to the original grant of planning permission in 1977.

### 3.0

#### Planning History

- **DC/17/105167** - The construction of a rear roof extension at 15 Perks Close SE3, together with the construction of a single storey rear extension and the installation of rooflights to the front roofslope. **Refused**.
- **DC/18/106557** - The construction of a rear roof extension at 15 Perks Close SE3, together with the construction of a single storey rear extension and the installation of rooflights to the front roofslope. **Refused**.

### 4.0

#### Current Planning Applications

##### The Proposal

- 4.1 The application is for the construction of a rear roof extension, together with the construction of a single storey rear extension and the installation of rooflights to the front roofslope at 15 Perks Close.
- 4.2 This application replicates a previously approved application at Hurren Close (DC/17/103385).

##### Supporting Documents

- 4.3 Heritage, Design & Access Statement.

### 5.0

#### Consultation

- 5.1 This section outlines the consultation carried out by the council following the submission of the application and summarises the responses received. The council's consultation exceeded the minimum statutory requirements and those required by the council's adopted Statement of Community Involvement.
- 5.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward councillors. The Blackheath Society were also consulted.

5.3

Objections:	Response:
<u>Neighbour at 17 Perks Close:</u> Objects to both the rear Dormer Extension and the single storey rear extension on the grounds of loss of light, overlooking/loss of privacy and effect on the character of the neighbourhood.	The proposal's scale both for the rear dormer extension and the single storey rear extension is considered not to have a significant impact on the loss of light for 17 Perks Close as officers consider the scale of the extensions is not great enough to pose impact on the properties sunlight or privacy.  The character of the neighbourhood is not considered to be significantly impacted by the proposal due to the

	<p>already inconsistent roofslope, part of the original layout of the street and the scale of the proposed extensions.</p>
<p><u>Neighbour at 14 Perks Close:</u> Objects to the proposal on the ground of it being destructive to the character of the area and represents an eyesore, impact on daylight &amp; Privacy, Overbearing, impact to the original layouts function as a wind and sound tunnel serving the railway, impact on the conservation area and set a local precedent that would lead to excessive overdevelopment.</p>	<p>The character of the neighbourhood is not considered to be impacted by the proposal due to the already inconsistent roofslope, part of the original layout of the street and the scale of the proposed extensions.</p> <p>Both extensions are considered to be a high quality of design and would comprise of materials that are sympathetic to the host building.</p> <p>The positioning and scale of the dormer extension would not result in any significant impact to the daylight of 14 Perks Close and the rear extension is considered not to have an impact on the daylight of 14 Perks Close.</p> <p>The proposal would not constitute a loss of privacy to 14 Perks Close as the presence of an existing window overlooking the garden poses the same privacy issues, these windows are consistent along the street overlooking onto the gardens.</p> <p>The proposals are not considered to pose significant impact on the conservation area, the proposal would constitute less than substantial harm to the host property and the surrounding conservation area and although it would not supply any public benefit, it would give the applicant numerous benefits. The proposal would unlikely set a local precedence of overdevelopment due to the relatively small scale of the proposal.</p>
<p><u>Neighbour at 16 Perks Close:</u> Objects to the rear dormer extension on the grounds that the dormer would result in a loss of privacy to the objectors rear garden, the roof dormer is not in keeping with the character of the roofslope and granting the application would result set a local precedent that</p>	<p>The proposal would not constitute a loss of privacy to 16 Perks Close as the presence of an existing window overlooking the garden poses the same privacy issues, these windows are consistent along the street overlooking onto the gardens.</p>

<p>would lead to excessive overdevelopment.</p> <p>The neighbour at 16 Perks Close supports the single storey rear extension.</p> <p>Neighbour objected further to the amended rooflight design on all grounds mentioned previously.</p> <p>Stated signs that a precedence of over development has already begun are showing.</p>	<p>The character of the neighbourhood is not considered to be significantly impacted by the proposal due to the already inconsistent roofslope, part of the original layout of the street and the scale of the proposed extensions.</p> <p>The proposal would unlikely set a local precedence of overdevelopment due to the relatively small scale of the proposal.</p>
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## 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 NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

6.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making

process in accordance with paragraphs 213 of the NPPF. Chapter 16 relates to conserving and enhancing the historic environment.

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 2014

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 new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018) and minor modifications before the EIP were published on 13 August. A 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 policies in the current adopted London Plan (2016) relevant to this application are:

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

The relevant emerging policies of the draft London Plan are:

HC1 Heritage conservation and growth

Core Strategy (June 2011)

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

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

Development Management Local Plan (November 2014)

6.10 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

- DM Policy 1: Presumption in favour of sustainable development;
- DM Policy 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)
- 6.12 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self-containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

## **7.0 Planning Considerations**

- 7.1 The main issues to be considered in respect of this application are:
- Design
  - Impact on Adjoining Properties

### Design

- 7.2 Proposed single storey rear extension:  
The proposed single storey rear extension would be considered as having an acceptable size and scale within the context of the host property's rear garden area. The proposed extension's design would comprise of a 3m depth, sloping roof and be constructed with materials matching the host property. The proposed design would allow the development to appear as a contemporary addition that would be visually compatible with the character and appearance of the host property's rear elevation. This is due to the use of matching brick works, large glazing arrangements and matching roof design.

- 7.3 Proposed rear roof extension:  
The proposed roof extension would be set down from the host property's ridge line by 0.100m and would have a 0.400m setting from the side party walls, this complies with the Residential Standards SPD. The proposed extension's scale and positioning is considered not to have a significant impact on the Blackheath Conservation Area. The proposal is considered to be a sympathetic addition to the host building due to the use of similar materials to that of the existing building.  
Paragraph 4.2 of this report mentions the grant of planning permission to an identical scale rear dormer at Hurren close.

- 7.4 Proposed rooflights:  
The proposed rooflights would be situated on the front roofslope of 15 Perks Close, the original design incorporated 3 large roof lights but after negotiations with the applicant and agent it was concluded that the design was too intrusive and the design was amended to match other properties within Perks Close. The proposed rooflights are therefore considered not to have a significant impact on the roofscape of perks close as the revised design matches neighbour properties.

### Impact on Adjoining Properties

- 7.5 Overlooking:  
Officers note the proposed single storey rear extension together with the rear roof dormer would comprise of rear elevation facing glazing. Given the high boundary

walls on the ground floor officers do not consider the proposed bi-folding door would result in result in adverse overlooking impact or loss of privacy.

Officers considered objections from neighbours at No.14, No.16 and No.17 Perks Close concerning overlooking into the rear garden area from windows proposed as part of the rear roof extension. Given that first floor windows already exists on the rear elevation of properties on this terrace, officers would not consider the introduction of a roof level window result in cumulative overlooking harm to the detriment of neighbouring properties.

7.6 Overbearing:

The proposed single storey rear extension with its depth of 3m would sit along the boundary wall of No.14 and No.16 with a height of 3.8m and an eaves height of 2.8m. Its form would be considered as a modest addition given the host garden's depth as well as the garden of neighbouring properties. Officers do not consider the extension's form would be overbearing given its shallow depth and sloping roof design.

7.7 Loss of light:

The proposed single storey rear extension would be full width with a maximum height of 3.8m, an eaves height of 2.4m at the rear and depth of 3.m along the boundary wall with No.14 and No.16. Given the site's south westerly facing rear garden, officers consider the property at No.14 would not be subjected to undue loss daylight or sunlight impact. With regards to No.16, officer's note that due to the scale of and the pitched roof design it is considered that the level of expected loss of light would not warrant a refusal.

## **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. There is no CIL payable.

## **9.0 Equalities Considerations**

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

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

- a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - c) foster good relations between people who share a protected characteristic and persons who do not share it.
- 9.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 9.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 9.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is 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
- 10.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

## **11.0 CONCLUSION**

- 11.1 This application has been considered in the light of policies set out in the Development Plan and other material planning considerations.
- 11.2 Officers consider the proposals would attain a high standard of design and maintain similar materials while respecting the architectural characteristics of Perks Close in accordance with DM Policy 30 & 31, the proposal is not considered to harm the significance of the heritage assets (Blackheath Conservation Area) and is considered to preserve the appearance of the Conservation Area in accordance with DM Policy 36. In addition, the proposal would not be detrimental to residential amenity and therefore the scheme is considered acceptable.

## **9.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

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

Reason: The works for which conservation area consent is hereby granted must be begun not later than the expiration of three years beginning with the

date of this consent in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended).

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

002; 005-REV-C; Heritage Statement; Planning Statement (Received 3rd August 2018) 003-REV D; 004-REV D (Received 25th October 2018) 001 - REV A; 006 - REV A (Received 13th November 2018) - RT Drafting Solutions Limited

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

3. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with Policy 36 of the Development Management Local Plan (2014).

## **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.



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Committee	PLANNING COMMITTEE C	
Report Title	42 Lewisham Park, London, SE13	
Ward	Lewisham Central	
Contributors	Vincent Murphy	
Class	PART 1	29 <sup>th</sup> November 2018

<u>Reg. Nos.</u>	DC/18/108048
<u>Application dated</u>	10.07.2018
<u>Applicant</u>	Ms Danielle Toyer
<u>Proposal</u>	The construction of a pool house enclosure in the rear garden of 42 Lewisham Park, SE13 (revised plans received 10.09.18 and 17.09.18 reducing height and removing solar panels)
<u>Background Papers</u>	<ul style="list-style-type: none"> <li>(1) Case File DE/110/42/TP</li> <li>(2) Local Development Framework Documents</li> <li>(3) The London Plan (2016 as amended)</li> <li>(4) Draft New London Plan</li> <li>(5) NPPF (2018)</li> </ul>
<u>Designation</u>	Core Strategy – Areas for Stability and Managed Change PTAL 3 Not in a Conservation Area Not a Listed Building Road Unclassified

## 1.0 Summary

- 1.1 This report sets out officer's recommendation in regard to the construction of a pool house enclosure in the rear garden at the above property.
- 1.2 This report has been brought before members for a decision as officers recommend approval subject to conditions and there has been 3 or more valid planning objections.

## 2.0 Property/Site Description

- 2.1 This application relates to a two-storey semi-detached dwelling at 42 Lewisham Park which is located on the southern side of the road. The dwelling is used as a single residential household, and has private open space including several trees to the rear of the site.
- 2.2 Surrounding properties are predominantly residential in use, being similarly-constructed detached or semi-detached dwellings and flats, with rear open space and trees to the rear of properties. Trees at the rear of the adjoining property at 43 Lewisham Park are protected by a Tree Preservation Order. The underlying topography slopes gently downwards from south to north through the property.
- 2.3 The property is not located in a Conservation Area, and it is not subject to any Article 4 direction. It is noted that Lewisham Park is currently the subject of an initial proposal for a new conservation area within the borough. A draft Conservation Area has been prepared however

this has not yet been approved by Mayor and Cabinet for consultation purposes, and as such, has no weight as a material planning consideration.

### **3.0 Planning and Enforcement History**

- 3.1 There is no relevant planning or planning enforcement history at this site.

### **4.0 Current Planning Application**

#### The Proposal

- 4.1 The construction of a pool house enclosure in the rear garden of 42 Lewisham Park, SE13 (revised plans received 10.09.18 and 17.09.18 reducing height and removing solar panels). The pool house enclosure will have a footprint of approximately 75 square metres, and will be single-storey in height, positioned at the very rear of the property and will be clad in a part glazed, part green roof, and bricks to walls to match bricks at the existing dwelling.

### **5.0 Consultation**

- 5.1 Neighbour Letters and Site Notice – Four submissions received in response to the first round of consultation on originally-submitted plans, and three submissions received in response to the second round of consultation on the revised plans – the later three submissions being from three of the original submitters. All submissions were in objection, with objections concerning size and height of the pool house, orientation of the pool house, impacts on outlook, glare from solar panels (included in originally submitted plans). Some objections discuss the removal of a tree to facilitate the proposal, and associated ecological and privacy impacts of this action. This is not considered to be a material consideration to this application as the site is not in a conservation area nor is it subject to a Tree Preservation Order.
- 5.2 Lewisham Central Ward Councillors – No submissions received.

### **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 24<sup>th</sup> 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 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 paragraph 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. The site is not within the Lewisham Town Centre designation however.

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 draft New London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018) and minor modifications before the EIP 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.

- 6.9 The current London Plan (March 2016) policies relevant to this application are:
- Policy 5.10: Urban greening;
  - Policy 5.11: Green roofs and development site environs;
  - Policy 5.13: Sustainable Drainage;
  - Policy 7.4: Local character;
  - Policy 7.6: Architecture;
  - Policy 7.19: Biodiversity and access to nature conservation;
  - Policy 7.21: Trees and woodlands;
- 6.10 The draft New London Plan policies relevant to this application are:
- Policy D1: London's form and characteristics;
  - Policy G7: Trees and woodlands;

Core Strategy (June 2011)

6.11 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 12: Open space and environmental assets;
- Core Strategy Policy 15: High quality design for Lewisham;

Development Management Local Plan (November 2014)

6.12 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

- DM Policy 24: Biodiversity, living roofs and artificial playing pitches;
- DM Policy 25: Landscaping and trees;
- DM Policy 30: Urban design and local character;
- DM Policy 31: Alterations/extensions to existing buildings;
- DM Policy 33: Development on infill sites, backland sites, back gardens and amenity areas;

Site Allocations Local Plan (June 2013)

6.13 There are no relevant Site Allocations relating to this application site.

Residential Standards Supplementary Planning Document (2006, updated 2012)

6.14 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. Whilst the proposal does not constitute residential development, this SPD is relevant to neighbouring amenity, which is a relevant impact to consider in terms of impacts upon neighbouring amenity as a result of the proposed scheme.

## **7.0 Planning Considerations**

7.1 The pertinent planning considerations are considered to relate to the principle of the development, neighbourhood character impacts and design quality, neighbouring amenity impacts (including impacts on protected trees), and ecological impacts.

*Principle of development*

7.2 Core Strategy Spatial Policy 5 Areas of stability and managed change, and Policy 15 High quality design for Lewisham, and Development Management policies 30 and 33 are considered to be directly relevant to the issue of the principle of this type of development in this location.

7.3 The proposal is for a detached outbuilding clearly incidental to the existing residential use of the subject site. As such, the proposal is not considered to generate a principle-based issue in terms of the proposed use being incompatible with surrounding land uses (also residential).

7.4 Outbuildings incidental to residential use are not in-principle unacceptable at residential sites. This conclusion is made based on such outbuildings being relatively common at residential sites, in particular being evident at surrounding/nearby sites along Lewisham Park and Mount Pleasant Road. There is a lack of express policy direction against residential outbuilding development, which should be noted in its contrast to back garden new, separate dwelling development.

7.5 The design, size and scale of any residential outbuilding is very important with respect to ensuring reasonable amenity remains available to occupants of the subject and neighbouring properties. These impacts are considered later in this report. However fundamentally the development is not considered to be objectionable in principle.

*Neighbourhood character, design quality*

7.6 Development Management Policies 30 Urban design and local character and 33 Development on infill sites, backland sites, back gardens and amenity areas, are considered to be directly relevant to the issue of whether or not the development is appropriate considering the character of the surrounding neighbourhood.

7.7 DM Policy 30, in summary, sets out guiding urban design principles to ensure high quality development to result in well designed, healthy and safe communities that promotes a sense of place. In undertaking an assessment against the specific provisions of DM Policy 30, it is considered that the proposal achieves the following:

- The proposal includes a very clear, separating break between the pool house enclosure and existing buildings, does not affect the setback of the dwelling from the road nor its contribution to the streetscape.
- The height and scale (single-storey, maximum height 3.4m to ridge) and materials are considered to be appropriate to the scale of surrounding development, with materials (brickwork and glazing) being complementary and lightweight in relation to the materials of the dominant surrounding building mass of dwellings. It is noted that properties to the south on Mount Pleasant Road have a notably higher ground level, which diminishes the impression of the height of the building further when viewed from neighbouring properties to the south.
- The proposal does not include the removal of trees to facilitate the construction of the pool house enclosure. It is acknowledged that trees along the common rear boundary of properties accessed from Lewisham Park and Mount Pleasant Road to the south are a distinctive element of the character of the area as appreciated from private back yards. As such, the role of open space and trees in contributing to local character distinctiveness and sense of place within this neighbourhood is not compromised by the proposal

7.8 For the reasons discussed above, in this instance of a construction of a single-storey pool house to the rear of the property is not considered to materially erode the characteristic residential quality of the neighbourhood. The proposed development is therefore not considered to be incompatible with the surrounding characteristic urban typology pattern (Suburban Villa);

7.9 DM Policy 33 concerns certain development opportunities on a variety of commonly-found land arrangements in the borough. Of relevance to this case is development of back gardens, which is what is proposed by the application. In undertaking an assessment against the specific provisions of DM Policy 33, the proposal achieves the following:

- The proposal will not alter the streetscape contribution of the site;
- The space between the proposed outbuilding and existing surrounding buildings are maximised;
- The proposal is not for a residential dwelling, and is restricted to single storey in scale. Whilst it is of a relatively large footprint in comparison to surrounding outbuildings, this is to be expected to a degree as plot sizes and widths on Lewisham Park properties are substantially larger and wider than those on Mount Pleasant Road. The size (footprint) of the outbuilding is also partially softened and mitigated by tree retention and assimilation of the outbuilding.
- Substantial private back garden space (in excess of 75% of the back garden not covered by building footprint) is retained by the proposal.

- 7.10 Considering the assessment above, it is acknowledged that the size (footprint) of the pool house enclosure is relatively large in comparison to neighbouring outbuildings. Mitigating factors include plot size differences and amount of open space retained, relatively low height, prevalence of outbuildings in the area, lack of tree removal and the degree of tree retention and assimilation of the pool house. Considering these mitigating factors, the proposal is not considered to be of a poor design quality or uncharacteristic use or coverage relative to the surrounding neighbourhood context to warrant refusal of the application.
- 7.11 For the above reasons, any impacts on neighbourhood character of this proposal are therefore considered to be acceptable, and the proposal is considered to be consistent with the relevant character and design quality provisions of DM Policies 30 and 33.
- 7.12 It is noted that neighbour objections are premised in part upon the size and height of the pool enclosure. The character impacts of these components of the design are addressed in the assessment above.

*Neighbouring amenity*

- 7.13 Development Management Policy 31 Alterations and extensions to existing buildings, including residential extensions is considered to be particularly informing of important considerations with regard to neighbouring amenity impacts. Aforementioned DM Policies 30 and 31 are also relevant. Important and relevant amenity factors include shading, loss of ambient daylight, overbearing/sense of enclosure, outlook, privacy/overlooking, noise and glare.
- 7.14 Due to separation distances, the lowering topography and elevation from south to north through the proposed development site, the height being restricted to 3.4m to the ridge of the roof, and partial obscuration by neighbouring outbuildings and trees, the proposal is not considered to be unreasonably imposing or overbearing or generating an unreasonable sense of enclosure upon the occupants of any neighbouring property.
- 7.15 Considering the separation distances to the proposed outbuilding and the location of dwellings and outdoor living spaces relative to the trajectory of the sun, and impacts from existing vegetation and structures, the proposal is not considered to give rise to material adverse shading impacts upon the occupants of any neighbouring property. Considering the separation distances from the proposed outbuilding, the proposal is not considered to give rise to material adverse loss of ambient daylight impacts upon the occupants of any neighbouring property.
- 7.16 The roof will be constructed with a partly planted green roof and glazed roof. Whilst this roof will be visible from neighbouring properties, considering the relatively low height and partial obscuration of the building by existing vegetation, the outlook from neighbouring properties is not considered to be unacceptably altered, constrained or imposed upon. Significant visibility of the outside natural environment from neighbouring windows will remain upon the erection of the pool house enclosure.
- 7.17 Proposed windows only face north towards the existing dwelling at the subject site. As such, no adverse overlooking impacts are considered to be created with respect to properties to the south accessed from Mount Pleasant Road. Considering the separation distance to the dwellings and outdoor living spaces to the north-east/north-west (41 and 43 Lewisham Park) and screening generated by existing vegetation and boundary fencing, any adverse overlooking impacts are considered to be minimised to be acceptable. This conclusion is made cognisant that there will be greater use of the rear of the site as the pool house will be able to be used year-round.
- 7.18 Noise is not expected to be materially greater than reasonably expected incidental use of a rear garden. No material adverse noise impacts are considered to result to affect the amenity of neighbouring properties.

- 7.19 Solar panels have been removed from the roof design. This was one premise of objections received, specifically glare from solar panels. The glazed components of the roof face north into the site, away from the direction of the sun. As such, glare attributable to the design of the proposal is considered to be sufficiently mitigated by the amended design of the building.
- 7.20 For the above reasons, any impacts on neighbouring amenity available to the occupants of any neighbouring property generated by the proposal are therefore considered to be acceptable. The proposal is considered to be consistent with the relevant neighbouring amenity provisions of DM Policies 30, 31 and 33.
- 7.21 It is noted that neighbour objections are premised in part upon several amenity factors. These are considered to be addressed in the assessment above.

#### Ecology

- 7.22 The proposed inclusion of a living roof assists in providing opportunity for biodiversity retention or increase, which is recommended to be secured by condition of planning permission. As such, the inclusion of the living roof is considered to add to the quality of the design and minimise the magnitude of any impacts on biodiversity, in accordance with DM Policy 24.
- 7.23 The proposal results in excavation and construction in close proximity to trees at 43 Lewisham Park that are protected under a Tree Preservation Order. It is noted that excavation for the swimming pool had commenced at the time of a site visit. Whilst permitted development rights exist for such building operations, the protection of these trees is of particular importance.
- 7.24 The applicant has made it clear through existing and proposed plans that it is firmly the intention that all existing surrounding trees be retained by the development. Considering the proximity of the building to existing prominent trees however, it is considered necessary and reasonable that a condition of planning permission ensuring the protection of surrounding trees is imposed. Subject to this condition, impacts of the proposal (construction of a pool house) upon long-term tree health are considered to be suitably minimised and the trees in question protected, in accordance with DM Policy 25.

## **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 would or could be, provided to a relevant authority by a Minister of the Crown; or
  - b) sums that a relevant authority has received, or would or could receive, in payment of Community Infrastructure Levy (CIL).
- 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 would not be payable on this application.

## **9.0 Equalities Considerations**

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

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

- 9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
  - a. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - b. advance equality of opportunity between people who share a protected characteristic and those who do not;
  - c. foster good relations between people who share a protected characteristic and persons who do not share it.
- 9.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 9.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
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- 9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 9.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality to any person.

## **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:

- Peaceful enjoyment of property
- Right to a fair trial
- Right to respect for private and family life

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

10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with convention rights would 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. This application has the legitimate aim of improving amenity at the site. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

## **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 The proposed development is considered by Officers to be acceptable with regards to the principle of development, and impacts upon neighbourhood character and design, neighbouring amenity, and ecology, and is considered to be consistent with relevant DM Policies 24, 25, 30, 31 and 33 and the relevant provisions of applicable higher planning instruments.

## **12.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

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

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

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

288-P-000 Rev \*; 288-P1\_001 Rev A; 288\_P\_002 Rev A; 288\_P\_010 Rev A;  
 288\_P\_012 Rev \*; 288\_P\_013 Rev \*; 288\_P\_014 Rev \*; 288\_P\_101 Rev A;  
 288\_P\_110 Rev \*; 288\_P\_111 Rev A; 288\_P\_112 Rev \*; 288\_P\_113 Rev \*;  
 288\_P\_115 Rev \*; 288\_P\_116 Rev A; 288\_P\_117 Rev \*; 288\_P\_118 Rev \*, received  
 17.09.18.

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.

3. No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

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

4. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. 111 Rev A, 112 Rev \*, 113 Rev \*, 116 Rev A hereby approved and maintained thereafter.
- (b) The living roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 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 (2016), 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).

5. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the residential accommodation hereby approved shall only be used for purposes ancillary to the residential use of the dwellinghouse known as 42 Lewisham Park, SE13 6QZ and shall not be occupied as any form of self contained residential accommodation without prior the benefit of planning permission.

Reason: The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant Policies in the London Plan (2016), Core Strategy (2011) and Development Management Local Plan (2014).

## Informatics

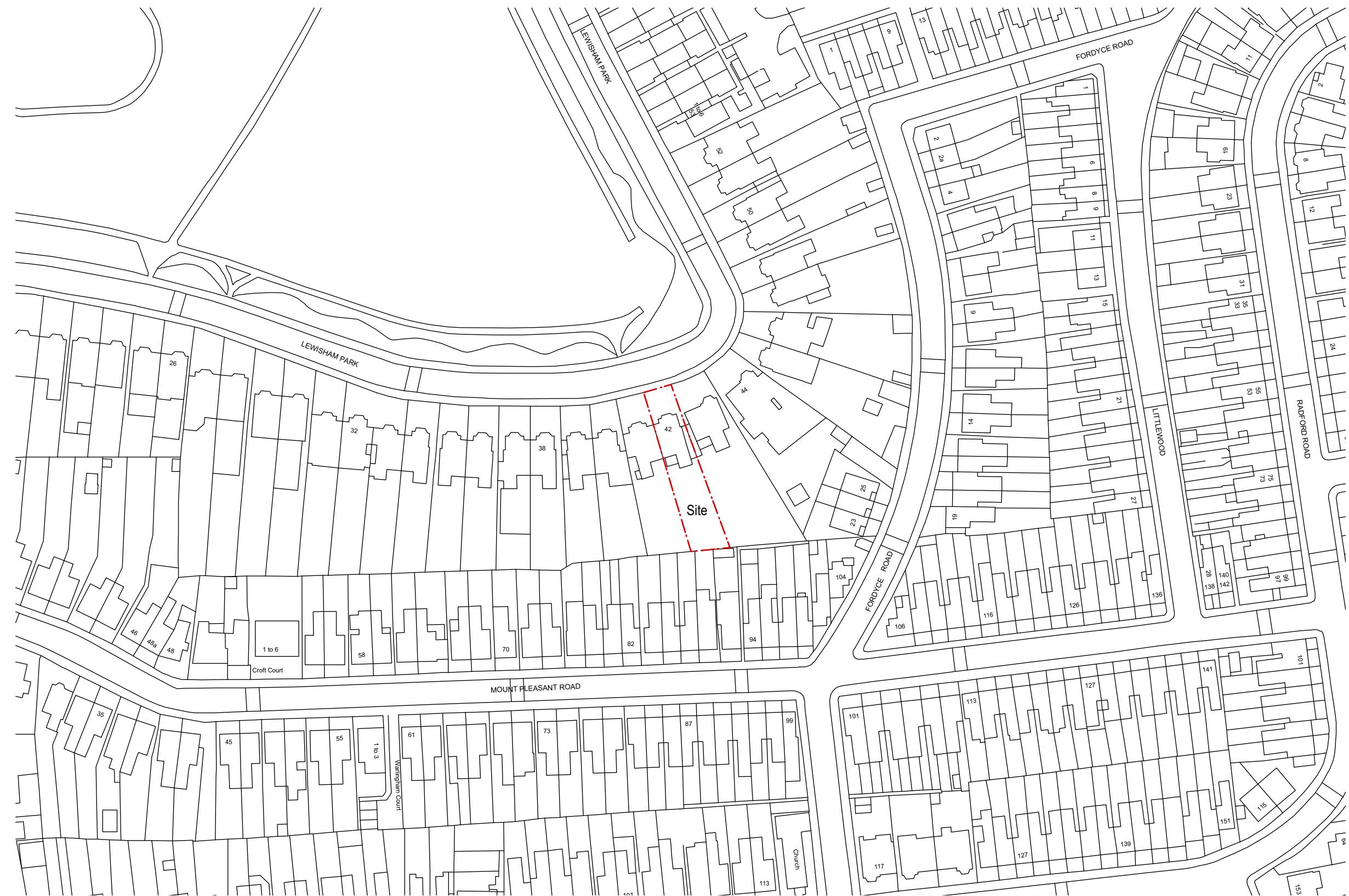
- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive

discussions took place which resulted in further information being submitted and amendments made to address neighbourhood character and neighbouring amenity concerns.

- B. The applicant is advised that the implementation of this planning permission or the exercise of permitted development rights does not absolve the need to adhere to the Tree Preservation Order in place on the neighbouring property at 43 Lewisham Way. The link below provides further information:

<https://www.lewisham.gov.uk/myservices/environment/Documents/ApplicationForTreeWorks.pdf>

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Committee	PLANNING COMMITTEE C	
Report Title	29 Inchmery Road, London, SE6.	
Ward	Catford South	
Contributors	John Grierson	
Class	PART 1	29 <sup>th</sup> November 2018

<u>Reg. Nos.</u>	DC/18/107533
<u>Application dated</u>	08.06.2018
<u>Applicant</u>	Design Squared Ltd.
<u>Proposal</u>	Installation of a white painted timber sash window to the front gable end at 29 Inchmery Road, SE6.
<u>Applicant's Plan Nos</u>	723 - MS - 100; 723 - MS - 102 Rev A (Received 02 July 2018); 723 - MS - 201 Rev A(Received 05 July 2018); 723-P-101; 723-P-102 Rev A; 723-P-201 Rev B; 723-P-601 Rev B; and 723 - P - 602 Rev B (Received 21 August 2018)
<u>Background Papers</u>	(1) Case File LE/704/29 (2) Local Development Framework Documents (3) The London Plan (4) The NPPF
<u>Designation</u>	Core Strategy - Existing Use
<u>Screening</u>	N/A

## 1.0 Summary

- 1.1 This report sets out officer's recommendation in regard to the installation of a white painted timber sash window to the front gable end of the above property.
- 1.2 The report has been brought before members as permission is recommended to be approved subject to conditions and there is 1 or more objection from a recognised residents' association or community/amenity group within the area.

## 2.0 Property/Site Description

- 2.1 The property is a two storey, semi-detached Victorian dwellinghouse, situated on the northern side of Inchmery Road. The property is located in Culverley Green Conservation Area and is subject to an Article 4 direction.
- 2.2 In relevance to this application, the Article 4 direction restricts the enlargement, improvement or other alteration of a dwellinghouse (being development

comprised within Class A Part 1 of Schedule 2 not being development comprised within any other class) where the development fronts or is clearly visible from a highway, waterway or open space.

- 2.3 Properties along Inchmery Road are predominantly residential, two-storey in form and semi-detached in type, the majority of dwelling houses retain two-storey bay windows and a front gable end. The design of the applicant's property is uniform with other properties on the street. The majority of properties on the street do not have a window in the front gable end, notwithstanding this, some examples of this modification do exist on Inchmery Road, and there are more of similar design style within the conservation area.

### **3.0 Planning History**

#### Application property

- 3.1 The applicant submitted an application (DC/16/097456) for *the construction of a dormer extension to the rear roof slope of 29 Inchmery Road SE6, together with the installation of roof lights in the roof slopes and fixed sash window to the front facing gable*. This was refused on 07 September 2016 because the roof extension and alterations to the roof slope were deemed harmful to the conservation area. However, the proposed gable end window was regarded as an acceptable alteration to the property in the officer's report. The Culverley Green Society were consulted on this application and no objection was received.
- 3.2 The applicant then submitted a revised application (DC/18/107356) which did not include a gable end window for *the construction of a dormer extension to the rear roof slope of 29 Inchmery Road SE6, together with the installation of roof lights in the side and rear roof slopes, replacement slate tile roof covering and the bricking up of a door in the side elevation and its replacement with a new window opening*. This application was deemed acceptable and granted permission on 20 July 2018.

#### Similar properties in Culverley Green Conservation Area

- 3.3 In recent years, 3 gable end windows have been granted planning permission on Inchmery Road at:
- No.77 (DC/18/105560; Granted 14<sup>th</sup> May 2018);
  - No.136 (DC/16/095872; Granted 1<sup>st</sup> June 2016); and
  - No.54 (DC/13/083822; Granted 26<sup>th</sup> July 2013).
- 3.4 There have also been several gable end windows granted permission across the wider conservation area, particularly on Culverley Road and some on Bargery Road. The houses on these roads are of the same period and design style as Inchmery Road, and fall under the same character area as stated in the Culverley Green Conservation Area Appraisal (2006).

### **4.0 Current Planning Applications**

#### The Proposals

- 4.1 The applicant proposes the installation of a white painted timber sash window in the existing front gable end at 29 Inchmery Road.

### Supporting Documents

- 723 – MS – 100 – Site Location Plan;
- 723 – P – 101 – Proposed Plans;
- 723 - P – 102 Rev A – Proposed Site Plan;
- 723 – P – 201 Rev B – Proposed Elevation;
- 723 – P – 601 Rev B – Proposed Window Detail;
- 723 – P – 602 Rev B – Proposed Window Detail;
- 723 – MS – 102 Rev A – Existing Site Plan;
- 723 – MS – 201 Rev A – Existing Elevation;
- Design and Access Statement;
- Heritage Statement.

### **5.0 Consultation**

- 5.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and met those required by the Council's adopted Statement of Community Involvement.
- 5.2 Site notices were displayed and letters were sent to residents in the surrounding area, the Culverley Green Residents Association and the relevant ward Councillors.
- 5.3 The Culverley Green Residents Association objected to the principle of creating a new opening in the façade of the property.

### **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 NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and in regard to existing local policies, that ‘...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.
- 6.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraph 213 of the NPPF.

#### National Planning Practice Guidance ‘NPPG’ (2014 onwards)

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

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

- Policy 7.8: Heritage assets and archaeology;

There are no policies in the draft London Plan of particular relevance to the subject application.

#### Core Strategy (June 2011)

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

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

Development Management Local Plan (November 2014)

6.10 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application. The following policies are considered 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)

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

The Culverley Green Conservation Area Appraisal (2001)

6.12 This document sets out the history of the Conservation Area and explains its significance. It is an Edwardian suburb characterised by its grid-like street pattern and the similarity in the form, layout and style of the villas it contains. The significance of the conservation area lies in the cohesive identity of its development, the decorative quality of its buildings and the high standard of craftsmanship employed in their construction. The CAA identifies three character areas and notes the importance of the trees, green spaces and gardens that contribute to the visual character of the area.

## **7.0 Planning Considerations**

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

- Principle of Development
- Design and Conservation
- Impact on Adjoining Properties

Principle of Development

- 7.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing that area.
- 7.3 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 7.4 The application property is in residential use and it is considered that its alteration for the purposes of continued residential occupation is acceptable in principle, subject to matters of design, conservation and impact on neighbouring amenity. These matters are considered further below.

#### Design and Conservation

- 7.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Chapter 16 of the NPPF states that (in summary) heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 7.6 Paragraph 185 of the NPPF (2018) states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 7.7 Policy 7.8 ‘Heritage assets and archaeology’ of the London Plan (2016) states in paragraph D that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.
- 7.8 Core Strategy Policy 16 ‘Conservation areas, heritage assets and the historic environment’ of the Core Strategy (2011) 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 governance planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 7.9 DM Policy 36 (B) of the Development Management Local Plan (2014) states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where new development or alterations and extensions to existing buildings is incompatible

with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

- 7.10 Paragraph 6.7 of the '*Residential Standards*' SPD states that when considering applications they should be sensitively designed to retain the architectural integrity of the building. The '*Residential Standards*' SPD also emphasises that any replacement windows in houses covered by an Article 4 Direction and in conservation areas will be required to be compatible with the character of the Conservation Area in order to obtain planning permission.
- 7.11 The Culverley Green Conservation Area Character Appraisal states that Inchmery Road forms part of the Culverley, Penerley, Bargery and Inchmery Roads character area.
- 7.12 The Council's Conservation Officers were consulted on the initial design and an objection was raised to the size of the window. It was suggested that a smaller rectangular window would be better suited to the property. In keeping with the Conservation Officer's advice, the applicant since revised their plans proposing a small timber sliding sash window. Conservation Officers were re-consulted and confirmed that they were satisfied with the design.
- 7.13 Similarly, planning officers are in agreement with the Conservation Officers' conclusion that the proposal is of suitable scale, design and materials, and that the location of the window on the front façade is an appropriate alteration to provide the householder with more useable space, as supported by DM Policy 1.
- 7.14 The Culverley Green Residents Association have raised an objection to the proposal. Their objection refers to image 18a (below) in the Culverley Green Conservation Area Character Appraisal (2006). The image shows a pair of semi detached villas on Culverley Road (nos. 37 and 39) which are used to display the negative impacts of incremental change.



- 7.15 The caption of the image reads as follows:
- 7.16 *The impacts of incremental change. Villas on Culverley Road altered almost beyond recognition. Incremental changes such as the installation of UPVC windows, the replacement of slates with concrete tiles to the roof, the rendering and painting of the brick façade, the removal of the front wall to allow forecourt parking, and the introduction of a satellite dish and rooflights to the front roofslope, have seriously damaged the building's interest.*
- 7.17 Although no.39 does have a front gable end window, this is not mentioned as being one of the incremental changes that have had a negative impact on the pair of properties.
- 7.18 The proposed gable end window at 29 Inchmery Road is not comparable with the existing gable end window at no.39 Culverley Road as the proposed window it is a small and sympathetic timber framed window, the detailing and profile of which has been carefully considered and revised in line with policy and the Conservation Officer's recommendations. The window at No. 39 is a bulky uPVC window with a poor relationship to the façade of the property.
- 7.19 There are also other, good examples of this feature within the Conservation Area, with three recent approvals at no.77, no.136 and no.54 Inchmery Road for front gable timber sash windows similar to that proposed. Similar proposals have been approved at 63 Bargery Road (DC/15/092421 granted 2015) and 13 and 17A Bargery Road as well as 49 Culverley Road (Ref: DC/18/106370 granted May 2018). Gable end windows are an original feature of properties on Bromley Road and numerous other properties within the Conservation Area and it is therefore considered that the proposal would not appear out of character in the area.
- 7.20 The properties within the Culverley Green Conservation Area have a large roofspace which provides good potential to extend the living space available to occupiers. In converting this space, occupiers will seek to introduce natural daylighting in the form of either rooflights on the front gable roofslopes or a window within the apex of the gable end. Rooflights can be particularly harmful when installed onto gable roofslopes as they are the most visible part of the roof, where it projects outwards and draws the eye, particularly at night.
- 7.21 The Character Appraisal explains that the area is significant because of its architectural cohesiveness, and points out the how rooflights can be detrimental to this characteristic. Rooflights tend to be installed in an ad-hoc manner, across varying roofslopes and gables, making them appear ill-considered against a relatively orderly architectural pattern, for which the area derives some of its significance.
- 7.22 Officers consider gable end windows are more appropriate than rooflights as they can be installed in an orderly fashion in line with the existing architecture, and therefore would not cause harm. Furthermore, gable end windows are a typical

treatment to buildings with gables of this period and the Victorian period, and was a feature employed at the time of construction, whereas rooflights are clearly later.

- 7.23 The creation of a new window opening in the front elevation would result in the loss of historic brickwork. While the loss of historic fabric is regrettable, the property is not a listed building and therefore such loss is not objectionable.
- 7.24 It is therefore considered that the installation of a small timber sash window into the front gable end of the property would create a high quality internal space and would not cause material harm to the application property, streetscene or wider conservation area. In light of the above, Officers consider that the proposal would preserve the character of the host property and conservation area, in accordance with Core Strategy Policies 15 and 16 and DM Policies 1, 30, 31, 32 and 36.

#### Impact on Adjoining Properties

- 7.25 There would be no impact on neighbour amenity as the window will be located on the front elevation of the property and will not be overlooking any private spaces within neighbouring properties.

### **8.0 Local Finance Considerations**

- 8.1 The subject application is not CIL liable and therefore there are no Local Finance Considerations to consider.

### **9.0 Equalities Considerations**

- 9.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - c) foster good relations between people who share a protected characteristic and persons who do not share it.
- 9.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled

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

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

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

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

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

- 10.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 10.3 Members need to satisfy themselves that the potential adverse 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 planning considerations.
- 11.2 The proposal would continue to preserve the appearance of the host building and the character of the Conservation Area. The proposal is consistent with the provisions of the Development Plan.

## **12.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

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

**Reason:** The works for which conservation area consent is hereby granted must be begun not later than the expiration of three years beginning with the date of this consent in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended).

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

723 - MS - 100; 723 - MS - 102 Rev A (Received 02 July 2018); 723 - MS - 201 Rev A(Received 05 July 2018); 723-P-101; 723-P-102 Rev A; 723-P-201 Rev B; 723-P-601 Rev B; and 723 - P - 602 Rev B (Received 21 August 2018).

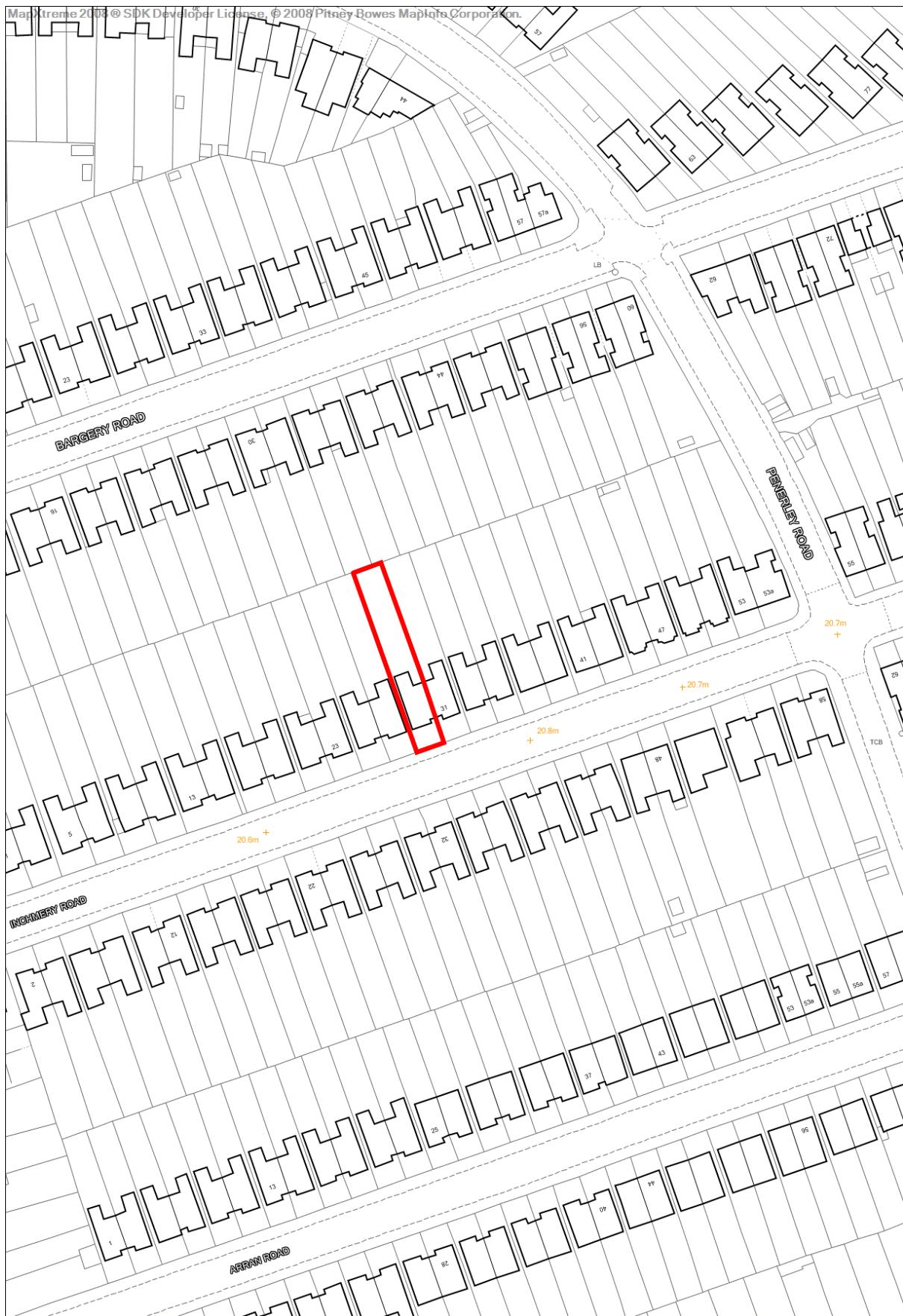
**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

**Reason:** To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with Policy 36 of the Development Management Local Plan (2014).

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



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Committee	PLANNING COMMITTEE C	
Report Title	90 Effingham Road, London, SE12	
Ward	Lee Green	
Contributors	Alfie Williams	
Class	PART 1	29 <sup>th</sup> November 2018

<u>Reg. Nos.</u>	DC/18/107396
<u>Application dated</u>	30.05.2018
<u>Applicant</u>	Mrs Johnston
<u>Proposal</u>	Construction of 2 dormer windows with a mansard link in the rear roof slope at 90 Effingham Road SE12, together with the installation of 2 roof lights in the front roof slope and the replacement of the roof tiles with natural slate.
<u>Plan Numbers</u>	2080-18-PL001-001 Rev P4: 2080-18-PL001-002 Rev P4: DESIGN, ACCESS AND HERITAGE STATEMENT.
<u>Background Papers</u>	(1) Case File LE/447/90 (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) The London Plan (March 2016) (5) The NPPF
<u>Designation</u>	Lee Manor Conservation Area Lee Manor Conservation Area Article 4 Direction Lee Neighbourhood Forum Flood Risk Zone 2 PTAL 2

## 1.0 Summary

- 1.1 This report sets out officer's recommendation in regard to the construction of 2.No dormer windows with a mansard link in the rear roof slope, together with the installation of 2 roof lights in the front roof slope and the replacement of the roof tiles with natural slate at the above property.
- 1.2 The report has been brought before members for a decision as officers recommend approval subject to conditions and there has been one or more objection from a recognised amenity group within their area.

## 2.0 Property/Site Description

- 2.1 The application site is a two-storey, mid-terrace Victorian dwelling house situated on the northern side of Effingham Road. The surrounding area is predominantly residential and is characterised by similar Victorian terraces. The property is

constructed from yellow stock bricks with a tiled roof covering and has uPVC windows. The modern windows and roof covering detract slightly from the appearance of the property however; the property retains much of the ornate stucco detailing and remains an attractive building.

- 2.2 To the rear, the property has an original two-storey outrigger, which is characteristic of the terrace. The property also retains a canted bay window on the rear elevation of the outrigger. There is an intentional layout of properties in this perimeter block, with the rear gardens backing onto the rear gardens of the terraces behind. This prevents views of the rear of the property from the public realm.
- 2.3 The property is located in the Lee Manor Conservation Area and is subject to an Article 4 Direction, which restricts permitted development rights for development visible from a public place. The site is also within Flood Risk Zone 2.

### **3.0 Planning History**

- 3.1 These is no planning history at the application property. However, there are two applications of relevance recently granted planning permission on Effingham Road.
- 3.2 On 30<sup>th</sup> January 2017, planning permission was granted (reference DC/16/99357) at Planning Committee for the construction of a single-storey rear extension and dormer extensions to the rear roof slope at 56 Effingham Road SE12, together with the installation of roof lights in the front roof slope, replacement roof covering, remedial works to the chimney stack.
- 3.3 On 25<sup>th</sup> May 2018, planning permission was granted (reference DC/18/106369) for the construction of two dormer windows with a mansard link on the rear roofslope of 54 Effingham Road SE12 together with the installation of two rooflight on the front roofslope.
- 3.4 The roof extensions approved at No's 54 and 56 proposed two single dormer windows with lead cheeks connected by a slate mansard link. The extension approved at No.54 was set up from the eaves and set in from the party walls to a similar degree to the proposed roof extension at No.90.

### **4.0 Current Planning Applications**

#### The Proposals

- 4.1 The construction of a roof extension comprised of two dormer windows with a slate clad mansard link. Each dormer would have lead cheeks and would house a timber sliding sash window. Overall, the extension would measure 3.8m wide by 2.6m deep by 1.8m high. The dormers would individually measure 1.3m wide. The extension would be set up from the eaves by 1m, set in from both party walls by 0.5m and set down from the ridge by 0.2m. The mansard link would be set back by 0.3m.

4.2 The proposed development also includes the installation of two conservation style rooflights in the front roof slope and a replacement slate roof covering to the front and rear roof slopes.

## **5.0 Consultation**

5.1 This section outlines the consultation carried out by the council following the submission of the application and summarises the responses received. The council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

5.2 A Site notice was displayed and letters were sent adjoining to residents in the surrounding area and the relevant ward councillors. The Lee Manor Society were also consulted.

### Written Responses received from Local Residents and Organisations

5.3 The council received one representation relating to the application from the Lee Manor Society. The Lee Manor Society objected to the proposed development due to concerns regarding the design of the extension. The Society consider that the mansard link between the dormers is insufficiently set back and contrary to guidance within the Alterations and Extensions SPD relating to the design of dormers with a mansard link.

## **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 new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018) and minor modifications before the EIP 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 policies in the current adopted London Plan (2016) relevant to this application are:

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

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

The relevant emerging policies of the draft London Plan are:

HC1 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.
- 6.14 Alterations and Extensions SPD

*The ‘Extensions and Alterations’ SPD is an emerging document that has not been officially adopted. The public consultation for the document ended in September 2018. As such, this document now has limited weight as a material consideration when determining planning applications.*

## **7.0 Planning Considerations**

- 7.1 The main issues to be considered in respect of this application are:
- Design/Conservation
  - Impact on Adjoining Properties

### Design/Conservation

- 7.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.
- 7.3 Chapter 16 of the revised NPPF relates to conserving and enhancing the historic environment. The principles and policies set out in Chapter 16 apply to the heritage-related consent regimes for which local planning authorities are

responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making, decision-taking and design.

- 7.4 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.
- 7.5 Paragraph 6.7 of the '*Residential Standards*' SPD states that when considering applications for roof extensions they should be sensitively designed to retain the architectural integrity of the building. The '*Residential Standards*' SPD also establishes a number of guidelines including that rear roof extensions should be set back a minimum of one metre behind the lines of eaves and a minimum of 500mm from the gable, flank or party wall boundary.
- 7.6 The proposed roof extension would sit comfortably within the roof slope by virtue of being sufficiently set in from the party walls, set up from the eaves and set down from the ridge, in accordance with the guidelines established by the '*Residential Standards*' SPD, and would therefore achieve a sufficient level of proportional subservience to the host property.
- 7.7 DM Policy 30 states that materials used should be high quality and either match or complement existing development. The extension would feature lead dormers, timber sash windows and a slate mansard, which are historically appropriate materials for a Victorian property. Officers note the concerns regarding the set back of the mansard link. However, officers considered that the 0.3m set back and angle of the link would provide visual separation between the dormers when viewed from the rear.
- 7.8 Effingham Road features a number of examples of similarly designed and proportioned roof extensions, which are considered to establish a character for roof alterations on the road. The proposed roof extension is almost identical to the extension approved at 54 Effingham Road in May 2018.
- 7.9 It is recognised that the emerging '*Extensions and Alterations*' SPD highlights an example with a link set back further than the proposal. However, the '*Extensions and Alterations*' SPD is an emerging document that has not been officially adopted. The '*Extensions and Alterations*' SPD serves as a good indication of the direction of travel with regard to roof extensions. However, Effingham Road has an established design character for roof extensions and it is considered that the proposed extension would preserve this character in accordance with DM Policy 36.
- 7.10 The '*Residential Standards*' SPD guidance on rooflights states that rooflights should be fitted flush with the slate or tiles of the roof. The proposed rooflights would be conservation style rooflights fitted in accordance with this guidance. The two front rooflights are appropriately located above the front bay. They are not quite in the middle third of the roof slope but their location is based on internal functionality and they do not appear uncomfortably situated. Rooflights are an established part of the character of the surrounding roofscape and within that context are not considered to cause harm to the appearance of the Lee Manor Conservation Area.

- 7.11 The proposal to replace the roof covering with natural slate would restore the original roofing material to the property and as such is considered to be an enhancement to the appearance of the property.
- 7.12 The proposed development is considered to accord with the principles of DM Policy 36 by virtue of the combination of historically appropriate materials and proportionate scale and as such is considered to preserve the special character of the Lee Manor Conservation Area.

#### Impact on Adjoining Properties

- 7.13 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.
- 7.14 The proposed dormers would be unlikely to result in additional overlooking to surrounding properties given that there is existing overlooking from the windows on lower floors. Outlook from the rooflights would be to the sky not into surrounding properties and as such is not objectionable. Therefore, it is considered that the proposal would not result in a perceptible loss of privacy to neighbouring properties.
- 7.15 The extension is not considered to overshadow or cause the loss of sunlight to adjoining properties given its size and siting within the rear roofslope. Overall, the impact on the amenity of neighbouring properties is considered acceptable, and compliant with DM Policy 31.

## **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 and the applicant has completed the relevant form.

## **9.0 Equalities Considerations**

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

- 9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - advance equality of opportunity between people who share a protected characteristic and those who do not;
  - foster good relations between people who share a protected characteristic and persons who do not share it.
- 9.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:  
<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 9.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:  
<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 9.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is 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
- 10.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

## **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 the scheme would have an acceptable impact on the roofscape, preserving the special character of the Lee Manor Conservation Area in accordance with DM Policies 30 and 36. In addition, the proposal would not be detrimental to residential amenity in accordance with DM Policy 31 and therefore the scheme is considered acceptable.

## **12.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

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

Reason: The works for which conservation area consent is hereby granted must be begun not later than the expiration of three years beginning with the date of this consent in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended).

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

2080-18-PL001-001 Rev P4; 2080-18-PL001-002 Rev P4;

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

3. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with Policy 36 of the Development Management Local Plan (2014).

## **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.



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