

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 24 JANUARY 2019 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

Membership

Councillors:

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
Interim Chief Executive
Lewisham Town Hall
London, SE6 4RU

Date: Tuesday, 15 January 2019

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

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

| Order Of Business | | | |
|--------------------------|-------------------------------------|--------------|-----------------|
| Item No | Title of Report | Ward | Page No. |
| 1. | Declarations of Interests | | 1 - 4 |
| 2. | Minutes | | 5 - 14 |
| 3. | 50-52 RUSHEY GREEN, LONDON, SE6 4JD | Rushey Green | 15 - 28 |
| 4. | 7 ALLENBY ROAD, LONDON, SE23 2RQ | Perry Vale | 29 - 42 |
| 5. | 18 BOLDEN STREET, LONDON, SE8 4JF | Brockley | 43 - 56 |
| 6. | 90 EFFINGHAM ROAD, LONDON, SE12 8NU | Lee Green | 57 - 74 |

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| | | |
|--------------|---------------------------|-------------------------------------|
| Committee | PLANNING COMMITTEE (C) | |
| Report Title | DECLARATIONS OF INTERESTS | |
| Class | PART 1 | Date: 24 th January 2019 |

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take 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 24 th January 2019 |

MINUTES

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

LONDON BOROUGH OF LEWISHAM

MINUTES of the PLANNING COMMITTEE C meeting held in Council Chambers, Civic Suite, CATFORD SE6 on 29th November 2018

Present

Councillors: Olurotimi Ogunbadewa (Chair), Stephen Penfold (Vice-chair), Aisling Gallagher, Leo Gibbons, Louise Krupski, Jim Mallory, Hilary Moore, Sakina Sheikh, Alan Smith

Apologies: Councillor Bill Brown

Officers: Mehdi Rezaie (Head of Development Management); Kheng Chau (Senior Legal Advisor); Zahra Rad (Committee Co-ordinator).

Late: -

Finished at: 23:15

1. DECLARATION OF INTERESTS

- 1.1. Councillor Smith declared that he will not be participating in the debates on item 6 of the agenda.

2. MINUTES

- 2.1. The meeting Commenced at 19:30.
- 2.2. The Minutes of the Planning Committee (C) meeting held on 11 September 2018 were reviewed. Councillor Penfold wished to correct record of his vote for item 5 on that agenda as abstained instead of for. The Minutes of the Planning Committee (C) meeting held on 11 September 2018 were approved once corrected.
- 2.3. Changes to standing order: Item 4 to be considered first as Councillor Smith has to leave early.
- 3. **15 PERKS CLOSE, LONDON, SE3 0XD:** *'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'*

- 3.1. Mr. Rezaie outlined the details of the application to members and explained that the primary planning considerations for the application were regard to potential impact on occupant/neighbour amenities and potential impact on the Conservation Area. The officers were satisfied that the proposal should be approved subject to conditions noting that reasons for previous refusals has been overcome in the current application.
- 3.2. Councilor Gibbons raise the question of clarification with regards to the previous reasons for the refusal.
- 3.3. Mr. Rezaie outlined the previous refusal reasons and expressed that the current proposal had adjusted the scale of the proposal and its skylights and consequently planning officers considered the amendment to appear more subservient to the existing building than previous efforts.
- 3.4. Councillor Krupski requested information with regards to regulation about locations of skylights.
- 3.5. Mr. Rezaie explained that there is no such a regulation on such application types and that the proposal should be considered on its individual planning merits.
- 3.6. Objections had been raised by neighbours on grounds of impact on their privacy and the design impact on the Conservation Area.
- 3.7. The applicant Mr. Mike Jaques was invited to speak by the chair. Mr Jaques stated that their proposal for loft conversion is similar to other conversions nearby (Hurren Close) and he rejected objections which have been made due to impact on the Conservation Area and neighbours amenities.
- 3.8. Councillor Gallagher questioned information about the material to be used and if this is a condition of the approval of this proposal.
- 3.9. Mr Jaques explained that all the material would match the existing and Mr Rezaie indicated that this requirement is reflected under condition 3.
- 3.10. Councilor Penfold asked Mr. Rezaie for details about potential overshadowing/overlooking impact and what those parameters were.
- 3.11. Mr. Rezaie explained parameters concerned (45 and 25-degree rule), and that the necessary sunlight/daylight assessment had been carried and that officers remained satisfied that there would not be any adverse effect on loss of natural light on windows serving habitable rooms of both neighboring properties.
- 3.12. Objectors were then invited to come forward.
- 3.13. Donna Bamford Pringle (14 Perks Close) and Debbie Bowen (17 Perks Close) joined neighbours. They both objected underground that the back extension would impact natural light entering the open green space, and the proposed extension is not within the character of the area.
- 3.14. Councillor Smith asked Mr. Rezaie for details related to privacy issues and Councillor Gallagher asked points of clarification on the proposed application.
- 3.15. Mr. Rezaie outlined that the siting of the proposed windows would overlook the applicants own private amenity space and no detrimental impact on neighbor amenity by virtue of privacy intrusion would manifest.
- 3.16. Councillor Smith moved to vote in favour of the officer's recommendation to allow the application. Councillor Sheikh seconded.

3.17. Members voted as follows:

For: All Councillors voted for the officer's recommendation to approve the application with conditions Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gallagher, Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore.

4. THE ARCHES, CHILDERS STREET, EVELYN; "The alteration and conversion of six vacant commercial units" at: The Arches, Childers Street in Evelyn.

- 4.1. (DEBATE ON reading out the entire letter from Councillor Feis-Bryce). Mr. Rezaie expressed that matters of a material planning consideration had been summarised in his forthcoming presentation. Members pursued the Chair to have the whole document to be read out, the Chair refused and instead opted to adjourn the meeting for 5 minutes to allow members to read the document.
- 4.2. Mr. Rezaie outlined the details of the application to members and explained that certain planning matters had already been judged to be acceptable in principle at a previous planning committee and that the current determining issues should be focused on the marketing aspect.
- 4.3. Mr. Rezaie outlined the site constraints material to the application site, summarising those as "other employment"; 'Floodrisk Zones 2-3' and a 'PTAL rating 1/2'.
- 4.4. Mr. Rezaie outlined particulars of the existing and proposed Change of Use, the accompanying design alterations, both at elevation and floor plan. He explained that previous and current consultation with statutory bodies/authorities had resulted in no objections being raised, however there had been objections from nearby residents and a non-statutory body.
- 4.5. Mr. Rezaie gave brief response to the written objections received, steering members to relevant sections from the officers report which addressed concerns raised. Principally, and on the topic of marketing, Mr. Rezaie highlighted the applicants efforts, the period by which he had marketed the site for with no success in generating interest for their current use, stipulating that the marketing evidence provided demonstrated that a long and extensive process had been carried out which from a planning policy perspective those efforts far exceeded the minimum local plan policy requirements, which subsequently aligned with national guidance.
- 4.6. Mr. Rezaie commented on the late objection letter which had been received by Councillor Bryce, expressing that he could only regard comments from a material planning perspective, that some comments were unsubstantiated and non-material. Mr. Rezaie expressed that consideration of the marketing report had been dealt with within paragraphs 6.9-6.11 of the original report. That the applicant had provided copies of all sales literature, which unequivocally accorded with Paras. 2.75 and 7.76 of the justification for DM Policy 11 and relevant paras under Para. 2.152 from DM Policy 20.
- 4.7. Mr. Rezaie outlined that officers remained satisfied that due marketing steps had been taken and evidence provided. Based no new material planning considerations raised since members last resolved to grant planning permission on the same application in February, officers recommended to members that approval should remain unchanged and that planning permission be granted without delay subject to legal agreement and imposition of conditions.
- 4.8. Councillor Gallagher queried the reason for appeal to be allowed in June and Councillor Penfold indicated that some of the factual information in the officer's report regarding amenities (restaurants and cafes) nearby are incorrect. Mr. Rezaie explained that the principle of this weighed against access to services, and that the relevant statutory authority

in this regard the Highways had been consulted and officer's recommendation aligned on those consultations.

- 4.9. Councillor Gibbons made reference to the local plan core strategy and stated that the proposal is contrary to the aims and objectives of the local plan for the area.
- 4.10. Mr. Rezaie responded by indicating that local plan policies and national guidance allow for Change of Use applications to take effect when sites become unviable/unsustainable, but only if it has been successfully demonstrated that all marketing criteria's had been carried out and to a satisfactory degree, which in this case had.
- 4.11. Councillor Sheikh asked about provision of social housing/affordable homes in the proposed application. Mr. Rezaie expressed that there are no such planning policy requirements for development of under 10 units.
- 4.12. Councillor Sheikh expressed discontent that provision of social housing/affordable homes could not be applied here.
- 4.13. Councillor Penfold asked for points of clarification regarding DM 9 & 10.
- 4.14. Mr. Rezaie responded by expressing that those policies were not relevant to the site in question as they related to mixed-use employment locations and the site is now de-designated and now outlined as "other employment" and only policy DM11 applies.
- 4.15. Councillor Krupski raised the question of lack effective marketing which would pave the way to change of use into residential.
- 4.16. Mr. Rezaie explained that policies DM 11 & 20 determines the effectiveness of marketing, which prescribes 36 months to be undertaken in which in this case the applicant had covered 96 months' worth of effective marketing which adhered to both policy requirements.
- 4.17. The chair invited the property owners to speak for 5 minutes.
- 4.18. Mr. Simon Fowler planning agent for the property owners confirmed the proposal and asked the Committee to agree with the officer's recommendation.
- 4.19. Mr. Hensher the property owner introduced the company which owns the site as a main office space operators in (20 years) Lewisham. They had acquired the concerned property as office space but have been unable to commercialize it due to various reasons such as infrastructure and access. They have not been able to negotiate directly with Catford folks who have objected to the proposed change of use.
- 4.20. Councillor Gibbons pointed out that information about the potential of the site was inaccurate as there were two shops nearby, and that the site had been unsuitable for the purpose it was originally bought. Discussion took place around marketing strategy by agent and Councillors Smith, Penfold.
- 4.21. Councillor Sheikh asked questions surrounding the applicant's motives for purchasing the premises, and if an alternative use other than residential had or could be considered, such as shops, faces...artist studios etc. The property owner explained that as they are office space developers, other activity has not been considered.
- 4.22. Councillor Smith expressed discontent over green space provision, internal space standards, and questioned ceiling heights within the units, and crime and safety.
- 4.23. Mr. Rezaie responded to points raised around green space provision, expressing that it was not a planning policy requirement to provide open green space for a proposal of this scale/density. Mr. Rezaie made further emphasis that the applicant's motives/intensions are not material planning considerations, nor should ceiling heights be as this is covered by

Building Control. Mr. Rezaie further expressed that the proposed units all exceeded the minimum internal space standard in accordance with Nationally Described Space Standards 2015.

- 4.24. Mr. Rezaie also emphasised that residential developments will come equipped with "secure by design" principles, implemented by way of condition which would ultimately improve aspects of public realm and crime/safety measures.
- 4.25. Councillor Smith questioned the validity of arguments in favour of change of use to residential, primarily on grounds of internal space standard, open green space provision, ceiling heights and crime/safety concerns, shifting members to refuse.
- 4.26. Mr. Rezaie suggested that perhaps decision could be deferred till after a site visit by Councillors. Also that members need be mindful of an earlier committee's decision to approve the scheme in February, and that only marketing matters need be deliberated further.
- 4.27. Councillor Gallagher explained that it was a different committee which had approved that scheme and they now wanted to review the whole scheme.
- 4.28. Mr. Rezaie advised that there is an appeal in place at the moment and the implication of such appeal is that the inspector would take the previous committees decision into consideration and that members need to be mindful of this.
- 4.29. Councillor Smith suggests to differ the application and suggested that maybe a site visit would be beneficial.
- 4.30. Mr. Chau the legal counsel advised on the appeal process and its impact on the decision and recommend that in order to establish a solid decision when there are not enough documentation or local knowledge regarding the area, the motion to conduct a site visit would be recommended and decisions deferred until after a site visit. Mr Chau further informed the meeting to be mindful of the time table of the next committee and delays in decision.
- 4.31. Discussion took place and it was decided that before voting to defer involving Councillors, Moore, Mallory, Sheikh, Penfold and the legal advice requested. Mr. Chau explained that planning inspector intervention can be quite long but it is something that can be expedited. Then councillor Sheikh insisted the objectors should present their objection in 5 minutes.
- 4.32. A discussion took place on whether there needs to be a vote on site visit, and also if in that case objectors need to present to this meeting or not. Finally Councillor Smith proposed a motion to defer the application until after a site visit. This motion was seconded by councillor Mallory.
- 4.33. However without vote taken on the motion to defer on councillors Gibbons and Sheikh the objectors were invited to present their case as they have been waiting all this time.
- 4.34. Ms. Lynskey spoke as the chair of Catford Folk, indicating that the area is one of the poorest in Lewisham and that this change of use application does not suit the area, as it will cause loss of employment space forever.
- 4.35. Councillor Kelleher mentioned the history of discussions with the developer and made a statement against change of use on the grounds that marketing has not been proper.
- 4.36. Councillor Gallagher asked Mr. Rezaie about their options, the implication of their decision in this committee against the pending appeal.
- 4.37. Mr. Rezaie explained the flexibility behind deferring for a site visit, which could take account of the appeal timeframe so the scheme would be presented before the next committee. He

also explained that at appeal, any appraisal by an inspectorate would be weighed against the earlier committee decision which recommended to approve and the current policy standpoint, and that an overturned refusal would have cost implications for the council.

- 4.38. Councillor Gallagher was satisfied with the clarification, but moved to reject officer's recommendation. Councillor Penfold seconded.
- 4.39. Councillor Gallagher could not draw a refusal reason, expressing that the minutes should be used.
- 4.40. Mr. Chau pointed out that the reason for the rejection of Officer's recommendation should be stated.
- 4.41. Mr. Rezaie supported Mr. Chau that a refusal reason should be provided, and reiterated that refusal on grounds of insufficient space standard and/or marketing may not uphold at appeal as officers considered those aspects to be policy compliant.
- 4.42. The motion for refusal was put to the committee on the grounds that it breaches DM 9 and 10 and it is contrary to Core strategy 4, 5 & 7b.
- 4.43. Mr. Chau requested that the actual wording of reasons for refusals to be delegated to the officers.
- 4.44. All Councillors voted against the officer's recommendation and the application was refused, Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gallagher, Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore, Councillor Sheikh, Councillor Smith.

5. 42 LEWISHAM PARK, LEWISHAM CENTRAL; "The construction of a pool house enclosure in the rear garden"

- 5.1. Mr Rezaie provided details of application and proposal stating that determining issues being the principal of development, the potential impact on occupant/neighbour amenities, and the potential character and appearance of the area.
- 5.2. After due consideration of aspects of the proposal Planning officer advised the councillors that with minor adjustments the proposal would be permitted under General Planning Development Order (GPDO) and therefore recommended that planning permission be granted subject to conditions.
- 5.3. The original application had been revised to reduce overall height and removing solar panels, which makes the proposal compliant with local and national planning guidelines.
- 5.4. No question were raised from the committee members.
- 5.5. The applicant was invited to speak by the chair. He explained the purpose of the proposed application and reject the objection.
- 5.6. Councillor Smith asked about the reasons for removal of solar panels from the roof design.
- 5.7. The chair then invited the applicant to speak in support of the proposal.
- 5.8. Then the objectors were invited to speak by the Chair. Mr. Cunningham that proposed development would not respect the existing design and would change the existing character of the area.
- 5.9. Councillor Moore moved to accept officer's recommendation, which was seconded by Councillor Sheikh.

- 5.10. All councillors present voted in favour of the motion and the application was approved, Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gallagher, Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Smith

6. 29 INCHMERY ROAD, SE6; "Installation of a white painted timber sash window to the front gable end"

- 6.1. Mr. Rezaie detailed the application, stipulating that the property is located in a Conservation Area and informed the committee that Culverley Green Residents Association had objected to the principle of creating a new opening in the façade of the property.
- 6.2. Mr. Rezaie outlined that the planning case officer had consulted conservation officers who had initially raised an objection as to the size of the new proposed opening. The owners had consequently revised their proposal so as to adhere to earlier Conservation Officer's guidance, since the Conservation Area Officer retracted their objection and offered full support and the planning case officer weighed this in when forming their recommendation for approval.
- 6.3. Councillors Gibbons and Penfold asked for more information regarding the window and how it would facilitate the loft conversion and the officer stated the function of this type of windows.
- 6.4. The chair invited the planning agent to speak in support of the proposal. Ms. Marshall, the architect on behalf of the applicant and explained the proposed development would have minimum impact on the character of the area.
- 6.5. Then the objector from Culverley green Residential Association Mr. Kently was invited to speak out by the Chair. His emphasis were on proposed windows on gable, would change the character of area. A discussion on the comparative advantages or disadvantages of window or skylight in the loft took place, by Councillor Gibbons, Gallagher, Penfold and Mr Rezaie.
- 6.6. Councillor Gibbons moved to accept officer's recommendation. Councillor Mallory seconded
- 6.7. For approval were councillors; Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gallagher, Councillor Krupski.

Abstained; Councillors Councillor Moore, Councillor Sheikh

7. 90 EFFINGTON ROAD, LEE GREEN; "Construction of 2 dormer windows with a mansard link in the rear roofslope together with the installation of 2 roof lights in the front roof slope and the replacement of the roof tiles with natural slate."

- 7.1. Mr. Rezaie presented the application, informing the committee that revisions had been received adjusting the size of proposed mansard (due to objections by Lee Green society). Consequently changes to the submitted plans were made to reduce the bulk.
- 7.2. Mr. Rezaie also indicated that determining issues with regards to this application were concerned with potential impact on amenities (overbearing/overlooking) and the potential impact on character and visual amenities (Conservation Area).
- 7.3. Mr. Rezaie expressed that the building is located in Lee Manor Conservation area and is subject to Article 4 direction, situated within flood risk zone2. Mr. Rezaie advised members

the case officer recommended approval of planning permission subject to conditions, which was supported given precedence of similar proposals in the area.

- 7.4. Councillor Krupski raised a question on the subject of overlooking of the mansard and Mr Rezaie explained the assessment of officers, highlighting no detrimental impact in this regard.
- 7.5. The applicant was invited by the Chair to defend their proposed planning application. He defend their proposed plan and mentioned other examples in that area.
- 7.6. The Lee Manor Society representative, Mr. Batchelor explained that they do not raise any objections to loft conversion, however their consideration is for the setback and explained that their preference is for bigger set back as in other applications which have a setback of between 25 to 30%, while this proposed application has agreed to a setback of 10%.
- 7.7. After these presentations a short discussion took place on the dimensions and set back of the mansard, and the likely harm to the conservation area by councillor Gibbons, and Mr. Batchelor.
- 7.8. Councillor Mallory sought advice of Mr. Batchelor and his degree of satisfaction over amount of setbacks he considers acceptable and whether those changes could be made.
- 7.9. Mr. Rezaie expressed that only the applicant should answer the aforementioned line of request as they held the authority to decide whether or not to make those amendments.
- 7.10. Councillor Gibbons explained that the main consideration is not about percentage setback, but about the impact on the visual amenities of the conservation area and asked if there is precedent for this type of extension in the area.
- 7.11. Mr. Rezaie explained that as long as no harm is caused by the development the amount of setback would be assessed on a case by case basis. He further explained that the conservation society guideline document has no weight in planning decisions as it was not an adopted document.
- 7.12. Councillor Gallagher asked about the method for establishing precedent in these cases and how to establish whether there is harm particularly in a conservation area.
- 7.13. Mr. Rezaie further explained that as the mansard is to the rear of the building and could not be seen from the street scene and is outside of public domain, there are no harm to the visual amenities of the area.
- 7.14. Councillor Mallory requested the officers to go back to the applicant and request further set back to the mansard.
- 7.15. Legal advice was sought by the chair whether the applicant is willing to amend the plan and Mr. Chau explained that members would be able to reject the application or differ it or accept the officer recommendation, and on that basis requests to applicant could be processed.
- 7.16. Councillor Gallagher moved the motion to differ decision to see if the applicant is prepared to setback the mansard more inline with the recommendation of third party. Councillor Sheikh seconded.
- 7.17. For the motion Councillor Penfold, Councillor Krupski, Councillor and Councillor Moore.
- 7.18. Against the motion Councillor Gibbons, Abstention Councillor Ogunbadewa.

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| Committee | PLANNING COMMITTEE C | |
| Report Title | Aldi Store 50-52 Rushey Green SE6 | |
| Ward | Rushey Green | |
| Contributors | Patrycja Ploch | |
| Class | PART 1 | 24 January 2019 |

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| <u>Reg. Nos.</u> | DC/14/088520 |
| <u>Application dated</u> | 28/07/2014 |
| <u>Applicant</u> | The Harris Partnership on behalf of Aldi Stores Limited |
| <u>Proposal</u> | The display of 3 x internally illuminated and 2 x non-illuminated canopy fascia signs, 1 x above fascia level internally illuminated sign & 1 viney glazing sign on Bradgate Road elevation and 2 x internally illuminated and 1 x non-illuminated canopy fascia signs on Rushey Green elevation at Aldi Store 50-52 Rushey Green SE6. |
| <u>Background Papers</u> | (1) Case File - LE/857/50/TP (2) Local Development Framework (3) The London Plan (4) The NPPF |
| <u>Designation</u> | Catford Town Centre Secondary Shopping Frontage |
| <u>Screening</u> | N/A |

1.0 Summary

- 1.2 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 Site Description

- 2.1 The application site occupies a corner plot, at the junction of Rushey Green and Bradgate Road. The site comprises a single storey retail building (use class A1) occupied by Aldi supermarket.
- 2.2 The application site is surrounded by residential properties to the north, east and west. Most of these properties are orientated in such way that only their flank or rear elevations face the application site. To the east of the site there are commercial premises on the opposing side of Rushey Green.

- 2.3 The consented signage, which has been replaced, by the signage proposed by this application, consisted of six elements. There were four signboxes with corporate logo mounted on the wall of the building. There was one sign on the gable end facing Bradgate Road and a double sided H-sign at the junction of Broadgate Road and Rushey Green.
- 2.4 The site is within the Catford Town Centre area and is designated as a secondary shopping frontage in the Lewisham Core Strategy. The site is within an area of Archaeological Priority. However, the proposal will not disturb the ground/ soil, therefore it is not expected that the development will raise any archaeological issues. There are no article 4 directions applying to the property.

3.0 Planning History

3.1 This site was originally a milk depot but was redeveloped as a foodstore in 1997. The relevant planning history of the site is detailed below.

- DC/96/40423: The erection of a single storey food retail store of 1,325 sqm together with servicing area and 102 parking spaces with access from Bradgate Road. Granted.
- DC/06/62935: The construction of extensions to the sides of the Aldi Store, to provide a loading bay, staff room, new entrance/exit and additional retail floor space, together with alterations to the elevations. Granted.
- DC/06/63931: The display of one internally illuminated free standing sign and one internally illuminated fascia sign. Granted.
- DC/06/64257: The construction of extensions to the sides of the Aldi Store, to provide a loading bay, staff room, new entrance/exit and additional retail floor space, together with alterations to the elevations. Amendment to DC/06/62935. Granted.
- DC/07/66644: The continued use of part of the car park at 42-52 Rushey Green SE6 as a car wash, together with the retention of a canopy and container and provision of two portable toilets for ancillary use. Granted.
- DC/07/67171: The display of a non-illuminated free standing double side advertisement banner at the front of 42-52 Rushey Green SE6. Granted.
- DC/09/17882: The construction of a single storey extension at the rear of AldiStores, to provide additional retail space, new entrance/exit and trolley bay. Application Withdrawn.
- DC/09/72444 - Planning application for the erection of an extension on the rear of the existing building. Granted 31st May 2011.
- DC/13/84584: The construction of two extensions to the gable ends of the existing retail unit at Aldi Stores, 42-52 Rushey Green SE6 to provide additional retail area (277sq.m. gross floor space) together with alterations to the shopfront, main entrance, delivery area, landscaping and other external alterations. GRANTED 25 February 2014.

- DC/13/84673 - The re-positioning of 2 existing internally illuminated fascia signs, together with the installation of 2 other signs at 50-52 Rushey Green SE6, including a stand alone sign close to the corner of the junction between Bradgate Road and Rushey Green. Granted 23rd October 2013.
- DC/14/87398: Section 73 application to vary Condition 2 of permission DC/13/84584 for minor material amendments to the permitted scheme including revised canopy (separated into two separate canopies, extended on the east elevation and the chamfer removed), Entrance and Exit with canopy and glazed doors introduced to the Rushey Green elevation, Staff window retained as existing on the Rushey Green elevation, Fire door removed from the east elevation and relocated to the Rushey Green elevation by the staff window, Seven parent and child spaces amended to three, Additional shopfront glazing to the east elevation, Steps revised to a ramp by the fire exit on the car park elevation, Roof access ladder shown by service ramp, Bin store relocated, Disabled car parking spaces reduced from eight to five, Reduced warehouse area to allow for increased retail area, Hatched path provided for use by parent and child and disabled designated spaces, Steps provided to footpath by service ramp. GRANTED 26 April 2014
- DC/14/88868 - Certificate of Lawful Development (proposed) in respect of white rendering to the existing brick work panels between brick piers on each elevation at Aldi Store, 50-52 Rushey Green SE6 – pending consideration.
- DC/14/86863- The display of 7 non-illuminated advertisement graphic glazing panels to be fixed to the front and rear elevations of Aldi Store 50-52 Rushey Green SE6. – this application is still under consideration and concerns the windows. – pending consideration
- DC/14/88520 - The display of 3 X internally illuminated and 2 x non-illuminated canopy fascia signs & 1 x above fascia level internally illuminated sign on Bradgate Road elevation and 1 x non-illuminated & 2 x internally illuminated canopy fascia signs on Rushey Green elevation at Aldi Store 50-52 Rushey Green SE6.

4.0 Current Planning Applications

4.1 This is a retrospective application for advertisement consent for the display of 3 x internally illuminated and 2 x non-illuminated canopy fascia signs, 1 x above fascia level internally illuminated sign & 1 viney glazing sign on Bradgate Road elevation and 2 x internally illuminated and 1 x non-illuminated canopy fascia signs on Rushey Green elevation at Aldi Store 50-52 Rushey Green SE6.

4.2 The signs on Rushey Green Elevation as numbered on the submitted plans are:

- Sign No.8 is a set of seven white vinyl letters forming the word 'Catford' applied to the canopy. This sign is not illuminated. The vinyl letters have a maximum symbol height of 180mm and be a total of 780mm x 1.5mm, set at approximately 3,385mm above ground level.
- Sign No.9 is a set of four internally illuminated white perspex letters forming the word 'ALDI'. This sign sits at canopy level. The perspex letters have a maximum symbol height of 675mm and their dimensions

are a total of 2,107mm x 100mm. Each perspex letter is internally illuminated by LEDs in a static manner to 114cd/m. The lettering is approximately 3,220mm above ground level.

- Sign No.10 is a single-sided internally illuminated aluminium signcase finished in Anthracite RAL 7016. The sign is the applicant's corporate logo measuring 900mm x 756mm x 120mm at approximately 3,280mm above ground level and with a maximum symbol height of 360mm. This sign sits at canopy level. The logo is five colours screen printed on polycarbonate, internally illuminated by LED's in a static manner with 3m light enhancement film inside.

4.3 The signs on Broadgate Road Elevation as numbered on the submitted plans are:

- Sign No.1 is a set of nine white vinyl letters forming the words 'Open Daily' applied to the canopy and is not illuminated. The vinyl letters will have a maximum symbol height of 180mm and be a total of 1,200mm x 1.5m, set at 3,265mm above ground level
- Sign No.2 is a single-sided internally illuminated aluminium signcase finished in Anthracite RAL 7016. The sign is the applicant's corporate logo measuring 900mm x 756mm x 120mm at approximately 3,115mm above ground level and with a maximum symbol height of 360mm. This sign sits at canopy level. The logo is five colours screen printed on polycarbonate, internally illuminated by LEDs in a static manner with 3m light enhancement film inside.
- Sign No.3 is a set of seven white vinyl letters forming the word 'Catford' applied to the canopy that is not illuminated. The vinyl letters have a maximum symbol height of 180mm and are a total of 780mm x 1.5mm, set at approximately 3,265mm above ground level.
- Sign No.4 is a set of four internally illuminated individual white perspex letters forming the word 'ALDI'. This sign sits at canopy level. The Perspex letters have a maximum symbol height of 675mm and their dimensions are 2,107mm x 100mm. Each perspex letter is internally illuminated by LEDs in a static manner to 114cd/m. The lettering is approximately 3,220mm above ground level.
- Sign No.5 is a replacement for the larger consented illuminated advert mounted on the gable wall. It is a single-sided internally illuminated aluminium signcase finished in Anthracite RAL 7016. The sign is the applicant's corporate logo measuring 1,899mm x 1,594mm x 242mm at 4,190mm above ground level and with a maximum symbol height of 776mm. The sign sits on the gable facing Bradgate Road, and consists of five colours screen printed on polycarbonate, internally illuminated by LEDs in a static manner with 3m light enhancement film inside.
- Sign No.6 is a set of four internally illuminated individual white Perspex letters forming the word 'ALDI'. This sign sits at canopy level. The Perspex letters will have a maximum symbol height of 450mm and be a total of 1,405mm x 100mm. Each Perspex letter will be internally

illuminated by LEDs in a static manner to 114cd/m. The lettering is approximately 3,295mm above ground level.

- Sign No.7 is a opaque vinyl to be applied to an area of glazing. The area affected is a total of 2,435mm x 6,616mm x 1.5mm. The vinyls form a full colour graphic of produce. The sign is approximately 150mm above ground level with a maximum symbol height of 400mm. The sign graphic is not illuminated.

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 Following the submission of the application, a site notice was displayed and letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors. The Council's Highways Department and TfL were also consulted.
- 5.3 Three objections were received from local residents. The concerns highlighted include the drawings not being clear, that the sign would add to visual pollution and that they would have a negative impact on the local landscape.
- 5.4 TfL stated in their consultation response that the proposed graphic vinyl will reduce the passive surveillance activity on the footway from the store but raised no objections on highways grounds.

6.0 Pre-Application Consultation

- 6.1 There was no pre-application advice sought on this application.

7.0 Policy Context

Introduction

- 7.1 Section 3(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007 sets out that in considering and determining applications for advertising consent the local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account
- (a) the provisions of the development plan, so far as material; and
 - (b) any other relevant factors.
- 7.2 Section 3(2) states that without prejudice to the generality of paragraph (1)(b) (above)
- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
 - (b) factors relevant to public safety include :-

- (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (ii) whether the display of the advertisement in question is likely to obscure, m or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
- (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

National Planning Policy Framework (NPPF) 2018

- 7.3 The revised NPPF, originally published in 2012, was published on 24th July 2018 and is a material consideration in the determination of planning and related applications.
- 7.4 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)’.
- 7.5 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 211, and 215 of the NPPF.
- 7.6 Paragraph 132 states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

National Planning Practice Guidance ‘NPPG’ (2014 onwards)

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

The Development Plan

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

London Plan (March 2016)

- 7.9 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Stanards 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 7.4 Local character
- Policy 7.5 Public realm

Core Strategy (June 2011)

- 7.10 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

Development Management Local Plan (November 2014)

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

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

| | |
|--------------|--|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 19 | Shopfronts, signs and hoardings |
| DM Policy 27 | Lighting |
| DM Policy 30 | Urban design and local character |
| DM Policy 35 | Public realm |
| 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 |

Shopfront Design Guide Supplementary Planning Document (March 2006)

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

8.0 Planning Considerations

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

- Amenity
- Public Safety

Amenity

Design

- 8.2 The NPPF states at paragraph 132 that 'the quality and character of places can suffer when advertisements are poorly sites and designed'.
- 8.3 Core Strategy Policy 15 seeks to ensure that a high standard of design is upheld and proposals must complement the existing development, townscape and character.
- 8.4 Policy DM19 of the Development Management Plan is concerned with shopfronts and signs. It requires that new shop signs should relate successfully to the architectural features and detailing of the building. It advises that permission be refused for adverts that are considered to adversely affect the amenity and character of an area or public safety.
- 8.5 Policy DM30 expects a high standard of design in new development.
- 8.6 The Shopfront Design Guide touches on advertisements and expects them to be proportionate to the shopfront and its features.
- 8.7 The application site is located within the Catford Town Centre area, and in the area designated as a secondary shopping frontage in the Lewisham Core Strategy. The area around this stretch of Rushey Green is characterised by a variety of commercial uses at ground floor with residential accommodation located on the upper floors. Within this context, there is a great degree of signage in the wider area.
- 8.8 The design of the signs is considerd to be appropriate in terms of colours and form and they would not detract from the surrounding townscape. In terms of the scale, the proposed adverts are of appropriate size and would not dominate the store elevations.
- 8.9 In terms of the proposed illumination of the signs, given the nature of the surrounding area, the well-established use as a food retail store and the fact that the signs are only internally illuminated, it is considered unlikely that the proposal would have a detrimental impact upon the character and appearance of the existing building and the wider area or the residential amenity of the nearby properties. For these reasons, the proposed signs would not be considered to significantly impact upon the character and appearance of the existing building and the wider area. The proposal is considerd compliant with the NPPF, Core Strategy Policy 15, Policy DM19 and DM30 of the Development Management Plan and the Shopfront Design Guide.

Impact on adjoining properties

- 8.10 Core Strategy Policy 15 mentions under the Areas of Stability and Management Change that any adverse impact from small scale development on neighbouring amenity will need to be addressed.
- 8.11 The potential impact that the proposal would have on the neighbouring properties is in respect of light pollution. The nearest residential property is located approximately 20 metres away from the application site where the signs will be displayed. It is considered, given the nature of the surrounding area, the well-established use as a food retail store and the fact that the signs will only be

internally illuminated, unlikely that the proposal would have a detrimental impact upon the residential amenity of the nearby properties

Public Safety

- 8.12 Section 3(1) of the Town and Country Planning (Control of Advertisements) Regulations 2007 requires Local Planning Authorities to have regard to the effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air. The key consideration, in assessing an advertisement's impact, is whether the advertisements, or the exact location proposed for their display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others safety.
- 8.13 DM Policy 35 implements Core Startegy Policy 15 and aims to ensure that the street design including lighting, paving and signage achieves a high quality design and complimnets the built environment.
- 8.14 The proposed advertisements are considered appropriate in size and location in the elevations of the shopfront. Additionally, the method and type of illumination are considered acceptable given the context of the site its surroundings. Given the position and the size of the lighting arrangements it is not considered that this would have a harmful impact on public and highway safety in this location, including pedestrians.
- 8.15 Highways and TfL were consulted and reviewed the application. Whilst there was no response from the Highways Officer, TfL (who are the Highway Authority) stated in their consultation response that the proposed graphic vinyl will reduce the passive surveillance activity on the footway from the store. However, this is not relevant to the consideration of the current application, as it does not relate to vehicular and pedestrian safety and is given little weight. TfL has raised no objection to the application from the highway safety perspective.
- 8.16 For these reasons, the proposed signs would not be considered to significantly impact upon vehicle and pedestrian safety.

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 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:
- 9.6 <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
 - Freedom of expression
 - Freedom of thought, belief and religion
 - Freedom of expression
 - Freedom of assembly and association
- 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 Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

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. The proposed works would not significantly impact upon the character and appearance of the existing building, the wider area and vehicle and pedestrian safety and they are considered acceptable in terms of design. Furthermore there would be no significant impact in terms of neighbouring amenity.
- 11.2 The proposal is therefore compliant with the NPPF, Core Strategy Policy 15, Policy DM19 and DM30 of the Development Management Plan and the Shopfront Design Guide.

12.0 RECOMMENDATION

GRANT CONSENT subject to the following conditions:-

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

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

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

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

- (3) Any external lighting is required to meet with CIBSE and ILE criteria of a maximum 2 lux at the nearest neighbouring residential window.

Reason: In order to minimise possible light pollution and impact on neighbouring properties and to comply with DM Policy 19 Shopfronts signs and hoardings of the Development Local Plan (November 2014)

INFORMATIVES

- (1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, 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 | 7 Allenby Road, London, SE23. | |
| Ward | Perry Vale | |
| Contributors | John Grierson | |
| Class | PART 1 | 24 th January 2019 |

Reg. Nos. DC/18/108887

Application dated 11.09.2018

Applicant Red Squirrel Architects Ltd.

Proposal The demolition of the existing side extension and construction of two single storey side extensions, internal modifications and external works at 7 Allenby Road, SE23.

Applicant's Plan Nos 141_02_00; 141_02_01; 141_02_04; 141_02_05; 141_02_06; 141_02_07; 141_02_09; 141_02_10; 141_02_11 (Received 12th September 2018); 141_02_08 Rev P01; 141_02_12 (Received 5th November 2018); 141_02_02 Rev P01; 141_02_03 Rev P02 (Received 20th December 2018).

Background Papers (1) Case File LE/357/7/TP
(2) Local Development Framework Documents
(3) The London Plan
(4) The NPPF

Designation Perryfields Conservation Area
Perryfields Article 4 Direction
PTAL 1b/2

Screening N/A

1.0 Summary

- 1.1 This report sets out officer's recommendation in regard to the demolition of the existing side extension and construction of two single storey side extensions, internal modifications and external works at 7 Allenby Road, SE23.
- 1.2 The report has been brought before members as permission is recommended to be approved subject to conditions and there is one or more objection from a recognised residents' association or community/amenity group.

2.0 Property/Site Description

- 2.1 The application relates to a two storey semi-detached Victorian house on the Northern side of Allenby Road, SE23. The property is constructed of London Stock Brick, with timber sliding sash style windows and a slate roof. There is an existing single storey side conservatory, which measures 3.3m high, 2.1m wide and 3.2m deep. This is set back 4.7m from the front elevation of the property and 9.7m from the front boundary of the property. The property also has a shared rear outrigger with no.9 Allenby Road. The adjoining no.9 has an existing single storey side addition in the form of a mono-pitched garage. There is also a large white rendered concrete block garage located immediately adjacent to the site of the proposed side extensions that is highly visible from the street scene.
- 2.2 The property is within the Perryfields Conservation Area which was designated in 1975. It represents a good example of a late 19th century suburban residential development, the central core of which comprises a coherent group of Victorian villas. The application site is unique within the street scene as its location on the corner creates a break in the street line which is at odds with the uniform rhythm of the other semi-detached villas on Allenby Road.
- 2.3 The Conservation Area has been subject to an Article 4 Direction since 1980. In relevance to this application, the Article 4 Direction restricts alterations or improvements to the front and side elevations of no.7 Allenby Road unless these have been approved, and planning permission granted, by Lewisham Council. The conservation area also contains the Perry Vale Fire Station, built in 1902 by the London County Council in the Arts and Crafts style, and now Grade II listed. The application property is near this building, but is not in the immediate vicinity and the proposal would not be visible from the listed building.

3.0 Planning History

- 3.1 There is no relevant planning history available relating to the application property.
- 3.2 Regarding neighbouring properties, permission for the erection of a pre-fabricated concrete garage at the side of 5 Allenby Road was granted in July 1973, which predates the Conservation Area and subsequent Article 4 Direction. Permission was also granted for the erection of a replacement brick garage at the side of 9 Allenby Road, SE23 in June 1985 which is after both the conservation area and Article 4 Direction designations. Most recently, a brick garage with a pitched roof was constructed directly opposite the application site in the rear garden of no.3 Perry Rise as part of application DC/14/087999 which was granted on 4th November 2014.

4.0 Current Planning Applications

The Proposals

- 4.1 The applicant proposes the demolition of the existing side extension and construction of two single storey side extensions at 7 Allenby Road together with internal modifications and external works.
- 4.2 The side extensions would both be of similar design, incorporating a contemporary curved form. One side extension would adjoin the property at the rear side of the

- main building and the other side extension would adjoin the building at the side of the rear outrigger.
- 4.3 The front side extension would have a minimum width of 2.15m and a maximum width of 2.85m, a depth of 4.0m and a maximum height of 3.3m. It would be set back 3.6m from the front elevation of the property and 8.7m from the front boundary treatment.
- 4.4 The rear side extension would have a minimum width of 2.27m and a maximum width of 3.0m, a depth of 5.0m and a maximum height of 3.3m. This extension would not be visible from the public realm.
- 4.5 The proposed materials for both extensions would be vertical Russian Redwood cladding stained black, corten metal screening and aluminium framed doors and glazing. The front elevation of the front side extension would be of reclaimed London Stock Brick to match the existing property.
- 4.6 The basement would be extended to the side by 2.0-2.5m, beneath the forward-most side extension on the floor above.

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 Public site notices and a press notice were displayed, and letters were sent to residents in the surrounding area, and the relevant ward Councillors.
- 5.3 During the statutory consultation period, the Council's Conservation Officers commented that they had no objections to the proposal.
- 5.4 During the same consultation period, the Council received:
- One objection from a non-adjoining neighbour; and
 - An objection was also received by the Sydenham Society; there is no specific amenity society for the Perryfields Conservation Area.
- 5.5 Comments made from a material planning perspective revolved around topics of:
- Design;
 - Scale; and
 - Impact on the Conservation Area.

These have been discussed in the planning considerations section of this report.

- 5.6 At the applicants own request, a set of revised plans were submitted to the LPA in anticipation of addressing the initial objectors comments, and officers restarted the consultation period. Notwithstanding this, those initial objections remained after the

second round of consultation, thus the application has been brought before a committee.

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

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 32: Housing design, layout and space standards;
- DM Policy 36: Listed Buildings, Conservation Areas and other designated heritage assets.

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.

6.12 There is no character appraisal document for the Perryfields Conservation Area.

7.0 Planning Considerations

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

- Principle of Development;
- Potential impact on Design and Conservation;
- Potential impact on neighbour amenities.

Principle of Development

7.2 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved immediately so long as they accord with the development plan.

7.3 The application property is in residential use and it is considered that its alteration and expansion 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

7.4 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.

7.5 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.

7.6 Policy 7.4 'Local Character' of the London Plan (2016) states that planning decisions should favour buildings, streets and open spaces that: provide a high quality design; have regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contribute to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive

contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

- 7.7 Policy 7.6 'Architecture' of the London Plan (2016) states that planning decisions should favour buildings and structures which: are of the highest architectural quality; of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; comprise details and materials that complement, not necessarily replicate, the local architectural character; do not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.
- 7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 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.
- 7.12 The Council's Conservation Officers were consulted on the initial design and considered that the proposal represented a high quality design which responded sensitively to the particular characteristics of the site. The extent of garden space between no. 7 and no. 5, due to the curve of the street, creates greater opportunity for side extensions or garages than elsewhere in the Conservation Area where most of the buildings are more closely spaced.
- 7.13 The extent to which the proposed extension is set back from no. 7's front elevation would help to preserve the appreciation of the host building's original form. The use of a brick front elevation is considered sensitive to the adjacent unfenestrated brick flank elevation, and helps the extension to sit 'quietly' next to the historic building, not drawing undue attention to the new addition nor obscuring the original form and extent of the host building. The timber and steel elements on the flank elevation of the extension would be seen in oblique and dynamic views as one walks along the

road, further back into the site and visually separate from the host building, and are considered an innovative response to their garden setting.

- 7.14 Additional information regarding the proposed materials and how the extension would be viewed from the street were requested. Officers were satisfied with the further details submitted, though material specifications and/or samples of the timber and metal cladding proposed are recommended to be secured by condition. Planning officers were also satisfied with the proposal.
- 7.15 An objection was received from a nearby neighbouring property on 18th October 2018. The complainant withdrew this objection on 28th October 2018. Notwithstanding this, the complainant did however re-submit a revised objection on 5th November 2018. That objection referenced the applicant's choice of materials, the scheme's scale and design and impact on the Conservation Area.
- 7.16 Officers consider that the proposed side wall is in keeping with the large blank brick side elevation of the application property, which is highly visible from the public realm. Officers note that the wall is significantly set back from the street and the front elevation of the application property, and as a result no material planning harm would arise to the character of the street scene or the wider Conservation Area. It is also facing a garage and the side of the rear garden of no.3 Perry Rise and so would not be highly visible from any of the upper storey windows of any of the properties on the opposite side of the road.
- 7.17 The objection from the Sydenham Society stated that they agreed with the neighbouring occupants' aforementioned objection and felt that the front façade wall was incongruous with the street scene.
- 7.18 The applicant was informed of this objection, and opted to self-prescribe a revision to address those objections. The agent altered the façade to incorporate a window. When reconsulted, both the Sydenham Society and local resident objected to the revised design. The local resident objected to the design of the extension as a whole this time, arguing that a pitched roof side extension of traditional design would be more appropriate.
- 7.19 Officers do not hold the same reservations as above, and instead are of the firm belief that the contemporary design is a high quality proposal that will enhance the overall character of the conservation area and application property. Officers also note that there are several pitched roof additions in the form of garages in the immediate vicinity of the property which do not enhance the character of the area, some of which are harmful to the area (notably the concrete garage adjacent at no.5).
- 7.20 Officers felt that the revised designs submitted by the applicant were inferior to the original proposal, and so it was decided by the applicant to proceed on the basis of the original designs, without the window.
- 7.21 The design of the extensions is contemporary and it is felt that the style, scale and materials would complement the application property and wider street scene well. The materials proposed are deemed to be of a high quality. The details of the timber and metal cladding would be secured by a condition. The proposal would replace an existing glass conservatory, which is of poor quality, and would be of similar dimensions and setbacks. It would enhance a part of the street scene, which is

currently dominated by the existing concrete garage at no.5. It would also be obscured by the existing planting and trelace, which would be retained as part of this application.

- 7.22 Unlike the existing garages immediately adjacent and opposite, the proposed side extensions would not be highly visible from the street, as they would be sufficiently set back, and of appropriate height and materials, all of which will serve to preserve and enhance the application property and character of the conservation area. There is no objection to the proposed basement alteration from a design perspective.
- 7.23 It is therefore considered that the construction of the two-single storey side extensions would create a high quality addition to the application property 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

- 7.24 There would be no impact on neighbour amenity from the extensions as no windows would be located on the side elevation of the property and the height and setback of the proposed extensions mean that they would not appear overbearing from adjoining 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:
- 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 as 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 and enhance the appearance of the host building and the Conservation Area and would cause no material planning harm to nearby neighbouring occupants. The proposal is consistent with the provisions of the Development Plan, Core Strategy and NPPF (2018).

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:

141_02_00; 141_02_01; 141_02_02; 141_02_04; 141_02_05; 141_02_06; 141_02_07; 141_02_09; 141_02_10; 141_02_11 (Received 12.09.2018);
141_02_03 Rev P01; 141_02_08 Rev P01; 141_02_12 (Received 05.11.2018).

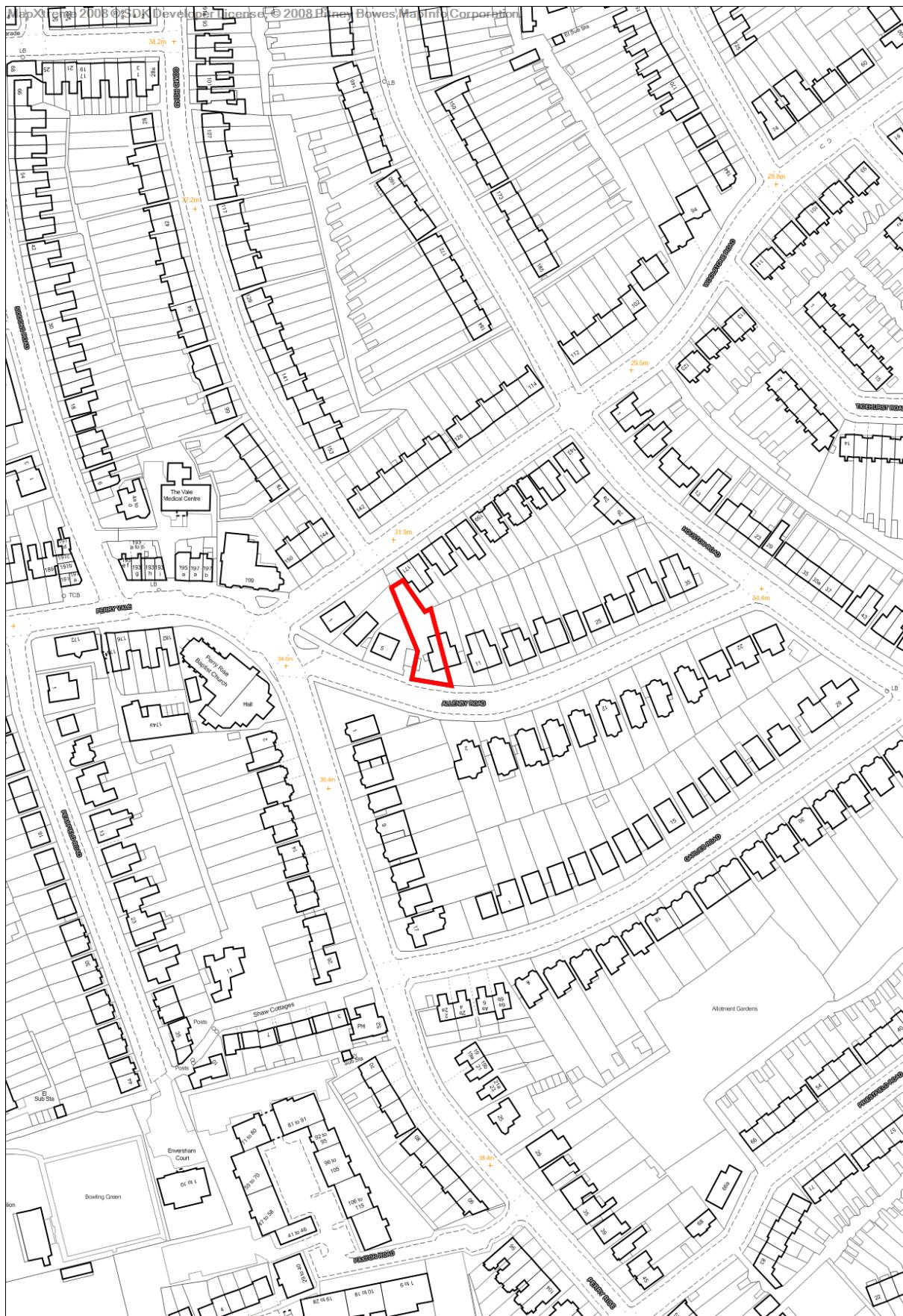
Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3. Prior to the construction of the single storey side extensions proposed, specifications or samples of the corten metal screening and stained black Russian Redwood cladding to be used on the building must be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

INFORMATIVES

- (1) **Positive and Proactive Statement:** The Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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|--------------|-----------------------|-------------------|
| Committee | PLANNING COMMITTEE C | |
| Report Title | 18 Bolden Street, SE8 | |
| Ward | Brockley | |
| Contributors | Alfie Williams | |
| Class | PART 1 | 24th January 2019 |

Reg. Nos. DC/18/109040

Application dated 24.09.18

Applicant Mr J Neate

Proposal The construction of a mansard roof extension at 18 Bolden Street, SE8.

Plan Nos G191_100; G191_101; G191_120; G191_121; G191_122; G191_123; G191_130; G191_131; G191_132; G191_140; G191_141; G191_220 Rev A; G191_221 Rev A; G191_222 Rev A; G191_300 Rev A; G191_301 Rev A; G191_400 Rev A; G191_401 Rev A; G191_402 Rev A; G191_403 Rev A; Design And Access Statement;

Background Papers (1) Case File DE/120/18
(2) Core Strategy (June 2011)
(3) Development Management Local Plan (November 2014)
(4) The London Plan (March 2016)

Designation Brookmill Road Conservation Area
Brookmill Road Article 4 Direction
Deptford Neighbourhood Forum
Area of Archaeological Priority
PTAL 4

1.0 Summary

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

- Permission is recommended to be refused and:
 - a local Ward Councillor requested that the matter be dealt with by planning committee, which was agreed by the Head of Planning.

2.0 Property/Site Description

- 2.1 The application relates to a two-storey mid terrace Victorian dwellinghouse located on the south-eastern side of Bolden Street at the junction with Albyn Road. The property's front elevation houses two large timber sash windows with marginal glazing arrangements at first floor level and another of the same design at ground floor and a timber front door.
- 2.2 The application property sits in a short terrace of four properties within a predominately-residential area on an easterly sloping road. Properties on the road repeat the pattern of four terraced properties with the end properties hosting a canted bay window and a narrow front garden. Properties on Bolden Street are characterised by London roofs concealed behind a parapet wall on the front façade, and two storey rear outriggers.
- 2.3 The property is within the Brookmill Road Conservation Area and subject to the Brookmill Conservation Area Article 4 Direction, which restricts permitted development rights for development which would front a highway, waterway or open space. The property is not listed nor is it in the vicinity of a listed property.

3.0 Planning History

Planning history at 18 Bolden Street

- 3.1 DC/18/106386: The construction of a single storey infill rear extension 18 Bolden Street SE8 – planning permission was granted 14 May 2018.
- 3.2 DC/18/107948: The excavation at basement level and provision of a rear lightwell to provide additional habitable floorspace at 18 Bolden Street SE8, together with the construction of a single storey extension to the rear, the installation of a replacement front gate and landscaping to the front garden – planning permission granted 28 August 2018.

Other relevant planning history

- 3.3 DC/16/97644: The construction of a mansard roof extension with two dormer windows to the front roofslope and two dormers to the rear at 13 Bolden Street, SE8 – refused and dismissed on appeal for the following reasons.
- 3.4 *The proposed mansard roof extension, by reason of its height, detailed design and materials would be an incongruous, unsympathetic and visually intrusive addition harmful to the historic design conventions of the host property and the character and appearance of the Brookmill Road Conservation Area. As such, the proposal would be contrary to Policies 7.4 Local character, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014) and paragraph 6.7 of the Residential Standards SPD (updated May 2012).*

- 3.5 *The proposed mansard roof extension would result in the loss of the historic roof form to the detriment of the character of the host property, the historic and cohesive nature of the immediate terrace of which it forms part, Bolden Street and the Brookmill Road Conservation Area. As such it would be contrary to Policies 7.4 Local character, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014) and paragraph 6.7 of the Residential Standards SPD (updated May 2012).*
- 3.6 In dismissing the appeal the Inspector concluded '*that the proposal would be detrimental to the character and appearance of the appeal property, and would fail to preserve or enhance the character and appearance of the Brookmill Road Conservation Area. It would conflict with the strategic design and conservation aims of Policies 15 and 16 of the Lewisham Core Strategy 2011, and DM Policy 30, and with the more detailed design criteria set out in DM Policies 36 and 31, and the SPD. For the same reasons, it would not accord with the strategic and specific aims of Policies 7.4, 7.6 and 7.8 of The London Plan 2016. Having regard to Section 12 of the Framework, I find that this proposal would harm the significance of the designated heritage asset, and this harm would not be outweighed by public benefits.*'
- 3.7 DC/16/95824: The construction of a mansard roof extension together with the installation of two windows to the front and rear roofslopes at 40 St John's Vale, SE8 - refused 13 September 2016 and dismissed on appeal 30 December 2016
- 3.8 DC/16/95825: The construction of a mansard roof extension together with the installation of two dormer windows to the front roofslope and two to the rear at 38 St John's Vale, SE8 – refused 13 September 2016 and dismissed on appeal 17 January 2016.
- 3.9 DC/09/71091: The construction of a mansard roof extension, incorporating two dormer windows to the front roof slope of 140 Albyn Road SE8 – granted by Committee 17 July 2009.
- 3.10 DC/11/77273: The construction of a mansard roof extension, incorporating two dormer windows to the front and rear roof slopes of 6 Bolden Street SE8 – granted 22 July 2011.

4.0 Background

- 4.1 The character and appearance of the Brookmill Conservation Area is made up of modest, 2-storey originally working and lower middle class houses built mainly between 1850 and 1870. Houses are usually grouped in short terraces of four, six or eight in which the single house forms a unit within a larger entity. Despite some differences in elevational treatment of the terraces, the character of the area is one of great architectural unity with the occasional accent at a street corner.

- 4.2 Number 18 Bolden Street forms part of a stepped Victorian set of terraced houses, which step up towards Albyn Road. The houses are constructed from yellow stock brick under its original slate ‘London’ or ‘butterfly’ roof with flank walls and chimney stacks. The butterfly roof is very typical of this terrace and was used extensively in the 19th century on terraced houses, which can be found throughout this conservation area. The roof has been concealed behind the front façade by a parapet obscuring the two gables and the gutter, whereas the rear has been left visible allowing the ‘V’ shape to remain visible forming an attractive pattern to the back of the terraces. A pronounced dentillated corniced parapet runs over the full length of the terrace and finishes the façades towards the sky.
- 4.3 The intended consistent architectural features and undisturbed roofline to this terrace and the replica terrace facing it create a strong group value, and form part of an architectural composition within this group of buildings, the local street scene and the wider roofscape of the conservation area.
- 4.4 Mansard roofs have been granted planning permission and built within the Brookmill Road Conservation Area, on Albyn Road and Lind Street, with an unimplemented permission at 6 Bolden Street (reference DC/11/77273) dating from 2011. The permissions setting the precedent on Albyn Road date from 2009 and as such pre-date the current local plan. Due to the unimplemented permission at no.6, Bolden Street has remained one of the roads within the Conservation Area without roof extensions, and the Council have successfully resisted subsequent applications for mansard roof extensions on the road. As such, Bolden Street is regarded as an important surviving example of the appearance, character and continuity of streets within the wider Conservation Area.
- 4.5 The appeal dismissed (ref. APP/C5690/D/16/3162236) in January 2017 for the application for a mansard roof extension at 13 Bolden Street is the most relevant to this application (Council ref DC/16/097644). The inspector acknowledged the presence of other mansard roof extensions in the Conservation Area on Albyn Road and Lind street, however because the dwellings on Bolden Street retain their original and distinctive roofscape, the inspector considered that the unaltered houses on Bolden Street makes a positive contribution to the character and appearance of the area. The inspector concluded that *‘in this case, the set-back, traditional design and matching materials of the extension would not mitigate the adverse visual impact on the dwelling, the street scene and the wider conservation area’*.
- 4.6 There are also two further relevant decisions dismissing appeals for mansard roof extensions elsewhere in the Brookmill Road Conservation Area at 38 St John’s Vale (ref. APP/C5690/D/16/3160036) and 40 St John’s Vale (ref. APP/C5690/D/16/3159477).
- 4.7 The policy context for the appeals at 13 Bolden Street and 38 and 40 St John’s Vale is largely the same, with the exception that the applications and appeals at St John’s Vale would have been determined in the context of the old NPPF, whereas this application must be determined under the new NPPF 2018. However, the section relating to the historic environment is not considered to be substantially different to the previous version.

5.0 Current Planning Applications

The Proposal

- 5.1 The construction of a mansard roof extension measuring 1.9m in height with a depth of 7m and width of 4.9m. The mansard would be clad in slate and would be flanked by stock brick parapet walls measuring 3m in height. The mansard would feature two dormers in both the front and rear roof slopes. The dormers would be clad in lead and would house timber sliding sash windows to match the existing.
- 5.2 The mansard would be set back from the front parapet by 0.3m and would project 1.5m above the height of the front parapet. The flank walls would project 2m above the front parapet. The butterfly roof form would be retained to the rear and the original chimney retained and raised in height.

6.0 Consultation

- 6.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 6.2 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors. The St John's Society were also consulted.

Written Responses received from Local Residents

- 6.3 Two objections and seven comments of support were received from local residents.
- 6.4 The comments in support raised the following points.

| | |
|---|------------------------------------|
| Precedent with the Conservation Area | Paras 4.4 - 4.6 and 8.8 |
| Allows families to extend homes and stay in the area | Para 8.10 |
| Good design quality – not harmful to the conservation area | Paras 4.4 - 4.6, 8.5 – 8.7 and 8.9 |
| Butterfly roofs are difficult to insulate | Para 8.10 |
| Large development in the skyline – St James One SE8, Conington Rd | Para 8.8 |

- 6.5 A local ward councillor also commented in support of the application commenting that Bolden Street should be considered in the immediate context of Albyn Street and Lind Street, which have a proliferation of mansard roof extensions, and therefore the principle of preserving the roofscape on Bolden Street is not applicable.

6.6 The objections to the application state that the introduction of a mansard roof would fail to preserve and enhance the Brookmill Road Conservation Area, due to the uninterrupted roofscape on Bolden Street and would therefore be contrary to policy. A concern was also raised regarding social cohesion, noting homeowners would be more likely to be able to extend their homes than renters.

7.0 Policy Context

Introduction

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

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

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

National Planning Policy Framework (NPPF) 2018

7.3 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.

7.4 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)'.

7.5 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)

7.6 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

- 7.7 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)

- 7.8 The Mayor of London published a draft London Plan on 29 November 2017. 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.
- 7.9 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 emerging London Plan policies relevant to this application are:

- D1 London's form and characteristics
- HC1 Heritage conservation and growth

Core Strategy (June 2011)

- 7.10 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)

- 7.11 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:
- 7.12 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)

7.13 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.

8.0 Planning Considerations

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

- Design & Conservation
- Impact on Adjoining Properties

Design & Conservation

8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

8.3 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.

8.4 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.

8.5 The proposed mansard extension would project 1.5m above the level of the front parapet and as such would form a prominent part of the streetscene. The additional height of the flank parapet walls and chimney and topography of the road would further add to the prominence of the extension. Officers consider that the proposed mansard roof would appear bulky relative to the original house, and disruptive to the cohesion of the roofscape and wider streetscene. This is clearly contrary to DM Policy 31, which states that roof extensions on the street frontage of a building, particularly in a residential street will be resisted in favour of extensions to the rear of the building.

8.6 The application refused and dismissed on appeal for a mansard roof extension at 13 Bolden Street is considered to be relevant to the present application given it relates to a mansard roof extension of similar design, massing and materiality proposed at an architecturally similar property located on the same road. In dismissing the appeal at no.13 the inspector stated that “the impact would conflict with DM Policy 31 of the Council’s Development Management Local Plan 2014 (DM), which seeks to resist roof extensions on the street frontage of a building, and extensions which would adversely affect the architectural integrity of a group of buildings as a whole”. It should also be noted that the proposed mansard at no.13 was set back further from the front parapet, and would therefore be less

harmful, than the mansard in the current application. The Inspector found that the mansard at no. 13 Bolden Street would have an adverse visual impact on the dwelling, streetscene and Conservation Area. The current proposal would be more harmful and officers consider that the proposed development would be visually intrusive and contrary to DM Policy 31.

- 8.7 The mansard roof extension would be constructed from matching materials. However, the historically appropriate materials are not considered to mitigate the harmful visual bulk of the extension.
- 8.8 It is acknowledged that there are sixteen properties on Albyn Road and three properties on Lind Street, that have implemented planning permissions for mansard roof extensions, in addition to larger developments located to the north and south of the Conservation Area. However, the original roofline of Bolden Street survived unaltered. The Council have been consistent in resisting mansard roof extensions on roads within the Brookmill Road Conservation Area that have an unaltered roofscape. As noted in paragraphs 4.5 and 4.6 the Council's position on mansard extensions within the Brookmill Road Conservation Area has been supported at appeal. At 13 Bolden Street, the Inspector concludes that '*its largely unaltered roofscape is nevertheless an important example of the appearance, character and continuity of the historic street*'.
- 8.9 The Council has a duty to preserve and enhance the character and appearance of Conservation Areas. The proposed mansard roof extension is not considered compatible with the scale, form or special characteristics of the Conservation Area and as such is considered harmful to the character of the Brookmill Road Conservation Area and therefore contrary to DM Policy 36.
- 8.10 Paragraph 196 of the NPPF states that 'harm should be weighed against the public benefits of the proposal'. The provision of additional living accommodation is not considered to constitute a public benefit sufficient to justify the harmful impacts of the proposed development. It is also worth noting that the Council granted planning permission in August 2018 for the extension of the property at basement level and to the rear to create approximately 81sqm of habitable floorspace. It is recognised that butterfly roofs are difficult to insulate. However, it is possible to do so in a less intrusive way than constructing a large roof extension.
- 8.11 The proposed roof extension would fail to preserve or enhance the character or appearance of the Brookmill Road Conservation Area resulting in considerable visual harm to the roofscape of Bolden Street. The proposed development is therefore contrary to DM Policies 30, 31 and 36.

Impact on Adjoining Properties

- 8.12 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.
- 8.13 The proposed mansard roof extension would not extend beyond the footprint of the existing roof and, given the proposed height, is therefore unlikely to have a significant impact on light levels to neighbouring properties. In addition, the proposal would not introduce windows closer to neighbouring properties than the

existing windows on lower floors and as such would not result in a perceptible loss of privacy.

- 8.14 The application is deemed acceptable in terms of residential amenity in accordance with DM Policy 31.

9.0 Local Finance Considerations

- 9.1 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).

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

- 9.3 The applicant has completed the relevant form however; CIL is not payable on this application.

10.0 Equalities Considerations

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

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

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

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

- 10.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but

nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

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

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

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

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

11.0 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 Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

12.0 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 mansard roof extension would form an incongruous, visually intrusive addition to the streetscene resulting in a harmful visual impact, failing to preserve or enhance the character of the Brookmill Road Conservation Area. The proposed development would therefore be contrary to policies 15 and 16 of the Core Strategy and DM policies 30, 31 and 36.

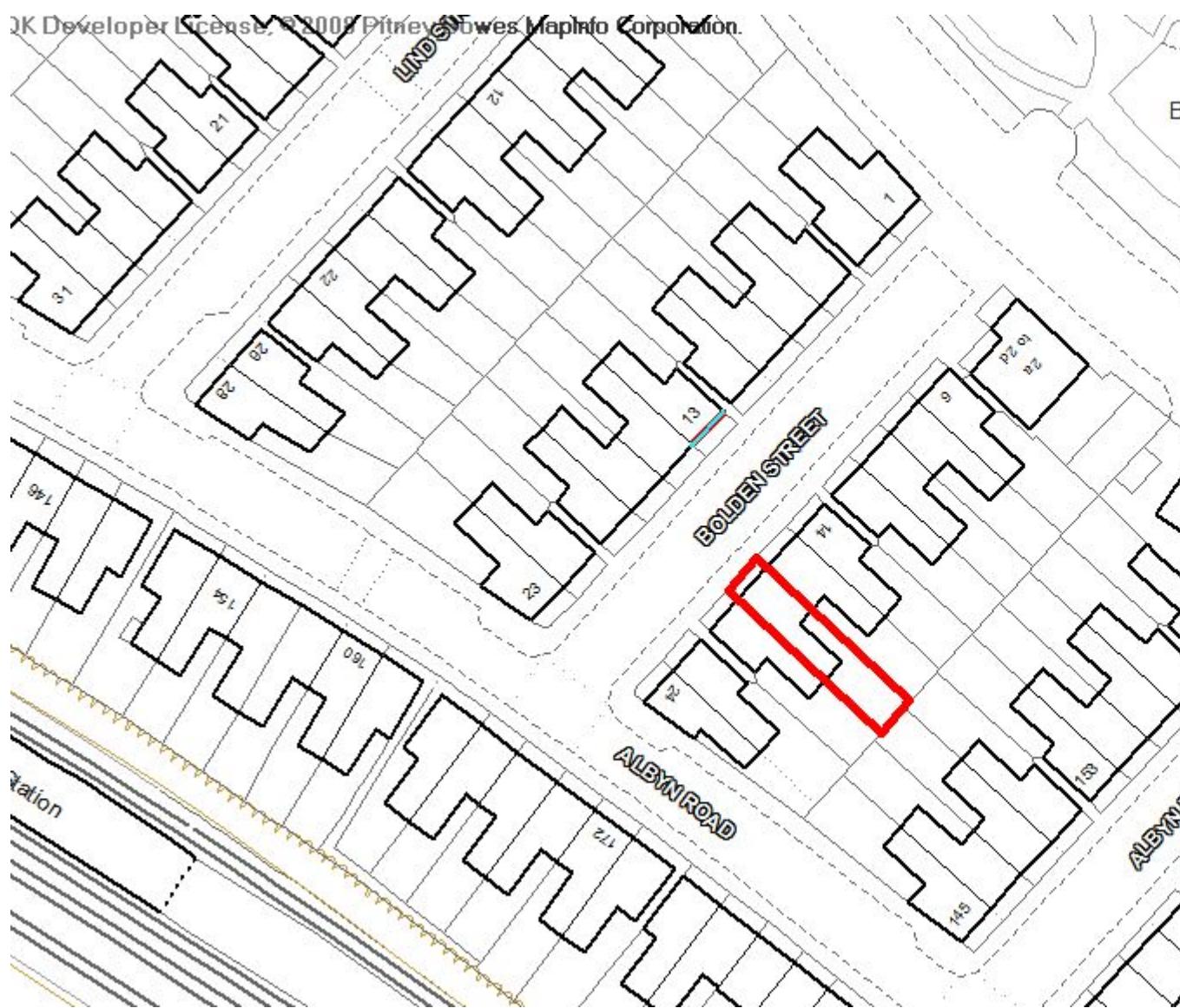
13.0 RECOMMENDATION

REFUSE PERMISSION for the following reason:-

- 1) The proposed mansard roof extension, by reason of its height and design would form an incongruous, unsympathetic and visually intrusive addition to the streetscene, resulting in the loss of the historic roof form to the detriment of the character of the host property and, the historic and cohesive nature of the immediate terrace of which it forms part, Bolden Street and the Brookmill Road Conservation Area. As such it would be contrary to Policies 7.4 Local character, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014) and paragraph 6.7 of the Residential Standards SPD (updated May 2012).

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 before the application was submitted. As the proposal was clearly contrary to the provisions of the Development Plan, it was considered that further discussions would be unnecessary and costly for all parties.



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|--------------|---------------------------------|-------------------------------|
| Committee | PLANNING COMMITTEE C | |
| Report Title | 90 Effingham Road, London, SE12 | |
| Ward | Lee Green | |
| Contributors | Alfie Williams | |
| Class | PART 1 | 24 th January 2019 |

| | |
|--------------------------|--|
| <u>Reg. Nos.</u> | DC/18/107396 |
| <u>Application dated</u> | 30.05.2018 revised 19.12.18 |
| <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> | DESIGN, ACCESS AND HERITAGE STATEMENT received 31 May 2018; 2080-18-PL001-001 Rev P9: 2080-18-PL001-002 Rev P9 received 8 January 2019. |
| <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 Introduction

- 1.1 This report sets out officer's recommendation in regard to the construction of two dormer windows with a mansard link in the rear roof slope, together with the installation of two 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, as the application was deferred at the previous Planning Committee C held on 29 November 2019. The original committee report is attached at Appendix A. It was resolved that the decision be deferred due to concerns with the set back of the mansard link. The mansard link was not considered to be sufficiently set back from the face of the dormer, and therefore contrary to the guidance within the emerging Alterations and Extensions SPD.

Following discussions with officers, the applicant has revised the design of the mansard so that it is now set back from the face of the dormers by 0.45m, compared to the previously proposed set back of 0.3m.

2.0 Planning Considerations

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 The revisions made to the design of the proposed roof extension have resulted in the mansard link being set back from the face of the two dormers by 0.45m an increase of 0.15m compared to the original proposal. Officers considered that the combination of increased set back of the link would enhance the perception of the two dormers as separate elements. As such, the proposed roof extension is considered consistent with the guidance in Fig 5.14 of the Draft Alterations and Extensions SPD.
- 2.5 As noted in the previous Committee Report, 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 similar to the proportions and design of the other roof extensions granted planning permission on Effingham Road, and an improvement in terms of the setback of the mansard.
- 2.6 The proposed revisions relate to the mansard link only, which result in an enhancement to the subservience of the extension. Officers consider that 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.
- 2.7 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.

3.0 CONCLUSION

- 3.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 3.2 The revisions made to the design of the mansard link accord with the guidance for roof extensions within the emerging Alterations and Extensions SPD. Officers therefore 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, 31 and 36.

4.0 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 P9; 2080-18-PL001-002 Rev P9 received 08 January 2019

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.

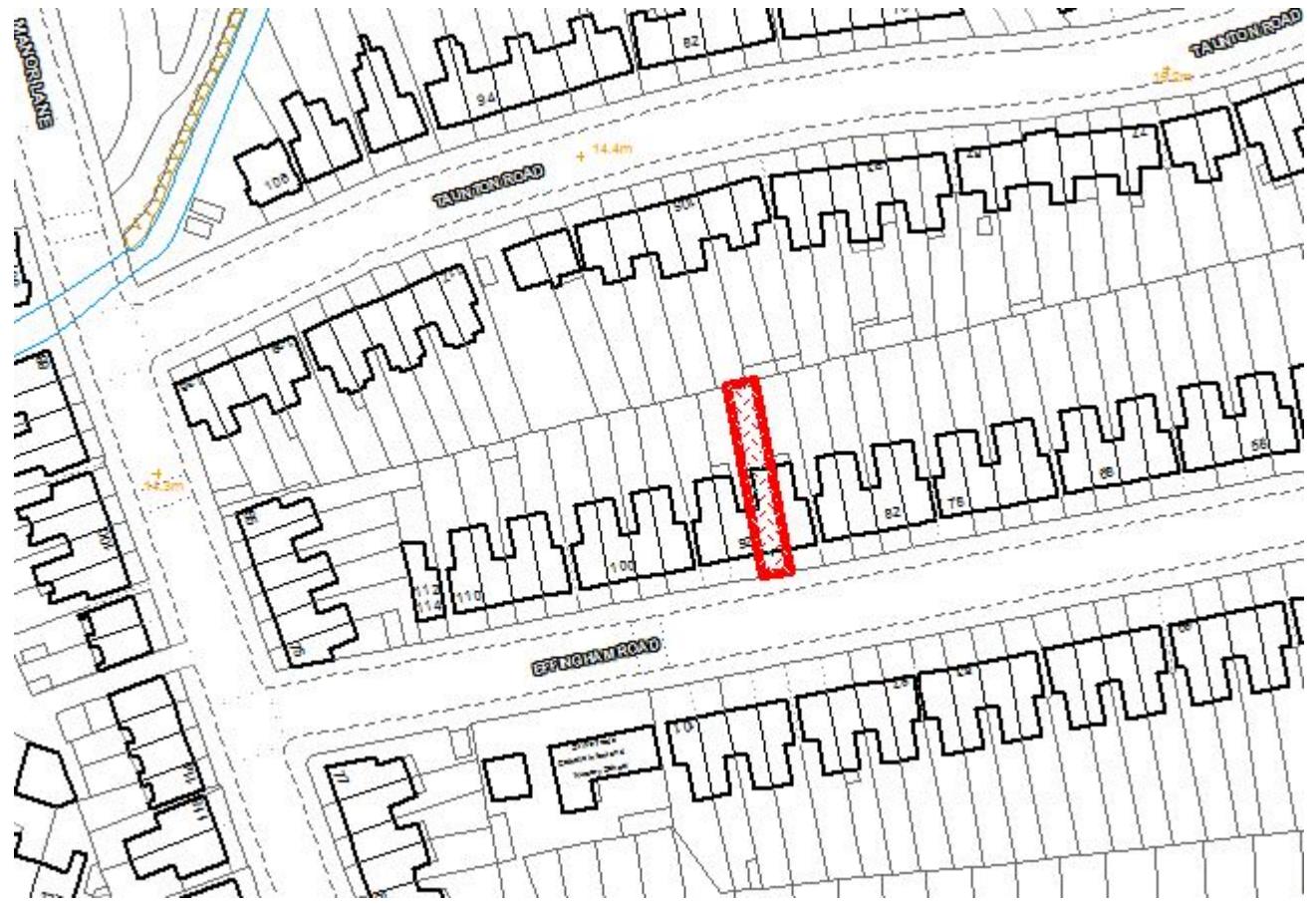
3. The materials to be used in the development hereby permitted shall strictly accord with the approved plans listed in Condition 2.

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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Appendix A

Committee Report:

90 EFFINGHAM ROAD, LONDON, SE12 8NU

15th November 2018

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| | | |
|--------------|---------------------------------|--------------------------------|
| Committee | PLANNING COMMITTEE C | |
| Report Title | 90 Effingham Road, London, SE12 | |
| Ward | Lee Green | |
| Contributors | Alfie Williams | |
| Class | PART 1 | 15 th 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) |
| <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

- 1.0 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.
- 1.1 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. 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 30th 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 25th 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 Site notices were displayed and letters were sent to residents and business 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 concerns regarding the design of the extension. The Society consider that the mansard link between the dormers is insufficiently set back and contrary guidance within to the Alterations and Extensions SPD.

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

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

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:

- 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)

6.10 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/Conservation
- Impact on Adjoining Properties

Design

7.2 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.

7.3 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.

7.4 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.

7.5 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.

7.6 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.

7.7 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.

- 7.8 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.
- 7.9 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.
- 7.10 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.

Impact on Adjoining Properties

- 7.11 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.
- 7.12 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 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.
- 7.13 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.

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:
 - 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
- 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 Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

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 preserve and enhance the character of the Lee Manor 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.

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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