

PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 15 AUGUST 2019 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**James-J Walsh (Chair)
Tom Copley (Vice-Chair)
Obajimi Adefiranye
Sophie Davis
Liam Curran
Caroline Kalu
Jacq Paschoud
Luke Sorba
Octavia Holland
Abdeslam Amrani**

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

**Janet Senior
Acting Chief Executive
Lewisham Town Hall
London SE6 4RU**

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Date: Tuesday, 6 August 2019

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	PLANNING COMMITTEE (A)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 15 August 2019

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 15 August 2019

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 4th July 2019 at 7.30 PM

MINUTES OF THE PLANNING COMMITTEE (A)

LONDON BOROUGH OF LEWISHAM

PRESENT: Councillors James-J Walsh (Chair), Luke Sorba, Caroline Kalu. Obajimi Adefiranye, Jacq Paschoud, Abdeslam Amrani, and Sophie Davis.

APOLOGIES: Councillors Tom Copley (Vice-Chair), Octavia Holland, Caroline Kalu and Liam Curran (on other Council business)

DECLARATION OF INTERESTS

None

MINUTES OF THE PREVIOUS MEETING – DC/19/111037

RESOLVED: To approve the minutes of the meeting of Planning Committee (A) held on the 05 JUNE 2019, as accurate record of the meeting subject to clarifying Cllr Paschoud was on other Council business. The minutes were approved.

ST WINIFRED'S INFANT SCHOOL, 103 EFFINGHAM ROAD, LONDON, SE12 8NS

PROPOSAL: Proposed change of use and extension of existing school building (Class D1) to provide 4 dwellings, demolition of existing single storey extension and ancillary outbuilding and erection of new building to provide 5 flats, together with associated external alterations, landscaping, cycle parking and refuse storage, at 103 Effingham Road, SE12 (revised plans and information received 15 April 2019).

RECOMMENDATION: GRANT PERMISSION subject to conditions

Mr Vincent Murphy (Case Officer) presented the details of the application and answered Members questions.

The Agents and Architect presented their case.

Councillor Pashcoud questioned the internal floor design and relationship to windows. The Architect clarified.

Councillor Sorba questioned whether the site could accommodate a tenth dwelling and provide affordable housing. The Agent explained the rationale behind the approach that resulted in nine dwellings. Angus Saunders (North Team Leader) clarified the proposal constituted optimal use of the land.

Councillor Amrani moved to accept the Officer's recommendation, seconded by Councillor Adefiranye

DECISION: Grant planning permission as recommended with an additional condition to secure obscure glazing to be delegated to Officers.

FOR: Councillors Walsh, Adefiranye, Paschoud, Amrani, and Davis

AGAINST: Councillor Sorba

ABSTAINED: None

Committee	PLANNING COMMITTEE A	
Report Title	28 Arklow Road, London, SE14 6EN	
Ward	Evelyn Ward	
Contributors	Lewis Goodley	
Class	PART 1	15 August 2019

<u>Reg. Nos.</u>	(A) DC/18/109174
<u>Application dated</u>	05.10.2018
<u>Applicant</u>	Peker Safa Ltd.
<u>Proposal</u>	Mixed-use redevelopment to provide 14 residential flats, 75sqm of use class A3 space, associated waste storage and cycle parking at Safa House, 28 Arklow Road, Deptford SE14 6EN.
<u>Background Papers</u>	(1) Case File DE/135/A/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Flood Risk Zone 3a Area of Archaeological Priority PTAL 4
<u>Screening</u>	N/A.

1 SUMMARY

- 1 This report sets out officer's recommendation in regard to the above proposal.
- 2 The report has been brought before members for a decision as:
 - There are 3 or more valid planning objections; and
 - There is 1 or more objection from a recognised residents' association or community/amenity group within their area.

2 SITE AND CONTEXT

Site description and current use

- 3 The application building is a highly decorative two storey Victorian building with embellished windows and entrances, and a recessive shallow pitched slated roof, with two chimney stacks visible from the street. It has two storeys with an additional floor. The ground floor has a high floor to ceiling height due to its former public uses. It has three prominent entrances. The site has a historic B8 use (storage and distribution). A B2 (light industry) tyre repair and replacement business is also in operation within the site, operating from a single storey addition which fronts onto Arklow Road.

Character of area

- 4 Surrounding development is characterised by a mix of new and old development. The site itself is associated with Astra House to the west which was converted recently into residential flats, two storey terraced houses to the east and south and the purpose built Anthology development to both the north and west.

Heritage/archaeology

- 5 The site is not within a Conservation Area, nor is it subject to an Article 4 Direction.
- 6 Safa House has been identified as a non-designated heritage asset due to its architectural and historic interest. Its significance lies in the quality and architectural interest of its external elevations, its history of philanthropic provision of leisure facilities for the employees of the foundry, and its group value with Astra House opposite. The building is being considered by Mayor and Cabinet in September 2019 for local listing.
- 7 The building is in a state of poor repair. A non-technical internal inspection of the building by officers confirmed that there are elements of structural damage evident. The building has a prominent position on the apex of two streets. Its scale and form mediates between smaller residential street properties to the east, and the larger Astra House redevelopment to the west.

Local environment

- 8 The local environment is dominated by nearby construction sites but is evolving from a mixed industrial area into a more residential area.

Transport

- 9 The site has a Public Transport Accessibility Level (PTAL) rating of 4, indicating good access to public transport.

3 RELEVANT PLANNING HISTORY

- 10 **DC/17/104825** - Prior approval for the change of use of Safa House, Arklow Road, SE14, from storage and distribution (Use Class B8) to residential (Use Class C3) in the form of 6 x 1 bed flats and 1 x 2 bed flat pursuant to Class P, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Prior approval granted 30/01/2018.
- 11 **DC/18/106569** - Mixed-use redevelopment to provide 14 residential flats, 80 sqm of use class A1 space, associated refuse storage and cycle parking at Safa House, 28 Arklow Road, Deptford SE14 6EN. Application withdrawn by applicant 3/10/2018.

4 CURRENT PLANNING APPLICATION

4.1 PRE-APPLICATION DISCUSSIONS

- 12 Pre-application discussions started between the Applicant and Council Officers in 2016 and ended in 2017.
- 13 PRE/16/002217 – Retention of facades and construction of three storey extension above accommodating an art gallery, urban farm/ community garden and new residential flats.

- 14 Advice issued highlighted the importance of retaining the facades of Safa House and ensuring that any proposed development does not overly dominate Safa House or erode its special historic character.
- 15 PRE/17/100330 – Alterations to the facades of Safa House including insertion of balconies and removal of the roof, and construction of two storeys above to provide 19 residential flats.
- 16 Advice issued highlighted concerns relating to the loss of employment floorspace. The proposed scale of development was considered to exceed the capacity of the site and the proposed alterations to the original building were not considered to be appropriately preserve the architectural integrity or special historic character of Safa House.

4.2 THE PROPOSALS

- 17 Planning permission is sought for the retention of the north, east west and south facades of Safa House with the demolition of all remaining fabric. The proposals include the demolition of the single storey building presently occupied by a tyre repair and replacement unit. A proposed new building incorporating an additional storey set behind the retained facades and a three storey new build addition with a recessed third floor is proposed.
- 18 Together the proposals would accommodate 14 new homes and 75m² of floor space to accommodate a coffee shop (A3 Use Class).
- 19 Access to the building would be accessed via the three existing entrances.
- 20 The proposed development would be car-free with no off-street parking provision proposed. A total of 18 secure cycle spaces are proposed.
- 21 Revisions were made during the course of the application and re-consultation undertaken, comprising:
- Changes to proposed top storey to reduce its bulk and position;
 - Fenestration changes to retain the key features including doors and lintels within the retained façades; and
 - Location of A3 (cafe) to occupy the corner within the retained Safa House

5 CONSULTATION

5.1 PRE-APPLICATION CONSULTATION

- 22 The applicant undertook pre-application engagement with local residents. This is detailed within the Planning Statement submitted by the applicant. The Council was not party to this pre-application engagement.

5.2 APPLICATION PUBLICITY

- 23 Two site notices were displayed on Arklow Road on 14/11/2018 and letters were sent to residents in the surrounding area on the 23/11/2018. A press notice was published on 31/10/2018.
- 24 Full re-consultation was undertaken on 09/04/2019 so that all parties had the opportunity to comment on the revised proposals.

25 Further full re-consultation was undertaken on 21/06/2019 to ensure that the Applicant's Financial Viability Appraisal (FVA) and the independent review of the FVA undertaken by the Council's consultants were made publicly available for comment.

26 All relevant ward Councillors were consulted. All relevant internal, external and statutory consultees were consulted.

5.2.1 Objections

27 In total objections were received by **twenty-six** individuals/ households were received from local residents who live near to or adjoin the site. Objections were also received by Deptford Folk, a local society group.

28 The material planning considerations related to:

Objection matter	Report paragraph where matter is considered
Increase in parking stress and traffic	Section 7.6
The proposed development is not of a high design standard and does not respond to the historic nature of Safa House, noting the building is being considered for Local Listing in September.	Section 7.5
The proposed development would result in the loss of a local heritage asset.	Section 7.5
Dust, vibration and noise during construction	Para 285 - 287
Loss of outlook	Section Para 8.1.1
Poor outlook for future occupants	Section 8
Narrow pavement impeding pedestrian movement and not contributing to an enhanced street environment.	Paras 171 - 173

5.3 LOCAL MEETING

29 A local meeting was held on 21st May 2019 6:30pm-8:00pm at the Deptford Church Hall, 131 Deptford High Street which is an accessible location located a ten minute walk from the site. All objectors were invited by letter, dated 8th May 2019. An informal drop-in event was held with an exhibition style setup. No members of the public attended the event.

5.4 INTERNAL CONSULTATION

30 The following internal consultees were notified on 23/10/2018, 09/04/2019 and 21/06/2019.

31 Strategic Housing: No comments received.

32 Sustainability Manager: Objection, stating that matters relating to sustainable drainage strategy have not been submitted as part of the application. See Section 8.24 for discussion.

33 Conservation: No objection. Advice from conservation officers was incorporated into the revisions made to the scheme.

34 Highways and Transportation: no objection subject to conditions and obligation.

35 Environmental Protection: No comments received.

5.5 STATUTORY CONSULTATION

36 The following Statutory Consultees were notified on 23/10/2018, 09/04/2019 and 21/06/2019.

37 Environment Agency – no objection subject to the imposition of standard conditions relating to land contamination.

38 Historic England – No objection subject to a condition

39 Thames Water – no objection, recommendation that a sequential approach is taken to the disposal of surface water.

40 Metropolitan Police – no objection, recommendations made in relation to secured by design and security measures to help prevent crime and anti-social behaviour.

6 POLICY CONTEXT

6.1 LEGISLATION

41 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

42 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

6.2 MATERIAL CONSIDERATIONS

43 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

44 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

45 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

6.4 DEVELOPMENT PLAN

46 The Development Plan comprises:

- London Plan (LP) Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Draft London Plan (DLP) (expected 2019): The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. During the EiP the Mayor tabled further changes to certain policies. This document now has some weight as a material consideration when determining planning applications.
- Core Strategy (CS) (June 2011) (CSP)
- Development Management Local Plan (DMLP) (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

47 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)

48 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- London View Management Framework (March 2012)
- All London Green Grid (March 2012)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)

7 PLANNING CONSIDERATIONS

49 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Transport
- Impact on Living Conditions of Neighbours
- Sustainable Development

7.1 PRINCIPLE OF DEVELOPMENT

General policy

50 The National Planning Policy Framework (NPPF) at Paragraph 11 states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan

Policy

- 51 Paragraphs 68 of the NPPF identifies the important role small sites have for the delivery of new homes whilst Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 118 reinforces this stating that planning decisions should promote and support the use of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained.
- 52 Emerging London Plan Policy (LPP) E7 (Intensification, co-location and substitution of land for industry, logistics and services to support London's economic function) proposes to encourage mixed-use or residential development proposals on Non-Designated Industrial Sites will be supported where there is no reasonable prospect of the site being used for the industrial and related purposes. Emerging draft London Plan policy H2 (small sites and small housing developments) proposes a presumption in favour of small housing development (25 or fewer homes) for infill, brownfield sites.
- 53 Core Strategy Spatial Policy (CSSP) 2 seeks to promote the successful regeneration of Deptford, accommodating new homes, supporting the redevelopment of underutilised employment sites and retention of viable employment sites. Development Management Policy (DMP) 1 states that the council will take a positive approach, working work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions in the borough.
- 54 Core Strategy Policy (CSP) 5 provides a framework for considering the redevelopment of these sites, including the accessibility, restrictions from adjacent land uses, building age, business viability and viability of redevelopment show the site should no longer be retained in employment use. Development Management Policy 11 aims to retain employment uses, where possible, in Town Centres, and Local Hubs where they are considered capable of continuing to contribute to and support clusters of business and retail uses, and where the use is compatible with the surrounding built context.
- 55 A revised Employment Land Survey (2019) ('the ELS') has been completed. Amongst other things, this flags a significant reduction in land for both general industry and for warehousing. This is evidenced by a 28.8% decline in Lewisham industrial land between 2006-15, with the biggest loss in non-designated sites (34.2% between 2010-15).
- 56 Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset
- 57 The Council will support redevelopment where it is demonstrated there is no reasonable prospect of the site being used for employment purposes.

Discussion

- 58 The historic use of the building is associated with leisure and more recently has been used as B8 (storage). Presently the building is believed to be partially abandoned there is however evidence of squatting. A small tyre repair and replacement business operates from a small single storey structure which is independent of Safa House. Access to this structure is from Arklow Road. No planning history associated with any of these uses was found and the lawful use of the site is not clear from the site history.
- 59 The tyre operation is likely immune from planning enforcement action given how long it is believed to have been operating. Safa House itself is considered to have no current functional use and its previous use is therefore considered to be B8 storage.

- 60 The proposed development would provide 75m² of A3 floor space. An employment and commercial function would be retained on site albeit within a purpose built structure, replacing a commercial operation which is likely to have occurred without the benefit of planning permission.
- 61 It is noted that the applicant has a legitimate fall-back position (prior approval granted 30 Jan 2018, ref DC/17/104825) where the building could be converted completely into residential use. This is a material planning consideration to which considerable weight is attached.
- 62 A mix of uses, principally the provision of new residential units and the A3 floor space, is considered positively given the context of the site and the emerging residential nature of Arklow Road. The vacant nature and poor state of repair of Safa House demonstrates that any previous B8 uses which operated at the site have ceased for a number of years and the redevelopment of the site as a whole would not result in a total loss of functional commercial activity.
- 63 The applicant in their economic statement identifies that the proposed A3 use would provide the potential for five jobs, increasing the jobs density associated with the current tyre business and previous B8 use. This would off-set the net loss of commercial floorspace in addition to the wider public benefit of providing 14 new homes.
- 64 The inclusion and retention of an employment use is supported and is considered to provide high quality new floor space that replaces the low quality vacant floor space present on the site. The A3 use is also considered to complement the residential nature of surrounding uses, providing a space for nearby residents to meet and socialise.
- 65 Given there is some job provision with the proposal and in light of the underutilised and poor quality nature of the current employment floorspace, marketing information is not judged to be required in this instance. Officers have also had regard for applicant's fall-back position using Prior Approval in coming to a view around the retention of employment floorspace.

Summary

- 66 The proposal is judged to be in broad accordance with Policies CS5 and DM11 and will deliver a higher quality and denser employment offer. The release of the site for mixed use development in a non-designated employment location is acceptable in principle, subject to the detailed planning considerations below.

7.2 HOUSING

- 67 This section covers: (i) the contribution to housing supply, including density, and the dwelling size mix; (ii) total affordable housing proposed; and (ii) the residential quality.

7.2.1 Contribution to housing supply and dwelling size

Policy

- 68 National and regional policy promotes the most efficient use of land.
- 69 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 70 The NPPF encourages the efficient use of land subject to several criteria set out in para 122. Para 123 applies where there is an existing or anticipated shortage of land for

meeting identified housing needs and strongly encourages the optimal use of the potential of each site.

- 71 London Plan Policies (LPPs) 3.3 and 3.4 seek to increase housing supply and to optimise housing output within the density ranges set out in the sustainable residential quality (SRQ) matrix.
- 72 Emerging Draft LPPs H1, H2 and D6 support the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.
- 73 The current London Plan sets an annual target of 1,385 new homes until 2025. The emerging draft London Plan, if unchanged, would increase this to 2,117.
- 74 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
- 75 NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.
- 76 LPP 3.8 states Londoners should have a genuine choice of homes, including differing sizes and types. Emerging DLPP H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.
- 77 CSP 1 echoes the above with several other criteria however expects the provision of family housing (3+ bedrooms) in major developments.
- 78 Determining an appropriate mix of dwelling sizes for a site depend on several criteria in CSP 1, relating to: (i) the site's character and context; (ii) previous or existing use of the site; (iii) access to amenity space for family dwellings; (iv) likely parking demand; (v) local housing mix and population density; and (vi) social and other infrastructure availability and requirements.

Discussion

- 79 A total of 14 new homes are proposed, comprising 2 x studio, 5 x 1-bed and 7 x 2-bed units.
- 80 The proposed development triggers a requirement for affordable housing given the proposed number of units and size of the site. An off-site payment in lieu of on-site provision of affordable housing provision is proposed, as set out below.
- 81 The proposed tenure is outlined in Table 1 below. It is considered acceptable.

Table 1: Residential Tenure and Size Mix

	Studio	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Private	2	5	7	-	-	14
Social Rent	-	-		-	-	-
Affordable Rent	-	-	-	-	-	-
Shared Ownership	-	-	-	-	-	-
Total	2	5	7	-	-	14

7.2.2 Affordable housing

Percentage of affordable housing

Policy

- 82 The NPPF expects LPAs to specify the type of affordable housing required (para 62).
- 83 LPP 3.10 defines affordable housing. LPP 3.12 states the maximum reasonable amount of affordable housing should be sought, having regard to several criteria in the policy.
- 84 CSP1 and DMP7 reflect the above, with an expectation of 50% affordable housing, subject to viability.

Discussion

- 85 The proposal would provide no affordable housing units. Instead, an off-site contribution is offered. This contribution would be secured through a Section 106 agreement should the application be approved.
- 86 The Applicant's Viability Assessment has been reviewed independently by the Council's appointed Viability Consultants, GL Hearn. Through this process it has been identified that the proposed development would produce a surplus of £223,989.00. The scheme could therefore accommodate on-site affordable housing.
- 87 The applicant has however stated that the provision of one on-site affordable unit would not attract interest from registered housing providers (RP). The applicant approached a number of registered housing providers upon the request of officers. Officers are satisfied that an RP would not be interested in a single home. The applicant has demonstrated to the satisfaction of officers that there is no interest from registered housing providers for one unit. A number of emails from registered providers and a summary document provided by the applicant have demonstrated this.
- 88 The adopted Planning Obligations SPD is clear that *payments in lieu of on-site* affordable housing provision may be considered in exceptional circumstances and at the Council's absolute discretion.
- 89 In this instance after a full financial viability review and the demonstrated efforts of the applicant to approach registered housing providers it is considered acceptable that a financial contribution is made in lieu of on-site affordable provision for one unit. The development as a whole would safeguard a non-designated heritage asset and provide 14 new homes and commercial floor space, albeit on the private market.
- 90 A commuted sum may also allow a more efficient provision of affordable housing elsewhere in the borough and would have the benefit of potentially contributing to a

greater quantum of affordable housing units in a setting where provision may be Council-led. This approach is in accordance with the London Plan Housing and Viability SPG.

- 91 Officers also note the contribution represents a material public benefit beyond the consented fall-back 'prior approval' position (DC/17/104825). The prior approval if implemented would provide no contributions towards affordable housing provision.

Summary

- 92 In light of the context of the application, the offer is acceptable. Taking account of guidance in the Mayor of London's Affordable Housing and Viability SPG, officers recommend that s106 obligations require the proposed level of affordable housing is subject to review. The precise terms of the review will be negotiated with the Applicant. However, these should secure both an ESVR and an LSVR as per the AHV.

7.2.3 Residential Quality

General Policy

- 93 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP 3.5), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA).

- 94 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) daylight and sunlight; (iv) noise and disturbance; (v) accessibility and inclusivity; and (vi) children's play space.

Internal space standards

Policy

- 95 LPP 3.5 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.3 of the London Plan.

Discussion

- 96 All proposed units would meet or exceed the London Plan Standards for room size and storage. All units would achieve at least dual aspect, with the exception of the two proposed studio units.
- 97 DMP 32 outlines a presumption against studio units or single aspect units. In this instance the retention of the facades of Safa House present a significant constraint. As outlined above the proposals are considered to achieve a high-quality of design which restores and safeguards a non-designated heritage asset. The site is located in an area with a good level of public transport accessibility, PTAL 4.
- 98 The proposed two studio units would benefit from two windows and are not north facing. Good separation between the sleeping and cooking areas would be provided in addition to a separate shower and WC room. On balance it is considered that given the constraints of the site, the unique nature of the development and the good PTAL rating of the site that the provision of two studio units in this instance is acceptable.

Outlook, Privacy

Policy

- 99 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.
- 100 Both the Mayor's Housing SPG and DMP 32 details specific considerations in relation to outlook and daylight and sunlight. The Housing SPG states that developments should avoid single aspect dwellings that are north facing, exposed to noise levels above which significant adverse effects on health and quality of life occur, or contain three or more bedrooms.'
- Discussion*
- 101 Officers consider that adequate outlook would be provided. All units, except for the studio units, would be at least dual aspect. The studios would benefit from two windows, including a full height window set within the new addition.
- 102 Openings to the first floor would be partially obstructed by the retained façade of Safa House. The new openings would however be full height, setback from the retained façade of Safa House. Whilst partially obstructed the setback will help to ensure that a sense of openness is maintained whilst views onto the street would remain. The dual aspect nature of the units would further ensure that outlook is provided and the units feel open and daylight is able to permeate within these units. The full height window for the studio unit in addition to a secondary opening which is partially obscured by the retained façade of Safe House would ensure the occupants of this unit have good outlook and that daylight is sufficient.
- 103 All proposed units would face onto publicly accessible streets. Privacy would be provided for the occupiers of all units by the setbacks across the street. The recessed windows set behind the retained facades of Safa House would also provide a degree of privacy.

Daylight and Sunlight

Policy

- 104 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.
- 105 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.
- 106 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens.

Discussion

- 107 One bedroom to the proposed third floor would be reliant on daylight from a four rooflights. This is not normally considered acceptable however in this instance the bedroom is a second bedroom and the unit is of generous proportions, exceeding minimum internal standards and being dual aspect. The nature of the Safa House and the retained roof configuration limit the ability to provide a window without compromising the external appearance and integrity of the retained facades and historic roof form. It is therefore considered that it is acceptable to provide a bedroom without a window in this instance.
- 108 The daylight and sunlight report confirms that the vast majority of the proposed habitable rooms exceed the minimum target values natural daylight set out within the BRE Guidance. Consequently, taking into account the unique constraints of the site

associated with the retention of the facades of Safa House it can be concluded that all habitable spaces will be well lit.

- 109 Overall it is considered that the design approach provides a good standard of accommodation for all potential future occupiers and sufficiently overcomes the constraints presented by the retained facades.

Noise & Disturbance

Policy

- 110 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Para 180 states decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 111 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night –time (2300-0700).
- 112 With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T
- 113 The NPPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.
- 114 The objectives of the NPPF and NPPG are reflected in LPP 7.15, Draft LPP D1,D12 and D13, CSP Objective 5 and DMP 26

Discussion

- 115 A condition would be imposed to ensure that noise or vibration break-in from the surrounding environment or transfer internally does not occur to an unacceptable level. This is particularly important given the proposed mixed use nature of the development. Environmental protection have requested a condition is imposed requiring that measures are secured to ensure that a good quality of residential accommodation is secured for future occupants, preventing harmful exposure to noise or vibration.
- 116 The proposals would represent an opportunity to reduce noise associated with the historic use of the site. The imposition of conditions provides a mechanism to further assess and control noise and vibration beyond the historic use of the site

Summary

- 117 It is recommended that conditions be attached requiring the development to meet the relevant noise standards, seek approval of details with respect to glazing, and to undertake the development in accordance with the mitigation measures set out in the submitted Noise and Vibration Assessment.

Accessibility and inclusivity

Policy

- 118 LPP 3.8 and Draft LPP D5 require 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% to M4(2) 'accessible and adaptable dwellings'.
- 119 CSP 1 requires major schemes to provide 10% of all units and each tenure type to be constructed as accessible. DMP 32 states that the Council will require new build housing to be designed to ensure that internal layout and external design features provides housing that is accessible to all intended users.

Discussion

- 120 The proposed development would provide step-free access to every proposed residential unit. Circulation space for wheelchairs has been shown on the plans for at least one unit (10%). It is recommended that a condition is imposed to ensure that Part M4(3) and Part M4(2) compliance is put in place prior to first occupation.

External space standards

Policy

- 121 Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'.
- 122 Standard 4 of the Housing SPG states that, where communal open space is provided, development proposals should demonstrate that the space: is overlooked by surrounding development; is accessible to disabled people including people who require level access and wheelchair users; and is designed to take advantage of direct sunlight; has suitable management arrangements in place.

Discussion

- 123 Private outdoor amenity space is proposed for the top-floor two bed unit (flat 14). All other units would have access to a communal roof terrace which measures 15m².
- 124 The requirement to retain the architectural integrity and special historic character of Safa House represents a significant constraint which limits the ability of the development to successfully provide private outdoor amenity space for all proposed units. There is no family housing in the proposed development and the site has good access to local green space.
- 125 The under provision is considered acceptable given the wider benefit of preserving the integrity and group value of the non-designated heritage asset. It is noteworthy that no outdoor amenity space was provided as part of the previously consented prior approval scheme, which represents the fall-back position for this site.

Children's play space

Policy

- 126 LPP3.6 states housing proposals should make provision for play and informal recreation.
- 127 The Mayor's Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG recommends 10sqm of play space per child. The GLA divide the requirements of children's play space into three categories: (i) under 5s, described as doorstep play and generally considered as part of the plot; (ii) ages 5-11; and (iii) children 12 plus.

Discussion

The development proposals do not provide any on site children's play space. The site is constrained by the existing building and its size. The zero provision in this instance is considered permissible given the constraints of the site and the importance of retaining the non-designated heritage asset.

7.2.4 Housing conclusion

128 The proposal would make a contribution to the Borough's housing targets in a sustainable urban location making the most efficient use of land and optimising density. The contribution to off-site affordable housing is the maximum viable. This is a planning merit to which significant weight is given.

7.3 EMPLOYMENT

Policy

129 Para 80 of the NPPF states "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"

130 CSP 5 (3) other uses including retail, community and residential will be supported if it can be demonstrated that site specific conditions including site accessibility, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.

131 Applications for redevelopment for change to other business uses suitable for a residential area will be approved subject to the qualifying factors outlined in part 4 of the policy. This includes where the site has been vacant, is no longer suitable or viable by reason of access difficulties or environmental incompatibility. The policy identifies that a mix of uses will be considered positively, subject to qualifying criteria.

Discussion

132 As outlined above in the principle of development section above the proposed change of use is considered to be in broad compliance with CSP 5 and DMP11.

133 A mix of uses, principally the provision of new residential units and the A3 floor space, is considered positively given the context of the site and the emerging residential nature of Arklow Road.

134 The applicant in their economic statement identifies that the proposed A3 use would provide the potential for five jobs, increasing the jobs density associated with the current tyre business and previous B8 use. This would contribute to off-setting the net loss of commercial floorspace in addition to the wider public benefit of providing 14 new homes.

135 The inclusion and retention of an employment use is supported and is considered to provide high quality new floor space that replaces the low quality vacant floor space present on the site. The A3 use is also considered to complement the residential nature of surrounding uses, providing a space for nearby residents to meet and socialise.

Given there is a credible fall-back position, some job provision with the proposal and in light of the underutilised and poor quality nature of the current employment floorspace, marketing information is not judged to be required in this instance.

136 The proposed unit would provide a modern and purpose built A3 unit. This unit would occupy a corner of Safa House, providing animation and visual interest to the street. The unit is of a sufficient size to accommodate food and drink preparation, customer seating

and customer toilets. Tables and chairs (subject to relevant permissions) could also be accommodated outside.

- 137 The operation of the unit and use could accommodate a business between the hours of 7am and 11pm seven days a week. It is recommended that a condition is imposed preventing the opening or operation of the unit outside of these hours. It is also recommended that a condition is imposed to ensure that measures are put in place to stop internal noise transfer from the A3 unit to residential units above.

7.3.1 Employment conclusion

- 7.4 The proposal will retain an employment use at the site and given the established fall-back position and the nature of the site and surrounding development, coupled with the constraints presented by the existing building the development proposals for mixed-use development are considered appropriate.

7.5 URBAN DESIGN AND IMPACT ON NON-DESIGNATED HERITAGE ASSET

Policy

- 138 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG encourages decision takers to always secure high quality design; this includes being visually attractive and functional, however other issues should be considered.
- 139 LPP 7.6 requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.
- 140 CSP 15 repeats the necessity to achieve high quality design. DMP 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.
- 141 Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 142 LPP 7.8 states that developments that could affect the setting of heritage assets should be developed with a scale and design sympathetic to the heritage assets. CSP 16 requires designated and non-designated heritage assets and Conservation areas and their settings to be protected, preserved and/or enhanced through new development and changes of use. DMPs 37 and 38 echo this for non-designated heritage assets.

Discussion

- 143 The design of the proposed development responds in scale and positioning to existing development and the wider built context and the existing building. The facades are the significant part of the non-designated heritage asset. The retained façades and subservient additions are considered to maintain the integrity of Safa House and retain this non-designated heritage asset in an innovative yet sympathetic way.
- 144 The design approach has sought to introduce two new floors whilst retaining the proportions of the original building and the original roof profile. The introduction of a first floor would utilise the large ceiling heights present in the existing building. New windows would be accommodated behind a retained façade. A third floor would be accommodated within the roof, with a sensitive 'lightweight' and stepped-back roof addition bridging the retained facades of Safa House and the new four storey addition.

- 145 Both the NPPF and development plan are clear that the merits of an application for development which effects a non-designated heritage asset must be considered. Officers, including conservation officers, are satisfied that the proposed design approach would not harm the special historic character of Safa House.
- 146 The special historic value of the building is identified as being one associated with the former foundry site and Astra House. The retention of the facades of the building and the original roof profile will ensure that this group value is maintained. The proposals will, critically, maintain the proportions of Safa House and remain subservient. The role of the building within the streetscene and the apex of the street would therefore not be harmed, instead preserved.
- 147 The significance of the building also lies within the quality and architectural interest of its external elevations. The proposals would see these elevations retained with key features preserved and restored. Officers recommended a scheme of restoration work is approved prior to commencement of works and implemented to officers' satisfaction prior to occupation [of all or part of the residential units].
- 148 The proposals would see the loss of all the internal fabric of the building, including a staircase however, the special historic character of the building is identified in the external appearance of the building and the wider group value whilst the internal fabric of the building is afforded no protection.
- 149 The building is being considered by Mayor and Cabinet in September 2019 for local listing. Whilst not locally listed at the time at this point in time such a listing would not change the assessment made by officers or application of the relevant development plan policies.
- 150 The development proposals therefore satisfy the criteria of DMP 38, with the proposal being identified to preserve and restore this non-designated heritage asset. It is recommended that a condition is imposed to any permission requiring a method statement detailing how the façade would be retained during construction and restored.

Summary

- 151 The overall design approach would result in a form of development which would not detract or appear at odds with the wider character and appearance of the immediate locality or the special historic character of the building. The proposals are considered to achieve a good quality design which would retain a significant façade while providing new purpose built commercial floor space.
- 152 Therefore, it is considered that the proposal would preserve the significance of the relevant heritage assets. As such it is not necessary to balance this against wider public benefits, though the contribution to housing is a significant wider public benefit.
- 153 In line with Historic England's consultation response, it is recommended that a condition is imposed for a written scheme of investigation to be approved in writing prior to the commencement of development.

7.6 TRANSPORT IMPACT

- 154 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations

which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

155 Para 109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

156 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.

157 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

7.6.1 Access

Policy

158 The NPPF requires safe and suitable access for all users. Paragraph 108 states that in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable transport modes can – or have been taken up and that amongst other things safe and suitable access to the site can be achieved for all users.

159 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised; that a restrained approach to parking provision will adopted; and that car-free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street.

160 DMP 29 identifies that car limited major residential will be supported in areas with a PTAL of 4 or above and that amongst other factors development should not have a detrimental impact on on-street parking provision in the vicinity. It outlines that measures such as car-clubs and cycle storage will be expected to ensure that sustainable transport modes are encouraged.

Discussion

161 The proposed development would be car-free. Access to the residential units would be provided through two retained openings which open onto Arklow Road. The A3 café would be accessed through the reinstated opening on the corner of the building.

162 A financial contributions would be secured to contribute to the implementation of a Controlled Parking Zone (CPZ). Where a CPZ is adopted residents would not be able to apply for permits. This would ensure that the development is truly car-free and that development does not result in detrimental impacts on local on-street parking provision.

7.6.2 Servicing and refuse

Policy

163 The NPPF states development should allow for the efficient delivery of goods and access by service and emergency vehicles.

164 LPP 6.13 requires schemes to provide for the needs of businesses and residents for delivery and servicing and LPP 6.14 states that development proposals should promote the uptake of Delivery and Service Plans.

- 165 DMP 17 requires applications for A3 uses to provide acceptable arrangements for the collection, storage and disposal of bulk refuse.
- 166 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

Discussion

- 167 The proposed development would not accommodate service vehicles associated with the proposed residential or commercial development. All servicing would take place from Arklow Road. This has been demonstrated by the applicant and confirmed by LBL Highways with no objection raised. A servicing plan would need to be agreed via condition to ensure that the servicing of the site is undertaken in a controlled manner which minimises vehicle trips and does not obstruct the highway.
- 168 It has been demonstrated to Officers' satisfaction that refuse collection can be undertaken from Arklow Road. This arrangement would replicate the way in which refuse is collected along this road and is thus considered acceptable.
- 169 The proposals show that refuse storage could be accommodated within the site, within 20metres of the highway

7.6.3 Transport modes

Walking and cycling and Public transport

Policy

- 170 Paragraph 110 of the NPPF states that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring area. Development should create places that are safe, secure and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles
- 171 LPP 6.9 sets out to bring a significant increase in cycling to at least 5% of modal share by 2026, supported by the implementation of Cycle Superhighways and the central London cycle hire scheme and provision of facilities for cyclists including secure cycle parking and on-site changing and shower facilities for cyclists.

Discussion

- 172 The development proposals would provide secure and weatherproof cycle spaces for each proposed dwelling. These spaces would be located within a purpose built enclosed bike store. Vertical stacked cycle racks are proposed. These are not considered to provide cycle parking that is accessible to all users. Further details should be secured via condition to ensure that any racking system is appropriate and accessible for all users and where possible accessible Sheffield stands provided. A condition requiring the submission and agreement of further details prior to first occupation is therefore recommended.
- 173 The site is located within an area with good accessibility to public transport, with a PTAL of 4. The car-free nature of the proposals coupled with the nearby good public transport links will encourage the use of public transport.
- 174 The proposed development will not result in the loss of any pavement to Arklow Road or Kerry Path, developing within the broad envelope of the building and within the redline boundary. The development would result in an increase in height above the existing tyre workshop however this element would not unduly enclose or worsen the pedestrian, infact the proposals would improve the pedestrian environment presenting future

opportunities for tables and chairs associated with the café and the removal of the cross over associated with the tyre garage.

Car clubs

- 175 It is considered necessary and proportionate to require the applicant to provide the occupants of each new dwelling with a three year membership to a car-club. This is considered necessary given the car-free nature of the development. The provision of this membership is considered to help discourage car ownership and in turn encourage the use of public transport and active transport modes.
- 176 Car club membership would be made free to each household for three years from first occupation.

Private cars (include disabled and electric charging points)

Policy

- 177 LPP 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than one space per unit. It also requires that developments must provide for the needs of disabled users.
- 178 CSP 14 states that the Council will take a restrained approach to parking provision. DMP 29 requires wheelchair parking to be provided in accordance with best practice standards and London Plan Standard 18 requires designated wheelchair accessible dwellings to have a designated disabled car parking space.
- 179 DMP 29 states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Discussion

- 180 It has been agreed by the applicant to provide a financial contribution toward the consultation exploring the implementation of a Controlled Parking Zone (CPZ). The applicant has agreed that any resident of the proposed development would be exempt from applying for a parking permit, save for those who qualify for blue disabled parking badges should a CPZ be adopted. This would see the proposed development being truly car-free. This would be secured via legal agreement.
- 181 A travel plan would be conditioned to help promote sustainable and active travel and discourage car-use. This will help further mitigate against increased on-street demand for parking.
- 182 On balance the good PTAL rating of the site, the availability of good public transport and the proposed financial contributions warrants car free development in this instance.

7.6.4 Transport impact conclusion

- 183 The proposal would not result in harm to the local highway network or pedestrian or highway safety.

8 LIVING CONDITIONS OF NEIGHBOURS

Policy

- 184 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- 185 This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).
- 186 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 187 Further guidance is given in Housing SPD 2017, GLA;

Discussion

- 188 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook and privacy; (ii) loss of daylight within properties and loss of sunlight to amenity areas; and (iii) noise and disturbance.

8.1.1 Enclosure, Outlook and Privacy

Policy

- 189 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries.
- 190 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
- 191 LPP 3.5 focuses on standards in new development, with the Mayor of London's Housing SPG noting that former commonly used minimum separation distances between habitable rooms of 18 – 21 metres may be useful guides, but advocates a more flexible approach to managing privacy.

Discussion

- 192 The proposals would largely occupy the existing envelope of the building, development to the north, south and west of the site will therefore largely be unaffected by the proposals. Occupying the existing footprint the proposals will however increase massing on the east and southern boundary of the site, adjacent to No.28 Arklow Road and No 1 Kerry Path.
- 193 Development on these two boundaries will be staggered, following the footprint of the existing building. This will ensure that the development is sufficiently broken-up to prevent creating an undue sense of enclosure or overbearing whilst the inhabited pitched roof and stepped back third floor help to accommodate the provision of this floor in a manner which does not unduly increase the mass of the building when viewed from the east, instead presenting a varied and visually rich roof profile which broadly replicates the existing built relationship in this location.
- 194 The staggered and varied nature of the proposals it is considered by officers that the development would not harmfully reduce outlook or result in an undue sense of enclosure for the residential occupants of properties of 1-2 Kerry Path.

- 195 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
- 196 No harmful mutual overlooking would be created between internal rooms within the development and properties to the east nearest to the site with the rear elevations of these properties being set at 90degrees to the proposed opening on the rear elevation. Further the windows in this elevation to the second and first floors would be obscure glazed. A condition requiring that these windows are obscure glazed with restricted opening is recommended.
- 197 The proposed openings and third floor roof terrace of the development proposals would maintain separation from No.28 Arklow Road and only views southward along Arklow Road created. Any moderate increase in overlooking of the associated external outdoor amenity space of No.28 Arklow Road would replicate the established pattern of overlooking established by the presence of No1-2 Kerry Path and No.43 Kerry Road. There are no windows present in the side elevation of No.28 Arklow Road.
- 198 The development would see the re-introduction of windows and openings into Safa House front onto Arklow Road. Harmful overlooking into the Anthology development to the north would not occur with Safa House fronting an area of public open space to the north, with only limited oblique views available from within the development.
- 199 Views toward Astra House and the Anthology development to the west would largely replicate the established pattern of overlooking established between 18-28 Arklow Road and the historic relationship between Safa House and Astra House. Any views from within the development or from the third floor terraces would be across the publicly accessible street. Harmful mutual overlooking would therefore not occur.

Summary

- 200 The proposals therefore would provide a good level of privacy for the occupants and not result in a harmful impact on the occupants of any nearby dwellings. Officers consider the proposed impacts would not be materially harmful and are appropriate for the South London urban context of the site.

8.1.2 Daylight and Sunlight

Policy

- 201 Paragraph 127 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 202 DMP 32 states that new development must be neighbourly, provide a satisfactory level of outlook and natural light for both its future residents and its neighbours. DMP 32(2) also states that new-build housing development, including the housing element of new build housing will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.
- 203 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.
- 204 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance

relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.

- 205 Standard 32 of the Housing SPG details that “All homes should provide for direct sunlight to enter at least one habitable room for part of the day.” The Housing SPG further states that where direct sunlight cannot be achieved in line with Standard 32, developers should demonstrate how the daylight standards proposed within a scheme and individual units will achieve good amenity for residents.
- 206 The GLA states that ‘An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.’ (GLA, 2017, Housing SPG, para 1.3.45).
- 207 Alternatives may include ‘drawing on broadly comparable residential typologies within the area and of a similar nature across London.’ (ibid, para 1.3.46).
- 208 It is therefore clear that the BRE standards set out below are not a mandatory planning threshold.
- 209 **Daylight** is defined as being the volume of natural light that enters a building to provide illumination of internal accommodation between sun rise and sunset. This can be known as ambient light. **Sunlight** refers to direct sunshine.

Daylight guidance

- 210 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF); and (iii) No Sky Line (NSL).
- 211 The VSC is the amount of skylight received at the centre of a window from an overcast sky. The ADF assesses the distribution of daylight within a room. Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced factors including the size of the window relative to the room area and the transmittance of the glazing, with the size of the proposed obstruction being a smaller influence. NSL is a further measure of daylight distribution within a room. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.
- 212 In terms of material impacts, the maximum VSC for a completely unobstructed vertical window is 39.6%. If the VSC falls below 27% and would be less than 0.8 times the former value, occupants of the existing building would notice the reduction in the amount of skylight. The acceptable minimum ADF target value depends on the room use: 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. If the NSL would be less than 0.8 times its former value, this would also be noticeable.
- 213 While any reduction of more than 20% would be noticeable, the significance and therefore the potential harm of the loss of daylight is incremental.
- 214 It is important to consider also the context and character of a site when relating the degree of significance to the degree of harm.

Sunlight guidance

- 215 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH); and (ii) Area of Permanent Shadow (APS)

Discussion

216 The application is accompanied by a Daylight & Sunlight Assessment (Neighbouring Properties), prepared by Herrington Consulting Ltd, April 2018. This sets out daylight and sunlight impact on adjoining properties.

Daylight

217 The Assessment concludes that the reduction in daylighting to the vast majority of windows to neighbouring buildings is less than the value that is considered to represent a notable impact.

218 Officers have reviewed the Daylight and Sunlight Report and consider the findings to be accurate. A number of windows are identified as not meeting the BRE guidelines. The report identifies the biggest impact on the ground floor rooms of No.1 Kerry Path which is adjacent to the site. These rooms are labelled as R1 and R2 ground floor and R1 first floor within the daylight and sunlight report. These three windows serve habitable rooms.

219 The report identifies a reduction in the vertical sky component of 4.7 for window R1 (living room) and a total annual loss of 11 hours of total suns per room, with 8 hours retained. The report identifies a reduction in daylight distribution of 36% for R1 (Living room) and 20% for R2 (Kitchen). An increase in shadowing of the garden for no.1 Kerry Path is also identified although it is unclear if the garden is in the complete ownership of No.1 Kerry Path.

220 The Daylight and Sunlight report also identifies an impact to Room R5 a living kitchen diner served by two windows (W7 and W8). These two windows are located to the west of the site within the Anthology Development. Here the vertical sky component (VSC) would be reduced by 2.59 for W7 and 3.78 for window W8. These figures represent minor transgressional impacts to a total of 2 windows out of 30. When the influence of the balconies present to this building on the VSC are taken into account the overall impact is not considered to be significantly adverse.

221 It is considered that the impacts identified are, on balance, acceptable within the context of an urban environment and the wider public benefit of providing new homes and retaining the non-designated heritage asset. Further to this no.1 Kerry Path would retain views and outlook to its remaining elevations over two storeys. All nearby and adjoining residents would retain good outlook with views of the sky maintained.

Sunlight

222 The report confirms that shadowing would not be increased to any other adjacent garden or outdoor amenity area.

Summary

223 The proposed development therefore is considered to comply with DM Policy 32 and paragraph 127 of the NPPF.

8.1.3 Noise

Policy

224 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Para 180 states decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new

development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

225 The NPPG states LPAs should consider noise when new developments may create additional noise.

226 The objectives of the NPPF and NPPG are reflected in LPP 7.15, Draft LPP D1,D12 and D13, CS Objective 5 and DMP 26

Discussion

227 The proposed development would be predominantly residential. All elements of commercial development would be away from existing boundaries. Given the quantum of development and the lawful commercial use of the site it is considered that the proposals would not result in a materially harmful increase in noise or disturbance.

228 Any noise or dust associated with construction would be controlled by the relevant environmental health and building control statutory protections. To ensure that demolition and construction is undertaken in a manner that does not affect the wider highway and utilises best practice a condition requiring the submission to the LPA for approval of a demolition and construction management plan should be imposed were the application to be approved.

8.1.4 Impact on neighbours conclusion

229 Officers consider that proposed development would result in an acceptable impact on the neighbouring amenity of surrounding properties.

8.2 SUSTAINABLE DEVELOPMENT

230 NPPF para 148 sets an expectation that planning will support transition to a low carbon future.

231 This is reflected in relevant policies of the London Plan and the Local Plan.

8.2.1 Energy and carbon emissions reduction

Policy

232 LPP 5.1 seeks an overall reduction in carbon dioxide (CO₂) emissions whilst LPP 5.2 (Minimising Carbon Dioxide Emissions) states that major development proposals should make the fullest contribution to minimising CO₂ in accordance with the following hierarchy: (1) be lean: use less energy; (2) be clean: supply energy efficiently; and (3) be green: use renewable energy.

233 In addition, LPP 5.2 sets targets for CO₂ reduction in buildings, expressed as minimum improvements over the Target Emission Rate (TER) outlined in national building regulations. The target for residential buildings is zero carbon from 2016 and non-domestic buildings from 2019, prior to which the target is as per building regulations (35%). LPP 5.3 advocates the need for sustainable development.

234 LPP 5.7 presumes that all major development proposals will seek to reduce CO₂ by at least 20 per cent through the use of on-site renewable energy generation wherever feasible.

235 The London Plan approach is reflected in CSPs 7 and 8 (which also requires BREEAM 'Excellent' for non-residential development) and DMP 22.

236 Further guidance is given in The Mayor's Sustainable Design and Construction SPG (April 2014), which sets out targets and provides guidance as to how to achieve those targets as efficiently as possible.

Discussion

237 The application is accompanied by an Energy and Sustainability Assessment (Sustainability and Energy Statement, Beechfield Consulting Engineers, 25/05/2018). This sets out the measures to be taken to reduce carbon emissions in compliance with the energy hierarchy.

Carbon reduction

238 The accompanying Energy Statement does not identify that on-site measures will achieve the necessary carbon reductions, stating that a carbon reduction relative to the baseline energy performance of the building would be achieved. A carbon off-set financial contribution will therefore be required to achieve compliance with Policy 5.2 of the London Plan. Where this is required then it would be secured by section 106 agreement.

BREEAM

239 A BREEAM Pre-Assessment has been submitted by the Applicant. This demonstrates that the commercial unit could achieve BREEAM 'Excellent' as required by Core Strategy Policy 8 and DM Policy 22. It is therefore recommended that a condition is attached requiring that the commercial units achieve this standard.

Summary

240 The proposal would meet the carbon reduction targets and would contribute towards sustainable development, subject to an obligation securing mitigating features.

8.2.2 Overheating

Policy

241 LP5.9 states that proposals should reduce potential overheating beyond Part L 2013 of the Building Regulations reduce and reliance on air conditioning systems and demonstrate this in accordance with the Mayor's cooling hierarchy. Draft LPP S114 echoes this.

242 DMP 22 reflects regional policy.

243 Further guidance is given in the Sustainable Design and Construction SPG (GLA) and Chapter 5 of the London Climate Change Adaptation Strategy.

Discussion

244 A comprehensive energy statement has not been provided. Whilst these details have not been provided the proposed development would represent a fabric improvement to both the existing structure and the fall-back position for the change of use. The majority of proposed units would be dual-aspect and cross-ventilation of the proposed units would therefore help to reduce any reliance on air conditioning or electrical cooling.

245 A comprehensive energy statement would be required as part of the Section 106 legal agreement to ensure that where on-site carbon reductions are not met then the compliant carbon-off set contributions are secured and paid to the council.

8.2.3 Flood Risk

Policy

- 246 LPP 5.12 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding. LPP 7.13 expects development to contribute to safety, security and resilience to emergency, including flooding.
- 247 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 248 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance.

Discussion

- 249 The application is accompanied by a Flood Risk Assessment (Flood Risk Assessment for Planning, UNDA, 87590-Jadhav-SafaHs, April 2018).
- 250 The site lies adjacent to Flood Zone 2 (medium probability of flooding) and within Flood Zone 3a (high risk of flooding). A Flood Risk Assessment (FRA) was submitted and the Environment Agency made no objection to the proposed development, confirming the conclusions of the FRA. The comments from the EA request the imposition of conditions which relate to preparing a remediation strategy for contamination and gaining approval prior to first occupation. Conditions of this nature are therefore recommended should the application be approved.
- 251 On the basis of the above, it is considered that the scheme is acceptable in terms of flood risk, subject to the appropriate information being secured by condition and planning obligation.

8.2.4 Sustainable Urban Drainage

Policy

- 252 The NPPF at para 165 expects major development to incorporate sustainable urban drainage systems (SUDS) unless there is clear evidence it is inappropriate.
- 253 LPP 5.13 requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy. The supporting text to the policy recognises the contribution 'green' roofs can make to SUDS. The hierarchy within LPP 5 establishes that development proposals should include 'green' roofs and that Boroughs may wish to develop their own green roof policies. To this end, CSP 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which in effect, comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity.
- 254 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Discussion

- 255 The use of Sustainable Urban Drainage should be developed to reduce surface water run-off rates. Providing greenfield run-off rates would be difficult but providing a reduction in surface water would be feasible. A condition requiring further details is therefore recommended.

256 No basement development is proposed and groundwater flows are unlikely to be affected by the proposed development.

257 Matters relating to sewage are not a direct consideration for an application of this scale. Connecting to the sewage network would be a matter for the applicant and Thames Water.

8.2.5 Sustainable Infrastructure conclusion

258 The proposed development contributes to sustainable development, providing an improvement beyond the present performance of the site. It has been demonstrated that this can be achieved on-site with the retention of the façade of Safa House. Future occupiers would not be exposed to unacceptable risk associated with flooding.

8.3 NATURAL ENVIRONMENT

Policy

259 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.

260 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

261 The NPPF at para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

262 LPP 2.18 sets out the Mayor of London's vision for Green Infrastructure as a multifunctional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

8.3.1 Ecology and biodiversity

263 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.

264 The NPPF at para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. At para 175, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.

265 LPP 7.19 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.

266 CSP 12 recognises the importance of the natural environment and environmental assets and requires the conservation and enhancement of these assets.

Discussion

267 A preliminary ecology appraisal was undertaken and accompanies the application, prepared Hone Ecology, June 2018.

268 This report does not identify any habitats or structures which would warrant protection or enhancement. A further Bat Roost Emergence Survey was undertaken given the number

of potential entry points into the building which could be used by bats. No evidence of bats were identified. The Council's Ecologist does not object to the findings of the report.

269 The proposal is acceptable in terms of ecology and biodiversity, subject to those conditions.

8.3.2 Green spaces and trees

Policy

270 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees. This includes a duty to, wherever it is appropriate, that in granting planning permission for any future development adequate provision is made, by the imposition of conditions, for the preservation and planting of trees.

271 LPP 7.21 protects trees of value and replacements should follow the principle of 'right place, right tree'. New development should include additional trees wherever appropriate, particularly large-canopied species.

272 CSP 12 recognises the importance of the natural environment and environmental assets and requires the conservation and enhancement of these assets.

273 DMP25 states that Applicants for all major development will be required to submit a Landscape Scheme, proportionate to the size of the development.

Discussion

274 The site is fully developed to its extent. There are no trees or any green cover within the site, albeit for self-seeded plants growing from the building itself. Given the importance of preserving the special historic character of the building and the constrained nature it is not considered necessary or appropriate to seek to secure planting or an overall greening of the site in this instance.

8.3.3 Ground pollution

Policy

275 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.

276 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.

277 The test is that after remediation, land should not be capable of being determined as "contaminated land" under Part 2A of the Environmental Protection Act 1990.

278 LPP 5.21 reflects national policy. DMP 28 further reflects national policy and seeks to ensure that future residents are protected from exposure to contaminants.

279 Further guidance is given in *Contaminated Land Statutory Guidance* (Defra, 2012)

Discussion

280 A condition requiring a land contamination report would need to be imposed to ascertain likely risks.

281 The recommended conditions would align with the consultation responses received from Environmental Protection and the Environmental Agency which have requested further information relating to land contamination.

8.3.4 Air pollution

Policy

282 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.

283 Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality.

284 LP7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. Draft LP S11 echoes this.

285 Further guidance is given in the Mayor of London's Air Quality Strategy.

286 CSP 7 and DMP 23 echo this.

Discussion

287 The application is accompanied by a preliminary Air Quality Assessment (AQA) (Air Quality Assessment, Entran). This sets out the measures to be taken in respect of air quality associated with the development, exposure to pollutants for residents and impacts associated with construction. The Assessment concludes that air quality monitoring data indicates that NO₂, PM₁₀ and PM_{2.5} concentrations in the vicinity of the Site are likely to be below the relevant air quality objectives. The introduction of receptors to the area will not therefore increase exposure to poor air quality within the borough.

288 The site is located in an air quality management area. To ensure that future occupants are not exposed to harmful levels of pollutants a condition requiring the submission of additional surveys and mitigation measures should be imposed to safeguard the health of residents. This is in accordance with the advice of Environmental Protection officers who have reviewed the submitted documentation. It is also suggested that a condition requiring a construction management plan is imposed to help prevent unacceptable increases in dust, noise or exhaust emissions associated with construction

289 The mixed use nature of the proposals could cause exposure to levels of internal and noise and vibration transfer for future occupants. To ensure that the proposed homes offer a good standard of residential amenity for future occupiers it is suggested that conditions are applied to any permission to ensure that mitigation measures are built into the development.

8.3.5 Natural Environment conclusion

290 The development proposals are appropriate for the context of this urban area and a site which is characterised by its built urban form. The applicant has demonstrated that the proposals will safeguard both the natural environment and the health of surrounding residents and future residents of the proposed development.

9 PLANNING OBLIGATIONS

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

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

292 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis. A planning obligation cannot be a reason for granting planning permission, unless it satisfies the tests set out in Regulation 122.

293 The obligations secured need to be considered in the context the infrastructure payments covered by the Community Infrastructure Levy CIL

294 Officers have been in negotiations with the Applicant regarding the Section 106 requirements arising from the redevelopment proposals. In this case, as well as securing the various elements required to deliver the project (such as highway infrastructure works) and commitments made in the application itself (such as affordable housing), a range of other contributions and obligations are considered necessary to make the development acceptable in planning terms.

295 The following S106 requirements have been identified in respect of the scheme:

- The provision of a contribution for the provision of affordable housing provision off-site of £223,989.00 (subject early and late stage review);
- Contribution of £10,000.00 toward the consultation to consider if a controlled parking zone could be adopted;
- Free car club membership for future occupants, one membership per household for three years from first occupation;
- Updated Energy Plan securing a carbon off-set contribution;
- Requirement for agreement for Highway works; and
- Monitoring fees.

296 Officers are therefore satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations 2010

10 LOCAL FINANCE CONSIDERATIONS

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

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or

- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

299 The CIL is therefore a material consideration. The proposed development would give rise to additional demands on existing social infrastructure such as schools and health services. Funding of the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the Borough is now secured through Community Infrastructure Levy (CIL) payments.

300 Borough CIL payments for the residential element are expected to be:

- Mayoral CIL: £31,588.20
- Lewisham CIL: £31,602.90

301 The figures would be subject to further confirmation and indexation.

11 EQUALITIES CONSIDERATIONS

302 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.

303 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.

304 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.

305 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>

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

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

307 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>

308 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.

12 HUMAN RIGHTS IMPLICATIONS

309 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: Article 8 - Respect for your private and family life, home and correspondence; Protocol 1, Article 1 – Right to peaceful enjoyment of possessions and protection of property

310 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.

311 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 and Protocol 1, Article 1 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.

312 This application has the legitimate aim of providing a net addition of 14 new homes and purpose built commercial floor space. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence and the freedom to enjoy one's home are not considered to be unlawfully interfered with by this proposal.

13 CONCLUSION

313 The design proposals have been informed by a site appropriate approach which is considered to provide an appropriate design response, actively retaining and restoring a non-designated heritage asset, delivering 14 new homes and the provision of an A3 commercial unit.

- 314 The proposed development represents a number of significant public benefits which would not be realised should the prior approval fall-back scheme be implemented. These benefits include financial contributions towards the provision of affordable housing in the Borough, funding of the feasibility of a CPZ, carbon offsetting funding and relevant highways works.
- 315 All nearby and adjoining residents would retain satisfactory residential amenity. The proposed development would maintain safe access for all potential road users and would not unacceptably impact upon on-street parking capacity.
- 316 Subject to the imposition of conditions and the securing of relevant planning obligations, including financial contributions, the development is judged acceptable and in accordance with the development plan.

14 RECOMMENDATION

317 Grant planning permission subject to:

- the prior completion of a Legal Agreement pursuant to Section 106 of the 1990 Act (and other appropriate powers) to secure the PLANNING OBLIGATIONS detailed in Section 9,

318 And to authorise that:

- the Head of Law to negotiate and complete a legal agreement to cover among other things;
- the Head of Planning is delegated authority to issue the planning permission and impose conditions (and informatives).
- That the Head of Planning is delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by Committee.

14.1 CONDITIONS

1. FULL PLANNING TIME LIMIT

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

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

2. DEVELOP IN ACCORDANCE WITH THE APPROVED PLANS

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

SH01 - Rev C9;

SH03 - Rev A;

SH02 - Rev C9d;

SH04 - Rev B(8a);

SH05 - Rev A;
SH06 - Rev A;
SH07 - Rev A;
SH08 - Rev A;
SH09 - Rev B(8a);
SH10 - Rev A;
SH11 - Rev B(8a);
SH12 - Rev C9d;
SH13 - Rev C9d;
SH14 - Rev C9d;;
SH15 - Rev C9d;;
SH16 - Rev C9d;;
SH17;
SH18 - Rev C9d;
SH19 - Rev C9d;
SH21 - Rev B(8a);
SH24 - Rev C9d;
SH25 - Rev C9d;
SH26 - Rev C9d;

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. CONSTRUCTION MANAGEMENT

(a) No development above ground shall be begun on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

- i.* Dust and vehicle emission mitigation measures.
- ii.* The location and operation of plant and wheel washing facilities
- iii.* Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- iv.* Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - 1)* *Rationalise travel and traffic routes to and from the site.*
 - 2)* *Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.*
 - 3)* *Measures to deal with safe pedestrian movement.*
- v.* Security Management (to minimise risks to unauthorised personnel).
- vi.* Details of the training of site operatives to follow the Construction Management Plan requirements.

(b) The development shall be carried out in accordance with the approved details of paragraph (a) of this condition therein for the full duration of construction works.

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

4. LAND CONTAMINATION

(a) No development or phase of development (including demolition of existing buildings and structures, except where enabling works for site investigation has been agreed by the local planning authority) shall commence until :-

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

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

(iii) The required remediation scheme implemented in full.

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

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

This shall include verification of all measures, or treatments as required in 4 (a) i & ii and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

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

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

5. INTERNAL SOUND AND VIBRATION PROOFING

(a) The development shall be designed to incorporate soundproofing of a specification for sound insulation against airborne noise to meet $D'nT,w + C_{tr}$ dB of not less than 55 for walls and/or ceilings where residential parties non domestic use shall be submitted to and approved in writing by the local planning authority.

(b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.

(c) The soundproofing shall be retained permanently in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland

sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

6. COMMERCIAL 'BREEAM' STANDARD

(a) The commercial buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.

(b) Prior to completion of the superstructure a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

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

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2016) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency of the Core Strategy (2011) and DM Policy 22 Sustainable design and construction of the Development Management Local Plan (2014).

7. SURFACE WATER MANAGEMENT

(a) No development above ground level shall begin on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.

(b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

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

8. EXTERNAL MATERIALS

No development above ground shall begin on site until a detailed schedule and specification of all external materials and finishes/windows and external doors/roof coverings/other site specific features to be used on the buildings hereby approved and structures to be retained have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and DM Policy 33 Development on infill

sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014).

9. METHOD STATEMENT FOR THE RETENTION OF THE FACADES

(a) Notwithstanding the details hereby approved, no development shall commence until a method statement which includes a structural assessment and detailed plans at a scale of 1:5 and 1:20 showing how the facades of the existing building known as Safa House hereby approved have been submitted to and approved in writing by the local planning authority

(b) The development shall be carried out in accordance with the approved details with all restoration works completed prior to first occupation of the development.

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

10. REFUSE STORAGE, DISPOSAL AND COLLECTION

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

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

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

11. AIR QUALITY

(a) No development shall commence until an Air Quality Assessment has been submitted to and approved in writing by the local planning authority.

(b) The Air Quality Assessment will need to utilise an appropriate air quality model and/or emissions assessment tool to predict air quality concentrations at agreed receptor locations. Data should be presented for the first year of occupation as 'with development' and 'without development' to allow comparisons to be made.

(c) Where the assessments under part (a) and (b) of this condition identify an unacceptable impact for any occupier or user of the hereby approved development then details of mitigation measures must be submitted and agreed in writing prior to first occupation and maintained thereafter.

Reason: In order that the local planning authority may be satisfied that the development is not going to result in significant health impacts to existing and future residents from a deterioration in local air quality and to comply with Development Management Local Plan (November 2014) Policy 23 Air quality.

12. CYCLE PARKING

(a) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.

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

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

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

13. LANDSCAPING

(a) Prior to the completion of the super structure works drawings showing hard landscaping, soft landscaping and boundary treatments of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.

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

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

14. OPERATING AND OPENING HOURS

The commercial premises hereby approved shall only be open for business between the hours of 07:00-23:00 hours Monday-Sunday.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 127 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 11 other employment locations of the Development Management Local Plan (November 2014).

15. RESTRICTION OF COMMERCIAL UNITS WITHIN A USE

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for A3 Use Class and for no other

purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In order to safeguard the commercial employment space hereby approved and to maintain the amenity of future occupants and neighbouring residents in accordance with paragraph 127 of the NPPF (2019), DM Policy 11 Other employment locations.

16. TRAVEL PLAN

(a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.

(b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives. The Travel Plan must include use of all hereby approved homes and commercial units.

(c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b) one year from full occupation.

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

17. ARCHAEOLOGY

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

(a). The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

(b). The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (2016).

18. DELIVERY AND SERVICING PLAN

(a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

(b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.

(c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

19. PD CONSTRAINTS

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the hereby east elevation at first and second floor level of the building hereby approved shall be non-opening above 1.8metres from the finished internal floor level and fitted as obscure glazed/ and retained in perpetuity.

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

20. WHEELCHAIR UNITS

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

1 unit shall meet M4 (3) 'wheelchair user dwellings'

13 units shall meet standard M4 (2) 'accessible and adaptable dwellings'

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

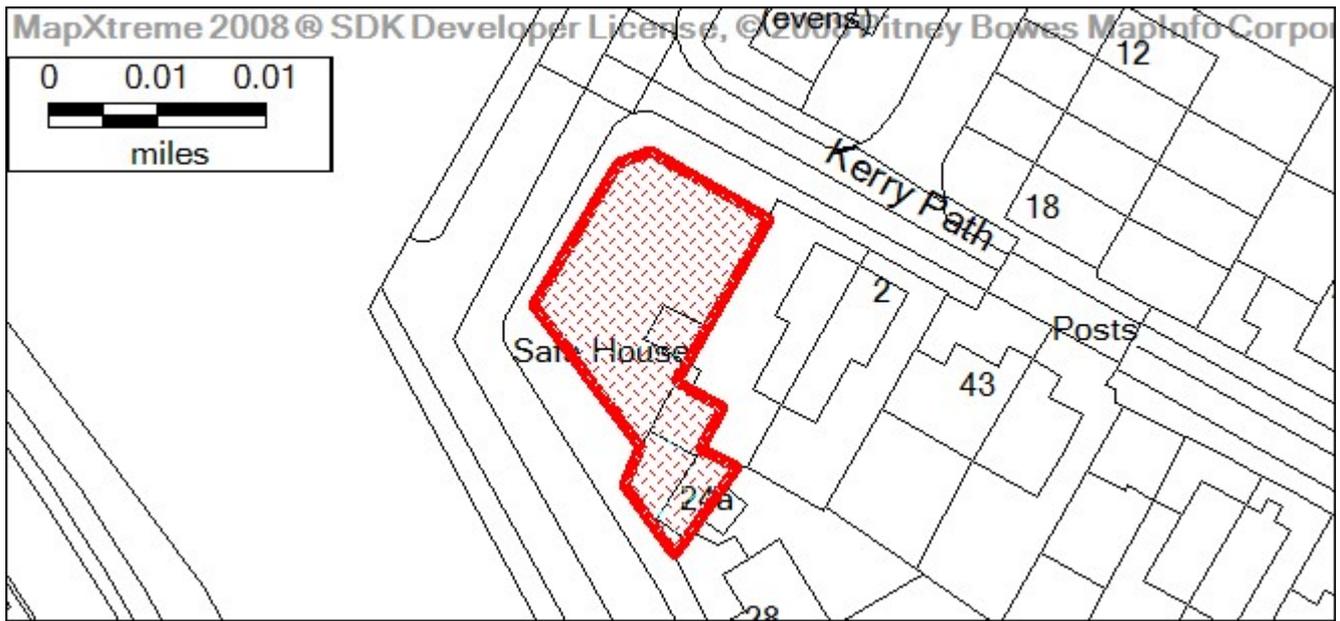
(c) The development shall be carried out in accordance with the requirements of paragraph (a) and (b) of this condition.

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Policy 3.8 Housing choice of the London Plan (2016), Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

14.2 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.
- (2) The Applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre-commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- (3) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- (4) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (5) The land contamination condition requirements apply to both whole site and phased developments. Where development is phased, no unit within a phase shall be occupied until a), b) and c) of the condition have been satisfied for that phase.
- (6) In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- (7) The Applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

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Committee	PLANNING COMMITTEE A	
Report Title	46 ERMINE ROAD, LONDON, SE13 7JS	
Ward	Ladywell	
Contributors	Jesenka Ozdalga	
Class	PART 1	15 August 2019

<u>Reg. Nos.</u>	DC/19/112902
<u>Application dated</u>	03.07.2019.
<u>Applicant</u>	Mr & Mrs Lamb & Griffiths
<u>Proposal</u>	The construction of a two storey building to the side of 46 Ermine Road SE13, together with the construction of an infill extension to the rear of the property with associated cycle and refuse storage, landscaping and boundary treatment.
<u>Applicant's Plan Nos.</u>	0252-01; 0252-02 Rev A; 0252-03; 0252-04; 0252-05; 0252-06; 0252-07; 0252-08; A20-201 Rev 04; A20-202 Rev 04; A20-204 Rev 04; A20-221 Rev 03; A20-222 Rev 03; A20-231 Rev 03; A20-232 Rev 03; A20-233 Rev 03; A20-234 Rev 03; A94-300 Rev 01 Received on 02 July 2019. 20-125 Rev 01; A19-110 Rev 02 received on 31 July 2019.
<u>Background Papers</u>	(1) Core Strategy (June 2011) (2) Development Management Local Plan (November 2014) (3) London Plan (March 2016)
<u>Designation</u>	PTAL 3
<u>Screening</u>	N/A

1 SUMMARY

- 1 This report sets out Officer's recommendation for the above proposal. The report has been brought before members for a decision as the recommendation is to approve and there are more than three valid planning objections

2 SITE AND CONTEXT

- 2 The application site is located on the north corner of the Ermine Road and Vicars Hill/Ellerdale Street junction. The subject site is an end-of-terrace two storey single

family dwellinghouse and land adjacent to it which is currently used as a garden and car park. The existing dwelling features yellow brick façade facing Ermine Road, and pebbledashed side and rear elevation visible from Vicars Hill.

3 The surrounding area is predominantly residential with various types of buildings including Victorian and early 20th century terraces, post war and contemporary buildings.

4 The site is not located within a conservation area, not subject to an Article 4 direction or listed. It has a PTAL rating of 3.

3 RELEVANT PLANNING HISTORY

5 **DC/13/084671** – The construction of a two storey, two bedroom end of terrace house to the side of 46 Ermine Road, SE13.

Refused by reason of its design, prominent siting, massing and encroachment on the open junction setting of Ermine Road/Vicars Hill/Elldale Road and its relationship to the existing and adjacent dwellings in this prominent corner location would not be compatible with the existing building or the character of the surrounding development and by reason of failing to provide a satisfactory layout, standard and size of quality accommodation for future occupiers by reason of its substandard floor space arrangement.

6 **DC/18/108273** - Lawful Development Certificate (Proposed) in respect of the construction of a side hip to gable roof extension and installation of two rooflights to the front elevation at 46 Ermine Road, SE13, together with construction of rear dormer roof extension. **Granted but not implemented.**

7 **DC/18/109871** - The construction of a single storey extension at the rear of 46 Ermine Road SE13, together with a new 2 storey house on the land to the side of the property. **Withdrawn from the Committee on 5 June 2019 due to incorrect Certificate B.**

4 CURRENT PLANNING APPLICATION

8 The current application proposes a two storey, two bedroom dwellinghouse on the land to the side of No.46 along with the construction of an infill extension to the rear of No. 46.

9 The applicant is owner of the property no.46 and the whole of the proposal will fall within their land ownership. Amended drawings were submitted to demonstrate accurate red boundary line to the rear of the application site.

10 The proposed two storey dwellinghouse would be located on the land to the side of the existing property. The existing rear garden would be divided into two to provide external amenity space for each dwellinghouse.

11 The dwellinghouse would measure 3.1m wide on the front elevation (Ermine Road) and 4.7m wide on the rear elevation by 13.5m deep along the side elevation (Vicars Hill). It would be a maximum of 6.7m high from the Ermine Road level. As Vicars Hill slopes up from Ermine Road, the rear of the property would have an approx. height of 4.7m above Vicars Hill street level.

12 The proposed dwellinghouse would have two double bedrooms on the first floor and an open plan kitchen and dining with separate living area on the ground floor. The total GIA (Gross Internal Area) would be approx. 90sqm.

13 The proposed materials are:

Roof and first floor	Eco-composite panels
Ground floor walls	London stock brick
Windows	Powder coated aluminium
Doors	Timber
Hard landscaping	Brick steps to the front
Bin and cycle storage	Timber

14 The development would also involve hard and soft landscaping of the site, boundary treatment and the provision of two cycle parking spaces as well as refuse storage. The development proposes planting of two appropriate sized trees to both rear gardens.

15 The proposed infill extension would accommodate enlarged kitchen and dining area and have a depth of 4.0m with a flat glazed roof of max 3.1m height. The infill extension would incorporate a lightwell that would allow natural light and ventilation for the space in the existing basement.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

16 Pre-application advice was sought with the response in January 2018 prior to submission.

17 Following receipt of the advice the applicant subsequently revised the proposals in line with the comments received.

5.2 APPLICATION PUBLICITY

18 The Council's consultation and publicity met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

19 Site notice was displayed and letters were sent to local residents, Ladywell Ward Councillors and Highways.

20 One letter of support, one letter from solicitor and seven objections were received, raising the following substantive material planning considerations:

5.2.1 Objections

Material planning consideration	Para where addressed
Inappropriate design and use of materials	Paras. 35, 36, 37, 39
Overdevelopment of a small site	Para 35
Overlooking / lack of privacy, reduction in sunlight and daylight and increase in overshadowing	Paras. 44, 45, 46
Inadequate standard of accommodation	Paras. 52, 53, 54
Location and nature of cycle and refuse store	Paras. 63, 64

Impact on highways; removal of off-street parking, increase in parking stress and construction issues	Paras. 61, 62, 65
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21 Other concerns were raised relating to the inaccuracy of the drawings, the potential structural risk and adverse impact on foundations due to excavations, site boundary and ownership to the land at the rear, the potential fire risk from proposed materials and potential drainage issues on the main road. Officers are satisfied that drawings are accurate and to scale. However, none of these issues are relevant material considerations in this case. Further objections were submitted from same objectors regarding inaccurate measurement of the proposed GIA and plot size. Those concerns are already addressed under para.52 of this report.

22 Complaints were received about site notice not being displayed one week into the consultation period. As there is no statutory requirement for the display of the site notice for the development of this scale, this is not considered an issue. Letters to the neighbours were sent on 03 July 2019, therefore the Council have followed the Statutory Statement Of Community Involvement procedures.

6 POLICY CONTEXT

6.1 LEGISLATION

23 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

6.2 MATERIAL CONSIDERATIONS

24 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

25 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

26 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

6.4 DEVELOPMENT PLAN

27 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)

- Draft London Plan (expect 2019): The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public commenced on 15 January 2019 and is scheduled to conclude on 17 May 2019. This document now has some limited weight as a material consideration when determining planning applications. There are no relevant draft policies for the purposes of this decision.
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

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

- Housing (March 2016)

7 PLANNING CONSIDERATIONS

29 The relevant planning considerations are:

- Principle of development
- Urban design
- Impact on the living conditions of adjoining residents
- Standard of residential accommodation
- Traffic, parking and highways issues
- Landscaping and environmental matters

7.1 PRINCIPLE OF DEVELOPMENT

30 Officers recognise that housing is a priority use in the borough and infill sites are a sustainable use of land to help meet housing targets.

31 The proposal constitutes infill development as defined by DM Policy 33 because it is within a street frontage and on the street corner. Development is therefore supported in principle subject to details including design quality. These details are addressed below.

7.2 DESIGN

Policy

32 Para. 131 of the NPPF states that "in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area".

33 Relevant regional and local policies are London Plan Policies 7.1, 7.4 and 7.6, Core Strategy Policy 15 and DM Policies 25, 30 and 33.

Discussion

34 The layout, massing and scale responds to the surrounding context of two storey attached dwellinghouses and the design is innovative and high quality.

- 35 Neighbours have raised a concern that the building would sit uncomfortably on the prominent corner of the Ermine Road and Vicars Hill junction and would constitute overdevelopment. The building would close the existing gap between the end of the terrace and Vicars Hill. The loss of openness on this corner is not harmful to the character of the area as other properties on that junction and others in the area also do not have open corners. Therefore this change would not result in an unusual relationship in the context of the wider area. Additionally, the proposed building would be lower and narrower than surrounding properties. The resulting massing is subordinate to the local form, which is considered acceptable and not held to be overdevelopment.
- 36 Turning to the detailed design, the scheme seeks to avoid replicating the design of other properties in the area. Instead the building is clearly of its time and innovative. The key feature is the unusual and prominent roof form. In order to avoid a long flank wall along Vicars Hill, the side elevation of the proposed building is activated with use of composite cladding, brick and narrow windows hidden behind aluminium fins.
- 37 The use of composite cladding, glazing, aluminium windows and fins introduce modern elements into the design of the building. The quality of these materials has been adequately demonstrated within the Design and Access Statement.
- 38 Compared to the previously refused scheme, it is considered that the scale and massing of this proposal corresponds better to the surrounding area with its high quality design and use of contemporary materials.

Summary

- 39 Officers conclude the proposed building would be innovative and of very good design quality, evident in the detail and proposed materials, and relate successfully to the surroundings. Great weight is given to this in accordance with para 131 of the NPPF.
- 40 Physical samples of the materials are recommended to be secured by condition. In light of the weight given to the design of the building, Officers recommend that if this application is approved a condition is imposed to remove permitted development rights in respect of the site.

7.3 LIVING CONDITIONS OF NEIGHBOURS

Policy

- 41 Relevant regional and local policies are London Plan Policy 7.6 and DM Policies 32 and 33.
- 42 The main considerations in terms of amenity in this case are: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas. Noise would be limited to that generated by domestic properties.

Discussion

- 43 The living conditions of neighbours would not be harmed by this development.
- 44 Neighbours have raised concerns that the development would harm the living conditions of neighbours, in terms of loss of privacy due to large windows and loss of daylight and sunlight. The only neighbours that would be affected are those living in No. 46, which is also subject to this application. The dwellinghouse has been designed to minimise the impacts on No. 46 to acceptable levels. The relationship between the development and other neighbours is such that there would be no effect on their living conditions.

- 45 No windows are proposed to the side elevation of the new building towards no.46. To the rear, the separation distance between the new building and no. 55 Vicars Hill would be approx. 19.7m. and to no.69 Shell Road approx. 23.2m, which is considered a sufficient distance so as not to affect outlook or privacy, particularly given the change in levels. The garden space for the proposed building would be in the same location as the existing with the proposed building sits lower than the buildings of Shell Road. For the same reason, the building would not have an impact on neighbours in terms of loss of privacy, outlook, daylight and sunlight. Additionally, the proposed glazing at the first floor of the front elevation would face the road and existing flank wall of the property across and therefore would not have impact in terms of loss of privacy to neighbours.
- 46 The proposed infill extension to the rear of property no.46 is not considered to have harmful impact on the future occupiers of the new building on the adjacent land and their amenities or to the property at no.44.
- 47 Neighbours have raised concerns about the impact of development works and the eventual use of the building on local amenity. Some degree of disruption is expected from construction works. Construction working hours, noise and dust pollution is covered by Lewisham's Good Practice Guide - Control of Pollution and Noise from Demolition & Construction Sites and by the Control of Pollution Act. Due to the scale of the development and the fact there is other legislation which covers this point, it is not recommended that a Construction Management Plan is secured by condition. The introduction of a residential use to a residential area is considered acceptable.
- 48 Neighbours have raised concerns about the impact of the below ground level excavation on neighbouring properties. The ground level to the rear would be excavated for approx. 0.7m to allow the building to sit lower and reduce the total height of the development. Furthermore, structural issues are not a relevant planning consideration and are covered by the Party Wall Act 1996 and Building Control regulations.

Summary

- 49 Taking the above into account, it is considered that this application would have no harmful impact on neighbouring residential amenity.

7.4 STANDARD OF ACCOMMODATION

Policy

- 50 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP 3.5), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA).
- 51 The main components of residential quality in this case are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight and (v) external space standards.

Discussion

- 52 LPP 3.5 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.3 of the London Plan. The proposed dwelling, at 90sqm GIA, would be larger than the minimum standard of 79sqm.
- 53 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents. The proposed development has dual

aspect at the ground, and triple aspect at the first floor and the windows are considered to give adequate natural light and ventilation. Furthermore, all windows within the new building are oriented towards east and west with side elevation windows on the first floor facing south. This would help to avoid the risk of overheating. Similarly this would ensure daylight and sunlight would be satisfactory.

54 Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'. The amenity space provided for the new dwelling (29sqm rear garden) would be in excess of those requirements.

55 Previously refused scheme had approx. GIA of 63m², which was not compliant with minimum standard of 70m² for two storey 2 bedroom 3 person house.

Summary

56 As such, Officers deem that the proposal provides a high standard of accommodation for future occupiers.

7.5 HIGHWAYS AND SERVICING

Policy

57 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places.

58 Regionally, the Mayor's Transport Strategy ('the MTS', GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.

59 London Plan Policy 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions).

60 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

Discussion

61 The proposal results in the loss of one off-street parking space, which is located on the area proposed for the development of a new building and accessed from the dropped kerb on the corner of Ermine Road and Vicars Hill.

62 Neighbours have raised concerns that the development would result in loss of off-street parking and an increase in on-street parking stress. The scheme would displace one car to the street (from No. 46). A further car would be generated by the new house. In this case it is not considered reasonable to impose a restriction on future parking permits (a 'car-free' condition). This is because the stretch of Vicars Hill along which this site is located has parking bays which do not have houses fronting them.

63 Neighbours have raised concerns about the location and nature of the cycle and refuse storage. The new dwellinghouse would be provided with two cycle parking spaces in a

structure in the rear garden, which meets London Plan standards, and is therefore acceptable. However, further details are recommended to be secured by condition. The occupiers of the house no.46 would store their bikes in the rear garden as per existing arrangement.

64 Refuse bins are proposed to be located in the front of the building, in an enclosed timber box, in a similar location to the existing arrangements along the terrace. Furthermore, the same arrangement for bin storage is to be provided in front of the property no.46. This would comply with guidance on waste and refuse.

65 Neighbours have raised concerns about the impact of construction on the highway network. Given the scale of the development and the extent of highway frontage, it is not considered reasonable to require a Construction Management Plan in this case.

Summary

66 Officers raise no objection on highways or servicing grounds subject to conditions.

7.6 LANDSCAPING AND ENVIRONMENTAL MATTERS

Policy

67 Para 153 (b) of the NPPF requires Local Planning Authorities to expect new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

68 Relevant regional and local policies are London Plan Policy 5.10 (Urban Greening), Core Strategy Policies 12 and 15 and DM Policies 25 and 32.

Discussion

69 The house would be built to a higher standard than Part L1A of the Building Regulation, through the incorporation of insulation, double glazed windows, mechanical ventilation with heat recovery and low energy lighting. The proposed windows to the south elevation would feature screening aluminium fins to prevent overheating. This is welcome.

70 In terms of the landscaping, the site would be hard and soft landscaped in the form of a patio at ground level with steps up to a garden to the rear and planting area with refuse storage and brick steps to the front of the proposed building. This would result in an improvement to the situation. To the rear, planting of two new trees and other associated soft landscaping are proposed. Further details of the front and rear landscaping, to include suitable tree species, are recommended to be secured by condition.

71 Furthermore, the boundary wall with Vicars Hill is to be re-built as a brick wall and timber fence, incorporating the cycle store at the end of the site. No objection is raised to this since the existing treatment is a timber fence and details of the replacement wall is covered within the boundary treatment condition.

Summary

72 Officers conclude that building orientation, massing, provision of the amenity space for future occupiers with high quality hard and soft landscaping, including planting of new trees to the rear garden positively contribute to the sustainability of this proposal. Great weight is given to this in accordance with 153 (b) of NPPF.

8 LOCAL FINANCE CONSIDERATIONS

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

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

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

75 The proposal is liable to pay £5,653.11 MCIL (with new MCIL2 rate of £60 per sqm) and £8,225.03 LCIL (total £13,878.14) and there are no local finance considerations.

9 EQUALITIES CONSIDERATIONS

76 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.

77 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.

78 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.

79 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>

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

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

81 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>

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 HUMAN RIGHTS IMPLICATIONS

82 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:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

83 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.

84 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above 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.

85 This application has the legitimate aim of providing a new extension to the residential property. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

87 In reaching this recommendation, Officers have given significant weight to the merit of an additional family sized house in a sustainable location. Great weight is given to the high

standard of innovative design and the improvement to the streetscene. As such, Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

12 RECOMMENDATION

88 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) DEVELOP IN ACCORDANCE WITH APPROVED PLANS

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

0252-01; 0252-02 Rev A; 0252-03; 0252-04; 0252-05; 0252-06; 0252-07; 0252-08; A20-201 Rev 04; A20-202 Rev 04; A20-204 Rev 04; A20-221 Rev 03; A20-222 Rev 03; A20-231 Rev 03; A20-232 Rev 03; A20-233 Rev 03; A20-234 Rev 03; A94-300 Rev 01 Received on 02 July 2019. 20-125 Rev 01; A19-110 Rev 02 received on 31 July 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) DESIGN AND MATERIALS

No development shall commence on site until a detailed material schedule and product specification for the composite panels, brick and aluminium fins have been submitted to and available and approved on site and in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4) CYCLE STORAGE

(a) A minimum of two secure and dry cycle parking spaces shall be provided within the development.

(b) No occupation of the units shall commence until the full details of the cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

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

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

5) HARD AND SOFT LANDSCAPING

(a) The proposed dwelling shall not be occupied until drawings showing hard and soft landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces and new planting) have been submitted and approved in writing by the Local Planning Authority.

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

Reason: In order that the Local Planning Authority may be satisfied as to the details of the proposal and to comply with Policy 5.13 Sustainable Drainage of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policies 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

6) BOUNDARY TREATMENTS

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

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained for the lifetime of the development.

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

7) REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no extensions or alterations to the new building under Classes A, B, C and D of Part 1, Schedule 2, including the insertion of windows (or other openings), shall be constructed in any of the elevation of the new building other than those expressly authorised by this permission. Any further alterations shall require the prior written permission of the Local Planning Authority.

Reason: In order that, in view of the nature of the development hereby permitted, the Local Planning Authority may have the opportunity of assessing the impact of any further development in the interests of amenity and privacy of adjoining properties in accordance with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 31 Alterations and extensions to existing buildings including residential extensions, 32 Housing design, layout and space standards and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

8) THE RETENTION OF THE AMENITY SPACE

The whole of the amenity space as shown on drawing nos. A20-201 Rev 04 and A94-300 Rev 01 hereby approved shall be retained permanently for the benefit of the occupiers of the residential unit hereby permitted.

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

9) CONSTRUCTION DELIVERIES AND HOURS

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 08:00 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 08:00 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays and not at all on Sundays or Public Holidays.

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

10) REFUSE STORAGE

The approved storage of refuse and recycling facilities shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

11) THE USE OF FLAT ROOF

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

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

12.2 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. Positive discussions took place during the application process which resulted in further information being submitted so that the proposal was in accordance with the Development Plan.
- 2) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures or cleaning of the site) will constitute commencement of development. Furthermore, all pre-commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Local Planning Authority, before any such works take place.
- 3) As you are aware you have declared that the approved development is exempt from the payment of the Community Infrastructure Levy (CIL). You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 4) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham webpage.
- 5) In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- 6) The applicant is advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's website.

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Committee	PLANNING COMMITTEE A	
Report Title	57A Micheldever Road, SE12	
Ward	Lee Green	
Contributors	Erin Glancy	
Class	PART 1	15 August 2019

<u>Reg. Nos.</u>	DC/19/112172
<u>Application dated</u>	17/04/2019
<u>Applicant</u>	Breyer Group Plc. on behalf of Lewisham Homes Limited
<u>Proposal</u>	Replacement of the existing windows with double glazed timber to the front elevation and double-glazed uPVC to the rear at 57 Micheldever Road, SE12, together with renewal of roof covering with natural slate.
<u>Background Papers</u>	(1) Core Strategy (adopted June 2011) (2) Development Management Local Plan (adopted November 2014)
<u>Designation</u>	Lee Manor Conservation Area PTAL 3 Flood Risk Zone 2 Flood Risk Zone 3

1 SUMMARY

- 1 This report sets out Officer's recommendations for the above proposal. The report has been brought before members for a decision as the recommendation is to approve and there are more than three valid planning objections.

2 SITE AND CONTEXT

- 2 This application relates to a two storey double fronted Victorian residential terrace, converted into two self-contained flats on the southern side of Micheldever Road.
- 3 The rear elevation has a combination of timber sash and casement windows, with doors at ground and first floor levels providing access to the garden. The rear elevation is not visible from the public realm
- 4 Micheldever Road is within the Lee Manor Conservation Area and is subject to an Article 4(2) direction.

3 RELEVANT PLANNING HISTORY

- 5 **DC/16/097907:** The installation of replacement double glazed timber windows on the front elevation of 57 A&B Micheldever Road, SE12, together with the installation of a replacement double glazed uPVC window on the rear elevation. *Granted 17 October 2016, unimplemented.*

4 CURRENT PLANNING APPLICATION

6 The application seeks the installation of replacement double glazed, timber framed windows to the front elevation which would replace the existing timber framed windows: this would be the four windows at ground floor, two either side of the entrance. The first floor windows would be unaffected. To the rear the application proposes the installation of one replacement uPVC window at ground floor level, to the left of the rear door. The application also seeks the renewal of the roof covering with natural slate.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

7 Site notices were displayed on 07/06/2019 and a press notice was published on 29/05/2019.

8 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 22/05/2019.

9 3 responses were received, comprising 3 objections.

5.1.1 Objections

Material planning consideration	Para where addressed
The windows are not suitable in a conservation area and do not look original	Paragraph 25

10 A number of non-material planning considerations were also raised, as follows:

- The roof has already been replaced in natural slate: the agent has confirmed this is not a retrospective application
- Upgrade of the windows is not needed: this is not a material consideration
- Lewisham Homes did not consult: Certificate B has been signed, indicating notice was served in January 2019 and consultation was carried out as outlined above.
- Works that have been completed are substandard: this is not a material consideration

5.2 INTERNAL CONSULTATION

11 The following internal consultees were notified on 22/05/2019.

12 Conservation Officer: Raised no objections.

6 POLICY CONTEXT

6.1 LEGISLATION

13 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

14 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66 and S.72 gives the LPA special duties in respect of heritage assets, as set out below.

6.2 MATERIAL CONSIDERATIONS

15 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

16 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

17 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

6.4 DEVELOPMENT PLAN

18 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. This document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

19 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

7 PLANNING CONSIDERATIONS

20 The main issues are:

- Urban Design

21 The proposal would not result in material impact on living conditions of neighbours, thus this is not a material consideration.

7.1 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

General Policy

22 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. National (NPPF, Chap 16), regional (LPP 7.8) and local policies (CSP15, 16 and DM36) reflect this duty.

23 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

Discussion

24 The features of the proposed replacement windows to the front and rear elevation, would match the existing in terms of design and opening style. No additional openings would be created. There is no change from the existing materials proposed.

25 The proposed roof repair works are considered acceptable, in this instance, given that the materials used would be sympathetic and would help to preserve the character and appearance of the application property and the conservation area.

Summary

26 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment are satisfied the proposal would preserve or enhance the character or appearance of Lee Manor Conservation Area.

8 EQUALITIES CONSIDERATIONS

27 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.

28 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.

29 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.

30 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>

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

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

32 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>

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

9 HUMAN RIGHTS IMPLICATIONS

34 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:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

35 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.

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

10 CONCLUSION

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

38 Officer's consider the scheme is appropriate in terms of design and materials and would not result in any harm to the property or the wider Lee Manor Conservation Area.

39 Further, it is not considered that the proposed replacement windows would have any impact on the amenity of neighbouring occupiers.

40 Therefore, the proposed works are recommended for approval, subject to the conditions below.

11 RECOMMENDATION

41 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informative:

11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) DEVELOP IN ACCORDANCE WITH APPROVED PLAN

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

1904-PA-MR2-OS; 1904-PA-MR2-E-01; Received 8 May 2019.
DR-001_MIC_REVA; Slate Brochure; Received 17 July 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) MATERIALS AND DESIGN QUALITY

No new external finishes to the boundary brickwork and timber, including works of making good, shall be carried out other than in materials to match the existing.

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

11.2 INFORMATIVES

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

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