

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 20 JUNE 2019 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

Olurotimi Ogunbadewa (Chair)

Stephen Penfold (Vice-Chair)

John Paschoud

Peter Bernards

James Rathbone

Hilary Moore

Louise Krupski

Paul Maslin

Liz Johnston-Franklin

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.

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Date: Friday, 07 June 2019

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

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

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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 20 June 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 (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 20 June 2019

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 3 April 2019 and 14 March 2019 .

MINUTES OF THE PLANNING COMMITTEE C

Wednesday, 3 April 2019 at 9.14 pm

PRESENT: Councillors Olurotimi Ogunbadewa (Chair), Stephen Penfold (Vice-Chair), Peter Bernards, Louise Krupski, Liz Johnston-Franklin, Paul Maslin, Hilary Moore, John Paschoud and James Rathbone.

1. Planning C membership

RESOLVED that the circulated report on the membership of Planning Committee C be received.

2. Planning C Election of Chair

RESOLVED that Councillor Olurotimi Ogunbadewa be elected as Chair and Councillor Stephen Penfold be elected as Vice-Chair for the Municipal Year 2019-2020.

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 24th January 2019.

LONDON BOROUGH OF LEWISHAM

MINUTES of the PLANNING COMMITTEE C meeting held in Council Chambers, Civic Suite, CATFORD SE6 on 24th January 2019

Present

Councillors: Olurotimi Ogunbadewa (Chair); Stephen Penfold (Vice-Chair); Bill Brown; Leo Gibbons, Louise Krupski, Jim Mallory, Hilary Moore, Sakina Sheikh, Alan Smith, Sophie McGeevor (Under Standing Orders).

Councillor McGeevor did not sign the attendance record but was present.

Apologies: Councillor Aisling Gallagher

Officers: Suzanne White (Development Management Team Leader); Paula Young (Senior Legal Advisor); John Grierson (Committee Co-ordinator); Joanna Ecclestone (Senior Conservation Officer).

Late: -

1. DECLARATION OF INTERESTS

- 1.1 Councillor Penfold referenced previous comments he had made regarding item 5 on the agenda and concerns of bias that have been raised. Councillor Penfold declared that he would not be participating in the discussion on item 5 of the agenda to remove any doubt of bias.

2. MINUTES

2.1. The meeting Commenced at 19:40

2.2. The Minutes of the Planning Committee (C) meeting held on 29 November 2018 were approved.

2.3. The chair revised the remaining order due to the number of people who attended the meeting for 18 Bolden Street and at the objector's request for 7 Allenby Road. This was as follows:

1. Item 5 - 18 BOLDEN STREET, LONDON, SE8 4JF;
2. Item 4 - 7 ALLENBY ROAD, LONDON, SE23 2RQ;
3. Item 3 - 50-52 RUSHEY GREEN, LONDON, SE6 4JD;
4. Item 6 - 90 EFFINGHAM ROAD, LONDON, SE12 8NU.

3. **18 BOLDEN STREET, LONDON, SE8 4JF:** 'The construction of a mansard roof extension at 18 Bolden Street, SE8.'

- 3.1. Suzanne White outlined the details of the application to members, and discussed the proposed designs, the planning history, and explained the planning considerations for the application. She discussed the objections and letters of support received, and outlined the reasons for officers recommending refusal. She advised that the area is one of particular architectural unity, which adds to its character and significance, noting that the constant parapet line is the defining feature at roof level seen from the street. She also noted that the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas, which is a legislative requirement, in addition to applying planning policies. She advised that the proposed mansard was considered harmful to the Conservation Area and, where harm is identified, Paragraph 196 of the NPPF requires that 'harm should be weighed against the public benefits of the proposal'. She added that officers do not consider the provision of additional living accommodation to constitute a public benefit sufficient to justify the harmful impacts of the proposed development, and that the previous approvals for extensions to the rear and basement of the property struck the appropriate balance between preserving the Conservation

Area and enabling residents to alter their homes. In reference to the mansard extensions on Albyn Road and Lind Street, she stated that these demonstrate the harm of mansard extensions in this area and noted that Bolden Street was well preserved. She also noted a recent appeal decision for a mansard at 13 Bolden Street, which the Inspector dismissed as being detrimental to the character and appearance of the appeal property, and would failing to preserve or enhance the character and appearance of the Brookmill Road Conservation Area. She also referred members to the addendum report produced in response to further representations received from the Brockley Society.

3.2. Councillor Smith queried where one of the long section drawings through the building was taken.

3.3. Suzanne White advised this was not marked on the plans but judged its location to be through the hallway.

3.4. Councillor Ogunbadewa called the applicant to the table to speak.

3.5. The applicant Jeoff Neate handed print outs to the members; he referenced the document in his speech. He stated that this proposal will affect all the residents of the street and that in ** years 50% of the street might have mansards. He stated that there have been 23 mansards previously approved in recent years and questioned what had changed, stating that written policy has not changed since the last mansard was approved in the conservation area. He cited local precedents on neighbouring Albyn Road, referenced the housing shortage and need for residents to extend their homes. He also stated that Bolden Street is one of the least well preserved in the conservation area.

3.6. Councillor Sheikh asked the applicant about the set back of the mansard roof.

3.7. The applicant responded stating they want cohesion so the mansard will be of similar design to others existing in other streets.

3.8. Councillor Ogunbadewa dismissed the applicant and invited any objectors to the table.

3.9. Robin Cross came to the table and introduced himself as an architect and former Lewisham Councillor and member of a planning committee. He stated that the applicant had not provided any images showing how the mansard would relate to the rest of the street. He presented drawings showing the impact of the mansard and his own existing and proposed street elevations. He stated the mansard would be an incongruous projection which is contrary to planning regulations as the unity of the street's roofscape would be ruined. He stated that he understood the desire for the applicant to improve their home, but felt that this application would destroy a key feature of the conservation area.

3.10. Councillor Ogunbadewa summoned Councillor McGeevor to the table.

3.11. Councillor McGeevor spoke under standing orders, stating that she strongly agreed with the applicant, despite being in favour of conservation in principle. She stated that an argument can't be made for the street in isolation and that the consideration would be for the wider context of the conservation area in which there is precedent. She said that she understands the resident's frustration and can see why they think it is unfair. She stated that alterations have been made to the guidance in the Draft Alterations and Extensions SPD to include the wider area when considering mansard roofs in conservation areas. She also stated that in regard to preserving the existing roofs, substantial change has already happened and the application should therefore be approved.

3.12. Councillor Ogunbadewa asked if there were any questions.

3.13. Suzanne White responded to the comments made by those speaking for and against, stating that the Draft Alterations and Extensions SPD has not been used to assess this application or the appeal for 13 Bolden Street. She stated that there are a variety of 2 – 4 bed homes within the immediate conservation area so there is housing choice available without having to extend with a mansard roof. She also stated that mansards are not a bad thing in the correct location, but that the application property is an inappropriate location for a mansard roof. She further stated that the photos presented show that Bolden Street has only been the subject of very minor alterations and is well preserved. She then invited Joanna Ecclestone to speak.

3.14. Joanna Ecclestone showed on a map of the wider conservation area that the mansards were concentrated in the south of the conservation area and that the north of the conservation area did not have any mansards, concluding that overall the conservation area was well preserved. She stated that there has been a significant change along Albyn Road because of the mansards which have been previously approved and that in the case of that particular street, further mansards may contribute to restoring uniformity, and would be considered differently to mansard applications on Bolden street, where adding a mansard would reduce the uniformity.

3.15. Councillor Mallory questioned why mansards were initially approved on Albyn Road.

3.16. Suzanne White advised that the first mansard on Albyn Road was approved at committee in 2009.

3.17. Councillor Mallory stated that the inconsistency of decisions made things difficult for members.

3.18. Suzanne White advised that the previous approvals were regrettable.

3.19. Councillor Krupski asked if there was any difference in the form of the roofs on Albyn Road in comparison to Bolden Street.

3.20. Joanna Ecclestone advised that for the most part, Albyn Road is on level ground.

3.21. Councillor Smith advised that he was the chair of the committee which approved the first mansard roof on Albyn Road and had the casting vote. He cited that the reason was to avoid losing families from the area due to the restrictions in terms of space. He cited his opinions on conservation and how he feels that conservation should not take priority over residents improving their homes. He shared his opinions on butterfly roofs, stating they are of bad design, and that conserving them would preserve bad design. He stated that he felt the approach to precedent in this scenario was inappropriate and that he would feel comfortable with all the properties in the conservation area having mansard roofs.

3.22. Councillor Mallory questioned whether the portion of Albyn Road which is not on level ground also has mansard roofs. Suzanne White confirmed that this portion does have some mansard roofs.

3.23. Councillor Gibbons stated that Bolden Street is not unique and that there are many other streets in the conservation area without mansard roofs. He suggested the idea that half of the conservation area should be allowed mansard roofs and the other half should not. He

stated he felt he would accept the proposal and wanted further comments from the conservation officer.

3.24. Joanna Ecclestone argued that dividing the conservation area in this way would cause such harm to the character of one half of the conservation area, that questions would be raised as to whether or not it should remain in the conservation area. She stated that the butterfly roof with parapet as an architectural typology is important to this conservation area, and that just because there have been previous precedents which have harmed it this does not mean other harmful proposals are now acceptable. She also stated that due to the number of mansard roofs in Albyn Street, the further addition of mansards on this street would help reintroduce uniformity for that street.

3.25. Councillor Gibbons asked how unique the conservation area is.

3.26. Joanna Ecclestone stated that there is one other conservation area of similar typology in Lewisham and that the fact that there's another shouldn't be seen as a reason to allow harm to this one as the statutory duty to preserve or enhance them relates to both individually. ..

3.27. Councillor Smith reiterated his previous comments about the residents' desire to extend their home taking priority over conservation, and proposed a motion to reject the officer's recommendation for the following reasons:

- a. There is a precedent set;
- b. It would not cause harm;
- c. Refusal would restrict the rights of the homeowners to extend their property, which outweighs the conservation considerations;

3.28. Councillor Krupski stated that people are aware of the restrictions imposed when buying a conservation area property and that many people buy their homes in conservation areas for that very reason. She also stated there is a need for houses of all sizes, not just large ones.

3.29. Councillor Mallory stated that the reason he felt the scheme was approvable was not because of the residents desire to expand their homes, but because a precedent has been set.

3.30. Councillor Moore argued that what is the reasoning behind setting up a conservation area in the first place if any considerations of harm are just going to be ignored. She also stated that the construction quality of the existing butterfly roof should not be a material planning consideration.

3.31. Councillor Gibbons argued that as the precedent has been set, the debate should be geared towards the conformity of the proposed roof with existing precedents, and enquired about any guidelines for the design of the roof to be uniform with the other precedents.

3.32. Councillor Sheikh asked why permission, which has now lapsed, was granted for no.6 Bolden Street and Suzanne White responded stating this was approved under delegated powers, stating that in her opinion it was an error. Councillor Sheikh advised that this put her in a difficult position. Suzanne White advised that the policy context had changed since this delegated decision, including the adoption of the Development Management Local Plan in 2014.

3.33. Councillor Mallory questioned whether or not the precedent should be extended to Bolden Street, and also considered moving for a deferral to allow more information to be obtained regarding how the mansard proposed would relate to existing precedents.

3.34. Councillor Krupski stated that clear guidelines need to be set for the street with existing mansards to allow for uniformity in future proposals. Suzanne White stated that there was no set technical guidance for this and that each application is assessed on a case by case basis.

3.35. Councillor Gibbons enquired as to whether Suzanne White thought the same application would be approved if it was on Albyn Road. Suzanne White said she could not make that assessment without looking at the previously approved plans on Albyn Road in more detail.

3.36. Councillor Smith asked if deferral was an option to look at other plans for existing precedents on Albyn Road to help make a decision. Suzanne White advised that the risk would be that applicant would appeal for non-determination, but as this would take 4-6 months, the applicant would likely engage in negotiation and the case would return to committee.

3.37. Councillor Mallory proposed a deferral to allow further information to be obtained to establish whether or not the proposal would be in keeping with the established precedent.

3.38. Councillor Sheikh questioned whether or not the design of the mansard is something that could be conditioned.

3.39. Paula Young advised that this was not possible.

3.40. Councillor Sheikh asked if the dimensions were the same as other traditional mansards.

3.41. Joanna Ecclestone showed the section on the screen and stated that this proposal was of a three plane roof form as opposed to a more traditional four plane roof form. A member of the audience interrupted stating this was untrue. They were silenced by Councillor Ogunbadewa. Joanna Ecclestone proceeded to state that she was describing what was shown on the drawing on the screen.

3.38. Councillor Sheikh suggested that this proposal could set the precedent for future mansards on Bolden Street.

3.39. Councillor Krupski stated that the precedent set is not strong enough to approve the design. Councillor Smith argued this point and stated that the precedent set on Albyn Road was strong enough to approve this application.

3.40. Councillor Brown moved to second Councillor Smith's motion to reject the officer's recommendation and approve the scheme. The councillors voted as followed:

For: Councillor Smith; Councillor Sheikh; Councillor Gibbons; and Councillor Brown.

Against: Councillor Moore; and Councillor Krupski.

Abstained: Councillor Mallory; Councillor Ogunbadewa.

4. 7 ALLENBY ROAD, LONDON, SE23 2RQ; "The demolition of the existing side extension and construction of two single storey side extensions, internal modifications and external works at 7 Allenby Road, SE23."

4.1. Suzanne White outlined the details of the application to members, and discussed the proposed designs, showing drawings, photographs and CGIs, and explained the planning

considerations for the application. She discussed the objections, and outlined the reasons for officers recommending approval, noting that officer's considered the proposal to be of high quality design which responds sensitively to the particular characteristics of the site. She concluded that it would result in no harm to the existing building or conservation area. She also referred members to the addendum report produced in response to further representations received from the Sydenham Society.

4.2. Councillor Smith asked if there had previously been a different extension to the existing conservatory due to markings on the side of the building.

4.3. The applicant advised from the audience that there was previously a different conservatory there.

4.4. The agent representing the applicant, Miles Griffies, was called to the table. Mr Griffies described the characteristics of Perryfields Conservation Area, citing one of which as being the green landscaped front gardens. He stated that the extension would replace an existing conservatory and would be softened by the green landscaping which would be retained. He stated the dimensions and setback and described the proposed materials, with the flat green roofs, curved design and London stock brick. He stated that the contemporary design and materials work better than a pastiche Victorian design. He argued that the setback was sufficient and that there are other examples of side extensions in the conservation area. He closed by stating that this would allow the applicant to extend their home which they felt was much needed.

4.5. Councillor Smith asked for clarification regarding the green roof materials and this was provided by the agent.

4.6. Councillor Ogunbadewa dismissed the applicant and called the objector, Margaret Leslie, to the table.

4.7. Margaret Leslie stated that she has lived on Allenby Road since 1980 and stated that the proposal does not meet the terms of the Article 4 Direction in place at Perryfields, arguing that the direction requires a greater weight of design consideration than the proposed London Stock Brick facade. She stated that the weight of the information provided by the applicant is insufficient and that there is therefore a lack of sufficient information to make a legal decision. She referenced the front elevation being presented as a boundary wall and stated that boundary walls cannot be higher than 2m, despite this being over 3m. She said that the roof should be pitched and not flat. She expressed her disagreement with the committee report, particularly to the officer's comments on the proposal enhancing the conservation area and that the design is high quality. She finished by stating that good architecture would not have to be hidden away behind planting.

4.8. Councillor Sheikh asked the objector why she initially withdrew her objection and Margaret Leslie replied stating that she did not think her first objection submitted took the best approach.

4.9. Councillor Penfold wanted the presenting officer to address the points raised by the objector about the proposal breaking planning regulations.

4.10. Suzanne White clarified the nature of the Article 4 Direction being a tool to restrict or remove permitted development rights and that it does not prevent a planning application being submitted and assessed on its own individual merits. She clarified the height of the extension.

4.11. Councillor Gibbons asked if the planting is retained by condition. Suzanne White responded stating that there is no separate condition for this but stated that the planting would be retained as shown in the plans, and a condition is recommended requiring that the development is carried out in accordance with those plans. She then clarified the 3 conditions proposed.

4.12. Councillor Sheikh stated that planning officers were operating legally and wanted clarification from Suzanne White to the objector's comments about being unable to make a legal decision.

4.13. Suzanne White confirmed that officers were operating legally and advised that with regard to the 2.0m boundary treatment, this refers to permitted development rights, and this right has been removed from the properties in the conservation area anyway. She advised that there is no limit to what can be submitted as a planning application and that it must be assessed against the policies of the Development Plan.

4.14. Councillor Gibbons stated that he felt the proposal would enhance the conservation area and proposed a motion to accept the officer's recommendation and approve the scheme.

4.15. Councillor Smith seconded this. The members voted as follows:

For: All Councillors voted to accept the officer's recommendation and the application was approved.

Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore, Councillor Sheikh, Councillor Smith.

50-52 RUSHEY GREEN, LONDON, SE6 4JD; "The display of 3 x internally illuminated and 2 x non-illuminated canopy fascia signs, 1 x above fascia level internally illuminated sign & 1 viney glazing sign on Bradgate Road elevation and 2 x internally illuminated and 1 x non-illuminated canopy fascia signs on Rushey Green elevation at Aldi Store 50-52 Rushey Green SE6."

5.1. Suzanne White outlined the details of the application to members, and discussed the proposed designs, showing drawings, photographs, and explained the planning considerations for the application. She discussed the objections, and outlined the reasons for officers recommending approval. She also advised that she can't confirm why this case was not determined at an earlier date due to it being submitted in 2014.

5.2. Paula Young advised that advertisement consent lasts for 5 years and the key considerations are public safety and amenity impact.

5.3. Councillor Penfold asked if submitting an advertisement application retrospectively is discouraged. Paula Young advised that it is not encouraged but is acceptable practice to do so.

5.4. Councillor Ogunbadewa asked if the applicant was present. The applicant was not present.

5.5. Councillor Ogunbadewa called the objector, Renata Allamandi, to the table. She advised that she lives directly opposite the signage. She stated that it has a detrimental impact on her property to the extent that she cannot open the curtains at night because it is too bright and that this is a direct consequence of the signage. She discussed other issues she had

with the Aldi store in general such as access, anti-social behaviour and advised that she does not want members to encourage Aldi to further promote themselves.

5.6. Councillor Ogunbadewa queried whether Aldi have breached planning control.

5.7. Councillor Smith queried whether the light was coming from the signs or the nearby streetlights.

5.8. Councillor Krupski showed images she had taken of the signage to members and they all agreed that the lights seemed excessively bright.

5.9. Councillor Mallory posed the idea making Aldi commit to reducing the brightness.

5.10. Councillor Penfold queried whether or not the previous signs were lit.

5.11. Suzanne White responded to the comments made by members, discussing the previous planning history stating that signs were previously lit, and that at present there was not breach of control, but once approved, the level of luminance was proposed to be conditioned to be 2 lux at the nearest residential window.

5.11. Councillor Mallory questioned the member's confidence in that condition providing an adequate resolution to the issue with brightness.

5.12. Suzanne White advised that on approval of the application, the condition could be enforced if the levels of brightness did not meet the 2 lux that is conditioned.

5.11. Councillor Sheikh posed the idea of conditioning the times at which the signs are allowed to be lit and Suzanne White advised that this would be possible.

5.12. Councillor Sheikh questioned whether, if after approval the 2 lux was not acceptable, it could be reduced further. Suzanne White said that once approved it could not be changed, but added that 2 lux is very low.

5.13. Councillor Penfold read the definition of a lux from the internet and members were satisfied that the levels of brightness currently being displayed were almost certainly in excess of 2 lux.

5.14 Councillor Mallory proposed that the application be conditioned to turn off the sign at 10pm.

5.15. Councillor Brown proposed a motion to accept the officer's recommendation subject to the conditions proposed by the officer, with the additional condition that the advertisement lights are only turned on between the hours of 8am and 10pm.

5.16. Councillor Krupski wished that her distaste for the applicant's attitude towards the application, in light of the fact that they did not attend the committee, to be noted on record.

5.17. Councillor Sheikh suggested that the condition proposed be amended to reflect the opening hours of the store. One of the members advised of the opening hours by looking on the Aldi website.

5.18. Paula Young advised that the condition should not link to the opening hours as these may be subject to change, but that it should state the current opening hours explicitly.

5.19. The proposed condition was revised by members to state that the sign could only be lit between the hours of 8am to 10pm Monday to Saturday and 11am to 5pm Sunday.

5.20. Councillor Sheikh advised that she wished for enforcement action to be taken should Aldi not reduce the luminance levels of the sign following a decision being issued.

5.21. Councillor Smith advised that there is an app available to check luminance levels from a smart phone.

5.22. Councillor Mallory moved to second the motion to accept the officer recommendation subject to the additional condition that the sign could only be lit between the hours of 8am to 10pm Monday to Saturday and 11am to 5pm Sunday.

The members voted as follows:

For: All Councillors voted to accept the officer's recommendation subject to the additional condition regarding operating hours and the application was approved.

Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore, Councillor Sheikh, Councillor Smith.

90 EFFINGHAM ROAD, LONDON, SE12 8NU; "Construction of 2 dormer windows with a mansard link in the rear roof slope at 90 Effingham Road SE12, together with the installation of 2 roof lights in the front roof slope and the replacement of the roof tiles with natural slate."

6.1. Suzanne White outlined the details of the application to members, reminding them that this case was previously deferred due to concerns about the setback of the mansard link between the dormer windows. She also made members aware of the further representations received from the Lee Manor Society who objected to the revised proposal and the addendum report produced in response to this.

6.2. The applicant was invited to speak but he decided not to.

6.3. No objectors were present to speak.

6.3. Councillor Mallory wished to express his understanding and sympathies for the Lee Manor Society's objection.

6.4. Councillor Smith moved to accept the officer's recommendation and approve the application.

6.5. Councillor Gibbons seconded.

The members voted as follows:

For: All Councillors voted to accept the officer's recommendation subject to the additional condition regarding operating hours and the application was approved.

Councillor Ogunbadewa (Chair), Councillor Penfold (Vice-chair), Councillor Gibbons, Councillor Krupski, Councillor Mallory, Councillor Moore, Councillor Sheikh, Councillor Smith.

The meeting concluded at 21.55pm..

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Committee	PLANNING COMMITTEE C	
Report Title	28 Arklow Road, London, SE14 6EN	
Ward	Evelyn Ward	
Contributors	Lewis Goodley	
Class	PART 1	20 June 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.

1.0 **SUMMARY**

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

2.0 **PROPERTY/SITE DESCRIPTION**

- 2.1 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.
- 2.2 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.

- 2.3 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.
- 2.4 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.
- 2.5 The site is not within a Conservation Area, nor is it subject to an Article 4 Direction. The site has a Public Transport Accessibility Level (PTAL) rating of 4, indicating good access to public transport.

3.0 PLANNING HISTORY

- 3.1 **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.
- 3.2 **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.
- Pre-application enquiries
- 3.3 **PRE/16/002217** - Conversion of existing building into no.19 self-contained flats including the construction of additional floors and re-modelling the existing facade. Advice issued 13/04/2017.
- 3.4 No other relevant planning history found.

4.0 CURRENT PLANNING APPLICATION

- 4.1 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.
- 4.2 Together the proposals would accommodate 14 new homes and 75m² of floor space to accommodate a coffee shop (A3 Use Class).
- 4.3 Access to the building would be accessed via the three existing entrances.
- 4.4 The proposed development would be car-free with no off-street parking provision proposed. A total of 18 secure cycle spaces are proposed.

Revisions

4.5 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.

5.0 **CONSULTATION**

5.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

5.2 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.

5.3 Full re-consultation was undertaken on 09/04/2019 so that all parties had the opportunity to comment on the revised proposals.

5.4 All relevant ward Councillors were consulted. All relevant internal and statutory consultees were consulted.

Pre-Submission Public Consultation

5.5 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.

Written Responses received from Local Residents and Organisations

5.6 In total **twenty one** valid objections were received from local residents who live near to or adjoin the site. An objection was also received by Deptford Folk, a local society group.

5.7 The material planning considerations related to:

Objection matter	Report paragraph where matter is considered
Increase in parking stress and traffic	Para 7.68 – 7.80
The proposed development is not of a high design standard and does not respond to the historic nature of Safa House	Para 7.39 – 7.46
The proposed development would result in the loss of a local heritage asset.	Para 7.42 – 7.45
Dust, vibration and noise during construction	Para 7.107

- 5.8 These matters are considered comprehensively within the relevant sections of the report below.

Local Meeting

- 5.9 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.

Written Responses received from Statutory Agencies

- 5.10 Thames Water – no objection, recommendation that a sequential approach is taken to the disposal of surface water.
- 5.11 Metropolitan Police – no objection, recommendations made in relation to secured by design and security measures to help prevent crime and anti-social behaviour.
- 5.12 Environment Agency – no objection subject to the imposition of standard conditions relating to land contamination
- 5.13 Historic England - Advised that the development could cause harm to archaeological remains. However the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition. Written scheme of investigation condition recommend.

Strategic Housing

- 5.14 No comments received.

Sustainability Manager

- 5.15 No objection, subject to matters relating to sustainable drainage strategy is submitted to ensure that surface water run-off is dealt with in a sustainable manner.

Conservation

- 5.16 No objection. Advice from conservation officers was incorporated into the revisions made to the scheme.

5.17 Highways and Transportation

- 5.18 Negotiations were undertaken between the applicant and LBL Highways. LBL highways do not object to the proposed development, provided that the control measures and proposed financial contributions are sufficient to support car-free development.

- 5.19 Highways have confirmed that they do not object to the proposals based on this advice, subject to the imposition of a condition relating to car parking management plan and a refuse collection and storage plan.

- 5.20 Request made for construction management plan, delivery and servicing plan, residents travel plan and waste management plan.
- 5.21 Consideration of LBL Highways comments are considered comprehensively in the report below.

Environmental Protection

- 5.22 No comments received.

6.0 POLICY CONTEXT

Introduction

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

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

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

National Planning Policy Framework (NPPF) 2019

- 6.3 The NPPF, originally published in 2012, was revised on 24th July 2018 and then again on 20th February 2019 and is a material consideration in the determination of planning and related applications.
- 6.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and in regard to existing local policies, that: '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 6.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 213 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

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

The Development Plan

London Plan (March 2016)

- 6.7 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The policies in the current adopted London Plan (2016) relevant to this application are:

- Policy 1.1 Delivering the strategic vision and objectives for London
- Policy 2.18 Green infrastructure: the network of open and green spaces
- Policy 3.1 Ensuring equal life chances for all
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 3.9 Mixed & Balanced Communities
- Policy 3.10 Definition of affordable housing
- Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 Affordable housing thresholds
- Policy 3.14 Existing housing
- Policy 4.1 Developing London's economy
- Policy 4.2 Offices
- Policy 4.3 Mixed use developments and offices
- Policy 4.4 Managing industrial land and premises
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.17 Waste capacity
- Policy 5.18 Construction, excavation and demolition waste
- Policy 5.21 Contaminated land
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes
- Policy 7.19 Biodiversity and access to nature
- Policy 7.21 Trees and woodlands

Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

- 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)

Core Strategy (June 2011)

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 5 Other employment locations
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 9 Improving local air quality
Core Strategy Policy 10 Managing and reducing the risk of flooding
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 21 Planning obligations

Development Management Local Plan (November 2014)

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

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 2	Prevention of loss of existing housing
DM Policy 11	Other employment locations
DM Policy 22	Sustainable design and construction
DM Policy 23	Air quality
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees

DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 28	Contaminated land
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 35	Public realm
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
DM Policy 37	Non-designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest.

Site Allocations Local Plan (June 2013)

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

Lewisham Town Centre Local Plan (February 2014)

6.13 N/A

Planning Obligations Supplementary Planning Document (February 2015)

6.14 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

Draft London Plan - Minor Suggested Changes (January 2019)

6.15 The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications before the Examination in Public (EiP) were published on 13 August. EiP began on 15 January 2019 and concluded on 22 May 2019. As such, this document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are listed below and discussed within the report. These are limited to policies that are materially different to existing London Plan policies. The emerging London Plan policies relevant to this application are:

GG1 Building strong and inclusive communities
GG2 Making the best use of land
GG3 Creating a healthy city
GG4 Delivering the homes Londoners needs

D1 London's form and characteristics
D2 Delivering good design
D3 Inclusive design
D4 Housing quality and standards

D5 Accessible housing

D13 Noise

H1 Increasing housing supply

H2 Small sites

H3 Monitoring housing targets

H12 Housing size mix

H13 Build to Rent

G1 Green Infrastructure

G5 Urban greening

G6 Biodiversity and access to nature

SI12 Flood risk management

SI13 Sustainable drainage

T1 Strategic approach to transport

T2 Healthy Streets

T3 Transport capacity, connectivity and safeguarding

T4 Assessment and mitigating transport impacts

T5 Cycling

T6 Car parking

T6.1 Residential parking

DF1 Delivery of the Plan and Planning Obligations

7.0 PLANNING CONSIDERATIONS

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

- Principle of Development
- Affordable Housing
- Design
- Standard of Accommodation
- Transport Impact
- Impact on Adjoining Properties
- Sustainability and Energy
- Surface Water and Flooding
- Planning Obligations

Principle of Development

General presumptions

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

7.3 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.

- 7.4 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: (i) infill development on brownfield sites; (ii) increasing density of existing residential houses within PTAL 3-6 or within 800m of a station or town centre boundary; and (iii) the redevelopment of flats, garages and non-residential buildings. This presumption applies unless the development would give rise to unacceptable level of harm to residential privacy, designated heritage assets, biodiversity or a safeguarded land use that outweighs the benefits of additional housing provision.
- 7.5 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.

Specific policy tests for this site

- 7.6 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.
- 7.7 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.
- 7.8 Core Strategy Policy 5 states the following with regard to Other Employment Locations:
1. The Council will protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations.
 2. Employment land within town centres, which has the potential to contribute to a Major town centre, District Hub, a Local Hub, or other cluster of commercial and business uses, should be recommended for retention in employment use.
 3. Other uses including retail, community and residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.
- 7.9 DM Policy 11 'Other Employment Locations' states that the Council will seek to retain employment uses (B Use Class) on sites and buildings 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. A number of site characteristics and factors will be taken into account when reaching this assessment. This will include whether sites:

- a) are well located in relation to the highway network
- b) are well located in relation to town centres and public transport
- c) offer the potential for the expansion of existing in-situ businesses
- d) offer the potential for the provision of workshop/industrial units for small and medium sized enterprises (SMEs) serving local residential and commercial areas, particularly where there is little alternative provision in the local area or
- e) provide lower cost accommodation suitable for small, start-up businesses.

7.10 Where uses are proposed for a site or building in employment or retail use that do not involve any job creation or retention, the Council will require evidence that a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent, that reflects the market value has been undertaken.

7.11 DM Policy 11 states the following with regard to sites in residential areas:

Applications for redevelopment for change to other business uses suitable for a residential area will be approved where:

- a) the site has become vacant for an appropriate length of time and evidence is provided that it is no longer suitable and viable for its existing or an alternative business use by reason of access difficulties or environmental incompatibility, and
- b) that a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent, that reflects the market value has been undertaken.

7.12 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.

7.13 It is noted that the applicant has a established fall-back position (prior approval granted 30 Jan 2028, 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.

7.14 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.

- 7.15 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.
- 7.16 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.
- 7.17 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.
- 7.18 The proposal 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.

Principle of Development - Summary

- 7.19 The development will provide housing for which there is a significant need in the locality. The loss of the existing employment floorspace is acceptable given the proposed re-provision. The partial retention of the non-designated heritage asset in the form of a façade retention is supported given the significance of the asset as set out below. The proposed development is acceptable in principle.

Size and Tenure of Residential Accommodation

- 7.20 A total of 14 new homes are proposed, comprising 2 x studio, 5 x 1-bed and 7 x 2-bed units.
- 7.21 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.
- 7.22 The proposed tenure is outlined in Table 1 below.

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

Affordable Housing

7.23 The proposal includes the provision of 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.

7.24 Core Strategy Policy 1 sets out a clear policy on affordable housing for the borough over the plan period. Policy 1 requires housing development on qualifying sites (10 or more dwellings) to provide as much affordable housing as is financially viable. The starting point for negotiations is a contribution of 50%. The required tenure mix is 70% social rented and 30% intermediate housing. DM Policy 7 'Affordable Rented Housing' states the following with regard to Affordable Housing:

The Council will require new residential development to provide on-site affordable housing in accordance with Core Strategy Policy 1.

When considering the affordable housing mix, the Council will maximise affordable housing output on a case by case basis by making the best use of available resources and taking account of other relevant factors including viability, the need to address strategic as well as local need and ensuring that homes remain affordable for people on low incomes.

When providing affordable rented housing, priority will be given to delivering family homes (3 or more bedrooms).

7.25 Where any forthcoming application is not to be policy compliant with regard to affordable housing provision in any respect, it is expected that any shortfall be justified through a Viability Assessment in accordance with the Council's Local Information.

7.26 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.

- 7.27 The applicant has however expressed that the provision of one on site affordable unit would not attract interest from registered housing providers. The applicant approached a number of registered housing providers upon the request of officers.
- 7.28 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.
- 7.29 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.
- 7.30 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.
- 7.31 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.
- 7.32 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.
- 7.33 If granted, the current proposal would be subject to an early and late stage viability review, secured via Section 106 Agreement. This would ensure that any increases in surplus profit above the level as detailed in the viability assessment are captured.

Design

Policy

- 7.34 Urban design is a key consideration in the planning process. Chapter 12 of the NPPF makes it clear that national government places great importance on the design of the built environment.
- 7.35 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.
- 7.36 London Plan Policies 7.1-7.7 (inclusive) and Policy CS 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. Policy DM 30 Urban design and local character states that the Council will expect a high standard of design in new development. The policies also look for

developments to create a positive relationship to the existing townscape, natural landscape and local topography. The quality and appropriateness of materials will be assessed in relation to the surrounding area and the height, scale and massing should relate to the urban typology of the area.

- 7.37 DM Policy 38 states that Heritage assets are an irreplaceable resource and the greater the importance of the heritage asset, the greater the weight will be given to its conservation. Proposals for the demolition of, or substantial harm to a heritage asset will require clear and convincing evidence
- 7.38 DM Policy 37 states that the Council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets.

Discussion

- 7.39 The design of the proposed development responds in scale and positioning to existing development and the wider built context and the existing building. 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.
- 7.40 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.
- 7.41 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.
- 7.42 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.
- 7.43 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].
- 7.44 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. Officers do not consider that the building qualifies for local listing and the building is not presently being considered for local listing.

7.45 The development proposals therefore satisfy the criteria of DM Policy 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.

7.46 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 high-quality design which would raise the standard of design locally whilst accommodating new homes and new purpose built commercial floor space. The design of the development is acceptable.

Standard of Accommodation

7.47 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 (LP3.5), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).

7.48 London Plan Policy 3.5 seeks to achieve housing development with the highest quality internally and externally. Minimum space standards are set out in Table 3.3 of the London Plan.

7.49 Emerging London Plan policy D1(8) requires development to achieve 'appropriate outlook, privacy and amenity'. D4 encourages high quality design with comfortable and functional layouts. D4(F) promotes 'sufficient' daylight and sunlight while avoiding overheating. D4(GA) sets minimum space standards.

7.50 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents. The main components of standard of accommodation are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; and (vi) accessibility and inclusivity.

Space standards

7.51 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.

7.52 Two studio units are proposed. DM Policy 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.

7.53 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 and daylight and sunlight

7.54 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.

7.55 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 Safa House would ensure the occupants of this unit have good outlook and that daylight is sufficient.

7.56 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.

7.57 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.

7.58 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.

7.59 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.

Outdoor amenity space

7.60 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.

7.61 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.

7.62 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 acknowledged 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.

Noise

7.63 A condition should be imposed to ensure that noise or vibration transfer from the surrounding environment or 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.

7.64 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.

Accessibility and inclusivity

7.65 London Plan policy 3.8(c) and (d) require that ninety percent of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. Core Strategy Policy 1 requires that 10% of all new housing is wheelchair accessible or easily adapted. All proposed flats would have step-free access with a lift proposed.

7.66 A condition should be imposed to ensure that these standards are met and are provided prior to first occupation.

Summary

7.67 The proposed development is considered to offer a good standard of accommodation for future occupants.

Transport Impact

7.68 Core Strategy Policy 14 and paragraph 109 of the NPPF (2019) requires development to prioritise the access and safety of pedestrians and cyclists, seeking to prevent conflict between pedestrians, cyclists and vehicles. Core Strategy Policy 14 states that a restrained approach to parking provision will be adopted to contribute to the objectives of traffic reduction, with the car parking standards contained within the London Plan used as a basis of any assessment. Cycle parking that is convenient, secure and weatherproof, in line with London Plan standards must be provided for all new residential development.

Access

7.69 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.

Servicing

7.70 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

Cycle Parking

7.71 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.

Car Parking

7.72 Core Strategy Policy 14 states that a managed and restrained approach to car parking provision will be adopted to contribute to the objectives of traffic reduction and that Controlled Parking Zones (CPZ) will be implemented where appropriate.

7.73 Draft London Plan Policy T6 states that car-free development should be the starting point for all development in areas that are well-connected by public transport.

7.74 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.

7.75 A travel plan should 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.

7.76 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.

Car Club

7.77 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.

- 7.78 Car club membership would be made free to each household for three years from first occupation.

Refuse

- 7.79 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.

- 7.80 The proposals show that refuse storage could be accommodated within the site, within 20metres of the highway.

Impact on Adjoining Properties

- 7.81 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LP7.6), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).

- 7.82 LP7.6(b)(d) requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing. Emerging draft policy D1 requires proposals to deliver 'appropriate outlook, privacy and amenity'. DMP32(1)(b) expects new development to provide a 'satisfactory level' of privacy, outlook and natural lighting for both its future residents and its neighbours.

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

Enclosure, Outlook and Overbearing

- 7.84 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.

- 7.85 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.

- 7.86 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.

Privacy

- 7.87 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
- 7.88 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.
- 7.89 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.
- 7.90 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.
- 7.91 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 Safe 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.
- 7.92 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.

Daylight, sunlight and overshadowing

- 7.93 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.
- 7.94 Daylight is defined as being the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sun rise and sunset. This can be known as ambient light. Sunlight refers to direct sunshine.
- 7.95 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that 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.

- 7.96 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.’ (GLA, 2017, Housing SPG, para 1.3.45).
- 7.97 The GLA notes assessment of BRE 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.
- 7.98 Alternatives may include ‘drawing on broadly comparable residential typologies within the area and of a similar nature across London.’ (ibid, para 1.3.46). It is therefore clear that the BRE standards set out below are not considered a mandatory planning threshold.
- 7.99 The three methods for calculating daylight are as follows: (a) Vertical Sky Component (VSC); (b) No Sky Contours (NSC); and (c) Average Daylight Factor (ADF). Sunlight is measured as follows: (a) Annual Probable Sunlight Hours (APSH); and (b) Area of Permanent Shadow (APS).
- 7.100 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.
- 7.101 The Assessment concludes: *In line with the assessment criteria prescribed by the BRE Guideline, it has been shown 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”.*
- 7.102 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.
- 7.103 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.
- 7.104 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.

7.105 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. The report confirms that shadowing would not be increased to any other adjacent garden or outdoor amenity area. The proposed development therefore is considered to comply with DM Policy 32 and paragraph 123 of the NPPF.

Noise and other disturbance

7.106 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.

7.107 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.

Summary

7.108 Officers are satisfied that the development proposals would safeguard the amenity of all nearby and adjoining occupants in line with adopted policy.

Sustainability and Energy

7.109 The quantum of development requires a carbon reduction beyond normal building regulations. London Plan policy 5.2B sets a 'zero carbon' target for residential development, which was to align with the expected zero carbon homes through Part L of the Building Regulations. Core Strategy Policies 7 and 8 and DM Policy 22 also outline how development must be sustainable and contribute to an overall reduction in carbon emissions and improve resilience against climate change.

7.110 The accompanying Energy Statement does not identify that on-site measures will achieve the necessary carbon reductions, stating that a 66.4% carbon reduction relative to the baseline energy performance of the building would be achieved. A carbon off-set financial contribution may 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.

7.111 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.

Environmental Impacts

- 7.112 DMP 24 requires development to take full account of biodiversity, ensuring that impacts are minimised and opportunities to maximise biodiversity are captured. DMP 25 requires development to consider how development can provide opportunities to enhance the local landscape and in turn biodiversity. S.197 of the Town and Country Planning Act requires provisions be made in respect of trees.

Ecology

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

Contamination

- 7.114 Were the application acceptable in all respects a condition requiring a land contamination report would need to be imposed to ascertain likely risks.
- 7.115 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.

Flood Risk and Surface Water Management

- 7.116 Core Strategy Policy 10 requires development to ensure that development will deliver a reduction in the risk of flooding. 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.
- 7.117 The site is presently developed with physical buildings and hard-standing. The proposed development therefore has the potential to increase surface water flooding but also presents an opportunity to implement ways of reducing surface water run-off beyond the present day situation as areas of impermeable surface could be reduced and sustainable urban drainage systems put in place.
- 7.118 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.
- 7.119 No basement development is proposed and groundwater flows are unlikely to be affected by the proposed development.
- 7.120 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.

Air Quality and Noise

7.121 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

7.122 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.

Archaeology

7.123 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.

8.0 PLANNING OBLIGATIONS

8.1 The application would be liable for planning obligations, including financial contributions to mitigate the impacts associated with the development, as outlined within the report above. These obligations and financial contributions would be secured via Section 106 agreement should members resolve to grant permission. These obligations are as follows:

- 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; and
- Requirement for agreement for Highway works.

9.0 LOCAL FINANCE CONSIDERATIONS

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

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

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

9.3 CIL is therefore a material consideration. When applying a discount for the existing floor space and social housing relief the following calculations have been made:

9.4 Mayoral CIL: £31,588.20

9.5 Lewisham CIL: £31,602.90

10.0 EQUALITIES CONSIDERATIONS

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

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

(a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

(b) advance equality of opportunity between people who share a protected characteristic and those who do not;

(c) foster good relations between people who share a protected characteristic and persons who do not share it.

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

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

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

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

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

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

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

11.0 HUMAN RIGHTS IMPLICATIONS

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

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

11.3 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.

11.4 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.

12.0 CONCLUSION

12.1 This application has been considered in the light of the planning policies and guidance set out in the NPPF, the London Plan and the Local Plan as well as any other material considerations.

12.2 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.

12.3 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.

12.4 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.

12.5 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.

13.0 RECOMMENDATION

THAT THE PLANNING COMMITTEE GRANT PERMISSION subject to the completion and signing of a Section 106 Agreement and the following conditions:-

FULL PLANNING TIME LIMIT

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

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

DEVELOP IN ACCORDANCE WITH THE APPROVED PLANS

2. 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;	SH13 - Rev C9d;
SH02 - Rev C9d;	SH14 - Rev C9d;;
SH03 - Rev A;	SH15 - Rev C9d;;
SH04 - Rev B(8a);	SH16 - Rev C9d;;
SH05 - Rev A;	SH17;
SH06 - Rev A;	SH18 - Rev C9d;
SH07 - Rev A;	SH19 - Rev C9d;
SH08 - Rev A;	SH21 - Rev B(8a);
SH09 - Rev B(8a);	SH24 - Rev C9d;
SH10 - Rev A;	SH25 - Rev C9d;
SH11 - Rev B(8a);	SH26 - Rev C9d;
SH12 - 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.

CONSTRUCTION MANAGEMENT

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

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

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).

LAND CONTAMINATION

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

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

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

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

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

INTERNAL SOUND AND VIBRATION PROOFING

5. (a) The development shall be designed to incorporate soundproofing of a specification for sound insulation against airborne noise to meet $D'nT,w + Ctr$ 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).

COMMERCIAL 'BREEAM' STANDARD

6. (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).

SURFACE WATER MANAGEMENT

7. (a) No development above ground level shall commence 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).

EXTERNAL MATERIALS

8. No development above ground shall commence 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).

METHOD STATEMENT FOR THE RETENTION OF THE FACADES

9. (a) Notwithstanding the details hereby approved, no development above ground level 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.

REFUSE STORAGE, DISPOSAL AND COLLECTION

10. (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).

AIR QUALITY

11. (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.

CYCLE PARKING

12. (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).

LANDSCAPING

13. (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.

OPERATING AND OPENING HOURS

14. The commercial premises hereby approved shall only be open for business or operation 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).

RESTRICTION OF COMMERCIAL UNITS WITHIN A USE

15. 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.

TRAVEL PLAN

16. (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).

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).

ARCHAEOLOGY

17. 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).

DELIVERY AND SERVICING PLAN

18. (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.

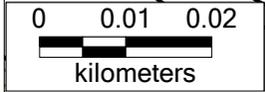
Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

19. 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).

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