

## PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 6 FEBRUARY 2020 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**  
**Louise Krupski**  
**Hilary Moore**  
**Lionel Openshaw**  
**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.

**Kim Wright**  
**Chief Executive**  
**Lewisham Town Hall**  
**London SE6 4RU**  
**Date: Tuesday, 28 January 2020**

**For further information please contact:**  
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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 6 February 2020

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	Executive Director for Corporate Services	
Class	PART 1	Date 6 February 2020

### MINUTES

To approve the minutes of the meeting of Planning Committee C held on the 31 October 2019.

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**LEWISHAM COUNCIL  
PLANNING COMMITTEE C  
THURSDAY, 31 OCTOBER 2019 AT 7.30 PM  
MINUTES**

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

**APOLOGIES FOR ABSENCE:** Councillors Hilary Moore, Lionel Openshaw.

**OFFICERS:** Development Management Team Leader (DMTL), Planning Officers and Committee Officer.

**ALSO PRESENT:** Legal Representative.

**Item  
No.**

**1     Declarations of Interest**

None.

The Chair announced a Variation of the Agenda, taking item 5 first.

**2     Minutes**

RESOLVED that the minutes of the meeting of the Planning Committee C held on 19 September 2019 be agreed and signed as a correct record.

**3     Mayow Park Warehouse, Mayow Road, London, SE23 2XJ**

The Planning Officer gave an illustrative presentation recommending the grant of planning permission for the demolition of an existing two (2) storey warehouse to allow for the construction of one (1) part six/part seven storey building containing thirty-two (32) dwellings, comprised of twenty-six (26) Temporary Accommodation dwellings (Use Class C3) and six (6) Supported Living dwellings (Use Class C2) at Mayow Park Warehouse, Mayow Road, SE23 2XJ together with the provision of two (2) accessible parking bays on Mayow Road, associated landscaping, refuse storage and cycle parking.

The DMTL advised the Committee that Councillor Chris Best had provided a late submission to the Committee representing her Ward, Sydenham speaking in favour of the recommendation. The Committee noted Councillor Best's submission.

The committee noted the report and that the main issues were:

- Principle of Development
- Housing
- Specialist Residential Uses
- Urban Design
- Transport Impact
- Impact on Adjoining Properties
- Sustainable Development
- Natural Environment

Following members' enquiries relating to parking, pedestrian safety, children's play area and shared amenities, the Officer confirmed that an independent parking survey was undertaken to assess the existing parking stress on the public highway surrounding the application site. The results of the survey confirmed that there is capacity on-street to accommodate the parking demand generated by the development proposals. The site does not support vehicular access and the proposal is for car-free development, however two (2) Wheelchair parking bays are proposed on Mayow Road to support the Supported Living element of the proposal. The Officer advised that improvement works would be carried out to the pedestrian crossing point at the Mayow Road/Dacres Road junction to improve accessibility, calm traffic and reduce vehicle speeds.

The Officer also stated that all Temporary Accommodation would meet or exceed the required private amenity space and the Supported Living element would provide a significant area of external private amenity space. However owing to the constraints of the site, no play space would be provided. The site did adjoin Mayow Park, which had a play area, outdoor gym, nature reserve, café, tennis and cricket facilities), considered to be a convenient and appropriate alternative to providing onsite play space provision. The Officer confirmed that adequate public consultation was undertaken.

The DMTL advised the Committee that the proposal would support six (6) Supported Living flats (Use Class C2) and twenty-six (26) Temporary Accommodation dwellings (Use Class C3) which would provide new high quality Temporary Accommodation for local homeless families in the borough, provide high quality Supported Living accommodation for adults

who have learning difficulty and/or autism. The DMTL confirmed that the design carefully considered the needs of the existing and future residents and neighbours. There was no promotion of any vulnerable individual accommodation or those with any drug/alcohol dependency.

The agent on behalf of the applicant, addressed the Committee describing the housing crisis, population growth, and the council's efforts to provide housing. The applicant described the site application with emphasis on the enhancements proposed relating to massing, open space, outlook and privacy, green spaces and trees, design and brickwork. The applicant advised the Committee they also intended to ensure supported living was in the ideal location.

Following members' enquiries relating to carbon reduction, energy efficiency, wheelchair accessible properties and electric charging points, the agent advised that the applicant had met the local authority's needs and requirements. The agent also confirmed the bicycle provision was at ground level, and that a ramp would be provided in the bike store. The agent advised with regard to wheelchair accessible units, that their client had met the needs and requirements of the local authority. The agent advised that electric charge points was a provision the applicant would be keen to provide, and address in the future.

A resident addressed the Committee, advising that she was representing the immediate neighbours to the application site. Residents were opposed to the proposal because of concerns relating to disruption, safety and security, design, parking and traffic, impact on surrounding buildings, sustainability, consultation and antisocial behaviour.

The Committee considered the submissions made at the meeting, and

## **RESOLVED**

That planning permission be **GRANTED** for the demolition of an existing two (2) storey warehouse to allow for the construction of one (1) part six/part seven storey building containing thirty-two (32) dwellings, comprised of:

- twenty-six (26) Temporary Accommodation dwellings (Use Class C3) and six (6) Supported Living dwellings (Use Class C2) at Mayow Park Warehouse, Mayow Road, SE23 2XJ together with the provision of two (2) accessible parking bays on Mayow Road,

associated landscaping, refuse storage and cycle parking, subject to Conditions and Informatives outlined in the report.

#### 4 79 & 81 Chinbrook Road, London, SE12 9QL.

The Planning Officer gave an illustrative presentation recommending the grant of planning permission for the demolition of the existing side and rear additions, and the construction of a new three storey (including lower ground floor) rear extension, two storey side extension (including lower ground floor) in place of an existing garage, remodelling of the roof including an increase in height and the construction of two gable extensions with balconies above the front bays, alterations to the existing windows and doors and installation of new windows in the east elevation to facilitate the provision of eight self-contained flats (2 x 1 bedroom, 3 x 2 bedroom and 3 x 3 bedroom) at 79 Chinbrook Road, SE12, together with remodelling of the front curtilage to provide a single vehicular entry point and four car parking spaces along with the provision of landscaping as well as associated bin and cycle parking storage enclosures.

The committee noted the report and that the main issues were:

- Principle of Development;
- Design;
- Standard of accommodation;
- Residential Amenity;
- Transport and Highways;
- Waste management;
- Flood Risk.

Following members' enquiries relating to the nature of the application and parking, the Officer confirmed the site applications were separate, not one application.

The Committee considered the submissions made at the meeting, and

#### RESOLVED

That planning permission be **GRANTED** for demolition of the existing side and rear additions, and the construction of a new three storey (including lower ground floor) rear extension, two storey side extension (including lower ground floor) in place of an existing garage, remodelling of the roof

including an increase in height and the construction of two gable extensions with balconies above the front bays, alterations to the existing windows and doors and installation of new windows in the east elevation to facilitate the provision of:

- eight self-contained flats (2 x 1 bedroom, 3 x 2 bedroom and 3 x 3 bedroom) at 79 Chinbrook Road, SE12, together with remodelling of the front curtilage to provide a single vehicular entry point and four car parking spaces along with the provision of landscaping as well as associated bin and cycle parking storage enclosures, subject to Conditions and Informatives outlined in the report.

## 5 46 Ringmore Rise, London, SE23 3DE

The DMTL gave an illustrative presentation recommending the grant of planning permission for the construction of a single storey extension with crown roof to the rear of 46 Ringmore Rise SE23, together with the provision of a bin and refuse store at the front.

The committee noted the report and that the main issues were:

- Design
- Impact on Adjoining Properties
- Impact on highways

Following members enquiries, the DMTL advised that whilst there had been a large number of previous planning applications and permissions at the property, this was not relevant to the planning decision before members.

The applicant addressed the Committee, describing the renewed proposed application. The applicant discussed the objections received, and expressed appreciation for officers' support received during the consultation process. Residents addressed the Committee presenting objections in relation to loss of the open aspect of garden, outlook, aesthetics, overshadowing of properties, and the high number of applications.

The Committee considered the submissions made at the meeting, and

**RESOLVED** - unanimously

That planning permission be **GRANTED** for the construction of a single storey extension with crown roof to the rear of 46 Ringmore Rise SE23,

together with the provision of a bin and refuse store at the front, subject to Conditions and Informatives outlined in the report.

The meeting closed at 9.26 pm.

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Chair

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Date

Committee	PLANNING COMMITTEE C	
Report Title	2- 2A MORLEY ROAD (INC REFLECTIONS & THE GLASSHOUSE) LONDON, SE13 6DQ	
Ward	Lewisham Central	
Contributors	Jesenka Ozdalga	
Class	PART 1	06 February 2020

<u>Reg. Nos.</u>	DC/19/114416
<u>Application dated</u>	24 October 2019
<u>Applicant</u>	Design Squared Ltd (on behalf of Applicant)
<u>Proposal</u>	Construction of an additional storey to the existing buildings at 1-8 The Glass House and 1-8 Reflections House, 2a Morley Road SE13 to provide 1 three bedroom self-contained unit, together with terrace area and new cycle and refuse stores.
<u>Submitted drawings and documents</u>	781-MS-100; 781-MS-101; 781-MS-102; 781-MS-103; 781-MS-201; 781-MS-202; 781-MS-203; 781-MS-204; 781-MS-301; 781-MS-302; 781-P-101; 781-P-102; 781-P-103; 781-P-201; 781-P-202; 781-P-203; 781-P-204; 781-P-301; 781-P-302 received on 25 October 2019.
<u>Background Papers</u>	(1) Core Strategy (June 2011) (2) Development Management Local Plan (November 2014) (3) London Plan (March 2016)
<u>Designation</u>	PTAL 6a and 6B; Flood Risk Zone 1; Major District Centre; Local Open Space Deficiency; Area of Archaeological Priority; Air Quality
<u>Screening</u>	LDD Monitoring

## 1 SUMMARY

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

## 2 SITE AND CONTEXT

- 2 The application relates to a four storey block of flats located on the south side of Morley Road. The existing building features yellow brick façade and aluminium windows. The property backs onto the railway line.

- 3 The application building is attached to 9-14 The Glass House to the east, a three storey building. This part of the building has been granted planning permission for a two bedroom roof top extension (fourth floor of accommodation) under application DC/18/106561, dated 27 July 2018, currently not implemented.
- 4 Further to the east, Morley Road is a traditional residential street, largely characterised by detached and terraced housing of two, three and four storey. Some of the buildings have been converted to flats. To the west of the site is 2 Morley Road, a Victorian brick building, currently in use as a medical surgery.
- 5 To the north west of the site at 223 – 229 Lewisham High Street, permission has been granted for a six storey, 127 bedroom hotel and 338 sq m of commercial floorspace (reference DC/18/109604). Permission was previously granted for 22 flats (4 and 5 storey height) under reference DC/13/85398.

**Fig 1: Site location plan**



Site Location Plan

- 6 The site is not located within a conservation area, not subject to an Article 4 direction or listed.
- 7 The application property is in Flood Risk Zone 1, meaning flood risk is low probability.
- 8 The application site has high PTAL of 6a and 6b and is in close proximity to the town centre, which makes this a sustainable location in terms of transport links. None of the existing 22 flats in this block have off-street car parking.

### 3 RELEVANT PLANNING HISTORY

- 9 **DC/02/052414** The construction of a part three/part four storey block, comprising 5 one bedroom and 9 two bedroom, self-contained flats on the site of 2A Morley Road SE13, together with associated landscaping and provision of a cycling rack and bin enclosure. **Granted.**
- 10 **DC/04/056138** - The demolition of existing buildings at 2 Morley Road SE13 adjacent to the doctors surgery and the construction of a four storey building to provide 2 one bedroom and 6 two bedroom self-contained flats. **Granted.**

- 11 **DC/18/106561** - The construction of an roof extension (additional storey) to The Glasshouse, 2A Morley Road, SE13 to provide a two bedroom self-contained flat, together with the provision of a bin and bike stores. **Granted.**

## 4 CURRENT PLANNING APPLICATION

- 12 The proposal seeks permission for a construction of an additional storey to provide three bedroom unit of accommodation. The proposed unit would sit upon the existing building (above 1-8 The Glass House and partly above 1-8 Reflections House) and set back from the front and side elevations. The flat would provide 110 sqm of floorspace (GIA), along with 13 sq m of private amenity space in form of a balcony to the western side of the proposed flat, accessed from the open plan living area.
- 13 The proposed materials are high quality grey profiled aluminium for curved roofs and brown aluminium windows and door frames. The proposed walls would be constructed of London stock brick with black metal balcony railings to the amenity areas. These materials have been chosen to match those of the existing building.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

- 14 Site notice was displayed and certificate of site notice display signed on 17 November 2019.
- 15 Letters were sent to residents on 31 October 2019.
- 16 Consultation email was sent to relevant ward councillors on 9 January 2020.
- 17 Six responses were received, comprising three objections, two support and one comment.

#### 5.1.1 Comments in objection

Comment	Para where addressed
Out of keeping with the scale, design and character of the buildings on either side of it.	[para 47, 48, 49 and 50]
Impact from construction in terms of damage to the below flats and living conditions and safety of the tenants due to the increased noise and disturbance	[para 64, 65 and 66]

#### 5.1.2 Comments in support

Comment	Para where addressed
Use of the existing space to provide more residential units	[para 31, 32 and 33]
Creation of a family sized dwelling	[para 31, 32 and 33]

### 5.1.3 Neutral comments

18 One neutral comment was submitted with no objection to this development in principle, however raising concerns over the impact of the construction on the flats below.

## 5.2 INTERNAL CONSULTATION

19 The following internal consultees were notified on 9 January 2020.

20 **Highways officers** provided comments requesting further details on cycle storage location and product specification. Further details were also required in regards to the location of all refuse and recycling storage serving existing and proposed flats.

## 6 POLICY CONTEXT

### 6.1 LEGISLATION

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

### 6.2 MATERIAL CONSIDERATIONS

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

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

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

### 6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

### 6.4 DEVELOPMENT PLAN

25 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)

- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## 6.5 SUPPLEMENTARY PLANNING GUIDANCE

26 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

## 6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9th December 2019. This document now has some weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

## 7 PLANNING CONSIDERATIONS

27 The main issues are:

- Principle of Development
- Standard of accommodation
- Urban Design
- Transport
- Impact on living conditions of neighbours
- Sustainable Development

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

28 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.

29 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

30 The Development Plan is generally supportive of extensions and alterations to the existing buildings to provide more homes, subject to details.

#### *Discussion*

31 The site lies within the established urban area and in very close proximity to the town centre with a good public transport accessibility. The principle of high density residential development in this location is considered acceptable.

32 The site currently comprises high density development, a four storey height building with flats. The proposal will optimise the potential of the site to accommodate development of an additional home within a sustainable and accessible location.

### 7.1.1 Principle of development conclusions

33 Officers that this type of the development would efficiently use the land and allow for an additional family-sized dwelling in a sustainable location. Therefore, the principle of the development is acceptable.

## 7.2 STANDARD OF ACCOMMODATION

### *Policy*

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

35 The main components of residential quality in this case are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight and (v) external space standards.

### *Discussion*

36 LPP 3.5 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.3 of the London Plan. The total flat size would be 110 sqm (GIA), which exceeds the National Space Standards of 95 sqm for a 6 person 3 bedroom flat. The flat would provide a generous open plan kitchen, living and dining area of 36 sqm, three double bedrooms and terrace area accessed from the main living area. The proposed layout would therefore provide high quality standard of residential layout for future occupants.

37 The proposed flat would be accessed via the existing front entrance and internal staircase serving 1-8 The Glass House, which currently serves eight flats (two flats per floor, over four floors). The access is acceptable.

38 The layout also includes external amenity area to the western side of the flat, accessed from the proposed living area. The total amenity space provision would be 13 sqm.

39 The proposed development would have window openings on four sides and therefore the dwelling would have good daylight, sunlight and ventilation. Furthermore, the large sliding door providing access to the open terrace would be facing northwest and as such the risk of overheating would be avoided.

40 Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'. The amenity space provided for the new dwelling (13sqm terrace) would be in excess of those requirements.

### 7.2.1 Standard of accommodation conclusion

41 Officers are satisfied that the proposed flat would be of a generous layout, would have good outlook and receive good level of daylight, sunlight and natural ventilation and would therefore provide high quality standard of accommodation and amenity space for future occupants.

## 7.3 URBAN DESIGN

### *General Policy*

42 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

43 Urban design is a key consideration in the planning process. Part 10 of the NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

44 London Plan Policies 7.1-7.7 (inclusive), Draft London Plan Policy D2 and Core Strategy Policy CS 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

45 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

46 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. An adequate response to how the scheme relates to the existing street including its building frontages will be required including:

The quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice should be clearly justified in relation to the existing built context.

47 DM Policy 31 states that the Council will expect alterations and extensions to be of a high, site specific, and sensitive design quality and respect and/or complement the form, setting, period, architectural characteristics and detailing of the original building.

48 Section 5.14 Adding an additional storey of Alterations and Extensions SPD states that this type of extension is only likely to be acceptable on a flat roof and that the style of the extension must complement the appearance of the existing building and surrounding and must relate to the building proportions in terms of height and scale.

### *Discussion*

49 The proposed design responds to and reflects the brick faced and curved metal roof architectural style of the existing building. The new storey with three bedroom flat would sit above the existing building, with the side and rear set back reducing the massing and significantly limiting visibility from street level vantage points.

50 The immediate locality of the site consists of different heights and therefore, proposed additional storey would contribute to visual transition between the building forms.

51 Officers are satisfied that this type of the roof extension is suitable in this instance as the existing group of properties feature flat roof. It is also considered that the proposal successfully addresses provisions and requirements of the Alterations and Extensions SPD in terms of its scale and design and being subservient and suitably set back from the front and sides elevations of the host building.

### **7.3.1 Urban design conclusion**

52 Officers conclude the proposed additional storey would be of good design quality, evident in the detail and proposed materials, and relate successfully to the host building and the surrounding.

## **7.4 TRANSPORT**

### *General policy*

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

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

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

56 Draft London Plan Policy T4 requires transport assessments to be submitted with development proposals to ensure any impacts are fully assessed and Policy T6 states that car-free developments should be a starting point for all development proposals in places that are well-connected to public transport.

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

### *Discussion*

58 The site is located close to Lewisham Town Centre and its shops, services, facilities and public transport links. The site also lies within PTAL 6a which indicates high level of transport accessibility.

59 The existing flats currently have no parking on site. Similarly, the proposed flat would not provide off street car parking.

60 The proposed layout includes secure cycle parking to the side of the building, for 6 cycles, including 2 designated for use by the proposed flat. However, Highways officers in their comments encourage provision of more than 6 cycle parking spaces in this location and further details would be required and secured by the condition.

61 The submitted site plan indicates bin storage in front of the building, however, further details in terms of number, capacity and location of all bin stores serving existing and proposed flats would be required and secured by the condition.

#### **7.4.1 Transport impact conclusion**

62 In line with Highways officer's comment, Officers are satisfied to secure further details on cycle and refuse storage through conditions.

## **7.5 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

63 Relevant regional and local policies are London Plan Policy 7.6 and DM Policy 31.

64 The main considerations in terms of amenity in this case are: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas. Noise would be limited to that generated by domestic properties.

### *Discussion*

65 The application property backs on the railway line. The proposal is appropriately set back from the front and side elevations of the building below and contained within the existing flat roof; therefore, no adverse impact in terms of overbearing, overshadowing and loss of daylight/sunlight and outlook on the amenities of the neighbouring properties is foreseen.

66 The proposed open terrace is considered sufficiently set back from the side elevation of the building and therefore, no increased overlooking or loss of privacy is foreseen.

67 In terms of noise increase, officers consider that creation of additional storey for a flat would be complementary to the existing residential use in the building and as such, no additional increase in noise and disturbance beyond the expected for the buildings in residential use is foreseen.

68 Local residents raised concerns on the impact on the flats in the existing building in terms of potential damage, noise disturbance and safety.

69 Disturbance during constructions works are not normally a material planning consideration for a proposal of this scale. In this case, the impact of construction works are likely to be limited in their scope and short lived. Should Members be minded to grant planning permission, a condition is recommended to secure a Construction Management Plan.

#### **7.5.1 Impact on neighbours conclusion**

70 The proposal is considered to have an acceptable impact in terms of living conditions of neighbours in terms of overbearing, overshadowing, loss of daylight/sunlight, privacy and outlook. The impact during construction would be acceptable subject to the conditions attached to the decision notice.

## **7.6 SUSTAINABLE DEVELOPMENT**

### **7.6.1 Flood Risk**

#### *Policy*

71 The NPPF sets out planning and policies related to development planning and flood risk using a sequential characterisation of risk based on planning zones and the Environment Agency's Flood Maps. The aim of the flood risk assessment is to identify which Flood Zones the site is located in and vulnerability classification relevant to the proposed development, based on an assessment of current and future conditions.

#### *Discussion*

72 A Flood Risk/Surface Water Assessment has been submitted with the application. The proposed development is categorised as 'more vulnerable'. The nearest main river from the site is the Ravensbourne River with the risk of fluvial flooding. However, there were no records of any flooding events at the site.

73 The Environment Agency's Flood Maps show that the site lies within the Flood Zone 1 (low probability flooding). The Environment Agency's flood risk map indicates that the site is located in a 'low' flood risk zone. The flood risk from other sources including underground water, sewer and reservoir is low.

#### **7.6.2 Sustainable Infrastructure conclusion**

74 Officers are satisfied with the submitted FRA that finds this proposal to be safe in terms of flood risk, for its design life and not to increase the flood risk elsewhere.

## **8 LOCAL FINANCE CONSIDERATIONS**

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

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

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

77 The CIL is therefore a material consideration.

78 £11,158.83 Lewisham CIL and £7,372.80 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## **9 EQUALITIES CONSIDERATIONS**

79 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.

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

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

81 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.

82 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>

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

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

84 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>

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

## 10 HUMAN RIGHTS IMPLICATIONS

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

- Article 8: Respect for your private and family life, home and correspondence

- Protocol 1, Article 1: Right to peaceful enjoyment of your property

87 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.

88 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights Off 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.

89 This application has the legitimate aim of providing a new building with residential uses. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

## 11 CONCLUSION

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

91 In reaching this recommendation, Officers have given significant weight to the merit of efficient use of land to provide an additional family-sized dwelling in a sustainable location. Therefore, Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

## 12 RECOMMENDATION

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

### 12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) DEVELOP IN ACCORDANCE WITH APPROVED PLANS

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

781-MS-100; 781-MS-101; 781-MS-102; 781-MS-103; 781-MS-201; 781-MS-202; 781-MS-203; 781-MS-204; 781-MS-301; 781-MS-302; 781-P-101; 781-P-102; 781-P-103; 781-P-201; 781-P-202; 781-P-203; 781-P-204; 781-P-301; 781-P-302 received on 25 October 2019.

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

3) MATERIAL AND DESIGN QUALITY

(a) The development shall be constructed in those materials as submitted namely: Yellow stock brick to match the existing brick of the building below; Aluminium fascia in colour to match the existing of the roof below; Black metal railings; Grey metal cladding in colour to match existing roofs; Aluminium framed rooflights; Profiled aluminium roof; Brown aluminium windows; Brown aluminium doors in colour to match the existing windows and doors of the building below and in full accordance with 781- P-201; 781- P-202; 781- P-203 and 781- P-204.

(b) The scheme shall be carried out in full accordance with those details, as approved.

**Reason:** To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

4) CONSTRUCTION DELIVERIES AND HOURS

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

5) CONSTRUCTION MANAGEMENT PLAN

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

(a) Dust mitigation measures

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

(c) Details of best practical measures to be employed to mitigate noise and vibration arising out of 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 on construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(e) Security Management (to minimise risks to unauthorised personnel)

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

**Reason:** In order that the local planning authority may be satisfied that the construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and 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).

6) CYCLE PARKING AND STORAGE

- (a) **Prior to first occupation**, full details of the cycle parking facilities to provide space for 2 cycles shall be submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) 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).

7) REFUSE AND RECYCLING STORAGE

- (a) **Prior to first occupation**, full details of proposals for the storage of refuse and recycling facilities for the flat hereby approved, shall be submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with 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).

## 12.2 **INFORMATIVES**

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be recommended for approval without any further discussion.
- 2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

- 3) You are advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- 4) The applicant attention is drawn to the requirements of Part E of Building Regulations in terms of vertical noise transmission between residential units.
- 5) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

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Site Location Plan

NOTES

**Do not scale from drawings**

-

STATUS

**Planning**

CLIENT

**Bowlwonder Limited**

PROJECT

**781 - 1-8 Glass House**

DRAWING DESCRIPTION

**Site Location Plan**

LOCAL AUTHORITY

**Lewisham Council**

DRAWN BY

**SK**

CHECKED BY

**RH**

SCALE

**1:1250**

SHEET SIZE

**A4**

DATE

**23-10-2019**

REVISION

**-**

DRAWING NO.

**781 - MS - 100**

ORIENTATION



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Committee	PLANNING COMMITTEE C	
Report Title	Haberdashers Askes Hatcham College, Pepys Road, SE14 5SF	
Ward	Telegraph Hill	
Contributors	Patrycja Ploch	
Class	PART 1	6 February 2020

<u>Reg. Nos.</u>	DC/19/114696
<u>Application dated</u>	18 November 2019
<u>Applicant</u>	TP Bennett on behalf of Kier
<u>Proposal</u>	The construction of single storey rear extension to EFAF block following demolition of the existing extension; refurbishment of the EFAF block including installation of new windows and door, provision of new rainwater goods, installation of barrier guarding on the roof and redevelopment of the shower block to create a specialist IT facility at a building at Haberdashers Aske's Hatcham College, Pepys Road SE14.
<u>Background Papers</u>	Case File DE/48/B/ADV Local Development Framework Documents The London Plan
<u>Designation</u>	Telegraph Hill Conservation Area Article 4 Direction PTAL 4 and 5
<u>Screening</u>	N/A

## 1 SUMMARY

- 1 This report sets out officer's recommendation in regard to the above proposal. The case has been brought before members for a decision as permission is recommended to be approved and Telegraph Hill Society objected to the application.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The application site is within Haberdashers' Aske's Hatcham College (Use Class D1) which is located at a corner junction of Pepys Road and Vesta Road. The school site is bounded by back gardens of residential properties facing onto Vesta Road and Wallbutton Road to the east and Pendrell Road to the south. The site subject to this application is located on the eastern boundary of the College site (see Fig 1).
- 3 The school is made up of seven main buildings and the school house is located to the south-west of the site close to the electrical substation.

4 The two buildings that are subject to this application make up the EFAB block and they are the former sports hall and shower block. The former sports hall is in keeping with the surrounding school buildings with generous floor to ceiling heights, brick detailing, large windows and a hipped roof. The shower block, which is a later addition, is utilitarian and it does not have the same architectural language as the other building within the school complex.



**Fig 1: Site location plan**

***Character of area***

5 The area surrounding the property is predominantly residential and is largely characterised by traditional semi-detached and terraced properties constructed with London stock brick, the majority of which are generally of late Victorian construction.

***Heritage/archaeology***

6 The entire site is located within the Telegraph Hill Conservation Area. A statue at the northwest corner of the Haberdasher's Aske's Hatcham College campus, of Robert Aske, is statutorily listed (Grade II). The application site is screened from the listed statue by the cluster of 1875 Gothic buildings in the northwest corner of the Haberdasher's Aske's Hatcham College site, which are locally listed buildings.

***Surrounding area***

7 The site has good connectivity and is within a walking distance to Brockley, which provides a number of local services such as shops, restaurants, takeaways and bars. The site also benefits from being in close proximity to areas of open space. The application site is 407 feet away from Telegraph Hill Upper Park.

***Local environment***

8 The site falls within Flood Risk Zone 1, and is therefore considered as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

### ***Transport***

9 The site has a Public Transport Accessibility Level (PTAL) score of 4 on a scale of 1-6b, 1 being lowest and 6b the highest.

10 The site is equidistant to both Brockley and Nunhead railway stations benefitting from National Rail and London Overground services.

## **3 RELEVANT PLANNING HISTORY**

11 The relevant planning history to the application site is as follow:

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
DC/10/074706	The construction of a temporary single storey building, to provide ancillary office accommodation for a period of 2 years, to the rear of the existing school house at Haberdashers' Aske's Hatcham Boys, Pepys Road SE14.	Granted on 11/08/2010
DC/10/074707	The construction of temporary two storey classroom accommodation, comprising 8 classrooms and associated toilet facilities for a period of 2 years, at Haberdashers' Aske's Boys, Pepys Road SE14 adjacent to the Vesta Road frontage.	Granted on 11/08/2010

### **3.1 PRE-APPLICATION ENGAGEMENT**

12 Pre-application discussion took place in October 2019 under pre-application reference PRE/19/114254. The written response included comments from Urban and Conservation Officer.

13 The pre-application response letter concluded that the design of the replacement extension was supported. However, Officers felt that the design of proposed windows to the EFAF building should be more in keeping with windows that are found on other buildings within the school complex.

## **4 CURRENT PLANNING APPLICATION**

14 Construction of a single storey rear extension to EFAF block (the former sports hall) following demolition of the shower block; refurbishment of the EFAF block including installation of new windows and door; provision of new rainwater goods; installation of barrier guarding on the roof and redevelopment of the shower block to create a specialist IT facility.

### ***Replacement single storey extension (IT facility)***

15 The replacement extension would measure 11.05m in depth, 10.1m in width and a maximum of 5.18m in height, resulting in a new IT facility

### ***Refurbishment to the EFAF building***

16 The windows in the EFAP building would be replaced to improve the thermal performance of the building. The design of the windows will be similar to that of the existing windows.

***Internal alterations to the EFAP building***

17 The internal alterations to the building would include re-configuration of the floor layout to provide space that is more accessible. On the first floor the re-configuration would result in creation of three separate classrooms that would be accessed through a new circulation corridor that would run along the western elevation, this is an improvement to the existing layout.

## **5 CONSULTATION**

### **5.1 APPLICATION PUBLICITY**

18 Consultation for the application has been carried out in accordance with Lewisham Council's Statement of Community Involvement.

19 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 22<sup>nd</sup> November 2019. Press notice was published on 28<sup>th</sup> November 2019.

#### **5.1.1 Objections**

<b>Comments in objection</b>	<b>Para where addressed</b>
The design does not fit the overarching design of the school	See para 7.2.3

#### **5.1.2 Other comments:**

<b>Other Comment</b>	<b>Para where addressed</b>
Building works must not inconvenience residents in the hours of operation	See para 80

### **5.2 INTERNAL CONSULTATION**

20 The following internal consultees were notified on 22<sup>nd</sup> August 2019.

21 Conservation: raise no objection

22 Trees: require further information to be conditioned

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

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

24 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets. To deliver on an LPA statutory duties, legislation confirm that they need to properly informed input of specialist conservation advice and judgement. An importance and weight needed to be given to the desirability of preserving the setting of listed and non-designated listed building and their settings when carrying out the balancing exercise.

## **6.2 MATERIAL CONSIDERATIONS**

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

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

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

## **6.3 NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance (NPPG)
- National Design Guide 2019 (NDG)

## **6.4 DEVELOPMENT PLAN**

28 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

29 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)
- Telegraph Hill Conservation Area Character Appraisal

30 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- 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)

## 6.6 DRAFT LONDON PLAN

31 The Mayor of London published a draft London Plan on 29 November 2017. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9th December 2019. This document now has some weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

## 7 PLANNING CONSIDERATIONS

32 The main issues are:

- Principle of Development
- Urban Design and impact on heritage assets
- Trees and landscaping
- Impact on Adjoining Properties
- Transport
- Sustainability and energy

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

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

#### *Policy*

34 Paragraph 94 of the National Planning Policy Framework (2019) states that 'the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice of education'

35 Policy 3.18 of the London Plan states that from a strategic perspective the 'Mayor will support provision of early years, primary and secondary school and further and higher education facilities adequate to meet the demands of a growing and changing population to enable greater education choice' and that 'the Mayor strongly supports the establishment of new schools'. Planning decisions which 'enhance education and skills provision will be supported, including new build...which address the current projected shortfall of primary school places will be particularly encouraged'.

36 Core Strategy Policy 20 supports the improvement of schools within the borough.

#### *Discussion*

37 The proposal would enhance the existing teaching facilities. This space would better interconnect and better function with the existing building within the school complex. Officers are of view that the proposal would consolidate and enhance the sites existing education use. For this reason there is no issue in terms of the principle of development

## **7.2 URBAN DESIGN**

### *Urban design policies*

38 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG encourages decision takers to always secure high quality design; this includes being visually attractive and functional, however other issues should be considered.

39 London Plan Policy 7.6 requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.

40 Core Strategy Policy 15 repeats the necessity to achieve high quality design. DM Policy 30 states that all new development should provide high standards of design and should respect the existing forms of development in the vicinity.

### **7.2.1 Layout**

41 The proposed single storey extension would replace the existing extension. The layout and footprint of the proposed extension would be similar to the existing. As such, officers raise no objection to its construction.

### **7.2.2 Massing and scale**

42 The proposed extension would be 1.81m higher than the existing. This allows for a 1.1m parapet wall that hides the plant equipment on the roof from being visible from the playground, access road and some limited views of the extension from the rear gardens of properties facing Wallbutton Road. The extension would be subservient to the building it adjoins and it would not appear to be out of keeping with massing and scale of it.

### **7.2.3 Appearance and character**

43 Concerns have been raised about the detailed design of the proposed single storey extension.

44 The three original school buildings dated from 1875 are noted as good examples of Gothic Revival Style. These building have ornate brickwork and stone detailing and pitched roof. The school also has more recent extensions and additions, their materiality is a mixture of brickwork and coloured render with simpler more modern detailing and façade design.

45 The existing single storey extension is not original or of any historic and architectural interest. The proposed development would introduce a contemporary iteration of the period building around it. The applicant had studied the brick detailing and pattern of the existing buildings, this work has informed the design of the proposed extension, and this is considered an appropriate response. The extension would be constructed using two types of brick patterns. A diamond brickwork pattern for the parapet and a diagonal pattern for the recessed brick bays. This treatment would help to articulate depth between the bays and would provide interest. Two tones of brickwork are proposed to create the patterns on the façade which take cues from the two tones of brickwork used on the adjacent EFAF building. Whilst the design and finish of the extension would be different to the existing building within the school complex, officers are of view that the

proposal is a successful contextual design response. The detailing and patterns of the bricks responds well to the design of the other building on campus.

46 The proposed building would be constructed out of brick. The proposed materials are considered to be a successful contextual response.

47 All windows and doors to the EFAF building are proposed to be replaced to improve the thermal performance of the building. The replacement windows for the existing EFAF building would be in keeping with the design, style and proportions of existing windows. All replacements would be fitted into existing wall opening and it would be of the same dimensions. The applicant has not submitted material detail for the replacement windows. To ensure that they are of high quality and that they are appropriate for this building a condition will be added requiring submission of this detail prior to works to the building starting on site.

#### **7.2.4 Impact on heritage assets**

48 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated. The application buildings are in a conservation area. There is a Grade II listed statue on site but it is screened the cluster of 1875 Gothic buildings in the northwest corner of the Haberdasher's Aske's Hatcham College site, which are locally-listed buildings.

49 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

50 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset: para 193 of the NPPF. Further, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

51 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.

52 Core Strategy Policy 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

53 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

54 DMP 37 seeks to ensure that the value and significance of the borough's non-designated heritage assets are protected so that they may continue to contribute to the richness of the borough's historical environment and inform future development and regeneration.

55 The Council Conservation Officer has been consulted on this scheme, and considers that the extension given its subordinate size would not cause any harm to its interest or significance as a result. Furthermore, the extension cannot be seen from public realm.

55.1.1 Harm can arise from the loss of historic fabric or features of significance as well as impact on the setting of a heritage asset. Whether 'substantial' or 'less than substantial', any harm should be avoided unless it can be justified by what is proposed by the application.

56 Officers conclude, as a matter of planning judgement, that the proposal would enhance the Conservation Area and nearby non-designated heritage assets, including locally listed buildings. Therefore the proposal would cause no harm. As such, there is no need to assess the wider public benefits of the proposal. However, the proposal provide high quality teaching facilities; this is a significant planning merit.

### **7.2.5 Urban design conclusion**

57 Officers are satisfied that the overall design of the extension would be appropriate and that the proposal would enhance the character and appearance of the building and area. As no harm arises, there is no need to balance the wider public benefits; however, those are also significant.

## **7.3 TREES**

### *Policy*

58 Section 197 of the Town and Country Planning Act (TCPA) 1990 gives local planning authorities special duties in respect of trees. This includes a duty to, wherever it is appropriate, that in granting planning permission for any future development adequate provision is made by the imposition of conditions, for the preservation and planting of trees.

59 Section 211 of the TCPA 1990 details that trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990.

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

61 DLPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.

62 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.

63 DMP 25 states that development schemes should not result in an unacceptable loss of trees, and sets out the required information to support development affecting trees.

### *Discussion*

64 The proposed development is in a close proximity to trees. These trees are approximately 8.3m away from the closest part of the new extension and they are located in the rear gardens of the neighbouring properties facing Wallbutton Road.

65 An Existing Tree Plan (drawing number 2017111/ETP001) and a Tree Survey Schedule accompany the application. This identifies and categorises the 13 trees on site. All but two of those trees are located along the front boundary of the site and not affected by this proposal.

66 Trees T12 and T13 are located close the eastern boundary of the site (8.3m away). These trees are category B in good condition. There is no plan to remove these trees as part of the works. The completed works would also not be likely to affect the trees, due to the distance between the trees and the extension. Officers do have concerns that the works themselves may affect the trees (root protection areas and crowns) including from the: storage of materials; siting of site welfare; digging of foundations or laying services; vehicle movements. To minimise the risk of damage during construction works, Officers recommend a condition is imposed to secure and implement a tree protection plan.

### 7.3.1 Tree conclusion

67 Subject to condition that would request submission of a tree protection plan before works on site start there is no objection to the proposed development on tree grounds.

## 7.4 LIVING CONDITIONS OF NEIGHBOURS

### *General Policy*

68 NPPF paragraph 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.

69 Paragraph 180 states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

70 This is reflected in relevant policies of the London Plan (Policy 7.6), the Core Strategy (Policy CS15), the Local Plan (DM Policy 32) and associated guidance (Housing SPD, 2017, GLA).

71 DM Policy 32 (1)(b) expects new development to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

72 Further guidance is available in Housing SPD 2017, GLA.

### *Discussion*

73 The works that could give rise to harm to the living conditions of neighbours are limited to the replacement IT facility, which would be located on the footprint of the former shower block. The only potentially affected dwellings are to the east of the site. The first is 61 Vesta Road, which shares its long garden boundary with the school. The works would be limited to near the rear of that garden. The second dwelling is 16 Wallbuton Road, which shares its narrow garden boundary with the school.

74 The replacement IT facility would be marginally larger in footprint to the east, but remain in line with the existing former sports hall. The eastern wall would be 8.3m from the shared boundary and 37m from the nearest building. While the extension would be higher than the existing by 1.81m, Officers are satisfied that due to the separation distances there would be no materially adverse impact on outlook, privacy, sunlight and daylight as well as overshadowing generated by the proposal.

75 A Noise Impact Assessment accompanies the application. The proposal is a replacement facility and does not amend the hours of operation of the school, nor the pupil numbers. Officers are satisfied there would be no adverse noise impacts.

#### **7.4.1 Living conditions of neighbours conclusion**

76 Due to the distance between the works and neighbouring houses and gardens, along with the nature of the works, which would not alter the footprint of the school buildings, Officers conclude there would be no material impacts on the living conditions of neighbours.

### **7.5 TRANSPORT IMPACT**

#### *General policy*

77 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 102.

#### *Discussion*

78 The proposed development would not result in an increase of students and teachers at the school. As such, there are no additional parking trip made to and from the site.

79 The proposal would also not remove parking capacity on site.

80 A Construction Management Plan accompanies the application. A condition is recommended to secure the works are carried out in accordance with that plan.

#### **7.5.1 Transport conclusion**

81 Officers consider the scheme would not give rise to any transport impacts.

### **7.6 SUSTAINABILITY AND ENERGY**

#### *Policy*

82 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

83 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- 1 Be Lean: use less energy
- 2 Be clean: supply energy efficiently
- 3 Be green: use renewable energy

84 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4 and commercial buildings to achieve a BREEAM rating of 'Excellent'.

#### *Discussion*

85 A BREEAM pre-assessment report was submitted which shows that all reasonable efforts have been made to achieve as high a score as possible and the proposals would achieve a high BREEAM 'very good' score. Officers recognise the constraints specific to this type of school improvement work and accept that it is not feasible to achieve BREEAM 'Excellent' in this instance. A condition is recommended requiring that the proposal meet a minimum score of 'very good'.

#### **7.6.1 Sustainability and energy conclusion**

86 Officers consider the scheme would achieve appropriate sustainability and energy standards.

## **8 LOCAL FINANCE CONSIDERATIONS**

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

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

88 The weight to be attached to a local finance consideration remains a matter for the decision maker. In this case there is no CIL liability as the net additional floor space is less than 100sqm.

## **9 EQUALITIES CONSIDERATIONS**

89 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.

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

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

91 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.

92 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/services-public-functions-and-associations-statutory-code-practice>

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

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

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

94 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:

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

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

## 10 HUMAN RIGHTS IMPLICATIONS

97 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:

- Protocol 1, Article 2: Right to education

98 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.

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

carefully consider the balance to be struck between individual rights and the wider public interest.

100 This application has the legitimate aim of providing a new building with improved education uses. The rights potentially engaged by this application, including Protocol 1, Article 2: Right to education are not considered to be unlawfully interfered with by this proposal.

## 11 CONCLUSION

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

102 The proposed development would achieve a number of the urban design and conservation objectives set out in the Core Strategy, including provision of better teaching facilities that would be of high quality for an existing school and enhancing the Conservation Area and other non-designated heritage assets. Furthermore, the development would not have negative impact on the living conditions of neighbours.

103 For these reasons the application is recommended to be GRANTED planning consent.

## 12 RECOMMENDATION

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

### 12.1 CONDITIONS

#### 1) TIME LIMIT

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

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

#### 2) LIST OF APPROVED PLANS

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

Location site plan - site context plan (135073-CVA-XX-00-DR-A-1.1-01);  
Site Plan (block plan) - demolition (135073-CVA-XX-00-DR-A-1.1-02);  
Site plan (135073-CVA-XX-00-DR-A-1.1-03);  
Site sections proposed (135073-CVA-XX-00-DR-A-1.2-01);  
Ground floor plan existing (135073-CVA-XX-00-DR-A-2.1-01a);  
Ground floor plan proposed (135073-CVA-XX-00-DR-A-2.1-01b);  
First floor plan existing (135073-CVA-XX-00-DR-A-2.1-02a);  
First floor plan proposed (135073-CVA-XX-00-DR-A-2.1-02b);  
Roof plan existing (135073-CVA-XX-00-DR-A-2.1-03a);  
Roof plan proposed (135073-CVA-XX-00-DR-A-2.1-03b);  
Section AA - existing (135073-CVA-XX-00-DR-A-2.2-01a);  
Section AA - proposed (135073-CVA-XX-00-DR-A-2.2-01b);  
Sections BB + CC - existing (135073-CVA-XX-00-DR-A-2.2-02a);

Sections BB + CC - proposed (135073-CVA-XX-00-DR-A-2.2-02b);  
Elevation A - existing (135073-CVA-XX-00-DR-A-2.3-01a);  
Elevation A - proposed (135073-CVA-XX-00-DR-A-2.3-01b);  
Elevation B - existing (135073-CVA-XX-00-DR-A-2.3-02a);  
Elevation B - proposed (135073-CVA-XX-00-DR-A-2.3-02b);  
Elevation C - existing (135073-CVA-XX-00-DR-A-2.3-03a);  
Elevation C - proposed (135073-CVA-XX-00-DR-A-2.3-03b);  
Detailed elevation - new extension (135073-CVA-XX-00-DR-A-2.3-04);  
Landscape plan proposed (135073-CVA-XX-00-DR-A-2.5-01);  
Existing tree plan (20171111/ETP001); received on 19th November 2019.

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

### 3) **MATERIALS**

a) Notwithstanding the submitted plan and documents, details of all facing materials shall be submitted to and approved in writing by the local planning authority prior to superstructure work commencing on site. The detail shall include:

- i) Solid brickwork (a brick panels to be built on site and to include the proposed bond, mortar colour and pointing detail);
- ii) Window treatment (including sections and reveals);
- iii) Door treatment;
- iv) Roofing material;
- v) Any other facing materials to be used.

b) The development must be carried out in accordance with the approved details agreed under part (a) of this condition.

**Reason:** In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

### 4) **CONSTRUCTION MANAGEMENT PLAN**

The measures specified in submitted and hereby approved construction management plan prepared by Kier and received by the Local Planning Authority on 19<sup>th</sup> November 2019 shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

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

### 5) **BREEM SCORE**

(a) The buildings hereby approved shall achieve a minimum BREEAM score of Very Good.

- (b) Prior to completion of the superstructure a Design Stage Certificate for the 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 (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

## 6) PROTECTION OF TREES DURING CONSTRUCTION

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

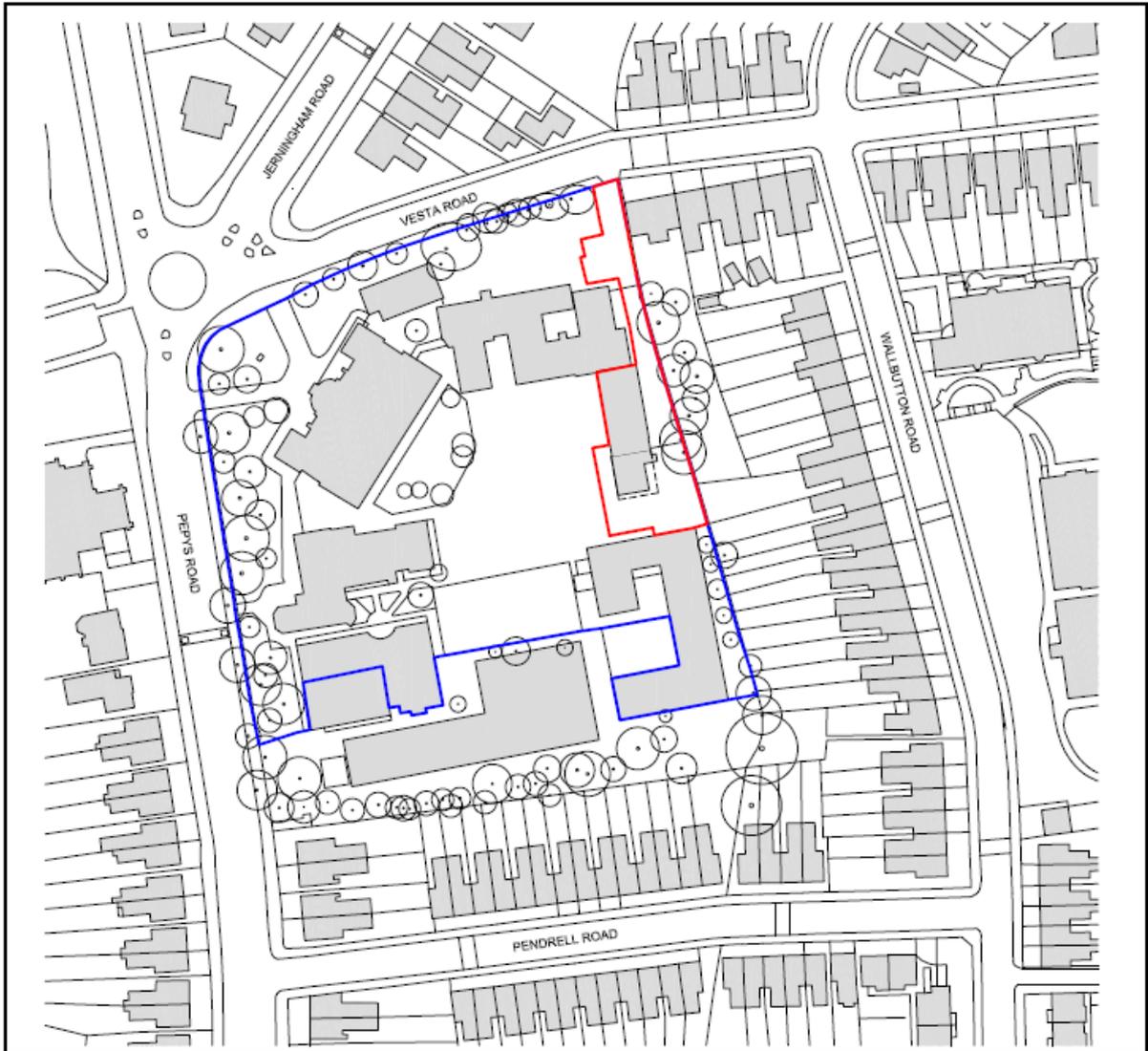
**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and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

## 12.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- 2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- 3) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Act and other related legislation. These cover such works as – the demolition of existing buildings, the erection of a new building

or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works.

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Committee	PLANNING COMMITTEE C	
Report Title	41 Tressillian Road, London, SE4 1YG	
Ward	Brockley	
Contributors	Case Officer: Alfie Williams	
Class	PART 1	6 February 2020

<u>Reg. Nos.</u>	DC/19/111835
<u>Application dated</u>	09/04/2019 (as revised on 20 January 2020)
<u>Applicant</u>	Mr Bedford and Mr Motie
<u>Proposal</u>	The installation of a front entrance door and construction of steps to the side addition, together with a new entrance door in the side elevation, installation of a roof light in the front roof slopes and associated landscaping at 41 Tressillian Road SE4, in connection with the alteration and conversion to provide 4, two bedroom self-contained flats.
<u>Plan Numbers</u>	1.00 (OS Location Plan); 1.00 (Site Images); 1.01; 1.02; 1.03; 1.04; 1.05; 1.06; 1.07; 1.08; 1.09; 1.10; 1.11; 1.12; 1.13; 1.14; Design & Access / Heritage Statement (James Kay Architects, March 2019) received 10 April 2019;  Parking Stress Survey (Alpha Parking, November 2019) received 1 November 2019;  1.20 Rev A; 1.20 Rev A; 1.21 Rev B; 1.22; 1.23; 1.24; 1.26; 1.27 Rev B; 1.28 Rev A; 1.29 Rev A; 1.30 Rev A; 1.32; 1.36; 1.37; 1.39 Rev A received 20 January 2020;
<u>Background Papers</u>	(1) Case File DE/92/41/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) The London Plan (March 2016)
<u>Designation</u>	Brockley Conservation Area Brockley Conservation Area Article 4 Direction PTAL 3

# 1 SUMMARY

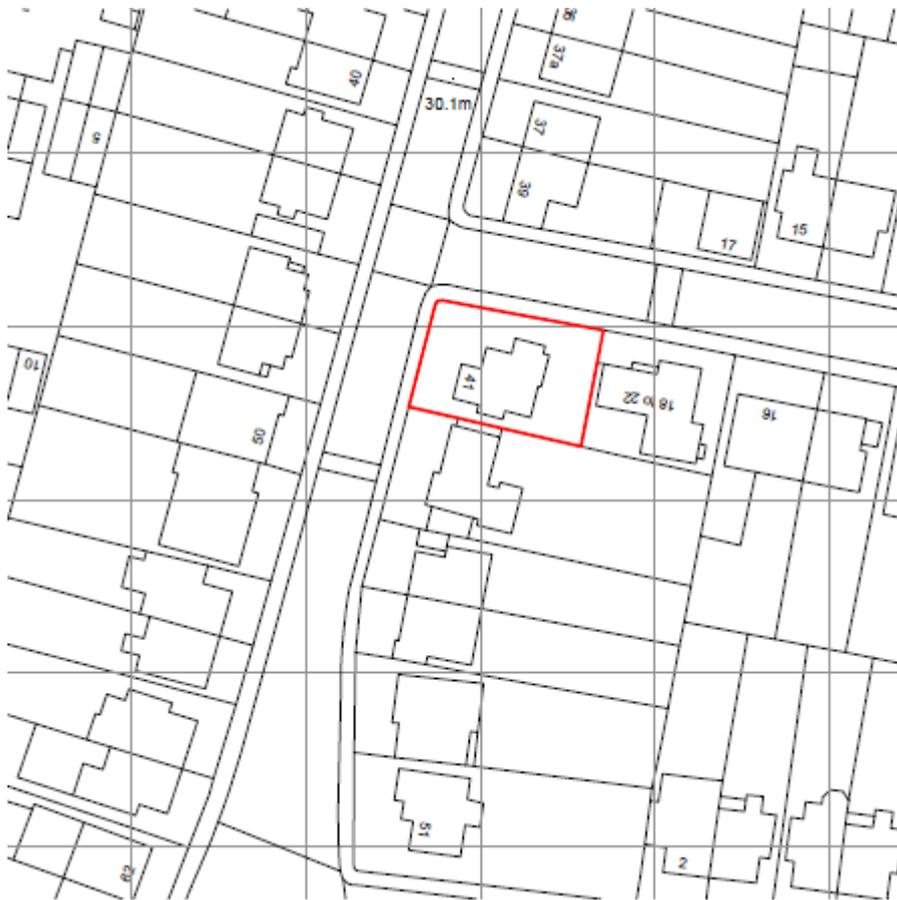
1 This report sets out Officer's recommendation for the above proposal. The case has been brought before members for a decision, as there is an objection from a recognised amenity group within their area.

# 2 SITE AND CONTEXT

## *Site description and current use*

2 The application site is a large four storey Victorian villa comprised of two self-contained flats, following conversions granted planning permission in 1977 and 1980. The property is comprised of a two bedroom flat located at lower ground floor level and a second flat arranged over the upper ground, first and second floors. The property is located on a corner plot at the junction of Tressillian Road and Avon Road and has frontages that address both roads.

**Fig 1: site location plan**



3 The property is constructed from yellow stock bricks and features Italianate decoration including ornate window surrounds and stucco detailing. The building is considered to make a positive contribution to the conservation area due to its stature and detailing. As such it is considered to be a non-designated heritage asset.

4 The front elevation of the property, fronting Tressillian Road, features two projecting gables and a two storey bay window with a recessed side return. A two storey bay window is repeated on the side elevation. The property benefits from a large rear garden, which is enclosed by a boundary fence fronting Avon Road.

### ***Character of area***

- 5 Tressillian Road forms part of Character Area 1 of the Brockley Conservation Area as designated by the Character Appraisal. The surrounding area is characterised by Victorian properties of similar architectural character. However, there are a variety of housing types in the area ranging from stand-alone villas to pairs of semi-detached houses and short terraces of four houses.
- 6 The property is subject to the Brockley Conservation Area Article 4 Direction, which removes permitted development rights from elevations visible from public viewpoints.

### ***Surrounding area***

- 7 The surrounding area is predominantly residential. There are shopping parades within walking distance on Loampit Hill, Lewisham Way and Brockley Road. Hilly Fields Park is an area of open green space located within 500m of the site.

### ***Transport***

- 8 The site has PTAL of 3 which is moderate but is within walking distance of Brockley and St Johns Stations. There are no parking restrictions on either Tressillian Road or Avon Road.

## **3 RELEVANT PLANNING HISTORY**

- 9 In September 1977, planning permission was granted for the alteration and conversion of the property to provide four self-contained flats.
- 10 In September 1980, planning permission was granted for the alteration and conversion of the property to provide a self-contained flat at basement level with a rehabilitation home and wardens flat on the floors above.
- 11 DC/18/109249: The construction of a side entrance extension incorporating steps at 41 Tressillian Road SE4, in connection with the alteration and conversion to provide four, two bedroom self-contained flats, together with alterations to side and rear elevations and installation of rooflight in the roofslope – withdrawn.
- 12 The application was withdrawn due to concerns with the visual impact of the proposed side extension to the appearance of the property and Brockley Conservation Area.
- 13 ENF/19/00353: An enforcement investigation was opened in December 2019 due to the alleged use of a rear garden shed as a self-contained dwelling.

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

- 14 The current proposal would see the further subdivision of the property to provide four, two bedroom four person self-contained flats with one flat per floor. The subdivision would be facilitated by the construction of steps to the side return and the formation of a new entrance at upper ground floor level to provide access to the first and second floor flats. The existing entrance to the lower-ground floor flat would be relocated to the side elevation fronting Avon Road. The new entrances would feature timber doors.

15 The proposal would also include works to the gardens and boundary treatments of the property. This would include the provision of a cycle store in the rear garden and the installation of bin store in the front garden. The timber fence on the side boundary would be replaced with hedges and a low timber fence with a gate introduced to provide access to the rear garden. A gate would also be installed in the existing side boundary wall to provide access to entrance for the lower ground floor flat.

## 4.2 COMPARISON WITH PREVIOUS SCHEME

16 The proposed side extension has been omitted from the current proposal.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

17 A site notice and press notice was published on 15 May 2019.

18 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 8 May 2019.

19 One response was received comprising an objection from the Brockley Society.

#### 5.1.1 Objections

<b>Comment in objection</b>	<b>Para where addressed</b>
Principle of development	35-37
Loss of a single family dwelling	35-37
Fails to meet local housing need	35-37
Impact on Conservation Area	51-64
Boundary Treatment	61, 76-78
Front rooflight	62
Insufficient information regarding the appearance of the staircase	59, 63
Parking	68-70

20 The Brockley Society also raised objections to the provision of an aluminium framed door at lower ground floor level. This element of the proposal has been revised.

### 5.2 INTERNAL CONSULTATION

21 The following internal consultees were notified on 8 May 2019.

22 The Highways Department commented that a parking survey should be provided. See paragraphs 66 and 67 for further discussion.

23 The Conservation Officer raised no objections to the application but requested that the proposed rooflight be relocated, that the new entrance doors be amended to timber and

that the cycle stores and bin stores should be located in a single designated area. The applicant confirmed agreement to these requests and submitted revised drawings.

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

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

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

### **6.2 MATERIAL CONSIDERATIONS**

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

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

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

### **6.3 NATIONAL POLICY & GUIDANCE**

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

### **6.4 DEVELOPMENT PLAN**

29 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)

### **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

30 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (December 2005)

31 London Plan SPG/SPD:

- Housing (March 2016)

## 6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9th December 2019. This document now has some weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

## 7 PLANNING CONSIDERATIONS

32 The main issues are:

- Principle of Development
- Housing
- Urban Design and Conservation
- Transport Impact
- Impact on Adjoining Properties
- Natural Environment

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

33 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.

34 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

#### *Policy and discussion*

35 The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported, which are of the highest quality and of varying sizes and tenures in accordance with the Local Development Framework. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need. The provision of two additional residential units would contribute to these housing targets and constitutes a planning merit.

36 DM Policy 3 states that applications for the conversion of a single family house into flats will be refused planning permission except where environmental conditions mean that the house is unsuitable for family accommodation due to proximity to noise generating uses or lack of external amenity space. However, the property is comprised of two self-contained flats and therefore the requirements of DM Policy 3 do not apply.

### 7.1.1 Principle of development conclusions

37 In summary, Officers support the principle of development. The existing residential accommodation does not benefit from the policy protection provided by DM Policy 3. Moreover, the provision of two additional dwellings would make a modest contribution towards local housing targets, which is a planning merit.

## 7.2 HOUSING

38 This section covers the standard of residential accommodation provided by the development.

### 7.2.1 Residential Quality

#### *General Policy*

39 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP 3.5), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

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

#### ***Internal space standards***

#### *Policy*

41 DM Policy 32 states that the standards in the London Plan and Technical Housing Standards will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. This will involve an assessment of whether the proposals provide accommodation that meets the criteria relating to minimum space standards, floor to ceiling heights and storage space.

#### *Discussion*

42 The Technical Housing Standards state that a two-bedroom four-person unit on one floor should have a GIA of 70sqm with 2sqm of storage. In addition, there is a requirement that double bedrooms are a minimum of 11.5sqm with a width of 2.75m. All of the four flats would either meet or exceed the requirements of the Technical Housing Standards for overall GIA, bedroom size, floor to ceiling heights and provision of storage.

**Table 1: Residential accommodation**

<b>Dwelling</b>	<b>Layout</b>	<b>GIA m<sup>2</sup></b>	<b>B1 m<sup>2</sup></b>	<b>B2 m<sup>2</sup></b>	<b>Floor</b>
Flat 01	2b/4p	86	16	14	Lower Ground
Flat 02	2b/4p	93	16	14	Upper Ground

Flat 03	2b/4p	72	14	11.5	First
Flat 04	2b/4p	76	14	13	Second

### ***Outlook, Privacy, Daylight and Sunlight***

#### *Policy*

- 43 DM Policy 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect.

#### *Discussion*

- 44 All of the proposed residential units would have triple aspect as a minimum with the windows providing a good standard of sunlight, daylight, outlook and ventilation. The aspects provide adequate mitigation against overheating. The shape of the units provide efficient layouts which contribute to the overall high standard of residential accommodation

### ***External space standards***

#### *Policy*

- 45 The London Plan recognises the importance of private amenity space as a means of retreat to withdraw from the daily activity of London life. For that reason, all new development should have private open space. The London Plan Housing SPG Standard 26 states that for 1-2 person dwellings, a minimum 5m<sup>2</sup> is required with an extra 1m<sup>2</sup> per every extra occupant.

#### *Discussion*

- 46 7sqm of private external amenity space per flat would be required to meet the requirements of the London Plan Housing SPG. However, none of the four proposed flats would benefit from private external amenity space. Instead a communal space would be provided within the existing garden at the rear of the property, to be used by all four flats.
- 47 The separation of this garden into private gardens would not be appropriate as the boundaries necessary to provide privacy would divide the space in a way which would affect the significance of the villa, given that the gardens are integral to the building's character, historic function and status. A condition would be imposed securing a soft landscaping scheme for the rear garden in order to ensure that the planting scheme would be suitable and to ensure that the lower ground floor flat is provided with adequate privacy. The provisions of private balconies would be similarly intrusive and inappropriate.
- 48 For the reasons set out above it is not possible to provide private external amenity space. In these exceptional circumstances the London Housing SPG makes provision for the size of the units to be increased to mitigate lack of amenity space. All of the proposed units are oversized to compensate for the lack of external private space. It is recognised that the GIA of Flat 3 would not fully compensate for the lack of external amenity space. However, the provision of communal garden and otherwise high quality of the unit provided is considered sufficient to mitigate any harmful impacts.

### ***Noise, disturbances and Air Quality***

49 The application site is located within a suburban residential area and therefore noise disturbances and air pollution are not considered significant concerns.

## **7.2.2 Housing conclusion**

50 Given the above, officers are satisfied that the design and layout of the new units created would be acceptable. The proposal would provide a good standard of residential accommodation in accordance with the revised NPPF, the London Plan, the London Plan Housing SPG, the technical housing standards – nationally described standards, and DM Policy 32.

## **7.3 URBAN DESIGN AND HERITAGE ASSETS**

### *General Policy*

51 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

### **7.3.1 Appearance and character**

#### *Policy*

52 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

53 LPP 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.

54 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

55 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

56 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets.

57 DMP 31 states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality.

#### *Discussion*

58 There are no substantial external alterations proposed to the building.

59 The key external alterations to the building would be the alterations to the entrances. The provision of the raised entrance and steps to the side return would introduce a second entrance at upper ground floor level. The entrance would remain secondary to the main entrance due to the being smaller, set back from the front elevation and lacking the detailing and features of the main entrance such as the portico. The relocation of the lower ground floor entrance to side elevation is also considered to be subservient given that it is at a lower level and similarly lacking in the ornate detailing of the main entrance. Officers are satisfied that timber doors would be appropriate for the property.

- 60 The provision of bin and cycles stores have the potential to clutter the front and side of the building given the prominence of the corner plot from public realm. The siting of the bin store next to the side boundary wall minimises this clutter and combined within the provision of a green roof, would result in an acceptable visual impact. The cycle store would be located in the rear garden which is considered to be appropriate. Design details for the refuse and cycle stores would be secured by condition.
- 61 The provision of a hedge and a low fence on the side boundary fronting Avon Road is considered to be an improvement on the existing timber fence, which is in poor condition.
- 62 A traditional rooflight would be located in the southern roofslope of the front gable: while the Brockley Design Guide discourages front rooflights, the rooflight would not be visible from public viewpoints due to the height of the building and position relative to the larger gable roof.
- 63 A condition is recommended securing the detailed design specification and materials for the proposed development: including the new steps, the boundary treatments, the hard and soft landscaping, the doors and the rooflight.

### **7.3.2 Urban design and heritage assets conclusion**

- 64 Officers, having regard to the statutory duties in respect of conservation areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve or enhance the character and appearance of the Brockley Conservation Area. As such, it is not necessary to consider wider public benefits of the proposal as set out in paragraph 196 of the NPPF.

## **7.4 TRANSPORT IMPACT**

### **7.4.1 Cycling**

#### *Policy*

- 65 The Council supports the NPPF's guidance on promoting sustainable transport methods. For this reason, the Council requires residential development to provide cycle parking in accordance with the requirements of table 6.3 of the London Plan.

#### *Discussion*

- 66 The London Plan cycle parking minimum standards requires one cycle space per one bedroom dwelling and two spaces for all other dwellings. The proposed development would therefore require eight cycle parking spaces. Further to the London Plan requirements, Transport for London's (TfL's) 'London Cycling Design Standards' sets out that cycle parking should be fit-for-purpose, secure, dry and well-located.
- 67 The proposed cycle store would meet the requirements of the London Plan and would be secured by condition prior to the occupation of the development.

### **7.4.2 Parking**

#### *Policy*

- 68 Core Strategy Policy 14 states that the Council will take a restrained approach to parking provision. London Plan Policy 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport

use and through the use of well-considered travel, plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than one space per unit.

#### *Discussion*

- 69 A Parking Stress Survey (Alpha Parking, November 2019) has been submitted with the application. The Parking Stress Survey (PSS) has been undertaken using the Lambeth Methodology, and examines roads within 200 metres of the property to establish the existing levels of parking stress within the area over a period of two days. The results of the PSS show that the average parking stress over the two days was 80%, reflecting an average of 85 unoccupied spaces.
- 70 The PSS has been reviewed by the Council's Highways Department who have accepted that the methodology is appropriate and conclude that there is sufficient spare parking capacity within the locality given the modest number of residential units proposed.

### **7.4.3 Refuse and recycling**

- 71 An adequate amount of refuse and recycling storage would be provided in the front garden of the property and as such is considered acceptable. A condition would be imposed securing the provision of the stores prior to the occupation of the development.

### **7.4.4 Transport impact conclusion**

- 72 The proposal would not result in harm to the local highway network or pedestrian or highway safety. The provision of cycle and refuse storage would meet the policy requirements and is therefore acceptable

## **7.5 LIVING CONDITIONS OF NEIGHBOURS**

#### *General Policy*

- 73 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. Relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Alterations and Extensions SPD 2019) reflect this.

#### *Discussion*

- 74 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.
- 75 Officers are satisfied that none of these impacts would arise as a result of the proposed development given that the external alterations are relatively modest in scale and the new fenestration would not introduce any additional overlooking to neighbouring properties.

## **7.6 NATURAL ENVIRONMENT**

### **7.6.1 Green spaces and trees**

#### *Policy*

76 DMP 24 aims to conserve and enhance biodiversity assets in the borough and ensure that it is safeguarded for future generations. DMP 36 states that the Council will encourage the retention of landscaping features which form an important part of a Conservation Area's character or appearance.

*Discussion*

77 The application site features four mature trees, which line the northern boundary fronting Avon Road. The trees are highly prominent from public viewpoints and make a valuable contribution to the Brockley Conservation Area.

78 A new low timber fence and gate with hedging is proposed for the northern boundary of the rear garden. Due to the proximity to the trees which line this boundary, the proposed fencing and hedges are considered to be preferable to a brick wall and as such no objection is raised.

### **7.6.2 Natural environment conclusion**

79 Subject to a condition securing the detailed design and siting of the boundary treatments and retention of the trees, the works would not affect the natural environment.

## **8 LOCAL FINANCE CONSIDERATIONS**

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

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

81 The weight to be attached to a local finance consideration remains a matter for the decision maker. In this case there is no local finance consideration.

## **9 EQUALITIES CONSIDERATIONS**

82 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.

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

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

84 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.

- 85 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/services-public-functions-and-associations-statutory-code-practice>

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

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

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

- 87 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>

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

## 10 HUMAN RIGHTS IMPLICATIONS

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

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

90 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.

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

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

## 11 CONCLUSION

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

94 The proposed development would provide two additional residential units, which make a modest contribution to local housing targets and provide a high standard of residential accommodation. The external alterations are sensitive to the character and appearance of the property and locality and as such are considered to preserve the character of the Brockley Conservation Area. Moreover, the development would not result in any adverse impacts to neighbouring amenity or the local transport network.

95 Therefore, the proposed development is considered compliant with the relevant national and local policies and is recommended for approval.

## 12 RECOMMENDATION

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

### 12.1 CONDITIONS

#### 1) FULL PLANNING PERMISSION TIME LIMIT

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

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

#### 2) APPROVED PLANS

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

1.00 (OS Location Plan); 1.00 (Site Images); 1.01; 1.02; 1.03; 1.04; 1.05; 1.06; 1.07; 1.08; 1.09; 1.10; 1.11; 1.12; 1.13; 1.14 received 10 April 2019;

1.20 Rev A; 1.20 Rev A; 1.21 Rev B; 1.22; 1.23; 1.24; 1.26; 1.27 Rev B; 1.28 Rev A; 1.29 Rev A; 1.30 Rev A; 1.32; 1.36; 1.37; 1.39 Rev A received 20 January 2020;

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

### 3) MATERIALS

(a) No development shall commence on site until a detailed schedule and specification including manufacturer's literature or detailed drawings, in respect of the following:

- i) hard landscaping;
- ii) rooflights and external doors;
- iii) boundary treatments;
- iv) gates;
- v) front steps and handrail

has been submitted to and approved in writing by the Council.

(b) The works shall then be carried in full accordance with the approved details, and retained thereafter.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policies 15 High quality design and 16 Conservation areas, heritage assets and the historic environment for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and 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 of the Development Management Local Plan (November 2014).

### 4) REFUSE STORAGE

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

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with 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).

### 5) CYCLE PARKING

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

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

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

6) SOFT LANDSCAPING

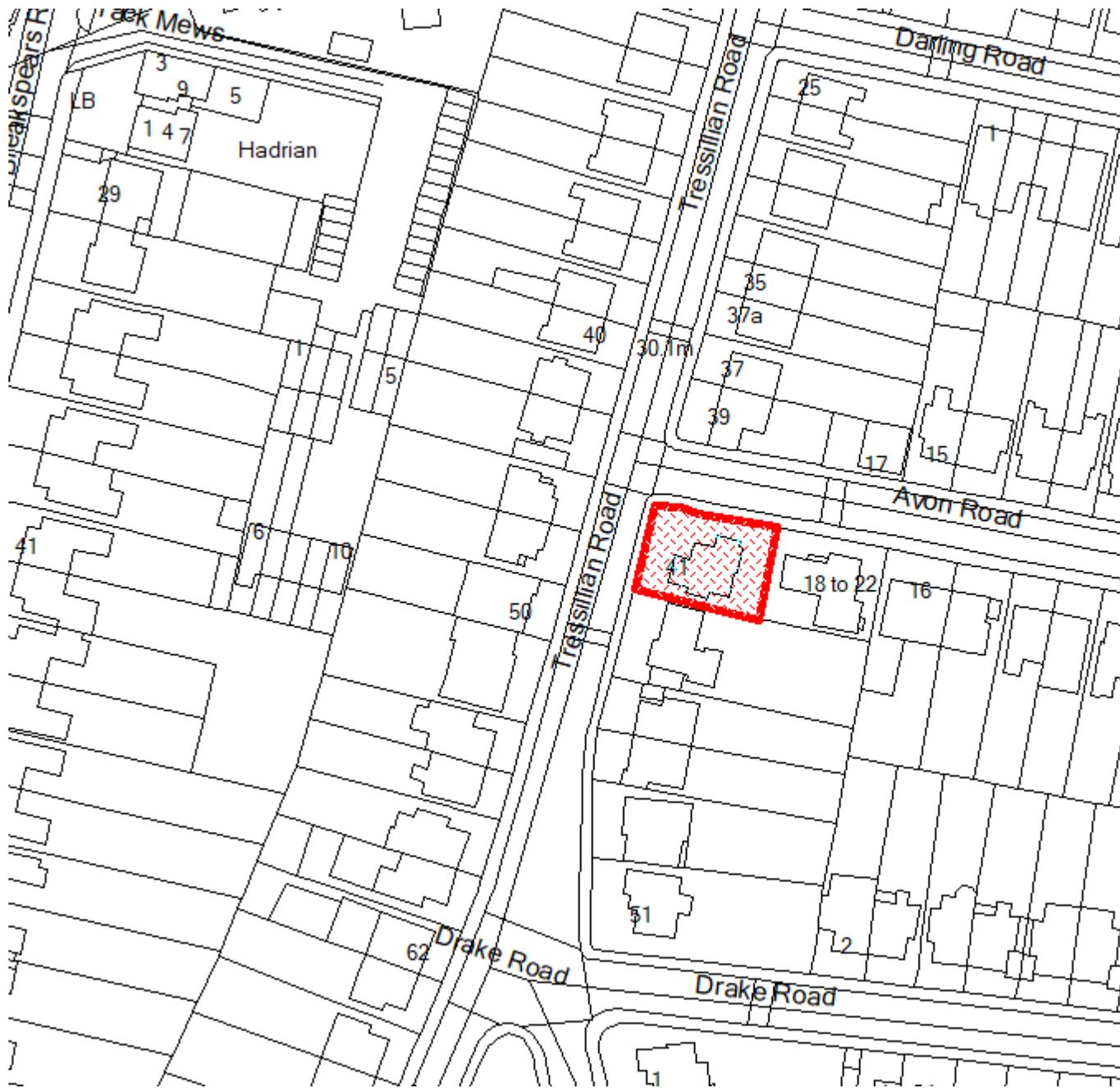
(a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.

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

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

## 12.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.



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