

PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 25 JUNE 2020 TIME 7.30 PM**

PLACE: **VIRTUAL-MICROSOFT TEAMS**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

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

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, 16 June 2020**

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	PLANNING COMMITTEE (A)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 25 June 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 (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 25 June 2020

MINUTES

To approve the minutes of the meetings of Planning Committee (A) held on the 9 January 2020 and the 27 February 2020

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**LEWISHAM COUNCIL
PLANNING COMMITTEE A
THURSDAY, 9 JANUARY 2020 AT 7.30 PM
MINUTES**

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

APOLOGIES FOR ABSENCE: Councillors Liam Curran, Octavia Holland.

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

ALSO PRESENT: Legal Representative.

**Item
No.**

1 Declarations of Interest

None received.

2 Minutes

RESOLVED that the minutes of the meeting of the Planning Committee A held on 14 November 2019 be agreed and signed as a correct record.

3 84 Ravensbourne Park, London, SE6 4YA.

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of existing two-storey building at 84 Ravensbourne Park, SE6, and construction of 9 self-contained flats, together with 3 car parking and 14 bicycle spaces and associated landscaping.

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

Principle of Development

Housing

Urban Design

Transport
Living conditions of neighbours
Sustainable Development
Natural Environment

Following members' enquiries relating to site location and mature tree loss, the Officer clarified the location of the proposed site in context to its current surroundings. He also confirmed that the site contained and, was bounded by mature trees and hedging. The Officer divulged that one tree within and one adjoined to the site was protected by Tree Preservation Orders (TPO). The Officer advised the Committee that the non-TPO trees proposed to be removed, were of insufficient value to warrant their protection with TPOs and, the loss of the on-site trees was considered to be acceptable. The Officer noted that a Section 106 agreement with the applicant would provide a contribution of £11,000 for additional tree planting outside of the site boundaries.

The agent for the applicant, addressed the Committee, advising of the extensive consultation undertaken with the Planning Inspectorate, planning officers and local residents. The agent described the proposed application site and, the 'landscape led' design approach. The agent reiterated the Section 106 tree planting funds, agreed with the applicant. The agent stated that the professional team involved in the site development were 'extremely proud' of the work undertaken. It was stated that the proposal was 'a very high quality, sustainable design solution' and, the new homes would be a valuable contribution to the housing supply.

Following a members enquiry relating to materials and fire safety, the agent advised the Committee that the material used looked like timber, but was in fact cement and, therefore would not burn. The intention was not to extend the look of the built environment into the park.

Residents, addressed the Committee, advising they represented the immediate neighbours to the application site. Residents were opposed to the proposal because of concerns relating to the design and scale of the proposal, impact on parking in the surrounding area, the loss of trees on site, and the impact on neighbouring residential amenity.

Questions were raised by members relating to mass and bulk, window design, density and, the weight that should be given to prior planning decisions.

The Officer confirmed the schemes design, measurements and explained the difference between mass and bulk. The Officer also advised the Committee that previous planning permission was refused because the Planning Inspectorate ruled the proposed development was 'unattractive in its massing and design'.

The agent advised the Committee that the decision to use reflective windows and, rotate the proposed scheme to a 45 degree angle, would serve to reflect the trees and, blend the scheme into the surrounding woodland.

The DMTL advised the Committee the Draft London Plan would soon be published, with the removal of the density matrix. The DMTL confirmed the current 2016 Plan with alterations since 2011, was still the adopted Development Plan, but the Draft London Plan was a material consideration in planning decisions. The DMTL also advised that the density matrix should be applied flexibly. It would contribute to the Borough's housing targets in a predominantly residential and highly sustainable urban location, making the most efficient use of land and optimising density. This was considered a planning merit, to which very significant weight was given.

The Legal Representative gave advice regarding the weight the Committee should give to the previous Planning Inspectorate decisions when considering the current planning application. The Legal Representative advised that previous planning decisions were material considerations, but not binding precedent. The Committee should give regard to the prior decisions, but consider the current planning application on its own merits, in context to all material considerations put before them.

During the member discussion that followed, the majority view was that there were no grounds for the application to be rejected.

Members voted on the recommendation in the report with a result of 5 in favour and 1 against of the proposal.

The Committee

RESOLVED

That planning permission be GRANTED for the demolition of existing two-storey building at 84 Ravensbourne Park, SE6, and construction of:

- 9 self-contained flats (3 x one, 4 x two bed and 2 x three bed), together with 3 car parking and 14 bicycle spaces and associated landscaping.

Subject to Conditions and Informatives outlined in the report and subject to,

The prior completion of a Legal Agreement pursuant to Section 106 of the 1990 Act (and other appropriate powers) to secure the following PLANNING OBLIGATIONS, authorise the Head of Law to complete a legal agreement to cover among other things the following matters: -

- (a) Payment on completion of the deed of the Council's legal and professional fees in preparing and thereafter monitoring the agreement
- (b) Notice of commencement 28 days prior to a material operation.
- (c) Tree replanting contribution.
- (d) Car club membership for residents.

That the Head of Planning is delegated authority to negotiate the Legal Agreement.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions (and informatives).

That the Head of Planning is delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision

reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by Committee.

4 16-18 Sunderland Road, London, SE23 2PR.

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the construction of four rear elevation balconies at 16-18 Sunderland Road, SE23 together with the conversion of the roofs of two single outriggers from pitched to flat, and the replacement of four existing windows with glazed doors.

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

- Principle of Development
- Urban Design
- Standard of accommodation
- Impact on Adjoining Properties

Following members' enquiries relating to the change of use of the ground floor units and, the loss of useable kitchen space.

The Officer confirmed there would be a change in use due to the subdivision of the existing restaurant into units.

The Officer also confirmed that the proposal would reduce the existing useable kitchen space by providing the access to the doors serving the balconies. The Officer stated the application created a trade-off between a minor harmful change to the internal living space, in what was already a small apartment and, the benefit of adding outdoor amenity.

The agent, on behalf of the applicant, addressed the Committee describing the proposed balconies layout and measurements, stating careful attention was paid to the design and materials used. The agent advised that the principle of adding rear balconies to improve residential living standards, was previously established by the appeals scheme that was allowed by the Planning Inspectorate in June 2018. The proposed balconies would introduce private amenity space, which the current building failed to do. It was advised that the balconies would have no 'inverse impact' on the character or appearance of the

surrounding area. The agent also confirmed that the applicant no longer intended to construct the 'zinc clad external rear staircase', approved by the Planning Inspectorate. The agent noted this would have been a more prominent feature to the application site. The agent concluded the presentation by stating that the proposal complied with regulations and, would be subservient to its surroundings.

Following members' enquiries relating to the omitted external staircase from the current application, kitchen size and, the Inspectorates consent for the external staircase, the agent advised that due to 'party wall' discussions that were 'pragmatic', viability of the external staircase was assessed and, it was felt it was no longer a viable option as this stage. It was stated that the applicant still wanted to improve the quality of the units and the balconies were the best way of doing so. The agent advised that the existing kitchen and the proposed kitchen floor area remained ultimately the same, yet there would be a reduction by the use of the door. The agent stated the loss in kitchen space was to be balanced against the external amenity space provided for residents.

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 the design and materials being incongruent to the character of the host building and wider terrace, the impact on neighbours in terms of loss of privacy, increased noise levels and loss of security, residential quality of subject apartments, level of detail on submitted plans and, no established precedent of balconies on the rear elevation of this terrace.

Questions were raised regarding the internal living room space, the balconies and, the material difference between the Inspectorates decision and the current proposal. The Officer confirmed that there was no living room space, and that the kitchen space took the place of a living room.

The DMTL advised on the complexity of the circumstances leading up to the current application and, outlined the sequence of events. It was stated that the allowed Planning Inspectorate appeal established the concept of the 'fall back option'. The fall back option was a minor material amendment to the original application, to add four balconies across the first and second floors and extend the staircase. It would increase the internal floor areas of the apartments by moving the

existing internal staircases to the extension. Therefore, the fall back option increased both the internal and external spaces of the apartments. When this decision was made, the Inspector advised of the 'improved living conditions the balconies would provide the future occupants of these quite small apartments'. It was noted that although the fall back option was provided, the current proposal before the members now omitted the staircase and, extended the balconies to fill in the gap where the staircase was meant to be. The harm of the internal staircase was the reason the Inspectorate allowed the balconies. It was advised that this was a material consideration and, great weight should be given to this by the Committee due to the circumstances advised of around the current application. It was advised that on balance, the loss of internal kitchen space would be minimised by the proposed doors opening outwards onto the balconies and, the weight given to the benefits of outdoor amenity space outweighed the harm posed by the minimal loss of kitchen space. Therefore, the proposal would result in an improved standard of accommodation for the apartments. It was also considered that the current proposal would have a better appearance than the fall back option would. The DMTL advised that the material consideration was whether the loss of kitchen space was significant enough to outweigh the merit of the balconies to the overall amenity added to the standard of accommodation.

The Legal Representative confirmed the advice provided by the DMTL, stating Committee members would be minded to consider whether the improved appearance outside was enough to outweigh the loss of useable internal space. It was also advised there existed the legitimate fall back option, allowed on appeal, which could be implemented by the applicant, if the current application was refused.

During the member discussion, the Chair expressed great concern with regard to the application. He felt the Planning Inspectorate saw a 'tacit improvement' in amenity by moving the staircase outside. The payoff would have been liveable accommodation. Now the liveable part was removed, leaving behind living space that was substandard. The Chair advised the Committee he felt 'awkward' and 'difficult' in accepting the proposal and felt it was a 'bad planning decision'.

A member stated it was felt the proposal would not enhance what was already there. Therefore, there was no justification to approve the proposal.

Members also commented that if the applicant was minded to provide more space, then the proposal would have been to construct 1 bed units, as opposed to 2 bed units.

There was a concern amongst the Committee members about the quality, size and design. In addition, the general consensus was that the buildings had been allowed to fall into disrepair and, any further work done to them would have to be of a restorative gesture, rather than adding to their decline.

The Committee considered submissions made at the meeting and expressed a view that the proposal, by reason of the reduction of useable floor areas of what are already substandard apartments, would fail to provide an acceptable standard of accommodation.

The Committee

RESOLVED - Unanimously

That it be noted that the Committee agreed to **REFUSE** planning permission for the construction of four rear elevation balconies at 16-18 Sunderland Road, SE23 together with the conversion of the roofs of two single outriggers from pitched to flat, and the replacement of four existing windows with glazed doors for the following reasons:

Residential quality of subject apartments impact on the standard accommodation would on balance, be negative.

The proposal would:

- Reduce the existing useable kitchen space.

The committee delegated the final wording of the reason for refusal to officers.

5 118 Canonbie Road, SE23 3AG

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the demolition of an existing three (3) storey house (Use Class Sui Generis) to allow for the construction of one (1) three (3) storey building containing six (6) dwellings for Temporary Accommodation homes (Use Class C3) at 118 Canonbie

Road, SE23 3AG, including small basement plant and store room, and associated landscaping, refuse storage and cycle parking.

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

Principle of Development

Housing

Urban Design

Impact on Adjoining Properties

Transport

Natural Environment

Following members' enquiries relating to the proposal use as Class 3, public transport and, parking, and pedestrian safety, the Officer confirmed was Class 3 residential housing and, any type of residential accommodation.

The Officer confirmed that although the application site had a low Public Transport Access Level (PTAL) score, they supported the findings of the independent parking survey. The survey confirmed there was capacity on-street within 200m of the site to accommodate any parking demand generated by the development. The Officer also advised that the findings of the independent parking survey was supported by Highways Officers, therefore subject to the proposed conditions, the development proposal would not result in harm to the local highway network, pedestrian or highway safety.

The DMTL advised the Committee that the proposed development would provide six new temporary accommodation dwellings of which 100% would be for rent at Local Housing Allowance Levels and, would all be let at affordable rents capped by the Local Housing Allowance. This would meet an identified need. The homes would be managed by Lewisham Homes.

The agent, on behalf of the applicant, addressed the Committee advising the proposal addressed the largest housing crisis in the UK since the end of the Second World War. The agent described the schemes design and advised the Committee as replacing the current building not fit for human habitation. This would help to address the homelessness of over 2,300 people or 1 in 57 families registered as

homeless. The agent stated that the proposed scheme had set a quality benchmark for local social rent housing.

Following a member enquiry regarding public transport the DMTL suggested junction works would be best delegated to a separate discussion between Lewisham Council and Committee members with regard to highways works to improve accessibility to the nearby bus stop.

During the member discussion, the Chair and several other Committee members praised the schemes design and, thanked the applicant for the proposed scheme, noting the positive benefit good high quality social housing could bring to people who experienced negative effects to their daily lives, due to displacement.

The Committee considered submissions made at the meeting, and

RESOLVED - Unanimously

That planning permission be **GRANTED** for the demolition of an existing three (3) storey house (Use Class Sui Generis) to allow for the construction of:

- one (1) three (3) storey building containing six (6) dwellings for Temporary Accommodation (4 x 2-beds and 2 x 3-beds) homes (Use Class C3) at 118 Canonbie Road, SE23 3AG, including small basement plant and store room, and associated landscaping, refuse storage and cycle parking.

Subject to Conditions and Informatives outlined in the report and,

A requirement that officers should formulate amendments to:

- Condition 3 (Construction Management Plan): amend to have separate plans to cover the demolition and construction periods.
- Condition 4 (Site Contamination): amend to allow for demolition.
- Condition 6 (Refuse and Recycling Facilities): amend to be pre-occupation.
- Condition 7 (Cycle Parking Provision), amend to omit paragraph (b) due to typographical errors.

The meeting closed at 9.25 pm.

Chair

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**LEWISHAM COUNCIL
PLANNING COMMITTEE A
THURSDAY, 27 FEBRUARY 2019 AT 7.39 PM
MINUTES**

PRESENT: Councillor James-JWalsh (Chair), Councillors, Obajimi Adefiranye, Liam Curran, Caroline Kalu, Luke Sorba, Sophie Davis.

APOLOGIES FOR ABSENCE: Councillors Jacq Paschoud, Tom Copley.

OFFICERS: Development Management Team Leader (DMTL), Planning Officers (PO), Highways Officer (HO), Ecologist and Committee Officer.

ALSO PRESENT: Paula Young – Legal Representative.

**Item
No.**

1 Declarations of Interest

Councillor Curran declared a personal interest as a:

- Director of the Baring Trust, a heritage conservation organisation that operates in Grove Park.
- Founder Member of the Grove Park Neighbourhood Forum, which included the area where the application site considered in item 3, is located.

The Chair advised that the single objection to item 4, received from the Deptford Society had been withdrawn.

2 Minutes

RESOLVED that the minutes of the meeting of the Planning Committee A held on 9 January 2020 be deferred, for review and the inclusion of the legal frame work and, planning policies that supported the reasons for refusal of planning permission for item 4.

3 Willow Tree Riding Establishment, Ronver Road, SE12 0NL.

The Planning Officer, gave an illustrative presentation recommending the refusal of planning permission for the demolition of the existing stables and

the construction of new equestrian facilities to include stalls, a barn shelter, tack building, reception/office, and a perimeter track for riding, at Willow Tree Riding Establishment, Ronver Road, SE12, together with the use of the existing access onto Ronver Road and associated works.

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

- Principle of Development
- Urban Design
- Impact on Adjoining Properties
- Transport
- Natural Environment
- Sustainable Development

Questions were raised relating to site access, insufficient information provision, pedestrian safety and, the ecological status of the application site.

The PO advised the Committee that currently, there was no public access to the proposal site. It was confirmed that despite no public access, private access was allowed for surveys to be conducted.

It was confirmed that policy 7.16 'Green Belt' would be removed from the first reason provided for the recommendation for refusal, as it was not material to the application.

The HO stated that further pre-application engagement was required for the submission of a formal application and, that the applicant did not go forward with this requirement.

The HO advised that the lack of segregation for pedestrians would create conflict between vehicles and pedestrians, which would be unacceptable in terms of pedestrian safety. It was also advised the situation would be further exacerbated, as the proposed hard landscaped area would be used by larger vehicles i.e. horse boxes and delivery vehicles etc. It was advised that without a segregated pedestrian access, the proposed building configuration adjoining the car park would constrain manoeuvring vehicles and, produce a harmful pedestrian environment. The DMTL also advised that from the initial and additional information that was provided it was unclear which trees were to be retained, removed or felled.

The Ecologist advised if the members decided to grant planning permission, conditions would be required, for further surveys to be undertaken. This

was because the current surveys were on the cusp of validity, due to the passage of time since the initial surveys were conducted. It was also confirmed that conditions would have been required to avoid and, mitigate ecological impacts of the proposed development.

Following member questions to officers, the Chair invited a representative of the applicant to address committee, however no representative of the applicant was in attendance or registered to speak. The Chair invited residents to speak to the proposal. A resident, addressed the Committee, advising that he was representing the immediate neighbours to the application site. Residents were opposed to the proposal because of concerns relating to the sites trees, biodiversity, buildings and track. The resident concluded his address by advising residents supported the reports recommendation for refusal of planning permission.

The Chair advised the resident that he would send a note to Lewisham council, with regard to the non-material planning reasons the resident raised.

The Legal Representative provided the Committee with clarification of the use and, application of conditions and informatives to application determinations. It was confirmed that recent ecological surveys had been provided and, reviewed by the council's Ecologist. It was noted that subject to conditions, the surveys were deemed by the Ecologist to be acceptable. As the surveys were approved by the Council's own expert, citing them as an additional reason for refusal could be considered as unreasonable and, weaken the Committees determination if taken to Appeal. It was advised there were currently four strong sustainable reasons for the refusal of planning permission.

The Chair reiterated the advice provided by the Legal Representative and, advised the Committee to be minded to only consider the material planning considerations. The Chair also cautioned the Committees regarding their desire for new surveys, as an additional reason for refusal of planning permission. The Chair concluded he would ask Officers to include an informative in regard to the surveys provided.

Councillor Suzannah Clarke addressed the Committee representing her Ward, Grove Park speaking in favour of the Officers report recommendation. The Councillor expressed concerns raised with regard to the track to be included in the proposal. The Councillor also discussed the importance of preserving the biodiversity of the site and, requested an

informative be considered for the investigation of the priority habitats of wet woodland and reed beds on the application site. The Councillor also put forward the consideration of protection for the site as a Site of Metropolitan Importance (SMI).

During the Committee discussion that followed, it was highlighted that the Planning Inspectorate had dismissed a previous development proposal at appeal, due to the harm that the scheme could potentially cause to biodiversity in the local area. A member cited the Inspectorate's decision, emphasizing the refusal was based on ecological grounds. It was felt this should also apply to the current application as a reason for refusal of planning. The member also disagreed with the Officers view that enough information had been supplied in relation to the ecological status of the current proposal. The DMTL advised members that the current scheme was a materially different submission and the Inspector's view in the previous appeal was that insufficient ecological information had been provided. However, information that had now been provided with the current application and assessed, was deemed sufficient for planning purposes by the Council's Ecologist.

The Committee considered submissions made at the meeting and the view was expressed that, in addition to the four reasons provided for the refusal of planning permission, the following informatives would be included to address: the time-limited nature of the ecological survey submitted with application, the applicant's further investigation of the presence of priority habitats (including wet woodland and reed beds), and, the current ecological status of the site. The informatives would be added to the decision notice, with the final wording delegated to officers.

RESOLVED - Unanimously

That it be noted that the Committee agreed to REFUSE planning permission for the demolition of the existing stables and the construction of new equestrian facilities to include stalls, a barn shelter, tack building, reception/office, and a perimeter track for riding, at Willow Tree Riding Establishment, Ronver Road, SE12, together with the use of the existing access onto Ronver Road and associated works for the following reasons:

- 1) The proposed development would give rise to materially larger buildings on Metropolitan Open Land (MOL) in a configuration that will result in an urbanising visual impact and harm the openness of the MOL, contrary

to Policies and 7.17 'Metropolitan Open Land' of the London Plan (2016), Policy G3 'Metropolitan Open Land' of the Draft London Plan (2019), Core Strategy Policy 12 'Open space and Environmental assets' of the Core Strategy (2011) and paragraph 145 of the National Planning Policy Framework (NPPF) 2019.

- 2) The proposed tree removal and un-restricted grazing on the site would have a detrimental impact on the character and appearance of the site and would lead to a demise of trees which in turn detract from the TPO and MOL designations, contrary to Paragraph 170 of the National Planning Policy Framework (NPPF), Core Strategy Policy 12 'Open Space and Environmental Assets' of the Core Strategy (2011) and DM Policy 25 'Landscaping and trees' of the Development Management Local Plan (2014).
- 3) The proposed site layout is considered to be unacceptable in terms of pedestrian and highway safety; and insufficient information has been submitted to determine the impact of the proposal on the safety of the users of the highway network, contrary to Paragraph 109 of the National Planning Policy Framework (2019), Core Strategy Policy 14 Sustainable movement and transport (June 2011) and DM Policy 29 Car Parking of the Development Management Local Plan (November 2014).
- 4) The proposed Tack Building and Store, by reason of scale and siting and lack of clarity about the trees along the boundary, is considered to be an overly dominant addition and unneighbourly form of development when viewed from No. 77 Ronver Road, resulting in harm to the residential amenities of No. 77 Ronver Road by way of a loss of outlook and increased sense of enclosure, contrary to Paragraph 127 of the National Planning Policy Framework (2019); Policy 7.6 'Architecture' of the London Plan (2016), Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban Design and Local Character of the Development Management Local Plan (2014).

4 79 Deptford High Street, London, SE8 4AA.

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for the installation of a replacement shopfront and the display of non-illuminated fascia sign and non-illuminated projecting sign at 79 Deptford High Street SE8.

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

Principle of Development
Urban Design and heritage impact
Impact on Adjoining Properties
Transport impacts

The informal representative, on behalf of the applicant, addressed the Committee with objections to the proposal.

The Chair called on the Officer to provide the representative with clarification of what was required of the applicant. The Officer advised that the applicant's previous retrospective planning application for the installation of a replacement shop front at 79 Deptford High Street, SE8 had been refused on the grounds outlined in the Officers report. The Officer confirmed that the applicant had been consulted in writing and, advised that the shopfront must be re-designed to include traditional features in respect of the proportions and design. The applicant had also been advised to reduce the size of the fascia sign.

The Chair advised the representative that what was currently in place was not considered by the Council to be compliant and, the current proposal was acceptable. If planning permission were granted, the applicant would be expected to make the alterations as the Council had instructed.

The DMTL provided further clarification by advising the Committee that the Council has powers of enforcement, and there was an active planning enforcement investigation with regard to the shopfront. It was confirmed that if the applicant did not implement the permission, they would be considered to be in breach of the Council's planning controls.

During a brief discussion that followed, a question was raised relating to disabled access to the application site. The Officer confirmed this would be addressed by building regulations.

The Committee considered the submissions made at the meeting, and

RESOLVED - Unanimously

That planning permission and advertising consent be **GRANTED** for the installation of a replacement shopfront and the display of non-illuminated fascia sign and non- illuminated projecting sign at 79 Deptford High Street SE8.

Subject to respective Conditions and Informatives outlined in the report.

The meeting closed at 8.45 pm.

Chair

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Committee	PLANNING COMMITTEE A	
Report Title	FORMER DEPTFORD POLICE STATION, 114-116 AMERSHAM VALE, LONDON, SE14 6LG	
Ward	NEW CROSS	
Contributors	GARETH CLEGG	
Class	PART 1	25 JUNE 2020

Reg. Nos. (A) DC/19/111720 (full application for planning permission)
(B) DC/19/111939 (application for Listed Building Consent)

Application dated 29 April 2019

Applicant Proun Architects on behalf of Moor Park Estates Limited

Proposal

(A) External alterations to the former Deptford Police Station, 114-116 Amersham Vale SE14, including the demolition of existing rear outbuildings in association with the alteration and conversion of part of the ground floor and the floors above to provide 9 self contained dwellings (4 x 1 bed, 4 x 2 bed and 1 x 3 bed) together with associated cycle parking, refuse storage and outdoor amenity space.

(B) Listed Building Consent for external alterations to the former Deptford Police Station, 114-116 Amersham Vale SE14, including the demolition of existing rear outbuildings in association with the alteration and conversion of part of the ground floor and the floors above to provide 9 self contained dwellings (4 x 1 bed, 4 x 2 bed and 1 x 3 bed) together with associated cycle parking, refuse storage and outdoor amenity space.

Designation

PTAL 5 and 4
Flood Risk Zone 2 and 3
Area of Archaeological Priority
Not in a Conservation Area
Grade 2 Listed Building

1 SUMMARY

1 This report sets out Officer's recommendation for the above proposal. The report has been brought before Planning Committee for a decision as permission is recommended to be approved and there are more than three valid planning objections.

2 SITE AND CONTEXT

Site description and current use

2 The application property comprises the Grade II listed Former Deptford Police Station and its grounds, which occupies a site area of c. 998sqm. The use of the building as a police station ceased around 2008, and the building has been in use as artist studios since around 2009 (planning permission for change of use to Use Class B1 artist studios was granted on 3 February 2009 – application reference DC/08/070133). There are approximately 45 artist studios based within the former Police Station and the associated outbuildings and containers within its grounds. At the time of the officer site visit in May 2019, with the exception of two units, all of the remaining studios were occupied by artists and creatives.

3 The building has an 'L' shaped plan with its frontage to Amersham Vale. The frontage to Amersham Vale comprises three storeys with basement and a mansard roof attic storey. A rear outrigger wing extends from this, which sits lower than the main part of the building, being of varying height and more utilitarian in design. An area of hardstanding lies to the rear of the building, which comprises the former Drill Yard to the police station. This yard area is partially occupied by a number of outbuildings and containers. The yard is enclosed by a brick boundary wall of c. 2.5m in height, which marks the site's southern and eastern boundaries to Napier Close. There is a vehicular access point to the rear yard from Napier Close via a gate located in the southern boundary wall.

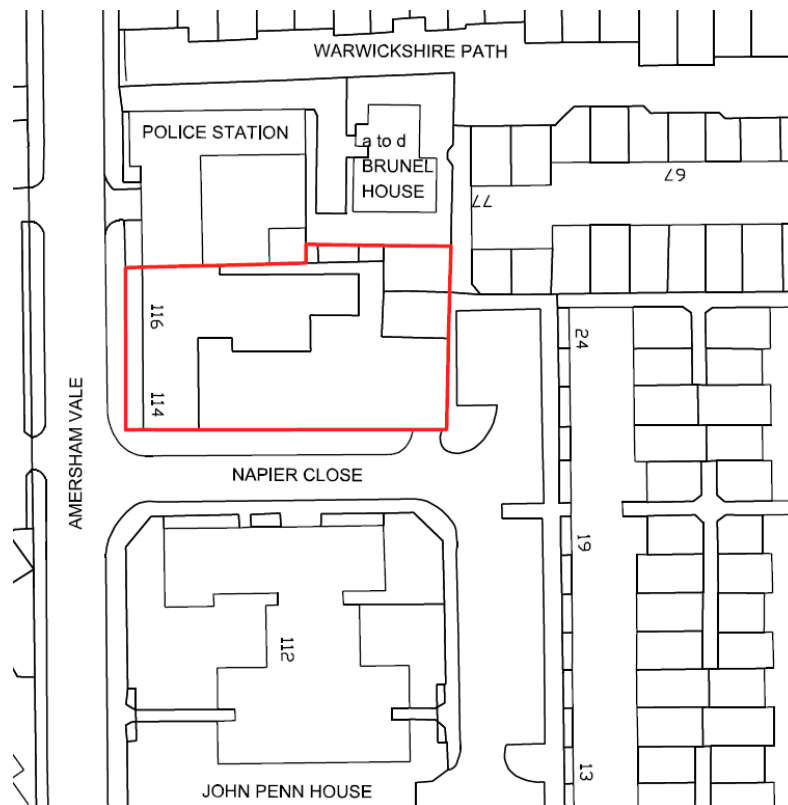


Figure 1 – Site Location Plan

Character of area

- 4 The site lies within an area which is predominantly residential in character. To the south of the site on the facing side of Napier Close lies John Penn House which is a two storey block comprising residential accommodation. To the north, the building adjoins the replacement Police Station (which itself is now no longer in use as a police station). Brunel House also adjoins the site to the north, which is a two storey block comprising residential accommodation. To the east of the site are two storey terraced properties on Napier Close and Warwickshire Path which form part of the Adolphus Estate. A pedestrian route runs to the east of the site connecting Napier Close to Warwickshire Path.
- 5 To the west of the site on the opposite side of Amersham Vale, the site of the Former Deptford Green School is cleared and vacant. Planning permission was granted in July 2018 for the construction of residential blocks ranging between one and five storeys and comprising a total of 120 residential units (planning application reference DC/15/095027).

Heritage/archaeology

- 6 The application property is Grade II listed (first listed in March 1973) and the listing description is as follows:
- 7 *“1912. 3 storeys and basement, 6 windows, irregular, Modified neo-classical style. High pitched tiled roof with overhanging eaves and end chimneys. Dull red brick with bright red brick dressings, i.e. gauged brick window arches extended to form bands, banding on angle pilasters, moulded and dentilled cornices and blocking courses to 2 round, 2-storey bows at left bay and 2nd bay from right, each having 3 sash windows with glazing bars on each floor. All similar windows, those on 2nd floor 2-light. 8 steps to round-arched entrance with keystone through moulded architrave to cornice of raised surround, all in carved red brick. Handsome wrought iron handrail and area railings, these framing white stone on high plinth, with date, "1912", and lamp holder of cast and wrought iron over.”*
- 8 The application property is not within a conservation area and there are none in the immediate vicinity. With the exception of the application property itself, there are no other listed or locally listed buildings in the immediate vicinity.

Surrounding area

- 9 Charlottenburg Park and Margaret McMillan Park are the nearest public open spaces, located approximately 65m and 140m from the site respectively. The site lies broadly equidistant from designated district centres at Deptford and at New Cross.

Local environment

- 10 The site lies within Flood Zone 3, associated with the risk of tidal flooding from the River Thames. The site is however protected by the River Thames tidal flood defences up to a 1 in 1,000 (0.1%) chance in any year, and the Environment Agency's most recent flood modelling indicates that the site would not be at risk even if there was to be a breach in the defences.

Transport

- 11 The majority of the application site has a PTAL of 5, which reduces to a PTAL of 4 on a small part of the rear yard area. PTAL is measured on a scale of 1 to 6b, with 1 being the

lowest and 6b the highest. It lies approximately 200m from New Cross rail station, with an extensive network of bus routes through the surrounding area.

3 RELEVANT PLANNING HISTORY

- 12 DC/16/095031 - External alterations to the former Deptford Police Station at Nos 114-116 Amersham Vale SE14 including the demolition of the existing rear outbuildings in association with conversion to residential use and construction of a new 3 storey residential building to the rear to create a total of 22 self contained residential units comprising 7, one bedroom, 12, two bedroom and 3, three bedroom self-contained flats, together with associated outdoor amenity space, landscaping and cycle storage. Refused 3 March 2017. Appeal dismissed 28 February 2018.
- 13 DC/16/095032 – Listed Building Consent for the internal and external alterations to the former Deptford Police Station at Nos 114-116 Amersham Vale SE14 including the demolition of the existing rear outbuildings in association with conversion to residential use and construction of a new 3 storey residential building to the rear to create a total of 22 self contained residential units comprising 7, one bedroom, 12, two bedroom and 3, three bedroom flats, together with associated outdoor amenity space, landscaping and cycle storage. Refused 3 March 2017. Appeal dismissed 28 February 2018.
- 14 In relation to application DC/16/095032, there was one reason for refusal, which was identical to the first reason for refusal in relation to application DC/16/095031 (detailed below).
- 15 In relation to application DC/16/095031, there were seven reasons for refusal as follows:
1. The cumulative impact of the internal and external alterations to the Grade II Listed Police Station required for the proposed conversion to flats would detract from its municipal character and would impose a residential character onto the building that would undermine its historic significance, resulting in substantial harm to the heritage asset and its setting, contrary to Policy 16 (Conservation areas, heritage assets and the historic environment) of the adopted Core Strategy (2011) and 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 (2014), Policy 7.8 (Heritage assets and archaeology) of the London Plan and paragraphs 131, 132 and 133 of the National Planning Policy Framework.
 2. The proposed apartment block, on account of its scale, location and design, would fail to have sufficient regard for the historic police station, its setting and the wider street scene, resulting in substantial harm to the listed building and detracting from the visual amenities of the area. As such, the development is contrary to Policy 16 (Conservation areas, heritage assets and the historic environment) of the Core Strategy (2011), 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 adopted Development Management Local Plan 2014 and Policy 7.8 (Heritage assets and archaeology) of the London Plan.
 3. The proposed basement flats, on account of their poor outlook and the limited access to natural light to some habitable rooms, would fail to provide satisfactory living accommodation, contrary to Policy 15 (High quality design for Lewisham) of the Core Strategy (June 2011) and DM Policy 32 (Housing design, layout and space standards) of the Development Management Local Plan (November 2014).

4. The proposed basement flats, on account on their location in an area at risk of flooding and in the absence of sufficient suitable flood mitigation measures, would fail to provide adequate protection from flooding contrary to Policy 10 (Managing and reducing the risk of flooding) of the Core Strategy (2011) and paragraph 100 of the National Planning Policy Framework.
5. The proposed change of use, on account of the loss of occupied B1 employment floorspace, would be harmful to the vitality and viability of the local economy, contrary to Policy 5 (Other Employment Locations) of the Core Strategy (2011) and DM Policy 11 (Other Employment Locations) of the Development Management Local Plan.
6. In the absence of a S.106 agreement to secure a contribution to affordable housing, the proposed development would fail to provide for housing needs in the Borough, contrary to Policy 1 (Housing Provision, Mix and Affordability) of the Core Strategy (2011) and Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes) of the London Plan.
7. In the absence of a S.106 agreement securing Car Club Membership for residents of the development, the proposed development would result in unacceptable overspill parking on the public highway, contrary to Policy 29 (Car Parking) of the Development Management Local Plan and Policy 14 (Sustainable Transport and Movement) of the Core Strategy (2011).

16 An appeal was subsequently lodged to this refusal and a hearing took place in January 2018. The Planning Inspector considered that the main issues were:

- The effects of the proposal on the significance of the Listed Building;
- Whether residents of the basement flats would have a satisfactory level of light and outlook;
- Whether the development would be at an unacceptable risk of flooding; and
- Whether the loss of the existing B1 use would have an unacceptable effect on the local economy.

17 The appeal was dismissed on 28 February 2018 and a summary of the Inspector's findings on these main issues is set out below.

The effects of the proposal on the significance of the Listed Building

18 The Inspector found that the numerous proposed alterations to the listed building would have a cumulative and unacceptable effect on the significance of the listed building, and that the alterations, losses and imposition of a new function, reflected in its new form, would much reduce the significance of the building. In relation to the proposed new block within the rear part of the site, the Inspector found that in certain viewpoints from within Napier Close it would compete with and detract from the form and design of the listed building, and would reduce the opportunity for openness within the rear of the site by some considerable degree. The Inspector therefore concluded that the proposed block would represent an unacceptable addition to the listed building which would have a harmful effect on it and its setting. The Inspector considered that the level of harm would be 'less than substantial' and attached considerable importance and weight to this harm, which was not outweighed by the public benefits of the proposal.

Light and outlook of basement flats

- 19 The Inspector found that a number of rooms at the basement level would not be provided with an acceptable outlook, and that this was not compensated for by the fact that other rooms within those units would not be affected in the same way. In relation to issues of privacy for those units at basement level which would be overlooked from the communal area, the Inspector found that it would be difficult to eliminate, or restrict to an acceptable degree, the potential for overlooking into these proposed flats, and did not consider that this could not be satisfactorily resolved by the agreement of a suitable landscaping scheme.

Flood risk

- 20 At the time of the appeal, the site was classified as partly within Flood Zone 2 and partly within Zone 3a. The appellant sought to indicate that the different parts of the site should be treated separately for this purpose and also that, as the NPPG states that a sequential test should not be required for changes of use, that the conversion of the original building should be separated out and a sequential test should not be required for that element. The Inspector concluded that the site and the scheme should be considered as a whole, rather than seeking to treat parts of it individually. The Inspector noted that no sequential test had been carried out for the site. Whilst the Inspector recognised that the Environment Agency did not formally object to the proposal, he considered that their correspondence did not offer complete security and acknowledged the general need to steer development to low risk areas. As such, the Inspector concluded that the requirements of Policy CS10 and the advice and guidance in the Framework and NPPG had not been followed.

Loss of B1 floorspace

- 21 The Inspector considered that the existing building cannot reasonably be described as a cluster of commercial uses, as it represents an isolated example of such a use within a mainly residential area. As such, having given consideration to the requirements of the Council's policies, the Inspector found no conflict with the policies of the development plan in this respect.
- 22 DC/11/078654 - The installation of solar PV panel modules on the south and east facing roof slope to the rear of Deptford Police Station, 114-116 Amersham Vale SE14. Granted – 13 January 2012.
- 23 DC/09/071294 - Details of cycle parking provision submitted in compliance with Condition (4) of the planning permission dated 3 February 2009 for the change of use of the Old Deptford Police Station, 114/116 Amersham Vale SE14 to artist studios, with ancillary gallery (Use Class B1). Approved – 12 May 2009.
- 24 DC/09/070925 - Listed Building Consent for alterations to the existing front door, removal of built-in furniture, removal of stud partitions and ceiling tiles and alterations to the existing rear gates at Deptford Police Station, 114-116 Amersham Vale SE14. Granted – 1 May 2009.
- 25 DC/08/070133 - The change of use of the Old Deptford Police Station, 114/116 Amersham Vale SE14 to artist studios, with ancillary gallery (Use Class B1). Granted 3 February 2009.
- 26 DC/08/068519 - Conversion of the Old Deptford Police Station into 17 residential flat units and the construction of 4 new build flats in the north east corner of the site. Application withdrawn.

27 DC/08/068518 - The alteration and conversion of the Police Station at 114 -124 Amersham Vale SE14 and the construction of a part two/part three storey building to provide 11 one bedroom, 6 two bedroom and 3 three bedroom self-contained flats together with a three bedroom maisonette, alterations to the side and rear elevations and provision of bin/bicycle stores. Application withdrawn.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

28 The planning and listed building consent applications seek permission for internal and external alterations to the building and demolition of existing rear outbuildings in association with the conversion of part of the existing building to provide 9 self contained dwellings (4 x 1 bed, 4 x 2 bed and 1 x 3 bed) with associated cycle parking, refuse storage and outdoor amenity space.

29 The lower ground floor and part of the ground floor would be retained as artist studios. Two new residential apartments would be introduced at ground floor level, with the first and second floor levels converted to form three apartments per floor, with a further apartment on the third floor. The rear yard would be landscaped to comprise communal amenity space for the apartments, together with cycle parking and refuse storage.

30 The development would not make provision for any car parking on-site, with the provision of cycle parking for both the residential use and the retained studio workspace.

31 The application property comprises 1,309sqm of floorspace, the lawful use of which is artist studios (use class B1). The application proposes that 540sqm of floorspace would be retained as artist studios at lower ground and ground floor levels (including space within existing outbuildings to be retained in the rear yard), with the remainder of the floorspace converted to residential accommodation and associated communal facilities.

4.2 COMPARISON WITH PREVIOUS SCHEME

32 The application proposal has been substantially revised from the previously refused scheme, with the applicant seeking to address those reasons for refusal which were endorsed by the Planning Inspector. The key changes are summarised below:

33 *Reduction in total number of units* – the previously refused scheme involved the creation of a total of 22 residential units on the application site (15 units created via internal conversion within the former Police Station building, and 7 units created within a three storey new build element within the rear yard area). The current proposal would involve the creation of 9 residential units, all of which would be accommodated within the former Police Station building.

34 *Removal of new build element on rear yard* – where the previously refused scheme proposed the development of a three storey new build element within the rear yard area, accessed from Napier Close, there is no new build element proposed as part of the current proposal. This new build element has been removed specifically to address the reason for refusal in relation to the impact of development on the rear yard on the character and setting of the listed building.

35 *Retention of artist studio space* – where the previously refused scheme involved the loss of all existing studio space, the current proposal would involve the retention of 540sqm of floorspace at lower ground and ground floor levels as artist studios. As such, no residential accommodation would be provided at lower ground floor level, which in part

seeks to address the previous reasons for refusal in relation to the amenity that would be afforded to residential units at this level, and the Inspector's concerns in relation to flood risk.

36 *Internal and external works* – the applicant team has sought to respond to and address the detailed comments of the Council's conservation officer at both pre-application stage and following submission of the application in order to ensure that the proposed internal and external works associated with the proposed development are sensitive to the building's Grade II listed status.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

37 The applicant engaged with Council officers for pre-application advice in advance of submission of the applications, however no pre-application public consultation was carried out.

5.2 APPLICATION PUBLICITY

38 Site notices relating to the planning and listed building consent applications were displayed on 17 and 24 April 2019 respectively, and a press notice was published on 24 April 2019.

39 Letters were sent to 33 residents and business in the surrounding area and the relevant ward Councillors on 17 April 2019.

40 35 responses were received, all comprising objections.

41 In accordance with the requirements of the Council's Statement of Community Involvement, a public drop-in session was held between 6 – 8pm on 10 December 2019 at Deptford Lounge. All those who had submitted comments on either the planning application or listed building consent application were invited to attend. A total of 10 people came along to the session during the course of the evening. The session was attended by three representatives from the applicant team together with the planning case officer. A note of the comments raised by those attending the drop-in session is set out at Appendix 1.

5.2.1 Comments in objection

Comment	Where addressed
<i>Principle of development - loss of artist studio workspace</i>	
The existing studios and workspaces provide a valuable resource for local artists and the creative economy, and the proposed development will result in the loss of this workspace	Section □
There are very few affordable workspaces left in the local area and therefore the loss of this space will push artists out of the area	
The former Police Station makes a valuable contribution to the local creative	

Comment	Where addressed
economy and the Deptford and New Cross Creative Enterprise Zone (CEZ)	
The loss of the existing workspace would run counter to the Council's and the Mayor of London's commitment to support the retention and development of creative industries within the CEZ	
<i>Principle of development – mix of uses</i>	
The mixed use nature of the proposed use would result in conflicts between the residential accommodation and the retained artist studio space, particularly in relation to complaints about noise and disturbance from residents which may compromise the continued operation of the retained workspace	Paragraphs 111 to 119 and paragraphs 134 to 137
The proposal does not make sufficient provision for an outdoor yard area for the artists, which is required to assemble larger pieces etc.	Paragraphs 134 to 137
The proposed development would not involve any affordable housing provision	Section 7.2.2
<i>Heritage</i>	
The proposed works will result in harm to this Grade II listed building, and original features being lost	Section 7.3.2
<i>Amenity</i>	
Conversion works will cause disruption and nuisance for neighbouring residents	Section 7.5.4
<i>Other</i>	
The site is at risk of flooding	Section 7.6.4

5.3 INTERNAL CONSULTATION

42 The following internal consultees were notified, and their responses are summarised below:

43 Highways - no objection, subject to the imposition of conditions requiring submission of a Delivery, Servicing and Parking Management Strategy, submission and implementation of a Travel Plan, and submission of details of cycle parking and refuse storage facilities.

44 Environmental Protection - initially raised a number of concerns with the submitted Sound Insulation Investigation Report in terms of the potential to achieve acceptable internal noise standards within the proposed residential units, having regard to the existing use of the studio workspace that would be retained at lower ground and ground floor levels. In response to this, the applicant's acoustic consultant provided additional information. This is detailed within the report below under 'Housing – Noise & Disturbance'.

45 Environmental Sustainability - initially raised a number of concerns in relation to the submitted Flood Risk Assessment and requested the submission of additional information in terms of a Surface Water Drainage Strategy which demonstrates that the detailed calculations are in compliance with the relevant Non-Statutory Technical Standards. This is detailed within the report below under 'Sustainable Development – Sustainable Urban Drainage'.

5.4 EXTERNAL CONSULTATION

46 Environment Agency – no objection, subject to the imposition of a condition requiring appropriate action to be taken in the event that contamination not previously identified is found to be present during development.

47 Historic England – no comments.

48 Historic England – Archaeology (Greater London Archaeological Advisory Service) – no response.

49 Ancient Monuments Society – no response.

50 Council for British Archaeology – no response.

51 Georgian Group – no response.

52 Society for the Protection of Ancient Buildings – no response.

53 Twentieth Century Society – no response.

54 Victorian Society – no response.

55 Transport for London – no comments.

6 POLICY CONTEXT

6.1 LEGISLATION

56 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).

57 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

58 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.

59 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.

60 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

61 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

62 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)

63 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Play and Informal Recreation (September 2012)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Social Infrastructure (May 2015)
- Housing (March 2016)
- Homes for Londoners: Affordable Housing & Viability (August 2017)
- Culture & Night Time Economy (November 2017)
- Energy Assessment Guidance (October 2018)

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 15 January and 22 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 9 December 2019. On 13 March 2020 the Secretary of State wrote to the Mayor to direct a series of changes to the Intend to Publish London Plan that are required ahead of publication. The Intend to Publish London Plan now has some weight as a material consideration when determining planning applications, notwithstanding that more limited weight should be attached to those policies where the Secretary of State has directed modifications. The relevant draft policies are discussed within the report (DLPP).

7 PLANNING CONSIDERATIONS

64 The main issues are:

- Principle of Development
- Housing
- Urban Design and Impact on Heritage Assets
- Transport
- Impact on Adjoining Properties
- Sustainable Development
- Natural Environment
- Planning Obligations

7.1 PRINCIPLE OF DEVELOPMENT

General policy

65 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.

66 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

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

68 LPP 4.1 seeks to promote and enable the continued development of a strong, sustainable and diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments. The reasoned justification to LPP 4.6 recognises that London's cultural and creative sectors are central to the city's economic and social success, and the policy confirms that boroughs through their Local Plans should seek to enhance and protect creative work and performance spaces and related facilities in particular in areas of defined need.

- 69 DLPP E2 – ‘Providing suitable business space’ requires development proposals that involve the loss of existing B Use Class business space (including creative and artists’ workspace) in areas identified in a local Development Plan Document where there is a shortage of lower-cost space or workspace of particular types, uses or sizes to demonstrate that there is no reasonable prospect of the site being used for business purposes, or ensure an equivalent re-provision of business space as part of any redevelopment. DLPP HC5 – ‘Supporting London’s culture and creative industries’ states that where a Creative Enterprise Zone has been identified in a Local Plan, the plan’s policies should protect existing creative workspace and help deliver spaces that are suitable, attractive and affordable for the creative industries, taking into account the particular requirements of established and emerging creative businesses in the CEZ. The reasoned justification to DLPP HC5 identifies that the loss of cultural venues, facilities or spaces can have a detrimental effect on an area, and where possible, boroughs should protect such cultural facilities and uses. The Secretary of State has not directed modifications to either of these policies and as such weight can be accorded to them.
- 70 CSP5 states that the scattering of employment locations outside of Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations will be protected. DMP11 states that employment uses will be retained where they are considered capable of contributing to and supporting clusters of business and retail uses and where the use is compatible with the surrounding area. DMP4 states that the conversion of B use class space to flats will be supported where the proposal does not conflict with other policies in relation to employment floorspace, where the proposal meets the standards for residential development set out in DMP32, and the proposal achieves a good living environment with suitable access, parking, and refuse arrangements.

Discussion

- 71 In relation to the previously refused application, no evidence had been provided to demonstrate that the existing artist studio use was not viable or that alternative employment uses had been considered and discounted. Similarly, no evidence had been presented on the grounds that the proposed use would be more appropriate in terms of the building’s listed status, or to secure its long term retention and maintenance. As such, one of the reasons for refusal in relation to the previous application was that the proposed change of use, on account of the loss of occupied B1 employment floorspace, would be harmful to the vitality and viability of the local economy, contrary to CSP5 and DMP11.
- 72 In his consideration of this matter as part of the planning appeal, the Inspector considered that the existing building cannot reasonably be described as a cluster of commercial uses, as it represents an isolated example of such a use within a mainly residential area. As such, having given consideration to the requirements of the Council’s policies, the Inspector found no conflict with the policies of the development plan in this respect.
- 73 In December 2018, the Mayor of London announced the establishment of a Creative Enterprise Zone for Deptford and New Cross to support artists and creative businesses, and develop skills and jobs. The application site falls within the boundary of the area defined as part of the bid for CEZ status for Deptford and New Cross, and recognising that the former Deptford Police Station accommodates approximately 45 artist studios it is clear that the existing use of the building makes an important contribution to the CEZ. Following designation, the Council is developing a programme of activities to strengthen and develop the CEZ.

- 74 The emerging London Plan seeks to afford protection to existing low cost and creative workspace, recognising that creative businesses are particularly sensitive to even small fluctuations in costs, and that to deliver a diverse economy, it is important that cost pressures do not squeeze out smaller businesses. DLPP E2 and HC5 are relevant considerations, as summarised above. However, in relation to both Policies E2 and HC5, the specific policy wording means protection is only afforded where identified in borough's Development Plan Documents. Part C of DLPP E2 affords protection to B Use Class business space (including creative and artists' workspace), but only in areas identified in a local Development Plan Document where there is a shortage of lower-cost space or workspace of particular types. The Council's adopted planning documents were prepared and adopted prior to the emerging London Plan and do not identify a shortage of lower-cost space or workspace within the local area, and as such the protection that would otherwise be afforded by Part C of Policy E2 does not apply in this case. Similarly, in relation to Part C of Policy HC5, this states that where a CEZ has been identified, it is for Local Plan policies to "develop, enhance, protect and manage new and existing creative workspace", and "help deliver spaces that are suitable, attractive and affordable for the creative industries". Whilst Lewisham's adopted planning documents afford general protection to employment uses in the context of policies CSP5 and DMP11, there are no specific policies in relation to the CEZ, recognising that it was only designated in December 2018.
- 75 The Council is currently preparing a Local Plan which will develop this policy approach, however the emerging Draft Local Plan cannot be afforded weight in planning decisions at this stage, recognising its current stage of preparation.
- 76 As set out above, in relation to the previously refused application, the Inspector found no conflict with the policies of the adopted development plan in respect of the loss of employment floorspace. The previous application involved the complete loss of all existing employment floorspace within the application site. By contrast, the current proposal involves the retention of approximately 540sqm of floorspace as artist studios at lower ground and ground floor levels. In the context of this previous decision, the fact that the emerging London Plan policies do not afford protection to such uses except where specifically identified within local Development Plan Documents, and given that the emerging Draft Local Plan cannot be afforded weight in decision making at this stage, it is not considered that the policy basis exists to resist the application on the principle of the loss of existing studio workspace floorspace.
- 77 This is considered to be regrettable, given the implications for the substantive loss of this established creative workspace which makes a positive contribution to the local economy and supports the wider cluster of creative uses that the Council together with the Mayor of London are seeking to promote in Deptford as part of the recently established CEZ. However, planning applications are required to be determined in accordance with the adopted development plan and other relevant material considerations at the time, and case law has demonstrated that refusal of planning permission on grounds of prematurity will only be justified in exceptional circumstances. Case law demonstrates that planning applications must be considered in light of current policies, and that whilst account can be taken of policies in emerging development plan documents, the weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. Where a development plan document is at the consultation stage, with no early prospect of submission for examination, then case law has demonstrated that refusal on prematurity grounds would not be justified because of the delay which this would impose in determining the future use of the land in question. Policies in emerging development plans can only start to be afforded considerable weight where the plan has been submitted for examination and no representations have been made in respect of these policies. Lewisham's Draft Local Plan is due to be subject to Regulation 18 stage

'Preferred Approaches' consultation in late 2020 / early 2021, with submission for examination not anticipated until late 2021 / early 2022.

- 78 Informed by the Inspector's conclusion that the application property cannot reasonably be described as a cluster of commercial uses and lies within a mainly residential area, part 5 of DMP11 makes clear that a mix of uses in a new scheme will be considered positively subject to the context of the site and meeting the requirements of other policies within the plan, including securing an appropriate level of amenity for any proposed residential uses.
- 79 Part 6 of DMP11 identifies that contributions to training and/or local employment schemes will be sought on all sites where there is loss of local employment as a result of change of use. The approach to calculating this financial requirement is set out within Lewisham's Planning Obligations SPD. The HCA Employment Density Guide 2015 identifies an employment density for studio workspace of 1 job per 20sqm and for this type of workspace, the job density should be applied to the Net Internal Area (NIA). NIA reflects the net lettable workspace, and excludes corridors, internal walls, stairwells and communal areas. The proposed change of use would involve the loss of 462sqm NIA of studio workspace. Applying the methodology within the SPD, this therefore equates to an equivalent of 23 jobs. Applying the required contribution per job of £10,000 (BCIS indexed to Q1 2020) this generates a financial contribution of £281,963. The applicant has confirmed that they would be willing to enter into a legal agreement to secure this contribution.
- 80 On this basis, a financial contribution of £281,963 towards training and/or local employment schemes would be secured as part of any grant of consent. This is detailed below under Section 11 – Legal Agreement.

7.1.1 Principle of development conclusions

- 81 The loss of the existing creative workspace is regrettable, particularly in the context of the Council's work with partners to support and develop the CEZ for Deptford and New Cross. However, as set out above, in the context of the existing policies within the adopted development plan and the conclusions of the Planning Inspector in relation to the previous appeal decision, it is not considered that the policy basis exists to resist the loss of this existing use.

7.2 HOUSING

- 82 This section covers: (i) the contribution to housing supply; (ii) affordable housing; (iii) the standard of accommodation and the dwelling size mix.

7.2.1 Contribution to housing supply

Policy

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

86 LPPs 3.3 and 3.4 seek to increase housing supply and to optimise housing output.

87 The current London Plan sets an annual target of 1,385 new homes until 2025. The Intend to Publish London Plan identifies a ten year housing target for net housing completions (2019/20 – 2028/29) of 16,670 for Lewisham.

Discussion

88 The provision of nine dwellings is considered to represent a planning merit to which weight should be accorded, given the contribution this provision would make towards the borough’s housing target.

7.2.2 Affordable housing

89 The application proposal would involve the creation of nine residential units. All of the proposed units would be private tenure. Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. PPG makes clear that planning obligations for affordable housing should only be sought for residential developments that are major developments (i.e. development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more). As such, the application proposal falls below the threshold for seeking affordable housing provision.

7.2.3 Residential Quality

General Policy

90 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).

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

Internal space standards

Policy

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

Discussion

93 The table below sets out proposed dwelling sizes.

Table 1: Internal space standards – proposed v target

Unit	No of bedrooms	No. of persons	1 storey dwelling (proposed (target)) sqm	Built-in storage (proposed (target)) sqm
G.01	2b	3p	65.9 (61)	2.0 (2.0)

G.02	1b	2p	76.9 (50)	1.5 (1.5)
1.01	2b	3p	61.2 (61)	2.0 (2.0)
1.02	1b	2p	62.7 (50)	1.5 (1.5)
1.03	3b	4p	81.7 (74)	2.9 (2.5)
2.01	2b	3p	71.4 (61)	2.4 (2.0)
2.02	1b	2p	50.3 (50)	1.6 (1.5)
2.03	1b	2p	55.8 (50)	1.8 (1.5)
3.01	2b	3p	73.7 (61)	2.0 (2.0)

94 The table below demonstrates the compliance with the Nationally Described Space Standards in terms of the bedroom dimensions:

Table 2: Bedroom dimensions – proposed v target

Unit	No of bedrooms	No. of persons	Bedroom 1 floor area (proposed (target)) sqm	Bedroom 2 floor area (proposed (target)) sqm	Bedroom 3 floor area (proposed (target)) sqm
G.01	2b	3p	11.5 (11.5)	9.7 (7.5)	n/a
G.02	1b	2p	12.9 (11.5)	n/a	n/a
1.01	2b	3p	12.6 (11.5)	8.6 (7.5)	n/a
1.02	1b	2p	19.0 (11.5)	n/a	n/a
1.03	3b	4p	11.5 (11.5)	8.9 (7.5)	8.5 (7.5)
2.01	2b	3p	12.1 (11.5)	9.4 (7.5)	n/a
2.02	1b	2p	16.4 (11.5)	n/a	n/a
2.03	1b	2p	11.5 (11.5)	n/a	n/a
3.01	2b	3p	14.1 (11.5)	9.3 (7.5)	n/a

95 All of the proposed units would meet or exceed the minimum internal space standards. The units would provide a range of dwelling sizes ranging from 1b/2p to 3b/4p which would provide a suitable dwelling mix.

Outlook & Privacy

Policy

96 Emerging DLPP D3(7) requires development to achieve 'appropriate outlook, privacy and amenity'. DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.

Discussion

97 Seven of the units would be dual or triple aspect and would afford an excellent standard of outlook. Two of the units would be single aspect, with Unit 1.02 being single aspect west facing, and Unit 3.01 being single aspect east facing. The layout of Unit 3.01 is constrained by its location within the roof space where the only existing windows are on the east elevation. It would clearly not be appropriate to introduce new windows in the front facing roof slope of this listed building. It is also noted that the proposed insertion of

additional roof lights in the flat roofed element of the roof space would allow for additional light to this unit. In relation to Unit 1.02, the unit would benefit from large windows and would enjoy a favourable outlook to Amersham Vale. Recognising the constraints imposed by the existing building and its fenestration, in the context of its listed status, it is considered that the proposal would secure an acceptable level of amenity for residential occupiers in terms of outlook.

- 98 In terms of privacy, the relationship of the building to neighbouring buildings means that there would be limited scope for any conflicts in this regard.

Overheating

Policy

- 99 London Plan Policies 5.3 and 5.9 seek to avoid internal overheating through design, materials, construction and operation of the development. The Mayor's Housing SPG also identifies that development proposals should achieve an appropriate design of dwellings to avoid overheating without heavy reliance on energy intensive mechanical cooling systems.

Discussion

- 100 As set out above, seven of the units would be dual or triple aspect affording good opportunity for cross-ventilation. No mechanical ventilation is proposed, with natural ventilation providing the means of mitigating overheating. It is not considered proportionate to require an overheating analysis given the scale of the proposed conversion, which falls below the threshold for a major development. Recognising that this is a conversion and given the listed status of the building, there is limited scope for intervention to address issues of potential overheating in terms of the building fabric or fenestration, and as such it is considered that on balance the proposed development is not unacceptable in this regard.

Daylight and Sunlight

Policy

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

Discussion

- 104 The application is accompanied by an Internal Daylight and External Sunlight Assessment. This concludes that each of the habitable rooms assessed within the proposed residential apartments meet the recommended levels of internal daylight as defined by BS8206-2:2008 and the BRE guidance using the ADF test. Owing to the generous proportions of the existing windows and the significant separation distance from neighbouring buildings, the assessment demonstrates that the majority of rooms would be afforded considerably higher levels of daylight distribution than the BRE minimum targets.

- 105 An assessment of Probable Sunlight Hours (PSH) has also been undertaken for the communal amenity space proposed within the rear yard. Owing to its south facing aspect and the low scale of John Penn House to the south, the assessment finds that 89.6% of the space will receive two hours of direct sunlight on 21 March, thereby considerably exceeding the BRE recommendation that at least half of the area should receive at least two hours of sunlight on 21 March.
- 106 As such it is considered that a suitable level of amenity will be afforded for residential occupiers in terms of daylight and sunlight.

Noise & Disturbance

Policy

- 107 The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions.
- 108 The NPPF at para 180 states decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 109 DLPP D13 Agent of Change places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. It identifies that development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.
- 110 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35 dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night –time (2300-0700). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T

Discussion

- 111 At the request of officers, the applicant commissioned acoustic consultants to prepare a Sound Insulation Investigation Report in order to demonstrate that a suitable level of acoustic protection could be achieved between the residential units and the retained studio workspace. Given the constraints imposed by the building's listed status, it was important to establish that a suitable scheme for acoustic protection could be developed that would not result in harm to the fabric of the building or the appreciation of its significance.
- 112 It is important that a suitable level of acoustic insulation can be provided to ensure that the introduction of residential units within the building does not compromise or impose constraints on the operation of the studio workspace, in accordance with the Agent of Change principle. The two residential units at ground floor would lie directly above the studio workspace at lower ground floor level with the potential for vertical noise transference, and Unit G.02 would also directly adjoin the studio workspace at ground floor level with the potential for horizontal noise transference. In addition, Unit 1.03 at first floor level would lie directly above the studio workspace at ground floor level. Given the nature of the building's historic fabric, there would clearly be the potential for noise transference in the absence of acoustic insulation measures.

- 113 The submitted Sound Insulation Investigation Report has considered the potential for noise transference through ceilings and floors, and also flanking noise or structural borne noise where vibrations could allow the transmission of noise via walls. The report identifies that in order to ensure that residents are adequately protected from noise arising from the studio workspace use, the floors that separate the two uses should be designed to achieve an airborne insulation performance 15dB greater than the standard requirements of Building Regulations, which would result in a performance of 58dB DnT,w + Ctr. In addition, it identifies that the party walls at ground floor level which separate Unit G.02 from the adjoining studio workspace should exceed standard requirements by 10dB, resulting in a performance of 53dB DnT,w + Ctr.
- 114 Taking forward the recommendations of the Sound Insulation Investigation Report, details have been submitted of the proposed works to the concrete floor separating the ground and lower ground floors, and part of the ground and first floors. This involves the installation of a suspended ceiling, which would provide a cavity to be filled with mineral wool insulation to reduce noise transference. Similarly, details have been submitted of the proposed works to the party wall between Unit G.02 and the studio workspace at ground floor. This involves the installation of new linings to the wall, with the cavity again being filled with mineral wool insulation.
- 115 The Sound Insulation Investigation Report concludes that these measures would result in a reduction in noise transmission between the studio workspace and the residential units, and would be expected to sufficiently protect future residents against noise ingress from the studios on site.
- 116 The Council's Environmental Protection team have reviewed the submitted information. It is noted that there is currently a music / recording studio operating within one of the lower ground floor studio spaces within the building. This would lie directly beneath the proposed residential unit G.01. In response to comments from the Council's Environmental Protection team, the applicant's noise consultant has undertaken additional modelling to demonstrate that the proposed insulation measures would be effective in achieving an acceptable noise environment within this unit.
- 117 It must also be recognised that there are a number of conditions on the existing planning consent (DC/08/70133) for the use of the building as studio workspace which relate to issues of noise. Condition 2 attached to this consent states that "No music, amplified sound system or other form of loud noise (such as singing or chanting) shall be used or generated which is audible outside the premises or within adjoining buildings." Condition 1 restricts the hours of use of the premises to between 8am and 11pm on any day. In terms of Condition 2, given the nature of the building's existing fabric, in the event that the music / recording studio is operating without an insulated booth and does not rely solely on electronic recording via the use headphones, then it is unlikely that Condition 2 is being complied with. In terms of Condition 1, this clearly limits the use of the studio workspace outside of the hours of 8am to 11pm.

Summary

- 118 In the context of the submitted Sound Insulation Investigation Report, and having regard to the conditions which apply to the existing studio workspace use, it is considered that subject to the implementation of the identified sound insulation works, an acceptable internal noise environment would be secured for occupiers of the proposed residential units. A condition is recommended requiring submission of an acoustic compliance report to demonstrate that the sound insulation works have been implemented in accordance with the submitted details and requiring post-implementation testing to demonstrate that suitable internal noise levels would be achieved within the residential units. In addition, the conditions relating to the control of noise associated with the existing studio workspace use are proposed to be re-imposed. Subject to this, it is

considered that an acceptable noise environment would be secured for residential occupiers, and that the introduction of residential use within the building would not impose constraints or otherwise threaten the continued operation of the studio workspace that would be retained at ground and lower ground floor levels, having regard to the Agent of Change principle.

- 119 The proposed layout of the development has been revised following submission in response to officer comments, and now affords separation in terms of the means of access between the residential and studio workspace uses. This is set out in full below under 'Layout'. The purpose of introducing a greater degree of separation is to minimise the potential for conflicts between the two uses, and thereby ensure that the introduction of residential accommodation does not compromise or impose constraints on the future operation of the artist studio space, whilst also ensuring a suitable level of amenity for residential occupiers.

Accessibility and inclusivity

Policy

- 120 LPP 3.8 and DLPP D7 require 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% to M4(2) 'accessible and adaptable dwellings'. Part M of the Building Regulations does not however apply to dwellings resulting from a conversion or a change of use.

Discussion

- 121 The existing building has a complex series of level changes both internally and externally, and its listed status limits the extent to which the building could be adapted to meet the requirements of Part M. The previously refused scheme proposed the insertion of a lift shaft within the building, however this was considered to result in significant harm to the building's fabric and layout.
- 122 In any case, as set out above, Part M of the Building Regulations does not apply to dwellings resulting from a conversion or a change of use, and the Mayor of London's Housing SPG is clear that this requirement only applies to new build housing. This is reflected in DLPP D7 which confirms that the requirements only apply to dwellings which are created via works to which Part M volume 1 of the Building Regulations applies. The accessibility requirements are not therefore applicable in relation to the application proposal.

External space standards

Policy

- 123 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'.

Discussion

- 124 Six of the proposed units would be provided with private external amenity space. Three of these would be in the form of roof terraces (with areas of 42.6m², 11.8m² and 13.8m²) and three would be in the form of balconies (each of 8.0m²). This provision would therefore exceed the minimum requirement and afford a good quality provision of private amenity space to these units. Of the remaining three units which would have no private outdoor amenity space (Units G.01, G.02 and 1.02), Units G.02 and 1.02 are sufficiently

oversized to compensate for the non-provision of external amenity space. In relation to Unit G.01, this is 4.9sqm oversized which falls marginally short of the 6sqm requirement for private external amenity space. Given the limited extent of this shortfall and recognising that its ground floor location would mean that occupiers of this unit would be able to readily access the communal amenity space located directly adjacent, the proposed provision is considered acceptable.

- 125 An area of communal amenity space would be provided within the yard area. This would comprise both hard and soft landscaping and given its south facing aspect would provide an attractive space for residents to sit. This space would also be accessible to occupiers of the studio workspace, providing a space to relax or work outdoors. The shared nature of this outdoor area affords a space for residents and occupiers of the studio workspace to meet and interact.

Summary of Residential Quality

- 126 It is considered that the proposed development would afford a suitable level of amenity for occupiers of the residential units.

7.2.4 Housing conclusion

- 127 The proposed change of use would facilitate the creation of nine dwellings, which would make a contribution towards the borough's housing requirement. A suitable mix of unit sizes would be provided in this context which would meet or exceed the defined minimum space standards. The dwellings would provide a suitable level of amenity for future occupiers, and in the context of the proposed sound insulation measures and the design of the scheme, it is not considered that the proposal would compromise the operation of the studio workspace which is to be retained at ground and lower ground floor levels.

7.3 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

General Policy

- 128 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:

- local character (including landscape setting)
- safe, connected and efficient streets
- a network of greenspaces (including parks) and public places
- crime prevention (see Section **Error! Reference source not found.**)
- security measures (see Section **Error! Reference source not found.**)
- access and inclusion
- efficient use of natural resources (see Section 7.6)
- cohesive and vibrant neighbourhoods

- 129 LPP 7.6 requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. CSP 15 repeats the necessity to achieve high quality design. DMLP 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

7.3.1 Appearance and character

Policy

130 The NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 127).

Discussion

131 The principal external alterations proposed to the application property are summarised below:

- Removal of existing metal storage containers and temporary structures from the rear yard;
- Removal of external fire escape stairs and landings and replacement with new black painted metal balconies using materials reclaimed from the existing stairs and landings;
- Limited alteration to a number of existing window / door openings, including the reinstating of a number of original window openings;
- Formation of a new gated opening in the southern boundary wall of the rear yard to afford pedestrian access for residents via Napier Close;
- Construction of cycle and refuse stores within rear yard, and hard and soft landscaping to rear yard area;
- Repair of windows, removal of redundant external drainage pipes and fixtures, and removal of mesh security screens over the lower ground floor lightwells to Amersham Vale; and
- Installation of five roof lights in the existing flat roof area at third floor roof level.

132 The proposed external works are considered to be sensitive to the building's character and appearance. The assessment of the proposed works on the significance of this Grade II listed building is set out below under 'Impact on Heritage Assets'.

Layout

Policy

133 LPP 7.1(d) states the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

Discussion

134 Following submission of the application and in response to officer comments, the proposed residential conversion of part of the ground floor and the upper floors of the building has been redesigned to afford a greater degree of separation between the residential accommodation and the retained studio workspace. The purpose of introducing a greater degree of separation is to minimise the potential for conflicts between the two uses, and thereby ensure that the introduction of residential accommodation does not compromise or impose constraints on the future operation of the artist studio space, whilst also ensuring a suitable level of amenity for residential occupiers.

- 135 The building's main entrance to Amersham Vale would provide the principal means of access to the residential accommodation. All nine of the proposed residential units would be accessed by this principal entrance, via the building's internal circulation space and stairwell. In addition to being capable of being accessed from the residential lobby, Unit G.01 would also have its own independent front door access via the existing external door to Amersham Vale located at the southern corner of the building's front elevation. This reflects the historic arrangement whereby this secondary entrance from Amersham Vale was designed as the independent entrance to the Police Inspector's living quarters as part of the original design and layout of the police station building. Occupiers of the residential accommodation would be afforded a secondary alternative access by means of a pair of gates which would be introduced in the existing southern boundary wall to Napier Close. These gates would provide access to the communal outdoor amenity space, with a rear entrance door in the building providing a secondary means of access to the ground floor residential lobby. This arrangement would provide a convenient means of access for residents using cycles, passing the cycle store en-route.
- 136 The studio workspace would be accessed via the existing pair of gates in the southern boundary wall to Napier Close. These gates would open in to the rear yard area, from where the ground floor studio workspace would be accessed via an existing doorway in the building's southern elevation, and the lower ground floor studio workspace would be accessed via the two existing points of entry to this space. The studio space to be retained within the existing outbuildings would continue to be accessed as at present directly via the yard area. The rear yard area would provide access to the studio workspace for servicing and deliveries, and serve as a flexible outdoor area which could be used by occupiers of the studio workspace for any works which require outdoor working.
- 137 The proposed layout would afford a suitable degree of separation in terms of the means of access to residential accommodation and the studio workspace, which would serve to minimise the potential for conflicts between the two uses. Occupiers of the studio workspace could come and go via the rear yard space, without causing disturbance to the occupiers of the residential units. Residential and creative workspace can successfully co-exist within the same building, and it is considered that the proposed layout would allow for this to be achieved without serving to compromise or impose constraints on the future operation of the artist studio space.

Detailing and Materials

Policy

- 138 Attention to detail is a necessary component for high quality design. LPP 7.6 expects the highest quality materials and design appropriate to context. This is particularly important in the context of works to listed buildings.

Discussion

- 139 The detailing and treatment of the proposed external alterations have been refined during the course of the application's consideration in response to the comments of the Council's conservation officer. The assessment of the proposed works on the significance of this Grade II listed building is set out below under 'Impact on Heritage Assets'.

7.3.2 Impact on Heritage Assets

Policy

- 140 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving the listed building

or its setting or any features of special architectural or historic interest which it possesses.

- 141 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 142 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.
- 143 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.
- 144 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.

Discussion

- 145 In addition to the principal external alterations summarised about under 'Appearance and Character', listed building consent is sought for works comprising a series of internal alterations, including:
- Installation of suspended ceiling at lower ground floor level and ground floor level, and works to introduce internal party wall insulation at ground floor level to afford additional acoustic insulation to the retained studio workspace (as discussed above under 'Housing – Noise & Disturbance') together with works to afford fire separation in accordance with Building Regulation requirements;
 - Creation of a number of additional door openings within internal walls, some of which involve the reinstatement of original door openings, together with the installation of wooden doors to these new openings;
 - Blocking up of a number of existing door openings within internal walls, some of which involve the blocking up of non-original openings;
 - Removal of a number of existing internal room partitions and doorways, the majority of which are non-original;
 - Installation of a metal gate to the stairwell at lower ground floor level to prevent internal circulation between the communal areas serving the residential accommodation and the studio workspace;
 - Removal of a number of existing non-original internal fixtures and fittings, including built in cupboards, toilet and kitchen fittings; and
 - Conservative repair and refurbishment to internal fittings including tiled stairwell, internal joinery, doors and woodwork, together with the introduction of new skirtings, architraves and cornices where these have been removed / are absent.

- 146 The significance of the Grade II listed former Police Station is considered to lie in its external envelope and elevations; internal plan form and fittings, particularly in the front hall and staircase, but including doors, skirtings, and flooring elsewhere in the building); and the cell block at lower ground and ground floor levels (where the cell doors, beds and high level windows are of particular significance). The former Drill Yard (the rear yard area) also contributes to the setting of the listed building and is key to understanding the original function of the building. The appeal decision relating to the previously refused applications states in relation to the former Drill Yard that “its open nature and freedom from permanent structures means that the rear area makes a positive contribution to the significance of the building”.
- 147 In terms of the proposed external alterations, these are considered to have a neutral impact on the building’s significance. The removal of the existing metal storage containers and temporary structures from the rear yard would represent an enhancement to the setting of the building and the appreciation of its original form and extent of the former Drill Yard. Whilst this would be partially offset by the introduction of new cycle and refuse stores within the rear yard, these would be located around the boundary wall and their reduced scale in comparison to the existing structures should result in an overall net benefit. The installation of five roof lights in the flat roof area at third floor level would not be visible from the public realm due to their elevation and positioning. The formation of an additional opening in the southern boundary wall to Napier Close would result in a limited degree of harm, however the existing double entrance gates would remain and this secondary entrance would be read as subordinate to this. The removal of the external fire escapes and landings would result in the greatest visual impact when viewed from the public realm, however new metal balconies would be installed which broadly reflect the location of these existing escape stairways and landings, and these would utilise metal from these existing features.
- 148 In terms of the proposed internal alterations, the works are considered to be the minimum necessary in order to facilitate the proposed change of use. Notably, the significance of the cell block at lower ground and ground floor levels would not be impacted by the proposed development, as with the exception of a small incursion at ground floor level, the residential conversion does not extend to these parts of the building. The internal alterations to the layout would be sensitive to the original form and layout, and in some cases would improve the appreciation of the building’s original form, where original doorways are to be reinstated and later internal partitions removed.
- 149 The applicant sought pre-application advice from the Council, and the Council’s conservation officer provided advice on the emerging scheme at that stage. The detailed design and scope of proposed works has also been revised on several occasions during the course of the application’s consideration in order to address and respond to the comments of the Council’s conservation officer. The Council’s conservation officer considers that the scheme is generally sensitive to the listed building plan form, with minimal alterations to the internal layout proposed. Overall the Council’s conservation officer considers that the proposed development would result in minimal harm to the listed building, subject to the imposition of a number of conditions requiring submission of details of various elements of the proposed works.

Summary

- 150 Officers consider that the proposed works would result in less than substantial harm to the listed building as a heritage asset. It is recognised that the proposed works would in some cases improve the appreciation of the building’s original form and significance, most notably through the removal of later internal partitions, fixtures and fittings, and the removal of the metal storage containers and temporary structures within the former Drill Yard. There are wider public benefits associated with the proposed development, including the creation of additional dwellings which would make a contribution towards

the borough's housing requirement, together with securing a use for the listed building which should secure its ongoing maintenance and repair in the longer term. Given the minimal level of harm that would result from the proposed works, it is considered that the public benefits outweigh this harm

151 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the listed building and its setting. The public benefits are considered to outweigh the harm to the listed building that would result from the proposed works.

7.3.3 Urban design conclusion

152 The proposed external works are considered to be sensitive to the building's character and appearance. The works would result in less than substantial harm to the listed building as a heritage asset and the public benefits are considered to outweigh the harm to the listed building that would result from the works.

7.4 TRANSPORT IMPACT

General policy

153 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.

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

155 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.

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

Discussion

157 The application site benefits from good accessibility to public transport. The majority of the site has a PTAL of 5, which reduces to a PTAL of 4 on a small part of the rear yard area. It lies approximately 200m from New Cross rail station, with an extensive network of bus routes through the surrounding area. A Transport Statement and Travel Plan have been submitted as part of the application submission.

158 The proposed development would be car-free. Given the site's public transport accessibility this is considered to be appropriate. In terms of on-street parking, whilst the parking spaces within Napier Close are privately managed for residents of the Adolphus Estate, Amersham Vale provides unrestricted on-street parking which could be utilised by visitors or for deliveries and servicing.

- 159 The submitted plans identify that two cycle stores would be sited within the shared amenity space to the rear of the building, comprising 24 cycle parking spaces for residents, and cycle parking provision for occupiers of the studio workspace.
- 160 The Intend to Publish London Plan minimum requirement is for 16 long-stay cycle parking spaces and 2 short-stay visitor spaces to serve the residential accommodation, and 8 long-stay spaces and 2 short-stay visitor spaces to serve the retained artist studio space. The proposed level of provision would meet this requirement.
- 161 Recognising that the curtilage of the property is fully enclosed by the existing secure boundary treatment, the delivery of the four short-stay visitor spaces within the public highway around the site would be secured by legal agreement. Details of the on-site cycle parking facilities would be secured by condition to ensure that they accord with the London Cycling Design Standards.
- 162 The submitted plans also identify dedicated refuse storage facilities within the shared amenity space to the rear of the building, with separate facilities for the residential accommodation and the studio workspace. Waste servicing would be via Napier Close, and the refuse stores would be readily accessible for servicing in this context. Details of the refuse store facilities would be secured by condition to ensure that the required capacities would be provided. Submission of a Delivery and Servicing Plan would be secured by condition to demonstrate satisfactory arrangements for servicing the development.
- 163 The submitted Travel Plan identifies a range of measures aimed at promoting sustainable travel to the site. Implementation and monitoring of a Travel Plan would be secured by condition.
- 164 TfL were consulted and confirmed that they have no comments to make on the application.

7.4.1 Transport impact conclusion

- 165 The proposed development would be car-free, which is appropriate given the site's high level of public transport accessibility. Provision would be made for cycle parking in accordance with the emerging London Plan minimum requirement. Subject to the imposition of relevant conditions, and securing the provision of four short-stay visitor spaces within the public highway around the site, the transport impacts of the proposed development would be effectively mitigated.

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 166 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- 167 This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

- 168 LPP 7.6(b)(d) requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing.
- 169 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its neighbours.
- 170 Further guidance is given in Housing SPG 2017, GLA; Residential Standards SPD 2012, LBL. The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.

Discussion

- 171 The application proposal is for a change of use of part of the existing building. As detailed above, external alterations would be limited in the context of the building’s listed status and there would be no new build element. The proposal would involve alterations to a number of existing window openings (including the enlargement of some openings, and their replacement with doors), and would involve the removal of the existing fire escape stairways to the rear of the building and the introduction of balconies and roof terraces to serve the proposed residential units. In this context, the impact of the proposed development on the living conditions of neighbours will necessarily be limited given that the proposal relates to a change of use and that limited external alterations are proposed.
- 172 In terms of neighbouring properties, to the north of the application site is the replacement police station building, which currently has an office function following the closure of the station’s front desk. The north elevation of the application building’s rear outrigger element overlooks the rear yard area of the replacement police station and no conflicts of amenity would result in this context. To the north east of the application site are residential properties within the two storey Brunel House, and beyond this is a terrace of two storey properties fronting Warwickshire Path. To the east of the application site, there is a terrace of two storey properties on Napier Close which face the rear yard area, separated from the site by Napier Close and its designated parking bays. To the south of the site, there is the two storey John Penn House which provides supported living accommodation (see Figure 1 – Site Location Plan).

7.5.1 Enclosure and Outlook

- 173 As no new build elements are proposed, the application proposal would not result in any impact on enclosure or outlook for neighbouring properties.

7.5.2 Privacy

Policy

- 174 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

Discussion

- 175 The only direct facing relationships exist between i) the windows in the east elevation of the application building’s rear outrigger and the windows in the front elevation of the facing properties on Napier Close, where there is a separation distance of approximately 34m, and ii) the windows in the south elevation of the application building’s rear outrigger and the windows in the facing elevation of John Penn House, where there is a

separation distance of approximately 23m. Where window openings are being enlarged, there is an existing source of outlook from these windows or from other existing windows on these elevations, and as such this would not result in any greater level of overlooking for neighbouring properties.

- 176 The application proposal would involve the introduction of a number of balconies and roof terraces on the building's north and east elevations. A roof terrace would be introduced on the north elevation of the rear outrigger at first floor level. This would be sited at a distance of approximately 22m from the nearest residential garden (no. 77 Warwickshire Path) and given this distance and in the context of the intervening series of outbuildings, it is not considered that the introduction of this roof terrace would result in any unacceptable level of overlooking. Two further roof terraces would be introduced at second floor, however these would be set back in relation to the first floor terrace and as such the separation distance would be increased. Balconies would be introduced on the building's east elevation at first, second and third floor levels however a separation distance of approximately 48m would be maintained between these and the windows in the facing front elevation of properties on Napier Close, with an offset relationship to the windows in the elevation of John Penn House to the south where a distance of approximately 16m would be maintained.

Summary

- 177 As such, it is not considered that the application proposal would result in any unacceptable loss of privacy for neighbouring properties.

7.5.3 Daylight and Sunlight

- 178 Again, as no new build elements are proposed, the application proposal would not result in any impact on daylight and sunlight for neighbouring properties.

7.5.4 Noise and disturbance

- 179 The change of use of part of the application property from studio workspace to residential accommodation would not result in any significant noise impact for surrounding properties. The assessment of impact arising from any potential for noise transference between the studio workspace and the residential units is discussed above under 'Housing – Noise and Disturbance'.

7.5.5 Impact on neighbours conclusion

- 180 As such, it is not considered that the application proposal would result in any unacceptable impacts for neighbouring properties.

7.6 SUSTAINABLE DEVELOPMENT

General Policy

- 181 NPPF para 148 sets an expectation that planning will support transition to a low carbon future. This is reflected in relevant policies of the London Plan and the Local Plan. CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

7.6.1 Energy and carbon emissions reduction

Policy

- 182 CSP 8 seeks to minimise the carbon dioxide (CO₂) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards. DMP 22 requires all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

Discussion

- 183 The application is accompanied by a Sustainability Statement (Proun Architects, March 2019). This identifies that energy saving measures will be provided to achieve the equivalent of Code for Sustainable Homes Level 4, and sets out the design principles which have been adopted to reduce energy consumption and CO₂ emissions using passive design and energy. These include maximising natural light and ventilation to the residential units, achieving a Dwelling Emission Rate to meet the targets set out in Building Regulations, use of energy efficient lighting, and using energy efficient white goods.

7.6.2 Overheating

Policy

- 184 LP5.9 states that proposals should reduce potential overheating beyond Part L 2013 of the Building Regulations reduce and reliance on air conditioning systems and demonstrate this in accordance with the Mayor's cooling hierarchy. Draft LPP SI14 echoes this.

Discussion

- 185 As set out above, seven of the units would be dual or triple aspect affording good opportunity for cross-ventilation. No mechanical ventilation is proposed, with natural ventilation providing the means of mitigating overheating. It is not considered proportionate to require an overheating analysis given the scale of the proposed conversion, which falls below the threshold for a major development. Recognising that this is a conversion and given the listed status of the building, there is limited scope for intervention to address issues of potential overheating in terms of the building fabric or fenestration, and as such it is considered that on balance the proposed development is not unacceptable in this regard.

7.6.3 Urban Greening

Policy

- 186 LPP 5.10 requires development to contribute to urban greening, including tree planting, green roofs and walls and soft landscaping, recognising the benefits it can bring to mitigating the effects of climate change. CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

- 187 The Urban Greening Factor set out within the Intend to Publish London Plan is only applied to major applications currently, and the application proposal falls below this threshold.

Discussion

- 188 The application proposal would make a positive contribution to urban greening. The property's rear yard area currently comprises entirely of hardstanding with a series of outbuildings and shipping containers. The proposed development would involve the

conversion of this yard area to a shared outdoor amenity space serving the residential units and the occupiers of the studio workspace. The submitted landscaping plan demonstrates that this would include the provision of areas of grass and soft landscaping. In addition, areas of green roof are proposed on part of the single storey element of the building's rear outrigger, and on the cycle and refuse stores. The proposed roof terraces would also provide the potential for additional greening, subject to their use and planting by future occupiers.

- 189 Recognising that the application proposal involves the partial change of use of an existing building, that no new build elements are proposed (with the exception of the cycle and refuse stores), and recognising that the listed status of the property necessarily imposes constraints on the extent of alterations, it is considered that the application proposal makes a proportionate contribution to urban greening and would clearly deliver a net gain in this regard

7.6.4 Flood Risk

Policy

- 190 NPPF para 155 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.
- 191 LPP 5.12 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding. LPP 7.13 expects development to contribute to safety, security and resilience to emergency, including flooding.
- 192 DLPP SI12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 193 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

Tidal and fluvial flood risk

- 194 A Flood Risk Assessment has been submitted alongside the planning application submission. The application site lies within Flood Zone 3, associated with the risk of tidal flooding from the River Thames. The site is however protected by the River Thames tidal flood defences up to a 1 in 1,000 (0.1%) flood event, and the Environment Agency's most recent flood modelling indicates that the site would not be at risk if there was to be a breach in the defences.
- 195 Where the previous application proposal involved the full conversion of the building to residential use involving the creation of residential dwellings at basement level (classified as a 'highly vulnerable' use under the flood risk vulnerability classification set out within the NPPG), the current application proposal retains the existing studio workspace at basement level (classified as a 'less vulnerable' use under the flood risk vulnerability classification). Residential accommodation would only be introduced at ground floor level and above, and the building's ground floor level is significantly raised in relation to the surrounding ground level.
- 196 In its response, the Environment Agency raises no objection to the proposed development. The response confirms that whilst the site lies within Flood Zone 3, it is protected by the River Thames tidal flood defences up to a 1 in 1000 (0.1%) flood event, and their most up to date flood modelling shows that the site would not be at risk if there

was to be a breach in the defences. In terms of tidal and/or fluvial flood risk, the development is therefore considered to be at low risk of flooding.

Surface water flood risk

- 197 The application site currently comprises exclusively of impermeable surfaces, in terms of the former police station building and its range of outbuildings, and the rear yard area which comprises hardstanding. There are no records of surface water flooding at the site.
- 198 The application proposal would involve the introduction of additional permeable surfaces through the soft landscaping of part of the rear yard area. In addition, a range of sustainable urban drainage systems (SuDS) measures are proposed including the provision of areas of green roof, permeable block paving, and the provision of grassed areas set at a lower level than the surrounding land to act as a rain garden. The submitted information identifies that the effect of these measures would be to reduce the rate and volume of run-off from this area compared to the existing situation.
- 199 In this context and recognising that the application proposal represents a change of use and would not involve the construction of new buildings on the site

Ground water flood risk

- 200 The Lewisham SFRA identifies that the closest records of groundwater flooding were approximately 1km south west of the application site. The application proposal relates to a change of use of part of the ground floor and the upper floors, and the lower ground floor would be retained in its entirety as studio workspace as per the existing situation. The proposed development would not increase the built footprint on the site or alter the foundations or below ground structures, and therefore it is considered that the groundwater risk would remain the same as exiting, and the proposed development will not increase ground water flood risk.

7.6.5 Sustainable Urban Drainage

Policy

- 201 LPP 5.13 requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy.
- 202 DLPP SI13 expects development to achieve greenfield run-off rates in accordance with the sustainable drainage hierarchy.
- 203 CSP 10 requires applicants to demonstrate that the most sustainable urban drainage system that is reasonably practical is incorporated to reduce flood risk, improve water quality and achieve amenity and habitat benefits.

Discussion

- 204 The Council's Flood Risk and Drainage Team in their role as Lead Local Flood Authority (LLFA) have requested the submission of additional information in terms of submission of a Surface Water Drainage Strategy which demonstrates that the detailed calculations are in compliance with the Non-Statutory Technical Standards for Sustainable Drainage System S7 to S9. The information should show that there will be no flooding on site for the 1 in 30 year event and no flooding to buildings for the 1 in 100 year (plus 40% climate change) event with the incorporation of the proposed drainage network, such as (MicroDrainage or similar) calculations. In addition, they have identified that a site-

specific maintenance plan should be secured by condition which includes all of the proposed drainage features including SuDS, which specifies the appropriate actions and frequencies of maintaining the components and also states the responsible owner who will manage the scheme for the lifetime of the development.

Summary

205 Subject to securing these measures via condition, and recognising that the scheme represents a change of use and would clearly result in betterment of the existing situation given the incorporation of SuDS features within the rear yard are, it is considered that the proposed development would be acceptable in terms of flood risk and drainage.

7.6.6 Sustainable Development conclusion

206 It is not considered that there would be any unacceptable impacts in terms of sustainable development.

7.7 NATURAL ENVIRONMENT

General Policy

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

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

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

7.7.1 Ecology and biodiversity

Policy

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

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

212 CSP 12 seeks to preserve or enhance local biodiversity.

213 DMP 24 requires all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

Discussion

214 The application site currently affords very limited potential for biodiversity, being occupied by buildings and hardstanding. The proposed development would create additional opportunities for biodiversity through the introduction of living roof areas and

areas of soft landscaping. As such, the proposal can be expected to result in a net gain in biodiversity terms as per the guidance set out within the NPPF.

7.7.2 Ground pollution

Policy

- 215 Failing to deal adequately with contamination could cause harm to human health, property and the wider environment (NPPG, 2014). The NPPF at para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution. Development should help to improve local environmental conditions.
- 216 The NPPF states decisions should contribute to and enhance the natural and local environment by remediating and mitigating contaminated land, where appropriate (para 170). Further, the NPPF at para 178 and NPPG states decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.

Discussion

- 217 The application proposal does not involve the erection of any new buildings, or any excavation of the existing lower ground floor of the building. Residential uses would be introduced at ground floor level and above, with the lower ground floor remaining in use as studio workspace as per the existing situation. There would be some works externally associated with taking up the hardstanding within the rear yard area to introduce the rain garden, soft landscaping and permeable paving, and associated with the construction of the cycle and refuse stores. However these works are likely to be confined to the surface layer.
- 218 The Environment Agency has requested a condition requiring that if any unforeseen contamination is encountered during development, no further development shall be carried out until a remediation strategy has been submitted for approval and works carried out in accordance with the agreed strategy. Subject to the imposition of this condition, it is considered that there would be no unacceptable risk in terms of ground pollution.

7.7.3 Air pollution

Policy

- 219 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.
- 220 LPP 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards. DLPP S11 echoes this.

221 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

Discussion

222 The proposed development would be car free. As a minor residential development comprising just nine dwellings, it is not considered that the residential use would generate any significant increase in vehicle movements in terms of deliveries and servicing compared to the existing studio workspace use. Whilst there would be a limited increase in vehicle movements during construction works, given that the works are limited to internal alterations and fit-out with limited external alterations and no new build elements, it is not considered that the associated movements would result in a negligible impact in terms of local air quality.

223 It is also necessary to consider the impact of introducing residential units (as sensitive receptors) within this area having regard to existing air quality. The application site lies within a predominantly residential area, surrounded by residential properties. Whilst the site lies within the wider Air Quality Management Area, it is not located adjacent to significant sources of emissions and as such it is not considered that the introduction of residential dwellings in this location would require any form of mitigation such as mechanical ventilation to the residential units.

7.7.4 Noise pollution

224 The assessment of impact arising from any potential for noise transference between the studio workspace and the residential units is discussed above under 'Housing – Noise and Disturbance'. The Agent of Change principle is also discussed in this context. The introduction of residential units into an area comprising predominantly of residential uses would not result in any issues of noise pollution.

7.7.5 Natural Environment conclusion

225 It is not considered that there would be any unacceptable impacts in terms of the natural environment, and the proposal can be expected to result in a net gain in biodiversity in the context of the additional vegetation and habitat that would be introduced within the site.

8 LOCAL FINANCE CONSIDERATIONS

226 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).

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

228 The CIL is therefore a material consideration.

229 As the proposed development involves the creation of new dwellings, it would be CIL liable. However, given that this would be achieved via a change of use of existing floorspace and there would be no additional floorspace created / extension of the existing building, it would be zero rated in terms of CIL, meaning that in terms of both Lewisham CIL and MCIL there would be a nil chargeable amount.

9 EQUALITIES CONSIDERATIONS

230 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.

231 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.

232 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.

233 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>

234 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

235 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>

236 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

237 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

238 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.

239 Members need to satisfy themselves that the potential adverse 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.

240 This application has the legitimate aim of realising a change of use of the existing building, to create new residential units together with the partial retention of existing studio workspace. 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 LEGAL AGREEMENT

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

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

242 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it unlawful to secure a planning obligation unless it meets the three tests.

243 The following are the draft Heads of Terms, to which the applicant has agreed in writing:

- **Contribution to training and local employment**

Financial contribution of £281,963, payable prior to first occupation of any residential unit

- **Provision of visitor cycle spaces**

Enter into a s278 agreement with the Council as Highway Authority to secure the provision of four cycle parking spaces within the public realm at Napier Close

- **Monitoring fee**

£2,250 payable upon commencement

244 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

12 CONCLUSION

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

246 In terms of the principle of the development, the loss of the existing creative workspace is regrettable, however, as set out above, in the context of the existing policies within the adopted development plan and the conclusions of the Planning Inspector in relation to the previous appeal decision, it is not considered that the policy basis exists to resist the loss of this existing use. The applicant has confirmed agreement to enter into a legal agreement to secure a financial contribution of £281,963 towards training and/or local employment schemes, in accordance with the requirements of DMP 11 associated with the loss of employment floorspace.

247 The application proposal would deliver nine dwellings which would make a contribution to the borough's housing requirement. In addition, studio workspace would be retained at lower ground and ground floor levels to enable the retention of some of the existing creative uses within the building. The scheme has been revised in response to officer requests in order to ensure that both proposed uses could successfully co-exist within the building as a mixed use development, to ensure that the introduction of residential use within the building would not compromise the future operation of the studio workspace which is to be retained.

248 The proposed works associated with the partial conversion of the building are considered to be sensitive to the Grade II listed status of the building. The Council's

conservation officer considers that the proposed development would result in minimal harm to the listed building, subject to the imposition of a number of conditions requiring submission of details of various elements of the proposed works. The proposed works would result in less than substantial harm to the listed building as a heritage asset and would in some cases improve the appreciation of the building's original form and significance, most notably through the removal of later internal partitions, fixtures and fittings, and the removal of the metal storage containers and temporary structures within the former Drill Yard. Having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, officers are satisfied that the proposal would preserve the listed building and its setting, and the public benefits are considered to outweigh the harm that would result from the proposed works.

- 249 The application proposal would secure a suitable level of amenity for future residents, and has sought to address the reasons for refusal in this regard in relation to the previously refused application. The application proposal would not result in any unacceptable impacts in terms of sustainable development and the natural environment.
- 250 Subject to the imposition of conditions and the securing of relevant planning obligations, including financial contributions, the development is judged acceptable and in accordance with the Development Plan.

13 RECOMMENDATION A

- 251 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the conditions and informatives set out below under 'Planning Application (DC/19/111720)', and authorise officers to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters set out in Section 11 of this report, including such other amendments as considered appropriate to ensure the acceptable implementation of the development.
- 252 Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT** planning permission subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development.

14 RECOMMENDATION B

- 253 That the Committee resolve to **GRANT** listed building consent subject to the conditions and informatives set out below under 'Listed Building Consent Application (DC/19/111939)'.

14.1 FULL PLANNING APPLICATION (DC/19/111720)

14.1.1 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 DRAWINGS AND DOCUMENTS

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

2921/L/01; 2921/L/02; 2921/P/101; 2921/P/103; 2921/P/104; 2921/P/105; 2921/P/106; 2921/P/107; 2921/P/108; 2921/P/109; 2921/P/110; 2921/P/111 (received 3 April 2019)

2921/P/113 Rev A; 2921/P/115 Rev A; 2921/P/116 Rev A; 2921/P/117 Rev A; 2921/P/118 Rev A; 2921/P/119 Rev A; 2921/P/121 Rev A; 2921/P/123 Rev A (received 25 July 2019)

2921/P/124 Rev B; 2921/P/125 Rev C; 2921/P/126 Rev B; 2921/P/127 Rev B; 2921/P/128 Rev A; 2921/P/129 Rev A; 2921/P/130 Rev A; 2921/P/131 Rev A; 2921/P/151; 2921/P/152; 2921/P/153; 2921/P/154; 2921/P/155; 2921/P/162; 2921/P/163; 2921/P/164; 2921/P/165; 2921/P/166; Outline Specification of Internal Works; 2921/Roomdatasheets01 Rev A (received 9 September 2019)

2921/P/193; 2921/P/195 (received 17 September 2019)

2921/P/102 Rev A; 2921/P/114 Rev B (received 19 December 2019)

2921/P/122 Rev E; 2921/P/141 Rev B; 2921/P/191 Rev B; 2921/P/192 Rev A; 2921/P/196; 2921/P/197 (received 5 February 2020)

2921/P/161 (received 7 February 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) SURFACE WATER MANAGEMENT

(a) No development within the rear yard area shall commence until a Surface Water Drainage Strategy and site-specific maintenance plan has been submitted to and approved in writing by the local planning authority.

(b) The Surface Water Drainage Strategy shall include specifications of the surface treatments and sustainable urban drainage solutions, demonstrate that the detailed calculations are in compliance with the Non-Statutory Technical Standards for Sustainable Drainage System S7 to S9, and

demonstrate via calculations that the site will not be at risk of flooding for the 1 in 30 year event and there will be no flooding to buildings for the 1 in 100 year (plus 40% climate change) event with the incorporation of the proposed drainage network. The site-specific maintenance plan which includes all of the proposed drainage features, and specifies the appropriate actions and frequencies for maintaining the components and states the responsible owner who will manage the scheme for the lifetime of the development.

- (c) The development shall be carried out in accordance with the approved strategy and thereafter the approved scheme is to be retained and maintained in accordance with the approved strategy and maintenance plan.

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

4) **STAIRWELL METHOD STATEMENT**

No internal works within the building shall be carried out until a method statement detailing the approach to tile cleaning, repair and replacement of tiles within the building's principal internal stairwell has been submitted to and approved in writing by the local planning authority. The method statement shall be accompanied by samples where relevant to demonstrate the approach to cleaning, repair and replacement of tiles. The works shall be implemented in full accordance with the approved method statement.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

5) **SERVICE RISER DETAILS**

No internal works within the building shall be carried out until details of the proposed service riser have been submitted to and approved in writing by the local planning authority. The works shall be implemented in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

6) **BOUNDARY WALL METHOD STATEMENT**

No works to the boundary wall to the former Drill Yard shall be carried out until a method statement detailing the approach to any works of cleaning, repair or alteration of the boundary wall has been submitted to and approved in writing by the local planning authority. The works shall be implemented in full accordance with the approved method statement.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

7) DOOR SCHEDULE

No internal works within the building shall be carried out until a door schedule has been submitted to and approved in writing by the local planning authority. The door schedule shall comprise a numbered schedule (cross referenced to the approved plans and room data sheets) to identify a) existing historic doors; b) locations for re-use of removed historic doors; and c) details of proposed new doors. For the avoidance of doubt, this schedule shall relate to all external and internal doors. The works shall be implemented in full accordance with the approved schedule.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

8) DETAILS OF METAL RAILING TO STAIRWELL

No internal works within the building shall be carried out until details of the proposed full height metal railing to be installed at lower ground floor level within the building's principal internal stairwell as shown on approved drawing 2921/P/121 Rev A have been submitted to and approved in writing by the local planning authority. These details shall include the form, materials and method of fixing of the gate. The works shall be implemented in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

9) SOUND INSULATION SCHEME AND ACOUSTIC COMPLIANCE REPORT

No occupation of any residential unit shall occur until an acoustic compliance report has been submitted to and approved in writing by the local planning authority. The acoustic compliance report shall confirm that all recommended sound insulation measures set out within the Sound Insulation Investigation Report (KP Acoustics, Report 19600.SI.01, dated 12/08/2019) and shown on drawings 2921/P/191 Rev B, 2921/P/196 and 2921/P/197 have been implemented in their entirety and that sound testing of the implemented works has been undertaken to demonstrate that with the studio workspace in use, the residential units will achieve levels not exceeding 30dB LAeq (night) and 45dB L_{Amax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

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

10) DELIVERY, SERVICING AND PARKING MANAGEMENT STRATEGY

- a) The development shall not be occupied until a Delivery, Servicing and Parking Management Strategy has been submitted to and approved in writing by the local planning authority.
- b) The document shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity. It shall also set out how the rear yard area will be managed for the purposes of deliveries and servicing, and how this will be enforced to prevent the use of this space for informal parking.
- c) The approved Delivery, Servicing and Parking Management Strategy shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

11) TRAVEL PLAN

- a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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

12) REFUSE STORAGE FACILITIES

- a) Prior to first occupation of the development, details of proposals for the storage of refuse and recycling facilities for the residential and studio workspace accommodation 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).

13) **CYCLE STORAGE FACILITIES**

- a) Prior to first occupation of the development, full details of the cycle parking facilities for the residential and studio workspace accommodation 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).

14) **LANDSCAPING**

- a) A landscaping scheme (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 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 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).

15) **BIODIVERSE ROOF**

- a) The development shall be constructed with areas of biodiverse living roof laid out in accordance with plan no. 2921/P/141 Rev B hereby approved and maintained as such thereafter. The areas of biodiverse living roof shall use a low nutrient substrate base and have a mosaic of different substrate depths between 80-150mm with peaks and troughs (but averaging at least 133mm) and shall be seeded and plug planted with native wildflower species and include other materials to vary the microhabitat characteristics of the locality.
- b) The living roof areas shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

- c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

16) AMENITY SPACE

The communal garden within the rear yard as shown on drawing no. 2921/P/122 Rev E hereby approved shall be retained permanently as a shared space for the benefit of the occupiers of the residential units hereby permitted and the occupiers of the studio workspace.

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

17) HOURS OF USE – STUDIO WORKSPACE

The studio workspace premises shall not be used after the hours of 11.00pm and before 8.00am on any day.

Reason: To safeguard the amenities of the adjoining premises and the area generally 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).

18) AMPLIFIED MUSIC / SOUND

No music, amplified sound system or other form of loud noise (such as singing or chanting) shall be used or generated within the studio workspace which is audible outside the premises or within adjoining buildings.

Reason: To safeguard the amenities of the adjoining premises and the area generally 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).

19) RETAINED ARTIST STUDIO WORKSPACE

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the retained studio workspace at lower ground and ground floor levels as shown on approved drawings 2921/P/121 Rev A and 2921/P/122 Rev E shall be retained for

use as studio workspace and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To ensure that any future use of this floorspace does not result in an unacceptable adverse impact on the amenity of the residential units hereby approved in accordance with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

20) **CONTAMINATION**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the local planning authority prior to occupation.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, and to ensure that the local planning authority may be satisfied that any potential site contamination is identified and remedied to comply with the National Planning Policy Framework (Paragraph 170) and DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

21) **SECONDARY GLAZING**

No works to install secondary glazing to any of the window openings within the building shall be carried out without the prior written approval of the local planning authority.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

22) **CLEANING OF EXTERNAL BRICKWORK**

No works to clean the external brickwork shall be undertaken, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray, without the prior written approval of the local planning authority. Before relevant work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

23) **EXTERNAL BRICKWORK, JOINERY AND MATERIALS**

All new external brickwork, joinery and other external materials shall match those of the existing building in material, appearance and proportion.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

24) **INTERNAL JOINERY AND DETAILING**

All new skirtings, architraves and cornices shall match the existing at the same floor level and part of building.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

14.1.2 **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) You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on CIL@lewisham.gov.uk.

14.2 **LISTED BUILDING CONSENT APPLICATION (DC/19/111939)**

14.2.1 **CONDITIONS**

1) **LISTED BUILDING CONSENT 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) **DEVELOP IN ACCORDANCE WITH APPROVED DRAWINGS AND DOCUMENTS**

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

2921/L/01; 2921/L/02; 2921/P/101; 2921/P/103; 2921/P/104; 2921/P/105; 2921/P/106; 2921/P/107; 2921/P/108; 2921/P/109; 2921/P/110; 2921/P/111 (received 17 April 2019)

2921/P/113 Rev A; 2921/P/115 Rev A; 2921/P/116 Rev A; 2921/P/117 Rev A; 2921/P/118 Rev A; 2921/P/119 Rev A; 2921/P/121 Rev A; 2921/P/123 Rev A (received 25 July 2019)

2921/P/124 Rev B; 2921/P/125 Rev C; 2921/P/126 Rev B; 2921/P/127 Rev B; 2921/P/128 Rev A; 2921/P/129 Rev A; 2921/P/130 Rev A; 2921/P/131 Rev A; 2921/P/151; 2921/P/152; 2921/P/153; 2921/P/154; 2921/P/155; 2921/P/162; 2921/P/163; 2921/P/164; 2921/P/165; 2921/P/166; Outline Specification of Internal Works; 2921/Roomdatasheets01 Rev A (received 9 September 2019)

2921/P/193; 2921/P/195 (received 17 September 2019)

2921/P/102 Rev A; 2921/P/114 Rev B (received 19 December 2019)

2921/P/122 Rev E; 2921/P/141 Rev B; 2921/P/191 Rev B; 2921/P/192 Rev A; 2921/P/196; 2921/P/197 (received 5 February 2020)

2921/P/161 (received 7 February 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) **STAIRWELL METHOD STATEMENT**

No internal works within the building shall be carried out until a method statement detailing the approach to tile cleaning, repair and replacement of tiles within the building's principal internal stairwell has been submitted to and approved in writing by the local planning authority. The method statement shall be accompanied by samples where relevant to demonstrate the approach to cleaning, repair and replacement of tiles. The works shall be implemented in full accordance with the approved method statement.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

4) **SERVICE RISER DETAILS**

No internal works within the building shall be carried out until details of the proposed service riser have been submitted to and approved in writing by the local planning authority. The works shall be implemented in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

5) **BOUNDARY WALL METHOD STATEMENT**

No works to the boundary wall to the former Drill Yard shall be carried out until a method statement detailing the approach to any works of cleaning, repair or alteration of the boundary wall has been submitted to and approved in writing by the local planning authority. The works shall be implemented in full accordance with the approved method statement.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

6) **DOOR SCHEDULE**

No internal works within the building shall be carried out until a door schedule has been submitted to and approved in writing by the local planning authority. The door schedule shall comprise a numbered schedule (cross referenced to the approved plans and room data sheets) to identify a) existing historic doors; b) locations for re-use of removed historic doors; and c) details of proposed new doors. For the avoidance of doubt, this schedule shall relate to all external and internal doors. The works shall be implemented in full accordance with the approved schedule.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

7) **DETAILS OF METAL RAILING TO STAIRWELL**

No internal works within the building shall be carried out until details of the proposed full height metal railing to be installed at lower ground floor level within the building's principal internal stairwell as shown on approved drawing 2921/P/121 Rev A have been submitted to and approved in writing by the local planning authority. These details shall include the form, materials and method of fixing of the gate. The works shall be implemented in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

8) **SECONDARY GLAZING**

No works to install secondary glazing to any of the window openings within the building shall be carried out without the prior written approval of the local planning authority.

Reason: In order that the local planning authority may be satisfied that the historic

fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

9) **CLEANING OF EXTERNAL BRICKWORK**

No works to clean the external brickwork shall be undertaken, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray, without the prior written approval of the local planning authority. Before relevant work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

10) **EXTERNAL BRICKWORK, JOINERY AND MATERIALS**

All new external brickwork, joinery and other external materials shall match those of the existing building in material, appearance and proportion.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

11) **INTERNAL JOINERY AND DETAILING**

All new skirtings, architraves and cornices shall match the existing at the same floor level and part of building.

Reason: In order that the local planning authority may be satisfied that the historic fabric of the building is preserved and to comply with Core Strategy Policy 16 for Lewisham of the Core Strategy (June 2011), and DM Policy 36 of the Development Management Local Plan (November 2014).

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Appendix 1 – Note of Public Drop-in Session in relation to Former Deptford Police Station (10 December 2019)

A public drop-in session was held from 6pm to 8pm on Tuesday 10 December at Deptford Lounge. All those who had submitted comments on either the planning application or listed building consent application were invited to attend. A total of 10 people came along to the session during the course of the evening. The session was attended by three representatives from the applicant team together with the planning case officer. A note of the comments (C) made by attendees, and the responses (R) given is set out below:

Principle

C: The proposal is unacceptable in principle as it would result in a significant loss of existing studio workspace, meaning that many of the artists who currently rent space at the Old Police Station would need to find alternative accommodation.

C: The Old Police Station currently provides artist workspace at low-cost rents. There is no alternative accommodation available locally at these rental levels, so artists will be pushed out of the area.

C: The Deptford and New Cross area has recently been designated as a Creative Enterprise Zone (CEZ). To allow the loss of artist workspace in this location flies in the face of this designation.

R: It was explained that the Council is championing the CEZ and is taking forward a programme of actions to support and develop this role. The Council would wish to retain the artist studio workspace within the Old Police Station. However, given the current planning policy context and in light of the decision of the Planning Inspector in relation to the previous planning appeal, officers do not consider that they have the planning basis to resist the partial change of use to residential at this point in time.

C: On this basis, the Council should put a hold on determining planning applications until its Local Plan has progressed.

R: The Council is required to determine applications within defined timescales on the basis of the policy context at that point in time and other relevant considerations. If the Council refused to determine applications, its decisions would be subject to challenge via appeal, and costs could be awarded to the Council by the Planning Inspectorate.

C: Where new creative workspace has been created as part of recent mixed use developments (for example Deptford Foundry), this space is not affordable to artists even if it is classed as 'affordable workspace'. Therefore there is no replacement low-cost workspace being created in the local area.

C: It makes sense for historic buildings like this to be used for creative purposes. Artists have sustained and kept this building going for the last 10 years, through

renting the space and acting as custodians of the building. Now that they have served their purpose, they are being forced out.

C: What value does the proposed development bring to the area? It will result in the loss of many artist studios pushing creatives out of the area, and will only deliver nine apartments, none of which will be affordable. The development will contribute to the gentrification of the area.

Impact on use of retained artist studio space

C: Introducing residential accommodation to the building will lead to conflicts with the artist studios that would be retained. Future residents are likely to complain about noise and activity associated with the studios, and this could constrain the scope to use the studio space and ultimately push out the studio use altogether. The relationship between one of the ground floor apartments and the adjoining studio space was identified as being particularly problematic, given that the apartment's bedroom would directly adjoin the studio space.

R: The applicant team explained that a noise assessment had been undertaken which demonstrates that with appropriate sound insulation measures there should be no unacceptable level of noise transference for future residents. They identified that people buying the apartments will know that there are artist studios within the building and so will therefore expect a level of activity associated with this. The case officer explained that the proposal had been amended during the course of the application's consideration, to afford greater separation between the means of access to the apartments and the workspace, in order to limit the potential for future conflicts in this respect.

C: The space at ground and basement level which is proposed to be retained as artist workspace will not provide a satisfactory standard of workspace. The basement accommodation is only being proposed as workspace as the space is unsuitable for residential use given the poor light levels and outlook. The basement level space will have poor light levels for studios, and the former cells at ground floor level are not suitable for use as studios due to their constrained size and small high level windows. Therefore even the limited space that is being retained will not provide suitable accommodation for studio workspace.

R: The applicant's architect identified that in his view there was potential to carry out some internal reconfiguration of the accommodation at basement and ground floor level to maximise the use of this space as artist studio workspace, whilst being sensitive to the building's Grade II listed status.

C: There is a minimum critical mass in terms of the number of artist studios within a building from a building management perspective. Given the limited amount of studio floorspace that would be retained, it may not be viable to effectively manage the space meaning that the workspace as a whole would cease to operate.

C: The Old Police Station serves a wider community role – it is open to the public for exhibitions, and allows public access into this historic building. This would cease as a result of the proposed development.

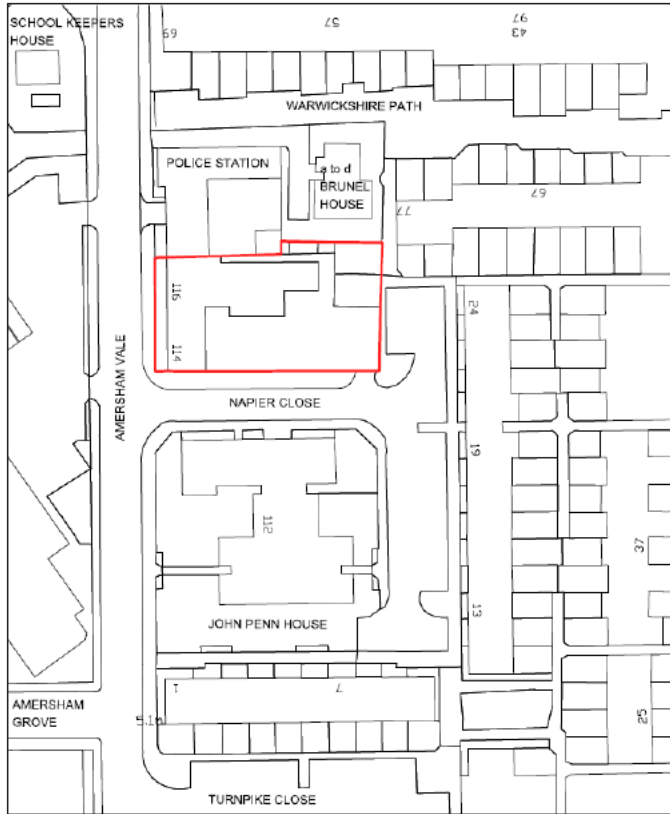
C: The proposal provides insufficient outdoor space to serve the artist studios which are to be retained. The existing yard area is used for creating and assembling works, and for exhibitions.

R: The applicant's architect identified that there may be scope to increase the area of yard space serving the studios, by reducing the communal amenity space that would be provided for residents of the proposed apartments. They would discuss this further with their client and the planning case officer.

C: The proposal results in segregation between the artists and the residents, and there should be more integration provided for within the spaces.

R: The applicant's architect identified that this arose from meeting policy requirements in terms of providing designated communal amenity space for future residents. It was however discussed that there may be scope to look at this again, and provide an outdoor space that could be shared between artists and residents.

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Committee	PLANNING COMMITTEE A	
Report Title	60 Erlanger Road, SE14 5TG	
Ward	Telegraph Hill	
Contributors	Jesenka Ozdalga	
Class	PART 1	25th June 2020

<u>Reg. Nos.</u>	(A) DC/20/115496
<u>Application dated</u>	29 January 2020
<u>Applicant</u>	Archer and Braun (on behalf of applicant)
<u>Proposal</u>	The construction of a single storey rear and side extension (wrap around) at 60 Erlanger Road, SE14, together with relocation of the existing timber gate at the side boundary wall.
<u>Submitted drawings and documents</u>	0105-ABA-20-500; 0105-ABA-20-501 received on 16 March 2020. 0105-ABA-00-022A Rev A; 0105-ABA-00-030A Rev A; 0105-ABA-00-020A Rev A; 0105-ABA-00-021A Rev A; 0105-ABA-00-101A Rev A; 0105-ABA-00-100A Rev A; 0105-ABA-00-202A Rev A; 0105-ABA-00-300A Rev A; 0105-ABA-00-200A Rev A; 0105-ABA-00-201A Rev A received on 25 February 2020. 0105-ABA-00-005; 0105-ABA-00-006; 0105-ABA-00-010; 0105-ABA-00-011; 0105-ABA-00-060; 0105-ABA-00-203 received on 30 January 2020.
<u>Background Papers</u>	(1) Core Strategy (June 2011) (2) Development Management Local Plan (November 2014) (3) London Plan (March 2016)
<u>Designation</u>	Telegraph Hill Conservation Area, Telegraph Hill Article 4(2) Direction, PTAL 5 and 6a
<u>Screening</u>	N/A

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

Site description and current use

2 The application relates to the three storey, end-of-terrace single family dwelling located on the northwest corner of Erlanger and Sherwin Road junction. The application property features an existing single storey rear extension.



Site location plan

Character of area

3 The uniform and cohesive character of the immediate surrounding consists of two and three storey semi-detached and terraced dwellings, built to standardised design in the late 19th century.

Heritage/archaeology

4 The application site is located within the Telegraph Hill Conservation Area and is subject to an Article 4 Direction. However, it is not a listed building or in vicinity of one.

Surrounding area

5 In terms of amenity, the site is well served by local shops and public transport, located within a few minutes walk of New Cross Gate station (overground and National Rail), and the buses on New Cross Road. Telegraph Hill Park is in close proximity, as are a number of schools, notably Haberdashers' Aske's Hatcham College.

Local environment

6 The application site is not in a flood risk zone.

Transport

- 7 The application site has high PTAL of 6a and is in close proximity to the town centre, which makes this a sustainable location in terms of transport links. Some properties on this road feature off-street parking within their front garden.

3 RELEVANT PLANNING HISTORY

- 8 **DC/19/114451** - Installation of replacement Spanish slate roof coverings at 60 Erlanger Road SE14. **Granted.**

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

- 9 The construction of a single storey rear and side extension at 60 Erlanger Road, SE14, together with the relocation of the existing timber gate at the side boundary wall.
- 10 The proposal would retain the existing ground floor bay window to the side elevation.
- 11 The proposed materials for the wrap around extension are vertical timber cladding and slim profile aluminium doors and windows. The proposed roof would be part glazed, part standing seam steel.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

- 12 PRE/19/114809 – Pre-application advice was sought for the construction of a single storey wrap around extension to the rear of 60 Erlanger Road.
- 13 At that stage, officers advised that the scale, massing and proposed materials of the wrap around extension needed further consideration.

5.2 APPLICATION PUBLICITY

- 14 Site notice was displayed on 5 February and a press notice was published on 12 February 2020.
- 15 Letters were sent to residents in the surrounding area, the Telegraph Hill Society and the relevant ward Councillors on 31 January 2020.
- 16 Six number responses from local residents were received, comprising three objections and three support comments.

5.2.1 Comments in objection

Comment	Para where addressed
The design and materials of the proposal are too contemporary and do not relate	[para 38, 40]

sensitively to the host building and conservation area.	
The scale is not in keeping with conservation area	[para 39]
Potential structural damage to the neighbouring property and party wall	[para 55, 56]
Potential damage to the trees, shrubs and landscaping.	During the site visit, no mature trees or significant landscaping were identified on the application site or the neighbouring garden in the immediate vicinity of the existing single storey extension that this proposal seeks to replace.
Inaccurate Drawings, Lack of existing party wall and proposed rainwater drainage details	[para 57]

5.2.2 Comments in support

Comment	Para where addressed
The existing single storey extension is in poor condition and proposal is considered of high quality design and materials	[para 38, 39, 40]
The provision of additional space for growing family	[para 31]

5.3 INTERNAL CONSULTATION

17 The following internal consultees were notified on 31 January 2020.

18 Conservation officer reviewed the proposal and raised no objections.

6 POLICY CONTEXT

6.1 LEGISLATION

19 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).

20 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

21 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.

22 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.

23 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

24 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

25 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Telegraph Hill Conservation Area Character Appraisal (April 2008)

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

26 The main issues are:

- Principle of Development
- Urban Design and Impact on Heritage Assets

- Impact on Adjoining Properties

7.1 PRINCIPLE OF DEVELOPMENT

General policy

27 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.

28 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.

29 The Development Plan is generally supportive of people extending or altering their homes, subject to details.

Discussion

30 The application site lies within the established residential area where different forms of alterations and extensions to existing buildings have already taken place.

31 The proposal would replace and extend an existing single storey extension and would provide occupants of the application dwelling an enlarged area for their dining room and kitchen.

7.1.1 Principle of development conclusions

32 The principle of the development is acceptable.

7.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSETS

General Policy

33 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.

34 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.

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

36 LPP 7.4, 7.6 and 7.8, DLPP HC1, CSP 15 and 16, DMLP 30, 31 and 36 and 37 reflect these priorities and are relevant. Further guidance is given in Alterations and Extensions SPD and Telegraph Hill Conservation Area Character Appraisal.

Discussion

- 37 The site is located in the Telegraph Hill Conservation Area and is somewhat visible from the public realm. The building makes a positive contribution to the Conservation Area and Officers consider it a non-designated heritage asset.
- 38 The proposal would replace the existing extension to the same depth on the boundary with 58 Erlanger Road (2.4m) but widen towards Sherwin Road. It would have a dual pitched roof and would be set back from the side boundary wall along Sherwin Road. The existing bay window to the side elevation of the outrigger would be retained: this is an important feature so this is welcomed. The proposal is considered to be of a modest scale, appropriately subordinate to the host building and complies with the provisions of the Alterations and Extensions SPD.
- 39 Objections were raised over the scale of the proposal not being in keeping with the area. The rear garden slopes down towards the back and along Sherwin Road. As the application site is a corner property, the single storey extension would sit at the lower ground floor and would only be partially visible from Sherwin Road above the existing boundary brick wall. The proposal maintains the same depth of the existing extension and features eaves height lower than the existing. Therefore, the proposal is not considered to introduce inappropriate scale in this area.
- 40 Objections were raised over the proposal being overly contemporary for the conservation area. However, the Alterations and Extensions guidance is clear that a modern, high quality design is generally more successful in this type of extension in conservation areas. The extension would be of a contemporary, lightweight design with vertical timber cladding to the rear elevation and glazing to the side elevation. The dual pitched roof would be part glazed, part seam standing steel. As such, the proposed extension is considered of high quality design and materials.
- 41 Officers raise no objections to the alterations to the existing brick boundary wall to change the location of the existing door. Existing brick would be reclaimed and used to infill the resulting gap in the brick wall.
- 42 In light of the above, Officers are satisfied with the design, scale and materials of the proposed wrap around rear extension and consider it appropriately high quality and subordinate to the host building.
- 43 Officers conclude that no harm to the heritage and character value of the Telegraph Hill Conservation Area would result. Therefore, no weighting exercise pursuant to paragraph 196 of the NPPF is required.

Summary

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

7.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 45 CP15, DMP31(c) and the provisions of the Alterations and Extensions SPD are relevant.

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

7.3.1 Enclosure and Outlook

Policy

47 Overbearing impact arising from the scale and position of an extension is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries.

Discussion

48 The application property sits on a corner site and therefore only 58 Erlanger Road has a relevant shared boundary. 58 Erlanger Road features a single storey conservatory to the rear, set back from the boundary with the application property.

49 Objections were raised over the submitted drawings not being accurate and failing to include the existing boundary wall between these two properties. Initially submitted drawings led to the conclusion that the boundary wall would be demolished. Revised drawings were submitted and Officers are satisfied that they accurately demonstrate that the existing boundary wall would be retained. It is also clear that the works would be contained on the applicant's side of the boundary.

50 The extension would not protrude beyond the rear wall of the existing extension and would retain the depth of approx. 2.4m on the boundary with 58 Erlanger Road. The proposed eaves height would be 2.3m on the boundary. An extension of such a scale is compliant with Lewisham's Alterations and Extensions SPD and would not result in an adverse impact in terms of being overbearing or creating a sense of enclosure.

7.3.2 Privacy

Policy

51 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

Discussion

52 The proposal would not feature any side windows towards the boundary and property at 58 Erlanger Road. Therefore, no loss of privacy to neighbouring amenities is considered to arise from this proposal.

7.3.3 Daylight and Sunlight

Policy

53 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.

Discussion

54 As discussed in paragraph 80 of this report, the extension would retain the scale and massing of the existing single storey extension on the boundary with 58 Erlanger Road. Therefore, no adverse impact on the levels of the daylight and sunlight on the neighbouring amenities would arise.

7.3.4 Other issues

55 Objections were received raising concerns over party wall issues and potential structural damage to the neighbouring property. Objections were also raised over the lack of rainwater drainage and guttering details for the extension, in particular on the boundary with the neighbouring property.

56 Structural issues are not a material planning consideration for a proposal of this scale. Furthermore, party wall issues are a civil matter covered by the provisions of the Party Wall Act.

57 Rainwater guttering details were submitted during the application and are included in the approved drawings. Officers consider the proposed guttering acceptable and not to result in an adverse impact on the neighbouring amenity in terms of rainwater discharge from the roof of the proposed extension.

7.3.5 Impact on neighbours conclusion

58 Due to its location, modest scale, massing and detailing, the proposal is not considered to result in an adverse impact on the amenities of the neighbouring properties.

7.4 LOCAL FINANCE CONSIDERATIONS

59 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).

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

61 The CIL is therefore a material consideration, however in this case the proposal is not liable for Lewisham CIL and MCIL payment.

8 EQUALITIES CONSIDERATIONS

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

63 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.

- 64 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 65 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 66 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
- 67 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 68 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

9 HUMAN RIGHTS IMPLICATIONS [Amend to specific situation]

- 69 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

- 70 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.
- 71 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.
- 72 This application has the legitimate aim of providing an additional space within an existing building with residential use. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

- 73 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 74 The development would not give rise to any harm to the living conditions of neighbours and it would preserve the character and appearance of the Conservation Area and the property itself. Officers have given weight to the merit of use of high quality design and materials to provide an additional space for the existing family-sized dwelling in a sustainable location. Therefore, Officers recommend that planning permission should be granted subject to conditions.

11 RECOMMENDATION

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

11.1 CONDITIONS

- 1) **FULL PLANNING PERMISSION TIME LIMIT**
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.
Reason: As required by Section 91 of the Town and Country Planning Act 1990.
- 2) **DEVELOPMENT IN ACCORDANCE WITH THE APPROVED PLANS**
The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

0105-ABA-20-500; 0105-ABA-20-501 received on 16 March 2020.

0105-ABA-00-022A Rev A; 0105-ABA-00-030A Rev A; 0105-ABA-00-020A Rev A; 0105-ABA-00-021A Rev A; 0105-ABA-00-101A Rev A; 0105-ABA-00-100A Rev A; 0105-ABA-00-202A Rev A; 0105-ABA-00-300A Rev A; 0105-ABA-00-200A Rev A; 0105-ABA-00-201A Rev A received on 25 February 2020.

0105-ABA-00-005; 0105-ABA-00-006; 0105-ABA-00-010; 0105-ABA-00-011;
0105-ABA-00-060; 0105-ABA-00-203 received on 30 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) The development shall be constructed in those materials as submitted namely: vertical timber cladding, slim framed timber/aluminium composite windows and doors, light grey standing seam steel roof and patent glazing system (light grey frames) and in full accordance with submitted drawing 0105-ABA-00-202A Rev A and 0105-ABA-00-200A Rev A.
- (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) **USE OF EXISTING BRICK**

Existing brick shall be reclaimed and used to infill the gap resulting from the alterations in the side boundary brick wall.

Reason: To ensure 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.

11.2 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.



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Committee	PLANNING COMMITTEE A	
Report Title	Greyladies Gardens, Wat Tyler Road, London, SE10 8AU	
Ward	Blackheath	
Contributors	Vincent Murphy	
Class	PART 1	26 th June 2020

Reg. Nos. DC/19/113388

Application dated 2nd August 2019

Applicant Greyladies Gardens Limited
C/- Daniel Watney LLP

Proposal Retrospective planning application for the installation of rooftop safety railings to both the Northern and Southern Blocks of Greyladies Gardens, Wat Tyler Road SE10 (as amended on 24/2/2020).

Designation PTAL 5
Area of Archaeological Priority
Blackheath Conservation Area
Not a Listed Building

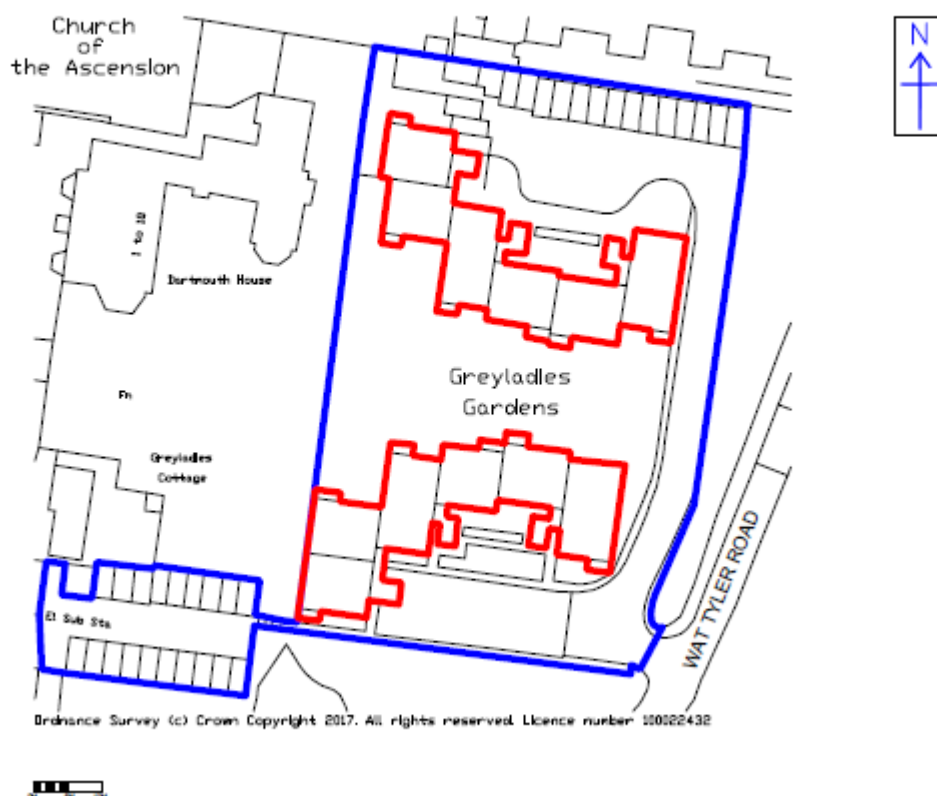
1 SUMMARY

- 1 This report sets out Officer's recommendation for the above proposal. The report has been brought before members for a decision as there are 3 or more valid planning objections.

2 SITE AND CONTEXT

Site description and current use

- 2 The subject site contains two blocks of flats, sited and massed in a stepped arrangement, on the western side of Wat Tyler Road. The buildings date from post-World War II and are both 3-stories in height. The buildings are separated from Wat Tyler Road by a boundary wall and an internal vehicle access route to the east of both buildings. Communal open space is located in the centre of the site between the two buildings.
- 3 The site is currently used for residential purposes, containing 37 flats across the two buildings (see site location plan below showing the subject buildings outlined in red).



Character of area

- 4 The character of the immediately surrounding neighbourhood is predominantly residential, with a range of building forms and architectural detailing, owing to the variance in age of buildings in the immediately surrounding area. The clear exception to the residential character of the area is the heath of Blackheath located across Wat Tyler Road to the east of the subject site. The Church of Ascension Blackheath is another exception, located north-west of the subject site, facing Dartmouth Row.

Heritage/archaeology

- 5 Neither building at the site is statutorily or locally listed; however the boundary walls of the subject site, and ornaments and buildings immediately adjoining or directly adjacent properties to the east (Holly Hedge House) and west (Southwark Diocesan House, now known as Dartmouth House; Church of the Ascension; and Percival House, Spencer House) are either Grade II* or II statutorily-listed. Buildings north of Dartmouth Grove and west of Dartmouth Row further distanced from the site are also statutorily-listed. All of the aforementioned buildings and the subject site are located within the Blackheath Conservation Area.
- 6 The site is within an Area of Archaeological Priority.
- 7 The heath of Blackheath is within the buffer zone of the Maritime Greenwich UNESCO-listed World Heritage Site.

8 There is no Article 4 direction removing permitted development rights affecting the subject site.

Surrounding area

9 The site is located at the southern edge of the Dartmouth Terrace and Wat Tyler Road sub-character area (1a) within the Blackheath Conservation Area Character Appraisal. The character and heritage of this area derive from the historical symmetrical villas north of the subject site on Dartmouth Terrace.

10 The site is approximately 10 minutes' walk from the major town centre (as defined by the London Plan) of Lewisham which has considerable and varied public amenities including a shopping mall, local conveniences, restaurants and public houses.

Local environment

11 The site is not within a mapped Flood Zone, nor in proximity to a mapped Main River, as designated by the Environment Agency. The heath of Blackheath is classified as Metropolitan Open Land at London Plan-level, with corresponding protection in the Lewisham Local Development Framework afforded the heath through a Public Open Space designation. The heath is also a Site of Importance for Nature Conservation.

12 No other relevant planning designations apply to the subject site or neighbouring sites beyond those described in paragraphs 5-10 above.

Transport

13 The site has a PTAL of 5, reflective of its close proximity to Lewisham town centre which has rail connections to central, south and south-eastern London and Kent, as well as being served by a large number of bus routes.

3 RELEVANT PLANNING AND PLANNING ENFORCEMENT HISTORY

14 Relevant planning and planning enforcement history:

15 DC/17/102000 - The installation of replacement aluminium roof trim to Greyladies Gardens, Wat Tyler Road, SE10, together with new fascia's, installation of replacement roof lights and the installation of access steps to the roof. **Granted August 2017**. Of note is that under this application, roof plans P01 and P02 included an indication of rails to be sited on the roof around access hatches, and plan-view detail of proposed steps. These components are considered to be lawfully established. As such, the railings which were not included on the plans approved under DC/17/102000 are the subject of this application – being the railings that are next to steps between the roofs of each block.

16 Planning enforcement case ENF/17/00567 was opened in November 2017 investigation non-compliance with plans approved under DC/17/102000. A letter from Lewisham Planning Enforcement to the owners of the subject site was issued on 14 June 2019 advising either removal of, or retrospective application for planning permission in respect of, railings and chains to the roof of the

building. This enforcement correspondence has led to the removal of chains to the roof and the subject planning application being made.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSAL

17 The application as amended is a retrospective proposal for the installation of rooftop safety railings (astride steps sited on the roofs of both the northern and southern blocks of flats at Greyladies Gardens, Wat Tyler Road SE10. The railings are grey in colour.

18 Safety railings are located on each side of the steps on the top of the roof. There are two sets of steps on each block roof – this is because the entire roof has three different flat roofs making up the total roof of each block. Railings astride steps have a maximum height of 1100mm. Please see a photograph below of the structures which require planning permission:



19 The scope of the application as submitted sought planning permission for the steps and other railings surrounding access hatches, in addition to the railings. Further consideration of these other structures have revealed they are deemed to benefit from planning permission DC/17/102000. The applicant therefore amended the scope of the application to remove the steps and railings around the access hatches from consideration.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

20 A site notice was displayed on 02/09/19 and a press notice was published on 28/08/19, in accordance with Council's Statement of Community Involvement.

21 Letters were sent to residents/occupiers of land in the surrounding area, the relevant ward Councillors and the Blackheath Society between 16/08/19 and 21/08/19, in accordance with Council's Statement of Community Involvement.

22 Four responses to the consultation requests were received from members of the public, all being in objection to the scheme. The substance of the objections are detailed in the table below:

5.1.1 Comments in objection

Comment	Para where addressed
Unightly appearance, visibility from public realm, included publicly accessible heritage-protected spaces	Design quality, paras 46-50 Heritage impacts, paras 58-62
Not in keeping with the design/poor quality design with respect to that of the host and surrounding buildings, adverse effects on the settings of neighbouring listed buildings, the Maritime Greenwich World Heritage Site and the character of the Blackheath Conservation Area	Design quality, paras 46-50 Heritage impacts, paras 58-62
Negative visual amenity, outlook impacts to neighbouring residents	Outlook, paras 69-70
Adverse effects of structures could be avoided by use of alternative rooftop safety devices/apparatus	Options considered, para 58
Overlooking/privacy impacts	Outlook, paras 69-70 Privacy, para 72
Retrospective nature of the application	Whilst material in certain circumstances, in this case the ability to assess all relevant impacts and consider the proposal against material planning considerations is not compromised by the fact that the application is retrospective in nature.

23 One objection also raised matters which are not material planning considerations as follows:

1. Conduct of the applicant. This is not a material planning consideration as it is not of relevance to the question of assessing any given application against material planning considerations (particularly, impacts and planning policy as set by the NPPF and the Local Development Framework).
2. Ability to foresee the need for safety to the roof and inclusion in previous application. Alternative rooftop safety structures are relevant and are considered in the planning assessment below; the competence of any particular person to foresee their need is not relevant or appropriate to the planning assessment however.
3. Granting Planning Permission retrospectively is punitive to local residents who apply for permission in advance. Officers note it is lawful to undertake

works without permission, provided retrospective permission is sought if required. Any retrospective planning application is assessed in the same way as if the unauthorised structures did not exist.

5.2 INTERNAL CONSULTATION

24 The following internal consultees were notified on 16/08/19:

25 Council's Conservation Officer, who has responded and whose assessment is incorporated into the assessment below.

5.3 EXTERNAL CONSULTATION

26 The following External Consultees were notified on 16/08/19:

27 Blackheath Society. No submissions received.

6 POLICY CONTEXT

6.1 LEGISLATION

28 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).

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

6.2 MATERIAL CONSIDERATIONS

30 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.

31 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.

32 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

33 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)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

34 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

35 London Plan SPG/SPD:

- London View Management Framework (March 2012)
- World Heritage Sites - Guidance On Settings SPG (2012).
- Character and Context (June 2014)

6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan (DLPP, expected 2019): The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. The Inspector's Report was issued on 8 October 2019. An Intend to Publish from the Mayor of London to the Secretary of State, instigating the final stage of plan adoption, occurred on 9 December 2019. The draft plan now therefore has some weight as a material consideration when determining planning applications. The substance of the relevant draft London Plan policies are not considered to materially differ in their application to the subject site and proposal, and therefore the DLPP is not assessed further in this report.

7 PLANNING CONSIDERATIONS

36 The pertinent planning considerations are as follows:

- Principle of development
- Urban design impacts, including heritage impacts
- Impacts on occupiers of adjoining properties

7.1 PRINCIPLE OF DEVELOPMENT

General policy

37 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.

38 The principle of the development in this case is alterations to an existing residential building. There is no change of use at the existing site proposed.

39 There is no objection to the principle of residential alterations in this area, as the predominant land-use within the surrounding neighbourhood is residential and extensions or alterations to accommodate modern living requirements and/or compliance with new or updated legislation, in principle, can be reasonably expected.

40 As such the principle of the development is considered to be acceptable in this context.

7.2 URBAN DESIGN IMPACTS

General Policy

41 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.

42 Within the Development Plan as applicable to Lewisham, LPP's 7.4, 7.6, 7.8, and 7.10, CSP's 15 and 16, and DMP's 30, 31 and 36 are particularly relevant to urban design and heritage impact considerations. The Lewisham Alterations and Extensions SPD is also relevant to urban design and character considerations in this context. The DMP and Alterations and Extensions SPD provide the most specific direction as to expected outcomes of deliberate planning policies set for Lewisham, and relevant excerpts or summaries are included in advance of assessment in the paragraphs below.

7.2.1 Appearance and character, form and scale, materials and detailing, townscape impacts

Policy

43 DMP 30 requires development proposals to attain a high standard of design, and a response to context by way of creating a positive relationship to the existing townscape, natural landscape and open spaces, to preserve or create an urban form which contributes to local distinctiveness. Materials should be high quality and durable, sensitive to the local context, matching or complementing existing development and be clearly justified. This applies to ornamentation to buildings also.

44 DMP 31 similarly requires high, site-specific sensitive design quality, respecting/complementing the architectural characteristics and detailing of original buildings. Access structures should be within the envelope of the building or, where impractical, sited to have the least visual impact.

45 Section 6.11 of the Alterations and Extensions SPD relates to rooftop equipment, and directs such structures to be located to the rear of roofs or hidden by original features such as chimney stacks.

Discussion

- 46 The railings provide for safe access to the roof for maintenance purposes. There is no change to the existing roof form or wall/roof junction detailing proposed by the application.
- 47 The height of the railings is the minimum required by Building Regulations (1100mm), and the design is visually lightweight. The steps are necessary due to the stepped nature of the blocks, and the railings in question are directly adjacent to these steps to allow for safe use. These structures have been sited at the centre point of each roof connection within the roofs of the blocks, so as to be more or less equidistant from the northern and southern facades and approximately 16m (closest railings) inset from the eastern façade of the blocks (which face Wat Tyler Road and the heath of Blackheath). This reduces their visibility from the public realm.
- 48 Some of the railings are visible from the public realm. The conspicuousness of these structures is considered to be very low, again owing to their siting within the roofs, minimalist design and grey colouring which is of low reflectivity and sheen. There are also numerous trees along the eastern and southern boundaries of the site, 6-8m in height, which provide considerable cover and screening of the roof when in leaf.
- 49 It is also observed that similar railings are located at the edge of the building on the adjoining site to the north, and that antenna/satellite roof structures are also visible from private properties to the rooftops of neighbouring buildings. While some of these may not benefit from planning permission, it is evident that the inclusion of clearly incidental or ancillary structures to a roof in this area is not alien in the surrounding context.
- 50 For the above reasons, the design of the structures are considered to be suitably sensitive to the design and character of the subject site and surrounding area, subservient to the form and detailing of the building, with minimal visual intrusiveness upon the townscape and relationship to surrounding setting, and therefore suitably high quality and satisfactory with respect DMP's 30 and 31. Any character and townscape impacts of the railings are therefore considered acceptable.

7.2.2 Impact on Heritage Assets

Policy

- 51 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the LPA shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 52 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting that the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 53 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset.

Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

- 54 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.
- 55 LPP 7.10 seeks to protect World Heritage Sites and their settings, avoiding adverse impacts, having regard to its Outstanding Universal Value. Further guidance is given in the Mayor of London's World Heritage Sites - Guidance On Settings SPG (2012). DLPP HC2 requires Heritage Impact Assessments for development with the potential to affect a WHS or its setting. DLPPs HC3 and HC4, dealing with strategic views and the LVMF, are also relevant.
- 56 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.
- 57 DMP's 36 and 37 echo 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, and distinctiveness of non-designated heritage assets, are maintained and enhanced.

Discussion

- 58 Officers consider that the railings generate no harm to the heritage and appreciation of the Blackheath Conservation Area. Regard has been had to the justification and alternatives analysis statement provided by the application in coming to this position, which is informed by advice from Council's Conservation Officer. As discussed above, while somewhat visible from the public realm, any adverse impact of the structures upon the historic character of Blackheath is reduced by their slender profile, low height, colour, central siting within the roof surface, and by boundary vegetation (when in leaf). The siting central within the roof and slender design and bulk ensures the railings do not interfere with the elevation, or obscure or erode the characteristics and features of the building.
- 59 The character and appearance of the conservation area is not materially altered by the proposal. Likewise the overall significance of this site's contribution and indeed the entirety of the Blackheath Conservation area is not harmed – it is noted the sense of closure to the heath of Blackheath remains intact.
- 60 The same conclusions are reached with respect to impacts upon neighbouring/nearby listed buildings and the listed boundary walls of the subject site and their settings. This is due to the separation distances to these buildings and the corresponding lack of visual connection and interference/obscuration, due to the slender, lightweight, minimal-solidity and low height of the railings.
- 61 The railings are sufficiently small, slender, centrally sited and therefore distanced so as to generate no harm to the character and heritage value of the nearby buffer zone of the Maritime Greenwich World Heritage Site.

62 Officers conclude no harm to heritage assets results from these railings. Based on this conclusion, no weighting of public benefits of the proposal is necessary as directed by paragraph 196 of the NPPF. Therefore any impacts upon the heritage and character of the Blackheath Conservation Area, nearby listed buildings and structures, and the Maritime Greenwich World Heritage Site are considered to be acceptable. The proposal is considered to preserve the character and appearance of the Blackheath Conservation Area in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and be consistent with the heritage provisions of the planning policy cited above, in particular DM Policies 36 and 37 and CS Policy 16.

7.2.3 Urban design conclusion

63 Based on the above assessment, urban design impacts including impacts on the townscape/public realm, character and heritage of the host buildings and neighbouring buildings, and neighbouring spaces and structures which are listed or otherwise protected for heritage reasons, are considered to be acceptable. The proposal is considered to be suitably consistent with the aforementioned relevant planning policies.

7.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

64 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 of dwellings.

65 This is reflected in relevant policies of the London Plan (7.6), the Core Strategy (Policy 15), the Local Plan (DM Policy 31) and associated guidance (Lewisham Alterations and Extensions SPD).

66 DMP 31 expects alterations and extensions to existing building to have regard to neighbouring amenity impacts.

67 Given their design and position, the railings would not give rise to any materially adverse sense of enclosure, overbearing, or a loss of daylight, sunlight to neighbouring properties. The proposed development will not give rise to undue noise impacts. The proposal is considered to have the potential for adverse outlook and privacy impacts to neighbouring properties which are assessed below.

7.3.1 Outlook

Policy

68 DM Policy 31 directs residential extensions and alterations result in no significant loss of privacy and amenity, which includes outlook, with ancillary plant, pipework, fire escapes etc. sited to have the least visual impact. The Alterations and Extensions SPD emphasises the need for considering outlook impacts upon neighbouring amenity.

Discussion

69 It should be firstly made clear that outlook is distinguished from a view. Outlook is a degree of relief from windows or habitable spaces and reasonable visibility of the outside environment from habitable spaces. Private views are a subjective view of a particular feature or object, and impacts upon a particular view are not material planning considerations.

70 The closest separation distance between the railings and neighbouring windows is approximately 19m (to closest façade at Dartmouth House to the west). An objection claims 10m, however it is unclear how or where this could have been calculated, considering the precise locations of the structures sought approval – it is correct that the closest distance between walls of a neighbouring building and the subject building is 10m, but not to the siting of the railings. Given the distance and the nature of the railings, no harm to outlook arises.

7.3.2 Privacy

Policy

71 DM Policy 31 directs residential extensions and alterations result in no significant loss of privacy. The Alterations and Extensions SPD emphasises the need for considering privacy impacts upon neighbouring amenity.

Discussion

72 The structures facilitate roof access for maintenance operations only. Officers note that roof maintenance would occur in any event and the development will facilitate safer access. Such access would be infrequent and of low intensity occupation when occurring. It is not considered to result in any material loss of privacy to neighbouring properties.

7.3.3 Impact on neighbours conclusion

73 For the above reasons, Officers conclude there are no adverse impacts upon the residential amenity of any neighbours. The proposal is considered to be compliant with the amenity provisions of DM Policy 31 and the Alterations and Extensions SPD.

7.4 OTHER SITE SPECIFIC CONSIDERATIONS

74 Due to the nature of the design of the structures, and rooftop location, the proposal is considered to have no potential for adverse impacts on the surrounding environment and ecology, open space character and function of the heath of Blackheath, or impacts on highway operation in terms of driver distraction from reflective materials or obtrusive siting.

75 For the same reasons as discussed in relation to privacy impacts above, intrusion of noise from maintenance activities is not considered to result in any material loss of amenity at neighbouring properties.

8 EQUALITIES CONSIDERATIONS

76 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics:

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

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

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

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

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

<https://www.equalityhumanrights.com/en/publication-download/services-public-functions-and-associations-statutory-code-practice>

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

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

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

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

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

9 HUMAN RIGHTS IMPLICATIONS

83 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

84 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.

85 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.

86 This application has the legitimate aim of providing an existing building with access to the roof for maintenance purposes whilst meeting building regulation requirements. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

88 It is acknowledged there is a small degree of visibility of the structures from the public realm, and a greater degree of visibility from private properties. However this is not considered to amount to incongruous or harmful changes to the building composition and appearance, the character and streetscape within which the building sits, nor material harm to heritage value of the Blackheath Conservation Area or any other protected heritage assets whatsoever. Officers recommend of approval of the scheme. As the works are already completed and no changes are required, no conditions are necessary.

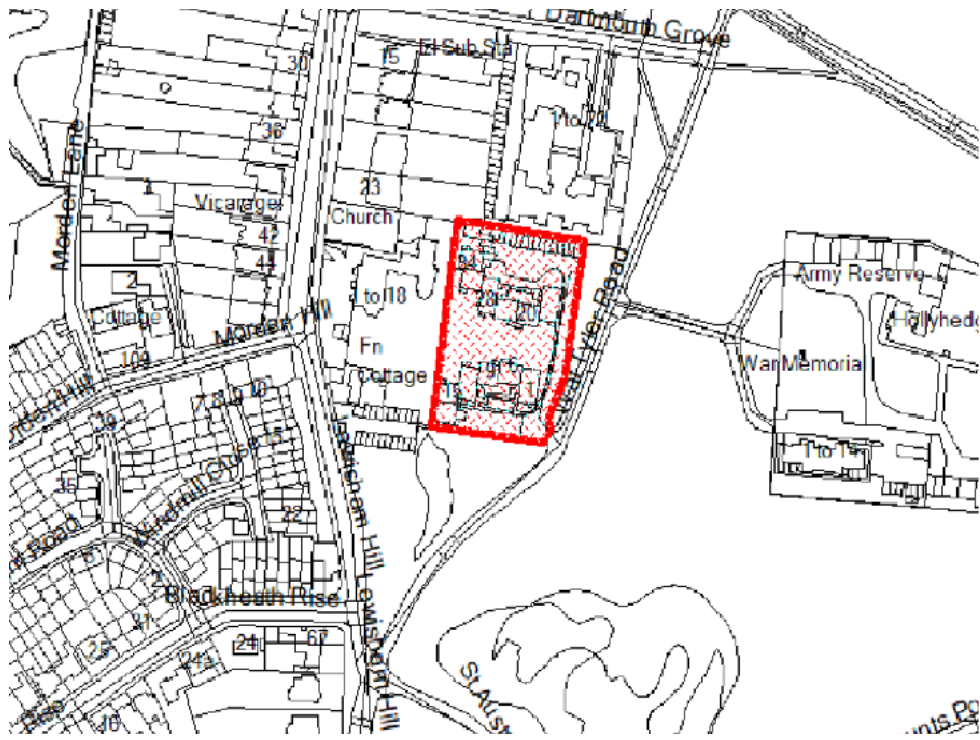
11 RECOMMENDATION

11.1 That the Committee resolve to GRANT planning permission.

11.2 INFORMATIVE

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

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Committee	PLANNING COMMITTEE A	
Report Title	49 Carholme Road	
Ward	Perry Vale	
Contributors	Josh Knowles	
Class	PART 1	25/06/2020

Reg. Nos. (A) DC/19/114566

Application dated 04.11.19

Applicant Buf Architecture

Proposal The construction of 2, part two/part three storey, two bedroom dwellinghouses and a garage on the land adjacent to 49 Carholme Road SE23, together with a single storey rear infill extension to the existing house.

Background Papers None

Designation PTAL 3
Local Open Space Deficiency

1 SUMMARY

- 1 This report sets out Officer's recommendations for the above proposal. The application is before members for a decision as the recommendation is to approve and there are five valid planning objections.

2 SITE AND CONTEXT

Site description and current use

- 2 The total site area includes an existing two storey end-of-terrace building and is approximately 431m². The plot is adjacent to the intersection of Marler Road and Carholme Road. The site of the proposed two new dwellinghouses is approximately 162m² and is the part of the garden of 49 Carholme Road located beyond the northern (side) elevation of the existing building. There is an existing footpath crossover at the rear of the section which provides vehicle access to Marler Road. The surrounding area is residential in nature, and made up of terraced and semi-detached buildings.



Figure 1

Character of area

- 3 The surrounding area is residential in nature, and largely made up of terraced and semi-detached properties.

Heritage/archaeology

- 4 The site is not located in a conservation area, and there are no listed buildings within the immediate vicinity.

Local environment

- 5 The property is located within flood risk zone 1.

Transport

- 6 The site is located at the intersection of PTAL 2 and 3 areas. Catford and Catford Bridge Stations are approximately a 10 minute walk from the site.

3 RELEVANT PLANNING HISTORY

- 7 DC/03/055085/X: The alteration and conversion of 49 Carholme Road SE23, together with the construction of a two storey plus roofspace extension to the side, dormer extension to the rear roof slope and installation of Velux type rooflights in the front roof slope, to provide 2 one bedroom and 3 two bedroom, self-contained flats. Refused 13/11/2003.

- 8 PRE/19/112811: Pre-application advice is sought regarding the construction of two new dwellings on the land adjacent to 49 Carholme Road, SE23.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

9 There are two parts to the proposed development:

- A partial single storey infill extension to the existing dwellinghouse.
- Construct one x 2b3p part two- part three-storey dwellinghouse, and one 2b3p two storey dwellinghouse on the side garden adjacent to Marler road.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

10 16 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 19/11/2019.

11 4 number responses received, comprising 4 objections.

5.1.1 Comments in objection

Comment	Para where addressed
Principle of the development	24 – 36
Over development	Error! Reference source not found. - 50
Design	Error! Reference source not found. - 7.4
Increased noise and disturbance	80, 92, 127
Privacy	110 - 127
Flooding	<p>As this is not a major application there was no requirement for SUDS calculations to be submitted, further the proposal would be located within Flood Risk Zone 1. Flood risk zone 1 is characterised as low probability – land having a less than 1 in 1,000 annual probability of river or sea flooding.</p> <p>Therefore, given the location, and considering the scale of the scheme, it would have no unacceptable impact on localised flooding, and run-off rates would be acceptable, in line with the relevant policies.</p>
Parking Stress	99 - 102
Hazardous planting adjacent to the pedestrian footpath	7.2.1 - 63
Impact upon existing trees	128-134

5.1.2 Neutral comments

12 A number of neutral comments relating to non-material planning considerations were also raised as follows:

Comment:	Officers Response:
Failure to send letter of consultation	This comment was received from a non-adjointing property. Therefore, under 6.8 of the Lewisham Satatement of Community Engagement directly sending a consultation letter to the occupants of this property is not required.
Inaccurate walking times to nearby railway stations.	The times provided by the applicant reflect those given by google maps.
Reference to 2 detached dwellings, rather than 1x detached, and 1x semi detached.	The current proposal would result in 2x end-of-terrace dwellings (as each of the proposed dwellings would be adjacent to the existing dwellinghouse at 49 Carholme Road).

5.2 INTERNAL CONSULTATION

13 The following internal consultees were notified on 19/11/2019 and 25/11/2019.

14 Highways: raised no objections subject to amendment to the proposed cycle storage arrangement. See para 95 –109 for further details.

15 Urban Design: raised no objections, subject to minor amendments. See para 37 -**Error! Reference source not found.** for further details.

6 POLICY CONTEXT

6.1 LEGISLATION

16 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

17 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.

- 18 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.
- 19 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

20 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

21 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

22 London Plan SPG/SPD:

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

6.6 OTHER MATERIAL DOCUMENTS

- 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. The secretary of state issued a letter on 13 March 2020 directing modifications to the Local Plan, and the Mayor of London had not responded to the SoS to date. Notwithstanding these requested modifications, this document now has some weight as a material consideration when determining planning applications.

7 PLANNING CONSIDERATIONS

23 The main issues are:

- Principle of Development
- Urban Design
- Standard of Accommodation
- Impact on Adjoining Properties
- Transport
- Natural Environment

7.1 PRINCIPLE OF DEVELOPMENT

General policy

24 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.

25 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.

26 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 Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment.

27 Locally, Core Strategy Policy 1 Housing provision, mix and affordability sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space and other infrastructure requirements (such as transport links).

28 National and local planning policies place considerable emphasis on the importance of achieving high quality design that complements existing development, and establishes townscape and character. All new dwellings should be sensitively designed to retain the architectural integrity of the neighbouring buildings and the area.

Policy

29 Land in built up areas such as residential gardens is not defined as Previously Developed Land (PDL) in the NPPF. National, regional and local policies support protection of residential gardens from inappropriate development (see NPPF para 70, LPP 3.5, CSP 15, DMP 33).

30 DMP 33 of the DMLP sets out requirements for a variety of sites within residential areas that may come forward for development. Paragraph 2.251 lists those sites as (a) infill sites, (b) backland sites, (c) back gardens, and (d) amenity areas.

Discussion

- 31 DM Policy 33 of the Lewisham Development Management Local Plan (DMPL) (2014) sets out that infill sites are defined as sites within street frontages such as former builder's yards, small workshops and garages, gaps in terraces and gardens to the side of houses. Infill sites may present urban design challenges in harmonising the development with the existing built form. Therefore, as an area of land serving as a garden, with a street frontage, the proposal represents an infill site with residential development potential.
- 32 Whilst the principle of the proposed development may be considered to be acceptable, the proposed development would also be expected to meet the following policy tests as required under Part A 'Infill Sites' of DM Policy 33:
- make a high quality positive contribution to an area
 - provide a site specific creative response to the character and issues of the street frontage typology
 - result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens
 - provide amenity space in line with DM Policy 32
 - retain appropriate garden space for adjacent dwellings
 - repair the street frontage and provide additional natural surveillance
 - provide adequate privacy for the new development and
 - respect the character, proportions and spacing of existing houses
- 33 In light of the above, the Council is supportive of development of the application site for residential development in principle. However, the development must be sensitively designed to make a high quality positive contribution to the area, ensure no significant harm to neighbouring residential amenity, while providing an acceptable standard of accommodation for future occupiers, and adequately addressing transport and highways issues. These matters are discussed in further detail below.
- 34 These points will be assessed in detail below.
- 35 In regards to the proposed partial infill extension of the existing dwellinghouse the Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

7.1.1 Principle of development conclusions

- 36 The site will contribute towards meeting housing needs as identified in LPP 3.3 and 3.4 to increase housing supply and optimise housing potential. The site is considered an infill site which is considered acceptable for residential development in principle. The proposal will make more efficient use of the land and officers therefore support the principle of development. DM Policy 33 requires residential development of infill sites to be of an appropriate design, siting, height, and scale, which respects the character of the local area, whilst ensuring that neighbouring amenity is maintained, and ensures a good standard of accommodation is provided.

7.2 URBAN DESIGN

General Policy

- 37 The NPPF at paragraph 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. While the NPPF at paragraph 127 requires developments to be “sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change”.
- 38 LPP 7.4 requires development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It is also required that in areas of poor or ill-defined character, new development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.6 seeks the highest quality materials and design appropriate to its context.
- 39 CSP 12 seeks to protect the character, historic interest and amenity of, and within, open spaces, as well as the effects of development outside their boundaries.
- 40 CSP 15 outlines how 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.
- 41 DM Policy 30 ‘Urban Design and Local Character’ (5) of the Lewisham DMLP (2014) requires a site specific design response to have regard for local distinctiveness such as “building features and uses, roofscape, open space and views”. Further (5)(b) of the same policy requires the site specific design response to include “height, scale, and mass which should relate to the urban typology”. The same policy requires that any development should relate to the scale and alignment of the existing street including its building frontages.
- 42 DM Policy 32 ‘Housing Design, Layout, and space standards’ (2) of the DMLP (2014) requires that the siting and layout of new-build housing development will need to respond positively to the site-specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.
- 43 DM Policy 33 ‘Development on infill sites, backland sites, back gardens and amenity areas’ establishes that planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape.

Scale, Massing, Layout

Policy

- 44 Part 5 of DM Policy 30 of the DMLP (2014) requires a site specific design response to have regard for local distinctiveness such as “building features and uses, roofscape, open space and views”. Further, as per Part 5(b) of the same policy, the “height, scale and mass which should relate to the urban typology of the area”.
- 45 The same policy requires that any development should relate to the scale and alignment of the existing street including its building frontages.

Discussion

- 46 The site is a highly visible corner location which contributes to the openness for the area. The proposed design of the two units is contemporary with flat roofs. Officers consider that the proposed development sits comfortably within the site and respects the

character of the surrounding area whilst being a unique piece of architecture which would create interest.

- 47 Officers acknowledge a number of nearby end of terrace residential developments on corner sites that would have originally had similar characteristics to the site of this proposed development. These include Nos. 48 and 60 Blythe Vale. The developments at Nos. 48 and 60 Blythe Vale replicate the terraced pattern and result in blank two storey facades immediately adjacent to the public footpath.
- 48 The proposed development would not create blank facades, instead the orientation of the buildings facing onto Marler Road would provide passive surveillance and minimise the ‘wall’ effect that other nearby end of terrace developments exhibit. Further, there would be areas of planting between the proposed buildings and public footpath which is considered to maintain the character of the existing green boundary. Therefore, Officers consider the current proposal represents a higher quality design than these nearby examples.
- 49 The proposed scale and massing appears appropriate for the location and would not overwhelm the neighbouring properties. The highest part of the development is located towards the front of the site and remains lower than the existing adjoining buildings. The height of the proposed development reduces in a stepped nature towards the rear of the site. The stepped nature of the proposed roof form helps to break up the massing of the development. See below Figure 2 below.



Figure 2 – Proposed view from Marler Road

- 50 Officers consider the proposed design is high quality and give material weight to this in recommending the proposal is acceptable. The layout and orientation of the buildings and outdoor spaces are considered acceptable. The current proposal has been assessed against the relevant DM Policy 30, and DM Policy 33 of the Development Management Local Plan (2014) and CSP 15 of the Core Strategy (2011), and is considered to be acceptable in terms of its height and massing.

Elevations, Detailing, and Materials

Policy

- 51 DM Policy 30 (5)(g) of the DMLP (2014) prescribes that “details of the degree of ornamentation, use of materials... should reflect the context by using high quality matching or complementary materials”.

Discussion

- 52 The design and access statement provides an indepth contextual analysis of the local charatcer and typology. In discussion with the LBL Urban Design Team, Officers consider the feedback from the pre-applciation meeting has been adequately addressed and a high quality appearance achieved.
- 53 The proposal would feature red clay bricks to match the quoins and detailing of the existing buildings. These bricks would be laid side on so that the indentations would be exposed, additionally these bricks would be larger that the standard UK sized bricks. The proposed 'buff' mortar would contrast with the red brick and would match the colour of the surrounding London Yellow Stock Bricks.
- 54 Officers acknowledge that the proposed design decision to lay the bricks on edge would not match the surrounding area, however following discussions with the LBL Urban Design Team and assessment of the applicants contextual analysis, Officers do not find this objectionable.
- 55 The windows located along the Carhome Road elevation of the proposed development would match the heights of the windows of the host terraced building. At ground level the spacing and proportions of the ground floor windows would replicate the bay window of the adjoining existing dwellinghouse.
- 56 If committee members are minded to recommend the application for approval, a materials condition is recommended. The materials condition would require an exemplar panel of the on edge brick finishing to be built on site to be reviewed by the council.
- 57 The proposed bin and bike stores would feature green roofs.

7.2.1 Landscaping and Public Realm

Policy

- 58 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.
- 59 Paragraph 170 of the NPPF (2019) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 'landscaping and trees' seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

Discussion

- 60 The building would be set back from the footpath along Marler Road to allow for space for soft landscaping between the proposed buildings and the public realm. These areas would be planted with climbers and shrubs. This would help to retain the existing green street frontage. One of the objections to this scheme raised concerns that this aspect of the landscaping would be hazard to pedetrians along this stretch of Marler Road. It would be the owners of the property responsibility to keep the highway clear. Further, if Members are minded to grant permission when the final landscape scheme is assessed under conditionthe suitability of proposed species will be assessed, disruption to the public footpath would be a consoderation of that assessment.
- 61 The front proposed house would benefit from a front garden adjacent to the corner of Marler and Carholme Roads, as well as a courtyard separating it from the proposed rear dwellinghouse. The front garden would provide the bin and bike stores for the proposed

front dwellinghouse. These stores would feature greenroofs. This front garden would also feature a specimen tree, shrubs and climber plants.

62 The proposed rear dwellinghouse would benefit from a paved courtyard, which would provide space for potted plants.

63 The existing dwellinghouse would have a new 'secret courtyard' between the proposed single storey side extension and the rear elevation of the original dwellinghouse. The landscaping of the existing dwelling outside of this courtyard is not detailed in this application.

64 See section 132 – 135 below for the discussion of the aboricultural impact of the proposed development.

Urban design conclusion

65 In summary, the proposed building is a contemporary and high quality, unique, site-specific response that would create interest. It is of an appropriate height and scale; it is considered that the proposed landscaping scheme would retain the character of the site. The design and access statement provides an indepth contextual ananalysis and provides justification for the choice of materials. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.

7.3 STANDARD OF ACCOMODATION

7.3.1 Residential Quality for Proposed Dwellings

General Policy

66 NPPF para 127 sets an expectation that new development would 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).

67 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.

Internal space standards for the proposed additional dwellings

Policy

68 DM Policy 32 'Housing design, layout and space standards' and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These polices set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision. In particular DM Policy 32 states that it will assess whether new housing development including conversions provide an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of room, with main habitable rooms receiving direct sunlight and daylight, adequate privacy and storage facilities to ensure the long term sustainability and usability of the homes. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan. In particular, it provides detail on how to carry forward the Mayor's view that "providing

good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods”.

- 69 London Plan Policy 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. However, in 2015, the ‘Technical housing standards – nationally described space standards’ were introduced. The alterations to the London Housing SPG adopted these standards. The technical housing standards will therefore be applied in this instance. An assessment of the proposal against required space standards is considered below.

Discussion

- 70 Tables 1 and 2 below set out the required space standards for each of the proposed dwellings proposed dwelling sizes.

Table 1: Internal summary proposed front dwellinghouse:

Unit Type	Room	Size	Policy Requirement	Pass/Fail
2 bedroom/ 3 person	Overall Floor Area	90.6sqm	90sqm (N/A for a two bedroom 3 storey building, so assessed under requirement for 3storey 3bedroom house)	Pass
	Floor to ceiling height	2.3m for greater than 75% of GIA (2.15m minimum)	2.3m for at least 75% of gross internal area	Pass
	Master Bedroom (double)	15.7sqm	11.5sqm	Pass
	Second Bedroom (single)	12.63sqm	7.5sqm	Pass
	Built-in storage	3.1sqm	1.5sqm	Pass
	Outdoor space	30sqm	5sqm	Pass

Table 2: Internal summary of proposed rear dwellinghouse for pre-application advice:

Unit Type	Room	Size	Policy Requirement	Pass/Fail
2 bedroom/ 3 person	Overall Floor Area	79.15sqm	70sqm (for a 2-storey dwelling).	Pass
	Floor to ceiling height	2.3m	2.3m for at least 75% of gross internal area	Pass
	Master bedroom (double)	12sqm	11.5sqm	Pass
	Second Bedroom (Single)	11.5sqm	7.5sqm	Pass
	Built-in storage	2.7sqm	1.5sqm	Pass
	Outdoor space	14.5sqm	5sqm	Pass

- 71 The proposed front dwellinghouse complies with the policy requirements for total floor area for a 3 storey 3 bedroom house, this is considered more than adequate for a 3

storey 2 bedroom dwellinghouse. Additionally, the proposed floor to ceiling heights, bedroom floor areas, built-in storage area, and outdoor space area are adequate.

- 72 The proposed rear dwellinghouse complies with the policy requirements for total floor area, floor to ceiling heights, bedroom floor areas, built-in storage area, and outdoor space area, therefore the internal spaces comply with the requirements of DM Policy 32.

Outlook & Privacy

Policy

- 73 LPP 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1(8) requires development to achieve 'appropriate outlook, privacy and amenity'. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).

- 74 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.

Discussion

- 75 Each of the proposed dwellings would be at least dual aspect, and would be provided with good levels of outlook and views from habitable spaces. The outlook provided is therefore considered acceptable.

- 76 In terms of privacy, the two proposed units would not overlook each other, and all of the habitable rooms are provided with adequate levels of privacy. There are sufficient distances to neighbouring dwellings

Daylight and Sunlight

Policy

- 77 LPP 3.5 seeks high quality internal and external design of housing development. Emerging DLPP D1(8) requires development to achieve 'appropriate outlook, privacy and amenity'. DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of natural lighting for its future residents. The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces.

Discussion

- 78 Given the at least dual aspect dwellings, and the amount of glazing proposed, the dwellings would be provided with good levels of natural daylight and sunlight. All habitable rooms would be provided with windows, and officers consider the levels of daylight and sunlight to be provided would be acceptable.

- 79 Overall the levels of daylight and sunlight provided would be acceptable, in line with Policy DM32.

Noise & Disturbance

- 80 Given the surrounding area is residential in nature, the noise and disturbance for future occupiers is considered to be acceptable

Summary of Residential Quality for the proposed additional dwellings

81 Officers are satisfied that the design and layout of the proposed units would be suitable and the proposal would provide an acceptable standard of residential accommodation in accordance with the above policies.

7.3.2 Residential quality for the Existing dwellinghouse

Outlook, Privacy, Daylight and Sunlight

Policy

- 82 LPP 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).
- 83 LPP 3.5 seeks high quality internal and external design of housing development. Emerging DLPP D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’. DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of natural lighting for its future residents. The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces.
- 84 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.
- 85 The proposed front dwellinghouse would be built flush to the side elevation of 49 Carholme Road, and therefore would form an extension to the host terraced building. This means that the existing bay-window in the side elevation of the ground floor of the existing dwellinghouse 49 Carholme Road would be demolished to allow the proposed development to be constructed. This would reduce the outlook, and sunlight to the downstairs drawing room in 49 Carholme Road and would marginally reduce the living area.
- 86 The internal design of 49 Carholme Road has been amended to mitigate the impacts of the loss of sunlight on the ground floor drawing, by removing the internal wall between the existing living room and drawing room. The applicant has submitted a daylight assessment in regards to the impact of the proposed development upon this room, the assessment concludes that “the assessed room achieves compliance with Average Daylight Factor (ADF) and Annual and Winter Probable Sunlight Hours (APSH, WPSH) requirements”.
- 87 The impacts of the proposed new dwellinghouses on the outlook from the windows in the existing dwellinghouse has been assessed by the Massing Study incorporated in the Design and Access Statement. This study shows that from the nearest window in the rear elevation of the existing property the proposed new dwellings at both ground floor and first floor levels would pass both vertical and horizontal 45degree outlook tests. Further, the outlook from the window in first floor of the rear elevation of the main part of the existing dwellinghouse would pass both vertical and horizontal outlook tests.
- 88 The windows in the side elevation of the existing outrigger would lose some outlook and sunlight.
- 89 The proposed single storey partial infill extension would mitigate the impacts of the proposed dwellinghouses on the standard of accommodation in the existing dwellinghouse by increasing the floor area and using glazing to maximise the sunlight reaching and outlook from the kitchen/ dining space.

- 90 Additionally, the gap between the two proposed new dwellinghouses has been designed to mitigate the loss of outlook from and sunlight reaching the remaining side elevation windows. Of the four windows in this side elevation three serve bathrooms/ensuites, and the other serves the extended dining room which would have adequate outlook and sunlight from the glazed extension and windows in the rear elevation. Because the remaining side elevation windows serve bathrooms/ensuites the loss of outlook from and sunlight reaching these windows is considered acceptable. Additionally, the use of these rooms as bathrooms/ensuites mitigates the overlooking of the proposed courtyard between the two new proposed dwellinghouses.
- 91 The proposal would maintain a rear garden of 100m² for the existing dwelling house as well as a front garden of 34.4m², and a court yard of 6m². In total the existing dwellinghouse would lose approx. 40% of its garden area.

Discussion

Noise & Disturbance

Policy

- 92 The residential nature of the proposed new dwellings is in keeping with the area, and is not considered to generate increased noise to harm the residential amenity of the existing dwellinghouse.

Summary of Residential Quality for the existing dwellinghouse.

- 93 The design of the scheme across both the proposed dwellings and the existing dwelling has been carefully considered to minimise the impacts of the proposed new dwellings on the residential amenity of the existing dwellinghouse. Officers consider the proposal would maintain an adequate standard of accommodation for the existing dwellinghouse. A planning condition would require the works to the existing dwellinghouse be implemented prior to the occupation of the proposed new dwellinghouses.

7.3.3 Housing conclusion

- 94 The proposal would deliver nine dwellings, all with a high standard of residential amenity. It would contribute to the Borough's housing targets in a predominantly residential and highly sustainable urban location, making the most efficient use of land and optimising density. This is a planning merit to which very significant weight is given.

7.4 TRANSPORT IMPACT

General policy

- 95 LPP 6.1 sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.
- 96 123 LPP 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Through the use of travel plans, it aims to reduce reliance on private means of transport.

97 124 CSP 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

7.4.1 Public Transport

98 This site is located at the intersection of PTAL areas 2 (considered poor) and 3 (considered good). Catford Station is 0.6m or an 11 minute walk away. The Elm Lane (L) Bus Stop is a 3 minute walk from the site, this stop serves the 75, 181, and 202 Nos. Buses.

7.4.2 Parking

99 The site is not located within a Controlled Parking Zone. The proposal retains the provision of one parking space by replacing the existing garage with a new garage at the rear of the site. This parking space would be used by the occupants of the existing property at 49 Carholme Road. Therefore no off-street parking is proposed for the new dwellings.

100 Following the pre-application advice the applicants have produced a Parking Stress Survey to assess what the impacts of the proposed development upon the existing levels of parking capacity.

101 In line with the Lambeth Methodology, Surveys were conducted on Wednesday 9th October 2019 and Thursday 10th October 2019 at around 4am and 1am respectively. The survey concludes that the unrestricted parking strees on surrounding streets is 78%, and that the maximum of 3 additional vehicles generated by the proposed development (Based on London Plan estimated maximum 1.5 vehicles per dwelling) would take up to 0.69% of the available unrestricted parking spaces.

102 Therefore ,Officers are satisfied that the proposed development would not have a significant impact on the parking stress in the immediate area.

7.4.3 Cycle Parking

Policy

103 LPP 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).

Discussion

104 The proposed development would provide 2x cycle spaces for each of the proposed new dwellings. The cycle stores for the proposed front dwellinghouse would be located in the front garden, while the cycle stores for the proposed rear dwellinghouse would be located in the proposed courtyard (at lower groundfloor/basement level). Initially, the LBL Transport Team objected to the proposed cycle store at lower groundfloor/ basement level as it would require transporting the bikes upstairs. In response to this objection the design was revised to provide a "bike chanel/ramp". With the inclusion of this feature the proposed development is considered to provide adequate secure, integrated, convenient and accessible cycle parking facilities. Additionally, the cycle parking benefits from a green roof which is welcomed by the council.

105 The cycle parking arrangements are therefore considered to be acceptable, and in line with CSP 14.

7.4.4 Refuse

106 Lewisham generally requires 250l of total waste capacity per dwelling.

107 The refuse storage for the proposed front dwellinghouse would be located in the front garden adjacent to the proposed bins stores. While the bin stores for the proposed rear dwellinghouse would be integrated into the boundary treatment along Marler Road, and therefore be directly accessed from the street level. Although set back 0.4m from the public footpath. The proposed cycle stores appear to be adequate capacity.

108 Therefore, the proposed refuse storage arrangement is considered acceptable.

7.4.5 Transport impact conclusion

109 The proposal would have an acceptable impact on transport in terms of car parking, encouraging sustainable modes of movement and accommodating the sites servicing needs.

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

110 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).

111 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

112 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.

113 The surrounding area is predominantly residential, characterised by terraced and semi-detached dwellinghouses.

Discussion

114 The impacts of the proposed development upon the existing dwelling house have been discussed within the standard of accommodation section. The neighbouring properties most likely to be impacted by the proposed development are 47 Carholme Road, 48 Carholme Road, 51 Carholme Road, and 52 Carholme Road. The following sections will assess the impact of the proposed development on each of these properties in regards to: Enclosure and outlook, privacy, daylight and sunlight, noise and disturbance.

7.5.1 47 Carholme Road

Outlook

115 47 Carholme Road is located on the opposite side of Marler Road from the site of the proposed development. The proposed development would be located a minimum of approx. 12m from the garage of No. 47 Carholme Road. The main part of No. 47 would

be located approx. 17m from the proposed new dwellings. Therefore, the proposed development is not considered to pose harm to this neighbouring property by way of overbearing form.

Privacy

- 116 While Officers acknowledge that there are a number of windows in this side elevation which would directly face the windows of the proposed development. Officers consider the distance of approx. 17m across a street adequate to protect the privacy of the occupants of No. 47. Additionally, these windows are already visible from the public realm. Therefore, Officers consider that the proposed development would not pose unreasonable harm to the privacy of No. 47 Carholme Road.

Daylight and sunlight

- 117 Given the separation between these properties the proposed development is not considered to pose unreasonable harm to the daylight and sunlight received by No. 47 Carholme Road.

Noise and disturbance

- 118 Given the residential nature of the surrounding uses, the proposed additional dwellings are not considered to create unreasonable additional noise.

7.5.2 48 Carholme Road

Outlook, daylight and sunlight, and privacy

- 119 This property is located on the opposite side of the intersection of Carholme and Marler Roads from the site of the proposed development. There is a minimum distance of approx. 30m between this dwellinghouse and the proposed new dwellings. Therefore, the proposal is not considered to pose harm to the residential amenity of No. 48 Carholme Road by way of reduced outlook, daylight and sunlight, or privacy.

Noise and disturbance

- 120 Given the residential nature of the surrounding uses, the proposed additional dwellings are not considered to create unreasonable additional noise.

7.5.3 51 Carholme Road

Outlook, daylight and sunlight, and privacy

- 121 The proposed development would be largely separated from No. 51 Carholme Road by the existing two storey outrigger at 49 Carholme Road. The proposed rear dwelling would extend approximately 1m beyond the rear elevation of the outrigger at 51 Carholme Road, additionally this would be 5.89m away from the boundary shared with No. 51 Carholme Road. Therefore, the proposed development is not considered to pose unreasonable harm to the residential amenity of No. 51 Carholme Road by way of reduced outlook, daylight and sunlight, or privacy.

Noise and disturbance

- 122 Given the residential nature of the surrounding uses, the proposed additional dwellings are not considered to create unreasonable additional noise

7.5.4 Land to the rear of 60 Blythe Vale Road

Outlook, daylight and sunlight, and privacy

- 123 DC/19/111568 granted planning permission for a two storey one bedroom dwellinghouse across the rear boundary of 49 Carholme Road. Given the new proposed dwellinghouses will be set a minimum of 10.8m from the boundary shared with this site the main impact will be from the relocation of the garage to adjacent to the street frontage on Marler Road. The garage would have a flat roof with a height of 2.48m. Given the angle between the garage and boundary, the garage is adjacent to the boundary at the street frontage but is increasingly set away from the boundary further away from the street frontage.
- 124 The nearest windows in the proposed rear dwellinghouse would be set approx. 10 metres from the boundary shared with the land to the rear of 60 Blythe Vale Road, these windows would be at ground floor level and would be separated from the neighbouring property by the proposed garage.
- 125 Additionally, there are a number of established trees along this boundary on the neighbouring property. Therefore, the proposal is not considered to pose harm to the residential amenity of the Land to the rear of 60 Blythe Vale Road by way of reduced outlook, daylight and sunlight, or privacy.

Noise and disturbance

- 126 Given the residential nature of the surrounding uses, the proposed additional dwellings are not considered to create unreasonable additional noise

7.5.5 Impact on neighbours conclusion

- 127 The proposed development is not considered to pose unreasonable harm to the residential amenity of neighbouring properties. Therefore, the proposal complies with DM Policy 32 Housing Design, layout, and space standards and DM Policy 33 (A) Development on infill sites of the Development Management Local Plan (2014), Core Strategy Policy 15 High Quality Design for Lewisham of the Core Strategy (2011), and Policy 7.6 Architecture of the London Plan (2016) (as amended).

7.6 NATURAL ENVIRONMENT

- 128 Core Strategy Policy 12 states that in recognising the strategic importance of the natural environment and to help mitigate against climate change the Council will:
- a. conserve nature
 - b. green the public realm
 - c. provide opportunities for sport, recreation, leisure and well-being.
- 129 This will be achieved by points including protecting the character, historic interest and amenity of, and within, open spaces, as well as the effects of development outside their boundaries.
- 130 Core Strategy Policy 15 states that any adverse impact on neighbouring amenity, conservation areas and designated and non designated heritage assets, biodiversity or open space as a result of small scale development will need to be addressed.
- 131 Chapter 15 of the NPPF sets out how the framework for conserving and enhancing the natural environment.

7.6.1 Trees

Policy

132 London Plan Policy 7.21 states that existing trees of value should be retained and any loss as the result of development should be replaced. This is echoed within draft London Plan Policy G7.

133 DM Policy 25 'landscaping and trees' seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

Discussion

134 Ten trees/bushes would be lost by this proposed development, none of these trees are protected. The proposed landscaping plan for the scheme suggests that the proposal would retain the pseudo-acacia tree to the rear of the site and would provide one new specimen tree in the front garden of the proposed front dwellinghouse. In reality given the basement level courtyard would be excavated less than 0.5m from the trunk of this tree, Officers do not consider that this tree would survive.

135 The proposed landscaping scheme would provide new planting throughout the amenity areas for all three of the relevant dwellings. If members are minded to grant permission a condition will be added requiring the applicant to re-provision on site an equal number and quality of trees lost by the development following the 'right tree, right place' principle. Subject to this condition the impact of the proposal on the existing natural environment is considered to be acceptable.

8 LOCAL FINANCE CONSIDERATIONS

136 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).

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

138 The CIL is therefore a material consideration.

139 £17,722.64 Lewisham CIL and £11,107.60 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

140 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.

- 141 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.
- 142 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.
- 143 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>
- 144 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
- 145 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>
- 146 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 [Amend to specific situation]

147 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
- Article 9: Freedom of thought, belief and religion
- Protocol 1, Article 1: Right to peaceful enjoyment of your property
- Protocol 1, Article 2: Right to education

148 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.

149 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.

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

11 CONCLUSION

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

152 The proposed dwellinghouse would be a high quality infill addition to the street, whilst adding two dwellings to the housing stock. The amended design and layout would provide a high standard of residential accommodation and it would have no significant harmful impacts on neighbouring residential amenity. Further, the transport impacts are considered to be acceptable.

153 Given the acceptability of the proposed use and policy compliance, the proposal is considered to be in accordance with the development plan as a whole.

154 In light of the above, the application is recommended for approval.

12 RECOMMENDATION

155 That the Committee resolve to **GRANT** planning permission subject to 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) PLAN NUMBERS

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

20-P002; 20-P010; 20-P111; 20-P012; 20-P113; 20-P120; 20-P121 - Received 26/11/2019

20-P110 A; 20-P111 A; 20-P112 A; 20-P113 A; 20-P120 A; 20-P121 A; 20-P122 A; 20-P130; 20-P131 A - Received 25/02/2020

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) LIVING ROOF

(a) Full details of the indicative biodiversity living roofs shown on plan 20-P111 A, which shall allow for a substrate depth of not less than 150 mm shall be submitted to and approved in writing by the local planning authority within 2 months of commencement of above ground works.

(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

4) LANDSCAPING

(a) A scheme of landscaping, including the planting of 5 trees of equal value as those lost by the proposed development (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 climbing plants indicated on the elevation plans), and details of the management and maintenance of the landscaping for a period of 5 years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(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 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).

- 5) The alterations to the existing dwellinghouse shown on drawings: 20-P110 Rev A, 20-P111 Rev A, 20-P122 Rev A, 20-P131 must be completed in full prior to the occupation of the proposed new residential dwellings.

Reason: In order to ensure an acceptable standard of residential amenity is maintained for the existing dwellinghouse at 49 Carholme Road. To comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and with DM Policy 32 Housing Design, layout, and space standards and DM Policy 33 (A) Development on infill sites of the Development Management Local Plan (2014)

- 6) 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).

- 7) The the refuse stores must be provided and made available for use prior to occupation of the development and retained thereafter.

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

- 8) No development above ground shall commence on site until a detailed specification and samples of all external materials and finishes to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

- 9) No extensions or alterations to the building(s) hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting

or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order to preserve the high quality design of the proposed dwellings, and so that the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 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, 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) 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) 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.
- 4) You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- 5) The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- 6) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

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Committee	PLANNING COMMITTEE A	
Report Title	36 Old Road, London, SE13 5SR	
Ward	Lee Green	
Contributors	Patrycja Ploch	
Class	PART 1	25 JUNE 2020

Reg. Nos. DC/19/114767

Application dated 22/11/2019

Applicant Purelake New Homes Ltd

Proposal Application under Section 73 of the Town and Country Planning Act 1990 to remove condition 5 (Code for Sustainable Homes Rating Level 4) of planning permission DC/14/87793 granted on 13th November 2014 for the demolition of existing workshop buildings at 36 Old Road SE13 and the construction of 9, three storey, four bedroom houses, a car shelter providing 12 parking spaces, cycle and bin storage.

Designation Lee Green Neighbourhood Forum
Lee Manor Article 4(2) Direction
Area of Archaeological Priority
Air Quality

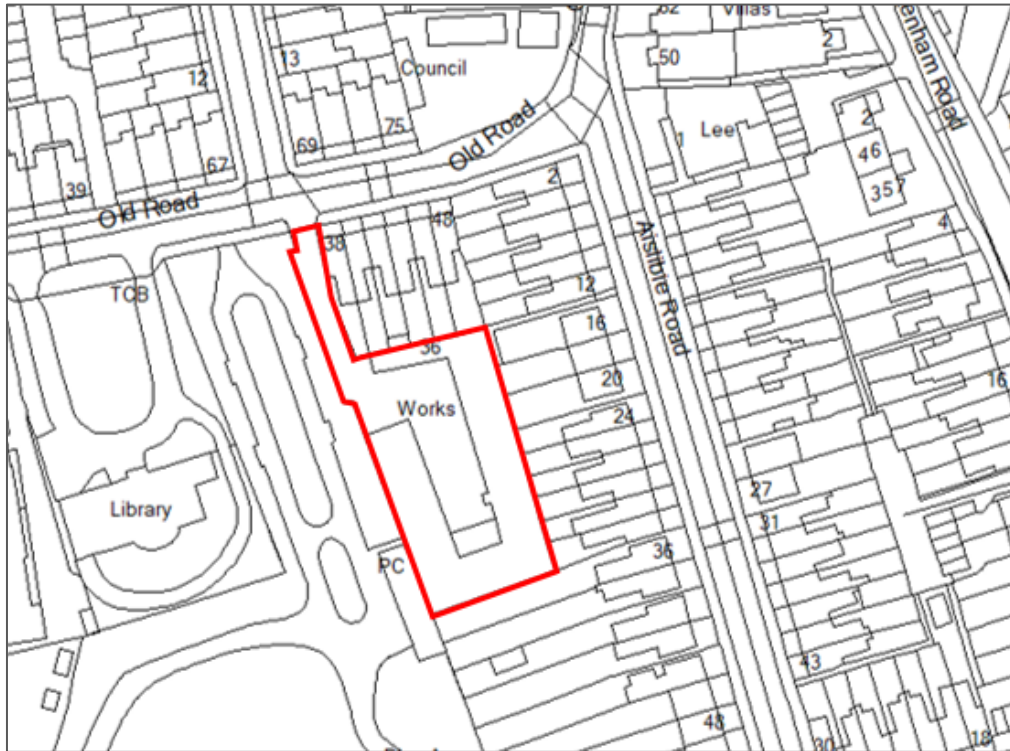
1 SUMMARY

1 This report sets out Officer's recommendation to **GRANT** the above application, subject to conditions. This case is brought before Members for a decision as permission is recommended to be granted and more than three objections have been received.

2 SITE AND CONTEXT

Site description and current use

2 The application site is approximately 0.16 hectares and occupies land on the south side of Old Road. Access to the site is from the north side off Old Road, with a cobbled driveway leading into the site through a gated entrance.



Map 1: Site location plan

Character of area

- 3 Old Road has a number of residential terrace rows of differing design styles. To the east and south the proposal site adjoins the rear gardens of residential properties in Aislibie Road. Along the boundary, there is a 3.5m high wall, which is to be retained as part of the proposal and beyond the wall the houses on Aislibie Road have garden depths of between 6.5m - 14.5m.

Heritage/archaeology

- 4 The application site is not within the Conservation Area and is not listed. The site is also adjacent to the Lee Manor Conservation Area. The site is within an Area of Archaeological Priority.
- 5 To the west of the site is the Grade II* listed Library building set within the grounds of Manor House Gardens, which is part of the Lee Manor Conservation Area.

Local environment

- 6 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

- 7 The site has a PTAL rating of 2.

3 RELEVANT PLANNING HISTORY

- 8 Planning permission was granted for the demolition of existing workshop buildings at 36 Old Road SE13 and the construction of 9, three storey, four bedroom houses, a car shelter providing 12 parking spaces, cycle and bin storage on 13/11/2014 (LPA ref

DC/14/087793). This was granted subject to a number of conditions, including Condition 5 to which this application relates.

- 9 Other recent applications seeking to discharge other conditions of the 2014 permission have also been made and they are listed in the table below.

REFERENCE	DESCRIPTION	DECISION
DC/20/115796	Details submitted in accordance with Conditions 6 (External material schedule), 9 (Hard landscaping) and 18 (Obscured glass) of DC/14/87793, granted 01/11/2014 for the demolition of existing workshop buildings at 36 Old Road SE13 and the construction of 9, three storey, four bedroom houses, a car shelter providing 12 parking spaces, cycle and bin storage.	Granted on 17 March 2020
DC/20/115801	Details submitted in accordance with Condition 7 (Refuse and recycling facilities) of DC/14/87793, granted 01/11/2014 for the demolition of existing workshop buildings at 36 Old Road SE13 and the construction of 9, three storey, four bedroom houses, a car shelter providing 12 parking spaces, cycle and bin storage.	Granted on 17 March 2020
DC/20/115802	Details submitted in accordance with Condition 8 (Cycle parking facilities) of DC/14/87793, granted 01/11/2014 for the demolition of existing workshop buildings at 36 Old Road SE13 and the construction of 9, three storey, four bedroom houses, a car shelter providing 12 parking spaces, cycle and bin storage.	Granted on 17 March 2020

- 10 Members are advised that in the event that the above discharge of condition application(s) are approved before the decision is made on the current planning application to remove Condition 5. Officer would have delegated authority to remove the requirement for the applicant to submit further detail in relation to these applications.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSAL

- 11 This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) for:

- the removal of Conditions 5 (Code for Sustainable Homes Rating Level 4) of planning permission referenced DC/14/087793 granted on 13th November 2014 for the demolition of existing workshop buildings at 36 Old Road SE13 and the construction of 9, three storey, four bedroom houses, a car shelter providing 12 parking spaces, cycle and bin storage.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

12 A site notice was displayed and letters were sent to residents and business in the surrounding area on 18th December 2019. A press notice was published in the local newspaper on 23rd December 2019.

13 A petition signed by eight (8) individuals and one (1) letter of objection were received.

14 Cllr Mallory also expressed his concerns with the application.

5.1.1 Comments in objection

Comment	Para where addressed
Lowering of environmental standards	See paras 34 - 38

5.2 INTERNAL CONSULTATION

15 The following internal consultees were notified.

16 Environmental Sustainability: Raised no objections.

6 POLICY CONTEXT

6.1 LEGISLATION

17 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

18 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.

19 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.

20 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

21 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

22 London Plan SPG/SPD:

- Sustainable Design and Construction (April 2014)

6.6 OTHER MATERIAL DOCUMENTS

- 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. The response outlining amendments has been issued. The DLPP is now with the Mayor of London to informally agree amended text with the MHCLG and Secretary of State. Although no yet part of the adopted development plan, given its advance stage, the draft New Local Plan carries some weight as a material consideration in planning decisions.

7 PLANNING CONSIDERATIONS

23 The main issues are:

- Principle of Development
- Sustainable Development

7.1 PRINCIPLE OF DEVELOPMENT

General policy

24 Section 73 of the Town and Country Planning Act (1990) concerns application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

Discussion

25 The Applicant is entitled to apply to the LPA to undertake their development without compliance with conditions subject to which the previous planning permission was granted. In determining such an application, the LPA shall only consider the question of the conditions subject to which planning permission should be granted.

26 In this case the Applicant is seeking permission to carry out the original planning permission without complying with Condition 5 (Code for Sustainable Homes Rating

Level 4). Should Members be minded to grant planning permission, the effect would be the issue of a new planning permission subject to all relevant original planning conditions with the exception of Condition 5.

27 The question before Members, therefore, is whether Condition 5 still meets the so-called Six Tests. NPPF para 55 states that “planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

7.1.1 Principle of development conclusions

28 This application under Section 73 of the Act is the appropriate mechanism for addressing this issue.

7.2 SUSTAINABLE DEVELOPMENT

Policy

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

30 This is not a major development and therefore the full range of policies relating to sustainable development do not apply to this case.

31 CS Objective 5 sets out Lewisham’s approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

32 CSP 8 (3) is particularly relevant. It states “All new residential development (including mixed use) will be required to achieve a minimum of Level 4 standards in the Code for Sustainable Homes from 1 April 2011 and Level 6 from 1 April 2016, or any future national equivalent”.

33 The Code for Sustainable Homes (the Code) is an environmental assessment method for rating and certifying the performance of new homes. It was launched in 2006 and in practice replaced BREEAM for residential development. The Code covers nine categories of sustainable design:

- Energy and CO2 Emissions
- Water
- Materials
- Surface Water Run-off
- Waste
- Pollution
- Health and Well-being
- Management
- Ecology

Discussion

34 Since the adoption of the Core Strategy, the Government has withdrawn the Code, except in legacy cases. A Written Ministerial Statement (WMS), published on 25 March 2015, detailed the replacement the Code with new national technical standards which comprise new additional optional Building Regulations regarding water and access as well as a national space standard. The Government, in the WMS, set out that from 1

October 2015, existing policies and guidance relating to matters formally controlled by the Code should be interpreted by reference to the nearest equivalent new national technical standard. The Government's policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.

- 35 Officers are clear that there is no longer a policy basis for requiring compliance with the Code, except in legacy cases. Legacy cases are those where residential developments are legally contracted to apply a Code policy (for example where affordable housing is funded through the national Affordable Housing Programme 2015 to 2018, or earlier programme), or where planning permission has been granted subject to a condition stipulating discharge of a code level, and developers are not appealing the condition or seeking to have it removed or varied. In these instances it is possible to continue to conduct Code assessments. In this case, the Applicant has applied to remove this condition. This is therefore not a legacy case.
- 36 As an application is being made to remove condition 5 (Code for Sustainable Homes Rating Level 4), the Council is obliged to consider the application against current planning policy. Since 2015 the Council has not required developments of any scale to comply with Code, notwithstanding the wording of CSP 8 (3).
- 37 Referring back to the Six Tests, Officers are of the opinion that requiring compliance with Condition 5, in light of the above changed policy, would be unnecessary, not relevant to planning, unenforceable and unreasonable.
- 38 Turning to alternatives, the Code has been replaced by new national technical standards which comprise new additional optional Building Regulations (as set up by Section 42 of the Deregulation Act 2015) regarding to water and access and an optional nationally described space standard. Conditions 11 and 12 of the original planning permission require compliance with Lifetime Home Standards and to provide one wheelchair dwelling. Officers consider this adequately addresses access. Part G of the Building Regulations covers water efficiency, setting a target of 125 litres per person per day. Officers consider this adequately addresses water usage. Finally, Part L of Building Regulations sets CO₂ emissions target for new development. The 2013 Part L CO₂ emissions target are comparable with the CSH Level 4 CO₂ emissions targets.

7.2.1 Sustainable Infrastructure conclusion

- 39 Officers are of the view there is no policy basis to resist the removal of this condition. Existing conditions would be re-imposed and these in conjunction with Building Regulations address the key issues previously covered by Code.

8 LOCAL FINANCE CONSIDERATIONS

- 40 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).

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

42 The CIL is therefore a material consideration. No CIL is liable in this case as there is no increase in the previously approved floor area.

9 EQUALITIES CONSIDERATIONS

43 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.

44 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.

45 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.

46 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>

47 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

48 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>

49 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 is concluded that there is no impact on equality.

10 HUMAN RIGHTS IMPLICATIONS [Amend to specific situation]

50 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:

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

51 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.

52 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.

53 This application has the legitimate aim of providing a new building with and residential uses. 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

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

55 Officers conclude the development can be carried out without compliance with Condition 5 (Code for Sustainable Homes Rating 4). This is because the Code has been withdrawn by the Government, except in a limited set of circumstances which are not applicable here. Current planning policy provides no basis for imposing a requirement to comply with Code, and other measures are in place to address key issues formally controlled by the Code. Condition 5 therefore is no longer necessary or reasonable: for these reasons, Condition 5 (Code for Sustainable Homes Rating 4) should be removed.

12 RECOMMENDATION

56 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives in the event that the discharge of condition application have not be approved.

57 If the discharge of condition application are approved the Committee should resolve to **GRANT** planning permission within condition Conditions 6 (External material schedule),

7 (Refuse and recycling facilities) and 8 (Cycle parking facilities), 9 (Hard landscaping) and 18 (Obscure glass).

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 of 13 November 2014 on which the original permission DC/14/87793 was granted.

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

2) DEVELOPMENT IN ACCORDANCE WITH APPROVED DRAWINGS

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

15/05/2014, OS.001 A, EX.000 B, EX.001 A, EX.002 A, EX.003 A, PL.000 G, PL.001 H, PL.002 G, PL.003 E, PL.004 E, EL.001 D, EL.002 C, EL.003, SE.001 C, DE.001 D, DE.002 D, DE.003 D, DE.004 D, DE.005 DE.006

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

3) CONSTRUCTION MANAGEMENT PLAN

Development shall be carried out in accordance with the approved Construction Management Plan approved under application reference DC/19/114763 granted on 28 February 2020.

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).

4) CONTAMINATION

(a) Phase 2 Ground Investigation Report has been submitted and approved by the Local Planning Authority under discharge of condition application reference DC/15/00697 approved on 03 June 2015. The required remediation approved under this condition must be implemented in full.

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

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

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

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

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

5) **MATERIALS**

No development shall commence on site until a detailed schedule and samples of all external materials and finishes, windows and external doors and roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

6) **REFUSE AND RECYCLING**

- a) The development shall not be occupied until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- b) The development shall not be occupied until the facilities as approved under part (a) have been provided in full and shall thereafter be permanently retained and maintained.

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

7) **CYCLE PARKING**

- a) The secure and dry cycle parking facilities shall be provided in full accordance with Drwg PL.000 Rev G hereby approved.
- b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- c) The development shall not be occupied until all cycle parking spaces have been provided and made available for use and shall be retained thereafter for the lifetime of the development.

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

8) **HARD LANDSCAPING**

- a) No development shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- b) The development shall not be occupied until all hard landscaping works which from part of the approved scheme under part (a) have been completed in accordance with the approved scheme under part (a) and shall be retained thereafter for the lifetime of the development.

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

9) **RETAIN BOUNDARY WALLS**

The existing boundary wall shall be retained in perpetuity at a height of 3.45m on the eastern and southern boundaries and at a height of 4.25m on the northern boundary and 4.5m on the western boundary as shown on drawings PL.001 H, EL.001 D, SE.001 C.

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

10) **LIFETIME HOMES**

Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. DE.001 D, DE.002 D hereby approved.

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Core Strategy Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

11) **WHEELCHAIR UNIT**

The wheelchair dwelling hereby approved shall be constructed to be easily adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) as shown on drawing DE.001 D, DE.002 D approved prior to their first occupation. For the avoidance of doubt a parking space shall be provided for the wheelchair unit.

Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

12) **PERMITTED DEVELOPMENT RIGHTS RESTRICTED – EXTERNAL PIPES**

No plumbing or pipes, other than rainwater pipes, shall be fixed on the front elevation of the building(s) whether or not permitted under Article 3 to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) prior to written permission from the local planning authority.

Reason: It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

13) **PERMITTED DEVELOPMENT RIGHTS RESTRICTED – NO EXTENSIONS OR ALTERATIONS**

No extension(s) or alteration(s) to the building(s) hereby approved whether or not permitted under Article 3 to Schedule 2, Part 1, Classes A, B, C, D, E or G of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), shall be carried out without the prior written permission from the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014)..

14) **PERMITTED DEVELOPMENT RIGHTS RESTRICTED – WINDOWS/OPENINGS**

No windows or other openings shall be installed in the elevation(s) of the building(s) hereby approved whether or not permitted under Article 3 to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) prior to written permission from the local planning authority.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

15) **RETAIN CAR PARKING**

The car parking area shown on Drawing No. PL.000 Rev G shall be used only for the parking or storage of private motor vehicles associated with the development hereby approved and for no other purpose.

Reason: To ensure the permanent retention of the parking spaces for parking purposes and to ensure that the development does not increase on-street parking in the vicinity and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

16) **CONSTRUCTION DELIVERY TIMES**

No deliveries in connection with construction works shall be taken at or despatched from 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.

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 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).

17) **WINDOWS TO BE OBSCURED**

Prior to first occupation of the dwellings, details shall be provided of the etched glass for the first floor on the rear elevation as shown on drawing PL.002 G and EL.001 D. The etched glazing shall be retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards 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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

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Committee	PLANNING COMMITTEE A
Report Title	ADDENDUM - 36 OLD ROAD, LONDON, SE13 5SR (ITEM 7)
Contributors	PATRYCJA PLOCH
Date	25 JUNE 2020

ADDENDUM

- 1 This is an addendum to the planning committee agenda published 17th June 2020 in respect of Planning Committee A on 25th June 2020.
- 2 This addendum provides a clarification for Item 7 (36 Old Road, London, SE13 5SR).

ITEM 7 – 36 OLD ROAD, LONDON, SE13 5SR

- 3 Following the publication of the committee agenda, it was identified that some of the original planning conditions to be migrated to the new decision notice if members are minded to grant planning permission for the s73 proposal have not been updated to reflect the discharge of unrelated of planning conditions. The inclusion of outdated condition wording is a typographical error.
- 4 Condition 5 (Materials) is updated to read:

“Development shall be carried out in accordance with the approved external materials schedule; proposed street scene (drawing number EL001.D – EXT MA EL) and proposed first floor plan (drawing number PL002.G – EXT MAT) approved under application reference DC/20/115069 granted on 17 March 2020.

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

- 5 Condition 6 (Refuse and recycling) is updated to read:

“The development shall be carried out in accordance with the approved proposed block plan (drawing number PL.000 Rev G) and bin store detail plan / elevation (drawing number DE.005) approved under application reference DC/20/115801 granted on 17 March 2020.

The development shall not be occupied until the facilities as approved under part (a) have been provided in full and shall thereafter be permanently retained and maintained.

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

6 Condition 7 (Cycle parking) is updated to read:

“The development shall be carried out in accordance with proposed block plan (drawing number PL.000 Rev G) and car and cycle shelter (drawing number 2976.7 Rev C) approved under application reference DC/20/115802 granted on 17 March 2020.

The development shall not be occupied until all cycle parking spaces have been provided and made available for use and shall be retained thereafter for the lifetime of the development.

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

7 The only amendment is to the ‘Reason’ for the condition, which has been amended to include reference to **DM Policy 31**. This is a typographical error and there are no planning implications to this change.

8 Condition 8 (Hard Landscaping) is updated to read:

“The development shall be carried out in accordance with external material schedule and proposed first floor plan (drawing number PL002.G – EXT MAT) approved under application reference DC/20/115069 granted on 17 March 2020.

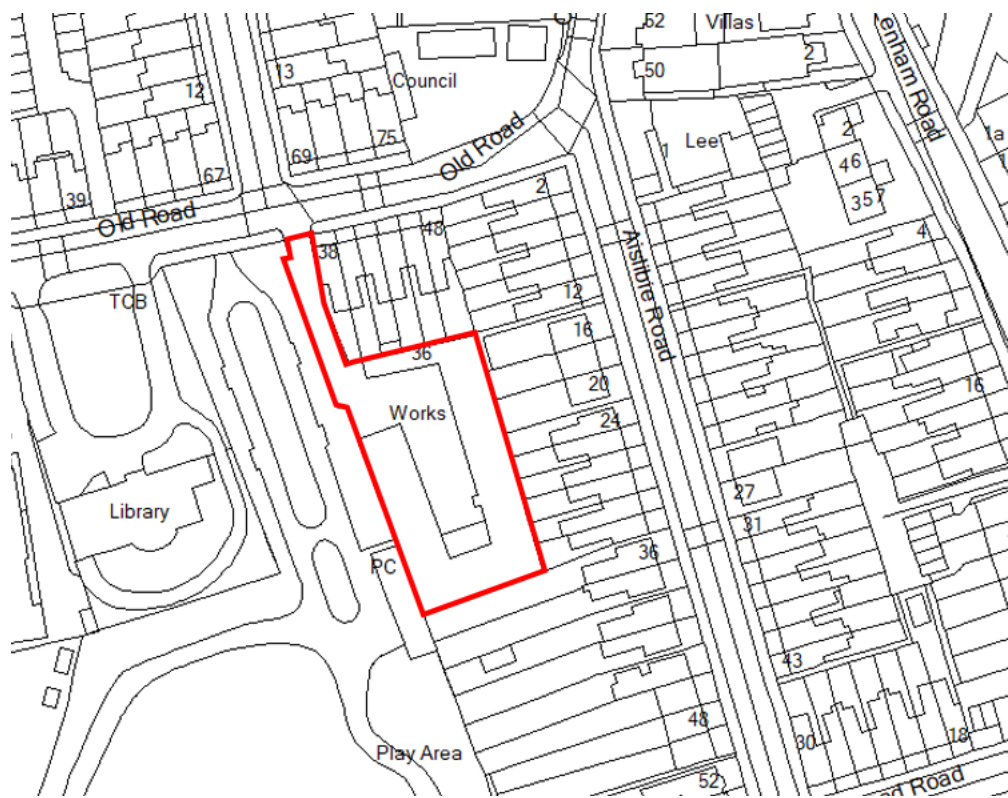
The development shall not be occupied until all hard landscaping works which form part of the approved scheme under part (a) have been completed in accordance with the approved scheme under part (a) and shall be retained thereafter for the lifetime of the development.

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

9 Condition 17 (Obscure windows) is updated to read:

“The development shall be carried out in accordance with external materials schedule; proposed street scene, front & rear elevation (drawing number EL.001.D – EXT MAT ELE); proposed flank elevation (drawing number EL.002 Rev C); proposed flank elevation (drawing number EL.003); proposed new build elevations (drawing number DE.003 Rev D) approved under application reference DC/20/115069 granted on 17 March 2020.

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



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