

Committee	PLANNING COMMITTEE C	
Report Title	INNES LODGE, INGLEMERE ROAD SE23 2BD	
Ward	Perry Vale	
Contributors	Geoff Whittington	
Class	PART 1	09 OCTOBER 2014

Reg. Nos. DC/14/87633

Application dated 19.05.14

Applicant Mr K Fitzgerald

Proposal The demolition of existing garages adjacent to Innes Lodge and the construction of a part-single/ part-two/ part-three storey, three bedroom dwelling-house and associated landscaping.

Applicant's Plan Nos. PL001, PL002, PL003, PL004, PL005, PL006, PL007, PL008, PL009, PL010, PL011, PL012, PL013, PL014, PL101, PL102, PL103, PL104, PL105, PL106, PL107, PL108, PL109, PL110, PL111, PL112, PL113, PL114, PL115, PL116, PL117, PL118, CGI 123, CGI 124, CGI 125, CGI 126 & CGI 127, Lifetime Homes: LTH Ground Floor Plan, LTH First Floor Plan & LTH Second Floor Plan, Design & Access Statement and Code for Sustainable Homes Planning Pre-Assessment.

Background Papers (1) Case File LE/418/7/TP
(2) Adopted Unitary Development Plan (July 2004)
(3) Local Development Framework Documents
(4) The London Plan (2011)

Designation Adopted UDP - Existing Use

1.0 Property/Site Description

- 1.1 The application site is a backland plot that is currently occupied by 7 lock-up garages used for storage purposes, and an electricity sub-station. The site measures approximately 19 metres deep, and 10.7 metres wide. It is accessed via a 15 metre long and 3.1 metre wide passageway from Inglemere Road.
- 1.2 The surrounding area is comprised mostly of residential properties, including low level blocks of flats and terraced dwellings. A 1960s 4-storey building accommodating 15 self-contained flats known as Innes Lodge lies directly to the east of the application site, whilst to the west are 2-storey dwellings fronting Bampton Road with associated gardens at the rear. Land forming part of Forest Hill School lies to the south.
- 1.3 The application site is not located within a conservation area, nor within the vicinity of any listed buildings.

- 1.4 The site lies within a short walking distance of Mayow Road and Perry Vale, which are served by bus routes. The PTAL for this area is 1b on a scale of 1 to 6 where 6 is excellent. There are unrestricted on-street parking opportunities within the immediate area.

2.0 Planning History

- 2.1 No planning history to this particular site.

Adjacent Property – Innes Lodge, Inglemere Road

- 2.2 In 2006, permission was granted for the construction of an additional storey at third floor level at the neighbouring Innes Lodge, Inglemere Road to provide 1 two bedroom and 1 one bedroom self-contained flats and a self-contained studio flat, together with terraced areas.

3.0 Current Planning Applications

The Proposal

- 3.1 Permission is sought for the demolition of existing garages and the construction of a part-single/ part-two/ part-three storey, three bedroom dwelling-house.
- 3.2 Access would be from Inglemere Road along the existing passageway. The ground floor of the dwelling would occupy the full width of the plot (10.7 metres), and measure a maximum 15.6 metres deep.
- 3.3 The development would initially be single-storey in height, before stepping up to 2 and then 3-stories in the direction of Innes Lodge. The single-storey element nearest the boundary with the Bampton Road dwellings would measure a height of 3.4 metres, whilst the highest part of the new building adjacent to Innes Lodge would be 10.2 metres.
- 3.4 The dwelling would benefit from a 3.4 metre deep, 10.7m wide private garden at the rear, together with two small courtyards. An 8sq.m terrace would also be afforded at second floor level.
- 3.5 Proposed external materials would include a primary use of dark brick to all elevations, rainscreen (cement board) cladding panels, stained timber cladding and aluminium framed fenestration.
- 3.6 No off-street parking would be provided, however a secure cycle store would be located within the private courtyard.

Supporting Documents

- 3.7 Design and Access Statement – this document includes a site analysis, the design approach of the proposed scheme, the level of residential accommodation, Daylight/ Sunlight Assessment, the sustainability aspirations to reach Code Level 4 and compliance with Lifetime Homes.
- 3.8 Code for Sustainable Homes Planning Pre-Assessment – this details the proposed sustainability measures, and confirms the development would achieve Code Level 4, with a pre-assessment score of 76.47.

4.0 Consultation

4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

4.3 Four objections have been received from neighbouring properties at flat nos.1, 3, 6 and 10 Innes Lodge. The issues raised are summarised below.

- unsightly, ugly building;
- close proximity to Innes lodge;
- noise and disruption from future occupiers and during construction works;
- the building will push the density of the site to an unacceptable level;
- the open nature of the communal space belonging to the residents of Innes Lodge 'will be abused by the residents of the new build';
- the development will block light to the communal areas at the rear;
- the route to the development will 'go past our bin area and will make it difficult for us to access our bins and our flats';
- land ownership concerns, relating to existing bin location for Innes Lodge occupiers.

(Letters are available to Members)

4.4 In response to the matters raised regarding land ownership, the agent has advised;

'there is some confusion concerning land ownership - the driveway is owned by our client Mr Fitzgerald and not Innes Lodge. Innes Lodge do own the area where their dustbins are (or at least our client does not) so I presume they have some sort of easement across the drive to access it. We have maintained this area and it is unchanged in the proposals.

'There is a thin strip of land between the garage site and the flank wall of Innes Lodge. At some stage this has been fenced/blocked for security reasons (we assume). We are not proposing to build on this strip. It belongs to Innes Lodge and will be maintained as a service zone for their building.'

'The applicant has advised the communal space to the front would be heavily planted between the driveway and the front green area, and the house would not further overshadow this area. The communal space to the rear is south facing and the house sits largely in line with the flank wall and would not contribute to over-shadowing. If the sun were beyond the west position (i.e a late summer evening) it will be low and already behind houses further west on Bampton Road.'

Internal Responses to Consultation

Sustainability Manager

- 4.5 The proposal would be Code Level 4 compliant, and a standard condition is required to ensure that the proposal meets Level 4 prior to first occupation.

Highways and Transportation

- 4.6 Unobjectionable in principle.

Environmental Health

- 4.7 No objections raised.

Fire Brigade

- 4.8 No objections raised. Guidance states that for single family dwelling houses, there should be vehicle access for a pump appliance to within 45m of all points within the dwelling house, which would be achievable in this case.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

- 5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham Unitary Development Plan (July 2004) that have not been replaced by the Core Strategy and Policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF.

In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211 and 215 of the NPPF.

Other National Guidance

- 5.5 The other relevant national guidance is:

Climate change

Design

Housing and economic development needs assessments

Housing and economic land availability assessment

Renewable and low carbon energy

London Plan (July 2011)

- 5.6 The London Plan policies relevant to this application are:

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

London Plan Best Practice Guidance

- 5.8 The London Plan Best Practice Guidance's relevant to this application are:
Control of dust and emissions from construction and demolition (2006)

Core Strategy

- 5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy
Policy 1 Housing provision, mix and affordability
Policy 7 Climate change and adapting to the effects
Policy 8 Sustainable design and construction and energy efficiency
Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

- 5.10 The saved policies of the UDP relevant to this application are:
STR URB 1 The Built Environment
URB 3 Urban Design
URB 12 Landscape and Development
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 7 Gardens
HSG 8 Backland and In-fill Development

Residential Standards Supplementary Planning Document (August 2006 revised 2012)

- 5.11 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Emerging Plans

- 5.12 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.13 The following emerging plans are relevant to this application;

Development Management Local Plan

5.14 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector has issued his report on 23 July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on 29th April 2014.

5.15 The Council expects to formally adopt the DMLP in autumn 2014.

5.16 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP as amended by the 16 main modifications has undergone all stages of plan making process aside from formal adoption, and therefore holds very significant weight at this stage.

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 23	Air quality
DM Policy 25	Landscaping and trees
DM Policy 28	Contaminated land
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Standard of Accommodation
- d) Highways and Traffic Issues
- e) Impact on Neighbouring Properties
- f) Sustainability
- g) Landscaping

Principle of Development

6.2 Policy 3.4 'Optimising housing potential' of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

6.3 Saved Policy HSG 8 of the UDP sets out criteria to assess whether infill and backland development is appropriate, subject to an assessment of the impact of the proposal on the appearance/ character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

- 6.4 DM Policy 33 of the Development Management Local Plan states that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality, relates successfully and is sensitive to the existing design quality of the streetscape, and sensitive to the setting of heritage assets. This includes the importance of spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings.
- 6.5 The acceptability of the principle of development depends upon the existing use of the site and whether it is designated for a specific purpose, together with the character of the surrounding area. In this case, the application site is an undesignated backland site which has been occupied by garages for many years, and lies within an area that is predominantly residential in character.
- 6.6 No objections are raised toward the proposed loss of the existing garages. They are considered to be of little architectural merit and are mostly used for storage purposes rather than for parking of vehicles. The applicant advises the garages are rented by private individuals.
- 6.7 The site lies a short walking distance away from Mayow Road and Perry Vale, which are relatively well served by bus routes, albeit the site itself lies within an area of a PTAL 1b rating.
- 6.8 The proposal would not result in the loss of any existing residential gardens or public open space.
- 6.9 In summary, considering the immediate area is predominantly residential in character, the principle of a new dwelling upon this plot is acceptable provided the design is of the highest quality, and other policies are met, such as ensuring no adverse impact upon neighbouring amenity or the character of the streetscene.
- 6.10 The redevelopment would have the potential to enhance the quality of the streetscene, whilst enhancing an unsightly plot. The proposal has been designed to utilise the restricted nature of the site whilst seeking to respect the character of the surrounding streetscape.

Design

- 6.11 Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.'
- 6.12 Policy 3.5 'Quality and design of housing developments' of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context. Policy HSG 5 of the UDP states that the Council expects all new residential development to be attractive and high quality.
- 6.13 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and is sensitive to the local context and responds to local character. Policy DM 30 of the Development Management Local Plan states that the Council will require all developments to attain a high standard of design.

- 6.14 Paragraph 15 of the National Planning Policy Framework (p15) states: “local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 6.15 In this case, the applicant has proposed a modern design approach that would not seek to replicate the design or appearance of neighbouring properties. The development would seek to respect the height, width and depth proportions of the neighbouring dwellings, albeit the footprint would be significantly greater than the Bampton Road dwellings.
- 6.16 The applicants engaged in pre-application discussions with officers to seek advice on what would constitute an acceptable form of development upon the site. Officers were presented with different options, and the current proposal was considered to be of good, modern design, whilst being respectful of the character of the surrounding area. In this case, a high quality contemporary building of sympathetic design is considered preferable to a more traditional approach that seeks to replicate neighbouring dwellings.
- 6.17 The scale and massing of the new building has been well considered, with the ‘stepped’ approach of each level contributing to an interesting and varied appearance.
- 6.18 The building is proposed to be predominantly brick faced – whilst the application suggests a dark brick, it does not confirm the actual type or provide a sample. Window frames would be of slim line aluminium throughout. The second floor level would be ‘finished in metal panels to match the finish of the windows.’
- 6.19 In principle, the proposed materials are considered to be appropriate, contributing positively to the appearance of the development, whilst relating well with existing properties. However, a condition will be included to request samples of the facing materials for further assessment.
- 6.20 The density of the development is unlikely to result in demonstrable harm to the character of the local area or the amenities of neighbouring residential occupiers. The London Plan density matrix advises that in suburban areas with a PTAL rating of 0-1, the appropriate density range would be 150-200 habitable rooms per hectare. The proposed development would equate to 200 habitable rooms per hectare, thereby complying with Policy 3.4 of the London Plan. Density, however, forms only part of the considerations toward developments such as this. Guidance states that the Council should make the best use of previously developed land, however such aspirations should not negate the requirement for developments to blend with the surrounding character.
- 6.21 The development is considered to be appropriate in scale, height and massing, respecting the general form of development within the immediate area, and befitting of this location. The applicants will be requested by way of planning conditions to provide external material samples, together with detailed plans of the windows, entrances and brick detailing.

Standard of accommodation

- 6.22 The London Plan and the London Plan Housing SPG sets out minimum floor spaces standards for dwellings of different sizes. These are based on the

minimum gross internal floor space required for new homes relative to the number of occupants and taking in to account commonly required furniture and spaces needed for different activities and moving around, in line with Lifetime Home Standards. The quality of the proposed accommodation needs to be carefully considered in relation to the Council's LDF, the London Plan and the London Housing SPG.

- 6.23 Policy HSG 5 Layout and Design of New Residential Development of the UDP states that the Council expects all new residential development to meet the functional requirements of its future inhabitants. It states that new dwellings should provide a satisfactory level of privacy, outlook and natural lighting with an appropriate level of amenity space.
- 6.24 The proposal is for a 3 bedroom, 4 person single family dwelling, with a gross internal area (GIA) of 160 square metres, which comfortably exceeds the minimum 102sq.m as set out in the London Plan for a 3-storey, 3 bedroom, 5 person dwelling.
- 6.25 The dwelling would comprise 3 bedrooms and a study on the first and second floors. The ground floor would comprise 2 living rooms, a kitchen/ diner, w.c. and storage. Table 1 below confirms all rooms would be appropriately sized, in accordance with The London Plan Housing SPG.
- 6.26 Floor to ceiling heights would meet with the minimum requirement of 2.5 metres, whilst Living Room 2 would measure 4.3 metres. As identified in the London Plan, high ceilings can positively impact on how spacious, light and comfortable the dwelling is. High ceilings can improve the amount and quality of natural light and ventilation and provide flexibility in the use of a room.

Table 1

Room	London Plan Minimum Floorspace	Proposed Floorspace	London Plan Minimum Headheight	Proposed Headheight
Bedroom 1	12 sq.m	17.5 sq.m	2.5m	2.5m
Bedroom 2	8 sq.m	11.1 sq.m	2.5m	2.5m
Bedroom 3	8 sq.m	11.1 sq.m	2.5m	2.5m
Combined floorspace for living room 1, kitchen and diner.	27 sq.m	36 sq.m	2.5m	3m
Combined floorspace for living room 2, kitchen and diner.	27 sq.m	37 sq.m	2.5m	4.3m

Lifetime Homes

- 6.27 All habitable rooms within the new dwelling would be provided with sufficient outlook and privacy, whilst assured of natural light intake.
- 6.28 Core Strategy Policy 1 requires all new dwellings to be built to meet Lifetime Homes standards. Annotated plans have been submitted demonstrating that the dwelling would be capable of meeting Lifetime Homes, with the exception of criterion 1 (car parking) as this is a car free scheme. A condition is recommended that ensures that the completed development achieves the criteria prior to first occupation.

Amenity Space

- 6.29 In regard to amenity space, the dwelling would benefit from a 30sq.m private rear garden, in accordance with HSG 7 Gardens, which requires a safe, secure garden area for family dwelling measuring a minimum depth of 9 metres. In this case, the garden would measure a width of 10.7 metres.
- 6.30 Two additional courtyards would be provided, including a 7sq.m space to the front of the building leading to the secure cycle store, and a centrally located 13sq.m space lying between the living room and kitchen/ diner. At second floor level, a small terrace measuring 8sq.m would be provided, accessed from the hallway.
- 6.31 Overall, the provision of amenity space within the development is considered to be acceptable.

Electricity Sub-Station

- 6.32 The site is currently part occupied by a single-storey brick built electricity sub-station that would be retained as part of the redevelopment of the site. The new dwelling would be constructed around the structure, but would at no point adjoin, be built upon or disturb it. (Plan PL115 indicates stained timber cladding would be affixed to the flank wall of the sub-station, however this would need to be agreed with the operator.)
- 6.33 The applicant has discussed the proposal with UK Power Networks who own the sub-station, and they advised that considering access to the structure would be maintained, no objections would be raised.
- 6.34 Building Control officers have no jurisdiction in such matters, however they have advised subject to the sub-station being maintained properly, there is no reason why the safety of future occupiers would in any way be compromised by the close proximity of the structure.
- 6.35 During site inspections, officers did not hear any adverse noise being emitted from the sub-station that would potentially disturb future occupiers of the development.

Highways and Traffic Issues

a) Access

- 6.36 Access into the site would remain from Inglemere Road via the existing 15 metre long, 3.1 metre wide passageway. The D&A Statement advises that low level security lighting will be installed to ensure the passageway is 'well lit and inviting'.

- 6.37 It is considered the development would accord with HSG 8 which seeks a 'proper means of access.....safe for both drivers and pedestrians' for new backland development.
- 6.38 Objections have been received from Innes Lodge residents in regard to their existing bin store which is located adjacent to the passageway. The applicant has advised that he owns the passageway, and does not intend upon relocating the existing bin store.
- b) Cycle Parking*
- 6.39 Secure cycle spaces are proposed, located within the front courtyard that may only be accessed via the main entrance into the dwelling.
- c) Car Parking*
- 6.40 The proposal does not include off street car parking as there is insufficient space within the site. Despite the PTAL 1b rating, a car free approach in this case is considered to be acceptable, attributed in part to the single dwelling nature of the development. The site is located within close proximity to bus routes that operate along Perry Vale and Mayow Road. whilst there are unrestricted on-street parking opportunities within the immediate area. Highways have raised no objection to the proposal.
- d) Refuse*
- 6.41 A timber store is shown on plan for the storage of refuse and recycling bins adjacent to the front entrance. The siting, provision and appearance is considered acceptable.

Impact Upon Neighbouring Properties

- 6.42 Policy HSG 4 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 6.43 The nearest residential dwelling-houses lie directly to the west. These are 2-storey and have rear gardens measuring 9 metres deep. The applicant has acknowledged the distance between the Bampton Road dwellings and the application site by proposing that the new dwelling would be single-storey to that side, with the first and second floors set-back 4.2 metres from the boundary. This provides a separative distance of approximately 13.8 metres from the rear elevations of the Bampton Road dwellings.
- 6.44 The single-storey element would measure 600mm higher than the existing boundary wall/ fence. It is not considered that this element, or the development as a whole, would significantly harm the visual amenities of the Bampton Road occupiers.
- 6.45 The applicant has advised discussions about the proposal were held with the Bampton Road occupiers after the application was submitted, and subsequently, no formal objections have been received from those residents.
- 6.46 The highest part of the new building would lie closest to the 4-storey Innes Lodge, which has been extended at roof level and is 1.8 metre greater in height than the proposal. The new building would project 1.5 metres beyond the rear

elevation of Innes Lodge, however it would not result in any significant harm to neighbour visual amenity.

- 6.47 A Daylight/ Sunlight Assessment has been included within the Design & Access Statement, and concludes '.....the design has a minimal impact on any of it's surroundings and other buildings at all times of the year. No impact is shown on any windows to neighbouring properties, and the overshadowing of gardens is minimal.'
- 6.48 Having visited the site, it is considered that this conclusion is acceptable, therefore no objections are raised on these grounds.
- 6.49 The proposed second floor terrace would be sited to the front corner of the new building, 4.6 metres from the boundary with the Bampton Road dwellings, and 13.8 metres from their rear elevations. Considering these distances, it is appropriate that a condition be included that requests details of screening to the terrace to avoid any unacceptable overlooking to the neighbouring occupiers.
- 6.50 Due to the backland siting of the proposed building, it is considered that no other properties within the vicinity would be harmed by the development.
- 6.51 It is recommended that given the backland nature of the site, and proximity to neighbouring buildings, all permitted development rights are removed if permission is granted. This is to ensure officers have an opportunity to formally assess any alterations to the building, and to safeguard the amenities of neighbouring occupiers.

Sustainability and Energy

- 6.52 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 6.53 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
1. Be lean: use less energy
 2. Be clean: supply energy efficiently
 3. Be green: use renewable energy
- 6.54 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum Code for Sustainable Homes Level 4.
- 6.55 The applicant has submitted a Code for Sustainable Homes pre-assessment that confirms the proposal would meet Code Level 4. This will be secured by condition.

- 6.56 The applicant has submitted a Code for Sustainable Homes pre-assessment that confirms the proposal would meet Code Level 4. This will be secured by condition.
- 6.57 The Design & Access Statement lists a number of sustainable measures that would be undertaken to assist in achieving a lean, clean and green development, including the installation of energy efficient appliances, rainwater collection, low energy lighting and water efficiency.
- 6.58 It is considered therefore that the development would be in compliance with sustainability policies. The Sustainability Manager has raised no objections to the proposal.

Landscaping

- 6.59 A mix of soft and hard landscaping is proposed to the rear garden, and within the front courtyard. The central courtyard would be paved, whilst a new tree is indicated on the plan. The existing paving to the passageway would be retained.
- 6.60 The landscaping approach is acceptable, however it is appropriate to apply a condition requiring paving materials are permeable to avoid rainwater run-off.

7.0 Local Finance Considerations

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

8.4 In this matter there is considered to be no impact on equality.

9.0 Conclusion

9.1 The provision of a single dwelling-house upon the site is acceptable due to the existing residential character of the immediate area. It is considered that the proposed standard of accommodation would be compliant with policies.

9.2 The design and massing of the proposed development is considered to be appropriate, respecting the general character of the area. The proposal accords with Policy URB 3 Urban Design, which expects a high standard of design that seeks to complement the scale and character of existing development and its setting, and HSG 5 Layout and Design of New Residential Development, which expects all new residential development to be attractive, to be neighbourly and to meet the functional requirements of all future habitants.

9.3 The applicant will be requested by way of a planning condition to provide external material samples, together with detailed plans of the windows to ensure the development would impact positively upon the streetscene.

9.4 For these reasons, it is therefore recommended that planning permission be granted.

10.0 RECOMMENDATION GRANT PERMISSON subject to the following conditions:

(1) Time limit

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

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

(2) Accordance with Plans

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

PL001, PL002, PL003, PL004, PL005, PL006, PL007, PL008, PL009, PL010, PL011, PL012, PL013, PL014, PL101, PL102, PL103, PL104, PL105, PL106, PL107, PL108, PL109, PL110, PL111, PL112, PL113, PL114, PL115, PL116, PL117, PL118, CGI 123, CGI 124, CGI 125, CGI 126 & CGI 127, Lifetime Homes: LTH Ground Floor Plan, LTH First Floor Plan & LTH Second Floor Plan, Design & Access Statement and Code for Sustainable Homes Planning Pre-Assessment.

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 Environment Management Plan

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

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

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

(4) Site Contamination

- (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the

Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

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

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

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

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).

(5) **Sound Insulation**

- (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to 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, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.
- (b) The development shall not be occupied until the sound insulation scheme detailed in (a) has been implemented in its entirety. 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 Saved Policy ENV.PRO 11 Noise Generating Development in the Unitary Development Plan (July 2004).

(6) **Code for Sustainable Homes**

- (a) The building hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.

- (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

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

(7) **Materials**

No development shall commence on site until a detailed schedule and samples of all external materials and finishes/windows and external doors/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 and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

(8) **External Lighting**

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

Reason: In order to minimise possible light pollution to the night sky and neighbouring properties and to comply with Saved Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

(9) **Lifetime Homes**

The dwelling hereby approved shall meet the relevant Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on the Lifetime Homes Plans hereby approved.

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

(10) Removal of permitted development rights

No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (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 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).

(11) No new windows

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in the elevations of the building other than those expressly authorised by this permission.

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 Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

(12) Use of flat roofs

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof on the building hereby approved shall be as set out in the application and no development or the formation of any door (other than the second floor terrace) providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

(13) Privacy Screening

No development shall commence on site until a detailed scheme of privacy screening for the second floor terrace has 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: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally, to ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Saved Policies HSG 4 Residential Amenity and URB 3 Urban Design in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

(14) Cycle Parking Provision

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).

(15) Landscaping

Any proposed hard landscaping measures shall include use of permeable materials only, and be completed in full prior to occupation of the development.

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

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. Contact was made with the applicant prior to determination to seek further information.
- (2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (3) In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- (4) It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Developer Services will be required. They can be contacted on 0845 850 2777.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes you are recommended to contact Thames Water to discuss their status in more detail, You can contact Thames Water on 0845 850 2777 or for more information www.thameswater.co.uk.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/ minute at the point where it leaves Thames Water pipes. The developer should take account of this.