

Committee	PLANNING COMMITTEE A	
Report Title	LAND SOUTH OF UPPER BROCKLEY ROAD & REAR OF 163 UPPER BROCKLEY ROAD SE4 1TG	
Ward	Brockley	
Contributors	Michael Forrester	
Class	PART 1	04 DECEMBER 2014

<u>Reg. Nos.</u>	DC/14/88637
<u>Application dated</u>	31.07.2014
<u>Applicant</u>	Space Craft Architects on behalf of Natural Developments Limited.
<u>Proposal</u>	The construction of a part single, part two-storey three bedroom house with associated landscaping and provision of bin and bicycle stores on land to the south side of Upper Brockley Road and to the rear of 163 Upper Brockley Road.
<u>Applicant's Plan Nos.</u>	Heritage Statement, Sustainability Statement, Design & Access Statement, Massing Views, 21_603 D, 21_602 D, 21_601D, Fig 1 aerial photograph of the site, Fig 2 site location plan, 703, 704, 706, 707, 708 & 709
<u>Background Papers</u>	(1) Case File DC/104/161/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	[Core Strategy or Adopted UDP] – Brownfield Site

1.0 Property/Site Description

- 1.1 The application site is an area of open land on the south side of Upper Brockley Road approximately 120m² in area and approximately 7.5m in depth. The land has previously been used for the parking of second hand cars, possibly since approximately 1970. The site forms part of the 'island' bounded by Upper Brockley Road and Geoffrey Road that contains both dwellings and commercial premises. Historically, the site formed part of the rear garden to 163 Upper Brockley Road (as shown on historic maps of the area). The site has a frontage of approximately 16m to Upper Brockley Road; on the opposite side of Upper Brockley Road is a single storey building and two storey terraced houses. To the east is the remaining rear garden of 163 Upper Brockley Road. To the south is the rear garden of 161 Upper Brockley Road and to the west is 1 Geoffrey Road which is a two storey detached house.
- 1.2 The site is currently vacant and is hard surfaced with a vehicular access gates on to Upper Brockley Road, though there is no pavement crossover. The street frontage to the site comprises a stock brick wall and recessed metal gates.

2.0 Planning History

- 2.1 2012: DC/12/81710 - Planning permission was refused for the construction of a two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road).

The reasons for refusal are as follows:

1. The proposed development, as a result of its height, bulk, massing, siting and layout would fail to establish an acceptable relationship with the surrounding context and would result in harm to the character and appearance of the conservation area, contrary to Objective 10 Protect and enhance Lewisham's character and Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policies URB 3 Urban Design, URB 6 Extensions and Alterations and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas of the adopted UDP (July 2004).
2. The proposed development, as a result of inadequate daylighting, outlook and lack of amenity space, would fail to provide a suitable standard of accommodation for future occupiers, contrary to policies HSG 5 Layout and Design of New Residential Development, HSG 7 Gardens of the adopted UDP (July 2004) and the Residential Standards SPD (August 2006).
3. The proposed development, as a result of its height, bulk and siting would result in an un-neighbourly development and an unacceptable sense of enclosure when viewed from the neighbouring properties and their gardens, contrary to Policies HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 8 Backland and In-fill Development of the adopted UDP (July 2004).

- 2.2 An appeal against this refusal was dismissed on the basis that the design of the building would not promote or reinforce local distinctiveness and the proposed new development would not successfully integrate into the historic environment. The scale of the dwelling was also considered to be oppressive and that it would result in an excessive sense of enclosure for surrounding occupiers.

3.0 Current Planning Applications

The Proposals

- 3.1 Permission is sought for the construction of a part single, part two storey house. The proposed house would fill the depth of the site and would be up to 5.6m high, a maximum of 8.5m deep (narrowing to 7.2m) due to the tapering shape of the site and up to 11m wide. The first floor would be 6.5m wide and is set back from no 163 Upper Brockley Road by a maximum of 15m (a minimum of 14.5m due to the angle of the dwelling in relation to the site).
- 3.2 The ground floor is set behind a boundary wall fronting the street and the dwelling would be accessed directly from the street. The ground floor comprises a kitchen/living room and a bedroom. The first floor with two bedrooms is designed as a 'pop up' box, clad in copper finished cladding designed to fit over the brick base.

- 3.3 The garden area measures 34 sqm and would be directly adjacent to the rear gardens of No. 1 Geoffrey Road and 161 Upper Brockley Road. A proposed refuse store is located within the garden with an access door opening onto the footway. There is a further opening in the boundary wall which provides a secondary access to the garden. No off-street parking is proposed.

Supporting Documents

- 3.4 Design and Access Statement – this provides a design response to the revised scheme and seeks to address how the proposals address the refused application and appeal dismissal.
- 3.5 Heritage Statement – this document provides a policy overview and statement of significance of the heritage asset and states that the revised proposals have no adverse impact upon heritage assets.
- 3.6 Sustainability Statement – this document confirms that the dwelling is being designed to meet Code Level 4.
- 3.7 Massing Views – this document provides a series of views of the dwelling from surrounding view points and is accompanied by a series of detailed drawings showing key building junctions.

4.0 Consultation

- 4.1 This section outlines the consultation carried out 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 and business in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 4.3 Notification letters were sent to neighbouring properties and to local ward councillors. 3 representations were received, 1 in support and 2 in objection. These are summarised below:

4.4 Objections:

- The property does not enhance the character or appearance of the Brockley Conservation Area.
- No mitigating trees to soften the proposals.
- Materials are out of character and the property does not meet legal distances between houses.
- This is not a high quality piece of architecture, but a cheap build to maximise profit.
- Property include use of boundary walls which are subject to separate ownerships.
- Entrance on the pavement is dangerous.

4.5 Support

- This would make use of an unoccupied site
- The plans are attractive and would make a welcome addition to the area.

Brockley Society

4.6 The Brockley Society have objected on the basis that the plans are inadequate and of poor design for this prominent site.

(Letters are available to Members).

Highways and Transportation

4.7 No objection to single dwelling in this location with no off street car parking.

Sustainability

4.8 The proposals meet Code Level 4 which is policy compliant. This needs to be secured by planning condition.

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 and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, 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

Conserving and enhancing the historic environment

Design

Renewable and low carbon energy

Tree Preservation Orders and trees in conservation areas

Use of Planning Conditions

London Plan (July 2011)

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

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 6.9 Cycling

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 8.2 Planning obligations

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)

Sustainable Design and Construction (2006)

Core Strategy

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, 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

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Core Strategy Policy 17 The protected vistas, the London panorama and local views, landmarks and panoramas

Unitary Development Plan (2004)

- 5.9 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

URB 13 Trees

URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas

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)

- 5.10 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.

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.11 This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimneystacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that will be accepted within Brockley Mews - mainly within Harefield Mews.

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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). The following emerging plans are relevant to this application.
- 5.13 The following emerging plans are relevant to this application.

Development Management

- 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 the 23rd of 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 the 29th of 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 the 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 25	Landscaping and trees
DM Policy 27	Lighting
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 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.

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) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy

Principle of Development

6.2 This application seeks to address the reasons for refusal of the 2012 refused scheme (DC/12/81710) and the subsequent appeal dismissal.

6.3 In relation to the 2012 refused scheme, the principle of a dwelling on this site, which would make use of under-utilised land, was considered acceptable. The Inspector noted in the appeal decision that the site has no obvious building line which would be spoilt, and that the proposal would retain a sense of spaciousness and views across the site. The provision of a dwelling in this location would also add natural surveillance to the street.

6.4 This application seeks to address the shortcomings of the previous scheme with regard to architectural style and design quality and the visual impact upon the occupiers of no. 163 Upper Brockley Road.

6.5 The Core Strategy allows for the provision of small scale infill development in the Areas of Stability and Managed Change provided that it is designed to complement the character of surrounding developments (including the character and appearance of conservation areas), the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

6.6 The proposal would not result in any changes to the size of the gardens to any of the neighbouring properties as the site has already been separated from the garden at 163 Upper Brockley Road for a considerable number of years.

6.7 Matters of design and the effect on the character of the area are dealt with in the report below. The impact of the proposal on the amenity of neighbouring occupiers is also dealt with later in this report.

Design and Conservation

6.8 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'.

6.9 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.

6.10 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable,

accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character. Policy DM 30 of the Development Management Local Plan – proposed submission version states that the Council will require all developments to attain a high standard of design.

- 6.11 Saved UDP policy URB 16 (New Development, Changes of Use and Alterations to Buildings in Conservation Areas) sets out the Council's commitment to preserve and enhance the borough's conservation areas. DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens states that the Council, having paid special attention to the special interest of its conservation areas, and the desirability of preserving their character and appearance, will not grant planning permission where alterations and extensions to existing buildings are incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.12 Planning permission has previously been refused for a two storey building on this site. However, at appeal, the principle of a two storey building was not ruled out in principle by the Inspector, rather the effect of the massing of the building was considered unacceptable and the design was considered to be of poor quality and would fail to integrate successfully into the historic environment.
- 6.13 The applicant has sought to reduce the massing of the building by reducing the width at first floor level. Although this remains the full depth of the plot, the width has been reduced from 7.5m to 6.7m and the massing relocated within the plot. The first floor element would now be situated closer to no. 1 Geoffrey Road. Views through the plot across to Geoffrey Road would therefore be maintained.
- 6.14 The proposed building is contemporary in design, to which there is no over-riding objection in principle within the conservation area, subject to any design being a specific design response to the site and of the highest quality. Although surrounding buildings are predominantly Victorian, it is considered that a pastiche architectural copy is not likely to be an appropriate response to this site and that a bespoke designed building of high architectural quality would have the potential to address the constraints of the site and to be satisfactorily integrated within the street scene of this part of the conservation area. The site sits within an island surrounded by the highways of Upper Brockley Road and Geoffrey Road and the urban grain of this piece of land is weak. The nearby urban grain at 161-163 Upper Brockley Road and elsewhere in Geoffrey Road features semi-detached houses with small front and larger rear gardens. Within the confines of a small plot, the proposals seek to echo this grain and the plot coverage, plan form and massing of the proposed development are modest in scale.
- 6.15 The building proposed is arranged over two storeys with a flat roof. In terms of design approach, the black timber cladding of the first floor previously proposed has been replaced by a series of copper coloured metal panels with recessed windows. This 'box' is designed to sit above the ground floor, which remains built into the boundary walls so as to blend more effectively into the street scene. There is no objection in principle to the use of a copper or metal cladding. This is seen locally on the Tea Factory in Endwell Road for example, however the green pre-patinated copper finish used in that scheme would not be appropriate for this building or location, where a more muted finish is desirable. Subject to the approval of samples of facing materials, the design is considered to be acceptable

and distinctive. In order to illustrate the detailed design proposed, the applicant has submitted detailed drawings of key junctions on the building, including the parapet roof, window reveals and where the first floor 'box' meets the brick boundary wall. The details show how the metal cladding would sit on the building and is considered to be acceptable.

- 6.16 The previous scheme was contemporary in nature, but was criticised for lacking local distinctiveness. The proposals are now considered to be of higher quality, more distinctive and of a reduced mass, and is now considered acceptable.
- 6.17 No objections have been received from the Council's Conservation Officer with regard to the principle of development or to the contemporary approach to the design in this location but recommends that materials samples are submitted for further consideration. The reduced massing of the first floor is considered acceptable and subject to further consideration of the facing materials, the proposals are considered to have the potential to enhance this part of the Brockley Conservation Area on a site which is unoccupied and prominent from surrounding view points.

Housing

a) Size and Tenure of Residential Accommodation

- 6.18 This application is for a single private dwelling which is acceptable in this location.
- b) *Standard of Residential Accommodation*
- 6.19 The London Plan sets out minimum floor spaces standards for dwellings of different sizes (Policy 3.5). These are based on the minimum gross internal floor space required for new homes relative to the number of occupants and taking into account commonly required furniture and spaces needed for different activities and circulation, in line with Lifetime Home Standards. The quality of the proposed accommodation needs to be carefully considered in relation to the Council's LDF and the London Plan. The London Housing SPG is also a material consideration, and contains further guidance on internal layout. A three bedroom, 6 person dwelling should have a GIA of 105 sqm when provided across two storeys.

- 6.20 The dwelling provides a GIA of 120 sqm, which exceeds the minimum standards set out in the London Plan. Furthermore, it is considered that the internal layout is practical, with all rooms being of an acceptable size which therefore raises no objections.
- 6.21 UDP Policy HSG7 and The Residential Standards SPD state that private gardens should be approximately 9m deep, the dwelling would have a garden depth of approximately 5.7m in depth, covering an area of 34 sqm. This represents a reduction from the 62 sqm on the previous proposals, however, the Inspector raised no objection to a smaller garden given the urban location. Officers consider that although reduced in size the garden remains of a practical shape and would have adequate privacy for future occupants.

Highways and Traffic Issues

a) Access and car parking

- 6.22 In terms of access, the property has a frontage onto Upper Brockley Road so access will be directly from the street. The property will be serviced from the

street like many of the other properties in the area. This arrangement is considered to be acceptable. In terms of parking, the proposal does not include any off street parking, but given that the site is situated in an area with good access to public transport (PTAL 4), a car-free development is considered to be acceptable.

- 6.23 The proposed access to the site is considered to be acceptable and the principle of a car free development is considered to be acceptable in this sustainable location.

b) Cycle Parking

- 6.24 The proposal will provide secure, covered cycle parking in accordance with Table 6.3 of the London Plan. These are located in a store within the garden, accessible via a gate from the street.

c) Refuse

- 6.25 The proposal provides storage for two wheelie bins that will be accessed from the street. This arrangement will provide for recyclable and non-recyclable waste and is considered to be acceptable. However the access door should not open over the adjacent footway.

Impact on Adjoining Properties

- 6.26 Policy HSG 5 (Layout and Design of New Residential Development) of the UDP requires all new residential development to be neighbourly. The policy justification states that new development should not adversely affect the amenity enjoyed by existing residential properties by unacceptably reducing the level of natural light received or creating an unsightly outlook. In addition, the Councils Residential Standards SPD states that applicants will need to demonstrate how privacy will be provided both for the neighbours and the occupiers of the proposed development.
- 6.27 The refused scheme proposed a building built up hard to the boundary with the rear garden of no. 163 Upper Brockley Road at a height of two storeys. This was considered to be visually overbearing and therefore detrimental to residential amenity. The revised proposal continues to position the ground floor against the boundary with no. 163 Upper Brockley Road but the first floor element would be positioned at the west side of the building, closer to no. 1 Geoffrey Road (which has a blank flank elevation). This would increase the first floor separation distance from the rear elevation of no. 163 to 15m. There is no concern regarding the ground floor being positioned on the boundary with No.163 given the height of the existing fence at approximately 2.5m as this would be largely concealed from view. The applicant has provided a section through the site that confirms that there would not be any significant loss of daylight to the windows at 163 Upper Brockley Road due to the relocation of the first floor and higher ground level of no. 163.
- 6.28 The proposals are considered to achieve a reasonable 'back to back' distance to No.163 which no longer results in an unacceptable degree of enclosure. The proposals are not considered to have a significant detrimental impact on No. 161 which has a larger rear garden. Although the first floor element would be visible from no. 161 this is not considered to be materially harmful or to warrant refusal on grounds of excessive enclosure.

- 6.29 At first floor level, habitable room windows are proposed facing east towards the flank of No. 1 Geoffrey Road. A single window serving the staircase faces west towards the rear garden of no. 163. This does not serve a habitable room, and it is considered appropriate that a condition to require this window to be obscure glazed and fixed shut be imposed. The west elevation would be set back 5.7m from the boundary with No. 1 Geoffrey Road.
- 6.30 The proposal is not considered to have an unacceptable impact on the property at No. 1 Geoffrey Road as there are no windows in the flank wall of that property which would be overlooked. The cycle parking/bin store enclosure is single storey and would not cause any overshadowing of the amenity space over and above the existing boundary treatment.
- 6.31 It is considered that the proposals satisfactorily address the shortcomings of the previous scheme and would not result in an unacceptable impact to amenity for neighbouring occupiers. It is noted that no objections have been received from No. 163 Upper Brockley Road or from No.1 Geoffrey Road. Given the planned relationship to adjacent dwellings, and garden size it is considered appropriate to remove permitted development rights from the property.
- 6.32 Concern has been raised regarding the ownership of boundary walls, however, land ownership is not a planning issues and where necessary, the developer would need to enter into party wall agreements with the owners of neighbouring properties.

Sustainability and Energy

- 6.33 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.
- 6.34 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
- 6.35 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4.
- 6.36 The applicant has stated that the proposals would meet Code Level 4 which is compliant with Core Strategy Policy 8. The Code Level rating is to be secured by condition.

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.

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. In this matter there is minimal/no impact on equality

9.0 Conclusion

- 9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 9.2 It is considered that the reduction in massing and amendments to the design have resulted in a high quality contemporary dwelling which successfully address the previous appeal decision.
- 9.3 There is no objection to a car free development for a single dwelling and the internal layout is considered to provide a high standard of accommodation. It is recommended that planning permission is granted.

10.0 **RECOMMENDATION** **GRANT PERMISSION** 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:

Heritage Statement, Sustainability Statement, Design & Access Statement, Massing Views, 21_603 D, 21_602 D, 21_601D, Fig 1 aerial photograph of the site, Fig 2 site location plan, 703, 704, 706, 707, 708 & 709

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 Logistics Plan:

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

- (a) Rationalise travel and traffic routes to and from the site.
- (b) 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 vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

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

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

4. Code for Sustainable Homes

- (a) The buildings 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 the house, 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).

5. Materials

Notwithstanding the information submitted, 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 Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

6. Refuse

- (a) No development shall commence on site 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 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 Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

7. Boundary Treatments

- (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Saved Policies URB 3 Urban Design and URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

8. Closure of vehicular access

The development hereby approved shall not be occupied until the existing vehicular access has been closed and the highway reinstated.

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 Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

9. Lifetime Homes

The dwelling shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document).

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. Plumbing and Pipes

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building(s).

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 Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

11. 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).

12. Removal of permitted development rights

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).

13. Obscure glazing

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the window to be installed in the rear (eastern) elevation at first floor level serving the staircase of the building hereby approved shall be fitted as obscure glazed and fixed shut and retained as such in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with Saved Policy HSG4 Residential Amenity in the Unitary Development Plan (July 2004).

14. 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 roofs on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof areas shall be carried out, nor shall the roof areas 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).

15. Construction Hours

No deliveries in connection with construction works shall be taken at or dispatched 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 Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

INFORMATIVE

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.