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| Committee | PLANNING COMMITTEE (A) | |
| Report Title | 106 Burnt Ash Hill SE12 | |
| Ward | Grove Park | |
| Contributors | Case Officer | |
| Class | PART 1 | 7 January 2016 |

Reg. Nos. DC/15/93331

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| <u>Application dated</u> | 04.09.2015 |
| <u>Applicant</u> | Angle Builders Ltd |
| <u>Proposal</u> | The formation of a hardstanding and vehicular access to the front of 106A Burnt Ash Hill, SE12. |
| <u>Applicant's Plan Nos.</u> | OS Map; Existing & Proposed Elevations; Construction Drawing; Proposed Plan; Proposed Vehicle Crossing |
| <u>Background Papers</u> | (1) Case File LE/365/106/TP (2) Core Strategy (June 2011) (3) Local Development Framework Documents (4) The London Plan (March 2015) |
| <u>Designation</u> | |
| <u>Screening</u> | Not EIA development |

1. Property/Site Description

- 1 This application relates to a three storey + basement semi-detached dwelling located on the west side of Burnt Ash Hill. The dwelling contains four flats referred to as 106A, 106B, 106C and 106D. 106A is the subject of this application.
- 2 The front garden is currently laid in lawn and has an area of approximately 85sqm. The front boundary treatment consists of a small wall with a gate bordered by a privet hedge. The side boundary consists of hedges.
- 3 The property lies within a residential street consisting of a mix of semi detached properties and large houses, a number of which have been converted into flats. There are a number of dropped kerbs, areas of hardstanding and altered front boundary walls within the immediate area.
- 4 The property is not located within the a Conservation Area, nor is it subject to an Article Four Direction. It is not nor is it adjacent to a listed building.

2. Planning History

5 There is no relevant planning history.

3. Current Planning Application

6 The applicant proposes the formation of vehicular crossover including a drop kerb, the alteration of the front boundary wall to create access and the creation of a hard standing parking area to the front of 106 Burnt Ash Hill, SE12 0HT.

7 The drop kerb would be 3.7 metres wide and 3.7m of the boundary wall would be removed. The proposed hard standing in the front yard would be permeable and would measure 3.9 metres in width and 5 metres in length (total area of 19.5m²).

4. Consultation

8 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.

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

Neighbours and Local Amenity Societies

10 The Grove Park Ward Councillors were consulted however no comments were received.

11 Seventeen neighbouring properties were consulted.

Written responses received from Local Residents

12 Four objections were received from local property occupiers. Below is a summary of the points raised by the objections.

- The resulting removal of an onstreet car park (by implementation of the crossover) would further exacerbate the onstreet parking shortage on Burnt Ash Hill
- The hardstand would have an adverse impact on the amenity of the street scene
- The hardstand would have an adverse impact on drainage

13 The above matters will be taken into consideration in the report.

(Letters available to Members)

Highways Officer

14 The Highway's officer raised no objection to the proposal.

5. Policy Context

Introduction

- 15 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:-
- 16 (a) the provisions of the development plan, so far as material to the application,
- 17 (b) any local finance considerations, so far as material to the application, and
- 18 (c) any other material considerations.
- 19 A local finance consideration means:-
- 20 (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
- 21 (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 22 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 23 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)'.
- 24 Officers have reviewed the Core Strategy 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.

London Plan (March 2015)

- 25 On the 15th March 2015, the London Plan (consolidated with alterations since 2011) was adopted. The London Plan policies relevant to this application are:
- Policy 6.3 Assessing effects of development on transport network
 - Policy 6.11 Smoothing traffic flow and tackling congestion
 - Policy 6.13 Parking

- Policy 7.4 Local character

Core Strategy

26 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 Development Management Local Plan and the London 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:-

- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High Quality Design for Lewisham

Development Management Local Plan

27 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:-

- DM Policy 30 Urban design and Local Character

Residential Standards Supplementary Planning Document (Updated 2012)

28 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.

6 Planning Considerations

32 The main planning considerations for the proposal are the principle of the proposed vehicle crossing, and the impact on the design and appearance of the existing building and any impact on the amenity of neighbouring properties.

Principle of the Proposed Vehicle Crossing

33 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on the transport network, at both corridor level and local level, are fully assessed. Furthermore, development should not adversely affect the safety of the transport network. The Core Strategy, including Policy 14 'Sustainable movement and transport' supports the London Plan policies.

34 Core Strategy Policy 14 'Sustainable Movement and Transport' states that 'the access and safety of pedestrians and cyclists throughout the borough will be protected.

- 35 The proposed entrance is considered a sufficient distance from the nearest road junction to not cause any conflict with either vehicles access or egressing the street or the road itself. It is considered there is reasonable and appropriate visibility in both directions.
- 36 The loss of an on street car park is considered acceptable given the provision of one car park off street is being provided. The Council's Highways Officer has been consulted and has confirmed that the proposed vehicle crossing would not give rise to any traffic safety concerns.
- 37 It is considered that the proposal would not adversely impact on the safety of vehicular access, other road users or pedestrians. The use of the front garden and installation of a dropped kerb is therefore acceptable in principle at this location and would not result in highway or traffic safety issues.

Design

- 38 Paragraph 131 of the NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.
- 39 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.
- 40 Development Management Policy 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.
- 41 The immediate and wider area consists of a number of properties who have installed dropped kerbs as well as areas of hardstanding to create off street car parking areas.
- 42 The front garden of the property is currently laid in lawn. The applicant proposes to replace part of the existing lawn with an area hardstand measuring 4 metres by 4.8 metres (19.2sqm). The hardstanding would be permeable and this is considered acceptable from a drainage and surface water perspective.
- 43 The remainder of the area would remain in lawn. A section of the existing boundary wall will also be removed to allow of the installation of a drop kerb.
- 44 Given the character of the surrounding area and the number of existing drop kerbs, the proposed vehicular crossover and hard standing is considered to have no significant visual impact on Burnt Ash Hill and is therefore considered to be acceptable in terms of design and appearance.

Impact on amenity of neighbours

- 45 DM Policy 31 seeks to protect residential amenity where alterations are proposed. When seeking permission for alterations to the front boundary, development proposals must be able to demonstrate that significant harm will

not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light, overlooking, loss of privacy and general noise/disturbance.

- 46 The proposed vehicular crossover and hardstanding is considered to have no significant visual impact on the adjoining properties or harm the character of the area. This proposal is therefore considered to have an acceptable impact on neighbouring amenity.

7 Community Infrastructure Levy

- 48 The above development is not CIL liable.

8 Equalities Considerations

49. 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:-

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

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

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

50. The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
51. 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.
52. It is considered that the proposed alterations to the property would have no adverse impact on equality.

9 Conclusion

53. This application has been considered in the light of policies set out in the development plan and other material considerations.
54. It is considered that the proposed development is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the area, or the amenities of neighbouring occupiers, nor highway safety.

10 Recommendation

GRANT PERMISSION subject to the following conditions:-

55. 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.
56. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

OS Map; Existing & Proposed Elevations; Construction Drawing; Proposed Plan; Proposed Vehicle Crossing

11 Informatives

Prior to commencing works, the applicant should contact the London Borough of Lewisham's Highways Officer on 020 8314 7171 or highways@lewisham.gov.uk to make an application for the construction of a vehicle crossover.

Positive and Proactive Statement:

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