

Committee	PLANNING COMMITTEE B	
Report Title	LAND AT 39 - 45, WOODBANK ROAD, BR1 5HH	
Ward	WHITEFOOT	
Contributors	LUKE MANNIX	
Class	PART 1	28 JULY 2016

<u>Reg. Nos.</u>	DC/16/096277
<u>Application dated</u>	20.04.16 [as revised on 13.06.16]
<u>Applicant</u>	Frederick Gibberd Partnership [on behalf of Phoenix Community Housing]
<u>Proposal</u>	The construction of a two storey plus roof space terrace building consisting of 2, two bedroom houses and 2, three bedroom houses at land at 39-45 Woodbank Road BR1, together with the provision of cycle storage, refuse storage and associated amenity space.
<u>Applicant's Plan Nos.</u>	(PA) 110 Rev P2; (PA) 111 Rev P1; (PA) 112 Rev P2; (PA) 113 Rev P2; (PA) 114 Rev P2; (PA) 119 Rev P2; 243L02; 243L03; Energy and Sustainability Statement; Landscape Statement; Planning Statement; Regulations Compliance Report; SAP Summary Report; Transport Technical Note (received 20th April 2016); (PA) 115 Rev P4; (PA) 116 Rev P3; (PA) 117 Rev P3; (PA) 118 Rev P3; (PA) 120 Rev P3; (PA) 121 Rev P3; (PA) 122 Rev P3; (PA) 123 Rev P3; (PA) 124 Rev P3; (PA) 125 Rev P3; (PA) 126 Rev P2; (PA) 127 Rev P2; (PA) 130 Rev P1; Design & Access Statement (received 13th June 2016).
<u>Background Papers</u>	(1) LE/288/A/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	None
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site relates to an area of open land on the western side of Woodbank Road. The site is roughly triangular shaped. Officers have consulted historic mapping which shows that the site was occupied by 4 terrace dwellings until the 1980s.

- 1.2 The site is located in a predominately residential area dominated by groups of 4, 6 or 8 two storey terrace dwellings constructed in the inter war period. As such the site is described as being in the suburban urban typology (Lewisham Character Study 2011). The typology is characterised by relatively plain buildings using a limited material palette, typical of LCC schemes of this age. However, the highly planned group composition of the terraces shows a strong cohesive identity and sense of symmetry and order which is highly noticeable in the area.
- 1.3 The site, whilst open, does not contain any trees on site. The land is not designated as open space, however the green chain walk is located along Woodbank Road. The site has a gentle slope from south to north.
- 1.4 The site is not located in a Conservation Area and is not listed. Woodbank Road is unclassified and the site has a PTAL value of 1a, based on a scale of 0-6b with 6b being highest.

2.0 Planning History

- 2.1 None.

3.0 Current Planning Applications

The Proposals

- 3.1 Planning permission is sought for the construction of a two storey plus roof space terrace building consisting of 2, two bedroom houses and 2, three bedroom houses at land at 39-45 Woodbank Road, together with the provision of cycle storage, refuse storage and associated amenity space.
- 3.2 The proposed two storey terrace would have a step in height with the two central dwellings being slightly higher than the end dwellings. The central dwellings would include accommodation in the roof space and as such would include dormer windows in the rear elevation. The building line would be 2.5m from the front boundary, however would be stepped to 1.7m with a two storey projecting element, which includes a parapet.
- 3.3 The proposed building would primarily be constructed of brick with a grey tiled roof. There would also be elements of fibre cement cladding on the front and rear elevation to the inset areas. The windows would be made of aluminium coloured grey. The front boundary would be made of brick with a small element of timber above.
- 3.4 To the front, the landscaping is a mix of hard paving with bin and bicycle storage and soft landscaping. The areas of open space by the intersection with the perpendicular roads will be landscaped with a tree and low lying shrubs. To the rear, the landscaping will consist of lawn.
- 3.5 The proposed development would be car free.

Supporting Documents

- 3.6 The following documents were submitted in support of the application:-
 - Transport Statement;

- Design and Access Statement;
- Planning Statement;
- Landscaping Strategy; and,
- Sustainability and Energy Statement.

4.0 Consultation

4.1 This section outlines the consultation carried out by the applicant prior to submission and 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. The Council's highway officer and environmental sustainability officer were also consulted, together with Thames Water.

Pre-Application Consultation

4.3 Pre-application advice was sought from the Council for the construction of four dwellings within a terrace row (PRE/15/002043). Written advice was given in October 2015.

4.4 Planning officers indicated that the principle was likely to be acceptable, given it has previously been used for housing and the site has no designation. In addition, the principle of four terrace dwellings was considered to be supportable.

4.5 Issues such as design quality, amenities for existing and future residents as well as highway matters were also raised by officers to be addressed prior to the submission of an application for planning permission.

Written Responses received from Local Residents

4.6 Neighbouring properties and Ward Councillors were consulted and a site notice was displayed. Three letters of objection were received raising the following concerns:-

- The site is used for the amenity of residents and access to the adjoining properties;
- The design of the proposed dwellings are not in keeping with the style of the existing development;
- The building would negatively impact on the amenities of adjoining properties in terms of overshadowing and loss of privacy;
- There would be an adverse impact in terms of flooding in the area.

4.7 Letters are available to members. The matters raised are taken into consideration below.

Thames Water

- 4.8 No objection was received in relation to the proposed development. However suggested informatives in relation to connection to public sewers and water pressure were received.

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, 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

- 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 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 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 3.3 Increasing housing supply
Policy 3.5 Quality and design of housing developments
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

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 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:

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 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 10 Managing and reducing the risk of flooding
Core Strategy Policy 12 Open space and environmental assets
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

- 5.9 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:

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

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

Planning Considerations

5.11 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
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Flooding

Principle of Development

5.12 The NPPF recognises the important role in the provision of housing planning plays. The Mayor has issued targets within Policy 3.3 of the London Plan which states that Lewisham shall aim to provide 1,835 new dwellings per annum.

5.13 The Council, taking into account the targets set by the Mayor, aims to meet this housing need, predominately within the regeneration and growth areas of Lewisham, Catford, New Cross and Deptford and sites allocated within the Lewisham Strategic Housing Land Availability Assessment (SHLAA) as detailed in Spatial Policy 1. However, it should also be noted that areas of stability and managed change, as outlined in Section 6.2.4 of the Spatial Strategy of the Core Strategy, recognises smaller infill development in meeting and exceeding the housing targets for the Borough.

5.14 The site, whilst currently being free from development and open for public use, is not designated within the Local Plan as open space. In addition, whilst it is covered in grass, it is not considered to be covered in any significant vegetation or space to warrant it being used for significant habitat space.

5.15 Taking this into account, the site is not considered to be worthy of retention as open space on amenity or biodiversity grounds.

5.16 The site is considered to be an infill site as described under DM Policy 33, therefore, subject to appropriate design in terms of character and amenities, as well as acceptable impacts on the highway, it is considered that the principle of development for residential dwellings is acceptable. These issues are discussed below.

Design

- 5.17 The Council, in line with the core planning principles of the NPPF, always seeks the highest quality of design in new development pursuant to Core Strategy 15 and DM Policy 30. DM Policy 30 also specifies the detailed design issues which planning applications must find site specific responses to demonstrate a high standard of design. This includes height, scale and mass which relates to the urban typology.
- 5.18 DM Policy 33 relates to infill development and identifies the design requirements of these sites.
- 5.19 The site is located within the suburban terrace typology and is characterised by plain, yet symmetrical and cohesive, buildings formed of terrace dwellings. Though no elevations or photos of the previous dwellings on the site are available, as the shape of the site matches the four properties at 31-37 Woodbank Road, officers believe the site was once occupied by a similar group of two storey terrace dwellings.
- 5.20 The design of the proposed building would be modern in comparison to the existing austere terrace rows in the area. The building line would be staggered between 1.7m and 2.3m at the front and the height would also be staggered, with the central dwellings taller than the end dwellings. The building line also fluctuates at the rear.
- 5.21 The design would have a pitched roof with gable ends to the end dwellings, however to the rear would be four dormer windows (two each for the three bedroom dwellings). These dormers would be 600mm wide and 800mm high each. It is noted that the protruding elements of the front elevation would have flat roofs which match the eaves height of the pitched roof, however would have a parapet 350mm high.
- 5.22 The proposed materials would predominately be smoked yellow Multi Gilt stock brick to the facades, however the inset elements would be finished in fibre cement board (Equitone, natura-Nimbus). The roof would be clad in Redland Mini Stonewold Charcoal Grey and the windows would be aluminium coloured grey. The front and side bedroom openings on the first floor would include Juliet balconies.
- 5.23 The proposed scale of the development is considered to be in keeping with the existing suburban terrace layout. It is noted that the building height steps up towards the centre, however this is considered to be a justified step in scale as the end terraces would provide appropriate book ends to the taller dwellings. Therefore officers consider the scale of the development to be appropriate.
- 5.24 The proposed building layout would be staggered, which is a differing approach to the prominent straight building line (with the exception of some porches constructed under permitted development). In addition, the two storey projection with parapet to the front is not a design measure seen in the otherwise austere front elevations.
- 5.25 Whilst this is not a matching feature to the other terrace rows, it is not considered to be uncomplementary given its symmetry, especially along the front elevation. In addition, the staggered depth and parapet feature would provide visual relief and

interest in the otherwise bland and austere street frontages. Therefore the design of the building is considered to be of high quality and provide acceptable visual interest to the streetscene.

- 5.26 It is noted that the proposal originally included the dormer windows in the front elevation. It was considered by officers that these dormers would be both incongruent and harmful to the streetscene as they would be out of keeping with the existing roof form. On the advice of planning officers, they were removed in favour of rear roof dormers. It is considered that these are acceptable given their low visibility. Furthermore, the location of the windows in line with the lower floor levels, together with the reasonable size of the dormers, would ensure the roof design follows a subservient hierarchy. As such, the proposed amendments are considered to be acceptable in terms of design.
- 5.27 The proposed use of brick with a tiled roof would be appropriate within the context of the existing terraced development, while the fibre cement cladding would provide added visual interest to the inset areas. Officers consider the materials to be of high quality and acceptable within the scheme.
- 5.28 It is noted that the layout would provide hard landscaping to the front and soft planting on the intersection with the perpendicular roads. Details of this treatment including hard materials and plant species type and number have been provided. Boundary treatment is also shown on the elevations and would be constructed of brick with timber panels, however details on materials are not provided. Nor are details of the boundary treatment between the proposed dwellings.
- 5.29 It is considered that the proposed landscaping is of suitable quality and provides good amenity space for occupants as well as visual amenity from the public realm. Therefore this is considered acceptable. Whilst the boundary treatment is not given in great detail, it is considered that the approach is acceptable. Officers consider it appropriate to secure the detailed matters through condition.
- 5.30 Overall the design of the proposed terrace development is considered to be acceptable.

Standard of Accommodation

- 5.31 The NPPF states that, as a core principle, planning should seek to provide a high quality of amenity for future residents.
- 5.32 In line with this, DM Policy 32 states that the standards of the London Plan, contained within the Housing SPG, will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. In addition to this, the nationally prescribed technical housing standards are also applicable to the scheme.
- 5.33 Table 1 outlines the proposed internal floor area against the housing standards. In addition to the overall size, the housing standards states that sufficient built in storage, bedroom size and width and a 2.3m floor to ceiling height should be provided.

Table [1]: Residential Unit Size

	Proposed Internal Floor Area (sqm)	Technical Housing Standard (sqm)
Plot 1 (2b3p)	80	70
Plot 2 (3b5p)	119	99
Plot 3 (3b5p)	119	99
Plot 4 (2b3p)	80	70

- 5.34 As shown in table 1, the proposed units are significantly over the housing standards. In addition, the individual rooms and floor to ceiling heights are also compliant. Therefore the internal size of the units are considered to be acceptable.
- 5.35 DM Policy 32 (4c) states that residential development should provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect.
- 5.36 In addition to this, the Council will utilise the standards of the Housing SPG on daylight sunlight and an assessment against the BRE guide to good practice measures will also be undertaken where relevant.
- 5.37 The proposed dwellings would have openings in the east and west elevations, as well as the end units with opening in the north and south elevation respectively. Therefore all units would be dual aspect as a minimum.
- 5.38 Officers have noted that the main habitable living rooms face onto the highway. Therefore there is not considered to be any impediment to sunlight or daylight into these main rooms. This is also considered to provide good surveillance of the highway and a good visual link between the units and the public realm. There may be some overshadowing of the rear elevation windows into the ground floor kitchens of unit 1 and 4 taking into account the location of the neighbouring development and the building layout, however, given the nature of the rooms and the relatively minor amount of shading, officers consider this to be negligible on overall amenity.
- 5.39 Therefore, in terms of outlook, daylight and sunlight into the proposed units, it is considered that the level of amenity is acceptable.
- 5.40 Officers consider that any future extension to the rear of the proposed dwellings, which may be acceptable under the GPDO, may have an adverse impact on access to light and visual amenities of the remaining properties. This is particularly significant to the amenities of unit 1 and 4 if the central dwellings were to be extended, given these already project to the rear. Therefore, in order for the Council to assess any adverse impact this may have in the future, officers

consider it reasonable to place a condition removing permitted development rights for the new dwellings.

- 5.41 It is considered that there is no significant overlooking from adjoining development to result in a poor level of privacy for future residents. Therefore the level of privacy for the proposed units is considered acceptable.
- 5.42 Under DM Policy 32, new-build housing development should be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play. It is also worth noting that the London Plan Housing SPG Standard 26 and 27 relates to external amenity and outlines that 5 sqm should be provided for one bedroom dwellings with an additional 1 sqm per additional occupant. This space should have a minimal depth of 1.5m.
- 5.43 The proposed dwellings would have rear gardens. Taking into account the shape of the site, the three bedroom family units would have larger gardens, however the end units would also have a side yard with paving. Officers consider that the level of garden space for the proposed units are acceptable.
- 5.44 Overall, the standard of accommodation for future residents is considered to be compliant with the relevant policies and guidance and therefore is acceptable.

Highways and Traffic Issues

- 5.45 The NPPF highlights the importance of transport policies in meeting sustainable development. It is stated that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
- 5.46 In line with this, the Mayor has outlined that new development should seek to balance between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. Therefore development should be in line with the maximum parking standards outlined in Table 6.2 of the Parking Addendum to Chapter 6, as well as meeting the minimum standards of Table 6.3 for cycle parking. The Council, as outlined in Core Strategy Policy 14 also uses these standards.
- 5.47 It is noted that the site has a poor PTAL rating. It is also noted that two units would be family units of three bedrooms and therefore it is considered that these units would more than likely have the need for private vehicles. Table 6.2 states that new housing proposing 1-2 bedrooms should seek less than 1 parking space and three bedroom should seek 1.5 parking spaces. In line with this, the maximum for the proposed development should be 4 car parking spaces.
- 5.48 The proposed development is car free. Therefore the cars generated by the proposed development would have to park along the highway.
- 5.49 The highway in the area is largely unrestricted parking, with the exception of intersections and some blue badge parking. The parking survey submitted with the transport statement states that there are 310 parking spaces available within 200m of the site. The survey, conducted in line with the standard Lambeth Methodology, found a parking stress of 68%, or 115 unoccupied spaces. Therefore it is concluded that the existing on street parking availability could easily incorporate the expected parking need generated.

- 5.50 Officers have looked through the parking survey, as well as observations on site, and consider that the proposed development would not adversely impact on the highway in terms of parking. Furthermore, the relatively low level of trips produced as a result of the development is unlikely to significantly impact on highways in terms of traffic congestion.
- 5.51 In terms of promoting sustainable modes of transport, new development should comply with the cycle parking standards of the London Plan. The proposed development should therefore provide two cycle storage spaces per unit.
- 5.52 The supporting documents and plans outline that the three bedroom units would provide 2 cycle parking spaces and the two bedroom units would provide 1 cycle parking spaces to the front of the dwellings. Whilst officers do not find the location of the cycle parking objectionable, the quantity is considered to be under the cycle parking standards. In order to make the development acceptable in this respect, officers consider that a condition securing 8 cycle parking spaces on site would overcome this matter.
- 5.53 Overall, in terms of the proposal meeting the transport policies on parking and sustainable transport modes, the proposal is considered to be acceptable.
- 5.54 In terms of refuse storage and collection, each proposed unit would include storage either to the front or side yard. This is considered to be acceptable and should be secured through condition.
- 5.55 Overall the proposed development is considered to be acceptable in terms of highway and traffic issues.

Impact on Adjoining Properties

- 5.56 The NPPF outlines as a core principle that planning should ensure quality amenity for existing residents. DM Policy 32 states that development should be neighbourly and provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.
- 5.57 The site situated to the south-east of 30-44a Bideford Road. It is noted that 44a Bideford Road is a relative new build dwelling granted consent in 2006. There is a first floor window in the south-east facing elevation directly overlooking the site which is annotated as obscure glazed in the approved plans. The approved plans also show the window as benefiting a bathroom.
- 5.58 The site is also situated to the north-west of 33-39 Ilfracombe Road. 39 Ilfracombe Road includes a first floor window on the side elevation, however this is obscure glazed indicating a non-habitable room.
- 5.59 The Council utilises BRE guide to good practice on daylight/sunlight when assessing the impact on neighbouring amenity. According to the guide, only windows within 90 degrees of south should be considered when assessing daylight impacts. Taking this into account, the windows in the north elevation of 33-39 Ilfracombe Road are not considered to be effected in terms of loss of sunlight.
- 5.60 The proposal includes an overshadowing diagram. The proposed building would not be located within a sufficient proximity to effect the side windows of 39

Ilfracombe Road. In addition, the proposed development would have an effect on direct sunlight into the rear windows in the mornings of winter months, however this impact is not considered to be significant. In relation to the overshadowing of rear gardens, it is expected that the level of overshadowing would not be significant to reduce the amount of sunlight below 2 hours over 50% of the garden during 21st March, as stated in the BRE guidance.

- 5.61 The proposed building, taking into account its location with respect to neighbouring windows, is not considered to be of a scale to severely effect habitable windows in terms of daylight or outlook. The nearest effected windows would be the first floor bathroom windows at 44a Bideford Road and 39 Ilfracombe Road and, given these are non-habitable, would not significantly impact on the daylight into these rooms.
- 5.62 The Housing SPG and DM Policy 32 that a distance between habitable windows is generally held at 18-21m, however this is considered to be flexible depending on the site and design measures to reduce overlooking.
- 5.63 It is noted that the windows in the rear elevation would not face towards windows of adjoining properties. However, the windows would overlook the rear gardens and therefore there is the potential to overlook these rear yards. It should be noted that the layout of the proposed development and shape of the site roughly matches adjoining development, such as 31-37 Woodbank Road, and would therefore match similar relationships in the local context.
- 5.64 In addition to the above, it is noted that the first floor windows of the end dwellings would be obscure glazed into bathrooms. Therefore these windows would not result in overlooking. The remaining rear windows, including the dormer windows, would predominately overlook the rear garden of their respective properties. Whilst it is acknowledged that there would be some amount of overlooking to the rear gardens beyond, this is not considered to be significant to restrict the development of the site. In addition, it is considered that the relationship in terms of overlooking is not too dissimilar from other properties, such as 31-37 Woodbank Road and the gardens those dwellings back onto. Therefore the impact on neighbouring properties in terms of privacy is not considered to warrant a refusal.
- 5.65 In terms of construction impact, given the location of the site and sizeable road access, it is considered that there would not be significant impacts in terms of traffic numbers. Dust and noise pollution may result in some harm to occupants, however officers consider it appropriate to condition construction work hours to ensure no significant adverse impact. Furthermore, an informative advising the applicant on appropriate noise and dust mitigation measures which they must conform to should be added.
- 5.66 Overall, officers consider that the proposed development would not have a significant adverse impact on the amenities of the neighbouring properties and therefore is acceptable.

Sustainability and Energy

- 5.67 Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes from planning to be absorbed into Building Regulation requirements which will be introduced following an

amendment to the Planning and Energy Act 2008. This is expected to take place later in 2016.

5.68 However, as an interim measure to require sustainability improvements on small scale schemes, Local Government Authority has the benefit of enforcing a Code for Sustainable Homes equivalent in terms of water and energy reduction. Specifically, these are:-

- a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and,
- water efficiency measures to achieve a target of maximum 110 litres per person per day which includes a 5 litre allowance for external water use.

5.69 The proposal includes a Sustainability and Energy Statement which outlines that the above measures are achievable. It is recommended that a condition be included securing this within the development.

Flooding

5.70 The site is identified as being within flood zone 1 as indicated by the EA mapping. Therefore the area is considered to be at low risk to flooding.

5.71 The existing site is 627 sqm of open grassed area and slopes from north to south. Whilst the proposed construction of four dwellings would include areas of soft landscaping to the rear, it is considered that the level of development would increase the amount of surface water run-off.

5.72 The applicant has advised within the application form that the surface water would be discharged into the main sewer. Officers consider that this is appropriate in dealing with any adverse impact from surface water run off on the site. Furthermore, given the minor nature of the scheme, it is considered that the proposal would not severely effect the sewer infrastructure, which is supported by Thames Water.

5.73 Therefore officers consider that the proposed development would not have an adverse impact in terms of increasing flood risk in the area.

6.0 Local Finance Considerations

6.1 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).

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

6.3 The Mayor of London's CIL is therefore a material consideration, as is the Lewisham local CIL which has been adopted in 2015. CIL is payable on this application and the applicant has completed the relevant form.

7.0 Equalities Considerations

7.1 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.

7.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.3 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.

7.4 In this matter there is no impact on equality.

8.0 Conclusion

8.1 The proposal is considered to be the re-development of a Brownfield site for residential purposes and therefore is considered acceptable in principle.

8.2 The proposed infill development is considered to be of acceptable design within the suburban terrace setting and would add appropriate visual interest through the use of a stepped design and modern high quality materials.

8.3 The amenities for future residents are considered to be of an appropriate standard, while the amenities to the existing residents would not be significantly effected. Finally, the proposal is considered to be acceptable in terms of highway impacts, sustainability and flooding.

RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

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

PA) 110 Rev P2; (PA) 111 Rev P1; (PA) 112 Rev P2; (PA) 113 Rev P2; (PA) 114 Rev P2; (PA) 119 Rev P2; 243L02; 243L03; Energy and Sustainability Statement; Landscape Statement; Planning Statement;

Regulations Compliance Report; SAP Summary Report; Transport Technical Note (received 20th April 2016); (PA) 115 Rev P4; (PA) 116 Rev P3; (PA) 117 Rev P3; (PA) 118 Rev P3; (PA) 120 Rev P3; (PA) 121 Rev P3; (PA) 122 Rev P3; (PA) 123 Rev P3; (PA) 124 Rev P3; (PA) 125 Rev P3; (PA) 126 Rev P2; (PA) 127 Rev P2; (PA) 130 Rev P1; Design & Access Statement (received 13th June 2016).

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) (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 Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (4) (a) The development shall be constructed in those materials as submitted namely: Smoked Yellow Multi Gilt Stock brick, Equitone Natura Nimbus cladding, Redland Mini Stonewold Charcoal Grey and aluminium windows RAL 7016 or in materials of equivalent quality, samples of which shall have been submitted to and approved in writing by the local planning authority.
- (c) The scheme shall be carried out in full accordance with those details, as approved.

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

- (5) (a) The refuse and recycling facilities shall be provided in accordance with the details shown on plan no. (PA) 119 Rev P2 and 243L02 hereby approved.
- (b) The facilities shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

(November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- (6) (a) A minimum of 2 secure and dry cycle parking spaces per dwelling shall be provided within the development.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011) and Table 6.3 in the Parking Addendum of Chapter 6 of the London Plan (2016).

- (7) All planting, seeding or turfing comprised in the landscaping scheme hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

- (8) No extensions or alterations to the buildings hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order 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).

- (9) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the front elevation of the buildings.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (10) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying

that Order), no satellite dishes shall be installed on the front elevation of the building.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

(11) The buildings hereby approved shall be constructed in accordance with the approved Sustainability Statement in order to achieve the following requirements:

- a minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and
- a reduction in potable water demand to a maximum of 110 litres per person per day

Reason: To comply with Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

(12) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

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

INFORMATIVES

(A) **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.

(B) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged,

by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.

- (C) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at:-

<http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

- (D) 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.
- (E) Condition 3 (materials) requires details to be submitted prior to the commencement of works due to the importance of securing high quality detail in the approved materials and appropriate boundary treatment prior to the commencement of development.
- (F) With regard to surface water drainage, 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 Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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 boundary 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 we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over/near to agreement is required.

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 Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.