

Committee	PLANNING COMMITTEE A	
Report Title	138 SYDENHAM ROAD, LONDON, SE26 5JZ	
Ward	SYDENHAM	
Contributors	LUKE MANNIX	
Class	PART 1	25 AUGUST 2016

<u>Reg. Nos.</u>	DC/16/95340
<u>Application dated</u>	29.01.16 [as revised on 22.06.16]
<u>Applicant</u>	March Design Associates [on behalf of Mr Adil]
<u>Proposal</u>	The demolition of existing building at 138 Sydenham Road SE26 and the construction of a part three/part four-storey building comprising 149sqm of A1/A2 commercial space on the ground floor and 4 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats above with the provision of 10 cycle spaces and bin storage area, together with the erection of 2 two-storey, two bedroom dwellings facing Knighton Park Road.
<u>Applicant's Plan Nos.</u>	E.01; E.02; E.03; E.04; E.05; E.06; E.07; P.59; Site Location Plan (received 29th January 2016); Transport Statement; BREAM UK New Construction 2014 Pre-Assessment Estimator Report; Energy Statement (received 16th February 2016); Design & Access Statement; Sustainable Design and Construction Statement (received 8th March 2016); P.51 Rev B; P.52 Rev A; P.53 Rev B; P.54 Rev B; P.55 Rev B; P.56 Rev B; P.57 Rev B; P.58 Rev B (received 22nd June 2016).
<u>Background Papers</u>	(1) LE/180/138/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Sydenham District Town Centre Area of Archaeological Priority - Sydenham
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site comprises of two part 1 and part 2 storey buildings located on the corner of Sydenham Road and Knighton Park Road. The buildings are used as commercial units on the ground floor with a residential unit located on the first floor. Ancillary structures and vehicle parking is located to the rear.

- 1.2 The site is located within the Sydenham district town centre, however there is no designated shopping frontage to the site. The area, being within the district town centre, is a mix of commercial and residential uses. The area along Knighton Park Road is predominately residential however.
- 1.3 The site is not located within a Conservation Area nor is it a listed building. The site is not designated as a locally listed building.
- 1.4 The site has a PTAL value of 4. Sydenham Road has bus routes servicing Sydenham, Catford, Forest Hill, Penge, Crystal Palace, Lewisham and Lee. Furthermore, Sydenham Station is located 650m to the west. Taking this into account, the access to public transport is considered to be good.
- 1.5 Sydenham Road is a 'B' classified road with no parking allowed on both sides of the road. Knighton Park Road is an unclassified road with levels of parking restrictions close to the junction with Sydenham Road, including a blue badge parking bay. Further along the road, unrestricted parking is on both sides resulting in single lane traffic along the majority of the road.

2.0 Planning History

- 2.1 DC/02/51105 – Planning permission was granted for the change of use of 138 Sydenham Road SE26 from retail (Use Class A1) to an Education Recruitment Agency (Use Class A2).
- 2.2 DC/02/52038 – Planning permission was granted for the alteration of the ground floor premises, 138 Sydenham Road SE26 and conversion of part of the first floor to provide a two bedroom, self-contained flat, together with alterations to the side and rear elevations.
- 2.3 DC/04/57861 – Planning permission was granted for the installation of a new shop front at 138a Sydenham Road SE26.
- 2.4 DC/05/59427 – Planning permission was granted for the change of use of 138a Sydenham Road SE26 to (Use Class A1) retail.
- 2.5 PRE/14/01849 – Pre-application advice was sought for the demolition of the existing buildings at 138 Sydenham Road and construction of a part three/part four storey flatted development with retail on the ground floor to provide 9 self-contained flats.
- 2.6 In the pre-application response, officers considered that the principle of the development, including the demolition, was acceptable. However concerns were raised over the design of the building, in particular the relationship with Knighton Park Road and impact on neighbours.
- 2.7 DC/15/92550 – Planning permission was sought for the demolition of existing building at 138 Sydenham Road and the construction of a part three/part four-storey building comprising 149sqm of retail space on the ground floor and 4 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats above, together with the erection of 2 two-storey, three bedroom houses facing Knighton Park Road.
- 2.8 The application was withdrawn on the advice of planning officers.

3.0 Current Planning Applications

- 3.1 Planning permission is sought for the demolition of existing building at 138 Sydenham Road SE26 and the construction of a part three/part four-storey building comprising 149sqm of A1/A2 commercial space on the ground floor and 4 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats above with the provision of 10 cycle spaces and bin storage area, together with the erection of 2 two-storey, two bedroom dwellings facing Knighton Park Road. The proposal is a resubmission of the previously withdrawn scheme.
- 3.2 The proposal can be split into two aspects. The first is the main building housing the flats and commercial units whilst the second is the two single dwellinghouses attached to the terrace along Knighton Park Road.
- 3.3 The main building would be three storeys with a recessed fourth floor on the flat roof. The building would be constructed of brick, with the exception of the fourth floor which would be clad in metal. Elements of glazing would be located along the ground floor benefiting the commercial shopfront. Residential entrances are located onto Sydenham Road with an extra opening onto Knighton Park Road for refuse collection.
- 3.4 The recessed fourth floor of the main building would have a flat roof incorporating a living roof, four roof lights and photovoltaic panels. The flat roof of the third floor would be utilised for external amenity space with metal balustrades behind the parapet wall.
- 3.5 The ground floor commercial space would benefit A1/A2 units as outlined in the supporting documents. However no information has been provided in relation to store fit-out or evidence of prospective occupants. Options have also been presented showing a possible single A3 restaurant use, as well as indicative locations of ventilation equipment.
- 3.6 The proposed dwellinghouses would be two storeys with pitched roofs. The dwellings have been designed to roughly match the style of the adjoining terrace row.
- 3.7 The proposed dwellinghouses would be constructed of brick and render with a tiled roof. The front forecourt would utilise bin storage with the rear yard used for private amenity space
- 3.8 The proposed development would be car free. 8 cycle storage spaces are located within the ground floor of the main building while external storage is located to the rear of the dwellinghouses. Refuse storage opens onto Knighton Park Road from the main building with storage to the front of the dwellinghouses.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation was in line with the previously withdrawn application and 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 businesses in the surrounding area and the relevant ward Councillors. The Sydenham Society was also notified.

Written Responses from Local Residents, Ward Councillors and Organisations

- 4.3 8 objections were received by the Council in the statutory time period, including an objection from Councillor Best and an objection from the Sydenham Society. The following concerns were raised:-

- The proposed scale and design of the development is out of character with the surrounding development and thus would dominate the entrance to Knighton Park Road, in conjunction with the adjacent office building. It is also felt that this may result in a wind tunnelling effect;
- The proposed buildings do not respect the current building line along Knighton Park Road;
- The materials proposed are not in keeping with the surrounding development;
- The demolition of the building would have negative impacts on the historical character of the area;
- There would be a severe impact on the level of light into the neighbouring window at 140 Sydenham Road, as well as impacting on views and privacy for these residents;
- The development would have an overbearing impact on the area negatively impacting on the visual amenities of the nearby residents;
- Increased noise and anti-social behaviour from the development reducing amenities;
- The development, through the loss of the on site parking and number of residents, would significantly impact on the level of parking, which is already at a high level of stress. This is likely to impact on the movement of traffic along Sydenham Road and Knighton Park Road;
- The parking survey and transport assessment are not correct and fail to adequately take into consideration different levels of parking during the day;
- There are a high number of elderly and disabled residents requiring specialised disabled parking access. The development would negatively impact on these residents;
- Lack of consideration for air quality in the area;
- The refuse of the dwellinghouses is not acceptable as it would allow litter to enter Knighton Park Road and may attract vermin;
- The proposed delivery and servicing plan is not satisfactory and therefore delivery and refuse would negatively impact on the highway;

- Impacts of the development during construction have not been taken into consideration. This is with regard to health, the water table levels, adjoining structures and traffic;
- There are general concerns in relation to the developers and their ability to complete the construction whilst taking into account existing residents;

4.4 In relation to the right of light and right to a view, these are not considered valid planning matters and therefore are not taken into account when making a decision. However loss of light and outlook are considered further in the report.

4.5 Any impact during construction in terms of water tables and damage to neighbouring structures are either dealt with by building regulations or private legal matters between the developer and neighbouring residents. However, the impact of construction on amenity, public safety and traffic are considered further in the report.

4.6 Any concerns made in relation to the developers during pre-application stage, whilst noted, are not considered to materially affect this planning decision.

Drop-in Session

4.7 Following objections from a Ward Councillor and the Sydenham Society, in line with the Council's Statement of Community Involvement (SCI) an informal drop-in session was held on the evening of 20th May 2016 at the subject site.

4.8 15 people who attended signed the register of attendance and highlighted that they opposed the proposed development. Two Ward Councillors and the Sydenham Society were also in attendance.

4.9 During the session, a number of the concerns focused on the impacts to parking in the area, the loss of the existing building and the incongruent character of the proposed building, the impact of the scale of the building visually and to the character and impact on neighbouring amenities, both during construction and after the development is built. These matters have been noted in previous responses received during the consultation period.

4.10 Following the drop-in session, further responses were received from residents. A number of previously listed concerns were raised, as well as these further matters:-

- The impact of the development in conjunction with other nearby proposals, particularly 154-158 Sydenham Road;
- The building, being in such a state of disrepair, may continue to be unused to strengthen the argument for retention over demolition. The state of the building may also lead to health risks for nearby occupiers.

4.11 The above matters are taken into further consideration below.

4.12 All responses as well as the drop-in session attendance record are available for members to view.

Conservation Officer

- 4.13 Verbal confirmation was given by the Conservation Officer that the site is not locally listed as a heritage asset. The original use of the building is not known, nonetheless, it is considered that the building is not of significant heritage value taking into account its location and lack of architectural merit within the streetscene.
- 4.14 Therefore, whilst the loss of the building is regrettable, it cannot be considered to be an undesignated heritage asset under the local policy.

Highways Officer

- 4.15 The proposed car free development is considered to be acceptable in principle, taking into account the accessibility of the site. Furthermore, based on the findings of the parking survey, it is considered that the proposed development would not significantly impact on the parking stress.
- 4.16 It is considered that conditions in relation to the retention of the kerb, Construction Management Plan, cycle parking and refuse storage should be added.

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 (as amended)

- 5.6 On 14 March 2016 the London Plan with updates to incorporate the Housing Standards and Parking Standards Minor Alterations was adopted. The 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 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services
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 (2016)

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 3 District Hubs

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 6 Retail hierarchy and location of retail development

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

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 2 Prevention of loss of existing housing

DM Policy 14 District centres shopping frontages

DM Policy 19 Shopfront, signs and hoardings

DM Policy 24 Biodiversity, living roofs and artificial playing pitches

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 32 Housing design, layout and space standards

Planning Considerations

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

- a) Principle of Development
- b) Density
- c) Design
- d) Housing
- e) Highways and Traffic Issues
- f) Impact on Adjoining Properties
- g) Sustainability and Energy

Principle of Development

5.12 The London Plan recognises the importance of housing given the need across the city. For this reason the Mayor has outlined the requirement of 423,887 new homes in London between 2015-2025, of which Lewisham has a target of providing 13,847 new homes.

- 5.13 The Core Strategy supports this approach with Objective 2 outlining the Borough seeks to exceed the target set by the London Plan. The majority will be located within major town centres of Lewisham and Catford and regeneration areas around New Cross and Deptford. 3,190 homes are targeted to be built in other areas of the Borough.
- 5.14 Core Strategy Spatial Policy 3 relates to district hubs such as Sydenham, which this site is located within. New development will maintain and enhance the status of the town centre and improve its vitality and viability, attractiveness, accessibility and overall environment. The residential areas immediately surrounding district town centres will be potential locations for intensification of the development pattern where opportunities exist and relate to public transport accessibility. Density will be in accordance with local context and London Plan policy. These areas will form a transition between the District town centre, where a greater intensity of development would be expected and appropriate.
- 5.15 The Core Strategy also outlines that mixed use redevelopment within the town centres will generally be encouraged with an appropriate retail or service use on the ground floor and housing on upper floors. Ground floor uses will be expected to contribute to the economic vitality and viability of the centre.
- 5.16 It is noted that an issue raised during consultation and during the local meeting involved the objection to the loss of the building as it was a heritage asset. Officers note that the building has no designated heritage listing nor is it in a conservation area. In addition, the building is not a locally listed building.
- 5.17 Officers have consulted the Council's Conservation Officer and taking on board their comments, the existing development is not considered to be of sufficient heritage value to merit its protection. In addition, officers consider that the building fails to provide any significant character link to the urban design of either Sydenham Road or Knighton Park Road considering its scale and building alignment. Whilst some design elements are compatible, it is not considered to provide significant architectural merit to prevent the demolition of the building.
- 5.18 Therefore, whilst taking into account the objections raised, officers do not consider it reasonable to prevent the demolition of the building on the basis of heritage impacts or the architectural merits of the building.
- 5.19 The proposed development seeks to increase the amount of housing on the site from one dwelling to nine. Furthermore, the ground floor would be reprovide 140sq m of retail space. The applicant has confirmed that the proposed use would be either A1/A2 retail, which is considered to be appropriate within the shopping parade on the edge of the Sydenham town centre.
- 5.20 However, officers note that there is the option of providing an A3 restaurant. Whilst this is also considered to be appropriate within the shopping parade, it is considered that this use may be harmful to the amenities of neighbouring properties without due consideration to design.
- 5.21 Therefore, in order to ensure the development is appropriate within its setting, officers consider that a suitably wording condition tying the development to A1/A2 use, unless Council approves any alternative use, would be appropriate. This condition should also include details of the shopfront design and fit-out to ensure this is also of acceptable standard.

- 5.22 Overall, considering the demolition of the building is acceptable, together with the support of a mixed use scheme within the town centre, officers consider that the principle of development is acceptable.
- 5.23 Notwithstanding this, London Plan policies and the Council's LDF outlines that development should be of highest design quality, provide adequate amenity of future residents whilst not significantly impacting on existing residents, promote sustainable transport over private vehicle use where appropriate and reduce the impact climate change through sustainable design. These are assessed in greater detail below.

Density

- 5.24 A number of objections raised during consultation raised the issue of overdevelopment of the site and the adverse impact on the character of the area and nearby amenities. With this respect, the London Plan Policy 3.4 and DM Policy 30 seeks to optimise housing output within the relevant density range outlined within the Sustainable Residential Quality (SRQ) density matrix.
- 5.25 The site is considered to be in an urban setting, given the surrounding density of development and location within a district town centre. As the site has a PTAL value of 4, the optimal level of habitable rooms is between 200-700hr/ha.
- 5.26 The proposal would provide 24 habitable rooms on the 0.038ha site, which is calculated as 632hr/ha.
- 5.27 Whilst towards the upper limit of the density range, it is still considered within the optimal limits. As such, the proposed development is considered to be acceptable within the density range of the London Plan. However, it should be noted within London Plan Policy 3.4 that the calculations from the matrix are not taken mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential, such as local context, design and transport capacity are particularly important, as well as social infrastructure, open space and play.
- 5.28 Therefore, whilst officers do not consider the scheme to be overdevelopment on the basis of the above, it is considered that this does not result in acceptable design or impact on future and existing amenities. These matters are discussed below.

Design

- 5.29 The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.30 The London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. Specifically Core Strategy Policy 15 states that high quality, well-designed new development is a key factor that will contribute to the long-term sustainability of communities in Lewisham. In order to be successful new development must meet the qualities required by national and regional policy and guidance and also reflect and be sympathetic to the local physical and social characteristics of the borough.

- 5.31 DM Policy 30 states that where relevant, development proposals will need to be compatible with and/or complement the urban typologies and address the design and environmental issues identified in Table 2.1. The site adjoins onto Knighton Park Road, being an urban terrace typology, and, according to Table 2.1, new development should not disrupt the regularity of the street form and the unity of the architecture.
- 5.32 The policy also outlines detailed design issues and outlines that an adequate response will be required in planning applications to demonstrate the required site specific design response. The relevant matters are as follows:-
- the creation of a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and/or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement;
 - height, scale and mass which should relate to the urban typology of the area as identified in Table 2.1;
 - how the scheme relates to the scale and alignment of the existing street including its building frontages;
 - the quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice of materials should be clearly justified in relation to the existing built context;
 - details of the degree of ornamentation, use of materials, brick walls and fences, or other boundary treatment which should reflect the context by using high quality matching or complementary materials; and,
 - how the development at ground floor level will provide activity and visual interest for the public including the pedestrian environment, and provide passive surveillance with the incorporation of doors and windows to provide physical and visual links between buildings and the public domain.
- 5.33 The site is situated within Sydenham district town centre characterised by a mix of commercial units along Sydenham Road and residential terrace rows along the subsidiary roads, such as Knighton Park Road.
- 5.34 The scale of development along Sydenham Road is largely three storey. Directly adjoining the site to the east is a three storey late Victorian terrace with a shallow pitched roof behind a parapet. However, there are noted examples of four storey buildings, such as the modern Hexagon building situated opposite Knighton Park Road and the Pear Tree Care Centre. Objection have been raised regarding the height of the development and the impact this would have on the character of the existing terraces to the east.

- 5.35 The proposed flat building would be three storeys in height with a flat roof. A recessed fourth floor would be situated above. The three storey element would match the eaves height of the adjoining terrace. Furthermore, the four storey element would be recessed 1.7m from the front of the three storey roof. There is an element which is not set in along the boundary with 140 Sydenham Road, however this is relatively small to allow for the stairs and would be well set in from the front elevation.
- 5.36 Officers consider that, given the building is a corner site, the increase in scale from the adjoining terraces is appropriate in principle. Furthermore, taking into account the raised level is set in from the third floor roof, it is considered that the increase in scale is not overly obtrusive to the character of the existing terrace.
- 5.37 Objections have also been raised in relation to the impact of the scale on the character of Knighton Park Road and the visual amenities along the road.
- 5.38 The proposed dwellings would match the scale of the existing two storey terraces along Knighton Park Road. In addition, the front building line of the proposed dwellings would respect the existing building line of the terraces, including bay elements which compliment the existing character of the area.
- 5.39 It is considered that these dwellings are respectful to the scale and alignment of the existing character of Knighton Park Road. Therefore officers are satisfied that the appropriate design of the dwellinghouses provides a suitable transition from the dwellinghouses along Knighton Park Road to the flat typology along Sydenham Road.
- 5.40 Therefore, officers consider that the proposed scale and alignment of the development as a whole is acceptable within the context of the existing character.
- 5.41 The building curves around the corner at the junction with Knighton Park Road. This matches the design of the Hexagon building opposite and therefore is considered to be compatible in this respect. The comments regarding the 'canyon' effect on Knighton Park Road are noted; however, considering the relatively modest scale of part three/ part four scale, this is not considered to detrimentally harm the character of the area or visual amenity along Knighton Park Road. On the contrary, the design of the flat building in conjunction with the Hexagon building is considered to mark the exit from the primarily residential area towards the district town centre of Sydenham.
- 5.42 The proposed flat building would have windows which generally match the fenestration of the neighbouring terrace along Sydenham Road with an even pattern along the curving elevation. This is considered to provide a compatible and high quality appearance.
- 5.43 It is noted that the proposed shopfront includes floor to ceiling glazing with a fascia above along Sydenham Road and Knighton Park Road to signify the retail floorspace. Officers consider that the principle of the design to be appropriate for the retail use. However, as noted within the principle, the level of design does not provide sufficient detail with respect to material, signage, cornices, ornamentation etc. to ensure it is compatible with the adjoining shopping frontages. Furthermore, given the uncertainty of the use, officers are uncertain with the location of openings or division of the shopfront.

- 5.44 Therefore, whilst the principle is acceptable, the detailed design is not sufficient for approval. Notwithstanding this, officers consider that a suitably worded condition would be sufficient to secure an appropriate design. Therefore the shopfront design is considered acceptable within the overall design and the context of the existing development.
- 5.45 The proposed flat building would utilise a simple palette of materials, using brick and render to the inset balconies with metal cladding to the recessed fourth floor. The windows would be aluminium framed. The proposed dwellings along Knighton Park Road have a material palette which roughly matches the existing development, primarily brick and render with a tiled roof.
- 5.46 Overall the materials are considered to be compatible within the context of the existing development. Furthermore, given the high quality of the simplistic design and finishing, officers consider that the development would be of appropriate standard. In order to ensure the materials are of the highest quality, a condition should be attached for the construction of a sample panel to be viewed on site prior to the commencement of development.
- 5.47 In summary, whilst the objections to the development on the basis of the adverse impact to the character of the area, officers consider that the scale is not out of keeping with the context of the site and the materials and design are considered to be compatible and of high quality to ensure the development would be appropriate within the streetscene. Therefore the design is considered to be appropriate.

Housing

a) Unit Mix and Tenure

- 5.48 London Plan Policy 3.8 states that the Borough LDFs and planning decisions should ensure new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these.
- 5.49 The Council's Core Strategy Policy 1 is in line with the London Plan and outlines family units (3+ bedrooms) should be included in major residential development. Furthermore, the Council seeks an appropriate mix of dwellings within development, having regard to the following criteria:
- the physical character of the site or building and its setting;
 - the previous or existing use of the site or building;
 - access to private gardens or communal garden areas for family dwellings;
 - the likely effect on demand for car parking within the area;
 - the surrounding housing mix and density of population; and,
 - the location of schools, shops, open space and other infrastructure requirements.

- 5.50 The site is located in the Sydenham district town centre fronting Sydenham Road and as such, officers note that the environment may not be ideal for family dwellings. It is also noted that the site is considerably constrained to provide significant amenity space for children's play.
- 5.51 Taking this into account, officers consider that a large number of family units is not possible.
- 5.52 The proposed development would result in only one three bedroom dwelling on the top floor. The remaining mix includes 4 one bedroom and 2 two bedroom flats, together with the 2 two bedroom dwellings.
- 5.53 Overall, the unit mix is considered to be acceptable in meeting the housing need, taking into account the constraints of the site.
- 5.54 The proposed development does not meet the 10 dwelling trigger for affordable housing, nor is the site capable of providing 10 units. Therefore the policies with respect to affordable housing is not considered to be applicable.

b) Standard of Residential Accommodation

- 5.55 The NPPF states that, as a core principle, planning should seek to provide a high quality of amenity for future residents.
- 5.56 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.
- 5.57 Table 1 outlines the proposed internal floor area against the housing standards.

Table [1]: Unit Size (sqm)

	Proposed Floorspace	Relevant Standard
Flat 1 (2b3p)	61	61
Flat 2 (1b2p)	50	50
Flat 3 (1b2p)	52	50
Flat 4 (2b3p)	61	61
Flat 5 (1b2p)	50	50
Flat 6 (1b2p)	52	50
Flat 7 (3b5p)	96	86
Dwelling 1 (2b3p)	70	79
Dwelling 2 (2b3p)	70	79

- 5.58 As shown above, the proposed units would meet the internal floorspace standards.
- 5.59 In addition to the overall size, the housing standards states that sufficient built in storage and bedroom size and width should be provided. Officers have measured the internal room sizes, including utility space, and consider that the majority of units meet these standards. It is noted that the two bedroom flats are .5 sqm below the standard for utilise space, however this is not considered to be significant to severely impact on the amenity of future occupiers, especially considering the communal storage on the ground floor.
- 5.60 The technical housing standards states a 2.3m floor to ceiling height should be provided over 75% of the internal floor area. However, it is worth noting that the London Plan Housing SPG strongly recommends a 2.5m floor to ceiling height to combat the heat island effect of London.
- 5.61 The proposed sections show that the units would have a floor to ceiling height of 2.3m-2.4m. Whilst this does not meet the London Plan standards, it is considered that as it meets the national housing standards, refusal on these grounds would not be reasonable. Therefore the floor to ceiling height is considered acceptable.
- 5.62 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.
- 5.63 The proposed flat building fronts Sydenham Road and Knighton Park Road. Therefore the units to the front of the building have dual aspect with north and west facing windows. The remaining flats have a predominate single aspect with west facing windows, however it is noted that balcony doors open to the north or south (depending on the flat). Therefore officers consider that the aspect is appropriate for daylight/sunlight and ventilation, given the aspect of the balcony doors.
- 5.64 The proposed dwellings have dual aspect, with windows in the east and west elevations. Therefore the access to daylight/sunlight as well as ventilation is acceptable.
- 5.65 It is noted that the ground floor rear window is between 3m-4.3m from the existing boundary treatment, which will remain to separate the proposed dwellings from the neighbouring property. This would severely restrict the outlook from these windows. However, it should be noted that these windows benefit the kitchen whilst the windows to the front benefit the living room. Given the greater outlook is provided to the living room, officers consider that the outlook from the proposed dwellings is acceptable.
- 5.66 The proposed dwellings would back onto the rear garden of 140 Sydenham Road, with boundary treatment approximately 3m from the windows. The existing boundary treatment would remain, which reduces any adverse impact of overlooking into the ground floor windows. The first floor windows would have some element of overlooking into the bedrooms from the adjoining garden, however considering the angle of the views, it is not considered to be significant to severely reduce amenity into the rooms.

5.67 Overall, the standard of accommodation for future residents is considered to be acceptable.

c) External Amenity

5.68 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.

5.69 Each proposed flat has balconies on the western elevation which meets the London Plan standards. It is noted that the top floor, which is a three bedroom dwelling, would have a roof terrace. Officers do not consider that the size of the space would be suitable for children's play, however it is not considered to be of significant concern to warrant refusal of the scheme.

5.70 The proposed rear garden of the two bedroom dwellings would have garden space to the rear. Officers note that this space is considerably constrained in terms of sunlight access and visual amenities from the adjoining boundary wall.

5.71 Whilst the level of sunlight and amenities from the space would not be ideal, officers consider that, on balance, the space is sufficient to provide suitable external amenity in line with the Council's policies.

5.72 As such, the level of external amenity provided is considered to be acceptable.

Highways and Traffic Issues

a) Access

5.73 The site has existing vehicular access from Knighton Park Road. Pedestrian access is currently from Sydenham Road for the retail units and from Knighton Park Road for the residential unit.

5.74 The proposed flats and retail units would have access from Sydenham Road, whilst the dwellings would be accessed from Knighton Park Road. No vehicle access is provided.

5.75 Officers consider the pedestrian access would not have significant impacts on the highway, taking into account the relatively minor uplift in residential units and the standard of the highway. It is considered that the existing vehicle crossover should be returned to the existing kerb and gutter. This should be conditioned to ensure this is completed.

5.76 The proposed development is therefore considered to be acceptable in terms of access.

b) Delivery and Servicing

5.77 A delivery and servicing plan was submitted as part of the Transport Statement under Appendix H.

- 5.78 The plan highlights the location of loading and unloading zones along Sydenham Road. It notes that there are single yellow lines that prevent loading between 07:00-10:00 and 16:00-19:00 Monday to Saturday, with loading permitted outside of these times. In addition, 80m to the east is a loading bay on Sydenham Road which is preserved for loading between 07:00-19:00 seven days a week.
- 5.79 The plan then highlights the management plan and measures to ensure deliveries are taken without adversely impacting on the highway. This would include close liaison with other nearby commercial properties. Appropriate monitoring and review procedures are also provided.
- 5.80 Officers consider that, taking into account the established delivery and servicing for the existing units, which would have been in place, the proposed development would not have a severe increase in the number of deliveries required. Furthermore, the proposed Delivery and Servicing Plan is appropriate in reducing any adverse impact on the highways.
- 5.81 Therefore the delivery and servicing of the proposed development is considered to be acceptable.

c) Car Parking

- 5.82 The NPPF highlights the important role transport policies have in promoting sustainable development. For this reason, planning decisions should be geared towards sustainable modes of transport where appropriate.
- 5.83 In line with this, Policy 6.13 of the London Plan aims to find a balance between promoting new development and preventing excessive parking which undermines sustainable modes of transport. The Council also takes a restrained and managed approach to car parking within new development as outlined in Core Strategy Policy 14.
- 5.84 With that in mind, the Council utilises the maximum parking standards in Table 6.2 of the London Plan. It states that 3 bedroom dwellings should have 1.5 spaces per unit while 1-2 bedroom dwellings should have less than one per unit. It goes on to add that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit.
- 5.85 The site has a PTAL value of 4 and is located within a district town centre. The proposed development would demolish the existing building and provide ground floor retail (totalling 149 sqm) with 1 three bedroom unit, 2 two bedroom units and 4 one bedroom units above, together with 2 two bedroom dwellinghouses to the rear (a total of 9 new residential units). The development would be car free.
- 5.86 The Council, considering the Local Plan policies, the good public transport accessibility and location within a district town centre, consider the principle of car free development to be acceptable. However, this would need to be weighed against the impact on the highway network in terms of on street parking stress.
- 5.87 The applicant has submitted a Travel Statement in support of the proposed development which includes a parking survey. The survey was undertaken on 13th January 2015 at 8pm and 14th January 2015 at 1am and covers an area of 200m walking distance from the site.

- 5.88 The survey is in line with the recommended Lambeth methodology for new residential development. Whilst officers note that the parking survey was undertaken over a year ago, it is considered that there has not been significant uplift in quantifiable housing numbers in that period in the locality to impact on the findings. Furthermore, it is noted that the survey was conducted in early January, which may affect the results in terms of residents still on holiday, however officers believe this impact to be minimal on the result.
- 5.89 Therefore officers consider the survey to give an appropriate reflection of the established parking levels.
- 5.90 The survey found 398 car parking spaces within 200m of the site. On the 13th January, the number of spaces taken was 281 (70.6% parking stress) and on the 14th January the number of parking spaces taken was 290 (72.9% parking stress). The number of parking spaces available was 117 and 108 on the respective days.
- 5.91 The supporting statement goes on to highlight the existing car ownership in the area, which utilises the previous census data taken in 2011. It hypothesises that, taking into account that almost half of the existing households in the area do not own cars, the proposed uplift in residential units is likely to result in 6 cars. Officers consider this argument to be effective in generally determining the number of cars and therefore agree with the finding.
- 5.92 Therefore, when adding the expected number of vehicles into the established level of parking, the parking stress would increase to 72.1% and 74.4% respectively.
- 5.93 In addition to the above, when considering the level of parking required officers have taken into account the good access to public transport and cycle parking (which is detailed further below) to reduce the need for private vehicle use. Taking these matters into account, in addition to the findings of the parking survey, officers consider that the proposed development would not adversely impact on the highways in terms of parking stress.
- 5.94 Objections have been raised with respect to the impact on the disabled parking bays in the area. Considering these areas are reserved for the specific car owner, officers consider that the proposed development would not impact on the provision of disabled parking in the area.

d) Cycle Parking

- 5.95 The London Plan recommends 1 cycle space per one bedroom unit and 2 spaces for other units. Taking this into account, the proposed block of flats should provide 10 cycle parking spaces and the proposed dwellinghouses should provide two spaces each.
- 5.96 The proposed ground floor shows a cycle storage unit for 8 spaces, which is below the required amount. In addition, the rear gardens of the dwellinghouses show one cycle parking space each, which is again below the standards.
- 5.97 Whilst the development does not meet this standard, it is considered that this can be addressed via condition with appropriate details being submitted. Therefore

officers consider that the provision of cycle parking spaces would be acceptable with a suitably worded condition.

e) Refuse

- 5.98 Refuse stores are located on the ground floor of the block building fronting Knighton Park Road and is separated between retail and domestic waste. The domestic waste would consist of 3 x 240L general refuse and 3 x 240L recycling whilst the retail would consist of 1 x 240L general refuse and 1 x 240L recycling. Bin stores would be located towards the front of the dwellinghouses consisting of two wheelie bins.
- 5.99 In terms of location, the refuse stores are considered to be acceptable for collection. Furthermore, the design and capacity of the dwellinghouse refuse is considered to be acceptable.
- 5.100 However, officers have concerns over the design of the residential and retail waste in terms of capacity and collection strategy, particularly considering the use of the retail units has not been determined. Furthermore, whilst the domestic storage appears to satisfy the needs of the development in terms of capacity, the cycle storage is likely to be increased to and therefore officers are not certain of what impact this would have on the bin storage.
- 5.101 Bearing this in mind, officers consider that a condition should be added for details of refuse to be submitted for approval. This would ensure the capacity in relation to the retail units and flat units is acceptable to protect the safety of the highway and residential amenity.
- 5.102 Therefore, through the submission of relevant conditions, refuse is considered to be acceptable.

f) Construction Impacts

- 5.103 The site is located along Sydenham Road, which is a classified 'B' road with large number of pedestrian and vehicle movement, as well as a number of bus routes and stops along the highway. Therefore the site is heavily constrained by the busy road to the front. Furthermore, it is noted that the proposed development would cover the entirety of the site, leaving little space for on site storage and virtually no vehicle movement.
- 5.104 Taking this into account, officers consider that the proposed development has the potential to have significant impacts on highway safety during the construction phase.
- 5.105 Therefore, officers consider a condition should be added for the submission of a Construction Management Plan highlighting how the construction management would reduce impacts on the highway. As such officers consider the impacts during construction would be managed through condition.

Impact on Adjoining Properties

- 5.106 London Plan Policy 7.6 states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. In addition, DM

Policy 32 requires new development to be neighbourly with no adverse impacts on the amenities of existing residents.

5.107 Objections have been raised with respect to the impact on the adjoining properties in terms of loss of daylight/sunlight, privacy, outlook and visual amenities.

5.108 The nearest neighbour is 140 Sydenham Road to the east and, to the south, the site adjoins 3 Knighton Park Road. The proposed dwellings would adjoin the neighbouring terrace to the south. Taking into account the building would follow the established building line, together with the orientation of the development, it is considered that the proposal would not impact on outlook or sunlight and daylight of these buildings. Furthermore, there is no windows which overlook these properties and therefore there would be no adverse impact on privacy for these units.

5.109 Below is an assessment of the impacts on 140 Sydenham Road.

a) Loss of Daylight/Sunlight

5.110 The site is adjoins 140 Sydenham Road to the east, which is a three storey building comprised of ground floor commercial and residential above. The property has translucent windows on the western elevation facing the site which benefit the stairwell. To the rear, The building has an extended two storey projection with a roof terrace above, as well as external stairs at first floor leading to the rear garden, which dog-legs towards the east. There is an existing boundary wall which is 2.5m tall.

5.111 It is noted that the existing development has creates an established impact on the amenities of adjoining properties. At ground floor, the building covers the entire depth of the site, however this does not project above the boundary treatment. At first floor, the existing building protrudes 1.9m beyond the neighbouring property. The existing elevation does not protrude beyond the neighbouring property at second floor level, although the hipped roof does protrude beyond the neighbouring elevation. It is also noted that the existing development is built to the boundary.

5.112 The proposed development would demolish the existing development, however the existing boundary treatment would be retained. At ground and first floor level, the development would be built between 1.8m-4.7m from the boundary. The dwellings would be 5.8m in height at the eaves and 8.6m high in total, which generally matches the existing terrace height.

5.113 At second floor level, the proposed building would be built to the boundary with a depth of 800mm, before stepping away from the boundary by 800mm. The building then extends a further 4.6m before again stepping away by 300mm and finally protruding a further 3.6m. In total, the building would extend 9m from the second floor rear elevation of the adjoining building at a height of 3.4m above the roof terrace.

5.114 At third floor level, the proposed building steps in significantly from the lower levels by 2.4m, however it still extends 6.7m beyond the rear elevation of the adjoining property.

- 5.115 In terms of daylight/sunlight, the Council uses the guidance in the BRE 'Site layout planning for daylight and sunlight: a guide to good practice' to determine the severity of impacts on adjoining properties. The applicant has also submitted daylight analysis, however it is noted that this does not reference any of the guidance of the BRE document.
- 5.116 In terms of direct sunlight and overshadowing, the BRE standards outline that habitable windows of existing development should not receive less than 25% of the existing level of annual probable sunlight hours (APSH) in the summer months and 5% in the winter months. This applies to habitable windows within 90 degrees due south. In addition, for a development to have an acceptable impact on adjoining amenity area, 50% of the space should receive at least 2 hours of sunlight on 21st March.
- 5.117 Whilst no assessment has been made of the sunlight, officers have assessed the overshadowing diagrams provided. These diagrams highlight that the neighbouring property retains a significant level of sunlight in the morning and early afternoon hours. It is acknowledged that there would be overshadowing in the late afternoon and evening, although this is unlikely to reduce the level below the BRE guide standards. It is also considered that the level of sunlight in the rear garden would not be reduced below 2 hours, given the level of sunlight received in the morning and early afternoon.
- 5.118 In terms of daylight, the BRE guide states that the vertical sky component (VSC), which is a measure of the amount of visible sky available from a point on a vertical plane, is the main test used to assess the impact of development on neighbouring properties. This test is applied to the main opening of each habitable room.
- 5.119 The proposed development would be built to the side of 140 Sydenham Road with no building extending significantly to the main habitable windows. Therefore the building would not reduce the element of VSC from the windows. As such, the proposed development is not considered to adversely impact on daylight into the adjoining property.
- 5.120 It is noted that the building would be constructed close to the side elevation windows. However as these windows benefit stairwells, halls and bathrooms, the loss of light into these windows is not considered to significantly impact on the amenity of the adjoining property.

b) Impact on Visual Amenities

- 5.121 The proposed building, whilst being stepped away from the boundary, would still extend 9m beyond the existing rear elevation of 140 Sydenham Road at a significant height of 4.3m. Therefore the building, considering the depth and height the brick elevation, would be noticeably bulky, especially when viewed from the roof terrace. Therefore officers consider that there would be an impact on the visual amenities of neighbouring residents in terms of the overbearing impact.
- 5.122 However, whilst the impact would be noticeable to the adjoining residents, it should be noted that the roof terrace retains significant vistas towards the south and east. Furthermore, there is a significant amount of amenity space to the rear which extends away from the subject site that would retain appropriate visual amenity for the benefit of the residents. Officers have visited the neighbouring site and consider that, as a result of these uninterrupted vistas away from the

proposed development and larger garden space, the impact on visual amenities of the neighbouring residents is acceptable on balance.

- 5.123 In addition to the above, officers note that the site is located on the main road of Sydenham town centre. With this in mind, the level of visual amenity which will be retained for the neighbouring property after the construction of the proposed building would still be significant when compared to similar properties within town centres.
- 5.124 Overall, whilst officers do acknowledge that the visual amenity would be adversely affected as a result of the development, it is considered that this impact would not be significant enough to warrant a refusal. Therefore the proposal is considered acceptable on balance.

c) Loss of Privacy

- 5.125 The proposed flat building would have high level windows in the west elevation which face 140 Sydenham Road. These windows would be obscure glazed to reduce overlooking into the adjoining properties.
- 5.126 The ground floor rear windows of the dwellings would not overlook the adjoining property, considering the boundary treatment. However, the first floor windows would look towards the rear yard of 140 Sydenham Road, which is around 3m-4m from the window. Therefore there is considered to be significant overlooking from the proposed building into the neighbouring amenity space.
- 5.127 The applicant has submitted elevations which indicate that the angle of the windows, together with the high boundary treatment, prevent any severe overlooking of the rear garden. However officers consider that, given the shape of the garden which bends then extends towards the east, there would still be a large area of garden visible only 9m from the proposed windows. Therefore it is not considered that this would prevent adverse impacts.
- 5.128 The rear garden of 140 Sydenham Road is currently well used as amenity space by the residents of the property. If the proposed development was to be approved as currently proposed, it is considered that the level of overlooking would effectively render this garden unusable to the detriment of the existing residents.
- 5.129 Whilst officers consider that the development as currently proposed is unacceptable in terms of loss of privacy, it is considered that measures can be incorporated to reduce overlooking. This includes horizontal angled louvres such as Brie Soliel which allows light and some level of outlook from the room while protecting sensitive views towards the lower garden. It is considered that a suitably worded condition could be added to ensure this is incorporated into the proposed development with appropriate details shown.
- 5.130 Therefore, through an appropriately worded condition, officers consider that the proposed development would not significantly reduce privacy for the neighbouring property.

d) Other Matters

- 5.131 Officers note that the residents have raised concerns regarding the impact of the proposed development, together with the impact of the redevelopment of

O'Rourke's Transport Yard at 154-158 Sydenham Road (DC/15/94075). The development is for:-

The construction of a part 2/ part 3/ part 4-storey with basement building (Block 1) providing 22, one, two and three bedroom self-contained residential flats and 157sq.m ground and first floor commercial floorspace (use classes A1, A2, B1, D1 and/or D2), and a part 2/ part 3-storey terrace (Block 2) comprising 10, three bedroom single dwelling-houses, 1, one bedroom self-contained flat and 1, two bedroom self-contained maisonette, together with the provision of upper floor balconies, associated landscaping, PV Panels, 14 parking bays (including 4 disabled spaces) and 68 secure cycle spaces at 154-158 Sydenham Road SE26.

- 5.132 Officers note that the application has now been withdrawn. Whilst it is likely that a scheme will come forward, given it is an allocated strategic site for redevelopment, as the development is yet to be granted planning permission the impact of this development in conjunction with the current application cannot be considered.
- 5.133 Objections have been raised with respect to wind as a result of the development in conjunction with the Hexagon Building opposite. Officers consider that the height of the building, at part three/part four, is unlikely to significantly affect the wind levels along Knighton Park Road to a detrimental level. Therefore with respect to this matter, officers consider the proposed development to be acceptable.
- 5.134 There have been concerns raised with respect to the loss of amenities during the construction phase of development. Officers note these concerns and consider that this could be mitigated through the submission of a suitable Construction Management Plan (which is also outlined under Highways and Traffic Issues). Therefore this is considered acceptable.
- 5.135 Issues have also been raised with respect to the standard of the building and health impacts during demolition. It should be noted that these matters are under the control of the Health and Safety Executive, therefore pursuant to the planning guidance on the use of conditions, the planning permission should not implement conditions which are dealt with under separate legislation.
- 5.136 Notwithstanding this, officers consider that an informative relating to asbestos removal and construction safety should be added to inform the applicant of their duty in this regard.

Sustainability and Energy

- 5.137 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. This requirement is now considered at the Building stage following amendments to the Planning and Energy Act 2008.
- 5.138 A Sustainability Statement has been submitted in support of the application. Although planning no longer considers Code for Sustainable it is noted that the development includes a green roof to the top floor of the flat building, in addition to solar voltaic panels.

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, as well as the Lewisham local CIL, is therefore a material consideration. 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 Officers consider that in this matter there is minimal impact on equality.

8.0 Conclusion

- 8.1 The proposed development would introduce a mixed use scheme with A1/A2 retail units on the ground floor and residential above. Given the building is not considered to have significant protection in terms of conservation or architectural value, the demolition and redevelopment for mixed use is considered acceptable in principle.
- 8.2 The density is considered to be in line with the relevant density range of the London Plan. Furthermore, the scale, design and materials are considered to be compatible and of satisfactory quality within the existing streetscene. Overall the design is acceptable.
- 8.3 The proposed accommodation is considered to meet the standards of the technical housing standards, London Plan Housing SPG and DM Policy 32 and

therefore is considered to be acceptable. Furthermore, whilst there are some impacts on the adjoining property, officers consider that they can either be made acceptable through condition or not significant enough to warrant a refusal.

- 8.4 The applicant has submitted information which confirms that the proposed car free development would be acceptable. Furthermore, given the good public transport access and provision of cycle parking spaces through condition, the proposed development is not considered to have a significant impact on the highways in terms of parking. In addition, any remaining highway matters such as deliveries and refuse are considered to be appropriate.
- 8.5 Overall, officers consider that the scheme for the redevelopment of the 138 Sydenham Road is acceptable.

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:

E.01; E.02; E.03; E.04; E.05; E.06; E.07; P.59; Site Location Plan (received 29th January 2016); Transport Statement; BREAM UK New Construction 2014 Pre-Assessment Estimator Report; Energy Statement (received 16th February 2016); Design & Access Statement; Sustainable Design and Construction Statement (received 8th March 2016); P.51 Rev B; P.52 Rev A; P.53 Rev B; P.54 Rev B; P.55 Rev B; P.56 Rev B; P.57 Rev B; P.58 Rev B (received 22nd 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) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

- (a) Dust mitigation measures.
- (b) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (c) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
- (i) Rationalise travel and traffic routes to and from the site.

- (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
- (iii) Measures to deal with safe pedestrian movement.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2016).

- (4) (a) The retail units hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development shall commence until a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

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 (2016) 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) No development shall commence on site until a detailed schedule and samples of all external materials and finishes, windows, roof coverings and balcony treatments to be used on the buildings have been constructed 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 buildings and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (6) (a) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the ground floor retail units shall be used for A1/A2 use and for no other purpose, unless otherwise approved in writing by the local planning authority.
- (b) No development shall commence on site until details showing the physical fit out and shop front design of the retail units hereby approved have been submitted to and approved in writing by the local

planning authority. Such information should demonstrate the location of the fascia sign, any shutter/grill box, the window system, the stall riser (if included), canopies, awnings and the entrance.

- (c) The development shall be constructed in full accordance with the approved details.

Reason: To secure viable retail units which would positively add to the viability of the Sydenham District Town Centre, as well as ensure 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 19 Shop fronts, signs and hoardings of the Development Management Local Plan (November 2014).

- (7) (a) No development shall commence on site until details of proposals for the storage and collection strategy of refuse and recycling facilities for each residential and retail 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 DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- (8) (a) A minimum of 10 secure and dry cycle parking spaces shall be provided within the block of flats and 2 secure and dry cycle parking spaces shall be provided within the curtilage of each of the dwellinghouses.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) 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).

- (9) (a) The development shall be constructed with a living roof in accordance with plan nos. P.55 Rev B hereby approved and maintained thereafter.
- (b) Prior to the commencement of above ground works, details of the living roof shall be submitted to and approved in writing by the local planning authority. These details shall include:-

- (i) 1:20 section showing the growing substrate;
 - (ii) Details of the plant species; and,
 - (iii) A guarantee and/or maintenance contract over two growing seasons.
- (c) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (d) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2016) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

- (10) Prior to the commencement of above ground works, details of privacy screening to the first floor rear windows of the dwellinghouses hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with these details and permanently retained.

Reason: To ensure the proposed development does not adversely impact on the neighbouring property in terms of overlooking, in compliance with DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- (11) The development shall operate in accordance with the Delivery and Servicing Plan included in the Transport Statement hereby approved from the first occupation and shall be adhered to in perpetuity.

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

- (12) All window and door openings shall be constructed with minimum 200mm deep external reveals.

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

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

that Order), no satellite dishes or 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).

- (14) No extensions or alterations to the dwellinghouses 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).

- (15) The new windows to be installed in the eastern elevation of the block of flats hereby approved shall be fitted as obscure glazed and non-opening below 1.7m from the finished floor level and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with 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 discussions took place which resulted in further information being submitted.
- (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) It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- (D) 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>

- (E) 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.
- (F) In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- (G) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- (H) The applicant is advised that conditions 3 (Construction Management Plan), 4 (BREEAM), 5 (materials), 6 (shop fit-out and shop front design), 7 (refuse storage) and 8 (cycle storage) all require details to be submitted to and approved in writing by the Council prior to the commencement of development, which includes any demolition. In addition, conditions 9 (living roof) and 10 (privacy screens) require details to be submitted prior to the commencement of above ground works.

It is considered that the details relating to the Construction Management Plan are required prior to demolition to ensure no adverse impact during this phase of development. Furthermore, securing high quality materials and appropriate design of the shop front is essential prior to the commencement of development on site, as is the cycle and refuse stores.

It is considered that securing details with regard to the living roof and privacy screens is essential prior to the above ground works being completed, bearing in mind the importance in securing appropriate details.