

Committee	PLANNING COMMITTEE B	
Report Title	43 Sunderland Road, Forest Hill, London, SE23 2PS	
Ward	Perry Vale	
Contributors	David Robinson	
Class	PART 1	1 <sup>st</sup> February 2018

### **Planning Application Details**

This application (planning application reference number DC/17/104739) has been made by a Lewisham Councillor, Councillor John Paschoud on behalf of the Lewisham West and Penge Constituency Labour Party.

As set out in the London Borough of Lewisham Constitution (November 2017), in the interest of impartiality in the planning process any application made by a Councillor must be referred to an appropriate committee meeting by the Head of Planning.

In this instance, the planning application has been made on behalf of a local Labour Party Office and is to be heard by Planning Committee B where all 10 Councillors who sit on said Planning Committee are members of the Labour Party. The Council's constitution does allow a committee to delegate to officers those decisions that would have ordinarily been determined by themselves. Whilst members, although having to declare an interest in the matter, would not be precluded from determining the application, officers believe that in the interests of impartiality this may be an application that members would want the Head of Planning to determine. Therefore, members are asked to delegate this decision to the Head of Planning for determination. for.

For clarity, the Planning Officer's report for this planning application is available below under Appendix 1.

## **Appendix 1 – Officer Report**

<u>Reg. Nos.</u>	DC/17/104739
<u>Application dated</u>	27.11.2017
<u>Applicant</u>	Councillor John Paschoud on behalf of Lewisham West & Penge Constituency Labour Party
<u>Proposal</u>	Replacement of three ground floor windows on the front and one ground floor window on the rear elevations with timber double glazed windows at 43 Sunderland Road, SE23.
<u>Applicant's Plan Nos.</u>	Site location plan, Sollex window specification 3884 page 1 of 3, Sollex window specification 3884 page 2 of 3, Sollex window specification 3884 page 3 of 3 Plans, Annotated front elevation photograph, Annotated rear elevation photograph.
<u>Background Papers</u>	(1) Case File LE/420/43/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Local Open Space Deficiency
<u>Screening</u>	N/A

### **1.0 Property / Site Description**

- 1.1 This application relates to a ground floor office located within a semi-detached period building located on the eastern side of Sunderland Road. The office is currently used by the Lewisham West and Penge Constituency Labour Party.
- 1.2 There are three existing flats located on the upper stories of the application building. The surrounding area is primarily residential in nature.
- 1.3 The application site and property are not subject to any particular designations.

### **2.0 Planning History**

- 2.1 No relevant planning history.

### **3.0 Current Planning Application**

- 3.1 The application seeks permission for the replacement of three ground floor windows on the front elevation and one ground floor window on the rear elevation with white painted timber double-glazed sliding sash windows at 43 Sunderland Road. The existing windows are white painted single glazed sliding sash windows.

## **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.
- 4.2 Adjoining neighbours and ward councillors were consulted. A site notice was also erected by the applicant.

### Written Responses received from Local Residents and Organisations

- 4.3 No representations have been received as a result of the consultation process.

## **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 2016)

- 5.6 In March 2016, the London Plan (as amended) was adopted. The policies relevant to this application are:
- Policy 7.4 Local character
  - Policy 7.6 Architecture

#### Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:
- Core Strategy Policy 15 High quality design for Lewisham

#### Development Management Local Plan

- 5.8 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:
- 5.9 The following policies are considered to be relevant to this application:
- DM Policy 30 Urban design and local character
  - DM Policy 31 Alterations / extensions to existing buildings

#### Residential Standards Supplementary Planning Document (August 2006, Updated 2012)

- 5.10 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix,

density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

## **6.0 Planning Considerations**

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

- a) Design
- b) Impact on Adjoining Properties

### Design

6.2 The majority of existing windows on the application property are white painted sliding sash windows with the exceptions being two uPVC windows on the rear elevation on a modern extension; however, these are not the subject of this application.

6.3 This application proposes to replace three ground floor windows on the front elevation and one ground floor window on the rear elevation with white painted, double glazed, timber sliding sash windows of the same design as those existing.

6.4 As the windows will be of the same material, colour, design and opening style as those to be replaced, and the proposed windows are consistent with others on the application property, there is no objection to the proposed development with regard to design.

### Impact on Adjoining Properties

6.5 There will be no unreasonable impacts on neighbour amenity as a result of the proposed development as the existing openings sizes and styles are maintained.

6.6 Given the above, there is no objection to the proposed development with regard to impact on adjoining properties.

## **7.0 Local Finance Considerations**

7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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

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

7.3 The Mayor of London's CIL is therefore a material consideration. CIL is not applicable on this application.

## **8.0 Equalities Considerations**

- 8.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - ii. advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
  - iii. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 8.4 Equality issues have been duly considered as part of the assessment of this application. It is not considered that the application would have any direct or indirect impact on the protected characteristics.

## **9.0 Conclusion**

- 9.1 The proposals are considered to accord with the development plan. The proposed windows would be the same colour, material, design and opening style as those existing and would not result in any loss of neighbour amenity over the existing fenestration arrangement.

## **10.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

### **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:

Site location plan, Sollex window specification 3884 page 1 of 3, Sollex window specification 3884 page 2 of 3, Sollex window specification 3884 page 3 of 3 Plans, Annotated front elevation photograph, Annotated rear elevation photograph.

**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.