

Committee	PLANNING COMMITTEE C	
Report Title	11 Havelock Walk, SE23 3HG	
Ward	Forest Hill	
Contributors	Amanda Ghani	
Class	PART 1	19 th September 2011

Reg. Nos. DC/19/110882

Application dated 31/01/19

Applicant Bubble Architects

Proposal Demolition of existing building, construction of 3 storey building containing 4 commercial studio spaces (Use Class B1) on the ground floor and 4 residential units (Use Class C3) above, a roof terrace at top floor level and associated bin and cycle storage at 11 Havelock Walk, SE23.

Applicants Plan Nos. P-00-D-013; E-W-D-019; Rear 3D View; 3D View of stairwell; E-E-D-018; P-Si-D-010; Transport Statement; Daylight and Sunlight Study. (Received 8th February 2019)

E-W-D-019 Rev.C; X-BB-D-021 Rev.C; X-DD-D-023 Rev.B; P-01-D-014 Rev.C; E-E-D-018 Rev.C; P-03-D-016 Rev.C; P-Si-D-010 Rev.B; P-02-D-015 Rev.C; P-00-D-013 Rev.B; X-AA-D-020 Rev.A; P-Si-D-011 Rev.C; P-03-D-016 Rev.C (Received 25th April 2019)

Background Papers

- (1) Case File LE/565/11/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation PTAL 4, Major District Centre, Forest Hill Conservation Area, Forest Hill Article 4 Direction, Local Open Space Deficiency

1 SUMMARY

- 1 This report sets out Officer's recommendation for the above proposal. The report has been brought before members for a decision as there are 3 or more valid planning objections.

2 SITE AND CONTEXT

SITE DESCRIPTION AND CURRENT USE

- 2 The subject property is a single storey, pitched roof building located on the western side of Havelock Walk. The front elevation is rendered and has a double door and shutter entrance within this elevation. The building has a large internal floor area, which offers a generous space for a number of artists for small and large scale work. Havelock Walk is situated within the Forest Hill Conservation Area, within a town centre and falls within the Forest Hill Conservation Area with its associated Article 4 Direction.

CHARACTER OF AREA

- 3 Havelock Walk is a unique street within the Forest Hill Conservation Area due to its mews type character and industrial history, sited behind the commercial centre of London Road.
- 4 Havelock Walk is a secluded and well preserved historic setting with a distinct architectural character, comprising single, two and three storey warehouses. In 2003, the Council were successful in delivering a Conservation Area Partnership Scheme where historic buildings within London Road, Dartmouth Road and Havelock Walk were refurbished and repaired. In Havelock Walk, work was concentrated on reusing and in some cases, replacing historic warehouses and is considered a good example of conservation-led regeneration.

SURROUNDING AREA

- 5 Over the last 20 years, a number of planning permissions have been granted for live/work units, so that now most buildings in Havelock Walk have been converted to live/work use, with a residential element over a commercial ground floor. There are a number of three-storey buildings on the east and west side of Havelock Walk. Havelock Walk is an adopted no through road. There is a footpath link through from the northern end of Havelock Walk into David's Road.

TRANSPORT

- 6 The site is within a PTAL 5 area which is considered good and is covered by David's Road CPZ, operating Monday to Friday between 9am-5pm. The nearest bus stops are on London Road and Devonshire Road, with services 176 Penge to Tottenham Court Road, and 197 Peckham to Croydon, 185 Lewisham to Victoria, 356 Upper Sydenham to Forest Hill Station and 122 Plumstead to Crystal Palace. Forest Hill Railway Station is sited approximately 100m east of the site.

RELEVANT PLANNING HISTORY

- 7 DC/99/045046 – Planning permission was granted on 24th September 2001 for the retention of the roof covering, roof lights and doorway at 11 Havelock Walk, SE23
- 8 DC/03/054436 – Planning permission was refused on 29th September 2003 for the extension of the building by the construction of 2 extra floors at first and second floor levels and the conversion of the resultant building into 2 two-bedroom live-work units. The reason for refusal was:-

The proposed building would have a significant effect on the amenities of the occupiers of 9 Havelock Walk, contrary to the provision of policies BLT.ENV 1: Urban Design, BLT.ENV 12: Development in Conservation Areas and HSG 18 Residential Environment of the Council's adopted Unitary Development Plan (July 1996) and URB 2 Urban Design, URB 15 New Development, Changes of Use and Alterations to Buildings in Conservation Areas, HSG 3 Residential Amenity and HSG 10 Residential Extensions of the revised deposit Unitary Development Plan (August 2001)

- 9 DC/04/056841 – Planning permission granted on 19th September 2005 for the conversion of the existing premises at 11 Havelock Walk to provide 1, two bedroom live-work unit, together with the construction of a part first floor extension, alterations to the front elevation and roof, the provision of a roof terrace at the rear and balconies on the front elevation.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 10 Demolition of existing building, construction of 3 storey building containing 4 residential units with employment space on the ground floor and residential space above, a roof terrace at top floor level and associated bin and cycle storage.
- 11 The commercial part of the development would be on the ground floor and be divided into four areas, with four separate residential units above. The residential element of the proposal would provide four, 1b2p units.
- 12 Access to work and residential areas would be via separate entrances on the Havelock Walk frontage. Bin and cycle storage would be located to the side of the entrance courtyard, with additional bin storage located internally within the ground floor work space.
- 13 Alterations were made to current scheme during planning process. These included reduction in the massing and design of the second floor, removal of front balconies at second floor and reduction in the size of windows on front elevation at second floor. These alterations were to improve amenity of adjoining occupiers and mitigation the impacts of the proposed development.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 14 PRE/18/106724 - Pre-application advice was sought for demolition of the existing building and construction of a part 3/part 4 storey building with a commercial unit on the ground floor and four self-contained residential units (3x2 bed flats and 1x1 bed flat) at 11 Havelock Walk. Advice issued.
- 15 PRE/18/108913 - Pre-application advice was sought for the demolition of existing building and construction of a three storey building containing four new live-work units with associated amenity space and communal top floor terrace. Advice issued.

APPLICATION PUBLICITY

- 16 Site notices were displayed on 27/02/19 and a press notice was published on 27/02/19.
- 17 Letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors, The Forest Hill Society and The Havelock Walk Live/work Association on 15/02/19
- 18 Six responses were received, comprising 5 objections, 1 petition received with 13 signatures

- 19 Re-consultation was undertaken on 19/08/2019 following amendments of the description of the proposal. This replicated the first consultation in terms of letters sent. This amendment to the description clarified the nature of the proposal – the proposal does not involve live/work units and the proposed residential and commercial uses will be separate within the building. The re-consultation also publicised the changes noted above, include setting back the second floor, removal of the front balcony and reduction in size of windows at second floor level on the front elevation.
- 20 There has been no additional responses to re-consultation to date. Members should note that given the timelines, the second consultation window expires following publication of the committee report but before committee meeting. Any additional responses received following publication of the report will be presented in an addendum before the committee meeting. Officers are satisfied that consultation has met the statutory requirements in this case.

4.1.1 Objections

Material planning consideration	Para where addressed
Proposed accommodation not related to ground floor studio space with implications for creative community.	Para. 45
Loss of day/sunlight and outlook to No.22, 24 and 26	Para. 6.5.5 and 6.5.6
Scale and mass too large	Para.78
Arrangement and size of windows cause loss of privacy and overlooking	Para. 6.5.5
Increase in car parking requirements (Havelock Walk already congested and there are no restriction during weekends and evenings)	Para.91
Overlooking into second floor window of No.13A via proposed balcony	Para.97
Proposed building is forward of No.13A front building line and 1m higher	Para.78
Roof terrace used by 4 separate residences creates issues of privacy allowing views through roof light of No.13A	Para.98
Poor materials	Para.81
Overlook bedroom and workspace of No.26	Para.97
Building works would create noise and congestion.	Para.106
Direct views from roof garden and windows into windows of No.24 (windows should be reduced in size and positioned to respect privacy)	Para.99 Para.23

4.2 INTERNAL CONSULTATION

21 The following internal consultees were notified on 15/02/19

22 Highways: raised no objections subject to conditions. See para 7.6 for further details.

23 Conservation: raised initial objections, which have now been overcome with design amendments. See para 7.4.2 for further details.

24 Urban Design: raised no objection

5 POLICY CONTEXT

5.1 LEGISLATION

25 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

26 The Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

27 MATERIAL CONSIDERATIONS

28 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

29 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

30 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

5.2 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

5.3 DEVELOPMENT PLAN

31 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)

5.4 SUPPLEMENTARY PLANNING GUIDANCE

32 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)

33 London Plan SPG/SPD:

- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- Town Centres (July 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

34 The main issues are:

- Principle of Development
- Housing
- Mix use employment
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development

6.1 PRINCIPLE OF DEVELOPMENT

35 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

36 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

37 London Plan Policy 4.4 Managing Industrial Land and Premises sets out the need to (a) identify and protect locally significant industrial sites where justified by evidence of demand and (d) accommodate demand for workspace for small and medium sized enterprises and for new and emerging industrial sectors.

38 Core Strategy Spatial Policy 3 seeks to sustain a diversity of uses and activities appropriate to individual district hubs. District hubs are key places which support the development of a sustainable borough, with focus on building and maximising the uniqueness and potential of each place. In particular through supporting the creative industries in Havelock Walk.

- 39 Core Strategy Policy 5 seeks to protect employment locations throughout the borough outside of designated employment locations. The policy states that employment land within town centres and clusters of commercial and business uses, should be recommended for retention in employment use. The policy allows for change of use to other uses only if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability and viability of redevelopment show that the site should no longer be retained in employment use.
- 40 Development Management Local Plan Policy 11 (Other employment locations) states that the Council will seek to retain employment uses (B Use Class) on sites where they are considered capable of continuing to contribute to and support clusters of business and retail uses and where the use is compatible with the surrounding built context by reason that they offer the potential for the provision of workshop/industrial units for small and medium sized enterprises (SMEs) serving local residential and commercial areas, particularly where there is little alternative provision in the local area and provide lower cost industrial accommodation suitable for small, start-up businesses.
- 41 Complete demolition of the building on site is proposed. There is no objection to this, as the building is not of particular architectural or historic merit.
- 42 The proposed layout includes separate work space on the ground floor and residential units above, with no direct access between the two. The nature of Havelock Walk is one of a live/work community, although there is evidence that a number of live/work units have recently been converted into purely residential dwellings without the benefit of planning permission.
- 43 The subject site has historically only ever been in commercial use. Whilst the current proposal is not for live/work units, officers are satisfied that the negligible loss of employment space to facilitate access (see section below) would be acceptable in principle. The commercial units would be fitted out to a high standard and measures would be put in place to ensure lettings to small/medium enterprises to commercial viability. Officers note there is no policy requirement to provide live/work units in Local Plan or the London Plan in this location. The details of employment provision are discussed in the next section.
- 44 National and local planning policies all indicate that development should aim to make the most effective use of land. Indeed, the London Plan makes housing a priority for London. The site is located in an area of the borough where additional residential accommodation is encouraged. There is good access to public transport, schools, health facilities and general amenities. The application seeks to optimise the development potential of the site by providing residential accommodation. The provision of four new dwellings will add to the housing stock for which there is a pressing need, and optimise the site utilisation.

6.1.1 Principle of development conclusions

- 45 The demolition of the existing building is acceptable. The introduction of four residential units on site would optimise the site potential and add to the stock of homes in the locality. The re-provision of the existing employment space would be compatible with existing uses in the immediate area and space would be of a higher quality than existing, which would improve the vitality of the Forest Hill Major Centre. The principle of the development is acceptable.

6.2 HOUSING

- 46 This section covers: (i) the dwelling size mix; (ii) the standard of accommodation and residential quality.

47 National and regional policy promotes the most efficient use of land. London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported that are of the highest quality in accordance with Local Development Frameworks.

48 DM Policy 32 ‘Housing design, layout and space standards’ and Policy 3.5 ‘Quality and design of housing developments’ of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.

49 Table below sets out the dwelling size mix and space standards – internal and external

Table [1]: Dwelling size and space standards

(m ²)	Unit type minimum Gross internal area 50sqm	Double bedroom 11.5sqm	Ceiling height 2.5	Outdoor Private amenity	Storage 1.5sqm	Pass/ fail
Unit 1	1B2P 64.5sqm	15.65	2.5	None	3.10	Pass
Unit 2	1B2P – 55sqm	18.15	2.5	3	1.6	Pass
Unit 3	1B2P 52.50sqm	15.50	2.5	none	1.5	Fail on outdoor amenity
Unit 4	1B2P 52sqm	14	2.5	3	2.4	Pass

50 Whilst Unit 3 provides no private outdoor amenity space, the gross internal floor area and individual room sizes are above minimum space standard requirements. The scheme incorporate a communal roof terrace. Since the other three residential units exceed the minimum standards, with regards to internal floor area, room size, internal storage and amenity space, the proposal is, on balance considered to provide an acceptable level of accommodation.

Outlook & Privacy

51 London Plan Policy 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with two openable windows). DM

Policy 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.

52 DM Policy 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.

53 All but one of the flats would be dual aspect. Flat 3 would only have windows in the eastern elevation. However, all flats are considered to have an acceptable level of outlook and privacy.

Daylight and Sunlight

54 The applicant has submitted a Daylight and Sunlight Study. However, this is in relation to how the proposal will affect neighbouring properties. Officers have assessed the proposal and it is considered that the development would provide adequate levels of daylight and sunlight for future occupiers given the scale and siting of the building.

External space standards

55 Standard 26 of the London Plan's Housing Supplementary Planning Guidance (March 2016) states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings

56 Standard 27 states that the minimum depth and width for all balconies and other private external spaces should be 1500mm. Paragraph 2.3.33 states that dwellings on upper floors should all have access to a terrace, roof garden, winter garden, courtyard or balcony. The use of roof areas for additional amenity or garden space is encouraged.

57 Private open space is highly valued and should be provided in all new housing developments. Where site constraints make it impossible to provide open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement.

58 Flat 1 has no private outdoor space, however the equivalent space requirement is provided in the form of additional internal space. Flats 2 and 4 have private outdoor space in the form of balconies. Both balconies meet minimum depths and width requirements. Whilst the balconies do not provide the minimum outdoor space, additional internal space is provided by both flats. Flat 3 has no outdoor space and falls short of providing additional internal space by 2.5sqm.

59 However, this is due to the original scheme being revised by removing the balconies to the front of the building which was undertaken as a result of concerns regarding overlooking and loss of privacy. It should be noted that, the proposal includes a communal roof terrace which can be used by the occupiers of the building. The roof terrace would measure 112sqm and be enclosed by an outer area of soft planting. The roof terrace would be set back from the front elevation by 1.8m with the terraced area set back a further 1.4m and set back from the rear elevation by 1.5m. The external amenity space provided by the development for future residential occupiers is acceptable.

6.2.1 Housing conclusion

60 The proposal is considered to deliver an acceptable quality of accommodation to the site. Whilst one unit lacks of amenity space or an extra gross floor area, overall officers conclude that the proposal would achieve an appropriate quality of accommodation for future occupants. The proposal is therefore considered to be acceptable in this regard, and in accordance with aforementioned policies.

6.3 EMPLOYMENT

- 61 Spatial Policy 3 states that, in Forest Hill, the creative industries in Havelock Walk will be supported.
- 62 Paragraph 7.29 of the supporting justification for Core Strategy Policy 5 states that “there is a strong recognition of the importance of creative industries to the borough’s economy” with paragraph 7.30 following to say that “the policies therefore seek to retain business premises housing creative industries, and also the smaller, more scattered clusters of business premises.”
- 63 DM Policy 11 seeks to retain B Use Class employment uses on sites and buildings in Town Centres and Local Hubs where they are considered capable of continuing to contribute to and support clusters of business uses and where the use is compatible with the surrounding built context.
- 64 The current use of the application site is as 1 commercial unit, with 183sqm of employment space for a number of artists for small and large scale work. The proposal includes the retention of all but 31sqm of the existing work area, which would be given over to provide necessary cycle and bin storage and a dedicated entrance to the living accommodation above.
- 65 The proposed 152sqm of retained work space would be split into four semi-open plan studio spaces with new internal bin storage and toilet/shower facilities. The resulting commercial space is considered to provide a better quality employment space than existing in terms of layout and amenities. Officers consider the negligible amount employment space that would be lost in this case would be acceptable. A condition is recommended to ensure the proportion re-provided space would be fitted out to a high standard and ensure successful letting.

6.3.1 Employment conclusion

- 66 The proposed ground floor work spaces are considered to be acceptable in terms of size and layout. The retention of valuable (B Use Class) employment space is appropriate and essential in supporting the continuation of Havelock Walk as a successful creative employment hub, in line with current planning policy.

6.4 URBAN DESIGN

General Policy

- 67 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 68 London Plan Policy 7.4 requires development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It is also required that in areas of poor or ill-defined character, new development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.6 seeks the highest quality materials and design appropriate to its context.
- 69 In relation to Lewisham, Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

- 70 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 71 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 72 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy. DMP 36 accords with national and regional policy.
- 73 The proposed building would occupy the footprint of the existing building. It would be three storeys high, with a flat roof and measure 9.10m high. The site is in a dense urban area. The proposal would result in an intensification of development on site. The development has been informed by surrounding roof typologies, massing, material palate, and building lines. In terms of massing, setback and the use of slate as the cladding material; the second floor appears as a suitably subservient element within the streetscene, appearing as a congruous feature in character with the historic form and character of the streetscape. As such, the proposal is considered appropriate and would not represent overdevelopment.

6.4.1 Appearance and character

- 74 The proposal has been revised during the planning process; the second floor front balcony has been omitted and this floors front façade aligns with the second floor of No.13. This has overcome issues of possible overlooking to the upper window of No.13A. The windows at second floor on the front elevation have been reduced in size and this has reduced the possibility of overlooking to windows in No.24 and 26 Havelock Walk.
- 75 The proposal, whilst of a contemporary design, takes its cues from the surrounding built context. The proposal considerably alters the diminutive scale and utilitarian appearance of the existing building. However it is considered to be compatible with the way in which many of the neighbouring buildings have evolved and the new elements sit comfortably in the context. Alterations in fenestration to the front elevation comprise reductions in the size of the two windows at second floor. The second floor has also been remodelled and now appears as a mansard roof extension, similar to No.13. The inclusion of large warehouse style windows on the front elevation, accentuate the industrial character of the street at ground floor level. Access to the ground floor studios is via a set of double glazed, aluminium doors to the front of the property. The front elevation would contribute to a new active frontage, improving the appearance of the site as well as increasing passive surveillance.
- 76 The proposed palette of materials includes London yellow stock brick to the ground and first floors with the second floor clad in slate tile. Windows would be dark grey aluminium and the gate to the residential entrance would be designed to reflect the creative industrial nature of the building. A metal balustrade with glazed panels surrounds the roof terrace. The proposed materials are of a high quality and would work effectively together to provide an interesting and attractive building.
- 77 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would enhance the character or appearance of Forest Hill Conservation Area.

6.4.2 Landscaping

78 The proposal includes a landscaped area around the roof terrace. The applicant has not submitted a landscaping plan with this application, however the detail of landscaping would be secured by condition.

6.4.3 Urban design conclusion

The proposed development would create a new building that would be of high quality and would have a positive effect on the image of the surrounding area. To ensure the high quality of design, it is recommended that a condition is added to secure materials and details such as depth of window and door reveals.

6.5 TRANSPORT IMPACT

General policy

79 Policy 6.1 of the London Plan (2016) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.

80 Core Strategy Policy 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

6.5.1 Servicing and refuse

81 DM Policy 29 requires new development to have no negative impact upon the safety and suitability of access and servicing. Standard 22 and 23 of the London Plan Housing SPG provides guidance on refuse for new residential development.

82 The refuse area for the employment space would be sited internally and measure approximately 3.1sqm. The refuse area for the residential element of the proposal would be sited to the side of the entrance courtyard and measure approximately 3.4sqm. Servicing would be provided from the designated collection point at the entrance to Havelock Walk, in line with the existing arrangement.

83 The proposed refuse and servicing is therefore acceptable and in accordance with London Plan guidance.

6.5.2 Transport modes

Cycling

84 Policy 6.9 of the London Plan maintains that development should provide secure, integrated and accessible cycle parking facilities. The London Plan requires that that a one-bedroom flat should provide 1 cycle parking space, and 2 cycle parking spaces should be provided per all other dwellings.

85 The application proposes dry, step-free, secure cycle storage for 4 bicycles which is considered acceptable and in line with policy in the London Plan.

Car Parking

86 The Council, in line with the London Plan and NPPF policies, takes a restrictive approach to private car parking provision in order to promote use of sustainable modes of transport. Parking should comply with the standards of the London Plan, as shown in Table 6.2 of the Parking Addendum.

87 The applicant has prepared and submitted a transport statement. Havelock Walk is located within David's Road Controlled Parking Zone which is in operation between 9am and 5pm Monday to Friday. Objections have been made regarding possible increased on-street parking stress in and around Havelock Walk. The development would be car-free. The applicant has not demonstrated that the area provides any capacity for further parking. To ensure that the development does not add to parking stress, the applicant is willing to enter into an agreement whereby future occupiers would not be able to apply for a parking permit. As such, it is recommended that a condition is added preventing future occupiers from obtaining a parking permit.

6.5.3 Transport impact conclusion

88 The Transport Statement sufficiently demonstrates that there are other viable travel options to the use of a private car. The proposed development would not be car dependent and provide good quality cycle parking spaces and in relation to transport issues should be supported. The transportation impacts of the development are therefore acceptable.

89 LIVING CONDITIONS OF NEIGHBOURS

90 The NPPF (paragraphs 127 and 180), London Plan Policies 7.4 and 7.6, Core Strategy Policy 15 and Development Management Local Plan Policy 32 require new residential development to be neighbourly and not result in adverse impacts on the amenities of neighbouring properties, providing a satisfactory level of privacy, outlook and natural lighting for future residents and neighbours.

6.5.4 Enclosure and Outlook

91 Due to the narrowness of Havelock Walk, there is an established sense of enclosure. The proposed additional floors will infill the space above the existing building on site. Whilst objections were raised regarding a loss of outlook from properties directly adjacent; the proposal respects the current scale and the existing urban form within Havelock Walk and complements its setting; responding positively to the local character.

6.5.5 Privacy

92 Havelock Walk is narrow, with the general carriageway width being approximately 6m and there is no separate footpath provision on either side. Therefore, in granting planning permission for a number of the units in the street to be converted to living accommodation on the first floor, there will always be a certain degree of direct overlooking between such closely facing windows.

93 Whilst the Council's normal standard for the distance between facing habitable room windows would be 21m, such distances are clearly not practicable in such a confined mews. However, the proposed windows on the front façade have been positioned to not directly overlook No.24 opposite and the glazing proportions at second floor have been reduced and the balconies omitted to limit overlooking into this neighbour's upper windows and into the second floor window of No.13A.

94 The roof terrace is suitably set back from the front, side and rear elevations of the proposed building; as a consequence, there would be no privacy issues with regards to overlooking of existing rooflights in neighbouring roofs. A glazed privacy screen is also proposed, which can be conditioned as part of an approval.

6.5.6 Daylight and Sunlight

95 According to the submitted Daylight and Sunlight Study, all main habitable room windows of neighbouring properties pass the Vertical Sky Component test with the exception of the two windows in the north elevation of 9 Havelock Walk and two windows at first floor on the front elevation of 24 Havelock Walk.

96 The BRE guide states that sunlight availability may be adversely affected if the centre of the window receives less than 25% of annual probable sunlight hours between 21st September and 21st March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of the annual probable sunlight hours.

97 The two windows in the north elevation of 9 Havelock Walk provide daylight and outlook to two bedrooms and directly overlook the subject site. The proposed development would be set back 2.2m from this elevation at first and second floor, allowing the existing windows limited continued access to daylight. The BRE guide acknowledges that where existing buildings are sited close to a common boundary, as with No.9, a higher degree of obstruction to these windows is unavoidable.

98 The two bedroom windows marked window 38 and 39 in the submitted Daylight and Sunlight Study achieve ratios of 0.35 and 0.25 respectively. The submitted Daylight and Sunlight Study acknowledges that the rooms these two windows service do not pass the daylight distribution test. However, the BRE guide explains that daylight in bedrooms is less important than in other habitable rooms such as kitchens and living rooms. The BRE guide is intended to be used flexibly, particularly in urban locations.

99 The two windows at 24 Havelock Walk fall marginally short of the BRE recommendations, according to the submitted report, achieving 0.73 and above. All windows which face within 90 degrees of due south have been tested for direct sunlight. All main habitable room windows pass both the total annual sunlight hours test and the winter sunlight hours test. Therefore the proposed development satisfies the BRE direct sunlight to windows requirement.

100 The majority of windows tested meet or surpass the BRE advisory criteria. Whilst four windows do not meet the recommendations, the results are not unusual in the context of an urban location. Natural lighting is only one of a number of factors in site layout design. The planning authority must therefore balance daylight and sunlight considerations against all other material planning considerations. In this instance, the two windows at No.9 and the two at No.24 fall marginally short of the BRE recommendations; however, as the majority of the windows tested meet or surpasses the BRE numerical recommendations, the proposed development is considered to be acceptable in terms of the impacts to neighbouring properties.

6.5.7 Noise and disturbance

101 DMP 26 seeks to ensure new noise-generating or noise-sensitive developments are suitably located and designed to minimise noise and vibration disturbance.

102 No harm is likely to arise from the introduction of four residential units in a residential area in terms of noise and disturbance.

103 Concerns have been raised by neighbours on the impact of construction noise and disturbance to living conditions. Construction noise and the hours noisy works can be carried out is controlled by separate legislation (s.60 of the Control of Pollution Act 1974) and an informative is recommended to draw the applicant's attention to this. An informative encouraging the applicant to sign up to the Considerate Constructors Scheme is also proposed.

6.5.8 Impact on neighbours conclusion

104 The proposed development would have an acceptable impact in terms of daylight, sunlight, privacy, outlook and noise impact upon the neighbouring properties, having regard to the tight knit urban context.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

105 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. The NPPF requires planning policies to be consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

106 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

107 For schemes of this scale, sustainability requirements have been absorbed into Building Regulations meaning the applicant does not have to comply with any particular sustainability requirements at this stage of the development process.

7 LOCAL FINANCE CONSIDERATIONS

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

- 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
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

110 The CIL is therefore a material consideration.

111 £23,128.05 Lewisham CIL and 15,896.06 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

112 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability,

gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 113 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and persons who do not share it.
- 114 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 115 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 116 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 117 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 118 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality to any person.

9 HUMAN RIGHTS IMPLICATIONS

119 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

Right to a fair trial

Right to peaceful enjoyment of your property

Respect for your private and family life, home and correspondence

120 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

121 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

122 This application has the legitimate aim of providing a new building with employment and residential uses. The rights potentially engaged by this application, including Respect for your private and family life, home and correspondence are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

123 This application has been considered in the light of policies set out in the development plan and other material considerations.

124 The proposed scheme presents several planning merits: 1) the re-provision of high quality employment space, 2) the provision of four new, 1b2p dwellings, 3) provision of a mixed use building in a sustainable urban location with good access to public transport and local services and amenities, 4) the proposal respects and enhances the character, appearance and use of properties in Havelock Walk and the wider conservation area. Substantial weight is given to these merits.

125 Officers considered that the proposal would result in some loss of daylight to windows at No.9 and No.24 Havelock Walk. However, the weight attributed to this harm does not outweigh the benefits of the scheme.

126 For these reasons, it is recommended that the development is approved.

11 RECOMMENDATION

1 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2) APPROVED PLANS

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

P-00-D-013; E-W-D-019; Rear 3D View; 3D View of stairwell; E-E-D-018; P-Si-D-010; Transport Statement; Daylight and Sunlight Study. (Received 8th February 2019)

E-W-D-019 Rev.C; X-BB-D-021 Rev.C; X-DD-D-023 Rev.B; P-01-D-014 Rev.C; E-E-D-018 Rev.C; P-03-D-016 Rev.C; P-Si-D-010 Rev.B; P-02-D-015 Rev.C; P-00-D-013 Rev.B; X-AA-D-020 Rev.A; P-Si-D-011 Rev.C; P-03-D-016 Rev.C (Received 25th April 2019)

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local Planning Authority.

3) CONSTRUCTION MANAGEMENT PLAN

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) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process.
- (d) 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.
- (e) Security Management (to minimise risks to unauthorised personnel).

- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).
- (g) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process. The development should not be carried out other than in accordance with the approved construction management plan.

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) PARKING PERMITS

Before the development hereby permitted is occupied arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone.

Reason: To ensure the development remains car-free and complies with Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2016), Policy 14 – sustainable movement and transport of the Core Strategy (2011)

5) DESIGN QUALITY – MATERIALS

No development **above ground** shall commence on site until a detailed schedule and specification of all external materials and finishes/windows and external doors/roof coverings to be used on the building (including the access gate) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

6) ROOF TERRACE LANDSCAPING

- (a) A scheme of soft landscaping for the roof terrace including details of proposed plant numbers, species and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

- (b) All planting and seeding shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

7) FITTING OUT OF COMMERCIAL SPACE

(a) Prior to completion of the works above ground level, plans (1:50 scale) with details showing the physical fit out, including but not limited to floor finish, ceilings, ventilation, sanitary ware and entrances for the commercial space hereby approved shall be submitted to and approved in writing by the local planning authority.

(b) The development shall be constructed in full accordance with the approved details, before first occupation and maintained for the life of the development.

Reason: To ensure that the fit-out of the commercial spaces is sufficient to ensure that they are an attractive and commercially viable option and to demonstrate the developers commitment to delivering the commercial space as part of this development in accordance with Core Strategy Policy 5 Other employment locations (June 2011) and Development Management Local Plan (November 2014) DM Policy 11 Other Employment Locations

8) PRIVACY SCREEN

(a) Details of the proposed roof terrace glazed privacy screen shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) The approved privacy screen shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 9) (a) The development shall be designed to incorporate soundproofing of a specification for sound insulation against airborne noise not less than 55 for walls and/or ceilings where residential parties non domestic use shall be submitted to and approved in writing by the local planning authority.
- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

11.2

INFORMATIVES

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.

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.