

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY 1 DECEMBER 2011 TIME 7.30 PM**

PLACE: **ROOM 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

Bell (Chair)

Beck

Davis

Feakes

Folorunso

Harris

Ibitson

Long

Nisbet

Paschoud

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Barry Quirk
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday 22 November 2011**

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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 1 DECEMBER 2011

Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

Personal interests

There are two types of personal interest :-

- (a) an interest which you must enter in the Register of Members' Interests*
- (b) an interest where the wellbeing or financial position of you, (or a "relevant person") is likely to be affected by a matter more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

*Full details of registerable interests appear on the Council's website.

("Relevant" person includes you, a member of your family, a close associate, and their employer, a firm in which they are a partner, a company where they are a director, any body in which they have securities with a nominal value of £25,000 and (i) any body of which they are a member, or in a position of general control or management to which they were appointed or nominated by the Council, and (ii) any body exercising functions of a public nature, or directed to charitable purposes or one of whose principal purpose includes the influence of public opinion or policy, including any trade union or political party) where they hold a position of general management or control

If you have a personal interest you must declare the nature and extent of it before the matter is discussed or as soon as it becomes apparent, except in limited circumstances. Even if the interest is in the Register of Interests, you must declare it in meetings where matters relating to it are under discussion, unless an exemption applies.

Exemptions to the need to declare personal interest to the meeting

You do not need to declare a personal interest where it arises solely from membership of, or position of control or management on:

- (a) any other body to which you were appointed or nominated by the Council
- (b) any other body exercising functions of a public nature.

In these exceptional cases, unless your interest is also prejudicial, you only need to declare your interest if and when you speak on the matter .

Sensitive information

If the entry of a personal interest in the Register of Interests would lead to the disclosure of information whose availability for inspection creates or is likely to create a serious risk of violence to you or a person living with you, the interest need not be

entered in the Register of Interests, provided the Monitoring Officer accepts that the information is sensitive. Where this is the case, if such an interest arises at a meeting, it must be declared but you need not disclose the sensitive information.

Prejudicial interests

Your personal interest will also be prejudicial if all of the following conditions are met:

- (a) it does not fall into an exempt category (see below)
- (b) the matter affects either your financial interests or relates to regulatory matters - the determining of any consent, approval, licence, permission or registration
- (c) a member of the public who knows the relevant facts would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

Categories exempt from being prejudicial interest

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

Effect of having a prejudicial interest

If your personal interest is also prejudicial, you must not speak on the matter. Subject to the exception below, you must leave the room when it is being discussed and not seek to influence the decision improperly in any way.

Exception

The exception to this general rule applies to allow a member to act as a community advocate notwithstanding the existence of a prejudicial interest. It only applies where members of the public also have a right to attend to make representation, give evidence or answer questions about the matter. Where this is the case, the member with a prejudicial interest may also attend the meeting for that purpose. However the member must still declare the prejudicial interest, and must leave the room once they have finished making representations, or when the meeting decides they have finished, if that is earlier. The member cannot vote on the matter, nor remain in the public gallery to observe the vote.

Prejudicial interests and overview and scrutiny

In addition, members also have a prejudicial interest in any matter before an Overview and Scrutiny body where the business relates to a decision by the Executive or by a committee or sub committee of the Council if at the time the decision was made the member was on the Executive/Council committee or sub-committee and was present when the decision was taken. In short, members are not allowed to scrutinise decisions to which they were party.

Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 1 DECEMBER 2011

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 20 October 2011.

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Committee	PLANNING COMMITTEE (C)	
Report Title	114-116 MANOR AVENUE SE4 1TE	
Ward	Brockley	
Contributors	Jan Mondrzejewski	
Class	PART 1	Date 1 ST DECEMBER 2011

<u>Reg. No.</u>	DC/11/77746
<u>Application dated</u>	22/06/2011
<u>Applicant</u>	London & Quadrant Mrs C Unwin on behalf of London & Quadrant H.T
<u>Proposal</u>	The change of use of 114-116 Manor Avenue SE4 from a residential care home (Use Class C2) to a hostel (Sui Generis).
<u>Applicant's Plan Nos.</u>	Photograph, Site Location Plan & Existing Floor Plans.
<u>Background Papers</u>	(1) Case File - DE/98/C/TP (2) Adopted Unitary Development Plan (3) The London Plan
<u>Designation</u>	Adopted UDP – Existing Use

1.0 Property/Site Description

- 1.1 The application site comprises an adjoining mid terrace and end terrace house located at the junction of Manor Avenue and Geoffrey Road. The properties were constructed in c1880 and comprise three storeys and attic, the end terrace property (No 116) having a two storey plus basement entrance bay and side extension which appears contemporary with the property. A large part of the former gardens of the property is occupied by a 1970s block of flats known as Wadcroft Court together with a single storey commercial building at the rear of 114 which is accessed from Ashby Mews. The properties are located in the Brockley Conservation Area which is subject to an article 4 Direction. This restricts permitted development rights to front gardens and elevations of dwelling houses visible from the street.
- 1.2 The two properties are owned by Lewisham Council and leased to L&Q with only seven years of the lease remaining. The properties have been joined together and extensively modified to provide a group home. The premises, which are currently vacant, were until recently operated as a care home for mentally handicapped adults. This care home was managed by a Charity known as Aurora which specializes in the provision of care for this particular client group.

- 1.3 The side garden of the property contains a single storey building previously used for day centre activities in connection with the care home.

2.0 Planning History

- 2.1 Planning permission was granted in 1973 for the construction of a three storey block of 9 flats, 9 garages and 6 parking spaces in the rear garden of No 116 Manor Ave. This is the building fronting Geoffrey Road known as Wadcroft Court. Prior to this the garden of No 116 had been used for the repair and storage of motor vehicles. This non-conforming use appears to have been the cause of some nuisance to local residents and was the subject in 1971 of an enforcement notice requiring the closure of an unauthorised access onto Geoffrey Road. An appeal against the notice was dismissed in 1972.
- 2.2 In January 1982, planning permission was granted for the alteration and conversion of Nos 114 and 116 Manor Avenue to provide 1 three bedroom, 3 two bedroom and 2 one bedroom flats/maisonettes. This was followed in March 1982 by an application for the alteration and conversion of the building to a home for 15 mentally handicapped young people with accommodation for 4 staff. Condition 3 of this planning permission made it personal to the Aurora Project. The reason for this condition, as stated in the planning permission, was that the Council had had regard to the special circumstances of the case and wished to have the opportunity of exercising control over any subsequent use, in the event of Aurora vacating the premises, in the light of the Initial Development Plan for London and any other material considerations existing at this time.
- 2.3 In 1983, planning permission was granted for the erection of a two story extension at the rear of 114-116 Manor Avenue. In August 1988, planning permission was granted to the Aurora Charitable Trust for the erection of a single storey building in the garden of No 116 Manor Avenue for use as a day centre for up to 6 residents. As in the case of the change of use permission for 114-116 Manor Avenue, this permission was the subject of a planning condition making it personal to the Aurora Charitable Trust. A further condition prohibited use of the building for any purpose between the hours of 6.00pm and 8.00am.
- 2.4 When the home was established in the early 1980s there was a clear trend towards moving mentally handicapped young people out of large institutions and into smaller care homes in the community. The development at 114-116 was therefore part of this process and was regarded as progressive in its day. However, the trend is now towards smaller homes or independent supported accommodation where possible. In the many years of the home's existence, the mobility of some residents has also deteriorated. As it would be very difficult and expensive to upgrade accommodation on four floors in a Victorian house to modern mobility standards, Aurora, in consultation with residents of the home, took the decision to transfer the residents to more suitable accommodation. This process has now been completed and the property is vacant.

3.0 Present Application

- 3.1 The current application is for the change of use of 114-116 Manor Avenue SE4 from a residential care home (Use Class C2) to a hostel (Sui Generis). The applicant is London and Quadrant who are lessees of the Council with 7 years of their lease remaining.
- 3.3 It is proposed that the building will be used as a hostel to accommodate 12 young people nominated by the Council who have low or no support needs. The building will also have a resident caretaker, who will look after the building and test the alarm system. He/she will also monitor the behaviour of the residents and anyone causing damage or nuisance will be reported to L&Q's managing agents who will be Brent Community Housing.
- 3.4 The application is submitted with existing plans of the building. As there are no proposed changes to the building, the application is for a change of use only, and there is therefore no requirement to submit a design and access statement with the application. The property, which is arranged as a group home, is in very good condition and has been recently redecorated and provided with new appliances. This includes a fridge in every study bedroom.
- 3.5 The basement of No 116 houses a large kitchen dining area. The kitchen cupboards are lockable. The dining area has access to the rear garden via French doors. A basement bedroom in No 116 will be used as a communal study and provided with IT equipment. Existing office accommodation in the basement of No 114, which currently accommodates the caretaker (who has been moved into the property as a security measure), will be sealed and left unused. The ground floor of Nos 114 and 116 contains spacious communal living rooms. An existing bedroom in the side extension to No 116 will be used to accommodate the caretaker. This Ground floor has access to the rear garden via an external staircase. The first floor comprises 7 study bedrooms, each with fitted wardrobes and wash basin. These vary from 9.3 square metres to 10.74 square metres in size (excluding fitted units and chimney breasts). The second floor contains five study bedrooms of similar size to those on the first floor. The property has 5 bath/shower rooms with WCs in addition to 3 separate WCs and a laundry room. An existing self contained attic flat and office will be sealed off in view of the sub-standard staircase access to this part of the building.
- 3.6 The garden of the property, although much reduced by the building of Wadcroft Court in the 1970s is still of decent size and has been well maintained. It contains a large garden room which will be used as a bicycle store by residents of the proposed hostel. The garden room is largely screened from public view by the garden wall of the property which includes a pedestrian gate on to Manor Avenue.

4.0 Consultations and Replies

Neighbours & Local Amenity Societies etc

- 4.1 Letters were sent to 143 properties in the surrounding area, Brockley Society and local ward Councillors, as well as notices being displayed on site and in the local press.

Brockley Society

- 4.2 No reply.

Local Residents

- 4.3 40 replies were received from the occupiers of Nos 16, 19b, 36, 41, 49, 50, 51B, 53, 55B (FOMA), 56, 67, 68, 70, 73 (Lower Flat), 76, 76A, 76B, 76 Flat 3 (2 replies), 83A, 89 (Flat B), 92, 94, 96, 97, 98, 99 Basement Flat (2 replies), 101 (Flat 1), 103, 103 Flat 1 (2 replies), 103 (Flat 5), 106, 112 (Top Flat), 112, 112 (Landlord) Manor Avenue, 137, 155 Upper Brockley Road, 71, 108 Geoffrey Road objecting to the application for the following reasons:-

- 1) Manor Ave is one of the most sought after streets in the area and the proposed hostel would harm its attractiveness for family housing.
- 2) Manor Avenue is a mugging hot spot and the proposed hostel would increase the risk of this and other crime.
- 3) There is an over-concentration of hostels in the local area and the proposal would add to the cumulative negative impact of this form of use.
- 4) The application is lacking in detail and supporting documentation.
- 5) There is insufficient information on selection of tenants and management of the facility.
- 6) The application should be rejected as invalid due to lack of supporting information, particularly the lack of a Design and Access Statement.
- 7) Consultation with local residents has been insufficient.
- 8) Residents are opposed to the use of the property for ex-offenders, drug addicts and homeless people.
- 9) Hostels uses will destroy the sense of community which has been developed in the local area.
- 10) The applicants have attempted to force through a controversial proposal without consultation with residents.
- 11) Previously homeless people will need support and the use should not be permitted without evidence that they will get this.
- 12) As evidence of over provision of hostels in the area the following properties are cited:-

Brockley Lodge, 106 Upper Brockley Road
Rokey House, Upper Brockley Road
59a Lewisham Way
14 Coulgate Street
19-21 Breakspears Road
61 Breakspears Road
86 Breakspears Road
60 Adelaide Ave
66 Wickham Road
299-301 Brockley Road
209-211 Mantle Road
12 Tressillian Crescent
90-92 Tressillian Road

- 13) Most ex-offenders reoffend within 6 months despite all the resources and assistance given to them by public bodies.
- 14) An evaluation of Lewisham's policy of care in Brockley needs to be conducted, preferably by an outside and impartial agency.
- 15) The burden of policing and providing support for Hostel users in the local area is increasingly falling on Brockley residents rather than the police and social landlords who should be responsible.
- 16) Officers must be made more accountable to the electorate for issues surrounding hostels in the local area.
- 17) Hostel users are often left wandering the streets looking for easy pickings to fund their next hit or drink.
- 18) Known problems associated with hostels include anti-social behaviour, unsocial hours, police attendance and noise.
- 19) Existing hostel users regularly beg outside Brockley Station and Costcutter in Brockley Road.
- 20) The previously vulnerable residents of the building who never caused any nuisance were moved on a cold December day and their belongings dumped into a skip. Several respondents wanted to know what happened to the original residents.
- 22) Hostel uses should be sited in areas with the appropriate infrastructure eg Citizen Advice Bureaux, GPs, employment Agencies, Job Centres etc.
- 23) The application properties would be better used as much needed family accommodation.
- 24) Some homeless people have severe mental health difficulties which could make them a danger to the community.

- 25) The proposed use would give rise to increased traffic generation.
- 26) Residents passing the hostel would feel threatened by residents standing outside the entrance smoking.
- 27) Women living alone would be concerned if more male ex-offenders are moved into the area.
- 28) Hostels are alleged to be behind the regular drug dealing which occurs at the junction of Lewisham Way and Upper Brockley Road.
- 29) A further hostel would increase the transient population of the area and discourage investment to the detriment of the character of the Conservation Area.
- 30) The proposal would result in a loss of employment as the former care home provided employment for staff.
- 31) The development would jeopardise the letting of No 112 Manor Ave.
- 32) There is no plan for dealing with domestic waste and recycling at the premises.
- 33) The submitted plans show the old care home but not the way in which the building will be altered to accommodate the new use.

(Letters available to Members)

A local meeting in connection with the application was held at Lewisham Town Hall on 27th October 2011 at 7.00pm and a copy of the minutes is attached as an appendix.

Highways & Transportation

- 4.4 Unobjectionable in principle subject to suitable refuse storage/recycling arrangements and facilities for the secure dry storage of bicycles.

Strategic Housing

- 4.5 L&Q has been in discussion with Lewisham's strategic housing team about plans for the property since 2009. 114-116 Manor Avenue is owned by the Council and it granted London and Quadrant Housing Trust (L&Q) a 35 year lease of the property in 1983. The building was in use as a care home for people with learning difficulties, managed by a specialist provider, Aurora, until the service was decommissioned.
- 4.6 Following decommissioning of the service, Aurora notified L&Q that they intended to vacate the property so L&Q set about trying to find another use for the property for the remainder of the lease, in consultation with Lewisham's strategic housing team. This included contacting the Council's Supporting People team about an

alternative provider, other local housing associations, specialist agencies and co-ops.

- 4.7 L&Q eventually proposed that Brent Community Housing (BCH) manage the property providing homes for single people with 100% of nominations coming from the Council (with the exception of one existing co-op member who would live at the property as a “responsible tenant”). It was not intended that this would be “short term” accommodation. However given that it would be shared accommodation, this may not necessarily meet residents’ aspirations for the longer term and in the event their financial position improves, they may well choose to move on. L&Q would remain responsible for the day to day maintenance and major repairs for the property.
- 4.8 Strategic housing, in consultation with the Single Homeless Intervention and Prevention service (SHIP) confirmed that this type of accommodation would meet a strategic housing need for single households at risk of homelessness with low or no support needs. SHIP would identify a number of young people as prospective tenants without support needs, or in need of very limited floating support to help them with settling in to their new accommodation. Because the scheme comprises 12 bedspaces, SHIP will take great care when assessing the prospective tenants for their suitability, to make sure that the scheme does not become difficult to manage.
- 4.9 Strategic housing supports this application for a change of use. The proposals meet an identified housing need and make best use of the building for the remaining term of the lease. The lease ends in 2018 and to reconfigure the building would be extremely costly. L&Q would not wish to hand the property back to the Council before the end of the lease, as to do so would result in L&Q having to repay considerable grant funding that they received for the original scheme

5.0 Policy Context

The London Plan (July 2011)

- 5.1 Policy 3.9 Mixed and balanced communities - Strategic
- A Communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities’ sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment.
- B A more balanced mix of tenures should be sought in all parts of London, particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation.

5.2 Adopted Unitary Development Plan (Adopted July 2004)

In terms of the current application, Policy HSG 18 Special Needs Housing is considered the most relevant of the saved policies in the plan. For this reason it is stated in full.

'The Council will seek, in co-operation with other authorities and the voluntary sector, to provide a full and complementary range of short and long stay supported accommodation to ensure that proper provision is made for those who need accommodation with an element of social and/or health care in the Borough.'

'The Council will consider applications falling within classes C2 and C3 of the Use Classes Order on their merits and will expect schemes to:

- (a) meet a proven local need (for example by being within the approved forward plans of the relevant health and social service agencies);*
- (b) provide accommodation in a location and of a type that is well designed to meet the needs of the particular client group;*
- (c) include accommodation for any residential staff in accordance with the Council's normal standards for new residential accommodation;*
- (d) satisfy all the Council's criteria for new development as set out in this Plan.'*

'The Council welcomes applications from recognised organisations for accommodation for special needs groups, including for example, students, but is concerned to ensure that such schemes do not lead to a concentration of special residential uses within an established residential area.'

The 'reasons' for the policy state that the Council regards the following as constituting special needs housing for the purposes of this Plan:

- the frail elderly;
- the physically disabled;
- those with a learning Disability;
- those with a mental health problem;
- vulnerable young people and children leaving care;
- those with impaired sight or hearing.

The needs referred to above have been identified in the 1999 Lewisham Housing Needs Survey.

The 'reasons' for the policy go on to state that the Council's aim is to facilitate provision of a full range of accommodation with an element of social or medical care for those who demand it in Lewisham. The suitability of a site for the provision of special needs housing will be determined by factors such as the proximity of essential local shops and facilities within walking distance, easy access to public transport, and in some cases the topography of the site.

5.3 Core Strategy (Adopted June 2011)

Policy 1 Housing Mix and Affordability sets out the Councils strategy although it does not specifically address the issue of hostels and other forms of specialist

housing provision. For this reason policy HSG 18 Special Needs Housing of the adopted UDP has been retained as a saved policy.

6.0 Planning Considerations

- 6.1 The main planning considerations are;- (a) whether there is an over concentration of hostels in the Brockley area, giving rise to problems of noise, disturbance and anti-social behaviour, (b) the suitability of the building for use as a hostel, having regard to the proposed client group and (c) potential impact on on-street parking in the local area. If the proposed change of use is considered acceptable, then the issue of whether this should be subject to appropriate planning conditions to control or limit the use would need to be considered.

Hostel Distribution

- 6.2 Officers had looked at whether there might be a higher concentration of hostels in Brockley as opposed to other parts of the Borough. However, this does not appear to be corroborated by planning statistics. These show that hostel applications and applications for HMOs (which provide similar accommodation) make up only a small percentage of the total received by the Council. In addition to being rare, they also appear to be widely dispersed over the Borough's wards, with no evidence of any particular concentration in Brockley. Indeed, many wards outside Brockley have large hostel premises which are long standing, such as Ennersdale House in Lewisham Central.
- 6.3 Although planning statistics do not reveal planning permissions granted before the early 1990s or established uses which have never received planning permission, it is unlikely that these would add greatly to the total. While the list of alleged hostels in Brockley provided by objectors to the application indicates that the Brockley area has been researched in some detail for evidence of hostel operation, this would not indicate a concentration of hostels in Brockley without a similar survey of other wards in the Borough for purposes of comparison. Several of the addresses in question are in fact care homes rather than hostels, which fall into the C2 Use Class and the number likely to have been subject to complaints in relation to anti-social behaviour by residents is likely to be limited to a small number of the total.
- 6.4 Officers are also aware of several hostels in Brockley which have ceased in recent years and reverted to use as either C3 flats or houses. Hostels can also be occupied by a variety of different groups of people including students attending Goldsmiths College, which has a number of student halls of residence/hostels in the New Cross Area. A large hostel which formerly belonged to Goldsmiths is Pentland House in Lee. This is now managed as a private hostel where many of the current occupiers are migrant workers. Officers are not aware of any complaints from local residents with respect to these hostels. It therefore cannot be assumed that all hostel developments will inevitably give rise to nuisance.

Suitability of the Premises for Hostel Use

- 6.5 The property has undergone considerable modification to make it suitable for use as a group home and the work has been carried out to a very high standard. The rooms are of a good size for use as single study bedrooms and the communal areas are spacious and well equipped. The accommodation is well provided with bath/shower rooms and WCs. The building is also well maintained, has been recently redecorated and has an attractive rear garden, mainly to the rear of No 114. This has an ornamental pond and is equipped with picnic tables. There is therefore no doubt that the building is suitable for use as a hostel without the necessity for any adaptation whatsoever. However, the building has been so extensively modified in order to provide a group home that it would now require considerable investment in order to convert the properties back to two single dwelling houses or to self contained flats. Given the short period of the lease remaining before the property reverts to the Council, the lessee, is unlikely to be able to secure the necessary funding to implement any change and considers that the continuation of a group home use of some kind is therefore the only viable option.
- 6.6 The applicant and the Council's housing department also consider that finding a care home provider to continue the current C2 use would be difficult. As the experience with the Aurora Trust would tend to suggest, organisations which care for disabled and vulnerable persons no longer favour the group home model, although in their day they were a considerable improvement on the large institutional homes which preceded them. Moreover, the multiple change in levels within the building renders it unsuitable for disabled and elderly persons. For this reason it was considered that the property would lend itself well to accommodating single persons from the Council's waiting list.
- 6.7 In the case of the proposed hostel, the applicants have described the client group as young persons (aged 18-25) with low or no support needs. This would include students in full time education, training schemes and apprenticeships. While some of the proposed residents will be in employment others might be job seekers. Support needs would therefore vary between none at all to possibly help and advice with respect to finding employment and claiming benefits. Apart from the resident caretaker the young people would all be nominees of the Council. They would be either moving on from supported accommodation in Lewisham or would be people from Lewisham who are homeless or at risk of homelessness and who have low or no support needs but would benefit from a period in independent accommodation. They would therefore be persons for whom the Council has a responsibility to find accommodation. Recent changes to the housing benefit system also mean that single people under 25 can only receive benefit in respect of single room accommodation. In 2010 the current Government also made it possible for C3 dwelling houses to be altered to C4 HMOs without the need for planning permission, provided that the property was not occupied by more than 6 unrelated individuals. HMOs would, however, still need to be licensed by the Council. It is therefore likely that there will in future be increasing demand for single room hostel or HMO type accommodation to meet the needs of young single people not living with their family or relatives

- 6.8 The applicant's managing agents for the proposed development are Brent Community Housing, who manage other similar group homes. The management contract was subject to competitive tender. At the local meeting, BCH stated that they do not manage properties where residents require high levels of support due to diagnosed mental illness, drug or alcohol dependency. They do not possess the specialist skills necessary for dealing with these client groups and would therefore not have taken on the management of the accommodation if it had been intended for such persons. It is expected that the residents of the proposed hostel will be a cross-section of young people with no or low support needs as detailed above. Although there is no expectation that the residents will necessarily engage in anti-social behaviour, BCH will have a resident caretaker on the premises who would be responsible for reporting any incidents back to them so that appropriate action can be taken. As stated at the local meeting (see Appendix), this could result in the eviction of the individual in question if anti-social behaviour to other occupiers of the building or local residents can be shown. However, the main role of the caretaker is maintenance of the building and testing of alarm systems, given that BCH are not based in the Borough, rather than that a high possibility of anti-social behaviour by residents is anticipated.
- 6.9 According to BCH residents will be able to have visitors but are responsible for their behaviour. The rooms are intended for single occupation within the context of a communal household. The accommodation is therefore not suitable for couples, who would be encouraged to seek more suitable self-contained accommodation.

Impact on on-street parking

- 6.10 Residents of the proposed hostel will be young single people at the start of their careers. Giving the high costs associated with learning to drive and car ownership, it is expected that car ownership will be low or absent altogether. There is certainly no reason to suppose that it would be higher than that which would be generated by the conversion of these two large properties to self-contained flats. The Council does not require the provision of off-street parking in the case of residential conversion schemes. The previous use as a care home will also have generated vehicle movements to the locality by staff and visitors to the home. Again, there is no evidence that this is likely to be higher in the case of the proposed hostel use.

Planning Conditions

- 6.11 In considering the acceptability of the use, officers have given consideration to whether conditions could reasonably be imposed to ensure satisfactory operation of the use.
- 6.12 It is considered that a condition limiting the number of residents to 12 (in addition to a resident caretaker) should be imposed to prevent the likelihood of nuisance from the operation of the facility through more intensive occupation. The proposed number of residents is somewhat below the capacity of the building and involves rooms (such as the attic flat) being left unused.

- 6.13 The original permission for the use of these premises as a group home was subject to a condition which made it personal to the Aurora Charity. It is considered appropriate to impose a condition limiting the use to a Registered Social Landlord (RSL) such as a housing association, in order to ensure that should BCH relinquish the property, that the use could only be operated by an RSL rather than a private hostel operator.
- 6.14 At the local meeting there was discussion about the possibility of a temporary permission for a period of a year, effectively a 'trial period'. The remaining period of the lease is seven years and a short trial period is not considered reasonable as significant problems are not anticipated.

7.0 Consultations

- 7.1 The applicants arranged a public meeting on the application proposal which was delayed until 18th Sept to allow all ward Councillors to attend. The meeting was chaired by Cllr Wise, Chair of Housing, and there were presentations from the applicant and Lewisham strategic housing. A representative of the Aurora Charitable Trust was also present to explain the reasons why the care home had had to close and how the former residents were considered to be much better off in their new accommodation. Many residents attending the meeting complained that the format of the meeting gave them insufficient opportunity to question the speakers and felt the representatives of the managing agents ought to have been present.
- 7.2 A representative of the objectors to the application accompanied the planning officer on his inspection of the premises and put questions to the representative of Brent Community Housing who was present throughout the inspection.
- 7.3 A subsequent local meeting on 27th October was organised by the planning officer in accordance with the Council's Statement of Community Involvement. A representative of Brent Community Housing was present and there was ample opportunity for questions. Several objectors wrote in to say that they would not be attending the meeting as it indicated that officers were minded to recommend the application to the Planning Committee for approval rather than refuse it under delegated powers.

8.0 Conclusion

- 8.1 In view of the above considerations, officers consider that the proposal would enable a building capable of providing excellent accommodation for young single people to be brought into use. At the moment this valuable asset lies unused. Officers do not consider that all hostel uses give rise to nuisance and anti social behaviour and that the likelihood is that only a very small number of such uses actually give rise to any problems at all. Hostel applications are also comparatively rare within the Borough and there is no evidence of a concentration within the Brockley area.
- 8.2 In this case, nominations to the hostel will be made by the Council and the premises remain in the leasehold ownership of an RSL, with very experienced

managing agents in the form of Brent Community Housing, who propose to have a resident caretaker in place. The risk of a hostel of the type proposed giving rise to any incidents of anti social behaviour is therefore considered low and possibly no greater than with C3 in general.

- 8.3 Conditions are proposed which limit the operation of the hostel to a registered RSL and occupation of the hostel to 12 tenants who shall be nominees of the Council and a resident caretaker. A limited period permission is not recommended as the Council already has a great deal of control over the operation of the proposed use by virtue of being the agency (as housing authority) which will nominate the tenants occupying the building under one of the two recommended planning conditions. This coupled with the fact that the Council is also the freehold owner of the property and that the use of the premises will be limited to an RSL, provides, in the opinion of officers, sufficient safeguards to ensure trouble free operation of the premises. For this reason a limited period condition is considered unnecessary.

9.0 Summary of Reasons for Grant of Planning Permission

On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria, and is in accordance with Policy HSG 18 Special Needs Housing in the adopted Unitary Development Plan (July 2004).

And

It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Policy HSG 18 Special Needs Housing in the adopted Unitary Development Plan (July 2004).

10.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:-

- (1) The occupation of the hostel hereby approved shall be limited to not more than 12 tenants who shall be nominees of the Council and a resident caretaker appointed by the applicant or their agent.
- (2) PP2 Personal Permission – Housing Assn

Reason

- (1) In granting this permission the local planning authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over the intensity of occupation of the premises in the event of any change and in the light of any material considerations existing at the time.

APPENDIX

114-116 Manor Avenue, Application No 11/77746

Minutes of Local Meeting

Held at Lewisham Town Hall on 27th October 2011 at 7.00pm

The meeting was attended by:

Cllr Darren Johnson (Chair)

Jan Mondrzejewski (Planning Case Officer)

Wendy Angell (L&Q)

Sonia Bernard (L&Q)

Rose Tudor (Brent Community Housing)

8 residents representing Nos 94, 98 & 112 Manor Ave, No 71 Geoffrey Rd and No 55 Breakspears Rd.

Apologies

Cllr Obajimi Adifiranyi

Cllr Vicky Foxcroft

Cllr DJ welcomed everyone to the meeting and explained that the intention was to address peoples concerns about the application rather than to determine it. Given the number of objections to the proposal, the scheme can only be approved by the Planning Committee.

JM explained the parameters for making decisions under delegated powers. In cases where there are more than 10 objections, any report to Committee recommending approval must be preceded by a local meeting. The decision in this case on whether or not planning permission is approved or refused will therefore rest with the Planning Committee. Both the applicant and representative of the objectors will each have five minutes to address the Committee before the decision is made.

JM was asked about how frequently officer recommendations were overturned by the Committee. He replied that while the majority of decisions follow the officer recommendation this is not always the case and he cited the example of an application for the use of the former social club premises at 60 Manor Avenue as a day nursery. In this case the Council decision to refuse permission was upheld on appeal and the property is now in the process of being restored to its original use as a large residential dwelling. Cllr DJ pointed out that in this case the Committee asked for the consideration of the application to be deferred to enable a site visit by Members to be arranged.

In deciding not to refuse permission under delegated powers, officers had looked at whether there might be a higher concentration of hostels in Brockley as opposed to other parts of the Borough. However, this does not appear to be borne out by planning statistics. Hostel applications tend to be rare and widely dispersed over the Borough's wards, with no evidence of any concentration in Brockley. Indeed, some hostels such as Ennersdale House in Lewisham Central are much larger than any facility in Brockley. Officers are also aware of several hostels in Brockley which have

ceased in recent years and reverted to C3 flats or houses. Others described by residents as hostels are actually care homes, while many buildings operated as hostels are not linked to any evidence of anti-social behaviour.

One resident of Manor Avenue stated that the main concern was the fact that the proposed use would detract from the character of the area and discourage family occupation, which was currently quite high. Residents were also concerned that the premises were not detached, would have no effective caretaker or any means for residents to report any anti-social behaviour which might be linked to residents of the proposed hostel, particularly when this occurs 'out of hours'.

SB of L&Q stated that the hostel was intended for 12 young people (18-25) nominated by the Council from its own waiting list with no or low support needs. They were therefore not a client group where there would necessarily be a high risk of anti-social behaviour. As L&Q's lease expires in 2018 and the premises had been extensively modified for use as a group home, this was considered the only viable use for the building in the short term. SB explained that Brent Housing was selected to manage the proposed facility following a tendering process because they have extensive experience of managing similar accommodation. RT of Brent Housing stated that no residents are being imported from Brent and that they do not manage properties where residents have mental health problems or challenging behaviour. All prospective tenants would be assessed by Lewisham to ensure that there were no underlying problems and no person with a known history of risk to others would therefore be accommodated. The tenancies would be assured shorthold ones and could be terminated if residents were found to be responsible for anti-social behaviour.

One resident raised the issue of a particular hostel in Breakspears Road where residents frequently indulge in anti-social behaviour such as begging, verbal abuse, exposure and urination in public. He asked if repeatedly calling someone a 'fat slag' as they passed the building would be regarded as anti-social behaviour. RT said that this was anti-social behaviour and would not be tolerated. The tenant responsible for such behaviour would therefore be evicted. This process would start with the service of an eviction notice on the tenant and allowing for court action the eviction could take between a few weeks and 3 months. Tenants may also be evicted for rent arrears. Although the evictions are undertaken by L&Q, Brent Housing as managing agents clearly have a say in the process.

JM pointed out that not all hostels in the area give rise to nuisance and that there could not therefore be a presumption that the proposed hostel would.

One resident who had worked with people with mental health problems, stated that while a supported unit, was unlikely to give rise to problems, unsupported hostels were generally a 'revolving door' leading back to the institution from which the person had originally come.

One resident wanted to know why the previous Care Home use could not be maintained. This had been addressed in some detail at the previous public meeting at Lewisham College which was attended by the Aurora Charitable Trust which ran the home. SB explained that care for mentally ill had moved away from the group

home model. All former residents of Avalon House had been found more suitable accommodation and there was now unlikely to be any strategic need for the use of the building by a similar client group.

One resident asked why, if there is little or no risk of anti-social behaviour from tenants, a caretaker is being employed. On the nature of the caretakers role, RT stated that because they were not based in the Borough, effective management required a representative on site. However, the caretaker's role was not restricted to looking after the building and its alarm systems, instances of anti-social behaviour and noise would be recorded and reported to Brent Housing for action.

On the reporting of anti-social behaviour, residents would have to use their discretion as to whether the best agency to deal with the matter, should it arise, is the Police or the noise enforcement section of the Council's Environmental Health Department. However, if residents believe the incident is linked to a tenant of Avalon House, RT was happy for the incident to be reported to her directly (preferably before 10.00pm) and she would do her best to resolve the matter. RT distributed her card with contact details to residents attending the meeting.

RT stated that Brent Community housing had been in existence for 35 years and had a great deal of experience at managing short life accommodation and hostels. They do not generally have problems with the accommodation which they manage.

JM stated that he had visited the property with John Morgan (representing the objectors to the application). The premises have been recently redecorated and are in excellent condition. The bedrooms and communal areas are spacious and well equipped and there is an attractive rear garden. It is not proposed to use the attic accommodation in the building due to the fact that the access does not meet current fire safety guidance. The proposed caretaker of the building is currently in residence in order to provide security. However, no residents will move in unless planning permission is granted.

The rooms are for single occupancy and will be provided with single beds. Residents will be permitted to have visitors but will be responsible for their behaviour.

On Planning conditions which might be applied to a planning permission for the proposed hostel, JM stated that the following would be considered reasonable in the light of Government Advice as set out in Circular 1/95:

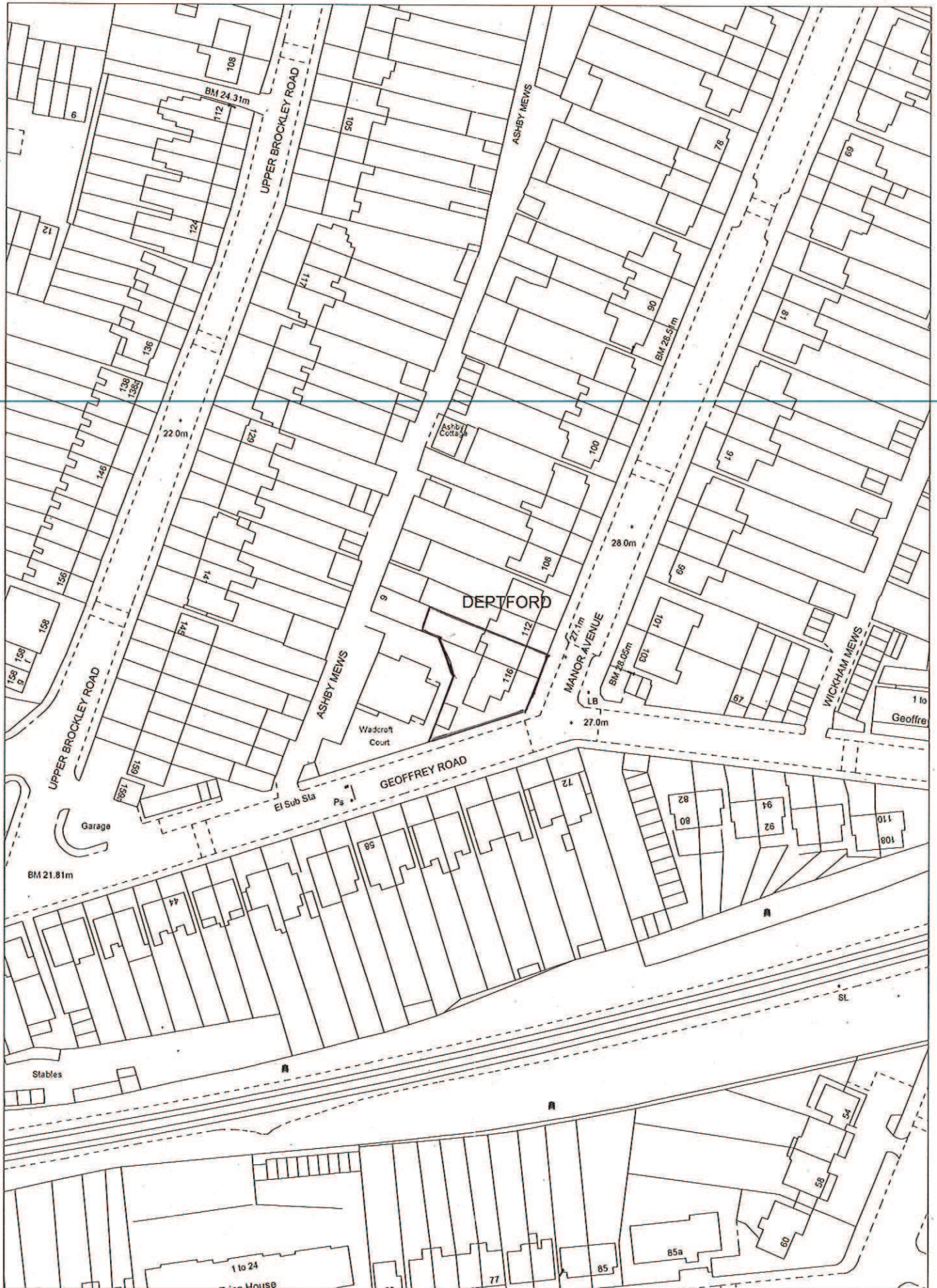
1. Limit on Maximum number of residents (12 nominations by Council plus caretaker employed by managing agents).
2. Managing agent should be Brent Housing unless the Council as local planning authority agrees in writing to any variation.
3. The permission could be time limited, say one year, in order to allow the application to be assessed at the end of that period to ensure that operation was trouble free. If not, the Council as local planning authority would be able to seek measures to improve operation of the hostel so as to reduce any

identified nuisance. Renewal of the planning permission could also be on a similar limited period basis.

JM stated that as conditions can be appealed it was important to get the agreement of the applicant at the outset. 3 could be onerous for the applicant as it would mean reapplying for planning permission after only one year of operation. However, residents stated that if permission was to be granted, they would require some assurance that they could have any complaints about it's operation raised with the Council while there were still several years of the lease remaining. SB stated that she was not opposed in principle to a limited period condition provided everyone appreciated that at this stage the premises would be occupied making cessation of the use in a short time scale difficult. JM considered that it was more likely in this case that ways of dealing would issues of nuisance, rather than refusal of planning permission would be considered.

The meeting ended at 8.30pm.

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Committee	PLANNING COMMITTEE (C)	
Report Title	LAND TO THE REAR OF 201 SYDENHAM ROAD SE26 5HF	
Ward	Sydenham	
Contributors	Gemma Barnes	
Class	PART 1	Date: 1 st DECEMBER 2011

<u>Reg. No.</u>	DC/10/76104 as revised
<u>Application dated</u>	29.11.2010 as revised on 07.12.10, 01.02.2011, 16.02.2011, 26.05.2011, 06.10.11 and 17.10.11
<u>Applicant</u>	Direct Planning on behalf of Mr E O'Hara
<u>Proposal</u>	Demolition of the existing buildings and construction of a three storey building, incorporating balconies on land to the rear of 201 Sydenham Road SE26 (off Laurel Grove), comprising 1 one bedroom self-contained flat, 1 one bedroom maisonette and 1 three bedroom maisonette, the provision of a car repair workshop with office, together with associated landscaping, refuse store and 3 car parking spaces.
<u>Applicant's Plan Nos.</u>	DP/1468/DN/5B, DP/1468/DN/6B, DP/1468/DN/7A, DP/1468/DN/8B, DP/1468/DN/9B, Design & Access Statement, Overlooking Adjoining Development Assessment, Daylight/Sunlight Study, Material Board, CGI's x 2, Un-numbered Site Location Plan and Un-numbered Block Plan.
<u>Background Papers</u>	<ol style="list-style-type: none"> (1) Case File - LE/180/201/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents – specifically Core Strategy (June 2011) (4) The London Plan (July 2011) (5) PPS1: Delivering Sustainable Development (2005) (6) PPS1 Supplement – PPS: Planning and Climate Change (2007) (7) PPS3: Housing (2003) (8) PPS4: Planning for Sustainable Economic Growth (2009) (9) PPS4 Supplement – Planning for Town Centres: Practice Guidance on Need, Impact and Sequential Approach (2009) (10) PPS22: Renewable Energy (2004) (11) PPG24: Planning and Noise (12) The Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes (2008) (13) Planning and Access for Disabled People – A

- Good Practice Guide (2003)
- (14) Circular 11/1995 – The Use of Conditions in Planning Permissions
 - (15) Circular 05/2005 – Planning Obligations & Community Infrastructure Levy Regulations 2010

Designation

PTAL3, Strategic/District Centre Boundary/Not Conservation Area/Not Listed

Screening

Given the nature of the application, Officers have considered whether the application falls within the thresholds for development being potentially EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Though the application is an 'urban development project', falling within paragraph 10 of Schedule 2 of the Regulations, it is 0.03h (292.2 sqm) in area and below the indicative threshold of 0.5h for applications potentially being EIA development within the regulations. Though that threshold is indicative, other matters must also be considered as to whether the proposals fall within the regulations.

In this regard, particular consideration has been given to the extent to which the site may be contaminated and the extent that the proposal may have significant noise, air pollution or traffic impact and whether it would have a significant visual, or amenity impact.

In combination with the size of the site, Officers have concluded that the proposal does not give significant rise to these matters and that the development proposal does not fall within the thresholds for which EIA screening is normally required. As such, Officers are satisfied that the applicant need not undertake a Screening Opinion and the Council has not issued an Opinion in this regard.

Any issues arising from the development can be satisfactorily addressed through the submission of technical reports that have been submitted as part of the application or as required by the recommended conditions.

1.0 Property/Site Description

- 1.1 The application site lies at the rear of premises on Sydenham Road, with a fairly narrow frontage onto Laurel Grove. It is a relatively narrow plot measuring

approximately 7.4m wide onto Laurel Grove, widening slightly to 8.3m at its widest point and then reducing to 5.0m towards the rear of the site.

- 1.2 The site is deep measuring approximately 43m. The site is currently occupied by a single storey car repair garage towards the Laurel Grove frontage. The rear of the site is overgrown.
- 1.3 The site has a very close relationship with Peartree House, a large L-shaped residential care home adjoining the site immediately to the west and southwest. Peartree House is four storey's in height and the closest elevation of the rear part of the block is only 5.7m from the shared boundary.
- 1.4 The general land level is rising towards the north so that Laurel Grove is at least one storey height higher than Sydenham Road. This change in level is most noticeable in the rear car park of Peartree House, which is set some 3.0m below the road level of Laurel Grove, with a substantial retaining wall along the northern boundary of the site.
- 1.5 To the south of the application site, on the Sydenham Road frontage is a property at 201 Sydenham Road, which is in use as a dentists practice. The site of 201 Sydenham Road has a very shallow depth, barely exceeding the rear building line of the front part of Peartree House.
- 1.6 Church Court, 203-209 Sydenham Road is the next property to the east. This is a residential block fronting Sydenham Road with vehicle access to the rear from Laurel Grove. The site of Church Court extends to the rear Laurel Grove boundary, narrowing slightly towards the northern end alongside the application site.
- 1.7 To the east of Church Court is Sydenham Methodist Church, which fronts Sydenham Road almost opposite the traffic light junction with Kent House Road. this site also extends to Laurel Grove.
- 1.8 On the north side of Laurel Grove are the backs of two storey residential development that form part of the Hazel Grove housing estate. These properties have back gardens which open onto Laurel Grove. These properties are designed so that both the front and rear gardens face onto public highway/open space. Many of the properties have small outbuildings/sheds on the rear boundary. The distance between the front of the application site and the rear elevations of these dwellings is 20m. Beyond the two storey houses are taller tower block apartments.
- 1.9 There are two development sites further along Laurel Grove. The first being land to the rear of 215 Sydenham Road where a row of garages has been demolished to facilitate temporary access into the rear of 215 Sydenham Road. It is anticipated that this site may come forward for residential development.
- 1.10 The second being redevelopment of 6-7 Addington Grove (which also fronts Laurel Grove). This site will provide 16 residential units comprising a part 2/part 3 storey building to provide 2 one bedroom and 9 two bedroom self-contained flats, fronting Addington Grove and 1 one bedroom bungalow and 4 three bedroom, two storey houses, fronting Laurel Grove. This development has commenced.

2.0 Planning History

2.1 The existing single-storey repair garage building probably dates from the 1960s and is in generally poor condition.

2.2 On 2 June 2004, the Council refused planning permission for the demolition of the existing workshops on the site at Laurel Grove, rear of 201 Sydenham Road and the construction of a five storey building, incorporating roofspace, to provide 7 two bedroom, self-contained flats and 1 three bedroom, self-contained maisonette, together with associated landscaping, provision of a car parking space for the disabled and 9 cycle spaces (DC/04/56498). The reasons for refusal were as follows:-

- (1) The proposed building due to its overall height, bulk and proximity to Peartree House represents an obtrusive form of development detrimental to the amenities of neighbouring residential occupiers in Peartree House in terms of loss of sunlight and outlook contrary to policies BLT.ENV 1: Urban Design, HSG 18 Residential Environment of the Adopted Unitary Development Plan and policies URB 2: Urban Design, HSG 3 Residential Amenity of the Revised Deposit Draft Unitary Development Plan (August 2001).
- (2) The proposed building due to its overall height and bulk represents an obtrusive form of development detrimental to the street scene in Laurel Grove contrary to policy BLT.ENV 1: Urban Design of the Adopted Unitary Development Plan and policy URB 2: Urban Design of the Revised Deposit Draft Unitary Development Plan (August 2001).
- (3) The proposed development is of insufficient design quality for this location as the front façade does not relate well to the street and does not present an active frontage to Laurel Grove, to the detriment of the visual amenities and character of the locality contrary to Policies BLT.ENV 1: Urban Design and HSG 18: Residential Environment in the Council's Adopted Unitary Development Plan and URB 2 Urban Design, HSG 3 Residential Amenities and HSG 4 Layout and Design of New Residential Development of the Revised Deposit Draft Unitary Development Plan (August 2001).
- (4) The layout provides substandard accommodation for the occupiers of the proposed building, particularly the ground floor and lower ground floor units, by virtue of overlooking and lack of privacy in relation to the adjoining access road to Church Court, contrary to policies BLT.ENV 1: Urban Design, HSG 18 Residential Environment of the Adopted Unitary Development Plan and policies URB 2: Urban Design, HSG 3 Residential Amenity of the Revised Deposit Draft Unitary Development Plan (August 2001).
- (5) The proposal contains limited on-site parking and this is likely to encourage additional on-street car parking demand in Laurel Grove, which could be detrimental to the free flow and safety of traffic, contrary to policy TRN 22 Parking Control - General of the Adopted Unitary Development Plan and policy TRN 27 Car Parking Standards of the Revised Deposit Draft Unitary Development Plan.

- 2.3 On 1st June 2006, the Council refused planning permission for the demolition of the existing workshops, on brownfield site located on the south side of Laurel Grove, rear of 201 Sydenham Road and the construction of a four storey building with balconies, comprising 3 one bedroom and 2 two bedroom flats, together with associated landscaping (DC/06/61733). The reasons for refusal were:-
- (1) The proposal would result in the loss of an employment use that the Council considers is worthy of retention, contrary to Policy EMP 4 Employment Sites outside Defined Employment Areas in the adopted Unitary Development Plan (July 2004).
 - (2) The proposed building, by reason of its overall height and bulk, represents an obtrusive form of development, detrimental to the street scene in Laurel Grove, contrary to Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
 - (3) The layout provide substandard accommodation for the occupiers of the proposed building, particularly the ground floor, by virtue of overlooking and lack of privacy in relation to the adjoining access road to Church Court, contrary to Policies URB 3 Urban Design and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- 2.3.1 The subsequent appeal was dismissed by the Planning Inspectorate on 16 January 2007. The Inspector considered that the main issues were loss of an employment use, impact of the scale of the building on the street scene, impact on adjoining sites and adequacy of living conditions for future residents.
- 2.3.2 On the employment issue, he considered that the fact that there was an existing employment use and that there was no clear indication that it was to cease, was in itself enough to demonstrate conflict with policy EMP 4 Employment Sites outside Defined Employment Areas.
- 2.3.3 The appeal Inspector was mindful of the fact that the site is very narrow and is overlooked on three boundaries (from Laurel Grove to the north, Peartree House to the west and the access on the east side to the residential Church Court development) and that these factors would thereby impose significant design constraints.
- 2.3.4 The applicant submitted at appeal stage two different versions of the outline permission, with one being a 3 storey scheme which came out further towards Sydenham Road. Whilst the Inspector concluded that this scheme would be low enough to fit in with the street scene, its 'overlap' with Peartree House would result in unacceptable levels of overlooking and loss of privacy; the alternative, to maintain privacy by the use of opaque glazing would be likely to result in substandard living conditions for future residents.
- 2.3.5 The Inspector also commented on the original 4 storey outline scheme. He concluded that this would not overlap the back of Peartree House and overlooking would be less of a problem. "However, this would only be achieved by the use of a higher building, of four storeys plus a roof zone: a building of that height, effectively filling this very restricted site from side to side in a frontage of lower properties and next to the open area behind Peartree House, would constitute an

incongruous feature that would be detrimental to the appearance of the street scene.

2.3.6 Overall, the Inspector was not persuaded that it would be possible to provide the number of units on this site in a way that would not constitute overdevelopment. Indeed, he states that, from the submitted schemes, "it is difficult to see how even a satisfactory cycle store could be provided as part of the proposal in line with Council policy. He therefore concluded that the proposed development would conflict with UDP policies URB 3 Urban Design & HSG 4 Residential Amenity.

2.4 In December 2007, a further planning application was submitted to the Council. The description of development was for the construction of a three storey building, incorporating balconies, on land to the rear of 201 Sydenham Road, comprising a four bedroom house and a workshop with associated office and 2, one bedroom, self-contained flats, together with associated landscaping and provision of a refuse store and 4 car parking spaces (DC/07/67646). This application was Withdrawn.

2.5 On 19th June 2009 the Council refused planning permission for the construction of a three storey building, incorporating balconies at first floor level, on land to the rear of 201 Sydenham Road SE26, comprising 1, two bedroom, self-contained flat and 2, two bedroom maisonettes and provision of a workshop with office, together with associated landscaping, provision of a refuse store and 3 car parking spaces (DC/09/71404). The reasons for refusal were:-

- (1) The proposed building, by reason of its overall height, bulk, depth and blank side elevations, represents an obtrusive form of development detrimental to the street scene in Laurel Grove, contrary to policy URB 3 Urban Design of the adopted Unitary Development Plan (July 2004).
- (2) The layout provides substandard accommodation for the occupiers of the proposed building, particularly the ground floor, by virtue of overlooking and lack of privacy in relation to the adjoining access road to Church Court, contrary to policies URB 3 Urban Design and HSG 4 Residential Amenity of the adopted Unitary Development Plan (July 2004).
- (3) The proposed car parking arrangements would have a significant impact on existing parking provision on the adjoining site at Church Court, to the detriment of residents living in the block, contrary to policy HSG 4 Residential Amenity of the adopted Unitary Development Plan (July 2004).

2.5.1 Although this application was refused the Officer's report stated *"The applicant's submission on employment issues is considered reasonable and, if all other elements of the scheme were acceptable, then it would seem appropriate to consider a mechanism to ensure that the existing occupier is retained post-development. The proximity to Peartree House is considered reasonable, and distances to Church Court appear adequate to preclude direct overlooking or loss of privacy, despite the changes of level between the buildings. However, the detailed planning of the development is still regarded as sub-standard. Although a three-storey building could possibly be fitted on to the site, it is considered that the applicant has not demonstrated a high enough standard of development to justify a grant of permission. This is evidenced by the poor arrangements of accommodation, particularly on the ground floor where both bedroom windows*

face directly onto the site boundary and would need to be fixed shut to meet Building Control Regulations. The bulk and blank nature of the side elevations would also lead to a building that was visually obtrusive in the street scene”.

- 2.5.2 Taking account of the Officer’s comments above, the Applicant felt that it could be possible in principle to provide a three storey mixed use development on this site subject to a high quality design, good internal layout and appropriate parking arrangements.

3.0 Current Planning Applications

3.1 The Proposals

- 3.2 As originally submitted this application proposed the construction of a four storey building to accommodate 2 x one-bedroom flats, 1 x one-bedroom maisonette and 1 x three-bedroom maisonette together with the provision of a car workshop and office.

- 3.3 Officers raised concern with the application. Specifically the applicant was advised that the proposed development was considered to be an overdevelopment of the site. It was recognised that in overshadowing terms the impact would have been minimal as demonstrated in the daylight/sunlight study. However, Officers felt that there would have been an unacceptable overbearing impact and increase in overlooking from the four storey development. It was further felt that four residential units was excessive for the site and finally the second floor rear balcony would have caused an unacceptable level of overlooking and disturbance for residents of Peartree Lodge.

- 3.4 The applicant was advised that, in order to address the concerns of Officers the development proposal for this site would need to be reduced/scaled down. Officers advised the applicant to reduce the number of units overall and reduce the physical form by removing Unit 4 on the second floor and deleting this section of the building. This would result in the building stepping down in height towards the rear to a maximum of three floors (including the lower ground floor level). Officers further advised that the balcony for Unit 3 should be removed.

- 3.5 In light of the comments above the applicant sought to amend the proposal by way of the omission of the one bedroom flat on the second floor level at the rear of the site, removal of the rear balcony serving Unit 3 and relocation of bedroom windows to Units 1 and 3 to provide more fenestration to the east elevation.

- 3.6 Planning permission is now sought for demolition of the existing buildings on site and the construction of a three storey building to accommodate 1 x one-bedroom self contained flat, 1 x one-bedroom maisonette and 1 x three-bedroom maisonette and repair garage/workshop. Due to the change in ground levels across the site the building would appear as three full storeys above ground at the front (8.7m from ground level) and lower ground plus two storeys above, towards the rear (8.3m above ground level). The front of the site would provide sole access to the commercial unit. Entrance to all residential units would be on the side elevation adjacent to the Church Court vehicular access route. One main entrance to all units would be provided at ground floor level. In addition the three-bedroom unit would benefit from a secondary wheelchair accessible access at lower ground floor level

- 3.7 It is proposed to provide the garage workshop with associated office on the ground floor at the front of the site. The workshop would be set back from the Laurel Grove pavement to allow for a forecourt which would be used for parking for up to three vehicles waiting to be repaired inside the workshop. The three-bedroom maisonette would occupy the rear section of the site over lower ground and ground floor level. The communal access core and rainwater harvesting room would separate the commercial unit and maisonette at ground floor level. The one-bedroom flat would occupy the first floor level at the rear of the site and the one-bedroom maisonette would occupy the first and second floor levels at the front of the site.
- 3.8 The three-bedroom maisonette would have the benefit of a raised terrace at ground floor level and use of the entire garden (18m depth) save for a small area given over to cycle storage for the other residential units. The one-bedroom maisonette would have the benefit of a large terrace overlooking Laurel Grove. The one-bedroom flat would not have the benefit of external amenity space or a balcony/terrace due to the constraints of the site.
- 3.9 The building has been designed as a flat roof contemporary block stepping down in height towards the rear of the site. The building would occupy the full width of the site with a depth of 22.5m and would be set back from the Laurel Grove pavement edge by 2.8m at the western end of the plot (to allow for the garage forecourt) and 0.9m towards the eastern end. The materials palette comprises Ibstock Holbrook Sandfaced Smooth Brown bricks, Rough finish Cream and Orange render, Olive/Khaki Aluminium Balcony treatment, Grey Gloss Aluminium fenestration and Powder coated Red Aluminium central fenestration column. The flat roof would accommodate a living roof and if necessary to meet the Code for Sustainable Homes Rating, photovoltaic panels would be erected on top of the living roof.
- 3.10 A landscaping planter would be introduced in front of the workshop office fronting Laurel Grove, a raised planter would be provided as a bookend to the ramped access serving the main residential access on the side elevation of the building and the garden would be subject to a detailed landscaping scheme.
- 3.11 This application has been subject to extensive discussion with the Councils Urban Design and Planning Officers and represents the results of those discussions in respect of the amount of development proposed, internal layout, building form, scale and detailed appearance.

Supporting Documents

- 3.12 This application was accompanied by a Daylight/Sunlight Study in respect of the original development and then a further study based on the scaled down proposal. The revised study was undertaken in accordance with the BRE guide 'Site Layout Planning for Daylight and Sunlight: a good practice guide'. The study assessed the impact of the development on neighbouring properties at 195-199 Sydenham Road (Peartree Lodge), 45-57 Laurel Grove and Church Court. The study concludes that the proposed development would have low impact on the light receivable to the neighbouring development. The proposed development would not cause any amenity or garden area to remain in permanent shadow on 21st March and therefore the development complies with the BRE guidelines in this respect.

- 3.9 This application was accompanied by a Design and Access statement which sets out the proposal, a site assessment and appraisal and rationale for the proposed development.
- 3.10 This application was accompanied by an Overlooking Adjoining Development Assessment. The study identifies the distances between the proposed development and neighbouring windows within Peartree Lodge.
- 3.11 It is important to note that the above documents (apart from the daylight/sunlight assessment) were submitted in relation to a four storey development for four residential units and the garage workshop. Following Officer advice the scale of the development was reduced and the application amended by the removal of one of the one-bedroom flats and reduction in height of the building to three storeys. Consequently the above assessments relate to a building of greater scale and more intensive use.

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 exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Notification letters were sent to 92 local residents on 16th December 2010. The letters gave 21 days for written representations to be submitted to the Council.
- 4.3 Following the receipt of revised plans additional notification letters were sent to the original 92 local residents and third parties that had already written to the Council, on 3rd June 2011. The letters gave 14 days for additional written representations to be submitted to the Council.
- 4.4 Given the number of letters of objection received a Local Meeting was held on 25th July 2011. A note of the meeting is attached as Appendix A.
- 4.5 A site notice was displayed on 21st December 2010.
- 4.6 Copies of all documents were published on the Council's website.
- 4.7 Relevant Ward Councillors and Statutory Consultees (Forest Hill Trader Association/The Sydenham Society/Environmental Health/Building Control and Highways) were also consulted.
- 4.8 As the site plan includes part of the access road to Church Court notification letters were sent to the Freeholder and Management Company for Church Court as well as individual occupiers of the flats.

Written Responses received from Local Residents and Organisations

- 4.9 16 individual objections have been received from Occupiers of 43 (x 2 letters), 49 (x 2 letters), 51 (x 2 letters), 55 (x 3 letters) Laurel Grove and 1 (x 2 letters), 2 (x 2 letters), 4 (x 2 letters), 5, 6 (x 2 letters), 10 (x 2 letters), 12 (x 2 letters), 15 (x 4 letters) Church Court and Flat 10, 203 (x 4 letters) Sydenham Road and Lower Sydenham Social Club and Wesley Hall Methodist Church (x 2 letters). The following objections were raised:-

- The development will result in overlooking and loss of privacy;
- There is insufficient parking for the residential units and for visitors;
- The existing garage offers a good service to local people;
- During construction the existing business would have to relocate;
- It is difficult to see how a car repair business can operate properly with residential accommodation above;
- The 2 uses are incompatible;
- A four storey building is too high for this site;
- Planning guidance seeks to prevent back to back residential units which are single aspect;
- The internal arrangement would not be able to make efficient use of solar gain;
- The internal layout is un-satisfactory and would not provide a good standard of accommodation;
- This amounts to overdevelopment of the site;
- The balcony/terraces would lead to unacceptable overlooking, noise and disturbance;
- The west facing windows would overlook neighbours;
- There is no turning head in the proposed access road;
- There will be an adverse impact upon daylight/sunlight for neighbouring properties;
- The contextural information submitted is inadequate to enable proper assessment;
- The proposed parking spaces are not shown on the drawings;
- The living rooms for the units are unacceptably small;
- The design is out of keeping with the area;
- There will be safety issues for the children living in the family unit;
- There would be an encroachment into the access road that belongs to Church Court;
- The windows in the west elevation should be obscure glazed.

4.10 **The Sydenham Society** objected to the application as originally submitted for the following reasons:

4.9.1 The Sydenham Society wishes to respond to the development proposals for the above site. Since our letter of objection to the previous scheme submitted for this site of 1st February 2010, the London Mayor's office has sought significant improvements in the standard of domestic apartments and dwelling houses as a condition of eligibility for the award of planning permission within Greater London. Amongst the features which the London Mayor's office is seeking to eliminate is the "back-to-back" configuration in which apartments are set with single aspects looking in opposite directions, one north and one south, with the serviced rooms,

ie. kitchens and bathrooms, set against a common party wall bisecting the “back-to-back” layout. The north-facing residences would lose far more heat in winter without any compensating heat provided by direct insolation. South-facing residences would suffer disproportionate heat gain in summer, which would be a consequence of the southerly aspect and lack of “through” ventilation that was a statutory requirement in dwellings until the late 1980s. Residents of dwellings badly affected by solar gain tend to buy portable air-conditioners to improve the standards of internal comfort. These consume large amounts of electrical energy which, in turn, would promote additional greenhouse gas emissions from fossil fuel-burning power stations.

- 4.9.2 The Sydenham Society is given to understand that the impending Lewisham Core Policy will follow policy directives emanating from the London Mayor’s office. The deposited plans clearly show a “back-to-back” arrangement of the kind described above. The Society calls upon Lewisham Council to implement its forthcoming Core Strategy, as in the process of adoption, and refuse planning permission for this proposed development which, in the Society’s view, constitutes an egregious over-development of this cramped, narrow, backland site in the area between Sydenham Road and Laurel Grove.
- 4.9.3 Amongst other elements of this design to which the Society objects are the following:
- 4.9.4 The NW corner first floor balcony overlooks the adjoining communal area of numbers 195-199 Sydenham Road. Persons on this balcony, were it to be built, using mobile phones would cause considerable nuisance and disturbance to others wanting to enjoy the benefit of the existing communal area. Similarly, the west-facing windows in the living room and bedroom of Unit 2 would look directly on to this same communal area of the adjoining property. Outward opening casements would intrude on land outside the applicant’s ownership.
- 4.9.5 There is no turning head in the proposed access road. The massing of the proposed new development will deprive the adjoining communal area for numbers 195-199 of sunlight during the morning at all times of the year. The contextual information on the drawings as deposited is woefully inadequate to enable anyone properly to determine the full visual and environmental impact of this scheme. There is reference to three new parking spaces in the supporting Design and Access Statement, but these are not shown on any drawing.
- 4.9.6 In the opinion of the Society, the living rooms as shown for all three south-facing dwellings are unacceptably small. The furniture as depicted on the plans fails to show enough living room furniture, for the simple reason that there is insufficient space to accommodate a full complement of settee, armchairs, occasional tables, storage units and a television.
- 4.9.7 The Sydenham Society very much hopes that this unsuitable and unneighbourly scheme will be refused a grant of planning permission for the reasons given above in this letter of objection.
- 4.10 **The Sydenham Society object** to the revised proposal for the following reasons:
- 4.11 The Sydenham Society maintains its objection in the strongest terms to the slightly modified proposals for the construction of a workshop, two maisonettes and a one-bedroom flat on the small backland site on the southern side of Laurel

Grove. The proposals are little altered from the first version and continue to include all of the objectionable attributes of the original scheme, as follows:

- 4.11.1 The eastern access pathway and tall (2.40m), clumsily designed porch clad in aluminium profiled sheet are still proposed for construction on land not in the ownership of the applicant. The Sydenham Society is given to understand that the proprietors of Church Court, the owner of the rear access driveway to this residential property on Sydenham Road, have objected to the proposed development; therefore, the Society is confident that the proprietors have not given, and would never give, the applicant consent to build on this land, which would have the effect of reducing the width of the access driveway by up to 1.25m. Large vehicles, such as refuse collection trucks and pantechnicons, could strike the projecting porch as they were making their turn into or out of the access road.
- 4.11.2 West-facing windows are shown almost on the site boundary in the living room of unit 1, the landing of the upper floor access stair in this unit, the dining room of unit 3, the workshop, the living room of unit 2 and the bedroom of this unit. Some of these proposed windows are as little as 6.50m from opposing windows to habitable rooms in the residential block immediately to the west at 195-199 Sydenham Road. The privacy of these rooms would be massively and unreasonably invaded.
- 4.11.3 The three-storey construction proposed would block out morning sunlight and natural daylight from the same habitable rooms as at 2, above. The sole amenity space in this development is only illuminated by sunlight during mornings from the beginning of April to the end of September. The construction of the proposed new block would shut out all sunlight from this open space.
- 4.11.4 The incorporation of a workshop (seemingly intended as a replacement for the existing vehicle repair workshop already occupying this site) is intrinsically hazardous, given that its proposed location is beneath unit 2, but above unit 1 beyond its northern wall. This is a consequence of the steep fall across the application site. Inflammable fluid would almost certainly be present in the form of petrol, diesel oil, lubricating oil and hydraulic fluid. No 'bundled' construction is indicated on the applicant's drawings. Spilled fuel and vapour could migrate into the lower ground floor to the south and spread a fire quickly so that it became a conflagration.
Gas-welding is sometimes carried out in vehicle workshops, which would necessitate the storage of gas bottles. If a fire were to break out in a workshop containing bottled gas, not only would all the dwellings in this development have to be evacuated, possibly for up to two days, but also the violent explosion risk would give rise to the need to evacuate Church House and 195-199 Sydenham Road. The applicant might well argue that the issues of spread of fire and mitigation of explosion risk is one pertaining to building control, not to the acquisition of planning permission. The Society would counter this possible argument by stating that planning theory has espoused the principle of zoning specifically in order to ensure that residents of housing developments are not exposed to the nuisance and potential hazards often associated with industrial processes. The Society would press its point vigorously that, in this particular instance, fire safety and avoidance of risk of explosion must be thoroughly considered at the planning stage.

4.11.5 There are a number of other aspects of the proposed development which the Society believes are objectionable, not least of which is the ineptitude with which the proposed elevations have been composed and modelled. The arbitrary variation in building line along the eastern elevation would create extraordinary challenges in the detail; for example: how are the several shallow lower ledges shown on the drawings to be weathered to prevent water ingress and eliminate pattern-staining from rendered surfaces? In unit 1, a separate disabled access ramp is shown, which also obstructs the access drive, yet the interior of this dwelling fails in every respect to meet the requirements of the Building Regulations Part M. No-one confined to a wheelchair could occupy this maisonette. The living area in this unit is drawn at 2.80m width (less than that of a railway carriage) for no apparent reason other than to accommodate an unnecessary corridor separating this room from the dining area and kitchen.

4.11.6 In conclusion, the Society considers this development proposal to be most detrimental to the maintenance of existing amenities for residents of adjoining properties. In addition, its construction would potentially pose unnecessary, yet severe, risk of fire and explosion to these same residents and the occupants of the proposed dwellings. The Society calls upon Lewisham Council and its planning officers to refuse planning permission for the scheme as proposed.

4.12 3 letters of support received from the Citroen garage (application site), Peartree Lodge Care Centre and Excelcare Developments. The following reasons were stated:-

- This will improve working conditions for the garage;
- The development will benefit the surrounding area.

(Letters are available to Members)

Responses received from Statutory Agencies

Highways and Transportation

4.13 The application site is well located in terms of proximity to public transport. The proposal to provide 3 parking spaces solely for the garage/workshop use will lead to additional on-street car parking demand in the vicinity of the application site. But, the demand generated by 3 flats can be accommodated within the streets adjacent to the site. There are "on-street" parking problems associated with the existing garage use. So, the provision of 3 off-street parking spaces for the garage/workshop use would minimise the impact associated with a garage/workshop use. However, a condition should be imposed to prevent the garage/workshop use spilling onto the public highway. A waste management plan is required, the plan should include details of how bins will be brought out to collection points on collect days & returned (for the commercial and residential units). Finally a S278 (1980 Highways Act) agreement with the Highway Authority is required for reinstatement/improvement works to Laurel Grove. (the public highway adjacent to the site).

Building Control (verbal comments)

4.14 There is no building control reason why a car repair workshop and residential units cannot exist alongside one another in the same development subject to the

developer ensuring that the building is constructed in accordance with the necessary standards. It is the owner/garage operators responsibility to ensure full compliance with fire, health and safety regulations in terms of operation of the garage, storage of equipment, liquids and gases. There are many examples of residential units above garages. Indeed planning permission was granted for residential development above an existing garage workshop at 243-251 Bromley Road (05/60275).

Environmental Health

- 4.15 No objection to the principle subject to necessary sound insulation. This can be controlled by way of the recommended condition.

5.0 Policy Context

Introduction

- 5.1 In considering and determining applications for planning permission the local planning authority must "have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations" (Section 70 (2) of the Town and Country Planning Act 1990). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. This approach is reflected in PPS 1, where, at paragraph 8 (and again at paragraphs 28 and 31), it is confirmed that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011).

Planning Policy Statements (PPS) and Planning Policy Guidance (PPG)

- 5.2 A mixed use development on a site such as this has a wide-ranging policy context covering many national policy statements. Those of particular significance are:

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (2007)
Planning Policy Statement 3: Housing (2010)
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)
Planning Policy Guidance 24: Planning and Noise (1994)

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.3 The statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

Other National Guidance

5.4 The other relevant national guidance is:

Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)
Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010)

London Plan (July 2011)

5.5 The London Plan policies relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 2.6 Outer London: vision and strategy
Policy 2.7 Outer London: Economy
Policy 2.8 Outer London: transport
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 4.1 Developing London's economy
Policy 4.4 Managing industrial land and premises
Policy 5.1 Climate change mitigation
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.21 Contaminated land
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes

London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)
Sustainable Design and Construction (2006)
Planning for Equality and Diversity in London (2007)

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 London Plan and the saved policies of the Unitary Development 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

Spatial Policy 5 Areas of stability and managed change

Core Strategy Policy 1 Housing Provision, mix and affordability

Core Strategy Policy 5 Other employment locations

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 9 Improving local air quality

Core Strategy Policy 10 Managing and reducing the risk of flooding

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

- 5.8 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design

URB 12 Landscape and Development

ENV.PRO 9 Potentially Polluting Uses

ENV.PRO 10 Contaminated Land

ENV.PRO 11 Noise Generating Development

HSG 4 Residential Amenity

HSG 5 Layout and Design of New Residential Development

HSG 7 Gardens

Residential Standards Supplementary Planning Document (August 2006)

- 5.9 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:

- Principle of Development
- Land Use Compatibility
- Design
- Housing
- Highways and Traffic Issues

- Noise
- Impact on Adjoining Properties
- Sustainability and Energy
- Ecology and Landscaping
- Planning Obligations

Principle of Development

- 6.2 The site does not fall within a particular designation under the London Plan, saved UDP policies or Local Development Framework. The site has been previously developed and is brownfield land. The site is currently occupied by a small scale car repair workshop which has been operating from the site for a number of years. Consequently any redevelopment of the site would need to satisfy Core Strategy Policy 5 (other employment locations).
- 6.3 The Core Strategy recognises the importance of retaining small clusters of business premises associated with town centres and activity hubs to provide sustainable local services and vitality and variability to the local economy. With this mind Policy 5 requires small scale employment uses to be retained unless it can be demonstrated that the site is no longer suitable for employment use.
- 6.4 This sites lies on the boundary of Sydenham District Centre and is within close proximity to the town centre. Although the site is located within a predominantly residential street there are other commercial premises to the south of the site including car repair garages and associated businesses. There is no evidence to suggest that the application site is not suitable for employment use. Indeed the existing business has been successfully operating from the premises for a number of years and makes a valuable contribution to the local area. However, the existing workshop is in a poor state of repair and would benefit from enhanced facilities.
- 6.5 The applicants recognise the important contribution that the existing business makes to the local community and as such have incorporated the existing business into the redevelopment proposals for the site. The current proposal seeks consent for a mixed use redevelopment which would accommodate a car repair workshop with associated office and storage facilities on the ground floor. The applicants have stated that the existing occupier would be able to utilise the new premises once development is complete and have made personal arrangements with the current occupier in respect of paying all expenses for temporary accommodation during construction of the development on this site.
- 6.6 In accordance with adopted planning policy, in principle a commercial use (B1/B2) on the ground floor of this site is appropriate and would satisfy the requirements of CS Policy 5 by retaining a small scale business use on the site. However, it is important to point out that any B1/B2 use would satisfy policy requirements and the Council have no authority to insist that the current garage business be retained as part of the redevelopment.
- 6.7 The principle of a mixed use development is acceptable in accordance with CS Policy 5. The proposed use reflects the overall objectives of the LDF in delivering housing and employment floorspace for the area and is on previously developed land. The principle of developing the site as proposed, is therefore welcomed by Officers. A condition is recommend to ensure that the ground floor front section of the building is retained in commercial (B1/B2) use.

Land Use Compatibility

- 6.8 This application proposes a mixed use development whereby the commercial element is likely to be used as car repair workshop. When considering any mixed use development the Council must consider the compatibility of the proposed uses to ensure that a conflict does not arise and to protect residential amenity for future occupiers. An important aspect of this consideration is the layout and design of the development.
- 6.9 This development has been designed so that the front section of the ground floor is given over to commercial use and the upper floors and rear sections of the ground floor would accommodate the residential units. At lower ground and ground floor level the building has been designed so that the access core and rainwater harvesting room would separate the commercial premises and three-bedroom maisonette. This would provide a physical buffer between the two elements. On the upper floors the residential unit immediately above the commercial space has been designed internally so that the living room and kitchen/diner would be located at first floor level immediately above the workshop and office, with the bedroom at second floor level. With this in mind it is considered that subject to necessary soundproofing the proposed internal layout is sufficient to ensure that an acceptable level of amenity would be retained for future occupiers of the residential units.
- 6.10 The front of the site at ground floor level is given over entirely to the commercial premises,. The commercial unit would be accessed directly from Laurel Grove at the front of the site while the residential units have an entirely separate access on the side (east) elevation.
- 6.11 Subject to conditions to control soundproofing, use of the front forecourt, opening hours for the commercial unit and delivery times for the commercial use it is considered that the site is capable of accommodating a mixed use development (B1/B2/C3) as proposed without giving rise to loss of amenity for future residential occupiers or adversely affecting the successful operation of the commercial use.
- 6.12 A number of objections have been received regarding the compatibility of a car repair workshop and residential development on the same site. Particular concerns have been raised in respect of health and safety. In response to this the applicant has confirmed that he has consulted Building Control.

The applicant states "I have consulted Building Control who have confirmed that there is no objection in principle to the provision of residential accommodation above a vehicle maintenance / service facility, provided the structure meets the requirements of Building Regulation Approved Documents, B (Fire Safety) and E (resistance to the passage of Sound) We confirm that the proposed masonry & reinforced concrete construction will be capable of compliance with the requirements of the relevant Building Regulations with regard to Fire Safety and the residential accommodation will be provided with sound insulation to meet the Resistance to the Passage of Sound requirements. In addition it should be noted that the access / means of escape to the residential accommodation in the current proposals is located on the East Elevation, significantly removed from the location of any fire in the vehicle maintenance facility, providing direct access via the existing Access Road to a place of safety. It should also be noted that the

provision of the 3 metre x 3 metre reinforced concrete balcony to Unit No.2, facing Laurel Grove, also providing a covered parking facility in front of the Workshop, provides fire proof shield to the windows of the residential accommodation above....the applicant confirms that the lease of the Workshop facility will specify that all vehicle maintenance activity will be restricted to the Workshop and that no vehicle maintenance may be carried out in the Parking / Forecourt area which will be used for the parking of vehicles awaiting maintenance only. The application site has Fire Engine access on two sides from Laurel Grove and the adjacent Access Road, the principle Fire Service requirements should therefore be satisfied”.

- 6.13 The Council’s Building Control Officer has confirmed that there is no legislative reason why the proposed uses could not operate safely on site. The building would need to be constructed to meet relevant Building Control Regulations and would ultimately be the owner/occupiers responsibility to ensure that the garage operates in accordance with all relevant health and safety legislation.
- 6.14 The Council’s Environmental Health Officer has raised no objection to the principle of the development subject to necessary soundproofing of the building to ensure that unacceptable noise nuisance would not arise.
- 6.15 Officer’s consider that the building has been adequately designed to take account of the compatibility of the proposed uses and subject to conditions to control the development in detail including restricting use of the front forecourt to parking only, the uses would not conflict with one another and would not give rise to health and safety concerns.

Design

- 6.16 The overarching aim of PPS1 (Delivering Sustainable Communities) is the achievement of sustainable development, including the delivery of high quality development through good and inclusive design. PPS1 makes clear that design that is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. This is mirrored in UDP policies, which note the need for high quality design, including URB 3 (Urban Design), Core Strategy Policy 15: High quality design for Lewisham and relevant London Plan Policies (chapter 7).
- 6.17 This site lies in an area of mixed character and architectural style. There are a number of 3+ storey buildings within the immediate vicinity particularly to the south of the site fronting Sydenham Road and further to the north where there are four and eight storey blocks that form part of the Hazel Grove housing estate. Immediately adjoining the site to the west is the four storey Peartree Lodge residential care home, to the south is the four storey Church Court development and to the east the Methodist Church. It is against this backdrop that the proposed building would be read. Whilst it is recognised that the development on the northern side of Laurel Grove immediately opposite the site is two storey terraced dwellings it is considered that this site is capable of accommodating a three storey building. Even considering the change in ground level towards the northern end of the site it is not considered that the proposed building would be out of scale with surrounding development or appear overly dominant or incongruous in the street scene.

- 6.18 The Council has consistently advocated the importance of a high quality development on this site that makes a positive contribution to the street scene of Laurel Grove. The detailed design and elevational treatment has remained a particular concern given that the building will be extremely visible in the Laurel Grove frontage particularly both flank elevations when travelling along Laurel Grove. The Council also consider that this development could potentially set a design precedent for future development to the west of the site as Laurel Grove bends round to the north. Historically, development proposals on this site have failed to represent high quality detailed design. Indeed with the 2009 application (DC/09/71404) it was the elevational treatment and appearance of the building which led the Council to determine that a three storey development was not acceptable at that time.
- 6.19 This application has been subject to extensive discussion with the Council's Urban Designer. A contemporary rendered block comprising three staggered elements is considered to be an appropriate design solution for the site. The stepping up in height from the first block to the second block and then step down in height towards the rear helps to break-up the overall mass of the building. This staggered form provides an appropriate street frontage of human scale and adequately addresses the change in levels across the site. The fenestration arrangement, elevational treatment and materials palette helps to articulate the three components of the building, adding interest to the flank elevations and addressing previous concerns with regard to the blank side elevation which previously lead to a three storey development appearing overly bulky and incongruous.
- 6.20 In line with Officer advice the development incorporates a raised planter at the front of the site, a ramped access and boundary walls in matching brickwork which helps bring some unity to the development overall and draws upon the prevalent building material in the immediate surrounding area.
- 6.21 Overall following considerable negotiation on the design and materials it is considered that the proposed development would make a positive visual contribution to the appearance of this site and character of the area.
- 6.22 In order to ensure that the development is executed to a high design standard and retained as such conditions are recommended to control the exact facing materials and fenestration and a further condition preventing any additional flue, pipes or clutter being installed on the building after construction.
- 6.23 Third party objections have been received in relation to the amount of development proposed on site. It is suggested that the proposal represents overdevelopment of the site. The proposed development sits comfortably within the London Plan density matrix at 100 units per ha for an urban site with PTAL rating 3. Furthermore it is considered that the amount of development can be adequately accommodated in the way in which this building has been designed without comprising the character or amenity of the area.

Housing

- 6.24 The London Plan, Core Strategy and 'saved' UDP policies seek to ensure a mix and balance of residential provision to meet the full range of identified housing need in the Borough, including single people, families of different sizes, persons

with special needs and for affordable homes. The Council's Housing Needs Surveys identify a particular shortage of family-sized (3+ bedrooms) accommodation in the borough. Saved UDP policies HSG 4 and HSG 5 seek to improve and safeguard the character and amenities of residential areas in the borough and to ensure that new housing is of high quality design.

- 6.25 6.18 The application proposes a good mix of units in terms of bedroom numbers, size and internal layout. The development would provide a good sized family (three bedroom) dwelling and two generous one-bedroom units. All habitable rooms within the development comply with and largely exceed the minimum room sizes contained in the Council's SPD: Residential Standards. The overall unit sizes also meet London Plan minimum space standards.
- 6.26 The internal layout of each unit is such that the units are single aspect facing north and south. Whilst ideally developments should avoid back to back residential units and north facing fenestration this is not always possible given the constraints of a site, established building patterns and existing neighbouring development. Officers must take a pragmatic approach when assessing the suitability of a development proposal and accept that in some instances high quality single aspect dwellings can be provided subject to the provision of good levels of daylight, ventilation, privacy outlook. Despite the fact that this development proposes back to back units all habitable rooms do benefit from good levels of natural light, ventilation and outlook and will enjoy appropriate levels of privacy in the context of the surroundings.
- 6.27 The living areas and double bedrooms in the family unit face south primarily overlooking the garden of the application site. Sufficient distance exists between these windows and neighbouring development to ensure an adequate level of privacy for future occupiers. The third smaller bedroom faces east and whilst it is recognised that this window will overlook the access into Church Court it is not considered that there would be an unacceptable level of amenity or loss of privacy to occupiers of this bedroom as the window is above ground level. There are additional windows in the west elevation which is located close to the neighbouring boundary. However, these windows have been designed to be low level and will be fixed shut and obscure glazed, these additional windows are intended to serve as secondary sources of light rather than offering a level of outlook.
- 6.28 The one-bedroom flat faces south primarily overlooking the garden of the application site. As with the larger unit below sufficient distance exists between the south facing windows and neighbouring development to ensure an adequate level of privacy for future occupiers. The bathroom window faces east and whilst it is recognised that this window will overlook the access into Church Court it will be obscure glazed. Once again there is an additional window in the west elevation which is located close to the neighbouring boundary. However, this window has been designed to be low level and will be fixed shut and obscure glazed, the additional window is intended to serve as secondary source of light rather than offering a level of outlook.
- 6.29 The two-bedroom maisonette primarily faces north but does have the benefit of obtaining additional light from fenestration in the east and west elevations. The living and kitchen areas face onto Laurel Grove but have the benefit of separation from Laurel Grove by way of a generous balcony. The bedroom will overlook

Laurel Grove and properties on the opposite side of Laurel Grove but it is considered that the distance that will be retained is sufficient to prevent any significant overlooking or loss of privacy. As with the other units there are additional windows in the west elevation which are located close to the neighbouring boundary. However, these windows have been designed to be low level and will be fixed shut and obscure glazed, the additional windows are intended to serve as secondary source of light rather than offering a level of outlook.

- 6.30 Core Strategy Policy 1: Housing provision, mix and affordability requires all new residential development to be lifetime home compliant and 10% to be wheelchair accessible. The applicant has confirmed that all units within the development will be lifetime home compliant and this will be controlled by condition. A wheelchair access has been provided into the family unit. However, given the total number of units proposed there is no policy requirement for a fully wheelchair accessible unit. To clarify, 10% would equate to 0.3 units and it is Council practice to secure wheelchair units at a ratio of more than 0.5 thus developments below 5 units in total do not generate a need for wheelchair compliance whereas a scheme of 5 units would generate the need for 1 wheelchair unit.
- 6.31 Policy HSG7 of the UDP requires all family sized units to be provided with a garden of minimum depth 9.0m. The family sized unit would benefit from a private rear garden of 18m in depth. This is considered to be good provision for a property in this urban location. The one-bedroom maisonette would also benefit from a large balcony. Whilst this balcony would overlook Laurel Grove it is considered that appropriate screening could be erected to ensure privacy for users of the balcony and to prevent an unacceptable level of overlooking into properties on the north side of Laurel Grove.
- 6.32 Following Officer advice the balcony for the other one-bedroom flat was deleted from the proposal. This balcony was considered to give rise to un-neighbourly development by way of its elevated position and close proximity to bedroom windows in Peartree Lodge. It is recognised that this unit would not now benefit from any external amenity space. Whilst this is regrettable, on balance it is considered to be acceptable given the size of the unit, this urban location and the fact that it would be compliant with Council policies in respect of the provision of designated areas for cycle storage, refuse and recycling facilities.
- 6.33 The issue of the resultant relationship between the residential units and car workshop has been fully addressed in paragraphs 6.8 – 6.15 above.
- 6.34 Overall it is considered that the proposed development would provide a good standard of accommodation for future occupiers. The family sized unit is a welcome addition to the Borough's housing stock.

Highways and Traffic Issues

- 6.35 London Plan and Core Strategy Policies encourage sustainable transport modes whilst recognising the need for operational parking for commercial uses and disabled parking facilities. Car parking standards within the London Plan should be used as a basis for assessment. The London Plan states that all development in areas of good public transport accessibility should aim for significantly less than

1 space per unit. There is a strong policy emphasis on promoting car-free development and sustainable transport modes in appropriate areas.

- 6.36 This site is located within an area of fairly good transport accessibility with a PTAL rating of 3. The site is within walking distance of Sydenham Town Centre which is well served by rail and bus services. On street parking in the vicinity is not controlled and therefore the Council could not prevent occupiers of the development from parking on adjacent streets.
- 6.37 It is proposed that the residential elements of the scheme would be car-free whilst the forecourt at the front of the site would accommodate parking for 3 vehicles waiting to be serviced/repaired in the workshop. There is no further available space on the site to accommodate car parking for the residential units.
- 6.38 At the present time cars waiting to be repaired in the existing garage have to park on adjacent streets. This application proposes to address that problem by ensuring that customers park on the designated forecourt in front of the workshop entrance. This would be an improvement on the existing situation and the level of operational parking for the workshop is considered to be acceptable.
- 6.39 Third party concerns have been raised in respect of the lack of parking for the residential units. It is recognised that the Council would be unable to ensure that future occupiers do not park on the adjacent streets unless a CPZ is introduced. However, in this area off-street parking should be kept to a minimum in line with the objectives of sustainable transport policies. Whilst it is recognised that some parking displacement may occur it is considered that this would not necessarily be as much as the on street parking which arises as a result of the current garage operating without off-street parking facilities. The Council's Highways Manager raises no objection to the proposal subject to recommended conditions to control parking for the commercial unit and refuse collection.
- 6.40 On balance, given the location of the site, the number of units proposed, the provision of parking facilities for the commercial element and the fact that the development addresses sustainable transport modes by providing designated cycle storage areas, Officers do not consider that a refusal on the grounds of lack of car parking provision could be justified or sustained on appeal.
- 6.41 Access to the workshop would be via the front of the site from Laurel Grove. All deliveries and servicing of the commercial use could be accommodated on Laurel Grove.
- 6.42 Access into the residential units would be on the east elevation via the existing access route into Church Court. This existing access route would also provide vehicular access for collection of refuse and recycling waste. The owners of the access road have been consulted by the Council in respect of this application.
- 6.43 Third party concerns have been raised in respect of the fact that the existing access road into Church Court is a private road. This has been discussed with the applicant. In this respect the applicant has confirmed that prior to the submission of this application the applicant entered into negotiations with the owners of Church Court Quadrant Housing to purchase access rights for the development from the adjacent Church Court access road. These negotiations are still current but held in abeyance pending the outcome of this planning application when the value of the access rights may be established. The applicant has confirmed that

refuse collection vehicles will also be able to use this existing access once the necessary agreement is in place between the land owners.

- 6.44 This issue is in fact a private matter to be addressed by the land owner and applicant. If a satisfactory resolution cannot be agreed between the relevant parties the applicant would not be in a position to implement the planning approval.
- 6.45 Notwithstanding this, it would be appropriate for the Council to attach a pre commencement condition in respect of ensuring that adequate refuse collection can be secured before the development commences. This would include the need for a waste management plan which should include details of how bins will be brought out to collection points on collect days & returned (for the commercial and residential units). If this is reliant upon the applicant obtaining agreement to use Church Court as a right of way, evidence would need to be provided that this has been secured.
- 6.46 Core Strategy Policy 15 requires all new development to provide cycle parking facilities in accordance with the London Plan cycle parking standards. This development proposes that secure, covered cycle parking facilities will be provided for the family sized unit in a designated store in the rear garden. A further secure store for the upper floor flats will be provided at the rear of the site accessed via the Church Court access road. Cycle parking for the workshop can be accommodated within the building. This is acceptable and can be controlled by condition.

Impact on Adjoining Properties

- 6.47 Policy HSG4 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 6.48 As originally submitted this application raised a number of concerns with regards to the impact upon neighbouring properties, particularly occupiers of Peartree Lodge. In response to Officer's concerns the applicant significantly amended the proposal by deleting one of the units, reducing the height of the development at the rear and deleting the balcony serving Unit 3. These amendments have significantly reduced the impact of the development upon neighbouring properties.
- 6.49 Officers have visited the site to assess the impact on neighbouring properties including viewing the application site from the bedroom windows on all floors of the adjacent Peartree Lodge.
- 6.50 In terms of overshadowing and loss of light it is considered that the property most likely to be affected by the proposal would be Peartree Lodge to the west of the development site. This application was accompanied by a Daylight/Sunlight Assessment which confirms that all of the windows in Peartree Lodge would meet BRE standards. The proposed development would not cause any amenity or garden area within Peartree Lodge to remain in permanent shadow on 21st March and therefore the development complies with the BRE guidelines in this respect.

- 6.51 In terms of overshadowing and loss of light to other neighbouring properties it is not considered that the dwellings on the north side of Laurel Grove will be significantly affected by the proposal given the orientation of the dwellings in relation to the site, the distance between the buildings (over 20m) and overall height of the proposed development.
- 6.52 The Church Court development to the south of the site is unlikely to be significantly affected in this respect beyond the existing situation, given the distance that will be retained between the proposed building and Church Court (over 30m) and the existing overshadowing to Church Court windows and amenity space caused by the Methodist Church to the east and Peartree Lodge to the west.
- 6.53 The BRE daylight/Sunlight report submitted confirms that the development would not significantly adversely affect any neighbouring windows or amenity areas.
- 6.54 Given the distance between the application site and neighbouring properties to the north and Church Court to the south and having regard to the height of the proposed development there will be no material impact in terms of loss of outlook or overbearing impact to these properties.
- 6.55 As stated above, the original proposal did raise concerns in respect of loss of outlook and overbearing impact to Peartree Lodge (the windows located in the north-south wing). Having undertaken an inspection of the site from these windows, Officers consider that the scaled down building would not significantly affect outlook and would not be overbearing. The owners of Peartree Lodge support this application.
- 6.56 In terms of overlooking and loss of privacy the proposal is considered to be acceptable. Third party concerns have been duly considered but Officers do not believe that the proposed development would result in unacceptable overlooking or loss of privacy.
- 6.57 Given that over 30m would be retained between the windows in the south elevation of the proposed building (and the raised terrace serving the family unit) and the nearest windows in Church Court and having regard to the fact that an access road and car park separate the two sites, the level of direct overlooking would not be detrimental to amenity for occupiers of Church Court.
- 6.58 Third party concerns have been raised in respect of overlooking into the gardens and rear windows of properties on the northern side of Laurel Grove. At the present time occupiers of the terraced dwellings can overlook each others gardens from their first floor windows so the introduction of additional overlooking of the gardens from the application site would not be significantly detrimental in this context. It is not unusual for neighbours to overlook each others gardens from first floor level windows.
- 6.59 It is recognised that a new relationship would be introduced as a result of windows in the north elevation of the application site facing onto Laurel Grove. These windows would face directly the rear elevations of the terraced dwellings on the north side of the street. At present, in this location this relationship between properties does not exist (save for the windows in the north elevation of Peartree Lodge but this is at a further distance). Officers appreciate that this new relationship between buildings would facilitate a level of mutual overlooking

between the application site and properties opposite but it is not felt that this would be unacceptable.

- 6.60 Given the fact that there would be a 22m minimum distance between the facing windows and a vehicular highway between the facing windows it is not considered there would be a significant loss of privacy for either party. It is not unusual for neighbouring windows to face each other at this distance in any urban area. Indeed planning guidance infers that a separation distance of 21m is acceptable between directly facing windows and there are many examples of terraced dwellings directly facing each other at this distance within the surrounding locality, many without the presence of a vehicular highway creating a physical buffer.
- 6.61 Concerns have been raised about the proposed northwest balcony that will face onto Laurel Grove. For the reasons discussed above it is not considered that this balcony will cause harm to neighbouring properties on the northern side of Laurel Grove particularly as a solid screen is proposed for the front balcony treatment (1.5m) and a 1.8m screen for the western side of the balcony. The screening can be controlled by condition. Given the distance and the fact that there is a road between the balcony and those properties on the north side of Laurel Grove, use of the balcony is unlikely to lead to a significant level of noise and disturbance.
- 6.62 The level of overlooking onto Peartree Lodge from the application site represents the most sensitive issue. A number of windows are proposed in the west elevation of the building to provide additional light into the habitable rooms. However, these windows have been designed to be fixed shut and obscure glazed so will not give rise to overlooking onto Peartree Lodge. This will be controlled by condition.
- 6.63 Given the 25m minimum distance that will be retained between the proposed development and the windows in the north elevation of Peartree Lodge (those in the west-east wing) it is not considered that unacceptable overlooking will occur. The windows in the east elevation of the north-south wing of Peartree Lodge are located much closer to the shared boundary and therefore could be most affected by the proposed development. At lower ground floor level the boundary screening would be sufficient to prevent any direct overlooking. At ground floor level it is considered that the proposed 1.8m screen on the west elevation of the rear balcony would be sufficient to prevent direct overlooking from the balcony into the windows of Peartree Lodge. There will be oblique views but this would not be significantly detrimental. Given the orientation of Peartree Lodge in relation to the site there will be oblique views between the nearest windows in Peartree Lodge and the south windows of the application site at first floor level. Oblique overlooking at this distance is deemed to be acceptable in this urban location.
- 6.64 Finally it is not considered that the ground floor rear balcony would cause undue disturbance to neighbours by way of noise.
- 6.65 For the reasons stated the proposal is not considered to cause unacceptable harm to neighbouring amenity. The proposal complies with Policy HSG4 of the UDP.

Sustainability and Energy

- 6.66 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals there are a number of

London Plan requirements in respect of sustainable design and construction, de-centralised energy and renewables. For minor development proposals such as CS Policy 8: Sustainable design and construction and energy efficiency requires all new housing development to achieve a minimum of Level 4 standard in the Code for Sustainable Homes sustainability tool.

- 6.67 This development has been designed with a living roof and rainwater harvesting facilities. The applicant has confirmed that the development will meet Code for Sustainable Homes Level 4. In order to do this photovoltaic panels can be incorporated on top of the living roof. All of these elements can be controlled by condition.
- 6.68 Subject to the recommended conditions, the proposal complies with sustainability policies.

Ecology and Landscaping

- 6.69 The site is currently overgrown at the rear. The site will be cleared to enable redevelopment. There are no protected trees on the site and it is not considered that site clearance would have a significant impact on ecology. The proposed living roof and landscaping of the rear garden will improve ecology and opportunities for biodiversity in this urban location.

Planning Obligations

- 6.70 Circular 05/05 states that in dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations.
- 6.71 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010). sets out that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –
- (a) Necessary to make the development acceptable
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development
- 6.72 Given the nature and scale of the development it is not considered that any planning obligations are required to mitigate the impact of the development.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the London Plan, Local Development Framework and saved UDP and other material considerations including third party representations.

- 7.2 The extensive history for this site and previous concerns raised by both the Council and Planning Inspectorate have been duly considered. However, the applicant has sought to address all previous issues by retaining an employment use, reducing the number of residential units, providing a high quality internal layout and standard of accommodation for the residential units, reducing the scale of the development to three storeys and working extensively with the Council's Urban Designer to ensure a high quality detailed design. For the reasons demonstrated in this report, Officers consider that the current proposal addresses the previous reasons for refusal of development on this site and represents a high quality, policy compliant development proposal.
- 7.3 On balance, Officers consider that the application is of high quality architectural design which would make a positive contribution to the character of the area and surrounding streetscape. The proposed mix of uses would meet the employment requirement for the site and would also provide the Borough with three additional dwellings, one of which would be a family sized unit. It is not considered that the proposal would compromise the amenity of future occupiers or neighbouring properties. Overall the proposal represents a sustainable form of development which meets adopted development plan policies. The development is therefore considered acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 The reasons for recommending a grant of planning permission are set out below, having regard to the policies and proposals in the London Plan (July 2011), the saved policies in the UDP (July 2004) and the Core Strategy (June 2011).

The site is an appropriate location for a mixed use development of the density proposed. It is considered that the proposal is an acceptable form of development which will not result in unacceptable harm to visual or residential amenity. The proposal would provide a good standard of accommodation for future occupiers and represents a sustainable form of development. The proposal complies with Policies 1.1 Delivering the strategic vision and objectives for London, 2.6 Outer London: vision and strategy, 2.7 Outer London: Economy, 2.8 Outer London: transport, 3.3 Increasing housing supply, 3.4 Optimising housing potential, 3.5 Quality and design of housing developments, 3.8 Housing choice, 4.1 Developing London's economy, 4.4 Managing industrial land and premises, 5.1 Climate change mitigation, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable drainage, 5.14 Water quality and wastewater Infrastructure, 5.15 Water use and supplies, 5.21 Contaminated land, 6.3 Assessing effects of development on transport capacity, 6.9 Cycling, 6.10 Walking, 6.13 Parking, 7.1 Building London's neighbourhoods and communities, 7.2 An inclusive environment, 7.3 Designing out crime, 7.4 Local character, 7.5 Public realm, 7.6 Architecture, 7.13 Safety, security and resilience to emergency, 7.14 Improving air quality and 7.15 Reducing noise and enhancing soundscapes of the London Plan (July 2011) and Policies Spatial Policy 1 Lewisham spatial strategy, Spatial Policy 3 District hubs, Spatial Policy 5 Areas of stability and managed change, Core Strategy Policy 1 Housing Provision, mix and affordability, Core Strategy Policy 5 Other employment locations, Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency, Core Strategy Policy 9 Improving local air quality, Core Strategy Policy 10 Managing and reducing the

risk of flooding, Core Strategy Policy 14 Sustainable movement and transport and Core Strategy Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policies URB 3 Urban Design, URB 12 Landscape and Development, ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 10 Contaminated Land , ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 7 Gardens of the adopted UDP (July 2004 and SPD: Residential Standards.

9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

Condition 1

Unless minor variations are otherwise approved in writing by the local planning authority, the development shall be carried out strictly in accordance with the application documents, plans and drawings hereby approved and those approved subsequently as a reserved matter to discharge conditions.

Reason

To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and acceptable to the local planning authority.

Condition 2

The ground floor front section of the building (as shown on drawing no. DP/1468/DN/7A) shall only be used for Use Classes B1 or B2. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking and re-enacting that Order any part of the premises used for business purposes (Class B1/B2) shall be maintained in that use and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) unless with the prior written approval of the local planning authority.

Reason

To ensure that the commercial element of the scheme is retained in accordance with Core Strategy Policy 5: Other employment locations and to ensure the development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Policies ENV.PRO 11: Noise Generating Development and HSG 4: Residential Amenity in the adopted Unitary Development Plan (July 2004) .

Condition 3

The commercial use within the site shall not be open to the public other than between the hours of 8.00am and 7:00pm Monday to Saturday and at no time on Sundays or Public Holidays.

Reason

To ensure that the development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 11 (Noise Generating Development) and HSG 4 (Residential Amenity) in the adopted Unitary Development Plan (July 2004).

Condition 4

The front forecourt shall be used for the parking of vehicles only, all repairs to vehicles shall take place within the building and no repairs or work whatsoever shall be undertaken to vehicles on the forecourt or adjacent public highway.

Reason

To ensure that the development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 11 (Noise Generating Development) and HSG 4 (Residential Amenity) in the adopted Unitary Development Plan (July 2004).

Condition 5

No deliveries shall be made to the commercial unit (Class B1/B2) other than between the hours of 7.00am and 7:00pm Monday to Saturday and at no time on Sundays and Public Holidays.

Reason

To ensure that the development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 11 (Noise Generating Development) and HSG 4 (Residential Amenity) in the adopted Unitary Development Plan (July 2004).

Condition 6

The external finishes of the development shall comprise:-

Ibstock Holbrook Sandfaced Brown bricks
St Sikolitt Silicone Render Colour: 32210
St Silkolitt Silicone Render Colour: 32214
SGJ20G Interpon D1036 3020 Gloss
SLJ39G Interpon D1036 7039 Gloss
Alestra AP 7034 Polyester Matt

As shown on the plans hereby approved unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of controlling the appearance of the development in detail to ensure a high quality development in accordance with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policy URB3 Urban Design of the adopted UDP (July 2004).

Condition 7

No plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building(s).

Reason

It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

Condition 8

The development hereby permitted shall include secure parking provision for cycles for all residential units hereby approved and the commercial element of the scheme, in accordance with details to be submitted to and approved in writing by the local planning authority before any works on site are commenced. The cycle parking facilities shall provide at least 1 space per unit for the one-bedroom flats, 2 spaces for the three-bedroom unit and 1 space for the commercial unit). Such provision as may be approved as a reserved matter under this condition, shall be provided before the residential units or commercial elements hereby permitted are occupied and retained permanently 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 (July 2011).

Condition 9

Details of refuse and recycling storage facilities and collection point for the entire development hereby approved shall be submitted to and approved in writing by the local planning authority. This shall include details of the construction, including facing materials, of the proposed storage facilities and details of how bins will be brought out to collection points on collect days & returned (for the commercial and residential units). The facilities shall be constructed in accordance with the approved details before any of the residential units or commercial elements hereby permitted are occupied.

Reason

In order that the local planning authority may be satisfied as to the provision of satisfactory refuse and recycling storage facilities for the development hereby approved and to ensure satisfactory appearance of the chamber. To comply with Policies URB 3 Urban Design and HSG4 - Residential Amenity in the adopted Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

Condition 10

No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings, or breaking out or crushing of concrete) has been

submitted to and approved in writing by the local planning authority. The approved scheme shall include a watering regime in the event of dry weather and shall be implemented in its entirety once development has commenced.

Reason

In order that the local planning authority may be satisfied that the demolition process is carried out in a manner which will minimise possible dust pollution to neighbouring properties and to comply with Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

Condition 11

No development shall commence on site until drawings showing the use of any part of the site not occupied by buildings and the treatment thereof (including planting, paving, walls and boundary fences) have been submitted to and approved in writing by the local planning authority and all works which form part of the scheme shall be completed in the first planting season following the completion of the development, unless the local planning authority has given written consent to any variation. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority has given written approval to any variation.

Reason

In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the adopted Unitary Development Plan (July 2004).

Condition 12

Details of proposed lighting to external areas within the site, shall be submitted to and approved in writing by the local planning authority before any building work on the site is commenced. Any such lighting shall be installed in accordance with the approved drawings. The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason

In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to neighbouring properties and to comply with Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

Condition 13

Full written details, including relevant drawings and specifications, of the proposed works of sound insulation against airborne noise to meet $D'_{nT,w} + C_{tr}$ dB of not less than 57 between the ground floor and first floor, where residential accommodation parties non domestic use, shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall not commence until the sound insulation works have been implemented in accordance with the approved details. The sound insulation shall be retained permanently with the approved details.

Reason

To ensure a satisfactory environment for the future occupiers of these buildings and so as to comply with Policy ENV.PRO11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).

Condition 14

- (a) No development shall take place until each of the following has occurred:
- (i) a site investigation has been carried out to survey and assess the extent of potential contamination and its effect (whether on or off site);
 - (ii) a report comprising the results of that site investigation and recommendations for treatment of any contamination (whether by remedial works or not) has been submitted to and approved in writing by the Council; and
 - (iii) all measures or treatments identified in that report as being necessary or desirable for the remediation of the site have been implemented in full.
- (b) If during any works at the site (whether pursuant to paragraph (a) of this condition ["paragraph a,,"] or implementation of this planning permission generally) contamination is encountered which has not previously been identified ("the new contamination,,"), then works on the affected part of the site will cease and paragraph (a) shall apply to the new contamination and no further development shall take place on the affected part of the site until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council. The closure report shall include details both of the remediation (including waste materials removed from the site, an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post-remediation sampling that has been carried out.

Reason

To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with Policy

ENV.PRO 10 Contaminated Land in the adopted Unitary Development Plan (July 2004).

Condition 15

- (i) The development hereby approved shall achieve a Code for Sustainable Homes rating of minimum Code Level 4 or BREEAM Bespoke rating 'excellent'.
- (ii) Prior to commencement of development a Design Stage Assessment undertaken by a suitably qualified Assessor shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with (i).
- (iii) Within 3 months of the building being occupied evidence shall be submitted to demonstrate full compliance with the requirements of this condition, which shall include a Post Construction Certificate issued by a suitably qualified Assessor.

Reason

To ensure the development achieves the maximum possible in respect of energy and carbon emissions and to comply with Policy 8 Sustainable Design and Construction and Energy Efficiency of the adopted Core Strategy (June 2011)

Condition 16

Prior to commencement of development 1:50 floor plans for each residential unit shall be submitted to show compliance with the 16 Lifetime Home Standards criteria. The development shall be constructed in accordance with the approved plans.

Reason

To ensure that all new dwellings are accessible and adaptable for life, in the interests of sustainability and in accordance with Core Strategy Policy 1 in the Local Development Framework.

Condition 17

All windows in the west elevation of the development shall be fitted as non opening and obscure glazed and shall be permanently retained as such.

Reason

In the interests of protecting neighbouring amenity in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

Condition 18

Notwithstanding the plans hereby approved, prior to commencement of development, full details to prevent potential overlooking from the front and rear balconies onto neighbouring properties shall be submitted to and agreed in writing by the local planning authority. This shall include as a minimum the erection of solid

1.8m screens on the western side of both balconies. Prior to occupation of any part of the development, the agreed measures shall be implemented in their entirety and thereafter maintained in perpetuity.

Reason

In the interests of protecting neighbouring amenity in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

Condition 19

Prior to commencement of development, full details of the living roof shall be submitted to and approved in writing by the local planning authority. The living roof shall be:

- (a) biodiversity based with extensive substrate base (depth shall vary between 80-150mm but shall average at least 133mm);
- (b) shall cover the full extent of the flat roof
- (c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.

The living roof 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.

The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the local planning authority.

Evidence that the roof has been installed in accordance with sub-points (a) to (c) above 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 ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management and 5.13 Sustainable drainage of the London Plan (July 2011).

Condition 20

Prior to commencement of development full details of the proposed solar thermal equipment which may be required to meet the Code for Sustainable Homes rating shall be submitted to and approved in writing by the local planning authority. The details shall include scaled plans to show the type, amount, appearance, location and positioning (including height) of all equipment. The equipment shall be installed in full accordance with the approved details and maintained in perpetuity.

Reason

In the interests of visual and residential amenity and to comply with Policy 8 Sustainable design and construction and energy efficiency of the adopted Core

Strategy (June 2011) and Policies URB 3 Urban Design and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

Informative 1

In respect of Condition 14 the applicant is advised that the weighted standardised level difference ($D'_{nT,w} + C_{tr}$) is quoted according to BS EN ISO 717 -1: 1997. To guarantee achieving this level of sound insulation, the applicant is advised to employ a reputable noise consultant. The Institute of Acoustics is the professional body for such consultants and can be contacted by telephone: 01727 850553.

Informative 2

The applicant is advised that a S278 (1980 Highways Act) agreement with the Highway Authority is required for reinstatement/improvement works to Laurel Grove (the public highway adjacent to the site).

Appendix A – Local Meeting Notes

Local Meeting DC/10/76104 – Rear of 201 Sydenham Road – Monday 25th July 2011

On 25th July 2011 a local meeting was held at the Sydenham Library, regarding the submission of a planning application proposing:- The construction of a three storey building, incorporating balconies to provide 2 x one-bedroom, self-contained flats and 1 x three-bedroom self-contained maisonette, the provision of a workshop with office, together with associated landscaping, refuse store and 3 car parking spaces. **(Amended Description)**

15 individual objections were received from Occupiers 43 (x2), 49(x2), 51 (x2), 55 (x3) Laurel Grove, 1 (x2), 2 (x2), 4(x2), 5, 6 (X2), 10 (X2), 12 (x2), 15 (x4) Church Court, Flat 10, 203 (x3) Sydenham Road, Lower Sydenham Social Club, Wesley Hall Methodist Church (x2),

Sydenham Society also object to the application.

3 letters of support received from:- the Citroen garage (application site), Peartree Lodge Care Centre and Excelcare Developments.

The panel comprised of :

Cllr Best (Chair) **(Cllr B)**

David New - Direct Planning **(DN)**

Gemma Barnes - Planning Officer LBC **(GB)**

2 local residents signed the attendance sheet. **(R)**

Minutes of the Meeting

7.00pm Cllr Best opened the meeting.

The proposed plans and site photographs were displayed for view.

CLLR B – Explained the purpose of the local meeting and application process.

DN – Gave a brief explanation of the proposal, why a mixed use development had been chosen and design rationale. The mixed use was chosen due to the need to maintain an employment use on the site in line with planning policy requirements. The design approach has been discussed with Planning Officer's and has evolved as a result of advice given by the Council's Urban Designer.

CLLR B – pointed out that there are other non residential uses in the area such as the adjacent church and social club. The site at 215 Sydenham Road has planning permission for additional flats, this development is nearing completion. The block of vacant garages to the rear of the site have been demolished to provide access into 215 Sydenham Road.

DN – The design of the proposal seeks to reflect the existing character and development in the area whilst bringing a new lease of life to the area.

R – There will be unacceptable overlooking onto the properties in Laurel Grove.

DN – The distance between the application site and properties in Laurel Grove exceed recommended guidelines and distances between other properties in this area. The distance is entirely acceptable for an urban area such as this.

The distance between the front of the application site and the rear elevation of No.51 Laurel Grove was measured as 25m.

GB – Advised that the guidance for acceptable distance between facing elevations is 21m. This is guidance and in some instances greater or smaller distances are more appropriate.

R – where would the new garage workshop be located?

DN – Pointed out the location of the garage on the ground floor plan.

R – There are concerns about the health and safety issues associated with having residential accommodation above a garage where there may be hazardous materials.

R – Where will the garage operate while building works are taking place?

DN – The applicant has agreed to relocate the garage occupier during construction and to cover the cost of this.

GB – Pointed out that the relocation issues could not be controlled as part of the planning application. This would be a private matter between the site owner and garage occupier.

CLLR B – People are concerned about safety issues associated with the garage use.

At this point the applicant (Mrs O'hara) advised that the application could be amended to include an office instead of a garage if this would be more acceptable.

GB – Advised that the Council have a policy requirement for some form of employment space to be re-provided as part of the development. This would not be restricted to a garage but clearly there are local concerns about the loss of the existing business. If an alternative commercial use is proposed then the current application would need to be amended.

CLLR B – stated that she has used the garage. It is an important local business that people are keen to keep on this site.

R – There is too much proposed for this site and this is not a suitable location for family dwellings.

GB – Clarified that the application proposes 1 x three-bed family unit and 2 x one bed flats.

R – Where is the residents parking?

DN – This is a car free scheme which is in line with government policy.

CLLR B – Asked if 'car free' was government policy or guidance.

GB – National and local planning policy promotes sustainable transport modes and seeks to encourage car free development on appropriate sites. However, car free isn't suitable for all sites and the garage use would clearly have a need for operational parking.

This site is served by public transport in the form of buses and 2 nearby train stations and that will need to be taken into account when forming a judgement on the proposed parking levels.

DN - Cycle parking facilities have been provided in line with policy requirements.

R – Church Court access road is a private road. If occupiers of the proposed flats park there it will cause problems for the elderly residents.

DN – If it's a private road residents of the proposed development wont be able to park there.

CLLR B – Read out the summary of other objections received from people not present at the meeting:

- This will result in overlooking and loss of privacy;
- There is insufficient parking for the residential units and for visitors;
- The existing garage offers a good service to local people;
- During construction the existing business would have to relocate;
- Its difficult to see how a car repair business can operate properly with residential accommodation above;
- The 2 uses are incompatible;
- A four storey building is too high for this site;
- Planning guidance seeks to prevent back to back residential units which are single aspect;
- The internal arrangement would not be able to make efficient use of solar gain;
- The internal layout is un-satisfactory and would not provide a good standard of accommodation;
- This amounts to overdevelopment of the site;
- The balcony/terraces would lead to unacceptable overlooking, noise and disturbance;
- The west facing windows would overlook neighbours;
- There is no turning head in the proposed access road;
- There will be an adverse impact upon daylight/sunlight for neighbouring properties;
- The contextural information submitted is inadequate to enable proper assessment;
- The proposed parking spaces are not shown on the drawings;
- The living rooms for the units are unacceptably small;
- The design is out of keeping with the area;
- There will be safety issues for the children living in the family unit;
- There would be an encroachment into the access road that belongs to Church Court;
- The windows in the west elevation should be obscure glazed.

DN – A daylight/sunlight assessment has been submitted which shows no adverse impact.

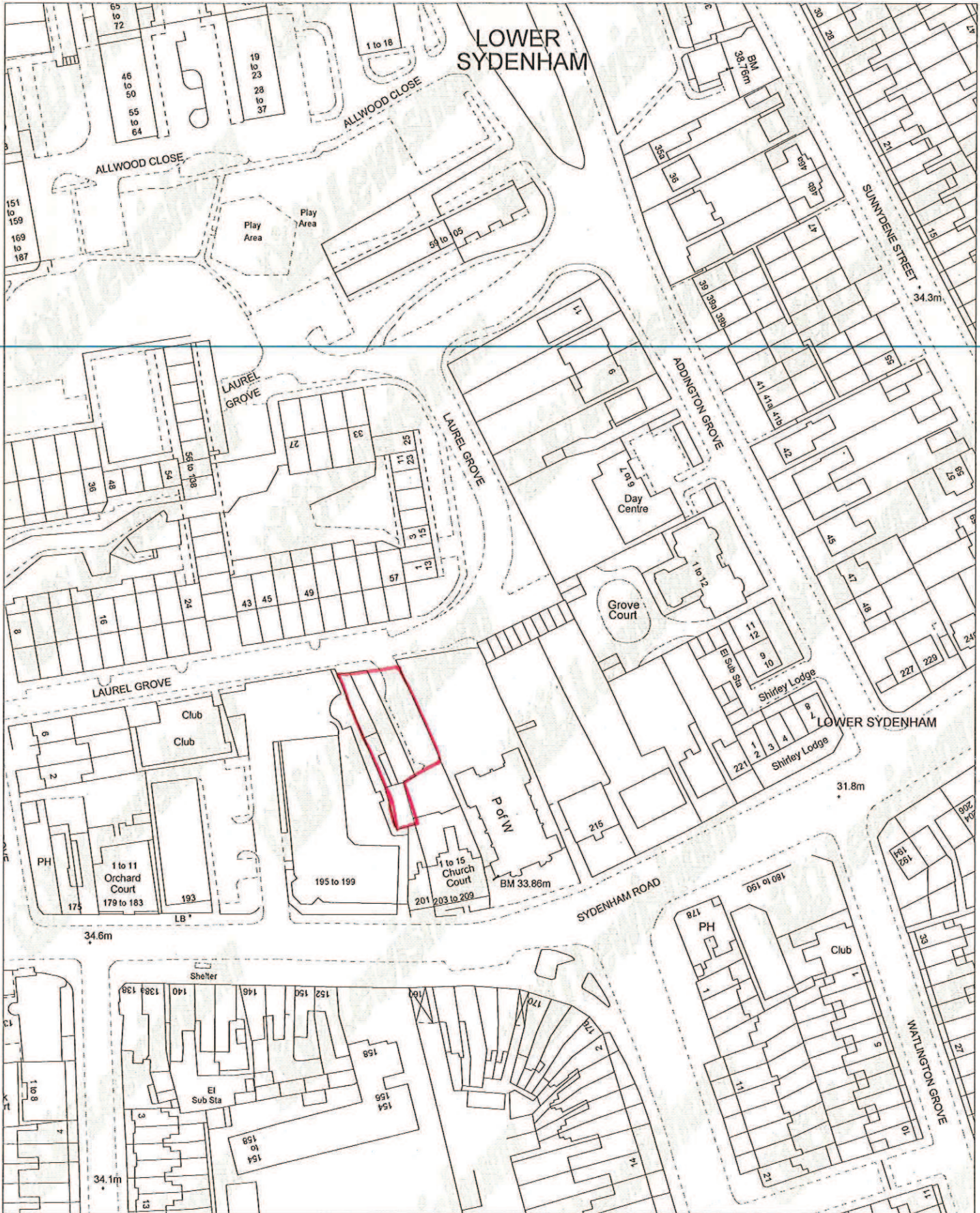
DN – The proposal includes a green roof which could incorporate solar panels. This could be controlled by condition.

GB – A condition would be attached to ensure that the development meets Code 4 under Code for Sustainable Homes.

Cllr B – The main issues raised from the meeting are overlooking onto properties in Laurel Grove and noise and disturbance from use of the front balcony and safety issues associated with the garage use below residential dwellings.

GB – Advised David New to speak to Building Control and the Fire Service about providing a garage below residential development. He will need to check safety regulations and provide evidence that the two uses can operate as proposed without giving rise to health and safety issues.

8.00pm CLLR Best closed the meeting.



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Committee	PLANNING COMMITTEE (C)	
Report Title	1A LENHAM ROAD SE12 8QN	
Ward	Lee Green	
Contributors	Russell Penn	
Class	PART 1	Date: 1 DECEMBER 2011

<u>Reg. No.</u>	DC/11/78306
<u>Application dated</u>	6 September 2011, completed 15 September 2011
<u>Applicant</u>	Waldron Architects on behalf of Mr and Mrs N De Souza
<u>Proposal</u>	The construction of a two storey, plus roof space extension to the side, extensions to the side and rear roofslopes and installation of 3 roof lights in the front roof slope.
<u>Applicant's Plan Nos.</u>	1102.01, 1102.PL04A, 07B, 08B, 09, Design and Access Statement & photographs.
<u>Background Papers</u>	<ul style="list-style-type: none"> (1) Case File - LE/450/1A/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework: Core Strategy (2011) (4) The London Plan (July 2011) (5) Supplementary Planning Document: Residential Standards
<u>Zoning</u>	Adopted UDP - Existing Use LDF: Core Strategy

1.0 Property/Site Description

- 1.1 The application relates to a two storey semi-detached dwelling sited on the eastern side of Lenham Road. The property is set back from the road with sufficient space for vehicle parking. The property has a lean-to garage to the side and a single storey rear extension. The site has an unusual triangular shape, being the first plot on the eastern side of Lenham Road. To the north and east of the application site are the rear gardens of properties in Lee High Road.
- 1.2 The site lies in a residential area comprising dwellings of varied age, size and design. Many of the properties have been extended and there are examples of contemporary architecture in close proximity of the site (1 & 2 Asra Villas).
- 1.3 The site is not located within a Conservation Area and is not listed.

2.0 Planning History

- 2.1 There is no recent relevant planning history relating to the property. The existing pair of semi detached houses were granted planning permission in 1953 and constructed shortly after.

3.0 Current Planning Application

- 3.1 Planning permission is sought for the construction of a two storey plus roof space side extension and roof extension to the rear roofslope of 1A Lenham Road SE12. This involves a hip to gable roof extension, the erection of a rear dormer, the installation of three roof lights in the front roof slope and the erection of a large two storey with roofspace side extension to provide an 'annexe' style extension to the main property.

4.0 Consultations and Replies

Neighbours & Local Amenity Societies etc

- 4.1 Consultation letters were sent to 62 neighbouring properties. A notice was displayed on site and Ward Councillors were consulted.
- 4.2 Four letters of objection have been received from adjacent occupiers at 1B Lenham Road and 352, 354 & 358 Lee High Road objecting to the proposal on the following grounds:-
- (1) Loss of privacy.
 - (2) Concern regarding the capacity on the existing drainage network that additional demand on its use would cause potential effluent flooding.
 - (3) Increase in the size of the property will increase noise levels in the vicinity.
 - (4) The design of the scheme is unsympathetic and will unbalance the semi detached property.
 - (5) The new roof line will block evening sun to property to the rear of the site.
 - (6) Concern regarding the use of the property for hotel or hostel use.

(Letters are available to Members)

5.0 Policy Context

London Plan

- 5.1 The London Plan was published in July 2011. Policies that are relevant to the application are:-

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater infrastructure

- Policy 5.15 Water use and supplies
- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture

Local Development Framework – Core Strategy

- 5.2 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development 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:
- 5.3 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:-

- Objective 1: Physical and socio-economic benefits
- Objective 5: Climate change
- Objective 6: Flood risk reduction and water management
- Objective 10: Protect and enhance Lewisham's character
- Spatial Policy 1: Lewisham Spatial Policy
- Spatial Policy 5: Areas of Stability and Managed Change
- Policy 7: Climate change and adapting to the effects
- Policy 8: Sustainable design and construction and energy efficiency
- Policy 15: High quality design for Lewisham

Adopted Unitary Development Plan

- 5.4 The relevant saved policies of the UDP (adopted July 2004) includes:-
- URB 3 Urban Design
 - URB 6 Extensions and Alterations
 - HSG 4 Residential Amenity
 - HSG 12 Residential Extensions

6.0 Planning Considerations

- 6.1 The main planning considerations are the impact of the proposal on the character of the property and surrounding area, and the impact on the amenity of neighbouring properties. Regard should also be given to sustainability.

Amenity for occupiers of host property

- 6.2 The proposed extension would provide additional habitable accommodation in the main dwelling by way of a bedroom in the roofspace and a large annexe which would accommodate 3 bedrooms, 2 bathrooms and a living room. It has been stated that the annexe is required in connection with the main dwelling, not as a separate residential unit. Although the annexe would have its own front door, the upper floors can only be accessed from within the original part of the building, which would make it difficult to separate the side extension as an

independent unit. Nevertheless as a precaution, given the size of the side extension and facilities provided within it, Officers consider it appropriate to attach a condition to the planning approval to prevent future subdivision of the annexe into a separate self contained dwelling.

- 6.3 The proposal would significantly increase the size of the property and amount of accommodation available for its occupiers. The extension would result in the loss of the garage and a section of the garden but there would still be ample off-street parking in the front drive and the rear garden would still be of adequate size for the family dwelling.

Visual Impact

- 6.4 National and local planning policies place considerable emphasis on the importance of achieving high quality design that complements existing development, established townscape and character. Supplementary Planning Document: Residential Standards sets out guidance for all residential extensions. All extensions should be sensitively designed to retain the architectural integrity of the building.
- 6.5 It is important to note that there is a wide range of architectural styles within this locality . Many of the properties have been altered/extended and therefore the proposal should be viewed in the context of its surroundings.
- 6.6 For design reasons the planning authority usually seeks to resist hip-to-gable roof extensions on semi-detached properties as this un-balances the appearance of the semi-detached pair which can be detrimental to the appearance of the dwellings and visual amenity of the streetscene. However, in this instance the proposed hip-to-gable extension is considered to be acceptable.
- 6.7 The appearance of the semi-detached pair has already been compromised by virtue of the lean-to garage extension on the application site and the front porch/garage extension on the adjoining property. The proposed side extension would significantly alter the appearance of the host property and would totally change the visual relationship of the property to its adjoining neighbour. Consequently the roof extension in this instance is considered to be an appropriate alteration. The roof extension would be constructed of materials to match the existing roof which is acceptable in design terms.
- 6.8 The proposed front rooflights would be well positioned within the roof slope. The roof is of adequate size to accommodate three rooflights without detriment to the character of appearance of the dwelling.
- 6.9 The proposed rear roof extension complies with the design criteria of the Council's SPD: Residential Standards by virtue of its size and position in the roofslope. The dormer style extension would be well contained within the extended slope, set down from the ridge, up from the eaves and in from the party wall. The dormer would be clad in standing seam, lead coloured steel sheeting which would match the roofing material proposed for the side extension. The dormer would include a Juliette balcony with glass balustrade and is considered to be of acceptable design.

- 6.10 The proposed side extension has been designed to appear as two elements. The extension is a contemporary design with a 'cat slide' roof to the front which provides an interesting contrast to the existing building. Although large in size the extension would appear as a subservient addition to the original dwelling as a result of its footprint, scale, roof pitch and materials. The largest element of the extension would maintain the established front building line of the property but would be set down from the main ridge. The roof would mirror the pitch of the gable on the main dwelling but would step down in height. The second smaller element of the extension would step back from the front elevation and would also step down in height. The step back and reduction in height helps to break up the mass of the extension.
- 6.11 The use of a modern materials palette (white render/Western Red Cedar boarding/lead coloured standing seam roof) results in a crisp appearance which contrasts well with the existing property and draws upon other contemporary designs within the street.
- 6.12 There is a large area of render on the rear elevation which Officers felt could be broken up by the insertion of a window. However, the applicant does not want a window in this location as they would like to maximise internal wall space. As the rear elevation will not be visible from any public viewpoint this is considered to be acceptable.
- 6.13 The plot is of adequate size to accommodate the proposal without appearing cramped or overdeveloped. Overall the proposal is well designed and would not harm the character or appearance of the host building or visual amenity of the streetscene.

Neighbour Amenity

- 6.14 Policy HSG4 seeks to protect residential amenity. When seeking permission for extensions/alterations to existing buildings it must be demonstrated that significant harm will not arise in respect of overbearing impact, loss of outlook, overshadowing, loss of light, overlooking, loss or privacy or general noise and disturbance.
- 6.15 Given the orientation of the application site in relation to its neighbours, the distance that will be retained between the extension and properties in Lee High Road and the dense boundary screening separating properties, it is not considered that the proposed extension would have an unacceptable impact on neighbouring amenity by way of overshadowing, loss of light, overbearing impact or loss of outlook.
- 6.16 The windows in the side elevation of the extension would overlook the side garden of the application site which is acceptable.
- 6.17 The windows at first floor level in the rear of the extension and the dormer windows would provide views onto the rear elevations of properties in Lee High Road but given the distance between facing elevations, the change in ground levels and dense boundary screening, the level of overlooking would not give rise to an unacceptable loss of privacy. In any event mutual overlooking at first floor already exists.

- 6.18 The rear dormer windows and Juliette balcony would provide views onto the roof of the neighbouring conservatory and the rear garden of the neighbouring property. An objection has been raised in this respect. However, the existing first floor rear window of the application site already provides views onto the roof of the neighbouring conservatory. The fenestration in the dormer would be located further away than the existing window; so while there would be the opportunity for additional overlooking, it is not considered that this would be so detrimental so as to warrant refusal of this application.
- 6.19 A Juliette balcony is proposed which adds an increased level of amenity to occupiers of the application site and is often a welcome feature for providing additional light and natural ventilation into a room beyond what can be provided by a small window. However, Juliette balconies do not facilitate the same level of overlooking as a full balcony/roof terrace as they do not provide the opportunity to sit outside at roof level. Occupiers of the bedroom may sit in the window to benefit from the open door to the Juliette balcony but in reality this would not facilitate a significantly greater level of overlooking than occupiers sitting behind an open window.
- 6.20 Concerns have been raised about increased noise levels as a result of the significant increase in size of the property. It is acknowledged that the proposed extension is large and would in effect double the size of the existing dwelling. Nevertheless the site is of adequate size to accommodate the proposed extension without appearing cramped or overdeveloped. The majority of the additional accommodation would be provided on the northwest side of the property, sited away from adjoining neighbours. It is not unusual for some residential dwellings to be occupied by large families, indeed there is a need within the Borough for larger family sized dwellings. Overall it is not considered that use of the additional accommodation as an extension to the existing household would generate an unacceptable level of noise or disturbance beyond what is reasonably expected from occupation of a dwellinghouse.
- 6.21 Use of the extension as a separate self contained dwelling would require further consideration and may not be acceptable. For this reason a condition will be attached to this consent to restrict the use of the extension as an annexe.
- 6.22 For the reasons stated it is not considered that the proposal would compromise the amenity of neighbouring properties.

Sustainability

- 6.23 The proposal complies with the principle of extending an existing building and maximises the use of an existing site. All habitable rooms would benefit from good levels of natural light and ventilation. For a development of this scale it is not considered appropriate or necessary to insist upon the inclusion of renewable energy facilities.

Other Issues

- 6.24 The adjoining neighbour (1B Lenham Road) has raised concern about the impact of the development on surface water run-off and sewer drainage. It has been stated that the existing private drains serving 1A and 1B Lenham Road are already prone to blockage and this would be exacerbated by the significant increase in accommodation and knock on water use within the property.

- 6.25 The planning authority does not usually consult Thames Water in respect of residential extensions. However, in this instance Officers have discussed the application with Thames Water who have confirmed that the sewer at 1A is a private sewer at the start of the sewer run so would not be maintained by Thames Water but the sewer at 1B would be maintained by Thames Water. Consequently if problems with the sewer drains are experienced on the neighbouring property, Thames Water would be able to deal with this issue.
- 6.26 Building Control Officers have confirmed that as part of the Building Regulations process Thames Water would be consulted on the proposed extension but it is not anticipated that any issues would arise in respect of increased water use.
- 6.27 The issue of sewer drainage and maintenance is in fact a private matter between land owners and could not form a reason for refusal of planning permission.
- 6.28 In respect of surface water run-off and flood risk such issues should be taken into account when considering applications for new development. This site is not located within an area of flood risk and in any event it is not considered that the proposed extension would give rise to a significant increase in surface water run-off or lead to flooding.

7.0 Consultations

- 7.1 With regard to procedural matters, neighbour notifications have been carried out in accordance with the Council's usual procedures.
- 7.2 Officers are satisfied that all statutory Council procedures have been followed.

8.0 Conclusion

- 8.1 It is not considered that the extension would harm visual or residential amenity and therefore approval is recommended.

9.0 Summary of Reasons for Grant of Planning Permission

- 9.1 On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria and is in accordance with Policy 8 Sustainable design and construction and energy efficiency, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and retained Policies URB 3 Urban Design and URB 6 Alterations and Extensions in the adopted Unitary Development Plan (July 2004).
- 9.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance Policy 8 Sustainable design and construction and energy efficiency, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and retained Policies URB 3 Urban Design, URB 6 Alterations and Extensions and HSG 12 Residential Extensions in the adopted Unitary Development Plan (July 2004).

10.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

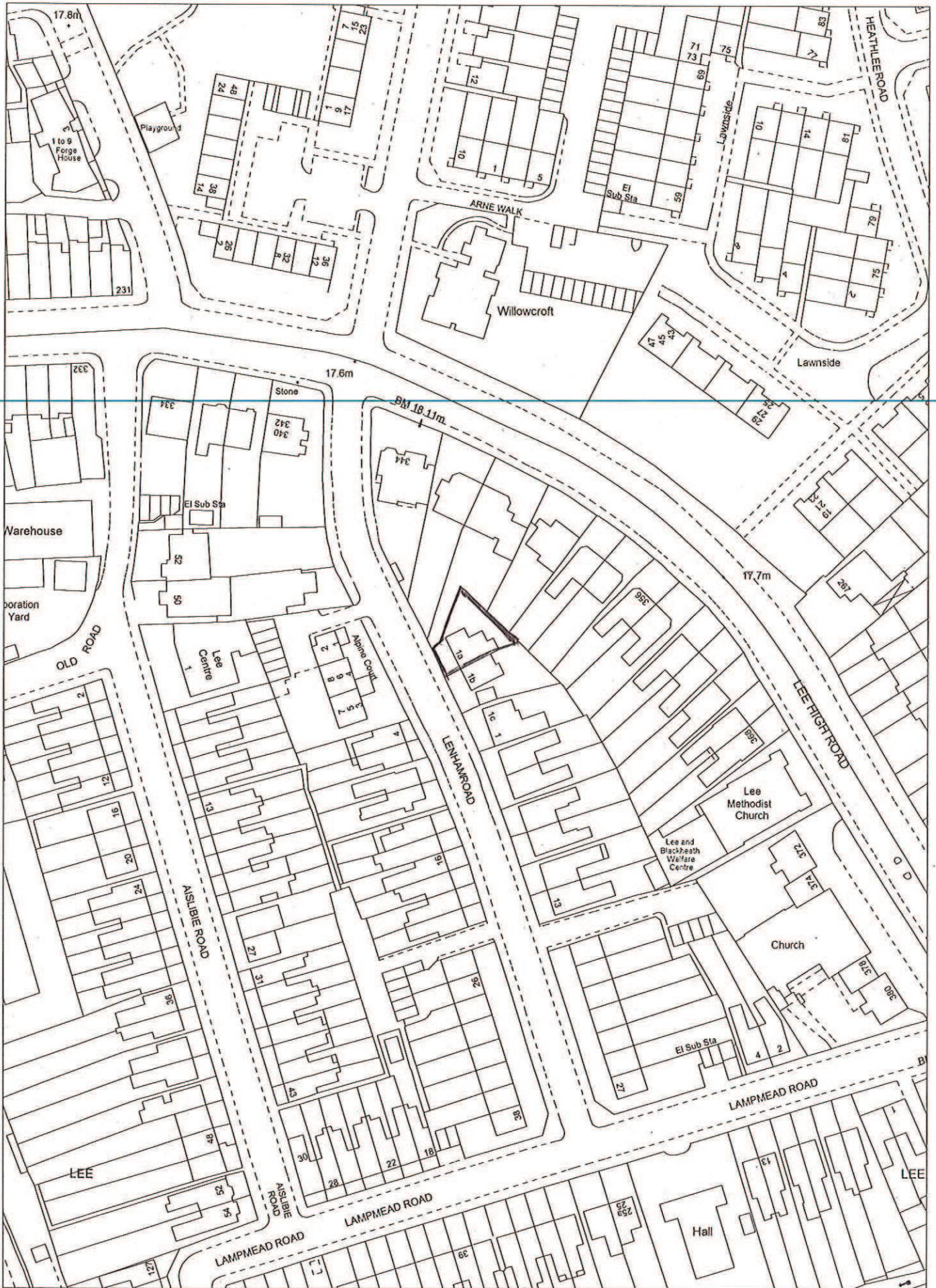
- (1) The extension hereby approved shall be used for purposes ancillary to the enjoyment of 1A Lenham Road as a single dwellinghouse and at no time shall the extension hereby approved be occupied as a separate dwelling.
- (2) The hip-to-gable roof extension hereby approved shall be constructed of materials to match the existing roof. The dormer shall be clad in standing seam, lead coloured steel sheeting and the side extension shall be constructed of white render, Western Red cedar boarding and lead effect standing seam cladding in accordance with drawing no. 1102.PL.08B hereby approved.
- (3) B09 Plumbing or Pipes

Reasons

- (1) In the interests of protecting the amenity of occupiers of the application site and neighbouring properties and to comply with Policy HSG 4 Residential Amenity within the adopted Unitary Development Plan (July 2004).
- (2) 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 adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

Informative

Construction Sites Code of Practice or any other such codes applicable at the time of construction.



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Committee	PLANNING COMMITTEE (C)	
Report Title	256 KIRKDALE SE26 4NL	
Ward	Sydenham	
Contributors	Geoff Whittington	
Class	PART 1	Date: 1 DECEMBER 2011

<u>Reg. No.</u>	DC/11/77811
<u>Application dated</u>	7 July 2011, completed 3 August 2011
<u>Applicant</u>	Hargreaves Architects Ltd on behalf of Robinson Jackson Ltd
<u>Proposal</u>	The retention of an aluminium framed shopfront.
<u>Applicant's Plan Nos.</u>	3601/1A & 3188/1, Design and Access Statement & Site Location Plan
<u>Background Papers</u>	(1) Case File - LE/240/256/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework: Core Strategy (2011) (4) The London Plan (July 2011) (5) Supplementary Planning Document: Shopfront Design Guide
<u>Zoning</u>	Adopted UDP - Existing Use LDF: Core Strategy

1.0 Property/Site Description

- 1.1 The application site is a single-storey commercial property projecting from a three-storey building on the corner of Kirkdale and Westwood Road. The premises are currently occupied by an estate agents.
- 1.2 The surrounding area provides a range of commercial activity, with upper floor residencies. Sydenham Road lies to the south-east of the application site.
- 1.3 The site lies within the Cobb's Corner Conservation Area.

2.0 Planning History

- 2.1 In 2004, permission was granted for the change of use of the premises from retail (A1) to office use (A2).

3.0 Current Planning Application

- 3.1 The application seeks the retention of an aluminium framed shopfront that was installed without the benefit of planning permission in early 2011. The shopfront incorporates a large proportion of glazing, with a central entrance and stallriser.

4.0 Consultations and Replies

Neighbours & Local Amenity Societies etc

- 4.1 Consultation letters were sent to 15 neighbouring properties and the Sydenham Society. Ward Councillors were consulted and notices were displayed on site and in the local press.
- 4.2 An email was received from Cllr Best, objecting to the proposal on the following grounds;
- (1) curvature of building has been lost;
 - (2) missed opportunity to consider a wooden shopfront, incorporating a curvature;
 - (3) does not accept the applicant was unaware of the location within a conservation area.
- 4.3 The Sydenham Society have commented upon the appearance of the former frontage, stating that they 'recall the shopfront as curved'.

Support Response

- 4.4 One letter of support received, stating they 'consider the new look of the unit is clear, fresh and modern looking.'

(Letters are available to Members)

5.0 Policy Context

London Plan

- 5.1 The London Plan was published in July 2011. Policies that are relevant to the application are:-

7.4 Local Character and 7.6 Architecture.

Local Development Framework – Core Strategy

- 5.2 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development 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:
- 5.3 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:-

Objective 10: Protect and Enhance Lewisham's Character; Policy 15: High Quality Design for Lewisham; and Policy 16: Conservation Areas, Heritage Assets and the Historic Environment.

Adopted Unitary Development Plan

- 5.4 The relevant saved policies of the UDP (adopted July 2004) includes:-

URB 3 Urban Design; URB 8 Shopfronts and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas.

6.0 Planning Considerations

- 6.1 The replacement shopfront was installed without authorisation from the Council in 2011. The applicants have advised they were unaware the property was located within a conservation area, however permission would have been required for the new shopfront had the property not been sited within a designated conservation area.

- 6.2 The main planning issues to consider are whether the replacement shopfront enhances the appearance of this building within the streetscene, and whether it preserves and respects the character of the Cobb's Corner Conservation Area.

Significance of the Building

- 6.3 The 3-storey element of the building is a good and well detailed example of its time combining Art Deco style and modernist influences that create a bold statement at this important junction. The single-storey flat roof element follows the curvature of the street corner where the two major historic thoroughfares of Sydenham converge.

- 6.4 The main entrance to the estate agent is centrally placed within the shopfront, addressing the roundabout and forming a key focal point in the approach from the east from the main high street.

The Principle of a New Shopfront

- 6.5 In conservation areas, the Council requires 'all new shopfronts and advertisements to relate well to existing buildings and streetscene, be of a high quality design with appropriate materials that preserve and enhance the character of the area; the use of wood will be encouraged and aluminium or uPVC discouraged.'

- 6.6 The Council's Supplementary Planning Document (SPD) 'Shopfront Design Guide', states that 'modern materials, such as aluminium...when carefully designed, can be appropriate for modern shopfronts. The quality and detailing are important.' It also states that materials such as aluminium are not normally acceptable in conservation areas because of their incompatibility with traditional building materials.

- 6.7 Having undertaken a thorough appraisal of the application property and the immediate surroundings, officers consider the current application, including the suitability of material and design, must be assessed on its own merits. The building is a 1930s purpose-built commercial building in a modern style. As typical for its period, it is considered likely to have originally had metal framed windows, and often buildings of that period also had metal

shopfronts. As such, the change from timber to aluminium is not considered inappropriate in this particular case.

- 6.8 The new shopfront has the display windows enlarged by omitting the transom lights and reducing the height of the stallriser. The effect, however is alleviated by the introduction of etched bands that frame the display area and do not make the windows look overtly large or out of context with the building they form part of. The frames are set within the existing brick pilasters and the shopfront as such has retained the structural and visual support needed. An exception is the new fully glazed door unit which provides a contemporary focal point to the corner.
- 6.9 The new shopfront must also be seen in context with a number of other improvements, namely the de-cluttering of the shopfront, including the removal of air conditioning units on the Kirkdale side and the reduction of signage. The pilaster at the Westwood Hill side has been rendered and painted in the same colour as the windows frame, which has resulted in a more coherent appearance. The overall effect is a restrained, even stylish shopfront, which despite its contemporary approach fits well within the context of the modern style of the building, and does not impact detrimentally upon the character of the Cobb's Corner Conservation Area.
- 6.10 Differing opinions have arisen in respect to the former shopfront, with the ward councillor and the Sydenham Society stating it used to incorporate a curved frontage, whilst Conservation officers consider the current part-hexagonal shape to replicate the former.
- 6.11 It is acknowledged there is curvature above the entrance door and two windows, which may suggest the entire shopfront was once curved, however officers remain of the opinion that the replacement shopfront is of a good appearance, and has a positive impact upon the character of the Conservation Area and streetscene generally.

7.0 Consultations

- 7.1 With regard to procedural matters, neighbour notifications have been carried out in accordance with the Council's usual procedures.
- 7.2 Officers are satisfied that all statutory Council procedures have been followed.

8.0 Conclusion

- 8.1 The aluminium framed shopfront is considered to be of a good modern appearance, whilst managing to preserve and enhance the character of the host building and the Cobb's Corner Conservation Area.
- 8.2 Council policy generally seeks to resist the installation of aluminium shopfronts in conservation areas, however for the reasons stated in this report, the use of such material is considered appropriate for this property and setting. It is therefore recommended retrospective permission be granted.

9.0 Summary of Reasons for Grant of Planning Permission

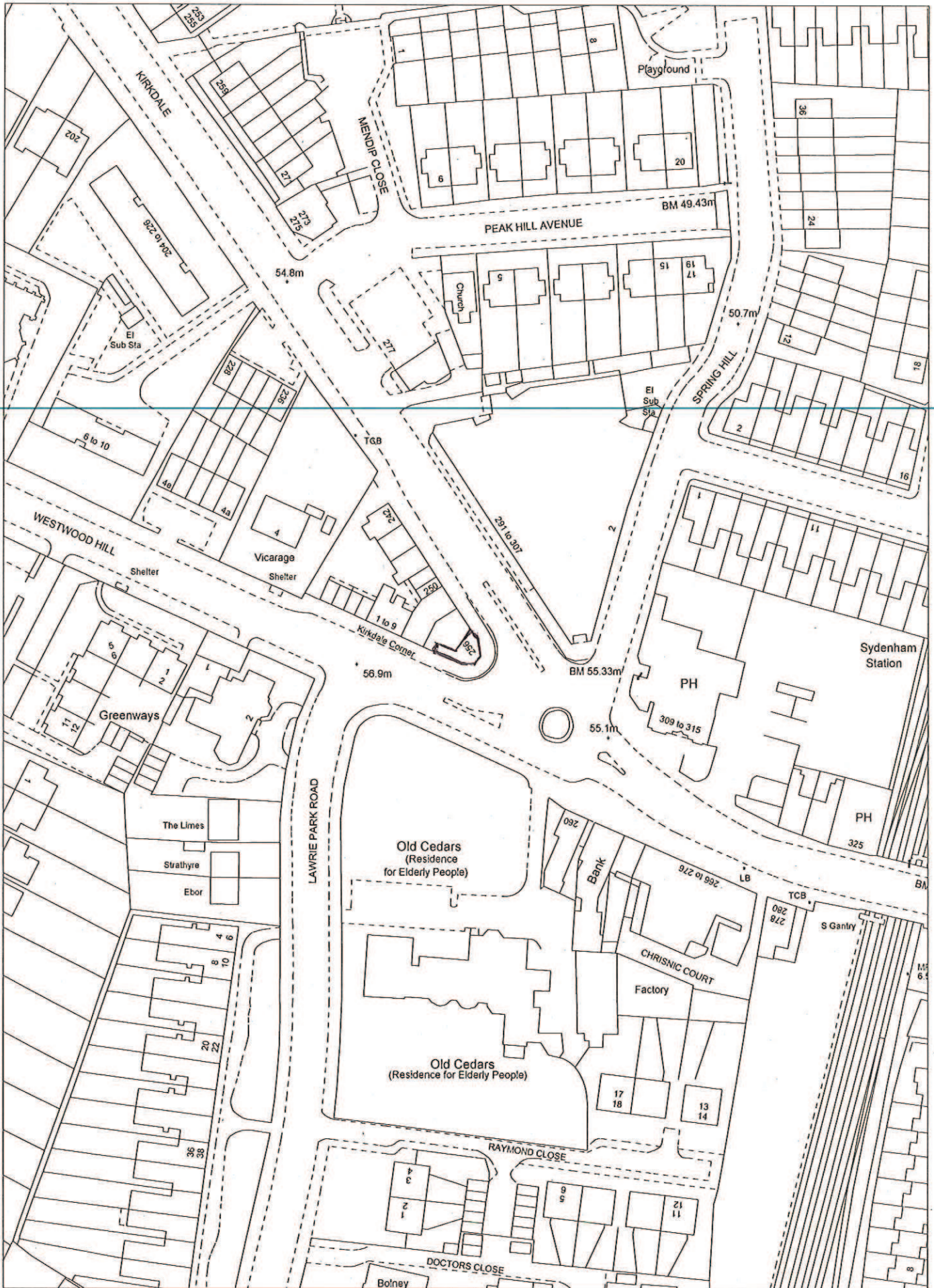
9.1 On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria and is in accordance with saved UDP policy URB 3 Urban Design and Policy 15 High Quality Design for Lewisham of the Local Development Framework: Core Document (2011).

9.2 It is considered that the proposal complies with Policy 15: High Quality Design for Lewisham, Policy 16: Conservation Areas, Heritage Assets and the Historic Environment and Objective 10: Protect and Enhance Lewisham's Character of the adopted Core Strategy (2011), and saved policies URB 3 Urban Design, URB 8 Shopfronts and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas of the Unitary Development Plan (July 2004).

10.0 RECOMMENDATION

10.1 GRANT PLANNING PERMISSION

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