

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 31 JANUARY 2013 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:**

**Paul Bell (Chair)
Pauline Beck
Liam Curran
Alexander Feakes
Peggy Fitzsimmons
Joseph Folorunso
Helen Gibson
Alan Hall
Madeliene Long
John 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 January 2013**

For further information please contact:

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Committee Co-ordinator
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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	31 January 2013

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

(1) Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

- (1) Employment trade, profession or vocation of a relevant person* for profit or gain
- (2) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (3) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (4) Beneficial interests in land in the borough.
- (5) Licence to occupy land in the borough for one month or more.
- (6) Corporate tenancies any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (7) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (1) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (2) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (3) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.

- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (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).

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Committee	PLANNING COMMITTEE C	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	31 January 2013

MINUTES

To approve the minutes of the meetings of Planning Committee C held on 8 November 2012 and 20 December 2012.

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Committee	PLANNING COMMITTEE C	
Report Title	UNIT 3 ASHBY MEWS SE4 1TB	
Ward	Brockley	
Contributors	Monique Wallace	
Class	PART 1	31 January 2013

<u>Reg. No.</u>	DC/12/81670
<u>Application dated</u>	15.10.2012, revised 22.11.2012
<u>Applicant</u>	Skyline Design Limited on behalf of Mr Lowe
<u>Proposal</u>	Alterations to Unit 3, Ashby Mews SE4, including replacement roofs, the installation of roof lights, doors and a circular window to the front.
<u>Applicant's Plan Nos.</u>	284.3.100.PL.01, 02, 03, 04, 05, 06, 284.3.200.PL.01, PL.02, 284.3.1250.PL.01, Design & Access Statement and Heritage Statement received 22/11/12.
<u>Background Papers</u>	(1) Case File DE/98/A3/TP (2) Lewisham's Core Strategy (June 2011) (3) Adopted Unitary Development Plan (July 2004) (4) The London Plan
<u>Designation</u>	Existing Use

1.0 Background

- 1.1 This application was considered by Planning Committee C on 20 December 2012 and a decision was deferred for members of the Committee to visit the site.
- 1.2 The site visit took place on Friday 18 January at 12pm whereby Members visited the application premises and also viewed it from the gardens of 68 and 70 Manor Avenue.
- 1.3 The content of the report considered on 20 December 2012 is found in the following sections of this report.

2.0 Property/Site Description

- 2.1 The application site comprises Unit 3 Ashby Mews, a single storey industrial unit of some 215m² which is part of a larger range of commercial/industrial buildings located on the north side of Ashby Mews within the Brockley Conservation Area.
- 2.2 The premises is 22m deep and has a frontage to the Mews of 10.3m; to the rear it narrows to a width of 9m. It is significantly deeper than the remainder of the industrial buildings within the Mews. The premises has a large, asymmetric gable up to almost 7m in height fronting the Mews however the rear part of the building is lower, with a hipped roof up to 5m high at the apex of the roof. Part of the roof is glazed.

- 2.3 The application site was previously used as a workshop and for storage. The mews buildings to the north and south of the site have a history of commercial/industrial use, and all about the rear gardens of the properties fronting Manor Avenue to the east, which are residential dwellings.
- 2.4 This site along with Units 1, 2, 4 & 5 Ashby Mews and Nos 1-3 Ashby Road appear to have had a long history of industrial use initially as a laundry and then as warehouses and offices for publishers Hodder and Stoughton. With the exception of the rear part of Unit 3, they were never part of the gardens of adjoining properties in Manor Avenue.
- In the case of Unit 3, the original site has clearly been extended into the rear garden of No. 70 Manor Avenue. This may have occurred before the Second World War when the two sites were in common ownership. The current buildings appear largely interwar with the offices fronting Ashby Road (nos. 1-3 Ashby Road) constructed in the 1960s. Following the departure of Hodder and Stoughton in the late 1970s, the Mews buildings were sub-divided into small units (Units 1-5 Ashby Mews). The offices (1-3 Ashby Road), together with a storage area to the rear, were leased by the Council for a number of years and used as offices.
- 2.5 Unit 5 was destroyed in a fire and the building has now been demolished and the site cleared. Although all the units are single storey, heights range from 3.7 metres to 7.0 metres, with units 3 & 4 having large 'saw tooth' gabled roofs which at the apex are the equivalent in height to a two storey building.
- 2.6 The opposite side of the Mews, occupying the rear of properties in Upper Brockley Road, was similarly occupied with smaller scale workshop units. However, most of these have now reverted to domestic garaging and are attached to properties in Upper Brockley Road which were refurbished in the 1990s. Only a few commercial units remain on that side of the Mews, including an attractive two storey Victorian stable.
- 2.7 The Mews continues to Geoffrey Road and beyond the site of Unit 5 is fronted mainly by rear gardens and domestic garages. However there are a few commercial uses and a solitary dwelling house at the rear of No. 102 Manor Avenue, which was constructed in the early 1980s. Many of the rear gardens also support mature trees which are an attractive feature of the Mews.
- 2.8 The Mews is a private road owned and maintained by frontagers with a largely hogging surface. Due to its greater usage for access to the industrial units, the Mews surface adjoining the application site, which comprises a variety of materials, is in poor condition. The broader section of Mews immediately to the south of Unit 5, suffers from periodic fly tipping.
- 2.9 The Brockley Conservation Area is covered by an Article 4 Direction.
- 2.10 At a site visit carried out by officers on 6 December 2012, it was noted that the roof covering of the rear element of the application building had been removed, with an insulation material in its place. Internal works were also being carried out.

3.0 Planning History

- 3.1 On 12 March 1953, planning permission was approved for an extension to the storage sheds at 3 Ashby Mews.
- 3.2 Permission was refused on 5 December 1991 for the continued use of Unit 3 Ashby Mews (together with neighbouring Mews buildings) for motor vehicle repairs. The reason for refusal was due to noise, smell, fumes and general disturbance, which would be detrimental to the amenities of local residents and the Conservation Area generally. This refusal was followed by an Enforcement Notice served on 4 March 1992 to secure the cessation of the use.
- 3.3 As the application site once formed part of the larger development which fronted Ashby Road, officers considered it prudent to also refer to recent planning decisions for both 1-3 Ashby Road as well as Units 1 to 5 Ashby Mews.
- 3.4 DC/06/61742 - 1-3 Ashby Road - An application was received 10 February 2006 for the demolition of the existing Council offices at 1-3 Ashby Road and the construction of a part single/part three storey building, plus basement, to provide a 22 bedroom care home. This application was withdrawn by the applicant 21 April 2006.
- 3.5 DC/06/63649 & DC/06/63650 - 1-3 Ashby Road - Planning permission and Conservation Area Consent were refused 30 November 2006 for the demolition of the existing Council offices at 1-3 Ashby Road and the construction of a part two/part three storey building, to provide an 18 bedroom care home and 3 car parking spaces. There were 2 reasons for refusal; one being scale, bulk and mass and generally poor design, whilst the second referred to the negative impact upon neighbouring amenity due to the close proximity of the proposed building to the existing nearby residential houses. In dismissing a subsequent appeal on 18 August 2008, the Planning Inspector raised concerns regarding parking and congestion, and concluded that the scale and design of the proposed building would neither preserve or enhance the Brockley Conservation Area. Conservation Area Consent was refused for the substantial demolition of 1-3 Ashby Mews on 28 August 2007 (DC/07/66015) as there was no agreed scheme of development in place.
- 3.6 DC/09/71245 - 1-3 Ashby Road - Planning permission was refused on 5 August 2010 for the conversion of the building to a 14 bedroom care home, including part single/part two storey extensions to the existing building. This application was refused due to an increase in on-street parking in an already heavily parked area.
- 3.7 November 17 2009 – Conservation Area Consent and Planning Permission were granted for the demolition of the existing buildings at Units 2, 3, 4 & 5 Ashby Mews SE4 and the construction of a part single/part two storey block comprising 5 commercial B1 units, together with the provision of 3 car parking spaces, internal bicycle storage and refuse storage area.’ The decisions were issued 3 September 2009, under references DC/08/68761 and DC/08/68580.
- 3.8 Details of facing materials, a scheme to minimise the threat of dust pollution, external lighting and details of biodiverse living roofs submitted in compliance with Conditions (1), (3), (4) & (11) of the above planning permission (DC/12/68761) were approved on 16 November 2012. Ref. DC/12/81502. Officers have been advised by letter dated 7 November 2012 that works have commenced on site in relation to this development.

- 3.9 Three further planning applications have been submitted concurrently for alterations, conversions and changes of use at units 1 & 2 (one application), 4 and 5 Ashby Mews. The details of these applications are as follows:
- 3.10 DC/12/81831 - Units 1 & 2, Ashby Mews - The construction of an additional storey above Units 1 & 2 Ashby Road to provide a two bedroom self-contained flat with Juliette balcony and roof terrace. This application remains undetermined.
- 3.11 DC/12/79664 - Unit 4, Ashby Mews - The demolition of the existing buildings at Unit 4 Ashby Mews and the construction of a two storey building to provide a live work unit comprising a three bedroom residential unit and a Ceramicist studio space. This application remains undetermined.
- 3.12 DC/12/79577 - Unit 5, Ashby Mews - The construction of a two storey building to provide a live work unit at Unit 5 Ashby Mews with studio on the ground floor and a two bedroom self-contained flat on the upper floor. This application remains undetermined.

4.0 Current Planning Application

The Proposals

- 4.1 The proposal is for alterations to Unit 3, Ashby Mews including the replacement of the roofs, the installation of roof lights, doors and a circular window to the front.

Replacement Roof

- 4.2 The application building has two main roofs; a pitched, 'saw tooth' design to the front part of the building, towards Ashby Mews, and a lower pitched, hipped roof to the rear part of the building. Both roofs are to be replaced in their entirety; the front roof with an aluminium metal deck finish and the rear roof slopes with grey slate tiles.
- 4.3 The form of the roofs would not be altered. The drawings note that thermal insulation would be provided below the roof covering.

Roof lights

- 4.4 The front roof is proposed with 8 roof lights; 4 large roof lights flush with the roof slope are proposed to the south western roof slope and 4 smaller ones on the north western slope
- 4.5 The three existing roof lights in the rear part of the building would be replaced with roof lights of the same dimensions.

Alterations

- 4.6 The front wall of the building is to be re-built using reclaimed yellow London stock brick above a plinth finished in black engineering brickwork. The black engineering brickwork will also be used for the door and window surrounds and lintels. Doors and windows are to be finished in black metal. The large door opening to the Mews would be reduced in size and a new pedestrian entrance door would be provided.
- 4.7 The existing triangular window to the rear elevation of the higher part of the building will be reduced in size, and is proposed to remain with frosted glass. A

new high level circular window opening to the front of the building towards the apex of the roof also proposed.

Mezzanine floor

- 4.8 The application plans show that it is proposed to insert a mezzanine floor within part of the front section of the building, creating some 60.5m² of additional floorspace. It should be noted that as the mezzanine element is an internal alteration it does not require planning permission.

Supporting Documents

- 4.9 A heritage statement and a design and access statement were submitted with the planning application. The documents describe the development and explain the characteristics of the property in the context of the Brockley Conservation Area.

5.0 Consultation

- 5.1 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.
- 5.2 Site notices were displayed at the front of the application building whilst a Public Notice was placed close to the entrance to Ashby Mews on Ashby Road. Letters were sent to 49 residents and business within Manor Avenue, Upper Brockley Road, Ashby Mews, including those who had contacted the Council about the last proposal for the application site. The relevant ward Councillors were also consulted.

Written Responses received from Local Residents and Organisations

- 5.3 To date, two letters in support, and seven letters objecting to the proposal have been received by the Council. The planning objections to the proposal are summarised as follows;
- The mezzanine level would result in overlooking, and is an over intensive use of the site.
 - The kitchen is very large and would result in smells into the nearby gardens.
 - The installation of 'roof lights' (and the mezzanine) will create overlooking into neighbouring gardens.
 - The roof lights will create light pollution.
 - There would be a general increase in noise and disturbance
 - There will be an increase in traffic.
 - The submitted drawings labelled 'existing' do not reflect the current condition of the building.
- 5.4 One of the letters in support of the proposal confirms that they have direct views of the application building from their property and believe that the proposed refurbishment would enhance Ashby Mews and the Conservation Area.

(Letters are available to Members)

Amenity Societies Panel

- 5.5 The Panel considered the scheme an improvement on previous proposals in terms of scale however front elevation requires more thought and improved design.

Policy Context

Introduction

- 5.6 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

(a) the provisions of the development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

- 5.7 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.

- 5.8 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). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

- 5.9 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF.

At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. In summary, this states, that for a period of 12 months from publication of the NPPF decision makers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.

- 5.10 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, 214 and 215 of the NPPF.

London Plan (July 2011)

- 5.11 The London Plan policies relevant to this application are:

Policy 2.6 Outer London: vision and strategy
Policy 2.7 Outer London: economy

Policy 4.12 Improving opportunities for all
 Policy 5.1 Climate change mitigation
 Policy 5.2 Minimising carbon dioxide emissions
 Policy 5.3 Sustainable design and construction
 Policy 5.4 Retrofitting
 Policy 5.7 Renewable energy
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.13 Parking
 Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.8 Heritage assets and archaeology
 Policy 7.9 Heritage-led regeneration
 Policy 7.21 Trees and woodlands
 Policy 8.3 Community infrastructure levy

Core Strategy

- 5.12 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 5 Areas of Stability and Managed Change
 Policy 5 Other employment locations
 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
 Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (July 2004)

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

URB 3 Urban Design
 URB 6 Alterations and Extensions
 URB 13 Trees
 URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
 ENV.PRO 11 Noise Generating Development
 ENV.PRO 12 Light Generating Development
 HSG 4 Residential Amenity
 HSG 8 Backland and In-fill Development

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.14 This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney

stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

It also sets out detailed guidance on the limited development that will generally be considered acceptable within the Brockley Mews.

Brockley Conservation Area Appraisal (August 2006)

- 5.15 The Character appraisal provides an assessment and definition of Brockley's special historic and architectural interest. The character of the conservation area derives from all the elements outlined in this appraisal with their interrelationships being just as important as their individual existence. The conservation area was designated by the council in 1973 in recognition of its special architectural and historic interest. It was extended in 1991, 1993 and 2005.

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of this application are:
- (a) The acceptability of the proposed alterations
 - (b) Impact on Adjoining Properties
 - (c) Sustainability and Energy
 - (d) Design and Conservation
- 6.2 The Council has a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This application is for alterations to an existing building within the Brockley Conservation Area and it is necessary to assess the impact on the character and appearance of the conservation area.
- 6.3 The existing building is of utilitarian appearance and is in a dilapidated condition. The front elevation to the Mews is dominated by a large roller shutter door, above which is an expanse of corrugated metal cladding. The proposed use of reclaimed yellow stock and black bricks is considered satisfactory and compatible with surrounding buildings. The new door and window openings to the front elevation and the reduction in size of the main door would maintain an industrial aesthetic and are considered appropriate in design terms. The proposed circular window to the front of the building is functional, in order to let light into the proposed mezzanine floor, modest in size and is considered to be in keeping with the overall design of the host building.
- 6.4 The proposed roof coverings, aluminium to the front and grey slate tile to the rear are considered acceptable. The main alteration to the roof is the provision of four large roof lights to the south roof slope. The south facing roof pitch is relatively shallow and it is not considered that the metal framed roof lights would be of incongruous appearance in the commercial context of this Mews. The roof lights to the north facing roof slope would replace a larger expanse of glazed roof in that roof slope. The roof lights to the rear part of the building would replace existing roof windows in the same locations.

- 6.5 Overall the external alterations would result in a significant improvement to this dilapidated building and are considered to enhance the character and appearance of the conservation area.

Impact on Adjoining Properties

- 6.6 The premises is in use as a store and sculpture studio and no change of use is proposed. Neighbours have written objecting on the grounds of the general noise and disturbance caused by the proposed development. The issue of intensification of use due to the mezzanine floor has also been raised, however as stated above, planning permission is not required for this alteration. Even if the external changes were considered unacceptable, the mezzanine floor could be provided without the need for planning permission.
- 6.7 It is not considered that the additional roof lights in the south roof slope would result in significant additional disturbance from the use of the premises as the closest residential buildings in Manor Avenue are some 20m away.
- 6.8 While the four roof lights proposed in the south roof slope are large, it is not considered that these would give rise to overlooking or significant disturbance from light spillage due to the distance from nearby residential properties and their angle towards the sky. The proposed windows closest to the nearby residential houses fronting Manor Avenue would be the replacement roof lights proposed in each of the three roof slopes that would replace existing roof lights. Here ventilation can be sought, officers can add a condition to the decision notice ensuring that all of the roof lights are fixed shut in perpetuity. Officers do not consider it necessary to require the roof windows to be obscure glazed in view of their distance from the nearest residential windows.
- 6.9 The triangular window in the rear elevation of the higher element would replace an existing larger glazed panel. Due to its orientation towards residential properties it is considered desirable to impose a condition requiring this window to be obscure glazed and unopenable. There are no planning objections to the slight reduction in size or replacement of this window as any impact would be similar to the existing situation.

Sustainability and Energy

- 6.10 When considering alterations to existing non residential buildings, the Council's policy requirement of BREEAM 'Excellent' is considered to be an unreasonable requirement given the limitations of the existing building fabric. However, the proposal involves the insulation of the entire roof (front and rear) which would significantly reduce heat loss, and aid cooling which contributes to the objectives of creating a more sustainable environment.

7.0 Community Infrastructure Levy

- 7.1 Any new build – that is a new building or an extension – is only liable for the levy if it has 100m², or more, of gross internal floor space, or involves the creation of a dwelling.
- 7.2 As the proposed mezzanine would result in an increase of 60m², CIL is not applicable in this instance.

8.0 Conclusion

- 8.1 The proposed renovations to the application building are considered to be acceptable in design terms and the resultant development would enhance the Brockley Conservation Area.
- 8.2 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.3 On balance, officers consider that any impact to residential amenity derived from the proposed alterations would be marginal in the context of an established commercial environment, in close proximity to residential dwellings and thus the scheme is considered acceptable.

9.0 Summary of Reasons for Grant of Planning Permission

- 9.1 It is considered that the proposal satisfies the Council's Land Use and environmental criteria and is acceptable in principle, being in accordance with Policies URB 3 Urban Design 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 with Policy 15 High Quality Design for Lewisham, Policy 16 Conservation areas, heritage assets and the historic environment in Lewisham's Core Strategy (June 2011).

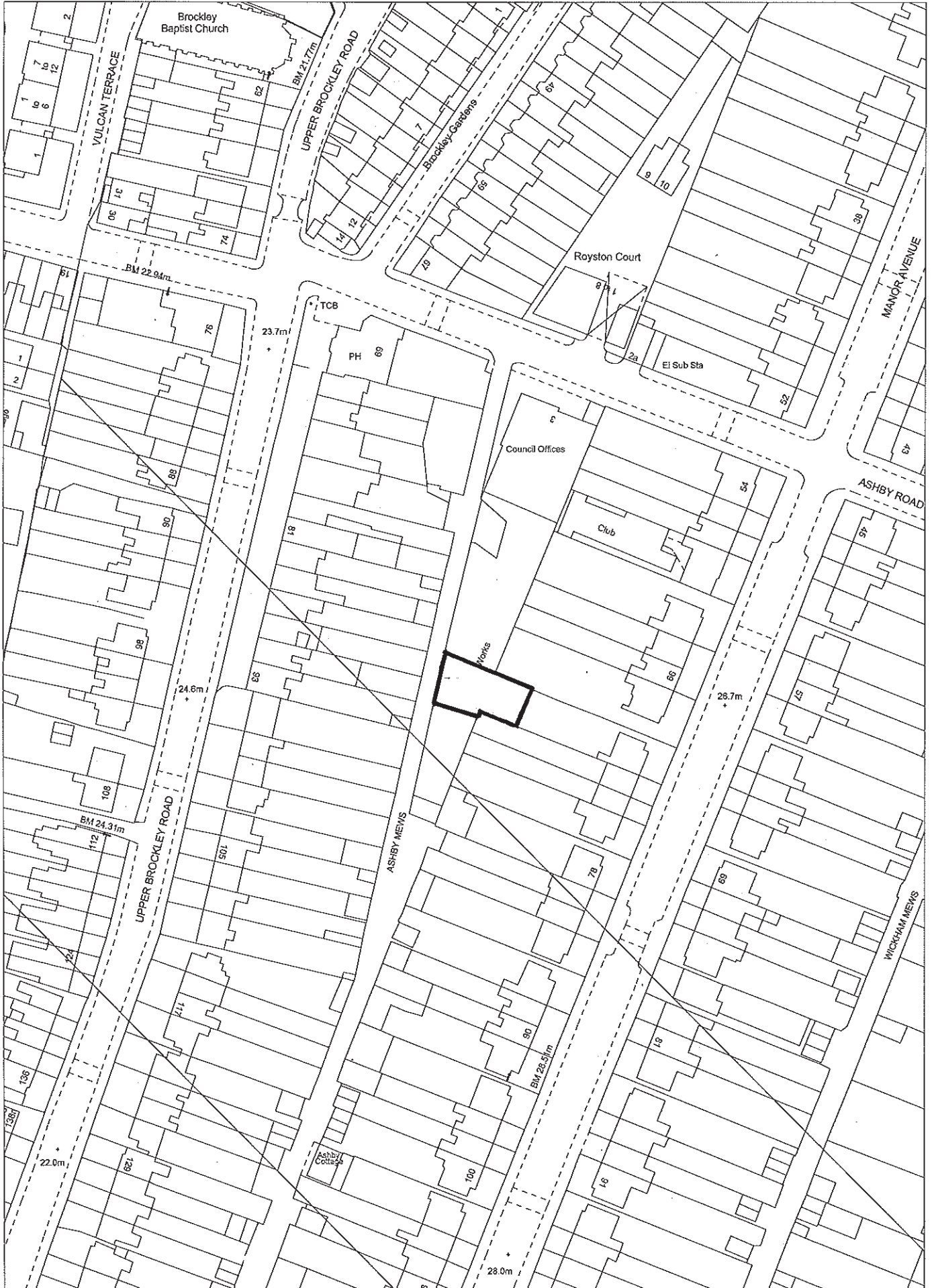
10.0 RECOMMENDATION **GRANT PERMISSION subject to the following condition**

The triangular window in the rear elevation shall be provided in obscure glazing, shall be fixed shut and remain as such in perpetuity.

Reason

To prevent overlooking of neighbouring residential properties and consequent loss of amenity thereto and to comply with saved policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

UNIT 3 ASHBY MEWS SE4 1TB



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Committee	PLANNING COMMITTEE C	
Report Title	10 CHELSFIELD GARDENS SE26 4DJ	
Ward	Sydenham	
Contributors	Katie Lazzam	
Class	PART 1	31 January 2013

<u>Reg. No.</u>	DC/12/81172
<u>Application dated</u>	20.8.2012, revised 17.9.12
<u>Applicant</u>	Mr F Nwaka
<u>Proposal</u>	The partial demolition and erection of a single-storey extension to the rear of the existing garage at 10 Chelsfield Gardens SE26.
<u>Applicant's Plan Nos.</u>	Site Location Plan, Block Plan, Existing and Proposed Floor Plans and Elevation Drawings.
<u>Background Papers</u>	(1) Case File LE/499/B/TP (2) National Planning Policy Framework (NPPF) (3) The London Plan (July 2011) (4) Local Development Framework Documents (5) Adopted Unitary Development Plan (July 2004)
<u>Designation</u>	Adopted UDP- Existing Use

1.0 Property/Site Description

- 1.1 The application relates to a property located on the southern side of Chelsfield Gardens, adjoining the right angle bend in the road. The property is an end of terrace two-storey dwelling with a gabled roof. The dwelling is constructed of white render for the exterior walls and tiling for the roof. It is located on a rectangular shaped corner plot, at the point where the road bends. Therefore the flank elevation of the site faces the front elevation of several other properties on the opposite side of the street.
- 1.2 The vicinity is characteristic of a residential area, with the street scene comprising a fairly regular pattern of terraced properties.
- 1.3 Chelsfield Gardens is not a classified road, nor within a Conservation Area, and there are no listed buildings within the immediate vicinity.

2.0 Planning History

- 2.1 In December 2001, planning permission DC/01/49758 was granted for the retention of a single storey extension to the side of 10 Chelsfield Gardens.
- 2.2 An enforcement investigation was set up in August 2011 regarding the erection of an unauthorised single storey extension to the rear of the existing garage. In terms

of size, the structure is 5.4 metres deep, 2.7 metres wide, and 2.7 metres high, with a flat roof. The structure has been constructed using a variety of different materials and is set in approximately 700mm from the side boundary.

2.3 As the structure exceeded permitted development limits and required planning permission, the owner of the property was invited to submit a planning application for the unauthorised works.

2.4 In August 2012, planning permission DC/12/80548 was refused for the retention of a single storey extension to the side / rear of 10 Chelsfield Gardens, for the following reason:-

"The extension by reason of its poor design, size and materials is considered to be a visually dominant and obtrusive addition that detracts from the character of the original dwelling and the streetscene, contrary to saved policies URB 3 Urban Design; URB 6 Extensions and Alterations; HSG 4 Residential Amenity and HSG 12 Residential Extensions of the Council's adopted Unitary Development Plan (July 2004) and Objective 10 Protect and Enhance Lewisham's Character, Spatial Policy 5 Areas of Stability and Managed Change and Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011)."

2.5 No appeal was lodged against this refusal.

3.0 Current Planning Application

3.1 Following the refusal of planning permission for the retention of the structure, this revised application has been submitted. Under this scheme, the depth of the structure would be reduced from 5.4 metres to 3.7 metres. The structure would still be 2.7 metres wide, with a flat roof that is 2.7 metres high, and would still be set in approximately 700mm from the side boundary.

3.2 The existing unauthorised structure has been constructed using a variety of different materials, although it is proposed that if permission were to be granted, the extension would be rendered and a new roof provided. The rear garage-style door would be replaced with a window.

3.3 To comply with Building Regulations, the structure may also need to be partly demolished and re-built and the description of development has been amended to reflect this.

4.0 Consultation and Replies

4.1 Site notices were displayed and letters were sent to nearby residents. Local Ward Councillors were also consulted.

Written Responses received from Local Residents and Organisations

4.2 Letters of objection have been received from six local residents living in Nos. 3, 4, 5, 8, 12 and 14 Chelsfield Gardens, raising the following issues:-

- the extension is unsightly and visually obtrusive;
- concern that the extension is to be used for living accommodation;

- the structure still needs approval from Building Control as it currently could be a fire hazard;
- the design style is poor quality and constructed with poor and unsuitable materials.

(Letters are available to Members)

5.0 Policy Context

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that when considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

5.2 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.

5.3 The Development Plan for Lewisham comprises the Core Strategy, Development Plan Documents, 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). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. In summary, this states, that for a period of 12 months from publication of the NPPF decision takers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.

5.5 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, 214 and 215 of the NPPF.

London Plan (July 2011)

5.6 The London Plan policies relevant to this application are:

Policy 7.4 Local character
Policy 7.6 Architecture

Lewisham Core Strategy (June 2011)

5.7 The Core Strategy policies relevant to this application are:-

Objective 10: Protect and enhance Lewisham's character
Policy 15 High Quality Design for Lewisham

Unitary Development Plan (July 2004)

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

URB 3 Urban Design
URB 6 Alterations and Extensions
HSG 4 Residential Amenity
HSG 12 Residential Extensions

Residential Standards Supplementary Planning Document (SPD) - August 2006

5.9 This document sets out guidance and standards relating to design, sustainable development, renewable energy, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, gardens and amenity space, landscaping, and materials.

6.0 Planning Considerations

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

- The design and appearance of the resultant building and its impact upon the character of the street scene/visual amenities of the area;
- The impact of the proposal on the amenities of neighbouring occupiers;
- Parking issues

Visual Impact

6.2 National and local planning policies place considerable emphasis on the importance of achieving high quality design that would complement existing development, established townscape and character. The Residential Standards SPD sets out guidance for all residential extensions. All extensions should be sensitively designed to retain the architectural integrity of the building.

6.3 UDP Policy URB 3 states that the Council will expect a high standard of design in extensions or alterations to existing buildings, whilst ensuring that schemes are compatible with, or complement the scale and character of, existing development and its setting. In assessing the urban design merits of a development, the Council will consider the preservation and creation of urban form which contributes to local distinctiveness such as building features and roofscape and the contribution of the development to energy and natural resource efficiency.

6.4 In terms of massing, it is considered that the proposed reduction in size of the extension would mean that it would constitute an acceptable rear projection on a semi-detached property, extending 3.7 metres beyond the rear elevation, and would constitute a significant improvement over the existing situation. This reduction in bulk would reduce the visual dominance of the structure and ensure that the

extended parts of the property would be more proportionate with the existing property. It is considered that there would be adequate remaining amenity land available to occupiers of the dwelling.

- 6.5 Whilst the structure is currently unsightly, the applicant has proposed adding a render finish with sections of white painted timber cladding and a new roof, including underlay and cap-sheet. It is considered that this would significantly improve the appearance of the building, making it far more sympathetic to the character of the host property and matching the existing side extension.
- 6.6 Although the extension with the proposed alterations would be visible from the road, above the boundary fence, it is considered that the extension would no longer have a significant negative impact upon the character and appearance of the streetscene in Chelsfield Gardens. This is because the reduction in depth and improved materials would ensure that the extension would not be an unsightly or obtrusive structure. It would also create a visual break in the built form along the eastern flank boundary.
- 6.7 The objections to design raised by third parties have been noted, however officers believe that the design of the proposed extension is acceptable for this locality. On balance, it is considered that the proposed extension would not have a harmful visual impact upon the property or the street scene so as to justify a refusal of this application.

Neighbouring Amenity

- 6.8 Policy HSG 4 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.
- 6.9 The application site is a corner end of terrace property. The extension is on the side of the property which bounds onto the road. Therefore it does not result in any loss of light or overbearing impact on adjoining properties, as there are none in the immediate vicinity.
- 6.10 There is one small window proposed within the flank elevation facing the road. This has not been created yet, and would serve a toilet. All of the other windows face into the rear garden of the subject site and so the openings only afford views of this area. Therefore it is not considered that the structure results in any loss of privacy or overlooking.
- 6.11 The existing unsightly extension provides the neighbouring residents with an unpleasant outlook. This is particularly relevant for the properties that are located directly opposite the development on the eastern side of Chelsfield Gardens. However the alterations proposed under this application would result in an acceptable visual appearance of the dwelling.
- 6.12 The applicant is aware of the Council's concerns over the appearance of the unauthorised extension, and is keen to resolve the issue. He has agreed that if planning permission is granted, he will implement and complete the revised scheme

within a period of 6 months. This is regarded as a satisfactory timescale and a suitably worded condition is recommended.

Parking

- 6.13 Parking provision on the site would not be altered as a result of the development.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 On balance, officers consider that the reduced-depth extension is satisfactory and is of appropriate design. It will not harm the character and appearance of the host building or the surrounding area, provided improvements are made to the external materials. The proposal would not then have a significant adverse impact upon residential amenity and the scheme is therefore considered acceptable.
- 7.3 With regard to the question of enforcement action against the existing unauthorised structure, the applicant has agreed that he will carry out the works to reduce the depth of the extension and improve its external appearance to match the remainder of the side extension within a six-month period. In view of this agreement, it is considered appropriate to impose an informative advising the applicant that the works should be completed within six months. If the applicant fails to comply with this condition, a further report would be presented to Committee regarding enforcement action.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 It is considered that the proposal satisfies the Council's land use and environmental criteria and is acceptable in principle, being in accordance with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004) and Objective 10: Protect and enhance Lewisham's character and Policy 15 High Quality Design for Lewisham within the Core Strategy (June 2011).
- 8.2 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 with Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 12 Residential Extensions in the adopted Unitary Development Plan (July 2004) and Objective 10: Protect and enhance Lewisham's character and Policy 15 High Quality Design for Lewisham within the Adopted Core Strategy (June 2011).

9.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

No new external finishes, including works of making good, shall be carried out other than in materials to match the existing single-storey side extension.

Reason

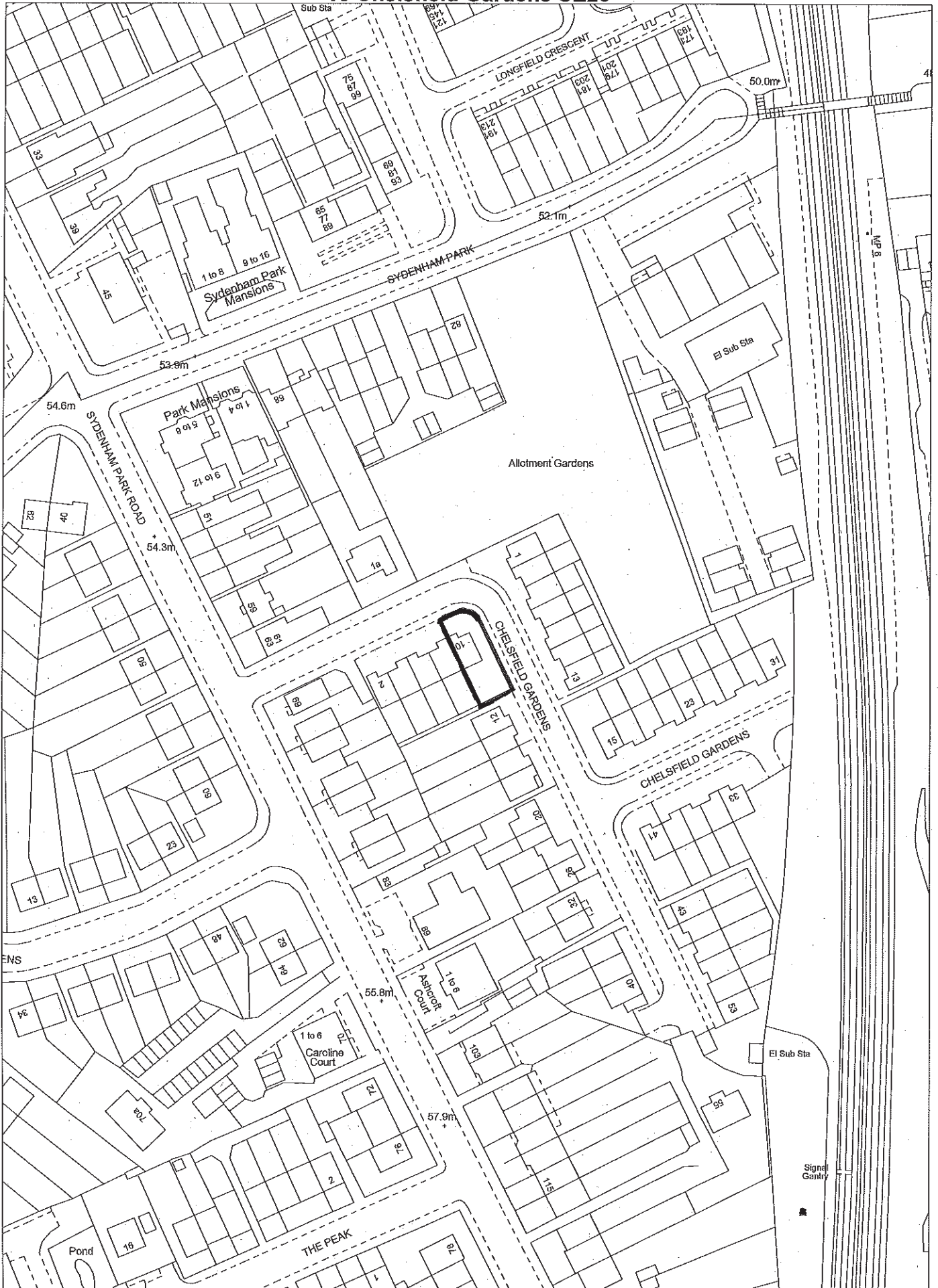
To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

Informative

- (1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in amendments to the application including the reduction in the depth of the extension.
- (2) The applicant is advised that all works included in this planning permission, including the reduction in depth of the extension from 5.4 metres to 3.7 metres and the rendering of the external blockwork walls, plus with sections of white painted timber cladding, to match the existing single-storey side extension should be completed within six months of the date of this permission, otherwise the Council will reconsider enforcement action regarding the construction of the unauthorised rear extension.

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10 Chelsfield Gardens SE26



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Committee	PLANNING COMMITTEE C	
Report Title	PLAYING FIELDS AND PAVILION, ABBOTSHALL ROAD SE6 1SQ	
Ward	Catford South	
Contributors	Tabitha Lythe	
Class	PART 1	31 January 2013

<u>Reg. Nos.</u>	DC/12/81709
<u>Application dated</u>	19.10.12 as revised on 19.12.12
<u>Applicant</u>	Mr R Walker, Community Teachsport.
<u>Proposal</u>	The construction of a replacement single storey community sports modular building to provide changing rooms, disabled facilities, dance/community hall, training rooms/office, reception area and community cafe at Playing Fields and Pavilion, Abbotshall Road, SE6, together with the provision of mini football pitches & bay cricket nets.
<u>Applicant's Plan Nos.</u>	Site Plan Received 15 Nov 2012; Site Plan Received 15 Dec 2012; 11937; Design and Access Statement, Business Plan.
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/655/A/TP (3) Adopted Unitary Development Plan (July 2004) (4) Local Development Framework Documents (5) The London Plan
<u>Designation</u>	Adopted UDP - Existing Use

1.0 Property/Site Description

1.1 The site is a pavilion building on Abbotshall playing field in the south-eastern corner of the playing field, which is approximately 1.2 hectares in size. Residential properties bound the site to the north, south and west and Abbotshall Road fronts the eastern elevation where the access to the site is. The playing field is Metropolitan Open Land.

2.0 Planning History

2.1 None.

3.0 Current Planning Applications

The Proposals

- 3.1 The current application proposes the demolition of the existing single-storey pavilion.
- 3.2 A single-storey building measuring 18.16m x 18.16m at the widest points x 3.15m high is proposed in the south-eastern corner of the playing field. The building is proposed to be used as a community building providing changing rooms in connection with sports facilities, dance/community hall, training rooms/office and community café.
- 3.3 The building is proposed to be of modular construction and clad in cedar timber on the northern, eastern and western elevations with the southern elevation being a plastisol and would have upvc windows.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 4.3 Letters were sent to 88 residents. 9 objections were received from 11, 13, 33, 41, 43 and 45 Abbotshall Road, 51 Muirkirk Road and 6 and 16 Merchiston Road
- Increase in noise
 - Late night use will cause disturbance to residents
 - Increase in traffic
 - Increased pressure on parking
 - Increase in rubbish dumped
 - Likely to be alcohol in the area and the Corbett Estate is a dry area (no pubs)
 - Increase in anti-social behaviour
- 4.4 2 letters in supports were received from 1 Abbotshall Road and 20 Merchiston Road
- In favour of the premises being renovated and modernised
 - Exactly what the community needs and would complement what the Corbett Residence Association and Community Teachsport are already doing
 - Would use café

(Letters are available to Members)

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

5.2 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.

5.3 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). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. In summary, this states, that for a period of 12 months from publication of the NPPF decision takers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.

5.5 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, 214 and 215 of the NPPF.

Other National Guidance

5.6 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)

Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)

London Plan (July 2011)

5.7 The London Plan policies relevant to this application are:

Policy 2.18 Green infrastructure: the network of open and green spaces
Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.9 Mixed and balanced communities
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.17 Health and social care facilities
Policy 3.18 Education facilities
Policy 3.19 Sports facilities
Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision
Policy 4.12 Improving opportunities for all
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.8 Innovative energy technologies
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.4 Enhancing London's transport connectivity
Policy 6.10 Walking
Policy 6.12 Road network capacity
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 7.15 Reducing noise and enhancing soundscapes
Policy 7.17 Metropolitan Open Land
Policy 7.18 Protecting local open space and addressing local deficiency
Policy 7.19 Biodiversity and access to nature

London Plan Supplementary Planning Guidance (SPG)

5.8 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)
Providing for Children and Young People's Play and Informal Recreation (2008)

London Plan Best Practice Guidance

5.9 The London Plan Best Practice Guidance's relevant to this application are:

Development Plan Policies for Biodiversity (2005)
Control of dust and emissions from construction and demolition (2006)
Wheelchair Accessible Housing (2007)
Health Issues in Planning (2007)

Core Strategy (June 2011)

5.10 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
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 12 Open space and environmental assets
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities
Core Strategy Policy 20 Delivering educational achievements, healthcare provision and promoting healthy lifestyles

Unitary Development Plan (July 2004)

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

URB 3 Urban Design
URB 12 Landscape and Development
URB 13 Trees
OS 2 Land Close to Metropolitan Open Land
OS 7 Other Open Space
ENV.PRO 11 Noise Generating Development
ENV.PRO 12 Light Generating Development
LCE 1 Location of New and Improved Leisure, Community and Education Facilities
LCE 2 Existing Leisure and Community Facilities
LCE 3 Educational Sites and Playing Fields

Emerging Plans

5.12 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.13 The following emerging plans are relevant to this application.

Development Management Plan

5.14 The Development Management Local Plan – Further Options Report, is a material planning consideration but is at an early stage of preparation. Public consultation will take place during December and January 2013. Therefore, in accordance with the NPPF, the weight decision makers should accord the Further Options Report should reflect the advice in the NPPF paragraph 216.

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

- Option 21. Sustainable design and construction
- Option 23. Openspace and biodiversity
- Option 24. Landscaping and trees
- Option 25. Noise and vibration
- Option 26. Lighting
- Option 29. Urban design and local character
- Option 40. Community facilities

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- d) Highways and Traffic Issues
- e) Noise
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Ecology and Landscaping

Principle of Development

6.2 There is an existing community building located on the playing field and the proposal would replace this. While the building would be larger than the existing building, the vast majority of the site would remain as a playing field with associated community facilities and the building proposed in the corner of the playing field so as to minimise its impact with the proposal remaining similar to the existing situation making the principle of the development acceptable.

6.3 The increased size of the building would be to improve the existing facilities that are already using the building as well as providing more usable space for other community members who may not wish to play sport but take part in other activities such as dance or just meet with other members of the community.

- 6.4 The proposal for these reasons is inline with the Council's policies on Open space and Metropolitan Open Land.

Design

- 6.5 The existing building is a timber pavilion building that has been in place for many years and is in a state of dis-repair.
- 6.6 The proposal would replace the existing pavilion with a new modular building that would be significantly larger than the existing building. While the building would be larger than the existing one, it would not cover very much more of the playing field, which would remain free for recreational use as existing. The location of the proposed building in the corner of the playing field would also ensure that it does not dominate the playing field and would remain subservient in the site.
- 6.7 The building would be clad in timber on all elevations except the southern elevation, which faces the residential properties in Merchiston Road and would not be visible from the streetscene. The applicants have explained this is due to maintenance issues with the changing room entrance/exits being there and many people using the wall to clean muddy shoes so the plastisol would be much easier to clean and durable. While a fully clad timber building would be preferable, as the elevation would not be visible from the streetscene and the maintenance issues raised by the applicants the modular construction and materials would be considered acceptable in this instance.

Highways and Traffic Issues

Access and Servicing

- 6.8 Access and servicing arrangements to the proposed building are to remain the same as existing.

Cycle Parking

- 6.9 No cycle parking has been proposed, however a condition requiring details of cycle parking to be submitted and approved by the local planning authority could be added to overcome this. This would ensure an acceptable level of cycle parking could be secured and reduce the number of people travelling to the site by car.

Car Parking

- 6.10 The site does not currently have any off street parking and none is proposed. As this is a playing field off street parking would not be encouraged but the provision of facilities such as cycle parking should encourage less people to use cars to visit the site. Furthermore, this is a community facility and many of the people visiting it are anticipated to walk there.

Refuse

- 6.11 No details of refuse storage or collection have been provided, however a condition could be added to ensure that suitable storage and collection arrangements are in place before the new building opens for use.

Noise

- 6.12 Concerns have been raised by residents about increased noise levels from the proposal. The applicant, since the consultation was initially carried out, wrote a letter to residents and provided this to the Council confirming that they would only be opening during the hours of 9:30am to 5:30pm apart from scheduled activities after these hours such as Corbett Residents Association meetings. Furthermore, they confirmed that there would only be dance classes and not dance gigs in the evening and no alcohol licence would be applied for as they have no intention of serving alcohol. .
- 6.13 Therefore it would seem that most of the residents concerns relating to noise would be overcome, however a condition restricting the hours of opening could be added to ensure that the building was not open at unreasonable hours. A condition restricting the sale of alcohol would not be possible as a condition could not be created that would meet the required tests for a condition. However a licence from the Council would be required were alcohol ever intended to be sold on the premises and could be restricted via this route.

Impact on Adjoining Properties

- 6.14 The height, location and orientation of the building would mean that levels of daylight/sunlight and overlooking would remain similar to existing and the building would not have a significant impact on residents.
- 6.15 Many residents have raised concerns about increased pressure on parking and traffic in the area. As this is a community facility, it is hoped that many of the residents using it will walk there and the addition of cycle parking facilities would reduce the number of people likely to travel by car and require parking. The facility has been there for many years and therefore levels of parking and traffic are not likely to increase significantly from the expansion of this building.
- 6.16 An increase in litter from people using the facility has also been raised as a concern. It is not clear what litter is caused by people using the facility and by those passing through, therefore it is difficult to determine the impact of the increased size of the facility. The applicants can be reminded to ask their users to have consideration for residents and not litter the area which could be incorporated into proposals for refuse storage with regards to location of bins; however this is not a planning matter.

Sustainability and Energy

- 6.17 No information has been provided regarding sustainability. As the proposal is for a new non-residential building the Core Strategy would require it to be built to a minimum standard of BREEAM 'Excellent'. While not best practice, a condition could be added that details should be submitted to the local planning authority confirming how the proposal will meet a minimum of BREEAM 'Excellent' and a post construction certificate showing that a minimum of BREEAM 'Excellent' has been met to ensure compliance with the Core Strategy Policy 8.

Ecology and Landscaping

- 6.18 The proposed building would cover more of the playing field than the current building, however as this is grass only there would not be considered to be any

significant ecological impacts. As the building would be located within the playing field, no landscaping works are proposed as the playing field would remain as it is.

7.0 Conclusion

- 7.1 The proposed building would replace an existing community facility which is in a state of dis-repair and would expand the community and improve these facilities for the community. While there would be an increase in traffic and parking from the proposal this would be considered to be negligible.
- 7.2 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.3 On balance, Officers consider that the new community building would provide a much needed extended and improved community facility and the scheme is therefore considered acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 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 Policies URB 3 Urban Design; URB 12 Landscape and Development; OS 2 Land Close to Metropolitan Open Land; OS 7 Other Open Space; ENV.PRO 11 Noise Generating Development; LCE 1 Location of New and Improved Leisure, Community and Education Facilities; LCE 2 Existing Leisure and Community Facilities and LCE 3 Educational Sites and Playing Fields in the adopted Unitary Development Plan (July 2004) and Spatial Policy 1 Lewisham Spatial Strategy; Policy 12 Open space and environmental assets; Policy 15 High quality design for Lewisham; Policy 19 Provision and maintenance of community and recreational facilities and Policy 20 Delivering educational achievements, healthcare provision and promoting healthy lifestyles in the adopted Core Strategy (June 2011).

9.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

- (1) No development shall commence on site until details of the timber cladding (including colour and texture) to be used on the building has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, unless the local planning authority agrees in writing to any variation.
- (2) The use of the extension shall be as set out in the application and no development or the formation of any door providing access to the roof of the extension shall be carried out, nor shall the roof area of the extension be used as a balcony, roof garden or similar amenity area, without the prior written permission of the local planning authority.
- (3) Details of the construction, including facing materials, of the proposed refuse storage chamber shall be submitted to and approved in writing by the local planning authority and the chamber shall be constructed in accordance with the approved details before any of the residential units hereby approved are occupied.

- (4) The development hereby permitted shall include secure parking provision for cycles, in accordance with details to be submitted to and approved in writing by the local planning authority before any works on site are commenced. Such provision as may be approved as a reserved matter under this condition shall be provided before the building hereby permitted is occupied and retained permanently thereafter.
- (5) The building hereby permitted shall be built to a minimum standard of "Excellent" under the Building Research Establishment Environmental Assessment Method (BREEAM). Prior to commencement of use of the building, a copy of the Post Construction Certificate confirming that a minimum of "Excellent" BREEAM rating has been achieved shall be submitted to the local planning authority for confirmation.
- (6) The premises shall not be open for customer business between the hours of 11 pm and 8 am on any day of the week.

Reasons

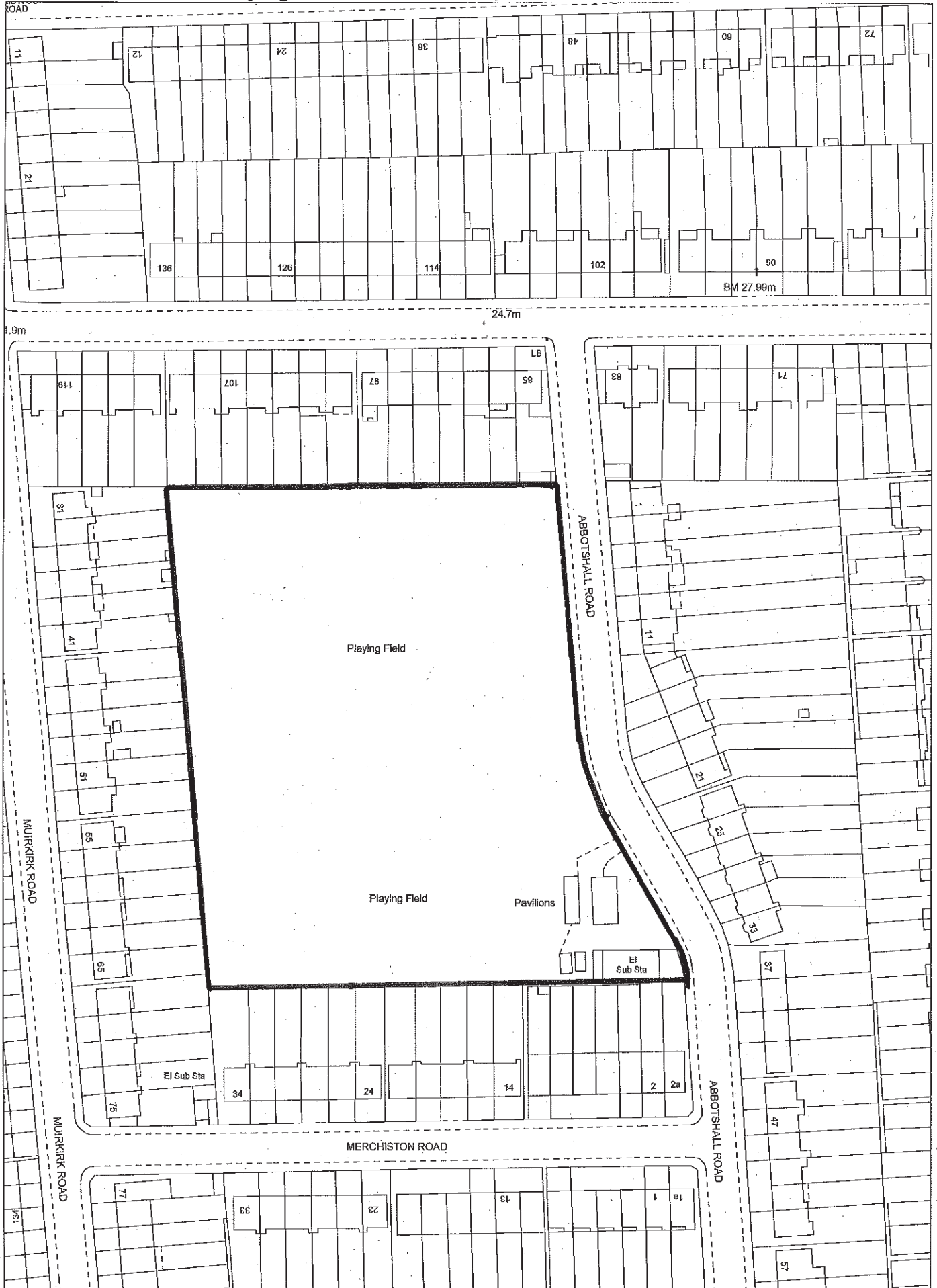
- (1) To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (2) In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policies URB 3 Urban Design, HSG 5 Layout and Design of New Residential Development and HSG 12 Residential Extensions in the adopted Unitary Development Plan (July 2004).
- (3) In order that the local planning authority may be satisfied as to the appearance of the refuse chamber 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).
- (4) In order to ensure adequate provision for cycle parking and to comply with Policy 14 Sustainable movement and transport of the adopted Core Strategy (June 2011).
- (5) To ensure compliance with Core Strategy policy 8 Sustainable design and construction and energy efficiency.
- (6) To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity and STC 9 Restaurants, A3 Uses and Take Away Hot Food Shops in the adopted Unitary Development Plan (July 2004).

Informatives

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

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Playing Fields And Pavilion, Abbotshall Road SE6



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Committee	PLANNING COMMITTEE C	
Report Title	COMMERCIAL UNITS A & B, BESSON HOUSE, THE COURTYARD, 3 BESSON STREET, SE14 5AE	
Ward	Telegraph Hill	
Contributors	David Knight	
Class	PART 1	31 January 2013

<u>Reg. Nos.</u>	DC/12/81380
<u>Application dated</u>	11.09.2012, as revised 17.01.2013
<u>Applicant</u>	Mr M Gold
<u>Proposal</u>	The change of use, alteration and conversion of Commercial Units A & B, The Courtyard, 3 Besson Street SE14 to provide 1 one bedroom self-contained flat and two bedroom self-contained flat, together with alterations to the front and side elevations.
<u>Applicant's Plan Nos.</u>	PL-01, PL-03, PL-04, PL-06, and PL-02 rev D PL-5 rev B, Design and Access Statement including appendices A, B and C, and Letter dated 02/11/2012
<u>Background Papers</u>	(1) Case File DE/414/162A/TP (2) National Planning Policy Framework (3) Adopted Unitary Development Plan (July 2004) (4) Local Development Framework Documents (5) The London Plan
<u>Designation</u>	Major District Centre Hatcham Conservation Area Article 4(2) Direction Area of Archaeological Priority
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 Units A & B The Courtyard, Besson Street are two vacant commercial units in a part 3 storey / part 4 building constructed in 2006. The building is in residential use, aside from the two vacant commercial units. 9 Flats in total are located on the ground, first, second and third floors.
- 1.2 The commercial units front onto Besson Street, and are set back between 210mm and 575mm from the back edge of the pavement.
- 1.3 The building is showing some signs of neglect. The residential balconies are rusting and rendered elevations are poorly maintained.

- 1.4 The commercial units have been vacant since construction was completed. They have not been fitted out. Large hoardings have been placed for security purposes in the empty openings that would be the shop windows.
- 1.5 The northeast part of the building is situated in the Hatcham Conversation Area, which is subject to an article 4 direction. The vehicle carriageway part of the road in front of the remainder of the property is also located in the Hatcham Conservation Area, however the pedestrian pavement is outside the conservation area.
- 1.6 The site straddles the boundary of New Cross District Centre. The site is located 18m from New Cross Road.

2.0 Planning History

- 2.1 03/07/2003 (DC/02/50538): Permission granted for the construction of a part single / part three / part four storey building on the site of 162A New Cross Road and land adjoining, to provide 2, shop/office units on the ground floor, 3, one bedroom and 6, two bedroom, self-contained flats, together with associated landscaping.

3.0 Current Application

The Proposals

- 3.1 The applicant proposes to convert the two existing commercial units into two self-contained flats.
- 3.2 Unit 1, the eastern unit, would be converted to a one bedroom flat with a floorspace of 61.3m². The bedroom would measure 17.3m², and the living / kitchen / dining area would measure 31.4m².
- 3.3 Unit 2, the western unit, would be converted into a two bedroom flat with a floorspace of 62.4m². Bedroom 1 would measure 15.5m², bedroom 2 would measure 9.7m², and the dining / living room area would measure 22.8m².
- 3.4 The applicant also proposes alterations to the front elevation. The shop window openings would be replaced by smaller windows set in brick walls. The windows would have a cill height of 1.2m. The windows are to be metal framed to match the windows on the upper floors. The brick infill panels are specified as red brick. New entrance doors to the flats would be solid timber.
- 3.5 A new balustrade is to be placed at ground floor level outside the entrance to unit 2 on the front elevation. A low brick wall with metal balustrade above is to be constructed in front of the side window to unit 2 on the west elevation.
- 3.6 A 150mm high brick border is to be placed in the area between the back of the pavement and the front of the flats in order to provide a buffer area.

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 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. No responses were received from any consultees.

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

5.2 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.

5.3 The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (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). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. In summary, this states, that for a period of 12 months from publication of the NPPF decision makers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.

5.5 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, 214 and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

5.6 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.

- 5.7 The statement further sets out that local authorities should reconsider, at the developers' request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms.

Other National Guidance

- 5.8 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)

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)

- 5.9 The London Plan policies relevant to this application are:

Policy 2.15 Town centres

Policy 4.2 Offices

Policy 4.7 Retail and town centre development

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.13 Parking

Policy 6.9 Cycling

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

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

London Housing SPG (November 2012)

Core Strategy (June 2011)

- 5.11 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

Objective 4 Economic activity and local businesses

Objective 9 Transport and accessibility

Objective 10 Protect and enhance Lewisham's character

Policy 1 Housing provision, mix and affordability

Policy 5 Other employment locations

Policy 14 Sustainable movement and transport

Policy 15 High quality design for Lewisham

Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (July 2004)

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

URB 3 Urban Design
URB 6 Alterations and Extensions
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
HSG 4 Residential Amenity
STC 6 Major and District Centres – Other Shopping Areas

Residential Standards Supplementary Planning Document (August 2006)

5.13 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.

Planning Obligations Supplementary Planning Document (January 2011)

5.14 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

Hatcham Conservation Area Supplementary Planning Document (2006)

5.15 This document advises on the content of planning applications, and gives advice on external alterations to properties within the Hatcham Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimneystacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

6.0 Planning Considerations

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

- a) Principle of the change of use
- b) Quality of residential accommodation
- c) Highways and refuse issues
- d) External design
- e) Impact on the conservation area

Principle of the change of use

6.2 The application would result in the loss of employment space and a loss of retail space, due to the existing units having permission to be used for either purpose. Therefore the loss of employment and retail space must be acceptable for permission to be granted.

- 6.3 Core Strategy Policy 5: Other employment locations, sets out that the Council will protect 'other' employment locations which have the potential to contribute to a Major or District centre, and that employment land within town centres should be recommended for retention in employment use. The policy states that other uses for employment locations will only be supported if it can be demonstrated that site-specific conditions including site accessibility, restrictions from adjacent land uses, building age, and business viability show that the site should no longer be retained in employment use.
- 6.4 The applicant has provided evidence to show that the commercial units have been vacant since construction was completed in 2006, and have been actively marketed at a reasonable advertised rent since 2007. The owners have been unable to find tenants in this time. The applicant has provided evidence of potential tenants who have enquired about the property but who have subsequently decided not to take the property.
- 6.5 The applicant has also put forward an argument that Besson Street has changed in character since the construction of the building. The street was previously a busy traffic route with bus routes, however the street has recently been blocked to through traffic and buses, and therefore is now much quieter. The applicant has argued that this distinguishes the immediate vicinity from the busier commercial area on New Cross Road 18m away.
- 6.6 It is accepted that the unit has been vacant for a period of six years, and that the site has been actively marketed in this time without success. The period of time elapsed without finding tenants is considered substantial, and therefore it is accepted that the applicant has demonstrated that the premises lack viability as commercial units. Furthermore it is also accepted that the character of the immediate locality has changed in the intervening period of time, and that the premises are not suited for any commercial purposes that rely on passing trade. Therefore the loss of employment space in this instance is considered acceptable subject to a financial contribution in lieu of the lost employment opportunities.
- 6.7 The financial contribution to be paid has been agreed at a figure of £500 per employee space lost. The Planning Obligations SPD stipulates floorspace / employee figure of 19m² per office employee and 20m² per retail employee. The lost floorspace is 123m², therefore, based on either figure, the contribution due is £3000, rounded to the nearest employee. A S106 agreement should be entered into requiring payment upon completion of the agreement before permission is granted.
- 6.8 The loss of retail space must also be considered. The two units are located within New Cross District Centre, but are not located in either a core or non-core shopping area. Therefore policy STC 6 Major and District Centres – Other Shopping Areas applies in this instance. The policy states that a loss of A1 units will be acceptable if the change of use does not harm the amenity of adjoining properties, does not harm the viability of the centre as a whole, and if the existing shopping frontage is not unreasonably disrupted. The application is considered to adhere to the requirements of this policy, as the units are surrounded by residential uses and do not occupy a principle location within the district centre. Therefore the loss of retail space is considered acceptable.

Quality of residential accommodation

- 6.9 Residential accommodation in this location is considered acceptable in principle, subject to it being of satisfactory quality. The remainder of the building is in residential use and the main issue in terms of the quality of accommodation is the relationship of the windows to the adjacent footway, given the original design included shop windows on the Besson Street frontage.
- 6.10 Negotiations have taken place between the planning officer and the applicant surrounding the details of unit 1. The applicant initially proposed that this unit be a two bedroom flat, however this was resisted due to the lack of natural daylight available for the second bedroom.
- 6.11 In light of the negotiations, it is now considered that the quality of residential accommodation provided adheres with the requirements of the development plan.
- 6.12 Unit 1 has a floorspace of 61.3m², which is significantly above the London Plan requirement of 50m² for one-bed units. The living / dining area and the bedroom also have floorspaces significantly above the London Housing SPG.
- 6.13 Unit 2 has a floorspace of 62.4m², which is above the London Plan requirement of 61m² for a two-bedroom three-person unit. Both bedrooms have floorspaces in excess of the London Housing SPG. The living / dining room area measures 22.8m², which is 2.2m² less than the guidance found in the SPG, however this is considered acceptable in light of the otherwise good quality of living accommodation provided and in light of the good bedroom sizes.
- 6.14 Both flats have rational layouts which allow for a realistic placement of furniture, and both flats possess dedicated storage areas.
- 6.15 The applicant has provided an assessment demonstrating Lifetime Homes compliance. The applicant has also provided details of sustainability features, including low water consumption taps, dual flush WCs and energy efficient light fittings. The proposals therefore meet the criteria of Core Strategy Policy 1.
- 6.16 It is considered that the both flats will be provided with a sufficient amount of natural daylight, and will have an acceptable outlook.
- 6.17 The cill heights of the windows have been increased to 1.1m in order to increase the level of privacy for future residents of the properties. A 'buffer' area of between 210mm and 575mm will be created between the windows and the pavement outside through the provision at ground level of 150mm high raised brickwork directly outside the windows. On balance the level of privacy afforded to future residents is considered acceptable.
- 6.18 The proposal does not provide any amenity space for the future occupants of the premises, however this is considered acceptable in this instance due to the constraints of the site, due to the fact that the units will surpass the London Plan space standards, and due to the fact the units will only be 1 and 2 bed flats.

Highways and refuse issues

- 6.19 The site has a PTAL rating of 6a, which is the second highest possible rating. The development plan policies do not require car parking spaces, and none are provided in this proposal.
- 6.20 2 cycle parking spaces will be provided adjacent to the existing cycle parking spaces within the courtyard of the building. This adheres to the London Plan Policy 6.9 requirement of 1 space per 1 or 2 bed unit.
- 6.21 Refuse is to be stored in the existing refuse area shared with the existing residents of the building. This arrangement is considered acceptable.

External design

- 6.22 The most significant external alterations are the provision of red brick infill panels and metal framed windows in place of the existing boarded up shop window openings.
- 6.23 The smaller proportions of the proposed windows compared to the existing openings are considered to visually reflect the nature of the proposed residential ground floor use, which requires more privacy than a ground floor commercial use. The windows are considered to successfully relate to the scale of the building. The proposed windows are larger than the existing upper floor windows of the property, however it is considered appropriate to visually differentiate the ground floor of the property from the upper floors. The metal frames of the windows are considered acceptable – the current window frames are metal.
- 6.24 The proposed brickwork is generally considered acceptable, subject to it matching the existing red brickwork. A condition should be placed on any permission granted stipulating that a brick sample should be provided before works are started on site.
- 6.25 The proposed balustrade is considered acceptable, as is the low brick wall on the west elevation. The balustrade and brick wall will match the existing features found on the property. The timber doors are also considered to respect the characteristics of the existing building.
- 6.26 Overall, given that the shop windows have been boarded up for several years, the scheme is considered to improve upon the existing appearance of the building, and is considered to be a high quality design in line London Plan Policy 7.6 Architecture, Core Strategy Policy 15 High quality design for Lewisham, and retained UDP Policy URB Urban Design.

Impact on the conservation area

- 6.27 The Courtyard building straddles the boundary of Hatcham Conversation Area. The existing boarded up vacant units are considered to detract from the character of the area at street level, therefore the replacement of temporary hoardings with brick walls and windows is considered to enhance the character of the local area. The change of use from commercial to residential will have no impact on the character of the conservation area. Therefore the proposal is considered to preserve the character of the conservation area in line with London Plan Policy 7.8 Heritage assets and archaeology, Core Strategy Policy 16 Conservation

areas, heritage assets and the historic environment, and saved UDP Policy URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas.

Planning Obligations

- 6.28 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:
- (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
- 6.29 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 6.30 The applicant has provided a statement in their Design and Access Statement outlining that they will pay £500 per employee space lost through the change of use of the property. The applicant has stated that this equates to a total of £3000.
- 6.31 The figures provided by the applicant have been checked and confirmed. The Council's Planning Obligations SPD stipulates floorspace / employee figure of 19m² per office employee and 20m² per retail employee. The lost floorspace is 123m², therefore, based on the either figure, the contribution due is £3000, rounded to the nearest employee.
- 6.32 The money is to be used for the Lewisham Local Labour and Business Scheme.
- 6.33 A payment of £500 per employee space lost is considered acceptable in this instance due to the specific circumstances of the site. The existing employment space has been vacant for over six years, and the continued boarding up of the property is considered to be detrimental to the character of the local area. The Council is in the process of reviewing financial contributions for the loss of employment space, and future applications are likely to be charged at a different rate.
- 6.34 The applicant is also required to cover the Council's legal costs in arranging the agreement and the Council's monitoring costs.
- 6.35 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms in this instance.

6.36 Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

7.0 Conclusion

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

7.2 The loss of employment and retail space is considered acceptable subject to the £3000 financial contribution, therefore the change of use is acceptable in principle.

7.3 The proposal will provide good quality residential accommodation, and the external alterations are considered to enhance the appearance of the building. In addition, it is also considered that the proposal will preserve the character of the conservation area.

7.4 Officers consider that the scheme is therefore considered acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

8.1 It is considered that the proposal is acceptable in principle, in line with policies Core Strategy Policy 1 Housing provision, mix and affordability in the adopted Core Strategy (June 2011), and saved policy STC 6 Major and District Centres – Other Shopping Areas in the adopted Unitary Development Plan (July 2004).

8.2 The proposal is considered to be of a high quality design, and is considered to provide good quality accommodation. The proposal meets the Council's sustainability criteria, and will not have a detrimental impact on neighbouring residential amenity. The proposal is therefore in line with policies 3.5 Quality and design of housing developments; 7.4 Local character; 7.6 Architecture; and 7.8 Heritage assets and archaeology in the London Plan (July 2011), policies 1 Housing provision, mix and affordability; 5 Other employment locations; 6 Retail hierarchy and location of retail development; 15 High quality design for Lewisham; and 16 Conservation areas, heritage assets and the historic environment, in the adopted Core Strategy (June 2011), and saved policies URB 3 Urban Design; HSG 4 Residential Amenity; HSG 5 Layout and Design of New Residential Development; and STC 6 Major and District Centres – Other Shopping Areas, in the adopted Unitary Development Plan (July 2004). The proposal is also in line with the Residential Standards SPD (August 2006) and the London Housing SPG (November 2012).

9.0 RECOMMENDATIONS

9.1 RECOMMENDATION (A)

To agree the proposals and authorise the Head of Law to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matter:

- A financial contribution of £3000 towards the Lewisham Local Labour and Business Scheme.

9.2 RECOMMENDATION (B)

Upon the completion of a satisfactory Section 106, by the 13 week time frame, in relation to the matters set out above, authorise the Head of Planning to Grant Permission subject to the following conditions:-

- (1) No new brickwork, including works of making good, shall be carried out other than in materials, bonding and pointing to match the existing facing work. No development shall commence on site until a sample of facing brickwork has been provided and approved in writing by the local planning authority.
- (2) No development shall commence on site until full details (including materials, specifications and depths of reveals) of all windows and doors to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reasons

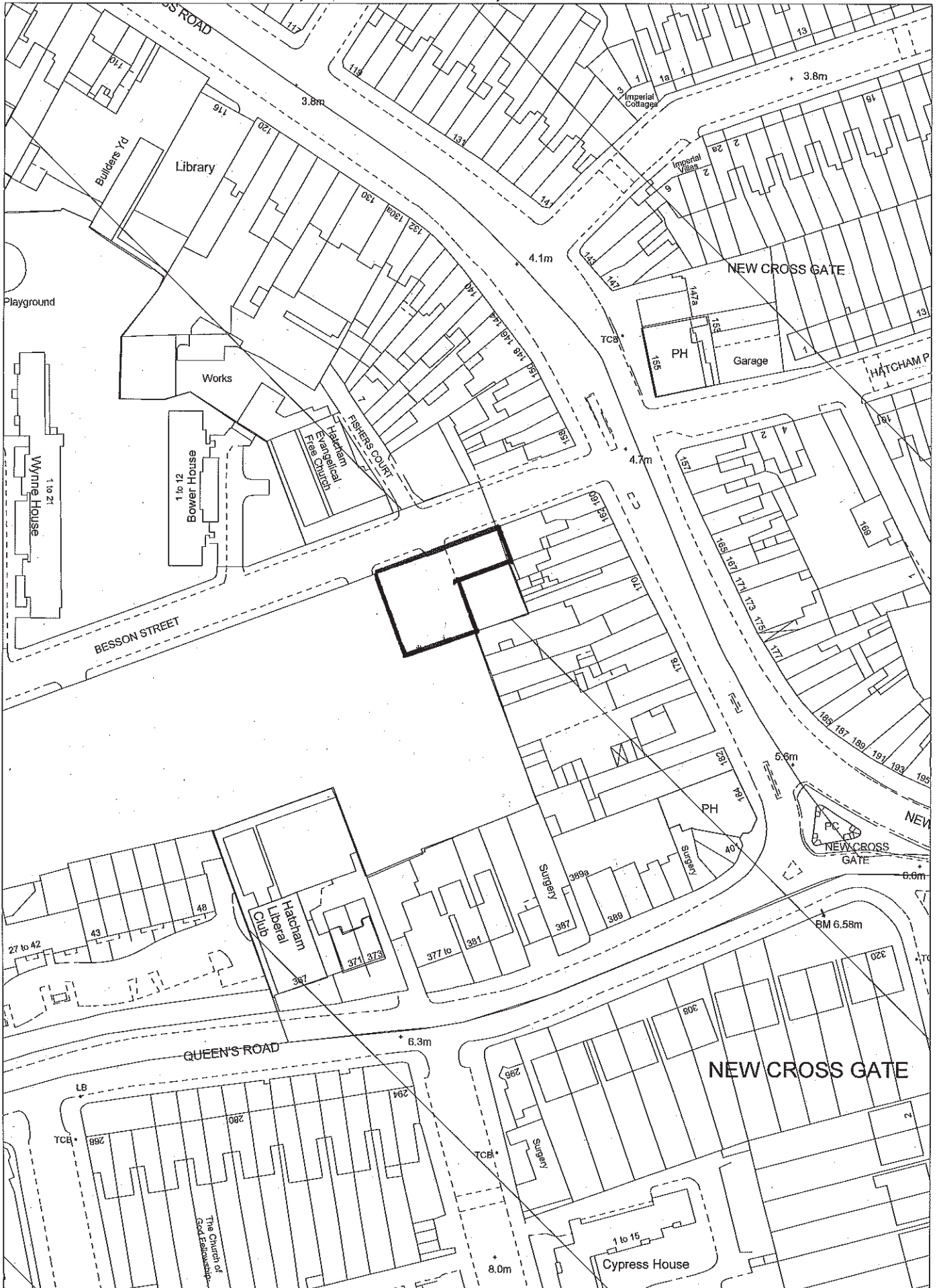
- (1) To ensure that the proposed development is of a high quality design and complements existing building in accordance with Policies URB 3 Urban Design; URB 6 Alterations and Extensions; and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the adopted Unitary Development Plan (July 2004).
- (2) To ensure that the proposed development is of a high quality design and complements existing building in accordance with Policies URB 3 Urban Design; URB 6 Alterations and Extensions; and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the adopted Unitary Development Plan (July 2004).

Informatives

- (1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application positive discussions took place which resulted in amendments to the application including the reduction of the number of bedrooms in Unit 1 from 2 to 1.
- (2) The applicant be advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites", or such codes as are applicable at the time the proposed works are carried out, available from the Environmental Health Office, Wearside Service Centre, Wearside Road, Lewisham, London SE13 7EZ Tel No. 020 8314 6789.

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UNITS A & B, THE COURTYARD, 3 BESSON STREET SE14



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