

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 20 DECEMBER 2012 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, 11 December 2012**

**For further information please contact:
Yinka Ojo Committee Co-ordinator
5th Floor Laurence House
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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date:20 December 2012

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 :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

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

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain.
- (b) 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).
- (c) 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.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) 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.
- (g) 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:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) 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;
- (c) 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 no 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	Date 20 December 2012

MINUTES

To approve the minutes of the meeting of Planning Committee C held on 8 November 2012.

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Committee	PLANNING COMMITTEE C	
Report Title	70 ARNGASK ROAD, SE6 1XX	
Ward	Catford South	
Contributors	Geoff Whittington	
Class	PART 1	20 December 2012

<u>Reg. Nos.</u>	DC/12/80838
<u>Application dated</u>	12 July 2012 and completed 6 December 2012
<u>Applicant</u>	Mr M Vijayapalan
<u>Proposal</u>	The renewal of planning permission (DC/09/71123) dated 17 July 2009 for the excavation of the rear garden at 70 Arngask Road SE6 for the alteration and conversion of the basement, together with the construction of a rear extension at basement and ground floor level and the formation of a lightwell within the front garden, to provide additional living accommodation.
<u>Applicant's Plan Nos.</u>	Site Location Plan, AD/12/ARN70/PLRENO2 1OF4, 2OF4, 3OF4 and 4OF4, 70AGR/RS/001, and Proposed Front Garden Detail.
<u>Background Papers</u>	(1) Case File LE/774/70/TP (2) Lewisham Development Framework: Residential Standards SPD (August 2006) (3) Lewisham Development Framework: Core Strategy (2011) (4) Unitary Development Plan (July 2004) (5) The London Plan (February 2011) (6) NPPF
<u>Zoning</u>	Adopted UDP - Existing Use PTAL 2

1.0 Property/Site Description

- 1.1 The application property is a 2-storey mid-terrace dwelling located on the south side of Arngask Road. The surrounding area is predominantly residential, characterised by three bedroom terraced properties.
- 1.2 There is a gradual fall in ground level to the west along Arngask Road and a fall in ground level from the front of the application dwelling to the rear. The application property withholds a 5.5 metre deep soft landscaped front garden and a 17 metre long garden at the rear.
- 1.3 The site is not located within a conservation area, nor are there any listed buildings in the vicinity.

2.0 Planning History

- 2.1 On 8 November 2002, planning permission was refused for the alteration and conversion of 70 Arngask Road to provide 3, one bedroom self-contained flats on the following grounds:

With the original habitable floor space of the dwelling below 130 square metres, the conversion of the property into separate units is contrary to Policy HSG 9: Dwellings Suitable for Conversion within the adopted Unitary Development Plan and HSG 7: Conversion of Residential Property within the Revised Deposit Draft Unitary Development Plan (August 2001), which state that a property of this size should be retained in single family occupation.

- 2.2 An appeal made against the decision to refuse planning permission was dismissed by the Planning Inspectorate in September 2003.
- 2.3 On 9 March 2004, permission was granted at the Lewisham West Planning Committee for the excavation of the rear garden at 70 Arngask Road in connection with the alteration and conversion of the basement, together with the construction of a rear extension at basement and ground floor level, and the formation of a lightwell within the front garden to provide additional living accommodation.
- 2.4 In 2009, Planning Committee (C) granted permission for the excavation of the rear garden at 70 Arngask Road for the alteration and conversion of the basement, together with the construction of a rear extension at basement and ground floor level and the formation of a lightwell within the front garden, to provide additional living accommodation.

3.0 Current Planning Application

- 3.1 The current application seeks to renew the planning permission dated 17 July 2009, proposing the excavation of the front garden to provide a 1.4 metre deep lightwell, with safety grilles above.
- 3.2 At the rear, further excavation works would be undertaken to allow for the construction of a 1.7 metre deep extension at basement and ground floor levels. Access to the garden would be from the converted basement, which would accommodate habitable rooms.
- 3.3 The original renewal submission deviated from the 2009 consent by proposing an external basement door to the front, despite Members including a planning condition that stated;

Notwithstanding the drawings hereby approved the external front entrance door shown, facilitated by the light well excavation, shall be deleted and the basement shall be accessed only by way of internal arrangement from the main dwelling and not independent of such.

- 3.4 The applicant has since amended the plan to remove the basement door.
- 3.5 In light of neighbour objections, the applicant proposes safety grilles over the front lightwell rather than railings, whilst the lightwell has been reduced in depth to the side nearest no.68.

4.0 Consultations and Replies

Neighbours & Local Amenity Societies etc

- 4.1 Consultation letters were sent to the occupants of 10 neighbouring properties. A notice was displayed on site and Ward Councillors were consulted.
- 4.2 Five letters were received from the occupiers of 65, 66, 67, 68 & 72 Arngask Road, objecting to the proposal on the following grounds;
- (1) The proposal is designed to allow for a future conversion of the basement accommodation into a self-contained flat;
 - (2) The provision of a front lightwell would reduce the depth of the front driveway, thus creating on-street parking difficulties in the area;
 - (3) The proposed works would spoil the character of the Corbett Estate;
 - (4) More occupiers will result in additional on-street car-parking;
 - (5) Outlook concerns;
 - (6) Noise disturbance from the basement;
 - (7) The proposed front lightwell will change the appearance of the terrace, setting an unwelcome precedence.

(Letters are available to Members)

Environmental Health

- 4.3 Unobjectionable in principle

Highways and Transportation

- 4.4 No objections raised to the proposal.

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.

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.

Other National Guidance

London Plan

- 5.7 A new London Plan document was adopted on 22 July 2011. The policies considered relevant to this application include:

Policies 3.4 Optimising housing potential; 3.8 Housing choice; 3.16 Protection and enhancement of social infrastructure; 5.3 Sustainable design and construction; 5.13 Sustainable drainage; 6.13 Parking; 7.4 Local character & 7.6 Architecture in the London Plan (June 2011).

Local Development Framework – Core Strategy

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the 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:

Objective 10: Protect and enhance Lewisham's character, Policy 1: Housing provision, mix and affordability; Policy 8: Sustainable design and construction and energy efficiency; Policy 10: Managing and reducing the risk of flooding & Policy 15: High quality design for Lewisham.

Unitary Development Plan

5.9 The relevant saved policies of the UDP (adopted July 2004) are set out below.

URB 3 Urban Design; URB 12 Landscape and Development; HSG 4 Residential Amenity, HSG 7 Gardens and HSG 12 Extensions.

5.10 Referring to the Council's UDP Proposals Map adopted with the UDP in July 2004, the application site is not designated land.

6.0 Planning Considerations

6.1 The main issues to consider in relation to this case includes the scale and appearance of the proposed extension and the level of impact the proposed works would have upon the amenities of neighbouring residential occupiers and the character of the streetscene generally.

6.2 The three bedroom application property comprises two levels of habitable living space. The existing basement is currently used for storage purposes, and does not benefit from any natural light or ventilation. The proposal involves converting the basement area into use as habitable living space, with excavation work within the front and rear gardens to provide required natural light and ventilation.

6.3 The proposed works would include the formation of a lightwell within the front garden of the property, extending 1.4 metres from the front bay window and dropping to a depth of 2 metres. Amended plans received on 3 October 2012 show the lightwell would follow the footprint of the front bay, and be covered by a grille rather than surrounded by railings, as requested by an objector.

6.4 It is considered that the visual impact of the lightwell would be minimal and would not harm the character of the host building. No external steps would be provided to descend down to the habitable room, so there would be no loss of privacy to the adjoining occupiers.

6.5 The rear garden of the property has an approximate 1:5 drop in ground level towards the rear of the site. The proposal would level the rear garden, involving excavation works to a depth of 2.2 metres adjacent to the rear elevation of the property. A 7 metre long retaining wall would be constructed, with 1.1 metre high boundary fencing on either side. The height of the proposed boundary fence would ensure that the excavated basement area would not be visible from neighbouring residential gardens.

6.6 The application also proposes the construction of a basement and ground floor extension to the rear of the property to provide additional living space. The proposed extension would extend 1.6 metres into the rear garden, whilst spanning the full width of the property. The dwelling at no.68 has an existing lean-to structure at the rear nearest the boundary shared with the application property.

6.7 It is considered therefore that due to the shallow depth of the extension, it is unlikely to result in any significant loss of light, or outlook to neighbouring residential occupiers.

6.8 Some neighbours have expressed concern that the enlarging of the property would allow the applicant to convert the dwelling into self-contained flats. Planning permission was refused on 8 November 2002 for the alteration and conversion of the application property to provide 3, one bedroom self-contained flats on the basis that the floor space of the property was below 130 square metres and was therefore

unsuitable for conversion. An appeal made against this decision was subsequently dismissed on 9 September 2003.

- 6.9 The applicant has confirmed he has no intention of converting the property into flatted accommodation and is aware that should such an application be submitted, it is likely to again be refused permission as the dwelling in its original state, excluding the new extension and basement, would still fail to reach the minimum 130 square metre tolerance.
- 6.10 On the advice of the Council's Highways officer, the proposal does not include the provision of an off-street parking space. Whilst parking has occurred to the frontage in the past, the kerb has not been lowered to allow access. The location of a car parking space would block access to the property and would result in the loss of an on-street parking space. The current proposal is for additional living space in connection with the existing residential accommodation and so would not increase car parking demand in the surrounding area.
- 6.11 Neighbours are concerned the extent of the excavation works would result in subsidence of the land.
- 6.12 Building Control have advised that the proposed excavation works are acceptable in principle, however officers are mindful of the sloping nature of the site and the potential for subsidence. The applicant would be expected to demonstrate how the works would be suitably achieved without compromising the structural integrity of the host building and neighbouring dwellings. Such details should be submitted to and assessed either by the Council's Building Control officers or equivalent Inspector prior to the commencement of works.

7.0 Consultations

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

8.0 Conclusion

- 8.1 It is considered that the proposed works, due to their nature and location, would result in minimal impact upon the visual amenities of neighbouring residential occupiers and would provide an improved standard of residential accommodation. It is therefore recommended planning permission be granted.

9.0 Summary of Reasons for Grant of Planning Permission

- 9.1 The decision to grant planning permission has been taken having regard to the policies and proposals in the London Plan (July 2011), the adopted Core Strategy and saved policies in the Unitary Development Plan (July 2004), as set out below and all relevant material considerations, including comments received in response to third party consultation.
- 9.2 The local planning authority has considered the particular circumstances of the application against relevant planning policy set out in the London Plan (July 2011), the adopted Core Strategy (June 2011) and saved policies in the Council's Unitary Development Plan (July 2004).

9.3 On balance, it is considered that the proposal will not result in any material harm being in accordance with Policies 3.4 Optimising housing potential; 3.16 Protection and enhancement of social infrastructure; 7.4 Local character & 7.6 Architecture in the London Plan (July 2011), Objective 10 Protect and enhance Lewisham's character, Policy 10 Managing and reducing the risk of flooding and Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011), and saved policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 12 Extensions and URB 12 Landscape and Development in the Council's Unitary Development Plan (July 2004).

10.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions

- (1) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing, unless the local planning authority agrees in writing to any variation.
- (2) The basement accommodation hereby approved shall be used only in accordance with the property's lawful use as a single family dwellinghouse, and the basement shall not be used as a separate and independent self-contained residential unit/s of occupation.

Reasons

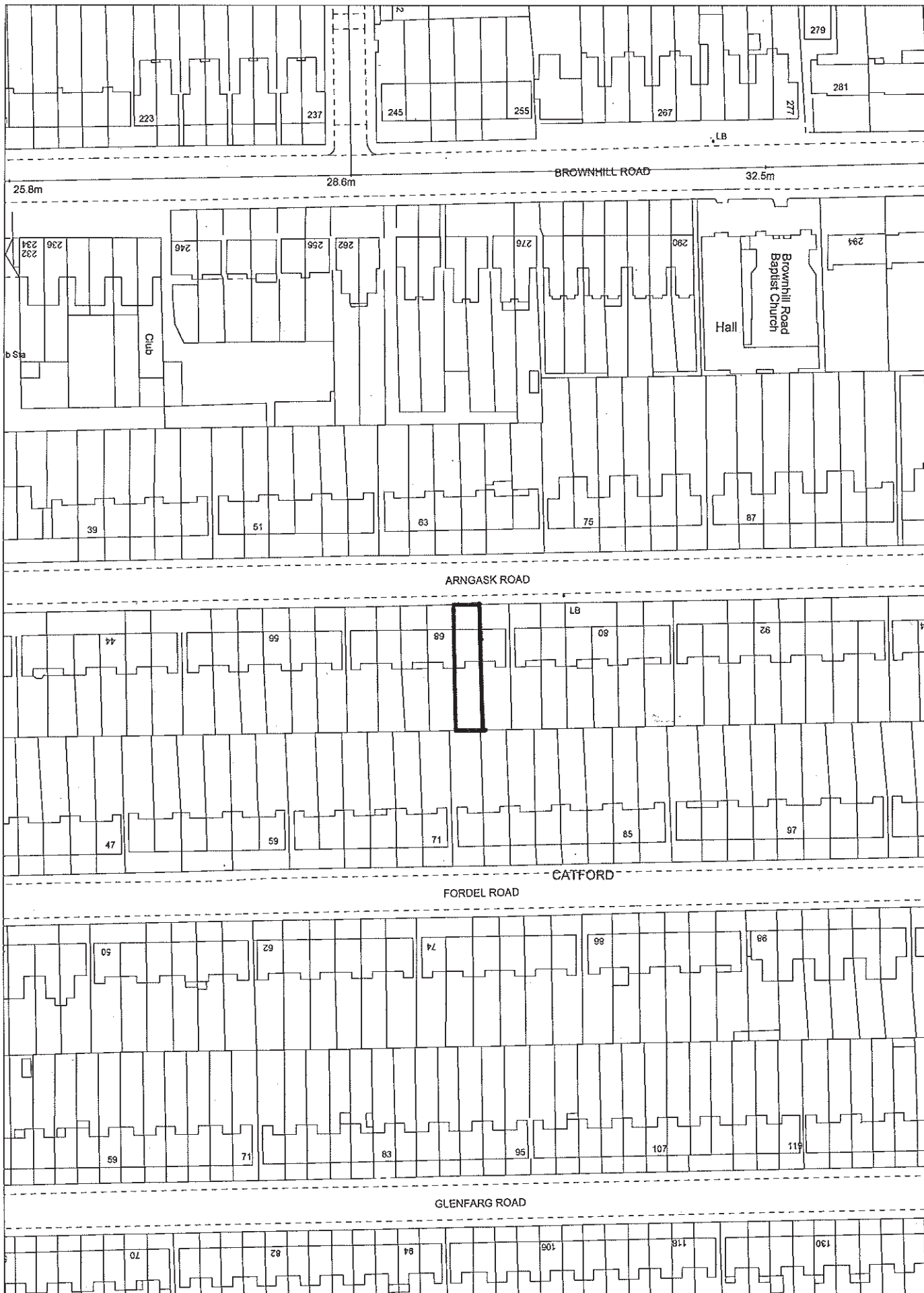
- (1) To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham (2011).
- (2) To accord with the objectives of Policy HSG 9 Conversion of Residential Property in the adopted Unitary Development Plan (July 2004).

Informative:

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

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70 ARNGASK ROAD, SE6 1XX



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Committee	PLANNING COMMITTEE C	
Report Title	UNIT 3 ASHBY MEWS SE4 1TB	
Ward	Brockley	
Contributors	Monique Wallace	
Class	PART 1	Date: 20 DECEMBER 2012

<u>Reg. No.</u>	DC/12/81670
<u>Application dated</u>	15.10.2012 and completed 24.10.2012
<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 Property/Site Description

- 1.1 The application site comprises Unit 3 Ashby Mews, a single storey industrial unit of some 215sq.m which is part of a larger range of commercial/industrial buildings located on the north side of Ashby Mews within the Brockley Conservation Area.
- 1.2 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.
- 1.3 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.
- 1.4 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.

- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 The Brockley Conservation Area is covered by an Article 4 Direction.
- 1.10 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.

2.0 Planning History

- 2.1 On 12 March 1953, planning permission was approved for an extension to the storage sheds at 3 Ashby Mews.
- 2.2 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.

- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 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 16/11/12. Ref. DC/12/81502. Officers have been advised by letter dated 7/11/12 that works have commenced on site in relation to this development.
- 2.9 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:
- 2.10 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.
- 2.11 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.

- 2.12 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.

3.0 Current Planning Application

The Proposals

- 3.1 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

- 3.2 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.
- 3.3 The form of the roofs would not be altered. The drawings note that thermal insulation would be provided below the roof covering.

Roof lights

- 3.4 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
- 3.5 The three existing roof lights in the rear part of the building would be replaced with roof lights of the same dimensions.

Alterations

- 3.6 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.
- 3.7 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

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

Supporting Documents

3.9 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.

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 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

4.3 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.

4.4 One of the letters in support of the proposal confirms that they have direct views of the application building from their property and believes that the proposed refurbishment would enhance Ashby Mews and the Conservation Area.

Amenity Societies Panel

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

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.

London Plan (July 2011)

5.6 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

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

Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 5 Other employment locations
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (2004)

- 5.8 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)

- 5.9 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)

- 5.10 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 s.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 100 square metres, 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).

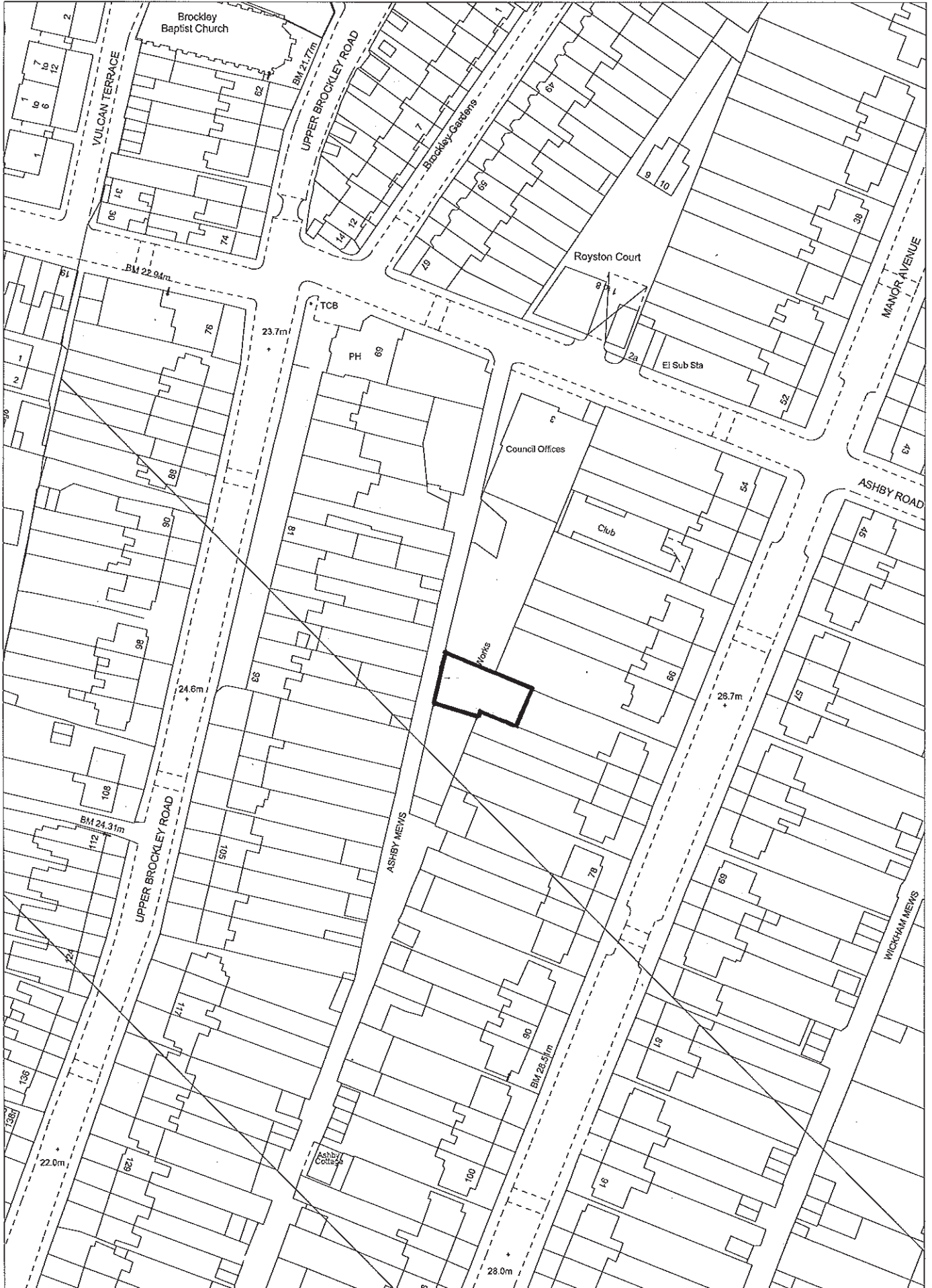
10.0 RECOMMENDATION GRANT PERMISSION subject to the following condition

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	89 BROMLEY ROAD, SE6 2UF	
Ward	Catford	
Contributors	Malachy McGovern	
Class	PART 1	20 December 2012

<u>Reg. No.</u>	DC/12/79757
<u>Application dated</u>	23.05.2012
<u>Applicant</u>	Mrs M Charles "Small Wonders Daycare"
<u>Proposal</u>	The change of use from part residential use (Class C3)/part children's nursery (Class D1) for 25 children to a children's nursery only (Class D1) for 50 children at 89 Bromley Road, London SE6 2UF
<u>Applicant's Plan No.</u>	21112/AD1/1, 2, 3, 4, 5 Rev A, Site Location Plan, Design and Access Statement, Travel Plan.
<u>Background Papers</u>	(1) LE/384/62/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Culverley Green Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The subject site comprises a two-storey detached building currently in use as a children's day care nursery with additional residential accommodation. The site is located on the Eastern side of Bromley Road close to the junction with Inchmery Road and directly opposite the junction with Barneston Road.
- 1.2 The property benefits from two access points (cross overs) at the front of the property from Bromley Road which are connected by a curved garden driveway and two parking spaces.
- 1.3 The property benefits from a substantial single storey, ground floor side extension measuring approximately 70 square metres in area, and runs the entire depth of the original building. The extension and one room within the main building is already used in conjunction with the substantial rear garden as a nursery for approximately 25 babies and children.
- 1.4 The remaining part of the house is in residential use and has a ground floor kitchen, dining and living room and 4 bedrooms on the first floor.

- 1.5 The property is located within the Culverley Green Conservation Area and has a PTAL of 4.

2.0 Planning History

- 2.1 DC/92/33918 - Erection of a single storey side extension - Granted on 23 September 1992.
- 2.2 DC/03/53464/X - The change of use of part of the ground floor of 89 Bromley Road, SE6 to a children's day care nursery (Use Class D1), including use of the rear garden as a children's play area - Granted on 3 December 2012.
- 2.3 DC/08/68218/X - The change of use of one room at 89 Bromley Road, SE6, as a unit for up to 6 young children/ babies, in connection with the attached day nursery - Granted on 18 September 2008.
- 2.4 DC/08/68235/FT - The provision of a transparent canopy to the rear elevation of 89 Bromley Road SE6, to serve the residence and day nursery - Granted on 1 May 2008.

3.0 Current Planning Applications

- 3.1 The current application proposes change of use of the remaining residential part of the ground floor and all of the first floor of the property to a children's nursery. The resultant property would be used solely as a nursery without any of the existing residential accommodation and would provide a day care service for up to 50 children. The proposed layout utilises the existing rooms with only a minor alteration to an internal partition wall on the ground floor.
- 3.2 The proposal would provide 3 class rooms, a kitchen, staff room and separate staff and children's toilet on the ground floor, and 3 class rooms, an office and a toilet on the first floor.

Operation/Staffing

- 3.3 Hours of operation proposed are 08:00 to 18:00 Monday to Fridays. The applicant has stated that the nursery currently employs 8 members of staff and this would increase to 11 full time members of staff.
- 3.4 The applicant states that 1 member of staff currently drives to work and the remaining staff use public transport.

Access/Parking

- 3.5 The applicant has provided a travel plan which states that provision will be made for a minimum of two cars to be parked by users for drop off and pick up.
- 3.6 The applicant states that 5 of the 30 parents that use the nursery currently drive to an from the nursery to drop off and pick their children however this number will reduce to 1 after August 2012.

3.7 The applicant states that the owner, manager and all members of staff will form a Travel Plan Working Group which will encourage parents to make use of public transport or walk.

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 in the surrounding area and the relevant ward Councillors. The Culverley Green Residents Association, Early Years Social Services, Conservation and Environmental Health were also consulted.

Written Responses received from Local Residents and Organisations

4.3 63 Neighbour letters were sent. Two letters of objection were received from the occupiers of 91a Bromley Road, objecting to the application because of parking issues which is already an issue in the area. Also, objections are raised to the potential increase of noise from the use of the garden. The issue of increased drain blockages is also raised but this is not a material planning consideration. A letter from Heidi Alexander MP was received which relayed these concerns.

4.4 The Catford Ward Councillors were also consulted - No response was received

4.5 Transport for London (TFL) were consulted - requested more information about the impact of the increased activity and the efforts to dissuade parking on the red route.

4.6 Council Highways Department - No Response received

4.7 Kate Richardson of the Culverley Green Residents Association initially requested that more information on the landscaping and travel plan be provided. The applicant subsequently clarified that no landscaping or changes to the front of the property were being proposed and that a travel management plans would be adopted.

4.8 The objections raise the following issues:

- Principle of change of use to nursery is questionable in a residential area
- Parking pressure - this is already very difficult for residents and an intensification of the nursery use will only make matters worse.
- Drainage - The proposal would increase the number of toilets from 6 to 8 - there is an existing problem with foul sewage that would be exacerbated
- Traffic - the proposed use would generate considerable additional traffic
- Number of children – 50 children is double the existing
- Noise disturbance from increase in the number of children playing in the garden

4.9 Early Years

No objection to the application- the nursery has an Ofsted judgement of "Good". The local authority has a duty to provide additional places for two years old children over the next few years so new provision able to offer places for two year old children will be encouraged.

4.10 Conservation Officer

No objection, provided no external changes are to take place, in particular no changes to front garden area.

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.

5.4 National Planning Policy Framework (NPPF)

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.

5.6 Ministerial Statement: Planning for Growth (23 March 2011)

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 Relevant UDP policies include:

The saved policies of the Lewisham UDP 2004 relevant to this application are:

URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas

HSG 1 Prevention of Loss of Housing

HSG 4 Residential Amenity

HSG 7 Gardens

LCE 1 Location of New and Improved Leisure, Community and Education Facilities

ENV.PRO 9 Potentially Polluting Uses

ENV.PRO 11 Noise Generating Development

5.8 Relevant Lewisham LDF Core Strategy 2011 policies include

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

Core Strategy Policy 1 Housing Provision, mix and affordability

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

5.9 London Plan 2011

The London Plan policies relevant to this application are:-

Policy 3.14 Existing housing

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.18 Education facilities

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

Policy 7.15 Reducing noise and enhancing soundscapes

6.0 Planning Considerations

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

- a) Principle of Development
- b) Character of the Area
- c) Noise & Impact on Neighbouring Amenity
- d) Highways and Parking
- e) Sustainability

Principle of Development

- 6.2 The existing property is in part-residential (Class C3), part-day care nursery (Class D1) use. The proposal involves change of use of the remainder of the property to day care nursery (Class D1)
- 6.3 Lewisham UDP 2004 policy HSG 1 'Prevention of Loss of Housing' states that the Council will resist the loss of housing except where a change of use to an essential local community service or facility including day nursery is proposed. The local authority has a duty to provide additional places for two years old children over the next few years so new provision able to offer places for two year old children is generally encouraged. It is considered that in this instance the provision of much-needed additional day care for children would outweigh the loss of a residential unit particularly considering the proposal involves only minor internal changes and as such could easily be reverted back into residential use.
- 6.4 The proposed use of part of the property as a day nursery is also supported by policies 3.16 Protection and enhancement of social infrastructure and 3.18 Education facilities, of the London Plan (July 2011) and Policy 19 Provision and maintenance of community and recreational facilities of the Core Strategy (June 2011), as well as saved policy LCE 1 Location of New and Improved Leisure, Community and Education Facilities of the Unitary Development Plan (July 2004). These policies encourage the provision of such facilities and state that they should be located within easy reach by walking, cycling and public transport, close to other community facilities and services and town and local centres. The site has a relatively good PTAL of 4 and as such satisfies the policy in this respect.
- 6.5 The policy also states however that there should be no adverse impact on residential amenity, including noise and traffic generation.
- 6.6 The Social Service Early Years Team have confirmed that the existing nursery has an Ofsted judgement of "good". They have also advised that the Council has a duty to provide additional nursery places for two year old children over the next few years and are supportive of the application.
- 6.7 It is considered that on balance, that the proposal would provide a valuable expansion of a community facility and as such is supported in policy terms.

Character of the Area

- 6.8 No external changes are proposed and therefore there would not be any visual impact on the character of the area. However, the use of the property would change and as such, any possible impact on the character of the area as a result of this needs to be considered. Although the upper floors would no longer be in residential use, it is not considered that the day time operations of the nursery would conflict with residential character of the area to such a degree that material harm would arise.
- 6.9 It is noted that there are several non-residential uses within the street and area more generally, and that a balance is needed. However, it is not considered that the proposed changes would significantly alter the residential character of the area and therefore refusal on these grounds would not be warranted. Restrictions could be placed on any permission to limit the hours of operation and limit the use to day nursery use only. In addition, the number of children permitted can be limited by condition, as well as the times of usage of the garden.
- 6.10 Officers furthermore consider that the change of use does not have to be permanent. If the nursery use would cease, it is likely that the property would revert back to residential use.

Highways & Parking

- 6.11 The applicant has submitted a draft Travel Plan which details the existing travel behaviour of children's parents and nursery staff. The statement also considers the local public transport options and availability of parking on-site and in the vicinity, plus cycle parking.
- 6.12 The property has a modestly sized front garden area which has a double crossover connected by a curved driveway. There are two off street parking spaces to the front of the property that would be available for drop off and pick up if necessary. Several bus routes stop within a 5 minute walk on Bromley Road and Catford, Bellingham and Catford Bridge Rail Stations are a short walk away. It is envisaged that many customers and staff would be from the local area and therefore could walk, cycle or use public transport.
- 6.13 It is noted that there are issues with availability of on-street parking spaces at present and the proposed use would add to this to some extent. The nursery has opening hours between 08:00 and 18:00 and the pick-up and drop-off times are staggered throughout this period. It is envisaged many parents would drop off pre 9am and pick up after 6pm, when there are parking spaces available in the street. The setting is also within a Controlled Parking Zone which serves well to discourage users from driving with the intent of parking on nearby streets.
- 6.14 The applicant states that the existing Travel Plan initiative encourages the use of alternative forms of travel associated with trips generated by the proposed day nursery. The plan states that the manager will set up a Travel Plan Working Group (which will consist of the manager and members of staff) and together the group will be responsible for implementation of the travel plan. It is recommended that a full Travel Plan with mechanisms for monitoring is required by condition particular with regard to ensuring users do not park on Bromley Road which is a red route.

Noise and Impact on Neighbouring Residential Amenity

- 6.15 It is accepted that the intensification of the day nursery use is likely to generate some additional noise and disturbance, but balanced against the expanding need for child care. The Council's Environmental Health noise (Pollution Team) have no record of noise complaints
- 6.16 It is not considered that the use would generate any significant noise disturbance to the area as the children would be inside for the majority of the time and would be sleeping for two hours during the day. Limiting the number of children in the garden at any one time i.e. staggering the use of the garden could also be secured by condition would also help to limit any noise impact. Use of the rear garden for play should be restricted to set hours, normally two hours in the morning and two in the afternoon so as to avoid excessive noise disturbance to neighbouring properties and their gardens.
- 6.17 With regard to use of the garden, it is considered that the Council's normal time restrictions should be applied by condition in order to minimise the impact to neighbouring dwellings. These are considered acceptable conditions in order to comply with Policy ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity.

7.0 Local Finance Considerations

- 7.1 The Mayor of London's CIL is not payable on this application.

8.0 Conclusion

- 8.1 This application has been considered in the light of policies set out in the development plan and other material consideration including policies in the Core Strategy.
- 8.2 On balance, the change of use to full time day nursery (Class D1) from part nursery (Class D1) / part dwelling (Class C3) is considered to be acceptable on planning grounds and conditional permission is recommended.

9.0 Summary of Reasons for Grant of Planning Permission

- 9.1 The proposal satisfies the Council's Land Use and Environmental Criteria Policies and is in accordance with Spatial Policy 5 Areas of Stability and Managed Change, Policy 1: Housing Provision, mix and affordability of the Council's Core Strategy.
- 9.2 Policy 14 Sustainable movement and transport, Policy 15: High Quality Design for Lewisham, Policy 16: Conservation areas, heritage assets and the historic environment and Policy 19: Provision and maintenance of community and recreational facilities in the Local Development Framework - Core Strategy (June 2011) and saved Policies HSG 4 Residential Amenity, LCE 1 Location of New and Improved Leisure, Community and Education Facilities, ENV.PRO 9 Potentially Polluting Uses & ENV.PRO 11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).

- 9.3 It is considered that the proposal is appropriate in terms of its form and would not result in material harm to the character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Spatial Policy 5: Areas of Stability and Managed Change, Policy 1: Housing Provision, mix and affordability, Policy 14 :Sustainable movement and transport, Policy 15 High quality design for Lewisham, Policy 16: Conservation areas, heritage assets and the historic environment and Policy 19: Provision and maintenance of community and recreational facilities in the Local Development Framework - Core Strategy (June 2011) and saved Policies HSG 4 Residential Amenity, LCE 1 Location of New and Improved Leisure, Community and Education Facilities, ENV.PRO 9 Potentially Polluting Uses and ENV.PRO 11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).

10.0 **RECOMMENDATION**

GRANT PERMISSION subject to the following conditions:-

- (1) The day nursery hereby approved shall not operate other than between the hours of 7.30 am and 6.30 pm Mondays to Fridays, and not at all on Saturdays, Sundays or Public Holidays, unless the local planning authority gives written consent to any variation.
- (2) The premises shall be used as a Day Nursery and for no other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any subsequent Order or statutory provision revoking or re-enacting that Order.
- (3) The maximum number of children accommodated at any one time within the day nursery hereby permitted shall not exceed 50, without the prior written approval of the local planning authority.
- (4) The garden shall not be used by nursery children other than between the hours of 10.00 am and 12.00 noon and 2.30 pm and 4.30 pm on Mondays to Fridays.
- (5) The permission hereby approved shall not be implemented until such time as a user Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall operate in accordance with the agreed Travel Plan. The Travel Plan shall specify initiatives to be adopted by the proposed use to encourage access to the site by a variety of means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.

Reasons

- (1) To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).
- (2) To allow the local planning authority to properly assess the impact of other uses within Class D1 on the residential amenities of neighbouring in

accordance with policies in the Local Development Framework - Core Strategy and Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- (3) To safeguard the amenities of the adjoining premises and the area generally and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (4) To safeguard the amenities of the adjoining premises and the area generally and to comply with saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (5) In order that the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Management Plan for the site in accordance with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

Informative:

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

89 BROMLEY ROAD, SE6 2UF



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Committee	PLANNING COMMITTEE C	
Report Title	14A GABRIEL STREET, SE23 1DT	
Ward	Crofton Park	
Contributors	Malachy McGovern	
Class	PART 1	20 December 2012

<u>Reg. No.</u>	DC/12/81295
<u>Application dated</u>	17.08.2012
<u>Applicant</u>	Mr & Mrs Fraher of Fraher Architects
<u>Proposal</u>	The construction of a single storey building with green roof in the rear garden of the ground floor flat
<u>Applicant's Plan No.</u>	1212PL001-007 (Revs P02), 1212PL008 & 009 (Revs P01) and Design and Access Statement
<u>Background Papers</u>	(1) LE/35/14/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan (July 2012)
<u>Designation</u>	Not in a Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The site comprises a two-storey end of terrace Victorian building sited on the corner of Wyleu Street and Gabriel Street. The property has been subdivided into two flats. This application relates to the ground floor two bedroom flat which has use of the rear garden.
- 1.2 Due to the site's corner location the rear garden can be accessed directly from Wyleu Street.
- 1.3 The site lies in an entirely residential area comprising terraced dwellings of similar style and design.
- 1.4 The property is not located within a Conservation Area and is not listed.

2.0 Planning History

- 2.1 DC/11/77352 - Construction of a single storey extension to the side of ground floor flat 14a Gabriel Street fronting on to Wyleu Street London SE23 Granted on 2 August 2011.
- 2.2 DC11/78719 & DC/11/79407 approval of materials details relating to the above granted on 19 January and 19 April 2012 respectively.

3.0 Current Planning Applications

The Proposal

- 3.1 This application seeks consent for the construction of a single storey building with a green roof in the rear garden of the ground floor flat at 14a Gabriel Street SE23 to provide a garden office.
- 3.2 The outbuilding would be positioned at the bottom of the garden of the property (northern end of the site) and would be built right up to the boundary with no. 30 Wyleu Road.
- 3.3 The building would be of a contemporary design and would have its own access from Wyleu Road.

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 A site notice was 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 7 Objections from local residents as well as an objection from the Honor Oak Residents Association were initially received from occupiers of neighbouring properties. However, these objections related to the previous application for an extension to the property. The objectors were given a further opportunity to make representations regarding the proposed garden building and were advised that the previously approved extension does not form part of the current application. 4 objections were then received regarding the proposed garden building. Two from the freeholder and leaseholder of 14b Gabriel Street and two from the residents of 2 and 6 Gabriel Street respectively.
- 4.4 The objections were made on the following grounds:
 - 1) Overdevelopment and loss of garden space – Four neighbours have raised objections on the grounds that the proposed garden building if constructed, would leave little garden space left and would therefore represent overdevelopment of the site.
 - 2) Out of character with surrounding Edwardian and Victorian Architecture - Three neighbours have raised concerns that the proposed building would out of character with the surrounding townscape.
 - 3) Loss of garden space and potential flooding– Two neighbours have raised concerns about the potential flood risk arising from the introduction of further buildings and loss of garden space.
 - 4) Possible change of use to a commercial use – Two neighbours have raised concerns that the proposed building would have a separate street access and as such could be used for commercial purposes in future.

(Letters are available to Members)

4.5 Written Responses received from Statutory Agencies

No responses

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.

5.4 National Planning Policy Framework (NPPF)

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.

5.6 Ministerial Statement: Planning for Growth (23 March 2011)

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 Other National Guidance

The other relevant national guidance is:

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

5.8 Relevant UDP policies include:

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

5.9 Relevant Core Strategy policies include

Policy 15 'High Quality Design for Lewisham'
Policy 8 'Sustainable Design and Construction and Energy Efficiency'

5.10 Residential Development Standards SPD (August 2006)

In August 2006, the Council adopted the Residential Standards Supplementary Planning Document. 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, back land development, 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.

5.11 London Plan Housing SPG (November 2012)

5.12 The Mayors Housing Supplementary Planning Guidance (SPG) has now been published. This SPG replaces the 2005 SPG, the 2010 Interim Housing SPG and the draft SPG Affordable Housing note.

5.13 The SPG provides guidance on how to implement the housing policies in the 2011 London Plan. It is informed by the Government's NPPF and by its Housing Strategy for England.

5.14 As SPG, the document does not set new policy. It contains guidance supplementary to London Plan policies. While it does not have the same formal development plan status as these policies, it has been formally adopted by the Mayor as supplementary guidance under his powers under the Greater London Authority Act 1999 (as amended). It will be a material consideration in drawing up development plan documents and in making planning decisions.

5.15 The SPG is divided into seven parts, of which part 2 is of particular importance as it deals with housing quality.

5.16 London Plan 2011

Policy 7.4 'Local Character'
Policy 7.6 'Architecture'

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Impact on Adjoining Properties
- d) Sustainability

Principle of Development

6.2 The application proposes to construct a single storey building in the rear garden of the property. The building would provide ancillary office space for the applicant who would work from home. The creation of additional space would contribute to a more sustainable form of living for the applicant and as such is considered acceptable in principle subject to other relevant planning policies.

Design

6.3 The proposed studio building would span the width of the rear garden and would be comprised of two elements. The main element would have a sloping angular facade which would rise to a maximum height of 4.6 metres and would be built right up to the flank wall of the neighbouring property no. 30 Wyleu Road. The second, smaller element would link the main element to the access from Wyleu Road and would be approximately 2.5 metres high. The second element would be no higher than the existing boundary wall fronting Wyleu Road and as such would be obscured from public view.

6.4 The proposal would be appreciably higher than the existing ground floor rear extension, it would however remain subordinate to the principal building and also the neighbouring principal dwelling no 30 Wyleu Road. The building would slope at an angle away from the rear extension, tapering to a point and as such would not appear overbearing or overly dominant within the surrounding townscape. The sloping design also ensures that any loss of daylight to the rear extension is minimised.

6.5 The highly contemporary design would deliberately contrast with the surrounding Victorian buildings. It is considered that the development would integrate comfortably with the existing rear extension by continuing the green 'living' roof form. The living roof also incorporates rainwater harvesting apparatus.

6.6 The Lewisham SPD on Residential Standards states that development should reflect and enhance the appearance of the original building whatever its character or style. It is considered that the proposed garden building would be of a similar contemporary design as the existing extension and as such would complement the existing development.

6.7 The proposed studio building could be regarded as being 'exemplary' by reason of its high quality contemporary form and sustainability credentials. Paragraph 48 of the NPPF states that planning policies should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The NPPF states at paragraph 63 that in determining applications, great weight should be given to outstanding or innovative designs which help raise the

standard of design more generally in the area. The proposal is considered to be in line with these design objectives and is therefore acceptable in design terms.

- 6.8 The building would incorporate two triangular-shaped large roof lights and a secondary window on the elevation facing the rear of the main dwelling. The side elevation facing Wyleu Road would be most visible from public views and would be partially glazed. Whilst the Council's Design Officer's are supportive of the design and form, they have advised that the external materials would need to be carefully controlled by condition in order to ensure that a high level of design quality is achieved.

Impact on Adjoining Properties

- 6.9 The main element of the proposed garden building would be between 3 metres and 4.5 metres deep and would be approximately 6 metres wide and approximately 4.6 metres high. The submitted drawings show that the internal floor level would be sunk approximately 50cm below the garden/street level thus providing additional floor to ceiling height without any physical impact. The secondary smaller element would be between 2 and 2.7 metres deep, 3.5 metres wide and approximately 2.5 metres high.
- 6.10 The combined floor area of the two elements forming the garden studio would be approximately 30 sqm leaving a remainder of 34 sqm of amenity space. It is considered that the loss of garden space would be counterbalanced by the creation of the large green 'living' roof which would support biodiversity and would contribute to sustainability initiatives. The green roof would also absorb and collect rainwater thereby counterbalancing any 'floodrisk' due to loss of permeable garden space. The remaining garden area would be modest however a width of 8.5 metres would be retained. The total remaining amenity space would be approximately 34 sqm which is considered acceptable for a two bedroom flat.
- 6.11 The proposed building would not introduce any new windows or openings which would have views of neighbouring properties and as such it is not considered that any loss privacy or overlooking would result. The proposed use of the building as a work from home studio is supported by the National Policy and the London Plan 2011 which seeks to allow flexibility in design and supports developments which reduce the need to travel.
- 6.12 It is considered that the proposed garden building would provide an improved living and working from home accommodation for the applicant's family and would represent a more sustainable use of the property. As such the proposal is acceptable in amenity terms.
- 6.13 Whilst some concerns have been raised about the future change of use of the building to a commercial business, the Council cannot refuse an application based on speculative concerns. The application seeks planning permission for the operational development which will be used ancillary to the residential accommodation. No material change of use is therefore proposed. The Committee members may consider imposing an additional condition or informative requiring the building to be used ancillary to the flat and for no other use.

7.0 Local Finance Considerations

- 7.1 CIL is not payable on this application.

8.0 Conclusion

- 8.1 The proposed garden studio building would be appropriate in its context by reason of its innovative and contemporary design, and would contribute to sustainability initiatives in line with local and national policy. The extension would not cause any material harm to neighbouring amenity in terms of light loss, privacy or physical presence.
- 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 the scheme is therefore considered acceptable.

9.0 Summary of Reasons for Grant of Planning Permission

It is considered that the proposed garden studio building would be of an innovative and contemporary design and appearance and would contribute to sustainability initiatives in line with local and national policy. The extension would not result in unacceptable harm to neighbouring amenity in terms of light loss, privacy or physical presence. The proposal is thereby in accordance with Policies URB 3 Urban Design, HSG 4 'Residential Amenity' and HSG 12 'Residential Extensions' of the adopted Unitary Development Plan (July 2004), Policy 8 'Sustainable Design and Construction and Energy Efficiency' and Policy 15 'High Quality Design for Lewisham' of the Lewisham Core Strategy (June 2011), and policies 7.4 'Local Character' and 7.6 'Architecture' of the London Plan (July 2011).

10.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

Conditions

- 1) No development shall commence on site until details of all windows and all other external materials (including their colour and texture) to be used on the building(s) 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, unless the local planning authority agrees in writing to any variation.
- 2) Details of the living roof shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site. The living roof shall be:
 - a) biodiversity based with extensive substrate base (depth shall vary between 80-150mm but shall average at least 133mm);
 - b) laid out in accordance with plan **1212PL009 Revision P01** hereby approved; and
 - c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.

The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

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

- d) Evidence that the roof has been installed in accordance with sub-points a) to c) above shall be submitted to and approved in writing by the local planning authority prior to use of the extension hereby approved.

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) To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity and contributes to sustainability principles in accordance with Policies 5.1 Climate change mitigation, 5.3 Sustainable design and construction, 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable drainage and 7.19 Biodiversity and access to nature of the London Plan (July 2011), Objective 5: Climate change, Objective 6: Flood risk reduction and water management, Policy 7: Climate change and adapting to the effects, Policy 8: Sustainable design and construction and energy efficiency of the Core Strategy (June 2011) and Planning Policy Statement 9 Biodiversity and Geological Conservation.

Informative:

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

FLAT A, 14 GABRIEL STREET, LONDON, SE23 1DT



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