

## PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 29 AUGUST 2013 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Paul Bell (Chair)  
Helen Gibson (Vice-Chair)  
Pauline Beck  
Liam Curran  
Alexander Feakes  
Peggy Fitzsimmons  
Alan Hall  
Stella Jeffrey  
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, 20 August 2013**

**For further information please contact:  
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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 29 AUGUST 2013

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

**(1) Personal interests**

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

- (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 29 AUGUST 2013

### MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 18 July 2013.

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Committee	PLANNING COMMITTEE C	
Report Title	15 Westwood Park, SE23	
Ward	Forest Hill	
Contributors	Tabitha Lythe	
Class	PART 1	Date: 29 August 2013

<u>Reg. Nos.</u>	(A) DC/12/82236 & DC/12/82236A
<u>Application dated</u>	24.12.12 [as revised on 07.03.13]
<u>Applicant</u>	Robinson Escott Planning on behalf of Grand Central Properties Ltd
<u>Proposal</u>	An application submitted under Section 73 of the Town & Country Planning Act for a minor material amendment to allow a variation of Condition (2) of the planning approval dated 6 December 2010 (DC/10/74811) for the construction of 2 two storey, two bedroom houses and replacement garage on land to the side of 15 Westwood Park SE23, in order to allow for the insertion of two velux windows into the front roof elevation and three roof lights in the top flat roof in connection with the creation of an additional room in each house.
<u>Applicant's Plan Nos.</u>	198-12-01; 198-12-02 Rev B; 198-12-05 Rev B; 198-12-06 Rev B; 198-12-07; 198-12-08 Rev B; 19-12-20
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/56/15/TP (3) Adopted Unitary Development Plan (July 2004) (4) Local Development Framework Documents (5) The London Plan
<u>Designation</u>	[Core Strategy or Adopted UDP] - Existing Use

## **1.0 Property/Site Description**

- 1.1 The application site is a rectangular shaped plot of land measuring 18.5m by 15m that fronts onto Westwood Park. The site is overgrown and is land which forms part of 15 Westwood Park, a detached part-single, part 2 storey building with roof extensions, which also has a separate garage to the side.
- 1.2 The application site lies on the south side of Westwood Park. A terrace of four, 1960s 2-storey dwelling-houses fronting Westwood Park lie to the east. To the west is no.15 Westwood Park itself, immediately to the south are 2 and 3 storey terraced dwellings located within Amroth Close and to the rear lies a two storey dwelling and associated garden space. Horniman Gardens and the Forest Hill Conservation Area are within 50 metres of the site.

- 1.3 Westwood Park is situated on a steep hill and the changes of levels between the adjacent properties are substantial.
- 1.4 The site is not near a listed building and although not within a Conservation Area, within 50 metres to the west and north lies the Forest Hill Conservation Area.

## **2.0 Planning History**

- 2.1 There have been applications submitted for extensions to the detached property at 15 Westwood Park, which includes a single-storey rear extension and roof additions. In relation to the subject site which is land adjacent to the detached property at 15 Westwood Park, there have been previous applications
- 2.2 On 18 September 2008, planning permission was refused for the demolition of the existing house at 15 Westwood Park SE23 and adjoining land for the construction of 3, three-storey, three bedroom houses with integral garages and 6, three storey, two bedroom houses, together with the provision of bin stores & 6 car parking spaces for the following 5 reasons:
- 1) The proposed 3-storey dwellings, by reason of their height and bulk, would appear overbearing and discordant, failing to relate with the existing 2-storey dwellings that characterise Westwood Park, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).
  - 2) The size and depth of the garden spaces to the rear of dwellings 1-9 would be wholly inadequate, contrary to Policies HSG 5 Layout and Design of New Residential Development and HSG 7 Gardens in the adopted Unitary Development Plan (July 2004).
  - 3) The proposed siting and 3-storey height of dwellings 7-9 would be unacceptable, positioned within close proximity of the existing property at 17 Westwood Park, resulting in a significant reduction in their outlook and an increased sense of enclosure, whilst reducing the level of privacy to the rear of no.19, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).
  - 4) The restricted nature of the off-street parking area to the rear of dwellings 4-6, together with the layout of the parking bays, would inhibit vehicle manoeuvrability, whilst its location would be likely to cause disturbance to existing residents by way of vehicle movement and noise, contrary to Policies HSG 4 Residential Amenity and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).
  - 5) The loss of natural vegetation upon the site prior to the formal planning submission, including the felling of two established Oak trees, together with the lack of sufficient replacement planting within the scheme is considered unacceptable and to the detriment of the character of the area generally, contrary to Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the adopted Unitary Development Plan (July 2004).

- 2.3 In June 2009, planning permission was refused for the construction of 3 three-storey, two bedroom houses and replacement garage at 15 Westwood Park SE23, together with the provision of bin stores and associated landscaping due to the following 2 reasons:
- 1) The proposed 3-storey dwellings, by reason of their height, bulk and positioning, would appear overbearing and discordant, failing to relate to the street scene. As such, the development would be contrary to Policies URB 3 Urban Design and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (July 2004).
  - 2) The proposed development, by reason of its massing and bulk, would have a significant detrimental impact on the daylight and sunlight entry to 15 Westwood Park and would have an overbearing impact both on that property and on the property behind the application site, resulting in an unneighbourly form of development. As such, the development would be contrary to Policies HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (July 2004).
- 2.4 The above decision was unsuccessfully appealed with the Inspector, in his decision letter, considering there to be 2 main issues
- The effect of the proposal upon the character and appearance of the surrounding area.
  - The impact of the development upon the amenities of nearby residents.
- 2.5 The Inspector commented, as follows:
- “I see no objection, in principle, to its development for residential purposes”.
- 2.6 He further went on to state:
- “It is also necessary to make full and effective use of sites such as this consistent with the character and appearance of its immediate surroundings”
- 2.7 The Inspector commented also that “the forward projection, coupled with the three-storey nature of the housing would render the proposal prominent in the street scene he concluded that the development would be out of keeping with and detrimental to the character and appearance of the surrounding area”
- 2.8 In November 2010 planning permission was granted for the construction of 2 two storey, two bedroom houses and replacement garage on land to the side of 15 Westwood Park SE23.
- 2.9 In May 2012 approval was granted for details submitted in compliance with Conditions (1) Facing Materials (4) External Works Layout of the planning permission dated 6 December 2010 (DC/10/748110) for the construction of 2, two storey, two bedroom houses and replacement garage on land to the side of 15 Westwood Park SE23.

- 2.10 In May 2013 approval was granted for details submitted in compliance with Condition (3) parking provision for cycles dated 6 December 2010 (DC/10/74811) for the construction of 2 two storey two bedroom houses and replacement garage on land to the side of 15 Westwood Park SE23.

### **3.0 Current Planning Applications**

#### The Proposals

- 3.1 Planning permission was previously granted for the construction of 2 two storey, two bedroom houses and replacement garage on land to the side of 15 Westwood Park SE23
- 3.2 Condition 2 of the approved planning permission states: “Unless minor variations are otherwise approved in writing by the local planning authority, the development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed in the Schedule overleaf.” The reason for this condition is “To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.”
- 3.3 The amendment to the previously approved scheme is to allow the insertion of two velux windows into the front roof elevation and three roof lights in the top flat roof in connection with the creation of an additional room within the roof space of each house. This is achieved by changing the list of approved drawings on which the permission is based.
- 3.4 A change was only initially sought for the front roof lights. However, following the initial consultation other changes were highlighted including the rooflights in the top flat roof and the use of the loft as a habitable room and have since been included in the application. A reconsultation has been carried out to include these additional changes.

### **4.0 Consultation**

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

#### Written Responses received from Local Residents and Organisations

- 4.3 7 objections were received from 2 Amroth Close; 15c, 15d, 17, 22a, 24, 28 Westwood Park
- A three-storey dwelling has twice been refused on this site and changes would make this a three-storey dwelling.

- Additional room would make these family sized dwellings without adequate garden space and internal family bathroom.
- Original permission had restrictions on roof space and roof lights have already been installed so there was no intention to adhere to original planning permission.
- Changes may be of indirect impact they show attitude of developer to local community.
- Neighbour had trees removed and concrete wall built in their garden without consultation from the developer.
- Houses marketed for sale as being arranged over three floors with bonus room in loft with ensuite and walk in wardrobe when this does not have consent.
- Changes proposed are not minor.

## **5.0 Policy Context**

### Introduction

- 5.1 Section 73 of the Town and Country Planning Act 1990 allows for an application to be made to vary or remove conditions when a previous planning permission was granted. On receiving an application, the Council can only consider the question of the conditions subject to which planning permission was granted.
- 5.2 On receipt of an application, the Council can grant permission to vary that condition which is being varied or remove it totally. The Council can also decide that the original condition should still apply by refusing permission.
- 5.3 The practical effect of a Section 73 application, is that a new planning permission is created with all conditions applying.
- 5.4 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

### National Planning Policy Framework

- 5.5 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. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

- 5.6 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, and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.7 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.

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

Other National Guidance

- 5.9 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)  
Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)  
Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)  
Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010)

Minor Material Amendments

- 5.10 Greater flexibility for planning permissions Guidance (2009). Amended consultation requirements for applications under s.73 of the Town and Country Planning Act 1990 were brought into force on 1 October 2009, via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261).

London Plan (July 2011)

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

Policy 3.5 Quality and design of housing developments  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 6.9 Cycling

Policy 6.12 Road network capacity  
Policy 6.13 Parking  
Policy 7.2 An inclusive environment  
Policy 7.4 Local character  
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)  
Housing (2012)  
Sustainable Design and Construction (2006)  
Planning for Equality and Diversity in London (2007)  
Shaping Neighbourhoods: Play and Informal Recreation (2012)

London Plan Best Practice Guidance

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

Development Plan Policies for Biodiversity (2005)  
Control of dust and emissions from construction and demolition (2006)  
Wheelchair Accessible Housing (2007)  
London Housing Design Guide (Interim Edition, 2010)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 3 District Hubs  
Core Strategy Policy 1 Housing provision, mix and affordability  
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 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

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

URB 3 Urban Design  
URB 12 Landscape and Development  
URB 13 Trees  
HSG 1 Prevention of Loss of Housing  
HSG 4 Residential Amenity  
HSG 5 Layout and Design of New Residential Development  
HSG 7 Gardens  
HSG 8 Backland and In-fill Development

## Residential Standards Supplementary Planning Document (August 2006)

- 5.16 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

### Emerging Plans

- 5.17 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 5.18 The following emerging plans are relevant to this application.

### Development Management Plan

- 5.19 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Public consultation on the Proposed Submission Version begun on 16 August 2013 and runs for eight weeks ending on Friday 4 October. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.
- 5.20 The following policies are considered to be relevant to this application:
- |              |  |
|--------------|--|
| DM Policy 1  | Presumption in favour of sustainable development   |
| DM Policy 2  | Preventing loss of existing housing  |
| DM Policy 22 | Sustainable design and construction  |
| DM Policy 25 | Landscaping and trees  |
| DM Policy 29 | Car parking  |
| DM Policy 30 | Urban design and local character   |
| DM Policy 32 | Housing design, layout and space standards   |
| DM Policy 33 | Development on Infill Sites, Backland Sites, Back Gardens and Amenity Areas  |
| DM Policy 36 | New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens |



## 6.0 Planning Considerations

- 6.1 The proposal would amend the approved drawings by varying the condition 2 so that it would read as follows “The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

158-10-03; 158-10-04; 158-10-09; Site Survey; Planning, Design and Access Statement; 198-12-01; 198-12-02 Rev B; 198-12-05 Rev B; 198-12-06 Rev B; 198-12-07; 198-12-08 Rev B; 19-12-20

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

- 6.2 The change to the approved drawings only changes the scheme in regards to the insertion of rooflights and use of the loftspace. These changes do not allow the principle of the development to be re-examined. Members should focus only on the changes being sought and the associated impact of these changes.
- 6.3 Ordinarily, the insertion of rooflights and use of the loft space would not require planning permission for a single family dwellinghouse. However, the subject properties were not completed at the time of the works being carried, which means that the roof lights are effectively a change to the approved planning permission. Furthermore permitted development rights for alterations and extensions were withdrawn from these two houses by way of a condition on the original planning permission. The rooflights in the front roof slope are visible from the street while the rooflights in the top flat roof and the internal changes to the loft are not.
- 6.4 The rooflights in the front roof slope, while visible from the streetscene would not significantly alter appearance of the dwellings as permitted by the original planning consent.
- 6.5 The rooflights in the top flat section of the roof are not visible from the streetscene and would therefore not have an impact on the proposal visually. None of the windows now proposed cause overlooking or have any impact on the amenities of adjoining residents.
- 6.6 Concerns have been raised that the additional room in the loft space in each dwelling would then mean that the proposals were not compliant with the Council’s and Mayor’s space standards in particular for external amenity space. Although the developer has marketed the additional rooms in the loft as a ‘bonus room’, the change effectively turns the two bed house into a three bedroom house. The Core Strategy defines a family accommodation as benefiting from 3 bedrooms or more. The change therefore effectively ensures that the two properties are family sized dwellings.
- 6.7 The properties have shallow, but wide rear gardens and officers consider that they provide sufficient outside amenity space for a 3 bedroom dwelling. In terms of overall size of the dwellings, the new units still comply with the current Council and Mayor space standards. Therefore as the change would still be inline with local, regional and national policies .

6.8 Overall, the insertion of rooflights in the front roof slope and top flat roof and the use of the loft space as an additional room are considered acceptable when considered against local, regional and national planning policies.

## 7.0 **Conclusion**

7.1 This application has been considered in the light of policies set out in the development plan and other material considerations. The changes to the scheme by reason of their size and location would not harm the amenity of adjoining occupiers, the street scene or future occupiers. On this basis, the variation of the condition is recommended for grant.

## 8.0 **RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

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

158-10-03; 158-10-04; 158-10-09; Site Survey; Planning, Design and Access Statement; 198-12-01; 198-12-02 Rev B; 198-12-05 Rev B; 198-12-06 Rev B; 198-12-07; 198-12-08 Rev B; 19-12-20

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

(2) The development shall be carried out in accordance with the approved details in application no: DC/11/79036, unless the local planning authority agrees in writing to any variation.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the buildings and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

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

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

(4) The development hereby permitted shall include secure parking provision for cycles, in accordance with the details as approved by application no: DC/12/80964. Such provision shall be provided before either of the residential units are occupied and retained permanently thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

- (5) The landscaping shall be in accordance with the details as approved by application no DC/11/79036, and all works which form part of this approved scheme shall be completed in the first planting season following the completion of the development, unless the local planning authority has given written consent to any variation. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority has given written approval to any variation.

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

- (6) No extensions or alterations to the buildings, whether or not permitted under Article 3 and Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, shall be carried out without the prior written permission of the local planning authority.

**Reason:** In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

## **INFORMATIVES**

- A. 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, no pre-application discussions took place however following the consultation additional discussions were held which resulted in further information being submitted.

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# 15 Westwood Park SE23



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Committee	PLANNING COMMITTEE (C)	
Report Title	18A Holbeach Road SE6	
Ward	Rushey Green	
Contributors	S Isaacson	
Class	PART 1	Date: 29 AUGUST 2013

<u>Reg. Nos.</u>	DC/12/81136
<u>Application dated</u>	10.8.12, completed 23.4.13
<u>Applicant</u>	Nathan Building Consultants on behalf of Mr Moorthy
<u>Proposal</u>	The redevelopment of the existing building and its replacement with a new single-storey building with a pitched roof, comprising a large hall, kitchen, store and toilets, for use as a (Use Class D1) Cultural Centre at 18A Holbeach Road SE6.
<u>Applicant's Plan Nos.</u>	MP/2010/565/LP REV B, Site location plan, Design & Access Statement, BREEAM New Construction Pre-Assessment Report by Abitar dated April 2013.
<u>Background Papers</u>	(1) Case File LE/849/18A/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan (5) National Planning Policy Framework (NPPF)
<u>Designation</u>	Catford Town Centre - Existing Use

## **1.0 Property/Site Description**

- 1.1 The application site is No. 18a Holbeach Road, which is a single-storey workshop building measuring 11.4 metres deep by 6.35 metres wide, with a rear yard approximately 16m in depth. The existing building is slightly wider than the rear yard. The site has been vacant for some years, but was used previously as a workshop and truck repair yard and for parking of commercial vehicles. The site fronts Morena Street, although the site has a Holbeach Road address. Access to part of the formerly-larger rear yard area was originally from Brookdale Road, between No. 60 Brookdale Road and Lewisham Baptist Church. The application building is commercial in appearance, containing a large roller shutter door in the front elevation. The surrounding area is predominantly residential in character, albeit close to the commercial centre of Catford. The entrance into the two-storey Council car park lies just to the south in Holbeach Road, within 40 metres of the application site.
- 1.2 The site is not within a conservation area, nor is it in the vicinity of any listed buildings, however it is located within the Core Area of Catford.

## **2.0 Planning History**

2.1 **DC/09/72963:** The change of use, alteration and conversion of the existing workshop at 18A Holbeach Road, to provide a single storey one bedroom dwelling house. Refused in December 2009, by reason of loss of employment land, and dismissed on Appeal in September 2010.

2.2 **DC/10/75776:** On 14 January 2011, planning permission was refused for the redevelopment of the existing building to include removal of the existing pitched roof, build up of the elevations and new flat roof and construction of a single storey extension to rear of 18A Holbeach Road, together with the change of use to (Use Class D1) Cultural Centre. The reasons for refusal related to loss of employment use, lack of any contributions to offset the impact of the development and potential noise and disturbance for neighbouring residential occupiers.

2.3 **DC/12/79744:** In June 2012, a further application was refused, again for the redevelopment of the existing building to include removal of the existing pitched roof, build up of the elevations and new flat roof and construction of a single storey extension to the rear. The reasons for refusal were:-

- (1) The proposal would result in the loss of an employment site which is contrary to Objective 4: Economic Activity & Local Businesses in the Council's adopted Local Development Framework - Core Strategy (June 2011).
- (2) The physical bulk and scale of the new building would also have a significant and detrimental impact on the amenities of adjoining residential occupiers, partly due to the small size of existing rear gardens of houses in Holbeach Road and Morena Street. As such, the proposal would have an unacceptable adverse impact upon neighbouring amenity contrary to Policy HSG 4 Residential Amenity and HSG 8 Backland and Infill Development in the adopted Unitary Development Plan (July 2004) and Objective 10: Protect & enhance Lewisham's character and Policy 15: High quality design for Lewisham in the Local Development Framework - Core Strategy (June 2011).
- (3) The applicant has failed to provide any contributions to offset the impact of the development in accordance with Objective 1: Physical and Socio-Economic Benefits and Policy 21: Planning Obligations of the Local Development Framework - Core Strategy (June 2011)
- (4) The proposed D1 use would lead to an intensification of use on the site which would give rise to significant noise and disturbance for neighbouring residential occupiers. As such the proposal would have an unacceptable adverse impact upon neighbouring amenity contrary to Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity & HSG 8 Backland and Infill Development in the adopted Unitary Development Plan (July 2004)

2.4 No appeals have been submitted against these refusals of permission.



## Site at rear of 18A Holbeach Road, fronting Brookdale Road

- 2.5 In November 2009, planning permission was granted for the construction of a two-storey building on part of the land fronting Brookdale Road and rear of 18A Holbeach Road to provide 2 one-bedroom self-contained flats, together with the provision of refuse storage in the front garden (DC/09/72641). This land was formerly part of the site of 18A Holbeach Road. This scheme has now been constructed.

### **3.0 Current Planning Application**

#### The Proposal

- 3.1 The application is for the redevelopment of the existing building and its replacement with a new single-storey building with a low pitched roof for use as a (Use Class D1) Cultural Centre. The description of development has been amended slightly to accurately reflect the nature of the proposed development. The existing building is single skin brickwork and the proposal would involve the demolition of the existing ridged-roof structure and its replacement with the new single-storey building.
- 3.2 The new building would have two main elements, with the front section occupying a similar site to the existing building, but built to a narrower width of 5.65 metres, to allow the provision of the fire escape passageway running along the entire length of the southern side of the building, such that it would be set away from the common boundary with the residential dwellings at 18-28 Holbeach Road.
- 3.3 The narrower building would have a similar square appearance onto Morena Street to the existing, and be of similar height at 3.6 m. The front elevation would have a self-coloured render finish and have a narrower central door measuring 1.8 m wide and 3 m high, instead of the existing unsightly metal roller shutter door.
- 3.4 The eaves height of the proposed replacement building has been reduced to 2.63 metres along the rear garden boundaries of houses in Holbeach Road and Morena Street. As stated above, the fire escape passageway along the south side of the building would mean that the new building walls would be set away from this boundary by 1.5 metres.
- 3.5 The plans show the wider front part of the building would be split into three, with a central hallway leading into the main worship space, flanked by two rooms; an office on the south side of the building and a cloakroom on the north side. The office and cloakroom would each have a small window in the front elevation, facing onto Morena Street.
- 3.6 Behind this, the building would open out into a larger internal hall, occupying the full width of the building, with the 'Sanctum Sanctorium' located in the centre. A small kitchen, and WCs, including a disabled WC, would be provided in the rear part of the building.

- 3.7 The rear part of the building, containing the toilets and kitchen, would occupy the full width of the site (6 metres wide, by 3.9 metres deep), and would have a single escape door out into the fire escape passageway that would run along the south side of the building. A second escape door is provided into this passageway from the main hall.
- 3.8 It is proposed to change the use of the site from B1 to D1 - Non-Residential Institutions, with the proposed use being as a cultural centre for the Hindu community. Hours of use are stated as Monday to Sunday (including Bank Holidays) 08:00 to 22:00. The applicant has stated that they would employ six priests, two full-time administrators, two part-time administrators and two cooks in the temple, in order to achieve the smooth running of the temple to the satisfaction of their devotees. On special occasions and festival times, they would employ two or three additional priests and a person to assist the cook.

#### Supporting Documents

- 3.9 On the subject of the number of people visiting the premises, the submitted Design and Access Statement states:-
- "It is anticipated that a maximum of 15 people visiting the site during the hours between 9.30am to 2.00pm during week days & 20 on week ends and 25 between the hours of 6.00pm to 10.00pm daily except on Tuesdays & Fridays the number could increase to a maximum of 40 people. Most of the visitors are retired elderly using the public transport available locally. Those who use private vehicles would expect to park in the nearby multi storey car park and walk to the site. This is expected to reduce the anticipated noise generated by visitors to the site."*
- 3.10 The applicant has confirmed that they employ *"six priests, two full time administrators, two part time administrators and two cooks in our temple for us to have a smooth running of the temple to the satisfaction of our devotees. On special occasions and festival times we employ two or three additional priests and a person to assist the cook."*
- 3.11 The applicant has submitted a Petition in Support, signed by 33 residents of Blythe Hill, Bradgate Road, Brookdale Road, Holbeach Road, Rushey Green, Silvermere Road and Wildfell Road, which states as follows:-
- "London Cultural Centre (Vel Murugan Aalayam) was established in 1998. It has served the community by conducting poojas, Bajans and Indian Music Learning centre on Fridays for the past 12 years from this current temporary location - Lochaber Hall in Manor Lane Terrace, SE13 5QL. Now it has become necessary to establish our Indian Cultural Centre in a permanent location. This would facilitate us to provide improved services during the day and evenings.*
- A permanent location would enable us to serve the community better. Since establishment and (we) started to offer services, around 50 members have contributed their wisdom and time with us (and) want to take this good service forward.*

*Cultural Centre would be a great opportunity for many of the multicultural community to explore Hindu beliefs, tradition and culture, which we believe could contribute to a cohesive society. To achieve this, our enthusiastic youngsters and elders support us in raising values of Hindu culture to capitalise with Western beliefs and lifestyle, which we hope could build a bridge between different communities and will serve as a place of spiritual and cultural development for generations to come.*

*Great Britain is well-known for its multicultural society, leadership and tolerance. The Hindu way of delivering harmony, tradition and peace would be an added benefit for future generations to sustain and enhance the community."*

The applicant has also submitted a letter (dated 14 July 2011), confirming that the London Cultural Centre (Sri Vel Muruhan Aalayam) agree *"to undertake to pay a sum of money to be confirmed by the Lewisham Borough Council to offset the loss of employment for space to provide basic training and support for 1 - 2 people that would seem reasonable and proportionate."*

- 3.12 The applicant has also submitted a BREEAM Report regarding sustainable design, prepared by Abitar.

#### **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. Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

#### **Written Responses received from Local Residents and Organisations**

- 4.2 Five letters of objection have been received, from the occupiers of 66 Brookdale Road, 12,18 & 24 Morena Street and 59 Wildfell Road, raising the following issues:-
- Increased congestion and traffic in the vicinity because of the volume of people attending the temple. This will have an impact on parking, which is already very busy at weekends in Morena Street and the surrounding areas.
  - The application says many users will be elderly and will attend by public transport; however, the opening times are quite late and therefore public transport use is unlikely. Furthermore, there is no evidence submitted in the application that users will only be elderly.
  - Concerns over cooking smells emanating from the premises if meals are cooked.
  - This is a residential area and excess noise could be a serious issue.
  - The proposed extension to the building could cause loss of light to neighbouring properties.
  - Noise and disruption during building works.
  - Concerns about storage of refuse.

(Letters are available to Members)

## Environmental Health

- 4.3 No objection. The building is separated from other residential buildings and on this basis the structure should be satisfactory on noise grounds. However, it would be prudent to include a suitable condition regarding noise attenuation measures. Also, in relation to the kitchen, the letter states that they would employ two cooks. Therefore it would be prudent to include a condition ventilation systems.

## Highways and Transportation

- 4.4 The site is well located in terms of access to public transport facilities, it has a Public Transport Accessibility Level (PTAL) of 5 which is considered to be a very good level of public transport accessibility (on a scale of 1 – 6, where 1 is low and 6 is high).
- 4.5 The proposed change of use to a place of worship, would result in an increased frequency of arrivals and departures from the site when compared to the previous use, but given the PTAL of the site, it is considered a sustainable location for the proposed use.
- 4.6 The proposal would result in an increase in demand for parking adjacent to the site, when compared to the existing use. But, the controlled parking zone and parking controls will minimise the impact of parking during the operational hours of the parking restrictions. However, the proposal will have an impact on on-street parking capacity in those streets surrounding the site at times outside the operational times of the CPZ when parking is unrestricted (Monday - Friday 9AM - 7PM).
- 4.7 As the proposal does have the potential to increase car trips and associated parking demand in the streets surrounding the site, a planning condition securing a Travel Plan is required to encourage sustainable modes of travel to the site. The Travel Plan should provide details of measures to encourage sustainable modes of travel, and measures to minimise the impact of the proposed use. The Travel Plan should be reviewed periodically to identify and address any transport issues that arise.
- 4.8 If the application is granted permission, the applicant should also provide details of cycle & refuse storage.

## **5.0 Policy Context**

### Introduction

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

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

A local finance consideration means -

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

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

5.3 The NPPF was published on 27<sup>th</sup> 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. As the NPPF is now more than 12 months old, paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.4 Officers have reviewed the Core Strategy 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, and 215 of the NPPF.

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

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

#### Other National Guidance

5.6 The other relevant national guidance is:

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

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

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

## London Plan (July 2011)

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

Policy 2.15 Town centres  
Policy 3.1 Ensuring equal life chances for all  
Policy 3.9 Mixed and balanced communities  
Policy 3.16 Protection and enhancement of social infrastructure  
Policy 3.17 Health and social care facilities  
Policy 4.12 Improving opportunities for all  
Policy 5.3 Sustainable design and construction  
Policy 5.21 Contaminated land  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy  
Policy 8.4 Monitoring and review for London

## London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)  
Sustainable Design and Construction (2006)  
Planning for Equality and Diversity in London (2007)  
Shaping Neighbourhoods: Play and Informal Recreation (2012)

## Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 2 Regeneration and Growth Areas  
Spatial Policy 3 District Hubs  
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 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

#### Unitary Development Plan (2004)

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

STR URB 1 The Built Environment  
STR URB 4 Regeneration Areas  
STR ENV PRO 3 Energy and Natural Resource Conservation  
URB 3 Urban Design  
URB 9 Signs and Hoardings  
URB 10 Roller Grilles and Shutters  
ENV.PRO 9 Potentially Polluting Uses  
ENV.PRO 11 Noise Generating Development  
ENV.PRO 12 Light Generating Development  
HSG 4 Residential Amenity  
HSG 8 Backland and In-fill Development  
TRN 27 Dual Use of Private Car Parks  
STC 11 Town Centre Regeneration  
LCE 1 Location of New and Improved Leisure, Community and Education Facilities  
LCE 2 Existing Leisure and Community Facilities

#### Planning Obligations Supplementary Planning Document (January 2011)

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

#### Emerging Plans

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

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

5.13 The following emerging plans are relevant to this application.

#### Development Management Plan

5.14 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Public consultation on the Proposed Submission Version began on 16 August 2013 and runs for eight weeks ending on Friday 4 October. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.

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

- DM Policy 1. Presumption in favour of sustainable development
- DM Policy 11. Other Employment Locations - Sites in Town Centres, Local Hubs, and other clusters of commercial and/or retail uses
- DM Policy 13. Location of main town centre uses
- DM Policy 22. Sustainable design and construction
- DM Policy 26. Noise and vibration
- DM Policy 27. Lighting
- DM Policy 28. Contaminated land
- DM Policy 29. Car parking
- DM Policy 30. Urban design and local character
- DM Policy 31. Alterations and extensions to existing buildings including residential extensions
- DM Policy 33. Development of Infill Sites, Backland Sites, Back Gardens and Amenity Areas
- DM Policy 41. Innovative community facility provision
- DM Policy 42. Nurseries and childcare
- DM Policy 44. Places of worship

## **6.0 Planning Considerations**

### Principle of Development

- 6.1 The Council's emerging Development Management Local Plan sets out the current policies of the adopted Core Strategy. Policy 19: Provision and Maintenance of Community and Recreational Facilities of the Core Strategy requires the Council to ensure that the needs of current and future populations of the borough are sufficiently provided and that new uses are located within close proximity of public transport and services in town and local centres. Policy 44: Place of Worship of the Development Management Local Plan details of this by emphasising that proposals in town and local centres will only be considered if they are accessible, including parking provision, and do not have a detrimental impact on employment opportunities or local amenity.
- 6.2 The main planning considerations include the principle of community use and loss of an employment site, urban design issues, including the size / appearance of the new building, including its appearance when viewed from the front from Morena Street and from adjoining residential properties in Morena Street and Holbeach Road, the impact on the amenities of neighbouring occupiers, possible noise and disturbance, highways and traffic Issues, and sustainability.
- 6.3 The organisation has existing temporary premises in the Borough, situated in Lochaber Hall in Lochaber Road, at the corner of Manor Lane Terrace and Manor Lane. They have been searching for alternative premises for a number of years, with no success, and regard the premises in Holbeach Road as being suitable for their needs. They are willing to invest in redevelopment to achieve a permanent base for their Cultural Centre.



- 6.4 Emerging DM Policy 44 is consistent with the NPPF (paragraph 70) which requires planning authorities to plan positively for the provision and use of community facilities including places of worship. The emerging policy also delivers the London Plan Policies 3.1 (Ensuring equal life chances for all) and 3.16 (Protection and enhancement of social infrastructure) which require local authorities to consider where provision should be made, particularly in relation to growing populations.
- 6.5 The Council believes that the most appropriate location for places of worship is in the network of major and district town centres as is defined in Core Strategy Policy 6. Such locations are the most sustainable in terms of transport accessibility and offer existing public parking arrangements. Residential amenity and employment locations will also be protected by utilising town centre sites.
- 6.6 It is important that proposals for faith premises are located in highly accessible areas to ensure that they allow access not only by car, but also by cycling, walking and public transport. Evidence of existing premises demonstrates that even in accessible locations, faith premises generate significant car travel and associated parking requirements.
- 6.7 In conclusion, the principle of community use of this site is considered satisfactory under the terms of the NPPF and the Council's Development Management Local Plan Policy 44: Places of Worship, as these support the provision of additional church facilities on sites within sustainable town centre locations.

#### Loss of Employment Land

- 6.8 The Council's employment policies are set out in the Core Strategy policies, including Objective 4: Economic Activity & Local Businesses. The main principle is that the Council will seek to protect existing sites and buildings in employment uses which it considers to be particularly suitable for those purposes.
- 6.9 However employment land can be lost in circumstances where there is a demonstrable need, which is considered to apply in this case, and where the land can quickly be brought back into beneficial use. Thus the proposal is considered to be in accordance with DM Policy 44 3(a).
- 6.10 The applicant has submitted marketing information from a local estate agents. Their letter, dated August 2012, states that that have marketed the property for the past 18 months, but regret to advise that they have not had any interest in the property. They further confirm that due to the current climate, *"most of the business is suffering and there is not much interest for commercial property like the one that you own."*
- 6.11 Scale of Replacement Building and Urban Design Issues
- 6.12 The new building would have three main elements, with the front section occupying a similar site to the existing building, but built to a narrower width of 5.65 metres, to allow the provision of the fire escape passageway running along the southern side of the building, such that the building itself would be set away from the common boundary with the residential dwellings at 18-28 Holbeach Road.

- 6.13 The wider front section of the building would be 10.7 metres deep, i.e. occupying the same depth as the existing building. The central part of the building would be narrower, measuring 5.65 metres wide, to allow the fire escape route along its southern edge. The design of the roof of the building has been amended by giving a double pitch to the roof slope, in order to reduce the height of the building at the side boundaries. As annotated on the submitted drawings (Drawing. No. MP/2010/565 Revision B), the height of the surrounding walls / fences surrounding the site varies from 2.16 m to 2.4 m in height, whilst the height at eaves level of the new building will be 2.63 m.
- 6.14 The double angle of the roof pitch has therefore been an effective mechanism in reducing the overall perceived height of the building along the boundaries. Although the ridge stays at the same height, the reduction at eaves level is considered significant in relation to the impact on surrounding residential properties.
- 6.15 The rearmost part of the building would be single-storey with a flat roof, and this part of the building would contain a small kitchen and toilets, including a disabled toilet. The height of this part of the building would be 2.6 metres.
- 6.16 In terms of the street scene, the proposed front elevation is an improvement on that existing, as the unsightly metal roller shutter would be removed and be replaced by a new rendered building with a more elegant front door. It is considered that the proposed front elevation would improve the appearance of the building in the street scene in Morena Street / Holbeach Road.
- 6.17 The proposed building is considered to be of a sufficient design quality that the visual amenities of the area will not be harmed, in accordance with requirements 3(d) of DM Policy 44.

#### Highways and Traffic Issues

- 6.18 The site is located within easy walking distance of good public transport connections, with several bus routes running along the South Circular Road (A.205) and Rushey Green (A.21) close by. Catford is an important transport interchange, with two railway stations at Catford and Catford Bridge, linking into London Victoria, London Bridge / Waterloo / Charing Cross, plus Blackfriars / St Pancras International and through to Luton and Bedford.
- 6.19 The Catford multi-storey car park is located in Holbeach Road, only some 40 metres distant and just around the corner from the application site.
- 6.20 It is acknowledged that local residents are concerned about an increase in parking from the proposed use. However, national and local planning policies seek to reduce car usage particularly in town centre locations which benefit from good levels of public transport facilities. In addition, the site is located within the Catford Controlled Parking Zone (CPZ), such that the level on non-residential parking is controlled in all surrounding streets. Consequently, it is considered that a refusal based on the grounds of increased parking could not be justified in this instance.
- 6.21 In the above circumstances, it is considered that there is adequate space for worshippers to park within the adjoining Council car park and the Highway Officer has raised no objection to the proposal.

- 6.22 As the proposal does have the potential to increase car trips and associated parking demand in the streets surrounding the site, a planning condition securing a Travel Plan is required to encourage sustainable modes of travel to the site. The Travel Plan should provide details of measures to encourage sustainable modes of travel, and measures to minimise the impact of the proposed use. The Travel Plan should be reviewed periodically to identify and address any transport issues that arise.
- 6.23 The Council would normally require that secure and covered cycle parking facilities are provided. The applicant has confirmed that 4 cycle spaces would be provided, but these are not specifically marked on the submitted plans. However, there is adequate space within the site to accommodate such facilities and this could be controlled by condition. Thus, it is considered that that proposal complies with requirements 2(a) and (b) in the Council's .

#### Neighbouring Amenity

- 6.24 It is accepted that the proposed building is close to existing residential properties in Morena Street and Holbeach Road, by virtue of the short length of their gardens. Since the previous refusals of permission, the applicant has amended to scheme to reduce its bulk, particularly regarding the eaves height of the proposed building, as set out above.
- 6.25 The site is sandwiched between two rows of dwellings with short back gardens abutting the workshop unit and associated rear yard. However, it is not unusual to find small scale industrial uses located adjacent to residential dwellings. Where such uses have existed historically for a considerable period of time, a certain level of noise and disturbance is to be expected, particularly in areas of mixed use and character, in close proximity to town centres such as this.
- 6.26 Nonetheless, it is the role of the planning system to control land use so that competing uses may operate without causing unacceptable harm to one another and to resist the siting of new incompatible development in or close to residential areas. Although previously classed as a Class B2 noise-generating use, this has effectively been limited to a Class B1 Business Use only by legal agreement.
- 6.27 As this is a redevelopment proposal, the new building could be designed to a very high acoustic specification and conditions could be imposed if permission were to be granted to restrict noise levels. Overall, the Environmental Health Officer is satisfied that, with the imposition of suitable conditions, the proposed use of the building would be acceptable.
- 6.28 In the previous refused scheme, there was a concern that the only access to the proposed toilets was via the external fire escape passageway, and not directly from within the building. This was a potentially unsatisfactory arrangement that was felt could lead to additional disturbance to adjoining residents at 20-28 Morena Street.
- 6.29 This has been changed in the current proposal, and all toilets are located at the rear of the building, and accessed internally, rather than via the external fire escape alleyway.

## Sustainability

- 6.30 The BREEAM Report prepared by Abitar and submitted by the applicant concludes that an overall score of 71.49% is achievable, which is above the threshold for an 'Excellent' rating. All the minimum standards for that rating level are also targeted. The report sets out the targeted credits, outlines how it is proposed to achieve each credit and discusses issues that must be addressed in the design as the design progresses to ensure credits will be achieved in the formal assessment. This BREEAM Pre-Assessment Report is considered satisfactory and a suitable conditions is attached to the recommendation.

## **7.0 Equalities Implications**

- 7.1 The Council has considered the public sector equality duty under section 149 of the Equalities Act 2010 and in the exercise of its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited under this Act and to foster good relations between persons who share a relevant protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation.
- 7.2 As with the case with the original separate duties, the new duty continues to be a "have regard duty" and the weight to attach to it is a matter of judgement bearing in mind relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity, or foster good relations.
- 7.3 The current application would provide a permanent place to worship for the Hindu community, instead of their temporary base in Manor Lane Terrace. The applicant submits that the proposed Cultural Centre would be a great opportunity for many of the multi-cultural community to explore Hindu beliefs, tradition and culture. It is considered that the development has the potential to have a positive impact on equality within Lewisham.

## **8.0 Community Infrastructure Levy**

- 8.1 The above development is not CIL liable.

## **9.0 Conclusion**

- 9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 9.2 On balance, officers consider that the proposed Cultural Centre would provide a valuable asset to the Borough's multi-cultural community, that the loss of employment considerations are of lesser weight than previously, and that the lowering of the eaves of the building has reduced the physical impact of the building on neighbouring residential occupiers. Other matters, such as noise control and the submission of a travel plan can be dealt with by the imposition of suitable conditions and the scheme is therefore recommended for permission.

## 10.0 RECOMMENDATION

GRANT PERMISSION, subject to the following conditions:-

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

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

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

MP/2010/565/LP REV B, Site location plan, Design & Access Statement, and BREEAM New Construction Pre-Assessment Report by Abitar dated April 2013.

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

- (3) No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of the existing building) has been submitted to and approved in writing by the local planning authority.

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

- (4) (a) No development (including demolition of the existing building and structures) shall commence until each of the following have been complied with:-
  - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
  - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
  - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take

place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).

- (5)
  - (a) The building hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
  - (b) No development shall commence until a Design Stage Certificate for the building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
  - (c) Within 3 months of occupation of the building, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for the building.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

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

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- (7) (a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for the church hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- (8) (a) A minimum of 6 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

- (9) (a) Detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.
- (b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

Reason: 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 Unitary Development Plan (July 2004).

- (10) (a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives. The Travel Plan must include use of the buildings/site for community purposes.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- (11) No music, amplified sound system or other form of loud noise (such as singing or chanting) shall be used or generated which is audible outside the premises or within adjoining buildings.

Reason: 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 Unitary Development Plan (July 2004).

### **INFORMATIVES**

- (A) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (B) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- (C) It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.



- (D) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (E) The land contamination condition requirements apply to both whole site and phased developments. Where development is phased, no unit within a phase shall be occupied until a), b) and c) of the condition have been satisfied for that phase.

Applicants are advised to read 'Contaminated Land Guide for Developers'(London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

- (F) You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- (G) In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- (H) The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- (I) Assessment of the sound insulation scheme should be carried out by a suitably qualified acoustic consultant.

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# 18A Holbeach Road SE6



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Committee	PLANNING COMMITTEE (C)	
Report Title	Blackheath Hospital, Lee Terrace SE3	
Ward	Blackheath	
Contributors	Jan Mondrzejewski	
Class	PART 1	Date: 28 AUGUST 2013

Reg. Nos. DC/13/82661

Application dated 19.02.2013

Applicant Kendall Kingscott obo BMI Healthcare

Proposal The installation of an air handling unit and 2no. condensing units in an acoustic enclosure and 2no. air conditioner condensing units fixed to a wall on the roof of Blackheath Hospital, 40-42 Lee Terrace SE3.

Applicant's Plan Nos. 100081 P(0)101A, 102A, 103B, 104, 105D, 106A & 107, Design And Access Statement, Environmental Noise Survey Report.

Background Papers

- (1) Case File LE/405/40
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation Adopted UDP - Existing Use

Screening N/A

## **1.0 Property/Site Description**

- 1.1 The property comprises 2, three storey plus basement villas of c1870. No 42 features a grey brick (now painted) façade with stucco dressings while No 40 has a wholly stuccoed finish with tower. Both properties are locally listed buildings and were originally detached. The buildings are now connected by a modern extension. No 40 also has a two storey modern side extension in period style with stuccoed finish to match the host property and a large rear extension in brown brick laid in stretcher bond. The latter conceals side views of all but the second floor of the original building.
- 1.2 Both No 40 and 42 Lee Terrace form part of the Blackheath Hospital complex. The forecourt of the hospital is characterised by parking with large areas of vegetation behind the existing boundary wall. There is a lightwell to the rear of the building and the flat roofed modern extensions support a number of air conditioning units and ventilation plant and equipment associated with the hospital use.

1.3 The hospital is bounded by residential development, with Hatcliffe Close adjoining the site to the east, Tristan Square to the west and Lock Chase to the south and is included within the Blackheath Conservation Area.. This application relates to the flat roof and side elevation of the modern extensions to the side and rear of No 40 Lee Terrace which are visible from the gardens and rear elevations of Nos. 5a to 10 Tristan Square. The Tristan Square properties comprise three storey, flat roofed, modern town houses. There are a number of silver birch trees on the hospital site to the rear of Nos 9 & 10 Tristan Square.

## **2.0 Planning History**

2.1 Planning permission was granted in 1982 for the use of Nos 40 and 42 Lee Terrace as a 64 bed private hospital. This proposal featured the part demolition and rebuilding of No 40 Lee Terrace. Since implementation there have been a number of planning approvals for various alterations to the Hospital.

2.2 At the meeting of Planning Committee B on 15 September 2005, the Council resolved to grant planning permission subject to conditions, for various works at the hospital site connected with the installation of new medical equipment. This included the construction of a timber boarded enclosure to the flat roof at the side of the Hospital to house mechanical ventilation equipment associated with medical equipment.

2.3 One of the conditions imposed required further details of the expected noise levels from the plant within the enclosure to prevent the creation of noise nuisance by any equipment to be housed in the enclosure. This was at the request of the Environmental Health officer. A scheme for noise insulation was required to be submitted and approved in writing by the Council prior to the commencement of works.

2.4 Following planning approval, works commenced on site before a scheme for sound insulation was submitted to the Council. In particular, chiller units were installed on the flat roof to the side of the Hospital and were run on a 24 hour basis without any sound insulation. This resulted in a number of complaints to the Council's Environmental Health Service and on October 19 2005 a noise abatement order was served on the Hospital as the sound from the plant was deemed to cause a statutory nuisance.

2.5 After the serving of that Notice, the Hospital continued with work to the plant against the advice of planning officers, and installed a metal louvered enclosure around the chiller units to reduce noise levels. The installed enclosure was larger than shown in the approved scheme and was constructed from metal rather than timber as approved. A quench pipe was also installed which did not appear on the originally permitted plans.

2.6 It also became apparent that work was taking place on site outside the hours permitted by a condition imposed on the approved application.

2.7 Because of the continuation of works on site, Planning Committee B on 27 October 2005 resolved to authorise the Head of Law to take all necessary action, including the serving of a stop notice, to ensure compliance with the relevant conditions attached to the original approval.

- 2.8 In 2006 an application for the retention of a plant enclosure to the side of the hospital, together with alterations to it, was approved. The enclosure was necessary to lower noise levels from the unit. The plant enclosure was originally part of the application approved in 2005.
- 2.9 Following the various approvals it became apparent that the noise levels emanating from the plant within the enclosure were causing disturbance to neighbouring residential properties despite the enclosure. On investigation it was found that the background noise level originally measured as part of the 2005 application at the site boundary was not representative of the noise levels within the adjoining residential gardens and the background noise levels were actually lower.
- 2.10 Also in 2006, an application for the installation of an extract air handling unit to the rear of the Hospital in an existing lightwell, clad in timber, was approved.
- 2.11 Since 2006 there continued to be complaints about noise from the plant... In order to try to resolve the issues and improve the sound attenuation, a near identical application was submitted in 2008 for the re-siting of the existing CT Scanner condensing unit, together with the formation of a box enclosure to the MRI chiller unit. The scheme was withdrawn following a local meeting, so that other options could be explored and further information and revised details submitted.
- 2.12 In July 2009, planning permission was granted for the re-siting of the existing CT Scanner condensing unit, together with the formation of a box enclosure to the MRI chiller unit. These works involved the entire removal of the previous plant enclosure and its rebuilding with a roof in order to reduce noise emanating from the unit. During this exercise the CT scanner condensing unit which was previously housed within the enclosure, was relocated to within an existing lightwell to the rear of the Hospital. The MRI chiller unit would run on a 24hr basis and the condenser unit would run during normal working hours.
- 2.13 In November 2012 an application for planning permission was submitted for the installation of an air handling unit and two air conditioning condensing units to the side of Blackheath Hospital, in connection with a new intensive treatment unit. The proposed air handling unit replaced a staff smoking shelter on the west elevation of the building close to the rear garden fences of Nos 8 and 9 Tristan Close. The proposed air handling unit would also have resulted in the loss of a silver birch tree, one of the largest of a cluster of silver birches which adjoin the basement lightwell. The proposed equipment would have been approximately 2 metres away from the boundary fences of Nos 8 and 9 Tristan Square and would have been 2.5 metres in height, with a duct rising to approximately 4.5 metres at the rear of the hospital building.
- 2.14 The chiller units would be placed within existing structures in the adjoining rear lightwell of the hospital.

- 2.15 The application was submitted with an acoustic report which wrongly identified the position of the equipment as being located on the roof of the hospital. The sound level meter which determined background noise levels was also located on the 3rd floor roof facing the residential buildings to the west of the site (i.e. Tristan Square) and was not representative of the noise levels within the adjoining residential gardens where the background noise levels would be expected to be lower. This was confirmed in an acoustic report commissioned by the Tristan Square residents and accepted by the applicant's agent. This application was withdrawn in January 2013.

### **3.0 Current Planning Application**

- 3.1 The current application is a revised scheme following the withdrawal of the November 2012 application and is for the installation of an air handling unit, 2no. condensing units in acoustic enclosures and 2no. direct expansion (DX) air conditioner condensing units. The proposed air handling unit is now proposed to be located on the roof of the extension on the west side of No 40 Lee Terrace. The unit is 'L' shaped (approximately 5m x 5m and would be 3m high above the roof level (supported on a raised platform), the top of which is level with the parapet of the building. The unit itself would be 2.35m high. The platform includes a rectangular area on the inside of the 'L' with a guard rail for access and maintenance. The air handling unit is connected to the intensive care unit of the hospital via ducts located on the side elevation of the back addition located to the rear of 8 Tristan Close. The applicant states that the ducts and equipment will have a white finish to match the locally listed building at No 40 Lee Terrace.
- 3.2 In addition to the air handling unit, new heat pump condensing units are proposed in an acoustic enclosure on a flat roof area below that of the proposed air handling unit and located further away from the boundary with residential properties in Tristan Square.
- 3.3 Two new DX units are also proposed in an enclosed space at the rear of the hospital which is not visible from outside the site.
- 3.4 The application is submitted with a noise report by acoustic consultants Hann Tucker Associates and a Design, Access and Heritage Statement prepared by the applicant's agents.

### **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 the Blackheath Society, residents and business in the surrounding area and the relevant ward Councillors.

#### **Written Responses received from Local Residents and Organisations**

- 4.3 Five objections have been received from the occupiers of Nos 6, 8, 9, 10 & 14 Tristan Square, objecting to the application on the following grounds:-



- 1) The proposed air handling unit and ducting would be visually obtrusive and with the existing equipment will create an industrial outlook in a residential Conservation area.
- 2) The unit will give rise to noise nuisance.
- 3) The proposed plant should be clad in a material to match the building.
- 4) If the application is to be approved it should be on the basis of conditions requiring details of cladding to be agreed and that if predicted noise levels prove inaccurate, the Council will investigate and take measures to ensure compliance.
- 5) The hospital's existing air handling unit already causes noise nuisance, particularly during hot weather.
- 6) The proposed unit will be visible to the public from Tristan Square.
- 7) As the hospital is a private one, the public will derive little benefit from the proposed works.
- 8) The acoustic report includes no proposals for monitoring noise post installation.

Letters available to Members

#### Amenities Society Panel

- 4.4 A front elevation is needed to show the impact of the proposed plant on views from Lee Terrace. More information on materials and finishes for the plant and ducting is also required to ensure that the visual impact of the equipment is minimised.

#### Environmental Health

- 4.5 This is a very sensitive area from the perspective of noise and impacts in the past on residents. A calculation spreadsheet from the acoustic consultant to support their findings is therefore required. Although their approach and the resultant levels appear to be acceptable and meet our requirements, validation can only be carried out after reviewing the calculation spreadsheet.
- 4.6 Following the submission of the required information in April 2013, the Environmental Health Officer confirmed that the information was sufficient to secure compliance with Council requirements.

### **5.0 Policy Context**

#### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,

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

A local finance consideration means—

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

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states 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. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)' .

5.4 Officers have reviewed the Core Strategy 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, and 215 of the NPPF.

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

5.5 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.

5.6 The statement further sets out that local authorities should reconsider at developers request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms. [Delete if not relevant]

### Other National Guidance

5.7 The other relevant national guidance is:

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

### London Plan (July 2011)

5.8 The London Plan policies relevant to this application are:

Policy 3.2 Improving health and addressing health inequalities  
Policy 3.16 Protection and enhancement of social infrastructure  
Policy 3.17 Health and social care facilities  
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 7.1 Building London's neighbourhoods and communities  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.8 Heritage assets and archaeology  
Policy 7.15 Reducing noise and enhancing soundscapes

### London Plan Supplementary Planning Guidance (SPG)

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

### London Plan Best Practice Guidance

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

Control of dust and emissions from construction and demolition (2006)

Health Issues in Planning (2007)

### Core Strategy

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

Spatial Policy 5 Areas of Stability and Managed Change  
Core Strategy Policy 7 Climate change and adapting to the effects  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 9 Improving local air quality  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment  
Core Strategy Policy 20 Delivering educational achievements, healthcare provision and promoting healthy lifestyles

## Unitary Development Plan (2004)

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

URB 3 Urban Design  
URB 6 Alterations and Extensions  
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas  
URB 20 Locally Listed Buildings  
ENV.PRO 11 Noise Generating Development  
HSG 4 Residential Amenity  
LCE 2 Existing Leisure and Community Facilities

## Supplementary Planning Document

5.12 Blackheath Character Appraisal and Supplementary Planning Guidance

## Emerging Plans

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

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

5.14 The following emerging plans are relevant to this application.

## Development Management Plan

5.15 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Public consultation on the Proposed Submission Version begun on 16 August 2013 and runs for eight weeks ending on Friday 4 October. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.

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

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 22 Sustainable design and construction  
DM Policy 23 Air quality  
DM Policy 26 Noise and vibration  
DM Policy 30 Urban design and local character

- *General principles*
- *Detailed design issues*

- DM Policy 31 Alterations and extensions to existing buildings including residential extension
- DM Policy 35 Public realm
- DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
- *A. General principles*
  - *B. Conservation areas*
- DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest
- *General principles*
  - *Locally listed buildings*
  - *Areas of special character*
  - *Non designated heritage assets of archaeological interest*
- DM Policy 41 Innovative community facility provision

## **6.0 Planning Considerations**

- 6.1 A modern hospital use will clearly have a need to have ventilation plant and equipment renewed and altered in line with changing requirements and technologies. However, this has to be carried out in such a way as to minimise any detrimental impact on the character and appearance of the heritage assets comprising locally listed buildings located within the Blackheath Conservation Area, the risk of noise nuisance to adjoining residential properties and any loss of outlook to adjoining residential occupiers.

### **Impact on the character and appearance of the Conservation Area**

- 6.2 Unlike the previous proposal, the current location of the proposed plant will not affect the group of silver birch trees at the rear of Tristan Square. The location of the new air handling equipment is now proposed on the roof of the hospital building rather than at ground level. This also results in the equipment being sited slightly further away from the nearest residential properties in Tristan Square. The hospital building in question is a modern flat roofed extension to No 40 Lee Terrace and in itself is of no particular architectural or historic merit. The 'L' shaped air handling unit is also set back approximately 9 -13 metres from the front elevation of the building. In addition to this setback, the proposed equipment is further concealed from public view from Lee Terrace by a section of false mansard roof at the corner of the building. Officers therefore consider that although the presence of the equipment may be visible from the other side of the Lee Terrace at some distance from the site, the overall visual impact of the plant will be minimal. Although the ASP have asked for a front elevation to be provided this would not give a realistic representation of the impact of the proposed air handling equipment on the appearance of the building, as it would not take account of the fact that the equipment is sited in a deeply recessed location. The proposed air handling unit includes the provision of external ducting on the rear elevation of the building, which is again not visible from Lee Terrace.

- 6.3 In addition to the air handling unit, new heat pump condensing units are proposed within an acoustic enclosure on a flat roof area below that of the proposed air handling unit. This will be much further away the Tristan Square houses and close to a group of three existing condensing units. These will not be visible from Lee Terrace. Although both the air handling unit and the housing for the new heat pump condensing units will be visible from the hammer head cul-de-sac in Tristan Square. In this location the proposed equipment will form a relatively small element in what is a view of the rear of a hospital building, where some structures and equipment of this nature will generally be expected.
- 6.4 Two new DX units are also proposed in an enclosed space at the rear of the hospital which is not visible from outside the site.
- 6.5 Given the above factors, officers do not consider that the proposed equipment will have any adverse affect on the character and appearance of the Blackheath Conservation Area.

#### Noise Impact

- 6.6 The noise report by Hann Tucker Associates measured background noise levels at the site over a 4 day period at a position selected in order to assess the lowest noise levels at the site for subsequent use in setting plant noise emission criteria. The lowest daytime background noise level was measured at 46dBA with the night time figure being 43dBA. The Acoustics Plus survey carried out for the Tristan Square residents over a 24 hour period in December 2012 and measured from the rear of 8 Tristan Square, established lower readings (43dBA and 41 dBA respectively). Council policy requires the design and installation of new items of fixed plant to be such that when operating, the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive properties, to be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The Hann Tucker report therefore uses the lower Acoustics Plus readings to establish a proposed cumulative plant noise rating limit at 1m from the nearest noise sensitive premises as 38dBA daytime and 36dBA night time.
- 6.7 As the noise rating of the items of plant and the distance from the nearest residential windows are known, the noise impact of the proposed plant can be assessed. In the case of the air handling unit, this is predicted at 31dBA at 1m from the nearest noise sensitive window. The air inlet/discharge openings are located at the far end of the unit (facing away from residential properties) and will incorporate sound attenuators so that they are at least 20dBA below the casing breakout noise level at the nearest residential window. Figures for the two large condenser units are 18dBA at 1 metre from the nearest noise sensitive window and for the two small condenser units the corresponding figure is 16dBA. With all plant running simultaneously at full duty, the noise level at 1m from the nearest noise sensitive window is estimated to be 31 dBA. In order to calculate the plant 'rating' noise as described in BS4142, a 5dBA correction must be applied if the plant emits a noise containing distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc) or distinct impulses (bangs, clicks, clatters or thumps). If this is done here, a calculated total noise level of 36dBA is obtained which meets the previously assessed plant noise emission criteria.

- 6.8 It will be seen that the Environmental Health Officer's decision to raise no objection to this proposal was based on an examination of the acoustic consultant's calculation spreadsheet. It will also be noted that the Council has in the past served a noise abatement notice on the hospital in order to secure the cessation of nuisance to nearby residential occupiers. However, this is very much a last resort and it is not anticipated that such action would be necessary if the recommendations set out in the Hann Tucker report are followed.
- 6.9 In the event that Members are minded to grant permission, conditions are proposed which (a) require the recommendations set out in the Hann Tucker report to be followed, (b) provide for monitoring within one month of completion and (c) require within three months of completion a schedule of regular maintenance and checks to the air handling unit and associated equipment to be submitted to and approved by the Council.

#### Other Impacts on adjoining residential occupiers

- 6.10 In terms of impact on the outlook of adjoining residential occupiers, the current scheme has the advantage over its predecessor of not being sited so close to the rear garden fences of the Tristan Close houses and would not result in the loss of any existing trees on the hospital site. However, the air handling unit on the roof of the building and the ducting will be visible from the rear windows and gardens of the adjoining residential properties. The ducting will be coloured white to match the rendered rear elevation of the frontage building. Although an objector has expressed the view that the ducting should be colour finished to match the brown/red brickwork to which the ducting is attached, this would probably not be the best choice of colour for the air handling unit which is located on the roof of the building and would stand out against the white stuccoed finish of the second floor of No 40 Lee Terrace. However, the use of a different colour for part of the ducting could be considered and it is suggested that if the Committee is minded to approve the proposal, the exact choice of colour should be dealt with by means of a condition.
- 6.11 The existing view of the rear of the hospital buildings contrasts greatly with the imposing elevations to Lee Terrace. Here the architecture becomes more utilitarian with plant and equipment sited on flat roofs or fixed to external walls. Officers do not consider that the additional plant and equipment proposed as part of this application would have so detrimental an impact on outlook for Tristan Square residents as to warrant refusal of the application.

### **9.0 Conclusion**

- 9.0 The application has been considered in the light of policies set out in the development plan and other material considerations. While these place a value on protecting and improving community assets, which includes hospitals (irrespective of whether they are private or NHS), this is subject to compliance with those policies which protect Heritage assets as well as the amenities of adjoining occupiers.

- 9.1 On balance, Officers consider that the scheme represents a satisfactory solution to satisfying the functional requirements of the hospital in a way which ensures that harm to the character and appearance of the Conservation Area is minimised and that noise from the proposed equipment is kept to acceptable levels. The application is therefore considered acceptable.

### **RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

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

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

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

100081 P(0)101A, 102A, 103B, 104, 105D, 106A & 107, Design And Access Statment, Environmental Noise Survey Report.

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

3. (a) The works hereby approved shall be undertaken in full compliance with the Hann Tucker Environmental Noise Survey Report 18519/ENS1a dated 12.02.2013. The rating level of the noise emitted from the proposed air handling unit and associated equipment hereby approved shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997.
- (b) Within 1 month following completion of the works, noise measurements shall be carried out, external to the neighbouring residential premises, the number and location of which shall be agreed with the Environmental Protection Group prior to measurement and the measurement data shall be submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be maintained in perpetuity.
- (c) A schedule of regular maintenance and checks to the air handling unit and associated equipment hereby approved shall be submitted to and approved in writing by the local planning authority within 3 months following the completion of the works and shall be carried out in full accordance with the approved details.



**Reason:** 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 Unitary Development Plan (July 2004).

4. The proposed air handling unit and associated ducting shall be implemented in a colour scheme which has been previously agreed in writing by the Council and which shall be maintained in perpetuity thereafter unless the Council agrees in writing to any variation.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

5. The air handling unit and associated plant shall be removed from the building when no longer required and the external appearance of the building shall be reinstated to its original condition unless the Council agrees in writing to any variation.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

### **Informatives**

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through feedback on a previously submitted application which was subsequently withdrawn. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, contact prior to determination was limited to a request for the acoustic consultants calculation spreadsheet and discussions on the colour of the air handling unit and its associated ducting.
- B. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

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# Blackheath Hospital, Lee Terrace SE3



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Committee	PLANNING COMMITTEE (C)	
Report Title	103 Colfe Road SE23 2EX	
Ward	Perry Vale	
Contributors	Geoff Whittington	
Class	PART 1	29 August 2013

<u>Reg. Nos.</u>	DC/13/83670
<u>Application dated</u>	29 May 2013, amended 5 July 2013.
<u>Applicant</u>	Mr K Roberts
<u>Proposal</u>	The construction of a single-storey extension to the rear of 103 Colfe Road SE23.
<u>Applicant's Plan Nos.</u>	964, 982B, OS Map & Photos.
<u>Background Papers</u>	(1) Case File LE/524/103/TP (2) Lewisham Development Framework: Core Strategy (June 2011) (3) Unitary Development Plan (July 2004) (4) The London Plan (July 2011)
<u>Zoning</u>	Adopted UDP - Existing Use PTAL 4

## **1.0 Property/Site Description**

- 1.1 The application dwelling is a first floor 3 bedroom flat located within a 2-storey property on the east side of Colfe Road. The upper floor unit has use of a small yard area at the rear, accessed via an internal staircase. The ground floor flat has private amenity space adjacent to the rear yard of the application property.
- 1.2 The rear elevations of nos.101-115 Colfe Road are clearly visible from Como Road. The surrounding area is predominantly residential, comprised of terraced dwellings.
- 1.3 The site is not within a conservation area, nor are there any listed buildings located within the immediate vicinity. The site is designated as being within an area of Local Open Space Deficiency.

## **2.0 Planning History**

- 2.1 Permission granted in 1982 for the construction of a roof extension to the rear roof slope.
- 2.2 In early 2013, permission was refused for the construction of a 2-storey extension to the rear, for the following reasons;

The first floor extension, due to siting and depth, is considered to be an unneighbourly and overbearing form of development, resulting in overshadowing and an unacceptable sense of enclosure to the adjoining occupiers, contrary to saved policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 12 Residential Extensions in the adopted Unitary Development Plan (July 2004) and Objective 10 Protect and enhance Lewisham's character and Policy 15 High quality design for Lewisham of the adopted Core Strategy (2011).

### **3.0 Current Planning Application**

- 3.1 The current application proposes the construction of a single-storey extension to the rear of the property, measuring 3.5 metres deep and 3 metres wide.
- 3.2 A 1.3 metre wide, 1.7 metre deep pitched roof element would be built to the side nearest nos 105/107 to accommodate a reconfigured internal staircase, allowing for sufficient headheight. The highest point of the extension would reach 4.1 metres to the boundary nearest no.105, whilst the flat roof height would be 2.9 metres.
- 3.3 An amended plan (982B) has been received showing a slight reduction in width of the extension to retain the boundary fencing on either side.

### **4.0 Consultation**

#### Neighbours & Local Amenity Societies etc.

- 4.1 Letters of consultation were sent to 10 local residents on 19 June 2013, together with a notice displayed on site. Ward Councillors were also consulted.
- 4.2 Subsequently, three letters were received from the occupiers of 5 Harding Close (freeholder of 105/107 Colfe Road) and 101 Colfe Road, objecting to the proposed development on the following grounds:
  - The proposed development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.
  - The proposed extension, by reason of its size and siting, would have an adverse impact on the scale and character of the dwelling.
  - The proposed extension, by reason of its size and siting, represents an unneighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of an overbearing effect.
  - The proposed extension by reason of its siting, would result in an unacceptable loss of privacy, adversely affecting the amenities enjoyed by the occupier of the adjacent dwelling house(s).
  - The proposed extension, by reason of its scale and bulk, would be out of keeping with the design and character of the existing dwelling, and would have an adverse effect on the visual amenity of the area as a whole.

- The proposed extension, by reason of its size, siting and design would represent an unneighbourly form of development, detrimental to the amenities of the occupiers of adjoining residential properties, particularly by reason of the overbearing effect.
- The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with the property. The layout and siting, both in itself and relation to adjoining buildings, spaces and views, is inappropriate and unsympathetic to the appearance and character of the local environment.
- The mass, bulk and proximity of the rear elevation would present an overbearing and intrusive element to those neighbours at the rear of the property.
- The proposed extension will result in overdevelopment of an already extended property.
- This will result in loss of light and amenity to the adjoining properties.
- The overdevelopment would set a precedence, which if allowed to adjoining properties would result in a total loss of the already very small gardens.

4.3 A letter of support has been signed by the current occupiers of nos 105 & 107 Colfe Road.

(Letters are available to Members)

#### Highways and Transportation

4.4 Unobjectionable in principle.

#### Environmental Health

4.5 No objections raised.

### **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.
- 5.5 As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.6 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.
- 5.7 NPPF gives a presumption in favour of sustainable development.
- 5.8 The NPPF also identifies three dimensions to sustainable development, of which two, social and economic, are relevant;
- 'a social role – supporting strong, vibrant and healthy communities...by creating a high quality built environment';
- 'an environmental role – contributing to protecting and enhancing our natural, built and historic environment.'
- 5.9 Although the NPPF instructs local planning authorities against imposing specific styles or tastes by unsubstantiated requirements, it clearly states that it is, "proper to seek to promote or reinforce local distinctiveness."

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

- 5.10 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.

#### London Plan (July 2011)

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



Policies 3.16 Protection and enhancement of social infrastructure; 5.3 Sustainable design and construction; 5.7 Renewable energy; 5.12 Flood risk management; 5.13 Sustainable drainage; 7.4 Local character; 7.5 Public realm and 7.6 Architecture.

#### Core Strategy (June 2011)

5.12 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 7: Climate change and adapting to the effects; Policy 8: Sustainable design and construction and energy efficiency; Policy 10: Managing and reducing the risk of flooding; and 15: High quality design for Lewisham.

#### Unitary Development Plan (July 2004)

5.13 The saved policies of the UDP relevant to this application are; URB 3 Urban Design; HSG 4 Residential Amenity; and HSG 12 Residential Extensions.

#### Emerging Plans

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

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

5.15 The following emerging plans are relevant to this application.

#### Development Management Plan

5.16 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Public consultation on the Proposed Submission Version begun on 16 August 2013 and runs for eight weeks ending on Friday 4 October. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.

DM Policy 31. Alterations and extensions to existing buildings including residential extensions

## **6.0 Planning Considerations**

- 6.1 The main planning considerations in this case include the scale and appearance of the proposed development, and the level of impact upon the visual amenities of neighbouring occupiers and the streetscene generally.

### Principle of Development

- 6.2 The proposed 3.5 metre deep extension would be located to the rear of the property, and would serve the existing first floor flat.
- 6.3 The current occupiers are a family of three who are all experiencing varying forms of disability and restricted mobility. They have occupied the flat for a number of years and have no desire to move, preferring to extend the property rather than reside elsewhere. A roof extension has been constructed to provide additional bedroom space, however the unit remains cramped at first floor level.
- 6.4 The small kitchen/ dining room located to the rear of the flat leads directly through to a shared bathroom and utility room that accommodates a washing machine and dryer, a separate w.c., and internal stairs providing access to the existing rear yard.
- 6.5 The additional space would essentially provide an improved layout, with a moveable partition installed to ensure privacy to a new shower room. The existing staircase would be reconfigured to allow for better and safer access, leading down to a utility room within the new single-storey extension.
- 6.6 Having visited the property, officers observed the steep nature of the stairs, with shallow treads resulting in difficulty navigating them for an able bodied person. For a person suffering from a disability, the stairs are clearly a potential danger, therefore officers appreciate the reasons for the proposed works.
- 6.7 In principle, the construction of a single-storey extension to the rear of the application property is considered acceptable, subject to size, appearance and visual impact upon the amenities of neighbouring occupiers and the streetscene generally.

### Scale and Appearance

- 6.8 Policy URB 3 states that the Council will expect a high standard of design in extensions or alterations to new buildings, whilst ensuring that schemes are compatible with or compliment the scale and character of existing development and it's setting.
- 6.9 The single-storey extension would be simple in appearance, with the only opening being the door leading into the yard area.
- 6.10 The appearance and scale of the pitched element that provides the headroom for the internal staircase is not a typical aspect generally attributed to household extensions, however its height and slope are not dissimilar to a pitched roof that would normally span the full width and depth of an extension. The overall height would be 4.1 metres, sloping down to an eaves height of 2.9 metres, whilst measuring only 1.7 metres deep.

- 6.11 The Council generally expects the retention of sufficient garden space where rear extensions are proposed. In this case, the garden would be reduced from 5.2 metres deep to 1.7 metres. The main reasons for the 3.5 metre depth of the extension is to accommodate the internal stairs and to provide sufficient space for the utility room. The applicants have described the garden as being more of a back yard, with hardstanding throughout and its primary use being for hanging out washing and storing refuse bins.
- 6.12 Officers have considered this, together with the disabilities of the occupiers. Depending upon the level of visual impact upon the neighbouring properties, a degree of leniency may be reasonable on this occasion in respect of the proposed depth of the extension in relation to the small nature of the garden area.
- 6.13 Overall, officers raise no objections to the appearance of the proposed extension, neither would it be to the detriment of the host building.

#### Visual Impact upon Neighbouring Occupiers

- 6.14 Policy HSG 12 states that extensions should be neighbourly and should not result in an appreciable loss of privacy and amenity, including sunlight and daylight for adjoining houses and their back gardens.
- 6.15 Neighbours have raised concern that the extension would be overbearing, unneighbourly and intrusive, resulting in visual harm.
- 6.16 The extension would measure a depth of 3.5 metres, which is generally considered acceptable by the Council. Officers acknowledge that due to the shallow depth of the back gardens to the adjoining properties the occupiers are concerned the extension may appear overbearing. The ground floor occupiers at no.101 have use of garden space to both the side and rear of the property, however they consider their main garden to be the area at the rear adjacent to the proposed siting of the extension.
- 6.17 During the previous planning application for a 2-storey extension to 103, officers determined that the visual impact upon the neighbouring occupiers would be detrimental. In this case, the height reduction to a single-storey is considered more appropriate for this setting. Whilst the addition would be visible from the garden of 101, the majority would be screened by the existing fencing - the plan submitted indicates the addition would extend only 0.5m above the existing fenceline. For this reason, officers consider the extension would not result in significant visual harm or overshadowing to the occupiers of 101, and would not impact upon any habitable rooms within their flat.
- 6.18 There is also neighbour concern that the extension would result in loss of privacy, however the applicant has intentionally included no windows to the flank walls to avoid overlooking. A condition has been included to ensure use of the flat roof as a terrace or roof garden cannot be undertaken without the benefit of planning consent.
- 6.19 In regard to the adjoining property at no.105/107, the extension would not affect any habitable room windows. As with no.101, the height of the existing boundary fencing would serve to reduce the visual impact of much of the extension up to eaves level.

- 6.20 The 'sloping roof' element would be noticeable from the neighbouring garden, but as addressed earlier in this report, it would project only 1.7 metres from the rear wall of the building, resulting in a less significant impact than a conventional pitched roof that generally extends the full depth of single-storey extensions.
- 6.21 Officers acknowledge the application property has already been extended to the rear roof slope, however it is considered unreasonable to refuse permission for the single-storey extension on grounds of overdevelopment, as raised in one objection letter, particularly as there are examples of similar extensions to properties in the neighbouring vicinity.

#### Impact Upon Character of Area

- 6.22 The rear elevations of these properties are clearly viewed from Como Road to the east. Considering the single-storey nature of the extension, and the fact much of it would be obscured by the existing rear boundary fencing, officers are satisfied it would not result in an adverse impact upon the character of the streetscene.

#### Refuse Storage

- 6.23 Despite the extension being built upon much of the existing yard area, sufficient space would be retained for refuse storage.

#### Community Infrastructure Levy

- 6.24 The Community Infrastructure Levy (CIL) is a levy which was implemented by the London Mayor on 1 April 2012.
- 6.25 This development is not considered to be CIL liable.

### **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 Officers acknowledge the current plight of the applicants, whereby the family of three are all suffering from various forms of disability. Despite there being an existing roof extension and three bedrooms, the maisonette feels cramped, with a small bathroom accessed directly from the kitchen. The stairs leading down to the rear yard are steep and difficult to navigate, as experienced by the case officer, therefore the proposed works would provide better living standards for the occupiers.
- 8.2 Officers are satisfied the scale and siting of the extension would not impact significantly upon the visual amenities of the neighbouring occupiers, whilst the appearance is acceptable.
- 8.3 For these reasons, it is therefore recommended permission be granted.

## 9.0 **RECOMMENDATION**

9.1 **GRANT PERMISSION**, subject to the following conditions:

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

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

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

964, 982B, OS Map & Photographs

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

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

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the extension and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed area of the extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

### **Informative**

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

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# 103 Colfe Road SE23



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Committee	PLANNING COMMITTEE (C)	
Report Title	Elizabeth Industrial Estate, Juno Way, London SE14 5RW	
Ward	New Cross	
Contributors	Peter Munnelly	
Class	PART 1	Date: 29 August 2013

Reg. Nos. DC/12/81950

Application dated 21.11.2102

Applicant Howard Lewisham Ltd

Proposal The demolition of 8 existing units on the site of Elizabeth Industrial Estate, Juno Way SE14 and the construction of 2, two storey buildings to provide Class B1, B2, B8 and sui generis trade counter uses together with associated landscaping, hardstanding and the provision of 38 bicycle spaces, 52 car parking spaces including 10 mobility spaces.

Applicant's Plan Nos. 2710-2 Site Plan Ph1-2 P12, 2710-10 Floor Plans 1-8 P3, 2710-20 Elevations 1-8 P6, 2710-110 Floor Plans 9 P2, 2710-120 Elevations 9 P3, 2710-EPB Boundary Site Plan exg P1, 2710-IP Indicative Phasing Plan P2, 2710-SS Site Sections P3, 2710-Roofs Roof Plan, 2710-21 Bin Store P1, CGI of Surrey Canal Road, 3640/503P5 External Works Drainage Layout, Air Quality Statement, Travel Plan, Energy Statement, Sustainability Statement, Design and Access Statement, Tree Survey, Phase 1 Environmental Review, Landscape Statement, Archaeological Assessment, Transport Statement, Flood Risk Assessment, Sequential Test, Ecological Appraisal Planning Statement

Background Papers

- (1) This is Background Papers List
- (2) Case File DE/237C/TP
- (3) Adopted Unitary Development Plan (July 2004)
- (4) Local Development Framework Documents
- (5) The London Plan

Designation [Core Strategy or Adopted UDP] - Existing Use, SIL

Screening No Screening Opinion sought

## **1.0 Property/Site Description**

1.1 The site is an industrial estate to the south of Surrey Canal Road and to the east of Juno Way. There are 13 industrial units on the site with B1, B2 and B8 uses. Immediately to the west of the site is a large maintenance shed serving the London Overground Orbital Rail Network. A planning application is currently with the Council to extend this shed northwards. To the south of the application boundary is that part of the Elizabeth Industrial Estate that will be retained. It is understood that the buildings on this part of the site are more recent and complete redevelopment of the site would, in any case, be difficult because of leasehold

issues. The applicant also controls the adjacent Juno Way Industrial Estate although again this is not part of the existing application.

- 1.2 The Elizabeth Industrial Estate and the Juno Way Industrial Estate are within the Surrey Canal Road Strategic Industrial Location (SIL), one of only two SILs designated by the London Plan in the Borough.
- 1.3 Apart from the SIL designation the application site is within one of LBL's Regeneration and Growth Areas (Deptford and New Cross). These areas will provide the majority of the Borough's new housing, retail and employment uses and will make a significant contribution to sustainable local regeneration objectives.
- 1.4 There is no residential development in the vicinity of the site and no heritage asset designations.
- 1.5 Site coverage is currently in the form of single and two storey buildings of varying ages which in footprint terms provide for approximately 10,000 sq. m of floorspace. The buildings make up around 77% of all site coverage over the red line boundary, which is excessive (modern industrial estates tend to have building coverage at 50-55%). This has increasingly led to problems with servicing, deliveries and parking. Other constraints associated with the site and its surrounds include difficulty accessing the strategic road network, fractured pedestrian and road networks, an awkward and unwelcoming frontage to Surrey Canal Road which contributes to the generally poor environment for pedestrians and cyclists.
- 1.6 The buildings on the Estate are no longer fit for purpose with most coming to the end of their lifespan. Many suffer from wind and rainwater ingress and fall well short of even basic sustainability standards. Although most of the units are occupied, the relatively low rentals achieved have resulted in physical decline of the estate with little finance to arrest the decay. Existing and recent uses have included activities such as furniture manufacture, paint spraying and logistics which would fall largely within the B1 (c), B2 and B8 Use Classes. It is reported that there are the equivalent of 15 full time jobs provided by the existing buildings on the application site (It is estimated that this would increase to 100 were the application scheme to be implemented).

## **2.0 Planning History**

- 2.1 The Estate has little relevant recent planning history with various use related applications and proposals relating to minor building alterations. The site however does have some local historical interest as in 1901 it became home to the Mazawattee Tea, Coffee and Cocoa Company who built a large factory on the site and employed up to 2000 people enjoying a relatively successful period of operation and trading in the first half of the 20<sup>th</sup> century. The factory was heavily bombed and severely damaged in the Second World War. As a consequence the company was forced to downscale and other operators were set up in new buildings on the factory site which were erected as late as the 1980's. Elements of the Victorian factory remain although much of this has been incorporated into the fabric of the more recent buildings. Little of significance remains of the factory and so that it was not considered worthy of either a statutory or local listing.

2.2 The estate is close to the strategically important Surrey Canal Triangle regeneration site. The overarching planning permission for this development provides 2,400 homes, 15,000 sq. m of commercial floorspace and 10,000 sq. m of community floorspace. Work on the first phases of this development are due to commence in early 2014 after determination of reserved matters applications. The Surrey Canal Road Development will trigger the provision of the Surrey Canal Road Overground Station and improvements to bus services in the area. Public realm will also be upgraded, including links to Bridge House Meadows and on Surrey Canal Road itself.

### **3.0 Current Planning Applications**

#### The Proposal

- 3.1 The application site will be cleared of all existing buildings. The proposals feature Phase 1 and Phase 2 elements. Phase 1 will be that part of the Estate nearest Surrey Canal Road and features one block with 8 two storey units of varying size with 5 of the units having a Surrey Canal Road facing frontage (Unit Nos 1,2,3,4 & 5) with the other Units (6,7 & 8) facing directly opposite back across the site. The total gross floor area provided is 4118 sq. m. The Phase 2 building to the south of the application site is also 2 storey although currently arranged as one singular unit with a total gross floor area of 3,117 sq. m. The location of the buildings, particularly Phase 1, is heavily influenced by the presence to the north of the site of a large underground electrical infrastructure cable running east/west over which building cannot occur.
- 3.2 The buildings are designed in a contemporary manner using an approach that could be described as clean and uncomplicated. A stepped front elevation facing Surrey Canal Road is proposed, breaking up what would have been a long and monotonous frontage. Materials mainly consist of aluminium cladding, polyester coated window frames and coloured panelled towers over the entrances of the Phase 1 building which were introduced to break up the large expanse of grey and silver that would be seen from Surrey Canal Road. Unit 9 within Phase 2 is also largely grey and silver coated aluminium although does not feature panelled towers due to its set back location away from Surrey Canal Road. It has a large double height dock loading bay.
- 3.3 Car parking for Units 1-5 is within a landscaped area between the Phase 1 building, a service road and Surrey Canal Road while parking bays for Units 6-8 are directly adjacent to the entrances to each Unit with some attendant landscaping. There are two proposed vehicular access points to the Estate both off Juno Way.
- 3.4 Other design elements to be noted include a large bin store to the east of the site adjacent to Unit 4, weldmesh fencing between Phase 1 and 2 and pedestrian refuges to the entrances on Units 1-5 which include cycle parking facilities. A small area of landscaping is proposed between the buildings and the footpath on Juno Way.
- 3.5 At the time of writing this report it has been agreed with the applicant that the area between the Phase 1 building and Surrey Canal Road footpath will be redesigned with a landscaping arrangement which will be less vehicular orientated and more acknowledging of the North Lewisham Links Strategy which although not part of

the Council's Statutory Development Plan is considered, amongst other things, to provide valuable guidance on how the pedestrian and cyclist experience on linkages such as Surrey Canal Road can be improved. It is hoped that an appropriate plan showing a revised landscaping arrangement can be added to the drawing list prior to consideration by members and should this not be possible a suitably worded condition can be attached to any permission resolved to be granted.

#### Supporting Documents

- 3.6 Air Quality Statement, Travel Plan, Energy Statement, Sustainability Statement, Design and Access Statement, Tree Survey, Phase 1 Environmental Review, Landscape Statement, Archaeological Assessment, Transport Statement, Flood Risk Assessment, Sequential Test, Ecological Appraisal, Planning Statement.

#### **4.0 Consultation**

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

#### Written Responses received from Local Residents and Organisations

- 4.3 No representations were received from surrounding businesses or local Councillors that were notified of the application.

#### Written Responses received from Statutory Agencies

TfL

- 4.4 Transport for London have indicated no objection in principle to the proposals with a number of matters initially a concern having been addressed by a Technical Note provided by Meyer Brown, the applicant's Transport Consultant. They indicate that it is for LBL to decide whether pre-commencement conditions relating to Construction Management, Delivery and Servicing and Parking are appropriate.
- 4.5 They have indicated that the level of car parking proposed for staff, customers and operational needs is acceptable although request that the Council consider possible ways of reducing car parking provision as public transport improves in the area and Travel Plan measures take effect.
- 4.6 TfL welcomed the proposals to provide means of charging electric vehicles.
- 4.7 They requested that consideration be given to land for a bus stop outside the site on Surrey Canal Road. This is in relation to the s106 agreement for the Surrey Canal Triangle development which provides funding for new bus services and infrastructure provision on and close to the (Surrey Canal Road Triangle) site. However the agreement does not provide for new bus stops at the eastern end of Surrey Canal Road. TfL have identified that the footway adjoining the application

site represents a good opportunity to locate a stop as the levels differences are comparatively little. The current application scheme proposes landscaping to the back edge of the footway although site ownership falls short of this line. In the event that a bus stop and shelter on Surrey Canal Road were required in this location, some of this planting would need to be removed.

#### Environment Agency

- 4.8 The EA originally objected to the proposals on the grounds that the accompanying Flood Risk Assessment proposes an outline drainage strategy that does not meet the planning guidance requirements. More particularly the EA required that the applicant demonstrate that sufficient rainwater attenuation can be accommodated within the design to reduce runoff rates and that consideration had been given to incorporating SUDS techniques providing habitat, amenity and water quality benefits.
- 4.9 Following liaison between the applicant's consultant and the EA and additional information having been submitted the EA consider that the proposed development will now meet the requirements of the NPPF subject to a number of conditions being attached to a planning permission. These relate to restriction of surface water drainage, the submission of a ground remediation strategy, verification report associated with the remediation strategy and a restriction on piling and boreholes.

#### Lewisham Design Panel

- 4.10 Acknowledged the industrial estate use and has functional requirements but considered that better relationship was needed between frontage and the public realm of Surrey Canal Road given the context of the Surrey Canal Triangle redevelopment and the higher footfall in this area because of the proximity of the new Overground Station. The design was considered to be dominated by car parking, hard surfacing, deliveries and refuse storage.
- 4.11 The Panel requested that the proposed materials be improved with cladding, window frames, signage and doors considered together rather than jumbled together. Signage should also be reduced.
- 4.12 They emphasised that high quality landscaping is critical to soften such a development and feared that the landscaping proposals were unsustainable particularly the narrow strip of land along Juno Way. The Panel requested that the applicant consider other examples of industrial development and the London Overground Maintenance Shed which they viewed as a far more elegant design than the proposals.
- 4.13 The Panel provided views in March of this year and subsequent to their consideration the applicant has amended the scheme mainly with regard to the design of the Phase 1 building providing panelled entrance towers, reduced emphasis on signage and some variation on the fenestration facing Surrey Canal Road.

## Highways and Transportation

- 4.14 Requested that a Delivery and Servicing Plan and Car Parking Plan be required through condition were planning permission to be granted. A condition requiring review and monitoring of the Travel Plan was also requested.
- 4.15 The officer however indicated concern about the amount of car parking proposed. The latest plans show 48 spaces and this quantum is above maximum parking standards set out in the London Plan. Whilst it is accepted that the London Plan only provides parking standards for Class B1 employment land use in inner London and Outer London locations it is not accepted that the site can be classed in outer London thereby allowing a more lenient approach in terms of spaces.
- 4.16 It is accepted that there is ambiguity on parking because of the mixed use nature of the proposals and that applying Class B1 standards to the whole development may not be fully applicable.
- 4.17 There is a need to balance the operational needs of the development and the requirement to encourage more sustainable modes of transport use associated with the site. With off street parking levels heavily influencing transport choices and undermining cycling, walking and public transport use if such provision is excessive there is a need to understand how the car parking spaces will be used. That is which spaces will be allocated to staff, visitors, trade counter users, who will enforce the hard surface areas and disabled bays, etc. hence the need for a car parking and servicing management plan.

## **5.0 Policy Context**

### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.
- A local finance consideration means—
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

## National Planning Policy Framework

- 5.3 The NPPF was published on 27<sup>th</sup> 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. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)' .
- 5.4 Officers have reviewed the Core Strategy 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, and 215 of the NPPF.

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

- 5.5 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.
- 5.6 The statement further sets out that local authorities should reconsider at developers request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms. [Delete if not relevant]

## Other National Guidance

- 5.7 The other relevant national guidance is:
- Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)

## London Plan (July 2011)

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

Policy 1.1 Delivering the strategic vision and objectives for London  
Policy 2.17 Strategic industrial locations  
Policy 4.1 Developing London's economy  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.21 Contaminated land  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking  
Policy 6.14 Freight  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.6 Architecture  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

#### London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)  
Industrial Capacity (2008)  
Sustainable Design and Construction (2006)  
Planning for Equality and Diversity in London (2007)

#### London Plan Best Practice Guidance

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

Control of dust and emissions from construction and demolition (2006)

#### Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 2 Regeneration and Growth Areas  
Core Strategy Policy 3 Strategic Industrial Locations and Local 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 10 Managing and reducing the risk of flooding  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 21 Planning obligations



### Site Allocations

- 5.12 The Site is located within the Surrey Canal Road Strategic Industrial Locations (SILs). Core Strategy Policy 3 states that the Council will protect SILs for uses within the B Use Class (B1c, B8 and where appropriate, B2 industry) and also appropriate sui generis) use to provide land for activities that support the continued functioning of London as a whole such as waste management, transport and utilities, and uses that require 24-hour functioning.

### Unitary Development Plan (2004)

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

STR URB 1 The Built Environment  
STR URB 4 Regeneration Areas  
STR ENV PRO 3 Energy and Natural Resource Conservation  
URB 1 Development Sites and Key Development Sites  
URB 3 Urban Design  
ENV.PRO 10 Contaminated Land  
ENV PRO 17 Management of the Water Supply

### Planning Obligations Supplementary Planning Document (January 2011)

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

### Emerging Plans

- 5.15 According to paragraph 216 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

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

- 5.16 The following emerging plans are relevant to this application.

### Development Management Plan

- 5.17 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Public consultation on the Proposed Submission Version begun on 16 August 2013 and runs for eight weeks ending on Friday 4 October. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 23	Air quality
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 26	Noise and vibration
DM Policy 28	Contaminated Land
DM Policy 29	Car parking
DM Policy 30	Urban design and local character

- *General principles*
- *Detailed design issues*

5.19 The Council have commissioned a number of studies on transport linkages, permeability and the public realm in North Lewisham. Although not part of the Statutory Development Plan there should be mindfulness of the conclusions and recommendations of these Studies in any decision making process. The studies include the North Lewisham Masterplan (February 2007) by the Landscape Partnership and HKR Architects, the North Lewisham Links Strategy (June 2007 and updated in December 2012) by the same parties together with Longboard Consulting and a more specific study, again by the Landscape Partnership on the Surrey Canal Road/Grinstead Road junction, Deptford: Movement and Feasibility Study (April 2008).

5.20 The North Lewisham Masterplan was a 'background study of the urban form of North Lewisham (that) examines the strengths, failings and opportunities represented by the area and develops a strategic place making vision for the area' (Development Control Policies Preferred Options p151) while the North Lewisham Links Strategy 'identified key routes within and across the area in need of development or enhancement'. This included Surrey Canal Road. The Surrey Canal Road/Grinstead Road Junction Study was intended to 'identify the key problems associated with the junction and adjoining area and to develop a design framework for its future improvement'. This study was commissioned largely in response to the potential redevelopment of the Grinstead Road Neptune works site although it can be noted the application site falls outside of the study area.

## **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) Highways and Traffic Issues
- d) Sustainability and Energy
- e) Ecology and Landscaping
- f) Planning Obligations

## Principle of Development

- 6.2 The proposed Class B1, B2, B8 and sui generis trade counter uses reflect the land use designation of the site as part of the wider Surrey Canal Road Strategic Industrial Location (SIL) and are therefore acceptable. However the Council does wish to maintain an appropriate balance of such uses within its designated SILs and proposes to attach a condition to any planning permission that will restrict trade counter operations to those units that will front onto Surrey Canal Road which are shown as Units 1-5 on the accompanying drawings. The relevant condition will not only restrict the number of units that will be allowed a trade counter but will also restrict the proportion of floorspace within the individual units that can be associated with this use in order to protect land and floorspace that continues to play a vital part in the functioning of London's economy as well as Lewisham's economic needs for business premises and services.
- 6.3 Significantly SILS were reviewed in the Council's Employment Land Survey, which confirmed that some sites on the boundaries of Surrey Canal Road SIL were deteriorating, had lacked investment over many years and required significant refurbishment. With this in mind Officers welcome the estimated £6 million reinvestment in employment floorspace by the applicant in the Borough. This is at a time when Lewisham's economy still faces significant strategic challenges such as the relatively small area of land designated for employment use within the Borough, the loss in the last decade of nearly a third of its industrial base and the continued need for housing which exerts a pressure on the employment land stock. This need to balance employment and housing land have culminated in 'restructuring the allocation of employment land to facilitate regeneration and growth by better reflecting the economic realities of the Borough, the requirements of the London Plan and to ensure the most efficient use of land (LBL Core Strategy 6.20). In practice this has involved releasing land on the periphery of the Surrey Canal Road SIL for mixed use development and focussing on strengthening employment activity on those retained designated areas within the SIL.

## Design

- 6.4 The Core Strategy emphasises the need to use development opportunities to improve connectivity throughout the area for pedestrians and cyclists. The 2007 North Lewisham Links Strategy identified Surrey Canal Road as one of a number of key selected projects (including the completed Priority Route One scheme from Deptford High Street to Kender). The recent 2012 Update considers the adoption of the Core Strategy in 2011 and its importance in setting out a clear development strategy for the area with its emphasis on Regeneration and Growth in Deptford and New Cross. The Core Strategy identifies the role that individual sites will play in delivering the vision of Deptford and New Cross becoming a well connected and sustainable place. The Links Update acknowledges the potential contribution major development sites identified in the Core Strategy can have in terms of enabling, funding and delivering improved and new routes and public realm and provides a reappraisal of 16 priority projects which includes Surrey Canal Road (Number 2).

- 6.5 The Review identified a number of objectives for any improved Surrey Canal Road link:
- Upgrades to footpath and cycleways and landscape intervention along full length of the road;
  - Improved signage, surfaces, crossings and traffic calming measures;
  - Upgrade to pedestrian/cycle crossing at Juno Way and Landmann Way junction. Feature lighting to bridges to create landmark features;
  - Bus stop, access points and pedestrian crossings improvements;
  - Roadside verge improvements; remove shrubs to improve natural surveillance; introduce wild flower;
  - Planting in maintainable strips.
- 6.6 The Links Update states that ‘Development of sites along Surrey Canal Road may provide an opportunity to improve the adjacent public realm through alternative boundary treatment (currently dominated by steel palisade fencing, inactive building frontages and overgrown planting), improved surface finishes, lighting and tree planting’.
- 6.7 The 2008 Grinstead Road/Surrey Canal Road Junction Study in analysing Surrey Canal Road develops this theme further describing it as follows: ‘the streetscape and many of the business units have become degraded over the years...’ adding that the road is not overlooked, separated by dense planting, is lined for most of its length by palisade fencing and as a result is unattractive and perceived as unsafe.
- 6.8 The application, along with the Surrey Canal Road Triangle and Grinstead Road schemes are considered to be the first significant opportunities to begin to deliver some of the objectives sought by the Strategy. One of the principal means of funding for any works will be through Section 106 funding and the applicant has agreed that a contribution towards the enhancement of Surrey Canal Road in line with the Links Strategy is reasonable, fair and related to the proposed development.
- 6.9 It is acknowledged that in addition to the need to meet commercial occupier requirements the scope for bold and innovative design in this location is somewhat restricted by a number of fixed considerations. The first of these is the presence at the front of the site of two 132,000 volt oil-filled cables which must be retained in their current position. Roads and car parking can be set over the cables but not buildings. This limits the extent that buildings can be moved forwards towards Surrey Canal Road on the site. Secondly there is the need to preserve access through to the Rail For London Maintenance building to the east and provide a turning circle for service vehicles. To the west is the need to have access off Juno Way that is a sufficiently safe distance from the roundabout on Surrey Canal. Both of these requirements mitigate against being able to bring any building too close to Surrey Canal Road.

- 6.10 Notwithstanding the above, officers, in line with relevant design policies in the Core Strategy and guidance in the NPPF, which both stipulate that all new development should feature good quality design, have negotiated extensively with the applicant to reach a stage where the design of the Phase 1 building (that is Units 1-8) that would face Surrey Canal Road is acceptable given the benefits that will occur through reinvestment .
- 6.11 A reduced set back was secured allowing the building to be moved closer to Surrey Canal Road boundary than the existing building by an average of around 20%. This movement forwards will, it is hoped, help activate Surrey Canal Road if not actually bring active frontage and also deliver an element of passive surveillance.
- 6.12 Another feature of the building is the stepped frontage. This is a response designed to add interest to the elevation with the shadow and undulating form helping to maintain interest on Surrey Canal Road as opposed to a consistently 'flat' profile which has limited visual impact and creates a 'tunnel' effect. The stepped profile also reflects the need to have adequately sized service yards in front of each unit to accommodate commercial vehicles of particular size (7.2m panel vehicles). The service road will be too narrow to allow larger HGV's or a fixed wheel base lorry access normal access.
- 6.13 Distinctive panelled entrance 'features' have been added to help enliven the frontage. A different shade of cladding has also been added around the loading bays to achieve the same result. Signage panels have been reduced in size and the glazed areas within the frontages remodelled from original plans.
- 6.14 Notwithstanding the revisions made to the building design and the site constraints officers will require an acceptable landscaping arrangement to be either submitted prior to consideration at Committee or through discharge of a relevant condition requiring such detail to be approved. The landscaping arrangement currently shown does not respond appropriately to Surrey Canal Road, largely ignoring aspirations set out in the recent studies. It omits to have regard to the high quality landscaping strategies proposed within the nearby Surrey Canal Triangle and Grinstead Road planning permissions which would help deliver a part of the public realm links strategy in the vicinity of the site. The landscaping proposals provided thus far other are vague and lack significant detail. There is a small strip of landscaping along Juno Way which is too narrow to provide any substantive landscaping however it is that land between the proposed Phase 1 building and the footpath on Surrey Canal Road which is the most important area. At the time of drafting this report, and at the request of the Council, the applicant is currently working alongside The Landscape Partnership in order to deliver a more responsive landscaping arrangement. It is hoped that this work will allow better provision for pedestrian and cycle access (for employees and visitors) through the Surrey Canal Road perimeter of the site rather than the unsafe shared access currently proposed off Juno Way. Similarly it is hoped that a less obtrusive boundary treatment on Surrey Canal Road can be found than weldmesh fencing and that equally, a more thoughtful, measured approach to proposed plant and tree species can be proposed.

## Highways and Traffic Issues

- 6.15 The site is currently in a PTAL 2 zone which is termed 'poor' in terms of public transport accessibility. This rating is however expected to improve with the advent of the Surrey Canal Triangle development and other schemes such as Grinstead Road. Parking around the existing Estate is ad hoc and largely uncontrolled with no formal arrangement or layouts. Despite this officers are not aware of any particular problems or issues in regards to parking and highways associated with the existing operation. Vehicular access to the site is via Juno Way.

### *a) Access and Servicing*

- 6.16 Proposed access to the site will be via Juno Way. This is regarded as acceptable with the northern service road junction sufficiently distant from the mini-roundabout on Surrey Canal Road not to cause a problem to traffic on Surrey Canal Road. As indicated earlier the proposed layout and its space restrictions is likely to mean all proposed units are serviced by smaller delivery vehicles.

### *b) Car Parking*

A total of 48 parking spaces are included with 12 of these being allocated for blue badge holders. LBL's Core Strategy Policy 14 (Sustainable movement and transport) states that car parking standards contained within the London Plan will be used for a basis for assessment. Policy 6.13 (Parking) of the London Plan refers to maximum parking standards. For Class B1 uses in inner London the standards require 1 space be provided per 600-1000 sq. m of gross floorspace. No specific standards for sui generis use are given other than at 6A.5 which states that parking for commercial vehicles should be provided at a maximum standard of one space per 500 sq.m of gross B2 or B8 floorspace. The relevant Policy also states that 'standards for B2 and B8 employment uses should have regard to the B1 standards although a degree of flexibility maybe required to reflect different trip generating characteristics' (paragraph 6A.7). Reference is also made to cycle, motorcycle parking requirements and provision for electric vehicles.

- 6.17 Although it is acknowledged that applicability of parking standards for one use class on a development that has been deliberately designed to operate on a flexible basis is difficult, it is noted in correspondence from the applicant's agent that 'the development is intended to attract good quality occupiers with relatively high employment density rather than simply storage. There is a relatively high office content in many of the buildings, which reflects the high quality jobs that will be generated and the good quality businesses we hope to attract'. This statement suggests that the units will be marketed at Class B1 occupiers and this assumption can be further supported by reference to a possibility of 100 jobs being created by the development.
- 6.18 Given the proposed gross floor area of approximately 7000 sq.m it can be seen that were the proposed space to be any of the singular B-Class uses, the proposed car parking provision would be significantly in excess of the maximum normally considered acceptable. Even if the London Plan Class B2-B8 standards were to be generously applied as opposed to Class B1 parking standards, this would still result in a maximum of around 14 spaces allowable.

- 6.19 Notwithstanding an acknowledgment that the London Plan does provide for some flexibility as outlined above to reflect different trip-generating requirements and that applying Class B1 standards across the whole development would not be appropriate, concerns have been raised by LBL's own Highways Engineer that the number of proposed car parking spaces has not been fully justified.
- 6.20 Whilst the number of spaces is in excess of what would normally be allowed for this amount of employment floorspace for any of the proposed use classes, officers, acknowledging the current amount of floorspace, the existing parking and servicing environment which is uncontrolled and the fact that a condition will be attached to any planning permission requiring a parking and service delivery management plan to be approved by the Council, are confident that vehicular parking within the site will not cause issue to the surrounding road network. Furthermore cycle parking provision is above required standards and further detail will be sought through condition in regard to motorcycle parking and electric vehicle charging provision.
- 6.21 The site has a 'poor' PTAL rating of 2. Given the Surrey Canal Triangle development nearby and the improvements it will bring in transport infrastructure to the area, namely a new overground station on London Orbital route less than 5 mins walking distance from the application site and the likelihood of more frequent bus services along Surrey Canal Road, it is proposed that a condition be attached to any planning permission which requires that a revised Travel Plan be submitted and approved to the Council as the PTAL level of the site improves. The revised Travel Plan would aim to demonstrate how occupiers would actively respond to the improvements in public transport provision.

#### Sustainability and Energy

- 6.22 Policy 8 (Sustainable Design and Construction and Energy Efficiency) of LBL's Core Strategy requires that all major non-residential development should reach a minimum BREEAM 'Excellent' standard. Failure to meet this standard requires the applicant to explain in detail why the 'Excellent' rating cannot be achieved.
- 6.23 The applicant has consistently maintained that while LBL's preference for a BREEAM 'excellent' rating is understood, it is not deemed feasible for the proposed scheme for reasons of financial viability. The applicant has indicated that achieving BREEAM 'excellent' is difficult for Class B buildings which have limited energy demands and where final occupiers are unknown. The applicant has proposed that a BREEAM 'very good' rating be achieved by implementing a number of measures relating to and including:
- Commitment to sustainable procurement and construction practices;
  - Improved building user comfort (indoor air quality, water quality, safety and security);
  - Reduced energy consumption and carbon emissions;
  - Water efficient building features;
  - Use of building materials with lower lifecycle impacts; Effective construction and operational waste management plans;
  - Management and reduction of pollutants.

*a) Living Roofs*

- 6.24 Pre-application discussions covered the possibility of providing living roofs across the development. The applicant referred to the additional structural and maintenance costs that would be brought about by inclusion of such a feature across the development and cited financial viability as a problem with the view being taken that there is little evidence that target occupiers for the units would be willing to pay a premium for green roofs as opposed to larger national operators whose high profile social/green corporate objectives are met by the inclusion of such facilities.

*b) Sustainable Urban Drainage Systems*

- 6.25 The Environment Agency had objected to the proposals on account that the accompanying Flood Risk Assessment proposes an outline drainage strategy which did not meet specified requirements. More specifically it needed to be demonstrated that sufficient rainwater attenuation can be accommodated within the design to reduce runoff rates. Additionally the EA noted that there was a lack of an acceptable Sustainable Urban Drainage System (SuDs) solution as part of the proposals providing habitat, amenity and water quality benefits. The applicant's revised outline drainage strategy includes use of permeable paving in the car parking areas and underground storage to control discharge into the existing sewer. Having reviewed the revised outline drainage scheme the EA were able to remove objection. Furthermore it has been acknowledged by the EA that any SUDs provision is difficult due to a number of constraints on this site namely a 132 Kv buried cable adjacent to Surrey Canal Road, buried services, shallow drainage, public sewer diversions and significantly irregular ground levels.

*c) Low Carbon/Renewable Feasibility*

- 6.26 Officers acknowledge the difficulties with regard to renewable energy provision associated with buildings such as that proposed which often have low heat demand and are reasonably satisfied with explanations by the applicant as to why such technologies would not be appropriate in this instance.
- 6.27 A biomass system whilst technically feasible in a limited capacity would not be appropriate in this urban environment and would have an unacceptable carbon cost due to the need to transport fuel from outside London. Such an option would have a prohibitive level of management cost given the scale of the scheme proposed to be supplied. Similarly a Combined Heat and Power System would be inefficient because of the likelihood of irregular usage patterns from individual occupiers and the need to operate in parallel with conventional gas heated boilers thus reducing potential carbon savings. Given the proximity of the South East London Heat and Combined Heat and Power plant 300m north west of the site District Heating was also considered. Dialogue was set up with Veolia however connection to the heat network was considered to be inefficient because of potential low and even negligible heat demand combined with the fact that the heating network is, initially, being created north of SELCHP as opposed to south – a separate system would be financially prohibitive. Air source heat pumps are considered technically the most feasible option for the development, particularly that part of the development that would be offices, however are considered financially unviable given the proposed margins of return on the scheme. Solar thermal and photovoltaic (PV) systems were considered and although a significant



amount of roof space exists most of the roofs are orientated in east west direction rather than the optimum southerly direction. With hot water demand relatively low the solar thermal solution was considered of limited use. Photovoltaics were also considered of limited use given that lighting demand would be highest at that point when PV performance is negligible. Wind turbines were not regarded as appropriate as wind speeds were relatively low at this level and the technology is therefore likely to underperform.

- 6.28 In the context of the above findings, the applicant maintains priority has been given to efficient design with a particular focus on highly efficient ventilation and lighting systems including rooflighting and equally efficient conventional heating systems.
- 6.29 Officers, mindful of the enhanced employment opportunities offered by the redevelopment of the Estate, the potential for the scheme to help deliver some key objectives outlined in the North Lewisham Links Strategy and the difficulties of obtaining the BREEAM 'excellent' rating on speculative employment space in this location would in this instance, accept a lower 'very good' rating. This rating will be secured by a condition attached to any planning permission.

#### Ecology and Landscaping

- 6.30 An ecology survey was submitted with the application. This survey concluded that other than on its northern boundary there was little of ecological value in and around the site. Beyond its northern boundary lies an area of planting which also features a number of semi-mature trees. The accompanying tree survey identifies these trees of being of low to moderate quality. Were an appropriate landscaping scheme for this area to be agreed upon either at application or post permission stage through use of a condition, retention of these trees may not be required.

#### Air Quality

- 6.31 An Air Quality Assessment by Meyer Brown was submitted with the application. The site stands within an existing Air Quality Management Area. The Assessment concludes that the residual construction air quality impacts, development traffic impacts and operational impacts from the development are anticipated to be local, temporary and of minor significance.

#### Planning Obligations

- 6.32 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:
- (a) Necessary to make the development acceptable
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development

- 6.33 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 6.34 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.
- 6.35 The applicant has undertaken to provide a contribution of £52,000 (calculated through LBL's relevant s106 SPD) to mitigate against the high level of car parking provided within the development and the greater number of people working on the development site. The contribution will be used to help delivery of the Surrey Canal Road Improvement works identified within the North Lewisham Links Strategy as an 'essential' Transport project. This figure will be distinct and in addition to that needed to significantly improve the site's immediate boundary with Surrey Canal Road and Juno Way.
- 6.36 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

## **7.0 Community Infrastructure Levy**

- 7.1 The above development is not CIL liable because there is no net increase in floorspace.

## **8.0 Conclusion**

- 8.1 The proposals for new employment space and associated car parking and landscaping have been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 Although in regard to sustainability and car parking provision the scheme falls short of relevant development plan policy, officers are mindful of the direct and indirect economic benefits that redevelopment will bring. Namely these are the significant amount of new jobs that will be created on a site which has not been utilised to its full potential because of the existing obsolete building stock. In addition redevelopment of the site will, along with other significant redevelopment proposals, help act as a delivery mechanism for the Surrey Canal Road improvements as envisaged in the North Lewisham Links Strategy. Officers are mindful that any scheme would need to include an acceptable design solution for the significant part of the site which overlooks and adjoins Surrey Canal Road and are confident that ongoing work will deliver that. Officers have been disappointed by the lack of flexibility demonstrated by the applicant in regard to matters such as sustainability and parking. However in assessing the wider regeneration and economic benefits the development is likely to bring, the scheme, on balance, is considered acceptable.

## 9.0 **RECOMMENDATIONS**

### 9.1 **RECOMMENDATION (A)**

Authorise Officers to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters including such other amendments as considered appropriate to ensure the acceptable implementation of the development:

- A contribution of £52,000 to assist delivery of the North Lewisham Links Strategy.

### 9.2 **RECOMMENDATION (B)**

Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to **GRANT PLANNING PERMISSION** subject to the following conditions:

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

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

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

2710-2 Site Plan Ph1-2 P12, 2710-10 Floor Plans 1-8 P3, 2710-20 Elevations 1-8 P6, 2710-110 Floor Plans 9 P2, 2710-120 Elevations 9 P3, 2710-EPB Boundary Site Plan exg P1, 2710-IP Indicative Phasing Plan P2, 2710-SS Site Sections P3, 2710-Roofs Roof Plan, 2710-21 Bin Store P1, CGI of Surrey Canal Road, 3640/503P5 External Works Drainage Layout, Air Quality Statement, Travel Plan, Energy Statement, Sustainability Statement, Design and Access Statement, Tree Survey, Phase 1 Environmental Review, Landscape Statement, Archaeological Assessment, Transport Statement, Flood Risk Assessment, Sequential Test, Ecological Appraisal Planning Statement

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

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
  - (a) Dust mitigation measures.
  - (b) The location and operation of plant and wheel washing facilities
  - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process

- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

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

- 4. No development shall commence on site until a detailed schedule and samples of all external materials and finishes/windows and external doors/roof coverings/other site specific features to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- 4. No development shall commence on site until details of the number and/or location of electric vehicle charging points and a programme for their installation and maintenance have been submitted to and approved in writing by the local planning authority.

The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved.

**Reason:** To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving air quality in the London Plan (July 2011).

- 5. No development shall commence on site until a local labour strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include (but is not limited to):
  - (a) Proposals to achieve a target of fifty per cent (50%) local people and local businesses as employees contractors and sub-contractors during the construction of the Development.

- (b) A commitment to working with the local planning authority's local labour and business coordinator.
- (c) Routes to employment, including direct access to employment opportunities at the development and addressing wider barriers to employment.
- (d) Early warnings within the local planning authority's area of contracts to be let at the development.
- (e) The number and type of jobs to be created and the skill requirements in relation to those jobs.
- (f) Recommended training routes to secure jobs.
- (g) Proposals to encourage diversity in the workforce.
- (h) Measures to encourage local businesses to apply for work in relation to the development.
- (i) Training opportunities and employment advice or programmes and employment and training brokerage arrangements.
- (j) Provision of opportunities for modern apprenticeships including the number and type of apprenticeships available.
- (k) Provision of opportunities for school leavers, older people and those who have been out of work for a long period.
- (l) Provision of work experience for local people during the construction of the development including the number of weeks available and associated trades.
- (m) Provision of childcare and employee assistance to improve working environments.
- (n) Interview arrangements for jobs.
- (o) Arrangements for working with schools and colleges.
- (p) Measures to encourage local people into end use jobs.
- (q) Targets for monitoring the effectiveness of the strategy including but not limited to the submission of monitoring information to the local planning authority on a monthly basis giving details of:-
  - The percentage of the on-site workforce which are drawn from persons whose normal residence is within the Lewisham borough.
  - Social and demographic information of all contractors, sub contractors, agents, and employers engaged to undertake the construction of the development.
  - Number of days of work experience provided.
  - Number of apprenticeships provided.

The strategy approved by the local planning authority shall be implemented in its entirety and distributed to all contractors, sub-contractors, agents and employers engaged in the construction of the development.

Within three months of development commencing and quarterly thereafter until the development is complete, evidence shall be submitted to demonstrate compliance with the approved strategy and monitoring information submitted to the local planning authority in writing, giving the social and demographic information of all contractors, sub-contractors, agents and employers engaged to undertake the construction of the development.

**Reason:** In order that the local planning authority may be satisfied that the development makes appropriate provision for local labour and delivers jobs to supports sustainable development in accordance with the National Planning Policy Framework (2012) and to comply with Core Strategy Policy 21 Planning Obligations in the Core Strategy (2011).

- 6 No development shall commence on site until a full and comprehensive landscaping and boundary treatment scheme (including full details of proposed materials, plant numbers, species, location and size of planting, hardstanding and boundary treatment) and details of the management and maintenance of the landscaping for a period of five years has been submitted to and approved in writing by the local planning authority. The scheme shall principally relate to that area between the hereby approved Phase 1 building (featuring Units 1-8) and the footpath on the northern side of Surrey Canal Road but shall also be applicable to that area marked as landscaping facing Juno Way.

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

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

7. No development shall commence on site until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:**To ensure that development of the site is carried out with due regard to addressing issues of historic contamination that could present a risk to groundwater in the underlying Principal and Secondary aquifers in accordance with the NPPF.

- 8 No part of the development shall be occupied until a Car Park Management & Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority and any approved Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

9. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

**Reason:**To ensure that development of the site is carried out with due regard to addressing issues of historic contamination that could present a risk to groundwater in the underlying Principal and Secondary aquifers in accordance with the NPPF.

10. A minimum of 36 secure cycle parking spaces shall be provided within the development as indicated on the plans hereby approved. The cycle parking spaces pertinent to each building phase shall be provided and made available for use prior to occupation of that part of the development and maintained thereafter. made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

- 11 Piling or any other foundation designs / investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure any foundation works are only carried out once a suitable scheme has been devised based on the ground conditions with due regard to contamination risks posed to the environment.

12. The Units hereby approved shall achieve a minimum BREEAM Rating of 'Very Good'.

- (a) No development shall commence until a Design Stage Certificate for each Unit (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (b) Within 3 months of occupation of any of the Units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

13. After the opening of the Overground Station on Surrey Canal Road an updated and revised Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' shall be submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from that point of discharge of this condition.

- (a) The Travel Plan shall specify new initiatives to be implemented by the landlord and tenants to encourage access to and from the site by a variety of non-car means including the enhanced rail network, shall set revised targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.



- (b) Evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under part (a) according to a timetable that should form part of the approved details..

**Reason:** In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

14. Notwithstanding the Town and Country Planning (Use Classes Order) 1987 as amended, (or any other order revoking or re-enacting this order) the agreed provision of 'trade counters' within the approved Units 1-5 hereby approved shall be ancillary to the main use within each unit (Use Class B2/B8) and shall not comprise more than 10% of the floor area within any of the units

**Reason:** In order to enable the local planning authority to control the amount of trade counter usage at the site in the interests of protecting the vitality and viability of nearby shopping centres in accordance with Policy 6: Retail hierarchy and location of retail development in the Core Strategy (2011) and STC1 The Shopping Hierarchy.

15. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

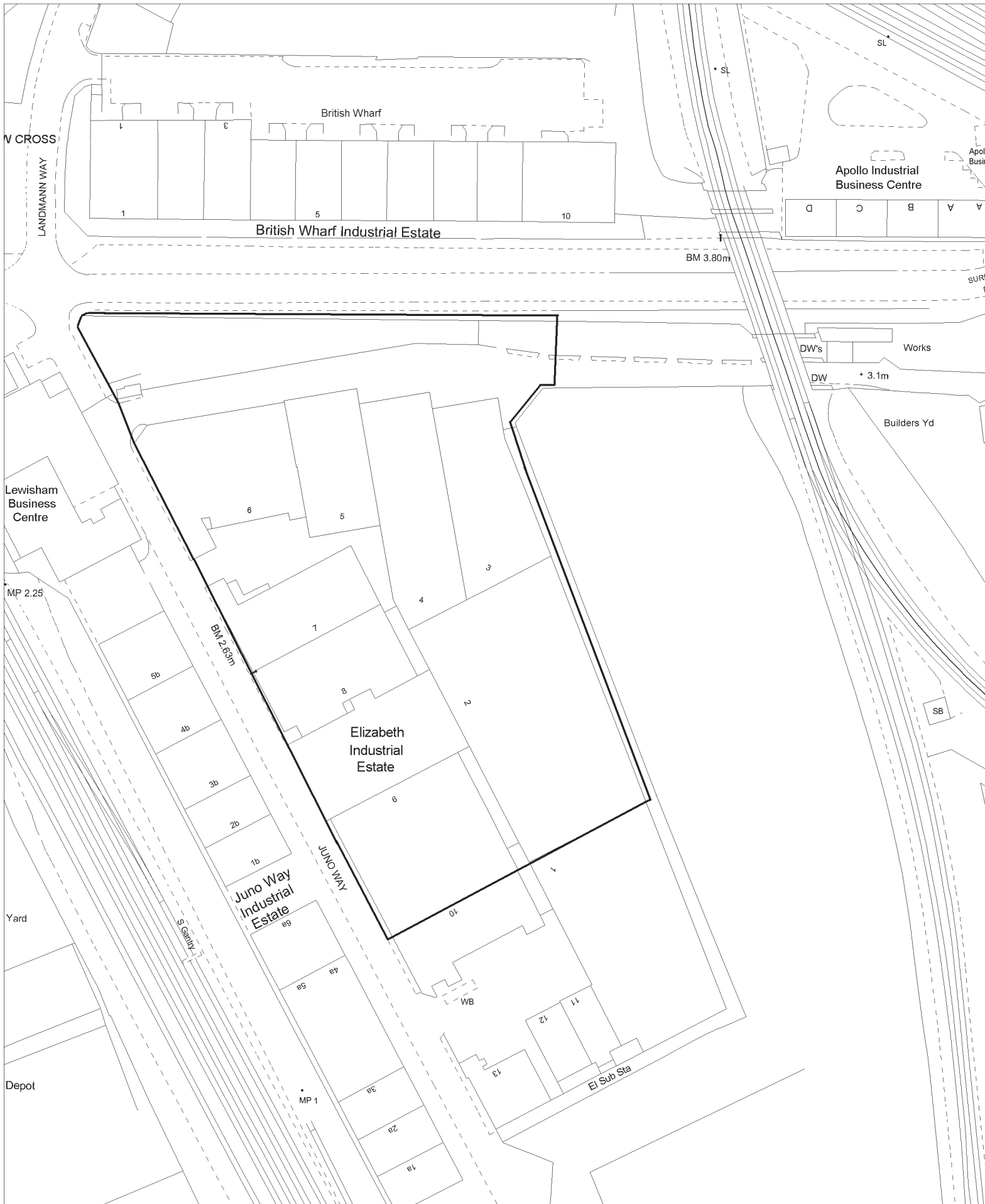
**Reason:**To ensure that any drainage systems installed do not present a pollution risk to groundwater within the underlying Principal and Secondary aquifers.

## **INFORMATIVES**

- (A) 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.
- (B) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

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# Elizabeth Industrial Estate, Juno Way SE14



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