

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 10 OCTOBER 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, 1 October 2013**

**For further information please contact:
Shelley McPhee Committee Co-ordinator
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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 10 OCTOBER 2013

Declaration of interests

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

1 Personal interests

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

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

2 Disclosable pecuniary interests are defined by regulation as:-

- (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 10 OCTOBER 2013

MINUTES

To approve the minutes of the meeting of Planning Committee C held on the 29 August 2013.

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Committee	PLANNING COMMITTEE C	
Report Title	44-46 Bromley Hill, BR1 4JU	
Ward	Downham	
Contributors	Geoff Whittington	
Class	PART 1	10 October 2013

Reg. Nos. DC/12/81740

Application dated 10 September 2012, amended 25 June 2013

Applicant Kundra Holdings

Proposal The demolition of the existing buildings on the site of 44-46 Bromley Hill BR1 and the construction of a three-storey building incorporating terraces/ balconies to provide 2, three bedroom and 4, two bedroom self-contained flats, together with the provision of 4 car-parking spaces, and bicycle and refuse stores.

Applicant's Plan Nos. Design and Access Statement including Sustainability Statement (received 24/9/2012), Planting/Paving details (received 25/6/2013), and 000, 100, 110B, 111B, 112C, 114C, 115B, 210C, 212, 310B, 311B, 312B, 313B, 314B (received 27/9/2013)

Background Papers

- (1) Case File LE/268/C/TP
- (2) Lewisham Development Framework: Core Strategy (2011)
- (3) Unitary Development Plan (July 2004)
- (4) The London Plan (February 2011)

Zoning Adopted UDP - Existing Use
PTAL 2
Local Open Space Deficiency

1.0 Property/Site Description

1.1 The appeal site lies on the western side of Bromley Hill, currently occupied by a pair of semi-detached dwelling-houses.

1.2 The immediate area is mostly residential, characterised by 2-storey dwellings to the south, the opposite side of Bromley Hill, and Coniston Road to the west. Directly to the north of the appeal site is a 3-storey block of terraced properties that comprises commercial uses at ground floor and residential above. This section of Bromley Hill is relatively flat, in comparison with the slope further to the south.

1.3 Bromley Hill (A21) is a busy highway, forming part of the link between Catford and Bromley town centres. This section of Bromley Hill is red routed, however dwellings on the west side of Bromley Hill have front driveways that provide off-street parking. The application site lies within an area that has a PTAL rating of 2.

1.4 The site is not located within a conservation area and there are no listed buildings within the vicinity. The site is designated as being within an area of Local Open Space Deficiency.

2.0 Planning History

2.1 On 28 February 2012, a Hearing was held due to a non-determination Appeal relating to 44-46 Bromley Hill, whereby a planning application was submitted to the Council proposing the construction of a 3-storey building accommodating 9 self-contained flats, together with associated parking spaces, refuse storage, cycle store and landscaping.

2.2 On 11 May 2012, the Planning Inspectorate refused permission for the proposed development on grounds of poor design, visual impact upon neighbouring Coniston Road occupiers and harm to highway safety.

3.0 Current Planning Application

3.1 The current application proposes the demolition of the existing dwellinghouses, and the redevelopment of the site for residential purposes. The development would take the form of a three-storey building fronting Bromley Hill. Six residential dwellings would be provided, including 4, two bedroom and 2, three bedroom self-contained flats.

3.2 The scheme has been amended since the original submission, therefore further consultation procedures were undertaken in July 2013 advising neighbouring occupiers of the changes undertaken.

3.3 All units would be built to Lifetime Homes standards, and would meet Code Level 4 for Sustainable Homes.

3.4 The application also includes associated landscaping to the front and rear of the site, and provision of refuse/ recycling stores, secure cycle parking for 10 bicycles, and 4 off-street car-parking spaces.

4.0 Consultation

Neighbours & Local Amenity Societies etc.

4.1 Letters of consultation were sent to 33 local residents on 30 November 2012, together with a notice displayed on site. Ward Councillors were also consulted.

4.2 A second full consultation period was undertaken on 2 July 2013 in response to alterations undertaken to the development proposal.

4.3 Subsequently 26 letters and a petition signed by 16 residents were received from 17, 25, 27, 29, 31, 33, 34, 37, 39, 41, 49, 54 & 56 Bromley Hill, 1, 11, 21, 23, 25 & 29 Coniston Road, 314 Lewisham High Street and 218 Ravensbourne Avenue, objecting to the proposed development on the following grounds:

- Loss of existing houses and resulting precedent;
- Proposal would be gross overdevelopment of the site;
- Three storey height of proposed building out of context with existing two storey height;

- Increase on street car parking problems in the area;
- Reversing cars from the parking area to the front on to the highway;
- Overlooking caused to properties to the rear;
- Increased noise and disturbance to neighbouring properties;
- Rear garden space not enough for six families;
- Screening of development would be insufficient;
- Impact upon natural light.

(letters are available to Members)

- 4.4 In light of the number of objections received, a local meeting was held on 15th July 2013, a local meeting was held at the Civic Suite in Catford. The Panel was comprised of :

Cllr Fletcher (Chair)

Miheer Mehta (Planning consultant)

Sean O'Sullivan (Planning officer)

Catherine Patterson (Highways officer)

- 4.5 In the event, four local residents were in attendance.

- 4.6 The minutes of the meeting may be viewed in the appendices attached to this report. The main issues discussed included parking concerns, the principle of demolishing the existing dwellings and impact upon visual amenity.

Transport for London

- 4.7 No objections to the proposal, however they have reiterated that all vehicles exiting the driveway should do so in a forward gear only, thereby ensuring vehicular safety for oncoming traffic.

Highways and Transportation

- 4.8 Unobjectionable in principle.

Environmental Health

- 4.9 No objections raised to the proposed number of off-street parking.

Design Officers

- 4.10 Officers have raised no objections to the appearance or layout of the proposed development.

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. 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)'.

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

Ministerial Statement: Planning for Growth (23 March 2011)

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

London Plan (July 2011)

5.7 The London Plan policies relevant to this application are;

Policies 3.3 Increasing housing supply; 3.4 Optimising housing potential; 3.5 Quality and design of housing developments; 3.6 Children and young people's play and informal recreation facilities; 3.8 Housing choice; 3.16 Protection and enhancement of social infrastructure; 5.2 Minimising carbon dioxide emissions; 5.3 Sustainable design and construction; 5.7 Renewable energy; 5.11 Green roofs and development site environs; 5.12 Flood risk management; 5.13 Sustainable drainage; 6.9 Cycling; 6.13 Parking; 7.3 Designing out crime; 7.4 Local character; 7.5 Public realm, 7.6 Architecture & 7.19 Biodiversity and access to nature, in the London Plan (June 2011).

Core Strategy

5.8 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 1: Physical and socio-economic benefits, Objective 2: Housing provision and distribution; Objective 3: Local housing need; Objective 5: Climate change; Objective 6: Flood risk reduction and water management; Objective 7: Open spaces and environmental assets; Objective 8: Waste management; Objective 9: Transport and accessibility; Objective 10: Protect and enhance Lewisham's character; Objective 11: Community well-being; Policy 1: Housing provision, mix and affordability; 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; Policy 12: Open space and environmental assets; Policy 14: Sustainable movement and transport & Policy 15: High quality design for Lewisham.

Unitary Development Plan (2004)

5.9 The saved policies of the UDP relevant to this application are;

URB 3 Urban Design; URB 12 Landscape and Development; URB 13 Trees; HSG 4 Residential Amenity; HSG 5 Layout and Design of New Residential Development & HSG 7 Gardens.

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

Residential Development Standards SPD (August 2006)

5.11 In August 2006, the Council adopted the Residential Standards Supplementary Planning Document. This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, back land development, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility and materials.

Emerging Plans

- 5.12 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).
- 5.13 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. Following the close of public consultation on 4 October 2013 the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public. 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 22	Sustainable design and construction
DM Policy 27	Lighting
DM Policy 30	Urban design and local character

6.0 Planning Considerations

- 6.1 The main issues to consider in regard to this application include the principle of redeveloping the site for residential purposes, the scale, height, massing and appearance of the proposed building, density, the level of impact upon the amenities of neighbouring occupiers and the streetscene generally, the standard of residential accommodation, sustainable measures, landscaping, access and parking issues.
- 6.2 Matters raised in the Planning Inspector's statement toward the previous application that was refused in May 2012 will also be addressed in this report.

Principle of Development

- 6.3 The application proposes the demolition of the existing 2-storey dwelling-houses, with the construction of a 3-storey building that would accommodate 6 self-contained flats.

- 6.4 The applicant has confirmed they own nos 44 and 46, and both are currently vacant. At the time of writing this report, officers were unable to establish whether the properties were occupied or vacant, however this matter alone should not influence the outcome of this application. The existing houses are considered to be structurally sound, with no urgent need for their demolition. The loss of existing family sized dwellings would generally be resisted by the Council, however in this case, the development would include the provision of two generous sized 3 bedroom family units, thereby resulting in no net loss of such tenure.
- 6.5 The Development Plan seeks to retain buildings that are termed as 'heritage assets', i.e. listed or locally listed buildings. Buildings that are not heritage assets cannot be protected from demolition in their own right.
- 6.6 Officers have assessed the character of the existing buildings, and consider that they are of limited architectural or heritage interest, and are not of sufficient quality to justify being acknowledged as a heritage asset, therefore Core Strategy Policy 15 (f), which seeks to ensure any development conserves and enhances the borough's heritage assets, is not applicable in this case.
- 6.7 The nature of the site and immediate area determines that a residential development upon this site is appropriate, subject to design, scale and visual impact upon existing occupiers.
- 6.8 Objectors have raised concern toward the precedent the proposed development would set should permission be granted. The applicant has encountered many difficulties in proposing a development appropriate for this setting that does not significantly harm the amenities of neighbouring occupiers, whilst providing sufficient off-street parking that does not compromise highway safety. Such issues may serve to deter similar development along this particular section of Bromley Hill, however any future applications would be assessed on a case by case basis.
- 6.9 It is also acknowledged the Planning Inspector did not raise objections to the principle of demolishing the existing houses or redeveloping the application site for a scheme that proposes a greater density than the existing dwelling-houses.

Design, Scale, Siting – Impact upon the character of the local area

- 6.10 Paragraph 15 of the National Planning Policy Framework (p15) states: "local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 6.11 Planning permission was refused at Appeal in May 2012 for the demolition of the existing buildings, and the construction of a 3-storey residential property providing 9 self-contained units. In that case, a traditional design approach was undertaken, which included a pitched roof with front and rear dormers, in an attempt to reflect the appearance of the neighbouring dwellinghouses.
- 6.12 However, the development would measure a height of approximately 3.5 metres greater than the existing houses, to which the Planning Inspector observed;

'The building would be similar in overall height to the adjacent commercial properties, but due to the proposed gable end and dormer windows, it would be perceived as a four storey building. It would be considerably higher than the dwelling at 48 Bromley Hill, and would introduce an abrupt change in scale within an area characterised by predominantly two storey housing. As a consequence, it would fail to provide a satisfactory transition between the properties on either side of the appeal site, or reflect the manner in which the roofline of the neighbouring dwellings step down the hill.'

- 6.13 'A building of the height and depth proposed would detract from the suburban character of the surrounding rear gardens.....Whilst in some respects the proposed building may provide an interesting architectural composition, due to its cramped appearance and failure to respect the distinctive character of the locality, it would fail to deliver the high quality design sought by Policy URB 3 of the Lewisham UDP.'
- 6.14 Had the Council been afforded the opportunity to determine the application, a refusal would have been issued, raising similar concerns to the Inspector, including mediocre design and poor relationship with neighbouring dwellings.
- 6.15 Subsequently, the applicants have engaged in pre-application discussions with officers to seek advice on what would constitute an acceptable form of development upon the site. Officers were presented with a number of initial plans, but at no stage was a suitable design agreed upon prior to the formal resubmission in 2012. The proposal again raised a number of design related concerns amongst officers, which were expressed to the applicants. Further plans were received in June 2013, which were consulted upon and now forms the current proposal.
- 6.16 The proposed building would not seek to replicate the design and appearance of the existing or neighbouring buildings, preferring a modern approach that would attempt to respect the height, width and depth proportions of the neighbouring dwellings, albeit the footprint would extend approximately 1.5 metres beyond the front and rear building lines of the 2-storey dwellings.
- 6.17 The proposal is considered to represent good, modern design, whilst being respectful of the character of the surrounding area. In comparison with the existing building, the new building would measure 7.8 metres in height, as opposed to the existing 6.9 metres, incorporating a flat roof rather than replicating the existing pitches. In comparison with the refused scheme, the proposed development would measure 4 metres less.
- 6.18 The external face of the building would be mostly of red brick, which would be used to all elevations, with use of timber cladding (Oakatech or Oca skin) to the upper floors at the front and rear. All door and window frames would be white powder coated.
- 6.19 It is suggested a condition be included to request samples of the facing materials for further assessment, however in principle, the proposed materials are considered to be appropriate, contributing positively to the appearance of the development, whilst relating well with existing properties. The provision of balconies/ terraces contributes to the overall outdoor feel and modern design of the development.

- 6.20 Officers consider the proposed flat roof to be acceptable in appearance, resulting in a significant reduction in overall bulk when compared to the refused development. The provision of a pitched roof would have been likely to compromise the modern appearance of the building, therefore officers raise no objections to this aspect.
- 6.21 In summary, the development is considered to be appropriate in scale, height and massing, respecting the general form of development within the immediate area, and befitting of this location. The applicants will be requested by way of a planning condition to provide external material samples, together with detailed plans of the windows, entrances and brick detailing.

Density

- 6.22 The Council's former density policy (HSG 16) was not among those saved by the Secretary of State, therefore the London Plan now contains the detailed density policies for Development Plan purposes.
- 6.23 The Council's assessment of the nature of the immediate area is that the site falls within a suburban setting, albeit adjacent to a busy highway, therefore any development upon this site must respect the existing character.
- 6.24 The London Plan refers to 'suburban' as being areas with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys.
- 6.25 Guidance states that the Council should make the best use of previously developed land, however such aspirations should not negate the requirement for developments to blend with the surrounding character. Bromley Hill experiences high vehicular movement, providing part of the main route between Catford and Bromley town centres, whilst the Public Transport Accessibility Level (PTAL) for the area is 2. The London Plan Matrix table 3.2 advises that densities in suburban areas should be between 150-250 habitable rooms per hectare.
- 6.26 The density of the proposed scheme is 250 habitable rooms per hectare. Whilst this is the upper limit of the density range given in the London Plan, officers consider that the density would not result in demonstrable harm to the character of the local area or the amenities of neighbouring residential occupiers. Together with the overall quality of the proposal, it is considered that the scheme is compliant with density policies and is therefore acceptable.

Impact Upon Neighbouring Occupiers

- 6.27 Officers have visited the area on several occasions, including the Coniston Road gardens abutting the application site. The Planning Inspector when assessing the previous scheme concluded that its height and proximity to the rear boundary would have an 'obtrusive and dominating impact on outlook of the occupants of the dwellings with Coniston Road.'

- 6.28 The 2-storey projecting element at the rear of the proposed building would be sited 8 metres from the rear boundary, similar to the refused development. As addressed earlier, the proposed building would be 7.8 metres high compared to the refused development which measured a height of 11.7 metres, thereby demonstrating the significant reduction undertaken.
- 6.29 Existing trees close to the rear boundary within the garden of no.21 Coniston Road would be retained, therefore providing natural screening that would serve to further reduce the visual impact of the building, however the occupier of no.21 has stated the trees are overgrown and need to be reduced in height, whilst the development would be more apparent when the trees are bare.
- 6.30 In light of this, the nearest Coniston Road occupiers are concerned that the rear facing living rooms within the proposed development would result in unacceptable overlooking and loss of privacy as occupiers would be more likely to congregate there during daytime and evening hours rather than the bedrooms.
- 6.31 In response, the applicant has agreed to reposition the upper floor living rooms to the front of the building, with the larger bedrooms and kitchens being rear facing.
- 6.32 Officers are satisfied this would address privacy concerns, whilst the scale of the development would avoid being obtrusive and overdominant to neighbouring occupiers on Coniston Road, and would not be to the detriment of their general outlook.
- 6.33 In regard to Bromley Hill dwellings, considering the proposed development would measure only 0.95 metres higher than no.48, whilst sited 6 metres away - further away than no.46 currently is - the visual impact of the proposed building is not considered to be significant upon those occupiers.
- 6.34 All upper floor external balconies/ terraces would be located to the front of the building facing Bromley Hill. The first floor balconies are shown to be fully screened at either end by the flank walls, thereby reducing potential overlooking to the neighbouring Bromley Hill occupiers, however this is not provided to the second floor terraces. It is therefore suggested a condition be included requesting screening details to the terraces, whilst seeking their permanent retention.
- 6.35 Juliette balconies would be provided to the upper floor units at the rear, which at second floor level would serve to prevent access to the flat roof of the 2-storey projecting element. Conditions will ensure these are provided prior to first occupation, whilst preferably, the screens would be frosted to reduce overlooking into the ground floor gardens and neighbouring amenity spaces.
- 6.36 Overall, officers are satisfied the level of visual impact, including overshadowing and overlooking, to existing occupiers would not be significant, and therefore the development would be in compliance with policies.

Standard of Residential Accommodation/ Amenity Space

- 6.37 The Council requires all new residential development to be built to Lifetime Home Standards, in accordance with London Plan policies. The applicants have confirmed the development is fully compliant with these standards.

- 6.38 The layout and circulation of the proposed dual aspect units is considered to be acceptable, and would provide a good standard of accommodation for future occupiers, in accordance with London Plan (2011) standards. Each habitable room would be assured of sufficient natural light intake and outlook.
- 6.39 The application proposes the provision of 2 and 3 bedroom units, thereby in accordance with the adopted Core Strategy which requires a mix of residential units to be provided in schemes to meet housing needs.
- 6.40 The two, 3 bedroom family units would be arranged on the ground floor, with direct access to private rear gardens, both measuring 9 metres deep.
- 6.41 Whilst the upper floor units would have no access to the garden at the rear, all four flats would have use of screened private terraces/ balconies located to the front of the building, measuring 1.2 metres deep. Alternative outdoor space is located at nearby Beckenham Place Park 300 metres to the west, and Shaftesbury Park Recreation Ground 600 metres to the east.
- 6.42 The Planning Inspector raised no objections to the previous scheme not providing outdoor amenity space for the upper floor occupiers, and also identified the 'short distance from a local park'.
- 6.43 Officers raise no concerns to the proposed standard of accommodation within the development.

Highways and Parking

- 6.44 The development proposes four off-street parking spaces within a newly landscaped area to the front of the building. The parking layout responds to previous concerns raised by officers to cars reversing onto Bromley Hill and potential safety concerns to oncoming traffic.
- 6.45 Bromley Hill is a well used road, and is located on a Red Route. All neighbouring dwellings along the side of the application site have front driveways, with some vehicles able to turn within the site to exit in a forward gear. Where there are single track driveways and so a car has to reverse out, the pavement is of a sufficient width to allow the vehicle to wait for a safe opportunity to complete the manoeuvre onto the highway.
- 6.46 With the application site, considering this would be a new build development with four vehicles parked to the front, a layout should be proposed to discourage reverse parking onto the highway. Officers were keen, however, to ensure the frontage would not be comprised entirely of hard landscaping, which would serve to impact negatively upon the immediate area.
- 6.47 The applicant has therefore proposed a mix of hard and soft landscaping, with grass and planting along the side boundaries, and paving to the parking bays and pathway. A central crossover would be formed, with a turning space allowing cars to exit the site in a forward gear.
- 6.48 This is considered to be an acceptable approach, and would significantly reduce the prospect of collisions with oncoming vehicles. This is further assisted by an existing speed camera located nearby.

- 6.49 Objections have been raised toward insufficient off-street parking proposed in the scheme, however officers are satisfied with the provision of four spaces. The frontage cannot accommodate more parking without encouraging reversing onto Bromley Hill. There is unrestricted on-street parking to neighbouring streets, although existing parking pressures are acknowledged.
- 6.50 Policy 6.13 of The London Plan states; ‘The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car-parking provision that can undermine cycling, walking and public transport use.’ ‘In locations with high PTAL, car-free developments should be promoted.’
- 6.51 The PTAL rating for this area is 2, with bus routes operating along Bromley Hill and Bromley Road, whilst Beckenham Train Station lies within a relatively short distance.
- 6.52 The development seeks to encourage cycling as an everyday means of transport for future occupiers, with the provision of secure parking for 10 bicycles.
- 6.53 Officers subsequently raise no objections to the development on Highways grounds, attributed to the parking provision and cycle parking proposed, together with the good public transport within the area.

Landscaping

- 6.54 A 9 metre deep garden would be located at the rear of the building, to be used by the ground floor occupiers only. Existing trees to the rear of the garden would be retained.
- 6.55 At the front of the site, a 0.5 metre high brick wall would be built to the boundary abutting the pavement. The existing driveway coverage would be replaced by permeable paving (Tegula Priora) to alleviate rain water run-off.
- 6.56 Soft landscaping on either side of the driveway would include Acer and Prunis trees, hedges and lawn.
- 6.57 Officers are satisfied with the principle of proposed landscaping works.

Sustainability

- 6.58 The London Plan requires that all new residential developments meet Code Level 4 for Sustainable Homes, together with a reduction in carbon emissions.
- 6.59 In this case, the applicant has advised that the development would meet Code Level 4, with measures including the use of double glazing, water efficient devices to reduce water consumption and energy efficient lighting.
- 6.60 Officers are satisfied with the sustainability methods proposed, and is considered compliant with London Plan policies.

Refuse

- 6.61 An enclosed refuse and recycling store would be located to the side of the building. The applicant has not confirmed, however, where the collection point would be located, therefore it is suggested a condition be included requesting this information.

Community Infrastructure Levy

- 6.62 The Community Infrastructure Levy (CIL) is a levy which was implemented by the London Mayor on 1 April 2012.
- 6.63 This development is considered to be CIL liable. The chargeable development is £35 per m², which must be paid to the Council prior to the commencement of building works.

7.0 Consultations

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

8.0 Conclusion

- 8.1 Officers consider the design and massing of the proposed development to be acceptable, respecting the general character of the area and an appropriate replacement for the existing building. The proposal accords with Policy URB 3 Urban Design, which expects a high standard of design that seeks to complement the scale and character of existing development and its setting, and HSG 5 Layout and Design of New Residential Development, which expects all new residential development to be attractive, to be neighbourly and to meet the functional requirements of all future inhabitants. The standard of proposed accommodation and on-site parking provision is in compliance with guidelines.
- 8.2 For these reasons, it is therefore recommended that planning permission be granted.

9.0 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:

Design and Access Statement including Sustainability Statement (received 24/9/2012), Planting/Paving details (received 25/6/2013), and 000, 100, 110B, 111B, 112C, 114C, 115B, 210C, 212, 310B, 311B, 312B, 313B, 314B (received 27/9/2013)

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 such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
- (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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 above ground level shall commence on site until a detailed schedule and samples of all external materials and finishes 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).

- 5) (a) The building hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.

- (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes 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 any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

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) The proposed refuse facilities 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 HSG 4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- 7) (a) A minimum of 10 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).

- 8) 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).

- 9) (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Saved Policies URB 3 Urban Design and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

- 10) (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

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

- 11) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in any elevation of the building other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 12) The whole of the amenity spaces (including terraces and balconies) hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy HSG 7 Gardens in the Unitary Development Plan (July 2004).

- 13) 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 element to the rear of the building 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).

- 14) The whole of the car parking accommodation shown on drawing no.111B hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter. In the interests of safety, details shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development that proposes measures to ensure future occupiers are advised to exit the site in forward gear only.

Reason: To ensure the permanent retention of the space for parking purposes, to ensure that the use of the building does not increase on-street parking in the vicinity, to ensure highway safety, and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011) and Table 6.1 of the London Plan (July 2011).

- 15) The proposed rainwater run-off measures, including the laying of permeable paving shall be implemented in full prior to first occupation of the residential units.

Reason: To ensure the development is in compliance with Policies 8 Sustainable Design and Construction and Energy Efficiency and 10 Managing and Reducing the Risk of Flooding of the adopted Core Strategy (June 2011).

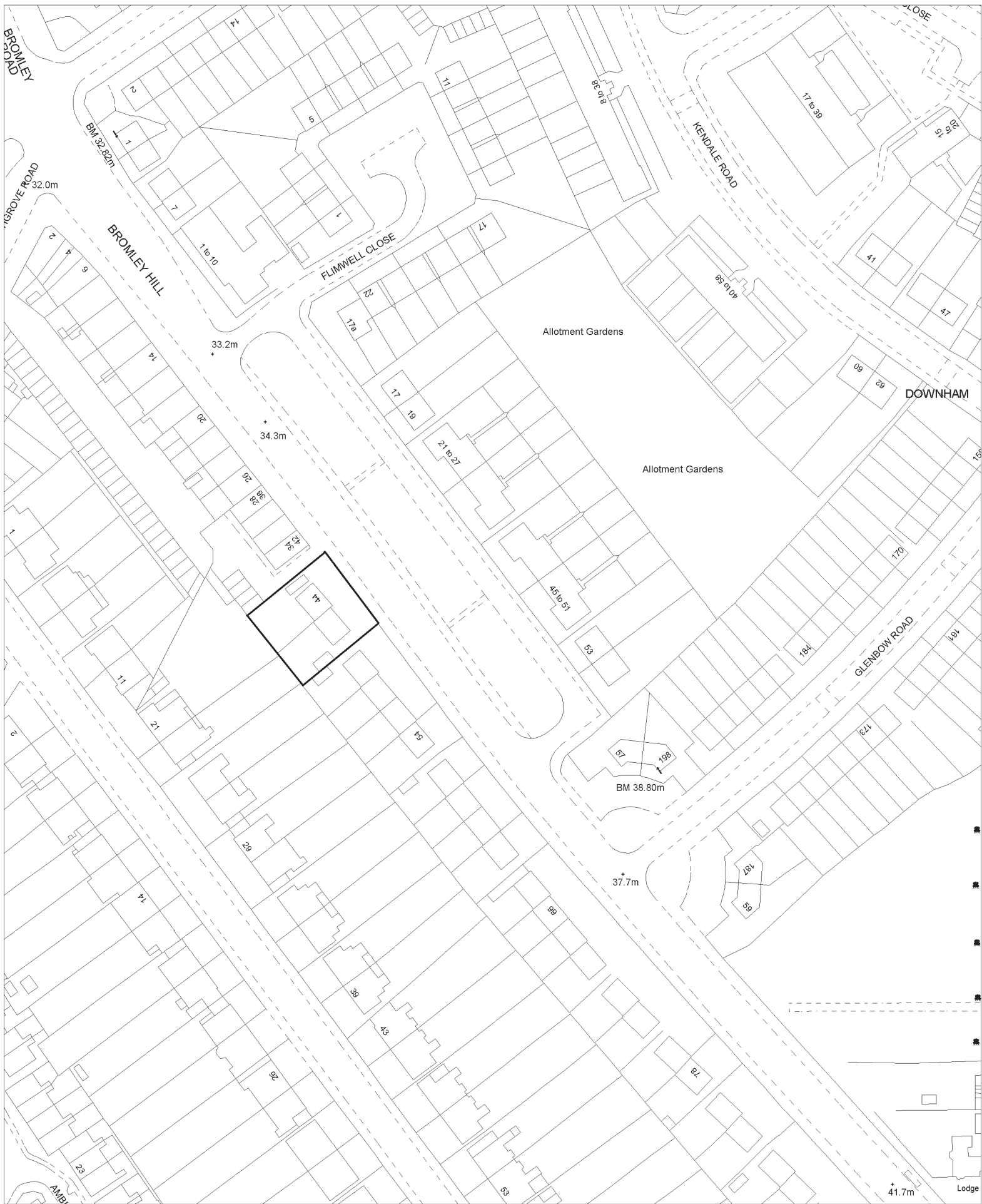
- 16) Details of second floor terrace screening shall be submitted to and approved in writing by the local planning authority, and shall thereafter be fully installed and maintained prior to first occupation of the residential units hereby approved.

Reason: To avoid the direct overlooking of neighbouring properties and consequent loss of privacy thereto and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (2011), and saved policies URB 3 Urban Design and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (2004).

Informatives

- 1) **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.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. The Council will issue you with a CIL liability notice detailing the CIL payable shortly. For CIL purposes, planning permission permits development as at the date of this notice. However, before development commences you must submit a CIL Commencement Notice to the council. More information on the CIL is available at: -
<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11> (Department of Communities and Local Government) and
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- 3) The applicant is advised to contact Transport for London in respect of works relating to the formation of a new crossover, the reinstatement of kerbs to the existing crossovers and the repositioning of the existing lamppost.

44-46 Bromley Hill BR1



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Committee	PLANNING COMMITTEE C	
Report Title	47 Sydenham Road SE26 5EX	
Ward	Sydenham	
Contributors	Sean O'Sullivan	
Class	PART 1	Date: 10 OCTOBER 2013

<u>Reg. Nos.</u>	DC/13/83513
<u>Application dated</u>	14.05.13
<u>Applicant</u>	Mr Fidyk
<u>Proposal</u>	The construction of a double garage to the rear of 47 Sydenham Road SE26.
<u>Applicant's Plan Nos.</u>	Drawing nos. G500/101 Rev C, 102, LP01, Design & Access Statement.
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/180/47 (3) Adopted Unitary Development Plan (July 2004) (4) Local Development Framework Documents (5) The London Plan (6) Development Management Local Plan – Proposed Submission Version August 2013
<u>Designation</u>	PTAL 4
<u>Screening</u>	Not applicable.

1.0 Property/Site Description

- 1.1 The application relates to construction of a double garage to the rear of 47 Sydenham Road SE26. Access to the rear of the site is by Queensthorpe Mews.
- 1.2 The site is within the Sydenham Thorpes Conservation Area, which in this part, is not subject to any Article 4 Direction. The site is not within the vicinity of any Listed building. Sydenham Road is an classified as a B Road and the site has a PTAL of 4.

2.0 Planning History

- 2.1 DC/12/81260 - The construction of a double garage to the rear of 47 Sydenham Road SE26. APPLICATION WITHDRAWN

3.0 Current Planning Applications

- 3.1 The current proposal is for the construction of a double garage to the rear of 47 Sydenham Road SE26, which would replace a previous garage, which has been demolished. The garage would be built up to the rear boundary of the site and the main vehicle door would face directly on to Queensthorpe Mews.

- 3.2 The garage would have a green roof and it would be 3.15 metres high to the top of the brick coping. The garage would extend 6.4 metres back towards the rear wall of 47 Sydenham Road from the rear boundary of the site and it would be 4.7 metres wide.

4.0 Consultation

- 4.1 Letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors.

Pre-Application Consultation

- 4.2 Following the withdrawal of the previous application for a double garage to the rear of 47 Sydenham Road, the Planning Officer and Conservation Officer were consulted and comments were given suggesting what would be acceptable on the site.

Written Responses received from Local Residents and Organisations

- 4.3 A letter of objection signed by the occupiers of 6-7 and 8 Queensthorpe Mews and 45 and 49 Sydenham Road, raising the following concerns:

- the height of the garage proposed would be “visually overwhelming”;
- built closer to the roadway than the previous garage;
- compromise use of existing workshop access and other businesses in Queensthorpe Mews;
- distance between garage door and workshop opposite causing manoeuvring problems;
- impossible for a vehicle to manoeuvre into the garage

(Letters are available to members).

Conservation Officer

- 4.4 No objection raised.

Highways and Transportation

- 4.5 Please refer to the “Highways and Traffic Issues” section of this report.

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 27th 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)

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 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable Drainage

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.19 Biodiversity and access to nature conservation

London Plan Supplementary Planning Guidance (SPG)

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

Sustainable Design and Construction (2006)

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:

Objective 5: Climate change

Objective 10: Protect and enhance Lewisham's character

Core Strategy Policy 7: Climate change and adapting to the effects

Core Strategy Policy 8: Sustainable design and construction and energy efficiency

Core Strategy Policy 15: High quality design for Lewisham

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

Unitary Development Plan (2004)

5.11 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

HSG 4 Residential Amenity

Emerging

5.12 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).

5.13 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. Following the close of public consultation on 4 October 2013 the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public. 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 30 Urban design and local character

- *General principles*
- *Detailed design issues*

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

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*
- *C. Listed Buildings*
- *D. Scheduled Ancient Monuments and Registered Parks and Gardens*

6.0 Planning Considerations

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

- a) Impact on Sydenham Thorpes Conservation Area
- b) Impact on Adjoining Properties
- c) Highways and Traffic Issues
- d) Sustainability and Energy

Impact on Sydenham Thorpes Conservation Area

6.2 It is stated in Part B of DM Policy 36 of the Development Management Local Plan – Proposed Submission Version August 2013, that the Council will pay special attention to the special interests of Conservation Areas and the desirability of preserving and enhancing their character and appearance and will not grant planning permission where new development or alterations and extensions to existing buildings would be incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

6.3 The proposal is for a garage to the rear of 47 Sydenham Road. The garage would be built up to the rear boundary of the site and the main vehicle door would face directly on to Queensthorpe Mews. The garage would have a green roof. The main vehicle door would be metal and coloured black and the smaller passenger door would be timber and painted black. The brickwork would be salvaged London stock brick lay, in an English bond with recessed pointing. The brick arches above both doors would be red brick.

6.4 The proposed garage building would be of a high design quality, which would enhance the character and appearance of Queensthorpe Mews and the Sydenham Thorpes Conservation Area.

Impact on Adjoining Properties

6.5 The garage would have a green roof and it would be 3.15 metres high to the top of the brick coping. The garage would have a similar appearance and be of a similar scale and massing to other buildings within Queensthorpe Mews and would not be visually overwhelming. There would be no significant impact caused to neighbouring residential amenities caused by the proposed garage building.

Highways and Traffic Issues

- 6.6 The width of Queensthorpe Mews where the garage would be located is, according to the Council's GIS system, 4.7 metres. Highways officers consider that this width would allow motor vehicles to access and egress from the proposed garage into Queensthorpe Mews. Any obstruction to the free movement of motor vehicles using Queensthorpe Mews is a private matter.

Sustainability and Energy

- 6.7 The use of a green roof in this location is welcomed. There are no other significant sustainability issues to be considered with the proposal.

7.0 Conclusion

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

- 7.2 Officers consider that the design and appearance of the proposed development would enhance the character and appearance of Queensthorpe Mews and the Sydenham Thorpes Conservation Area and is acceptable.

8.0 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: G500/101 Rev C, 102, LP01, Design & Access 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 new external finishes, including works of making good, shall be carried out other than in materials to match the existing property.

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 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) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the garage shall be used for the garaging or storage of motor vehicles only or for purposes ancillary to the business use of the premises known as 47 Sydenham Road, London SE26 5EX and shall not be used as living accommodation and no trade or business unconnected to the main premises shall be carried on therefrom.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004).

- (5) No goods, merchandise, materials or thing of any description shall be stacked or stored on the roof of the garage building hereby approved.

Reason: To ensure the garage is for use for the business only. The application has been assessed only in terms of this restricted use and any other use may have an adverse affect on the character and amenity of the area contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004).

- (6) (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan no. G500/101c hereby approved and maintained thereafter.
- (b) The living roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) and Core Strategy Policy 10 managing and reducing flood risk and Core Strategy Policy 12 Open space and environmental assets.

INFORMATIVES

- (1) **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.

- (2) 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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47 Sydenham Road SE26



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Committee	PLANNING COMMITTEE C	
Report Title	58 Somertrees Avenue, SE12 0BY	
Ward	Grove Park	
Contributors	Sean O'Sullivan	
Class	PART 1	Date: 10 OCTOBER 2013

Reg. Nos. DC/13/83458

Application dated 07.05.13

Applicant Dr A Rubbani

Proposal The construction of an extension at first floor level above an existing ground floor extension to the rear of 58 Somertrees Avenue SE12, and the installation of a side facing bedroom window to the existing dwelling at first floor level.

Applicant's Plan Nos. Drawing nos. 1765-5,1765-6, 1765-7,1765-8A, 1765-9A, 1765-10A, 1765-11A & Site Location Plan.

Background Papers

- (1) This is Background Papers List
- (2) Case File LE/346/581
- (3) Adopted Unitary Development Plan (July 2004)
- (4) Local Development Framework Documents
- (5) The London Plan
- (6) Development Management Local Plan – Proposed Submission Version August 2013

Designation PTAL 3

Screening Not applicable.

1.0 Property/Site Description

1.1 The application relates to a two storey, semi-detached, three bedroom, single family dwelling which, is located on the northern side of Somertrees Avenue. The property has a garden area to the rear. The property is located in a residential area, which includes other semi-detached and terraced properties.

1.2 The property is not within a conservation area or subject to any Article 4 Direction, nor is it within the vicinity of any Listed building. Somertrees Avenue is an unclassified road and the site has a PTAL of 3.

2.0 Planning History

2.1 DC/12/81427 - The construction of a first floor extension at the rear of 58 Somertrees Avenue SE12.
APPLICATION WITHDRAWN

3.0 Current Planning Applications

- 3.1 The current proposal is for the construction of an extension at first floor level above an existing ground floor extension to the rear of 58 Somertrees Avenue SE12, and the installation of a side facing bedroom window to the existing dwelling at first floor level.
- 3.2 A rear ground floor extension has been built on site and is almost complete. The parapet flank wall to the ground floor extension facing the neighbouring property at 56 Somertrees Avenue, appears to be 3.2 metres above ground level and the flat roof would be 3.0 metres high. The ground floor extension extends 3.0 metres from the original rear wall of the dwellinghouse and includes an extended kitchen area and a wc.
- 3.3 The first floor extension would extend 3.0 metres from the original rear wall of the dwellinghouse and both the flank wall of the extension facing 60 Somertrees Avenue and the rear wall, would be flush with the corresponding walls of the ground floor extension beneath. The opposite flank wall of the proposed first floor extension would be set 2.4 metres away from the side boundary with the neighbouring property at 56 Somertrees Avenue.
- 3.4 The pitched roof above the first floor extension, would be hip ended. The eaves of the first floor extension would be 5.4 metres above ground level and the ridge of the roof of the first floor extension would be 6.7 metres above ground level. The first floor rear extension would include an additional bedroom. The proposal includes the installation of a side facing bedroom window to the existing dwelling at first floor level, facing 60 Somertrees Avenue.

4.0 Consultation

- 4.1 Letters were sent to residents in the surrounding area and the relevant ward Councillors.

Pre-Application Consultation

- 4.2 Not applicable.

Written Responses received from Local Residents and Organisations

- 4.3 Four letters of objection have been received from the occupiers of 46, 48, 50 and 60 Somertrees Avenue, raising the following concerns:
- proposed development would be visually obtrusive, over dominant and out of character with the host building and neighbouring properties;
 - the heights and depth of extension proposed;
 - loss of privacy resulting from side window proposed at first floor level in the existing house;
 - loss of daylight to neighbouring properties;

- allowing a first floor extension would create an unwanted precedent;
- majority of properties in surrounding area are east and similar development would cause a loss of sunlight and daylight to neighbouring properties;
- proposed development does not integrate with the surrounding area;
- proposed brickwork out of character with the host dwelling;
- a loft conversion would be an alternative to a first floor extension;
- objective of proposal is creation of a separate dwelling;
- possibility of a conversion to a house in multiple occupation.

(Letters are available to members).

Highways and Transportation

4.4 No objection received.

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 27th 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)
Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)
Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)
Guidance on Tall Buildings (English Heritage/CABE, July 2007)
Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010)

London Plan (July 2011)

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

Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.14 Existing housing
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 7.4 Local character
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)
Sustainable Design and Construction (2006)

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:

Objective 5: Climate change
Objective 10: Protect and enhance Lewisham's character
Core Strategy Policy 7: Climate change and adapting to the effects
Core Strategy Policy 8: Sustainable design and construction and energy efficiency
Core Strategy Policy 15: High quality design for Lewisham

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
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 7 Gardens
HSG 12 Residential Extensions

Residential Standards Supplementary Planning Document (August 2006)

- 5.12 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

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. Following the close of public consultation on 4 October 2013 the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public. 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 30 Urban design and local character

- *General principles*
- *Detailed design issues*

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

6.0 Planning Considerations

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

- a) Design
- b) Impact on Adjoining Properties
- c) Sustainability and Energy

Design

- 6.2 National and local planning policies place considerable emphasis on the importance of achieving high quality design that complements existing development, established townscape and character. It is stated in paragraph 56 of the NPPF that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” It is also stated in paragraph 57 of the NPPF that “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”
- 6.3 It is stated in DM Policy 30 (Urban design and local character) of the Development Management Local Plan – Proposed Submission Version August 2013, that “*The Council will require all development to attain a high standard of design.*” DM Policy 31 sets out how to achieve good quality and well designed alterations and extensions.
- 6.4 The application is for a first floor rear extension above part of an existing ground floor extension. The roof component of the proposed extension would be pitched and hip ended. The first floor extension would be set away from the neighbouring property at 56 Somertrees Avenue. The proposed first floor extension, combined with the existing ground floor extension, would appear subordinate to the existing dwelling and they would be of an acceptable appearance in relation to the existing property and the surrounding area.

Impact on Adjoining Properties

- 6.5 It is stated in DM Policy 31 (Alterations and extensions to existing buildings including residential extensions) of the Development Management Local Plan – Proposed Submission Version August 2013, that “*residential extensions, roof terraces and balconies and non-residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens*”.
- 6.6 The flank wall of the proposed first floor extension facing 56 Somertrees Avenue would be set 2.4 metres away from the side boundary with this neighbouring property. The proposed first floor extension would cause no significant visual intrusion, loss of outlook, loss of daylight or increase in the sense of enclosure to the rear 56 Somertrees Avenue.
- 6.7 The original rear wall of the dwellinghouse at 58, is set approximately 3 metres forward of the rear wall at 60 Somertrees Avenue. The proposed first floor extension would therefore cause no significant visual intrusion, loss of outlook, loss of daylight or increase in the sense of enclosure to the rear of this neighbouring property.
- 6.8 The bedroom window installed in the flank wall at first floor level of the existing dwelling, along with the proposed first floor extension, would not cause any significant loss of amenities to the side of 60 Somertrees

Avenue, as there are no windows in the flank wall of this property facing 58. The area to the side of 60 Somertrees Avenue allows access to the rear garden of this property from the public highway, by an approximately 2 metre high closeboard timber gate attached to the rear corner of this neighbouring dwelling house.

- 6.9 The rear window to the first floor extension would cause a slight increase in overlooking of the rear garden areas neighbouring properties. However, any loss of privacy caused to these properties, would not be significant enough to warrant refusal. There are no other significant amenity issues to consider with the proposed scheme.

Sustainability and Energy

- 6.10 It is stated in Core Strategy, Policy 8 all new residential development will be required to achieve a minimum of Level 4 standards in the Code for Sustainable Homes from 1 April 2011. However, it is considered for a development of the scale proposed, it is not necessary to incorporate renewable energy facilities.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 On balance, Officers consider that the design, appearance and impact upon neighbouring properties is acceptable.

8.0 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:

1765-5, 1765-6, 1765-7, 1765-8A, 1765-9A, 1765-10A, 1765-11A & Site Location Plan.

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 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) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no formation of any door providing access to the roof of the existing ground floor extension shall be carried out allowing 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).

INFORMATIVES

- (1) **Positive 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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.
- (2) 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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58 Somertrees Avenue SE12



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Committee	PLANNING COMMITTEE C	
Report Title	40-42 MONTEM ROAD SE23	
Ward	Crofton Park	
Contributors	S Isaacson	
Class	PART 1	Date: 10 OCT 2013

Reg. Nos. DC/13/83504

Application dated 13.5.13 as revised on 4.9.13

Applicant Robinson Escott Planning on behalf of Grangewalk Developments Ltd

Proposal An application submitted under Section 73 of the Town & Country Planning Act 1990 for a minor material amendment to allow the installation of balconies on the northern and eastern elevations, in connection with the planning permission dated 18 January 2008 (DC/07/65998) for the demolition of the existing pair of semi-detached properties and the construction of part two-storey / part three-storey block on the site of 40-42 Montem Road SE23, comprising 8 two bedroom and 4 one bedroom self-contained flats, together with associated landscaping and provision of bin stores, 12 cycle spaces and 7 car parking spaces with access onto Montem Road (previously amended by non-material amendment DC/12/81814).

Applicant's Plan Nos. 4003-PD-001 Rev-C, 002 Rev-C, 003 Rev-C, 004 Rev-C, 005 Revision A, Coloured Montage Photograph, 4003-PD-010 Rev A, GWD-09/100 Rev.A, Materials of External Surfaces Schedule (Rev-C), Energy Strategy Options Appraisal, site location plan & letter dated 20 December 2010, 908-E-001, 908-P-100, 908-P-101A, 908-P-102, 908-P-103, 908-P-105, 908-P-106 & 908-P-107 and New Planning Design & Access Statement - June 2007 approved under DC/07/65998 & 65998A; GWD-09/100 Rev A approved under DC/10/75561);

Background Papers

- (1) Case File LE/650/40/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation Existing Use

1.0 Property/Site Description

- 1.1 The site formerly consisted of a pair of semi-detached residential properties on a corner plot, with Montem Road to the front and Brockley Park running along the northern edge of the site, whilst to the rear is Osborn Lane.
- 1.2 The site is being developed by the construction of an L-shaped housing block containing 12 flats. The site is approximately 0.144 hectares in area, has a width of 20m and a depth of 49m.

- 1.3 Montem Road has a steep gradient, sloping from south to north. Brockley Park, to the north, also slopes, rising in a westerly direction.
- 1.4 The properties facing Montem Road are predominantly semi-detached properties of a similar style to those formerly on the application site, with capped double gable features to the front and tiled hipped roofs, though there are a smaller number of terraced properties throughout the area.
- 1.5 The properties sited on Brockley Park are different in character to those on Montem Road, being modern, flat-roofed buildings with wooden cladding to the front/rear elevations. The properties on the northern side of Brockley Park are rear facing, being part of Owens Way. These properties have small rear gardens and wooden boundary fences.

2.0 Planning History

- 2.1 Planning permission was granted in January 2008 for the demolition of the existing pair of semi-detached properties and the construction of part two-storey / part three-storey block on the site of 40-42 Montem Road SE23, comprising 8 two-bedroom and 4 one-bedroom self-contained flats, together with associated landscaping and provision of bin stores, 12 cycle spaces and 7 car parking spaces with access onto Montem Road (DC/07/65998).
- 2.2 The permission has been implemented and a number of minor variations have been allowed during construction. Conditions attached to the main permission were approved in May 2011 (DC/10/75561) and March 2012 (DC/11/78989). Non-material amendments were approved under DC/11/77617, DC/12/79148 and DC/12/81814, and minor material amendment under DC/12/81948 in order to change the 12 air source heat pumps to 46 photovoltaic panels in line with the 20% requirement for reduction on site of CO2 emissions from renewable energy.

3.0 Current Planning Application

The Proposal

- 3.1 The current application is for a minor material amendment to allow the variation of the original planning permission to add balconies to flats 4, 6, 9, 10, 11 & 12 on the northern and eastern elevations.
- 3.2 The application originally submitted and consulted on included the addition of balconies to flats 3 and 5 on the west-facing elevation of the building. These have now been omitted from the scheme.

Supporting Documents

- 3.3 In the letter supporting the application, the agent has stated that the balconies will provide useful external amenity space for the occupants of the flats, improving their access to fresh air, sunlight and daylight. With regard to the (now-removed) balconies for flats 3 and 5, they confirmed that: *"To safeguard the privacy of the occupants of the dwellings to the south, privacy screens are shown on the southern side of balconies to flats 3 and 5, the outlook from which would otherwise face directly southwards causing potential overlooking."*
- 3.4 The applicant has also submitted montage photographs showing the anticipated appearance of the block of flats including the proposed balconies.

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.

4.3 Three letters have been received, from the occupiers of 38 Montem Road, Flat 1 in 59 Brockley Park and 31 Owens Way, raising the following objections:-

- Significant overlooking and loss of privacy;
- The occupier of Flat 1, 59 Brockley Park lives opposite the building and considers it is bad enough having 12 flats opposite, overlooking his home, but is really concerned if the flats are allowed to have balconies, and their residents are even more able to see into other peoples homes and gardens from them.
- The occupier of 38 Montem Road is most concerned about overlooking from proposed balconies 3 and 5, and also mentions problems experienced during earlier phases of the development, when the developers failed to adequately secure the site, thereby allowing violent and abusive squatters into the neighbourhood, illegal flytipping of potentially hazardous materials, plus working outside authorised hours,

(Letters are available to Members)

5.0 Policy Context

Introduction

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

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

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 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 27th 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)

London Plan (July 2011)

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

Policy 3.5 Quality and design of housing developments
Policy 7.4 Local character
Policy 7.6 Architecture

Core Strategy

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

Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 15 High Quality Design for Lewisham

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment
URB 3 Urban Design
URB 6 Alterations and Extensions
ENV.PRO 11 Noise Generating Development
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development

Residential Standards Supplementary Planning Document (August 2006)

5.10 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

5.11 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).

5.12 The following emerging plans are relevant to this application:-

Development Management Plan

5.13 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Following the close of public consultation on 4 October 2013 the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public. 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.

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

DM Policy 30 Urban design and local character
DM Policy 31 Alterations and extensions to existing buildings including residential extension

6.0 Planning Considerations

- 6.1 The main issues to be considered are the impact of the proposed balconies on the overall design of the block and whether they cause any overlooking or loss of privacy to neighbouring residential properties.

Design

- 6.2 The proposed balconies would be supported on steel frames, and be coloured to match the main fenestration of the building. In overall design terms, they are considered to be satisfactory in principle and well-detailed. The applicant has confirmed that they would be powder-coated and colour matched to the grey of the windows. He has also confirmed that the underside of the balconies would also be timber boarded, so that their appearance when viewed from underneath, i.e. from street level, would also be satisfactory.
- 6.3 The applicant has opined that: *"The balconies will improve the appearance of the building by creating more texture and depth."* and officers agree with this view.

Impact on Adjoining Properties

- 6.4 Following a site visit, the applicant was advised that the balconies that were originally proposed for flats 3 and 5 were unacceptable on the grounds that, although the proposed privacy screens would prevent direct overlooking into windows in the neighbouring property at 38 Montem Road, they would only have a limited effect in preventing significant overlooking of the garden of this property. As stated above, the applicant was advised that these two balconies were unacceptable and that the application was likely to be refused unless they were removed.
- 6.5 The applicant has agreed to the removal of these balconies and has submitted revised plan and elevation drawings to reflect the changes.
- 6.6 With regard to the impact of the proposed balconies on the amenities of residents across the width of Montem Road and Brockley Park, the following facts are pertinent. 59 Brockley Park lies directly opposite the new block, on the north side of Brockley Park. It is a two-storey property, set in spacious grounds, with a substantial front garden, measuring over 10 metres deep by 20 metres wide. The front garden contains several parking spaces and there are three mature trees along the front boundary.
- 6.7 The measurement from the front boundary of 59 Brockley Park to the northern boundary of the application site exceeds 22 metres, such that the facing buildings are some 26 metres apart. This distance is sufficient to ensure that undue mutual overlooking does not occur.
- 6.8 The occupier of 31 Owens Way also objects on similar grounds of overlooking and loss of privacy. This property is part of a block of modern houses built in the late 70's on the north side of Brockley Park, and this group step in pairs slightly upwards up the hill towards the west. They have fairly small upper floor windows in the timber front elevation.

- 6.9 Their front gardens measure about 7 metres deep, and the distance from 31 Brockley Park to the corner of the application site is some 22 metres. No. 31 has a somewhat oblique view across to the site, whereas other properties in this terrace e.g. Nos. 33-35, directly face the site. The distance between the front elevations of 35-35 Owens Way and the new block is 24.5 metres. Again, this is considered to be sufficient to prevent undue overlooking / loss of privacy.
- 6.10 The balconies originally proposed for flats 3 and 5 would have resulted in significant overlooking and loss of privacy to the occupiers of 38 Montem Road, and these have now been removed from the scheme. Overall, the proposed balconies on the northern and eastern elevations of the building do not cause a significant loss of amenity to adjoining occupiers.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 On balance, officers consider that the proposal constitutes a satisfactory alteration to the appearance of the block and does not cause demonstrable harm to neighbouring occupiers through overlooking or loss of privacy and the scheme is therefore considered acceptable.

8.0 RECOMMENDATION: APPROVE the minor material amendments, subject to the following conditions:-

- 1 The development shall be constructed in those materials as submitted and approved on 27/5/11 (DC/10/75561), as revised by the approval dated 2/3/12 (DC/11/78989) and in full accordance with the approved plans as set out above.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 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).

- 2 Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), 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 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).

- 3 No goods, merchandise, materials or thing of any description shall be stacked or stored on the roof of the building hereby approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004).

- 4 The whole of the car parking accommodation shown on drawing no..4003-PD-01 approved on 19/7/11 (DC/11/77617) shall be provided prior to the occupation of any of the residential units and retained permanently thereafter.

Reason: To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the building does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011) and Table 6.1 of the London Plan (July 2011).

- 5 The landscaping of the development shall be implemented in accordance with the details approved on 27/5/11 (DC/10/75561) and all landscaping works which form part of the approved scheme shall be carried out in the first planting and seeding seasons following the completion of the development. 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 Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design and URB 12 Landscape and Development of the Unitary Development Plan (July 2004).

- 6 The trees to be retained and their root areas shall be protected during construction in accordance with the details as approved under application DC/10/75561 as granted on 27 May 2011.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets 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 Construction works shall be carried out in accordance with the Dust Mitigation information as approved under DC/10/75561 as granted 27 May 2011.

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).

- 8 Wheel cleaning, dust laying and road sweeping shall be carried out in accordance with the details agreed in application DC/10/75561 as granted 27 May 2011.

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).

- 9 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 roof on the buildings 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).

- 10 (a) A minimum of 12 secure and dry cycle parking spaces shall be provided within the development as indicated on plan 4003-PD-001 Rev B hereby approved.
- (b) 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).

- 11 None of the trees on site shall be lopped or felled. without prior consent of the local planning authority.

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).

- 12 (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan no. 4003-PD-101 Rev A as approved on 27/3/12 (DC/11/78989) and maintained thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) and Core Strategy Policy 10 managing and reducing flood risk and Core Strategy Policy 12 Open space and environmental assets.

- 13 The 46 photovoltaic panels to provide the on-site renewable energy provision shall be installed on site in accordance with the details on 16/1/13 (DC/12/81948) prior to the occupation of any of the residential units, and maintained permanently thereafter.

Reason:- In the interests of general sustainability of the development in compliance with STR.OBJ 2 To support and Promote Sustainable Patterns of Development in the adopted Unitary Development Plan (July 2004).

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

4003-PD-001 Rev-C, 002 Rev-C, 003 Rev-C, 004 Rev-C, 005 Revision A, Coloured Montage Photograph.

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.

INFORMATIVES

- (1) 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.

40-42 Montem Road SE23



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