

PLANNING COMMITTEE C

Date of Meeting: **TUESDAY, 6 MAY 2014 TIME 7.30 PM**

PLACE: **LEWISHAM METHODIST CHURCH,
ALBION WAY, LEWISHAM SE13 6BT**

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**

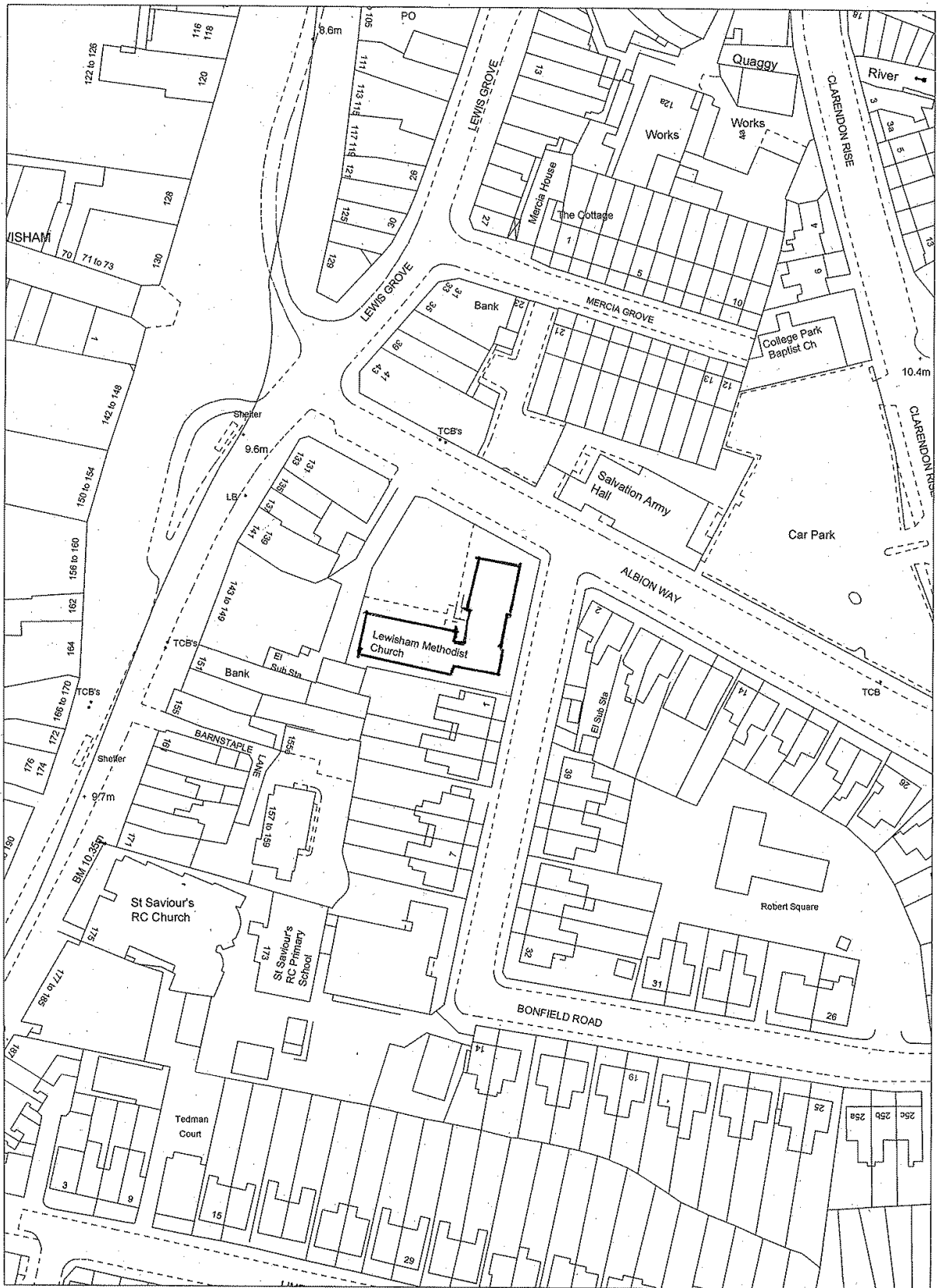
The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Barry Quirk
Chief Executive
5th Floor Laurence House
Catford Road SE6 4RU
Date: Thursday, 24 April 2014**

**For further information please contact:
Patricia Simpson Committee Co-ordinator
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This plan forms no part of a planning application

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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 06 MAY 2014

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: 06 MAY 2014

MINUTES

To approve the minutes of the Planning Committee (C) meeting held on the 27 March 2014.

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Committee	PLANNING COMMITTEE C	
Report Title	Site of 136A TANNERS HILL SE8 4QD	
Ward	Brockley	
Contributors	Jan Mondrzejewski	
Class	PART 1	06 MAY 2014

<u>Reg. Nos.</u>	DC/14/86416
<u>Application dated</u>	07.02.2014 [as amended on 08.04.2014 & 14.04.2014]
<u>Applicant</u>	Stephen Davy, Peter Smith Architects on behalf of Academy Land (Lewisham) Ltd.
<u>Proposal</u>	The demolition of existing commercial/storage buildings on the site of 136A Tanners Hill SE8 and the construction of 4 three storey, 3 bedroom houses and a four storey building to provide 2 two bedroom and 2 one bedroom self-contained flats with the provision of 4 car parking spaces, associated refuse/recycling and cycle storage.
<u>Applicant's Plan Nos.</u>	1232(PL)010, 020, 100, 101, 112, 113, 200, 201 Rev A & 300, Design & Access Statement, Transport Statement, Sustainability Statement, Daylight and Sunlight Study (Neighbouring Properties), Daylight and Sunlight Study (Within Development).
<u>Background Papers</u>	(1) Case File DE/282/136/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Site Allocations Local Plan – Site Ref SA41 Housing
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site comprises vacant industrial premises at the rear of Nos 124-136 Tanner's Hill. The site comprises an area of open yard with a two storey building in the north west part of the site and a single storey building in the east part of the site. The land falls towards the south west. Access is from Tanner's Hill under a flying freehold at No 136. The site was in use in the 1980s by a printing and office supplies company (Swallow and Hicks) and in 2006 as a building contractor's office and yard. The site was last occupied as B1 Artist Studio (Eutrophia) who vacated the site in 2012 since which time the site has been vacant.

- 1.2 To the south east of the site are buildings fronting Tanner's Hill. The buildings between Nos. 124 and 136 comprise mid to late Victorian purpose built shops with residential accommodation above. The small rear yards of the shops back on to the application site.
- 1.3 With the adjoining sites of 120 & 122a Tanners Hill and a smaller site to the rear of No 136a, known as the Crown Works, the application site has been identified in the Council's Site Allocations Local Plan for residential development. In January 2014, planning permission was granted for a residential development of the combined sites of 120, 122a and 136 (Crown Works) comprising a total of 58 units. This development by Notting Hill Housing will border the application site to the north and east.
- 1.4 To the south west of the site is the car park of the Big Yellow self storage development fronting Lewisham Way. The application site is at a higher level than that development and along with the properties in Tanner's Hill is supported by a retaining wall.
- 1.5 The site formerly provided access to a vehicle repair premises at 136 Tanners Hill (Crown Works) located to the rear via a right of access from Tanner's Hill. This site now forms part of the proposed Notting Hill Housing development at 120 Tanner's Hill and will be served by a new access road which forms part of that development. This means that the site which is the subject of the current application can now be developed for residential purposes without having to maintain this right of access. Most of the adjoining shops in Tanner's Hill which back onto the western boundary of the application site are now in wholly residential use.

2.0 Planning History

- 2.1 Until 1965 the premises was used for the manufacture of tubular steel framed furniture. Planning permission was granted in 1965 for the adaptation and extension of the premises for plan printing and storage of drawing office equipment (Swallow and Hicks).
- 2.2 In April 2005 planning permission was refused for the reconstruction of the two storey commercial building at the site for the following reason:-
The proposed two storey building would by reason of its height and bulk have a detrimental impact on the domestic gardens at the rear of 126-134 (even) Tanner's Hill and would therefore be contrary to Policy URB 2 of the Council's Adopted Unitary Development plan (Adopted July 2004).
- 2.3 In 2006 planning permission (DC/06/62689) was granted for the demolition of existing buildings on the site to the rear of 136 Tanners Hill SE8 and the construction of a two storey terrace of 5 two bedroom houses and 1 one bedroom unit over a carport providing 3 car parking spaces within, together with associated landscaping, provision of bicycle and refuse stores and a further 3 car parking spaces.
- 2.4 In December 2011 planning permission (DC/11/76379) was granted for the demolition of existing commercial/storage buildings on the site of 136A Tanners Hill SE8 and the construction of 1, two storey and 1, part three/part four storey blocks to provide 6 two bedroom and 3 one bedroom flats together with the

provision of 7 car parking spaces, refuse storage and cycle storage and pedestrian/vehicular access onto Tanners Hill.

- 2.5 In September 2012, planning permission (DC/12/79421) was granted for a non material amendment in connection with planning permission (DC/11/76379). This non material amendment reduced the size of the footprint of Block 1 and provided 3 one bedroom flats in place of 3 two bedroom flat originally approved on the north west side of the building, thereby providing a total of 6 one bedroom and 3 two bedroom flats within the proposed development.
- 2.6 This amendment was driven by the necessity to ensure that the existing right of way to Crown Works at the rear remained unimpeded, thereby enabling the development to take place with the Crown Works continuing in use without prejudicing any future development of that site.
- 2.7 In November 2011, planning permission was granted under Section 96a of the Town & Country Planning Act 1990 for a further non-material amendment to the planning permission granted on 20 December 2011 (DC/11/7379). This was for a variation of the requirement to submit the relevant details prior to the commencement of development works in respect to Conditions (1), (5), (6) and (8)(ii) and in respect of Condition (3)(a) to vary the requirement to submit the relevant details prior to works of demolition of the existing buildings or site investigation works associated with the development. The demolition of the buildings was sought at this stage in order to allow the site to be tested for the presence of contamination.

3.0 Current Planning Applications

The Proposals

- 3.1 The current application is for the demolition of the existing commercial/storage buildings on the site and the construction of a part three, part four storey block comprising 4, three storey, 3 bedroom houses and 2, two bedroom and 2, one bedroom self-contained flats. The flats would be provided within the four storey element. The scheme includes the provision of 4 car parking spaces, associated refuse/recycling provision and cycle storage.
- 3.2 The proposed three storey houses are arranged in a terrace fronting an access road with the four storey element at the south west end. The four storey element is somewhat deeper and extends to within a metre of the rear boundary of the site. Four off-street parking spaces are proposed to be located to the rear of Nos 124-130 Tanner's Hill.
- 3.3 The houses are proposed with rear gardens varying in length between 6 and 9 metres and also have roof terraces to the second floor master bedrooms. In the scheme as originally submitted the terraces were approximately 3m x 4m in area. The depth of the roof terraces has been reduced by 1.3 metres by the addition of a 1.1 metre high planter behind the front parapet. The front parapet has also been raised to 1.3 metres so as to minimise potential overlooking to the rear gardens of properties in Tanner's Hill. The ground floor flat has a garden area of 9.5m in width and between 2.5 and 6.5m in depth. The remaining flats have balconies which (except in the case of the first floor flat) face away from the rear of the Tanners Hill properties.

- 3.4 The block would be in a contemporary design with a flat roof and set back top storey to the houses. The facing materials would be predominantly brickwork, with zinc cladding to the set back top storey and entrances highlighted in render. The development seeks to exploit the topography of the site, so that the finished ground level of the new dwellings would be some 1.7m to 2.1m below that of the ground level of the Tanner's Hill properties.

Supporting Documents

- 3.5 Supporting documents are provided comprising a Design & Access Statement, Transport Statement, Sustainability Statement, Daylight and Sunlight Study (Neighbouring Properties) and Daylight and Sunlight Study (Within Development).
- 3.6 The sustainability statement by Code Consultancy Services confirms that all the houses and flats will comply with Level 4 of the Code for Sustainable Homes. The Daylight and Sunlight Study in respect of neighbouring properties, prepared by Right of Light Consulting, confirms that the proposed development will have a low impact on light received by neighbouring properties and that the development will satisfy the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'. The Daylight and Sunlight Study (Within Development) by the same consultants confirms that all windows in the new development exceed the minimum Average Daylight Factor (ADF) recommended for the use associated with the rooms in question.

The Transport Assessment by Paul Mew Associates notes that the development is within a highly sustainable area with a PTAL score of 6a, which is an 'excellent' accessibility rating as defined by TfL. A 50% provision of on-site parking coupled with 12 sheltered secure cycle parking for residents and visitors is therefore considered acceptable and consistent with projected car ownership levels by residents. In terms of refuse collection, officers have secured an amendment to the scheme as initially submitted which defines a bin collection area as opposed to a storage location under the flying freehold at No 136 Tanner's Hill. This will allow the Council's refuse vehicles to collect waste and recycling from the proposed development without having to enter the site.

4.0 Consultation

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

Written Responses received from Local Residents and Organisations

- 4.3 One reply has been received signed by 7 occupiers representing Nos. 128A, 128B, 130 & 132 Tanners Hill, objecting to the development on the following grounds:-

- 1) Loss of privacy and overlooking of rear gardens from the new development.

- 2) The proposed development is visually overbearing, taking away space and light from existing properties.
- 3) The proposal will give rise to traffic congestion.
- 4) The proposal will give rise to additional on street parking in an already congested area.
- 5) Such parking as is provided is located against the rear garden fences of properties fronting Tanner's Hill, giving rise to noise and air pollution.
- 6) The development will give rise to light pollution disturbing sleep and rest for existing residents.
- 7) Refuse collection in Tanner's Hill is already inadequate and this will add to the problem and encourage vermin.
- 8) The proposed development lacks green space and trees.
- 9) Further multi-storey buildings will give rise to increased crime.
- 10) The proposed development gives no thought to the local community and how a sense of community can be fostered in the local area.
- 11) The proposed development will lead to a depreciation in property values in the local area.
- 12) Residents would prefer to see the earlier plan for 6 two storey houses with green roofs.
- 13) A large development has also been recently agreed for an adjoining site which is likely to exacerbate many of the above problems.
- 14) Several properties suffered structural damage during the construction of the Big Yellow building in Lewisham Way. Residents would therefore like to know what safeguards will be put in place to prevent this happening again.

(Letters are available to members).

Strategic Housing

4.4 No reply

Sustainability Manager

4.5 No reply

Highways and Transportation

4.6 No objection, subject to the provision of a bin collection area within easy reach of the public highway. Given that the location will be a difficult one to access with large vehicles, a planning condition requiring a construction and logistics plan is recommended.

Thames Water

- 4.7 Comments received raising no objection to the application and providing informatives on water supply and drainage to be added as an informative to any planning permission which might be granted.

5.0 Policy Context

Introduction

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

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that 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 developer's 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]

London Plan (July 2011)

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

Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.15 Co-ordination of housing development and investment
Policy 4.12 Improving opportunities for all
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 8.3 Community infrastructure levy
Policy 8.4 Monitoring and review for London

London Plan Supplementary Planning Guidance (SPG)

5.8 The London Plan SPGs relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2004)

Housing (2012)

Sustainable Design and Construction (2006)

Planning for Equality and Diversity in London (2007)

Shaping Neighbourhoods: Play and Informal Recreation (2012)

London Plan Best Practice Guidance

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

Development Plan Policies for Biodiversity (2005)

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

Wheelchair Accessible Housing (2007)

Health Issues in Planning (2007)

London Housing Design SPD (2013)

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 Site Allocations, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 9 Improving local air quality

Core Strategy Policy 13 Addressing Lewisham's waste management requirements

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 18 The location and design of tall buildings

Core Strategy Policy 21 Planning obligations

Site Allocations Local Plan

5.11 The Site Allocations Local Plan was adopted by the Council at its meeting on 26 June 2013. The Site Allocations, together with the Core Strategy, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The application site forms part of a larger site proposed for housing in the Site Allocations Local Plan (Site Ref SA41 Housing)

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment
URB 3 Urban Design
URB 12 Landscape and Development
URB 13 Trees
URB 14 Street Furniture and Paving
ENV.PRO 10 Contaminated Land
ENV.PRO 12 Light Generating Development
ENV PRO 17 Management of the Water Supply
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 7 Gardens
TRN 28 Motorcycle Parking

Residential Standards Supplementary Planning Document (August 2006)

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

Planning Obligations Supplementary Planning Document (January 2011)

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

Emerging Plans

5.15 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).

5.16 The following emerging plans are relevant to this application.

Development Management Plan

5.17 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is expected to conclude in Summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.

5.18 s set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

5.19 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies.

These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

5.20 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 28	Contaminated land
DM Policy 35	Public realm

5.21 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 23	Air quality
DM Policy 25	Landscaping and trees
DM Policy 27	Lighting
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards

6.0 Planning Considerations

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

- a) Principle of development
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology and Landscaping
- a) Principle of Development

6.2 The site forms part of a larger area of former industrial land identified for residential development in the Site Allocations Local Plan (June 2013). There is therefore no objection to the principle of residential use.

The site also has a current planning permission for a development of nine flats which features a four storey block, the third floor of which is set back behind a roof terrace.

b) Design

- 6.3 The massing of the previously approved 2011 application comprised a 4 storey and a 2 storey block. The current scheme comprises a three storey block with a set back third storey incorporating a roof terrace and a four storey element. As described in the Design and Access Statement, the architect has sought to exploit the topography of the site, which slopes down steeply from the Tanner's Hill entrance by placing the 4 storey element in the south west part of the site. This provides a focal point from the entrance of the site, with the windows to the upper storeys positioned to minimise the potential for overlooking. The massing of the scheme has been developed to improve on the previously approved application. The siting of the units has been centred on the site to maximise outlook between the existing buildings along Tanners Hill and the proposed buildings on the site of 120 Tanners Hill. The siting follows the urban pattern of linear development and makes efficient use of the site while seeking to minimise harmful impact to neighbouring buildings or amenity spaces.
- 6.4 The relationship with the neighbouring properties has also had a significant influence on the design and layout of the proposal. Stepping the development down from four storeys to three and setting the second storey back is intended to minimise any overshadowing and overlooking of the rear gardens of the Tanner's Hill properties.
- 6.5 The current scheme has been designed by the architects responsible for the adjoining 58 unit housing development at 120-122a Tanners Hill. The proposed block is considered to relate well to the adjoining scheme while having a distinctive identity of its own. Although it would have been preferable for the two sites to be integrated more closely and there would be obvious advantages in servicing both developments from the new estate road, the two sites are in separate ownership and timescales for development will not necessarily be the same. For this reason the decision was taken to service the site via its historic access. However, a visually permeable boundary will be maintained between the two developments. The applicant has also agreed to remove the gates under the flying freehold as gated residential developments are discouraged in design guidance.
- 6.6 External facades have been designed to have an attractive aesthetic using good quality materials selected for ease of buildability and low maintenance. This is achieved primarily through the use of brickwork, a quality window system and careful detailing of entrances and balconies. Traditional materials will be used but detailed in a contemporary manner while changes of material colour and texture will help express the articulation of the proposed elevations. The inclusion of features such as contrasting entrances and balconies will also help to highlight key areas of the buildings. These elements are designed to add colour and interest whilst providing benefits of shelter and amenity. The design is considered to be of high quality, subject to conditions to secure high quality materials and detailing.

Housing Issues

a) Size and Tenure of Residential Accommodation

- 6.7 The proposed dwelling mix now includes 4 family houses with individual rear gardens, which is welcomed. Although Council policy normally requires the provision of 10% wheelchair accessible units in schemes of 5 units or more, the applicant in this case has an existing planning permission for 9 units granted in 2011 which does not include any wheelchair accessible units. In addition, the three storey dwelling houses were not considered capable of adaptation to SELHP standards for wheelchair accessible housing, while the footprint of the ground floor unit of the proposed four storey block of flats would have had to be enlarged, at the expense of amenity space provision, in order to achieve the required standard. Members are advised that the adjoining recently approved 58 Unit scheme does include 10% wheelchair accessible units all of which are designed to current SELHP Standards.

b) Standard of Residential Accommodation

- 6.8 The residential accommodation exceeds the minimum requirements of the London Plan in terms of unit size and room space standards. All the units have reasonably sized balconies or ground floor amenity space, with the addition of roof terraces in the case of the proposed houses. All the units would comply with Lifetime Home standards.

Highways and Traffic Issues

a) Access

- 6.9 The site will have a private, shared access road utilising the existing access under the flying freehold on Tanner's Hill. As noted above the provision of access via the new access road for the neighbouring development is not possible. On officer advice the applicant has amended the scheme to show the development as ungated.

b) Servicing

- 6.10 With the exception of Council refuse vehicles (see below), the proposed access road is accessible to emergency vehicles and all but the largest of service vehicles.

c) Cycle Parking

- 6.11 Secure and covered cycle parking for 12 bicycles is indicated on the applicant's plans. This is considered ample provision for the needs of residents and visitors. Details of the proposed storage structure would be a condition of the grant of planning permission.

d) Car Parking

- 6.12 Given the high PTAL of the site (6a), the 50% on-site provision is considered reasonable and consistent with expected car ownership within the proposed development. As this ratio is significantly higher than that agreed for the adjoining residential development site, a Section 106 Agreement requiring the developer to provide residents with an initial subscription to a car club is not considered necessary. It is of course possible that residents of the new development will choose a car club as opposed to private car ownership.

f) Refuse

- 6.13 As previously noted a bin collection area accessible from the adjacent public highway has now been included within the scheme. This replicates the arrangement for refuse collection in the extant consented scheme in respect of this site.

Impact on Adjoining Properties

- 6.14 DM Policy 32 of the Development Management Local Plan – Proposed Submission Version November 2013, states that the *“siting and layout of new-build housing development...will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.”*
- 6.15 Policy HSG 4 of the UDP expresses the objective to improve and safeguard the character and amenities of residential areas in a number of ways. These include the siting of new dwellings appropriately, seeking higher standards of design and landscaping in all new development in residential areas.
- 6.16 Concerns have been raised by neighbouring residents in relation to the impact of the development on amenity and privacy. In terms of the relationship of the proposed block to the closest properties fronting Tanner’s Hill, minimum distances between front elevation windows of the new development and the nearest rear windows of the Tanner’s Hill properties are between 18m and 21m. This is considered acceptable in terms of the standard of 18m normally applied in relation to rear facing habitable rooms. The roof terraces of the proposed houses are between 9 and 10 metres away from the rear garden boundaries of the Tanner’s Hill properties and the scheme has been amended to provide planters behind the raised front parapets of the proposed roof terraces and to also introduce tree planting between the parking bays. The architect has suggested silver birch which is a fast growing species and would provide screening without having over dense foliage close to the boundary. This will help to provide a greater level of privacy to existing gardens backing onto the development site. The higher level balconies to the four storey block are located on the south west elevation, which faces the Big Yellow self-storage warehouse while the first floor balcony (which is considerably smaller than those at second and third floor levels) is, due to the slope of the site, only slightly higher than the internal ground floor level at the rear of the Tanner’s Hill properties. This relationship, along with the distances separating the new building from the existing properties, will mitigate the impact of possible overlooking and loss of privacy.
- 6.17 The planning officer met with representatives of the objectors on site and viewed the site from the first floor rear windows of the flat at 128 Tanner’s Hill. Changes to the scheme to address the concerns of residents regarding overlooking of gardens of the Tanner’s Hill properties from the roof terraces of these units. were explained.
- 6.18 It is not considered that the proposed block would result in an overbearing impact. The significant setback of the second floor of the houses significantly reduces the bulk of the terrace. While residents have expressed concerns about the appropriateness of the four storey block of flats in this location and its possible impact on evening sunlight to the rear windows of properties in Tanner’s Hill, the impact of this part of the development is considered

acceptable. The four storey element is relatively narrow and it is not considered this part of the scheme would be intrusive in views from the rear of the Tanner's Hill properties or would result in significant shading.

6.19 With regard to other issues raised by the objectors to the proposals, the effect on property prices is not a planning consideration and given the present unattractive state of the site, officers do not consider that the proposal will have an adverse impact on outlook from the rear windows of existing properties and is more likely to reduce rather than increase the risk of crime, fly tipping and problems with vermin. It is also the case that the extant 2011 planning permission for the site also features a four storey building and car parking in similar positions to those currently proposed. Refuse storage and collection arrangements are also similar to those in the extant planning permission in respect of the site.

6.20 Conditions are recommended to mitigate the impact of construction works. In terms of helping to foster a greater sense of community in the local area, officers consider that the proposed development is more likely to have a beneficial rather than a negative effect.

Sustainability and Energy

a) Renewable Energy

6.21 The sustainability statement by Code Consultancy Services confirms that all the houses and flats will comply with Level 4 of the Code for Sustainable Homes. As a minor development, the provision of renewable energy and 40% carbon reduction are not required.

b) Sustainable Urban Drainage Systems

6.22 The developer will be encouraged to provide sustainable drainage scheme within the proposed site landscaping which will be the subject of a planning condition. According to the advice provided by Thames Water, connections to the public sewer for the removal of ground water are not permitted.

Ecology and Landscaping

6.23 The site has low ecological value at present and the proposed development will introduce soft landscaping, tree planting and private gardens. There will also be planting at roof terrace level. The entrance to the site features attractive sections of granite setts and kerb stones. Officers would expect these to be retained/resused in any hard landscaping scheme submitted for approval following the grant of planning permission, the details of which are proposed to be secured by condition.

7.0 Equalities Considerations

7.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

7.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8.0 Community Infrastructure Levy

8.1 The development will be CIL liable.

9.0 Conclusion

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

9.2 The principle of residential development is acceptable. The current scheme for 8 houses and flats, both in terms of the quality of the proposed accommodation the proposed architectural treatment, and impact on neighbouring property is considered satisfactory and is accordingly recommended for approval.

10.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:

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

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

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

1232(PL)010, 020, 100, 101, 200, 201Rev A & 300, 112, 113, Design & Access Statement, Transport Statement, Sustainability Statement, Daylight and Sunlight Study (Neighbouring Properties), Daylight and Sunlight Study (Within Development).

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

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

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

- (4) No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-
- (a) Rationalise travel and traffic routes to and from the site.
 - (b) 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 vehicle activity.
 - (c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

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

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

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

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

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

- (6) (a) The buildings 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).

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

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

- (8) (a) A minimum of 12 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved .
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- (9) (a) No development shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

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)

- (10) (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) 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 under part (a). 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).

- (11) (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 URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

- (12) (a) Details of the provision and location of an electric vehicle charging point and a programme for its installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The electric vehicle charging point as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

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

- (13) (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)

- (14) Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. 1232(PL)110 & 111 hereby approved.

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July

2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

- (15) 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 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)

- (16) No extensions or alterations to the buildings hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

- (17) The whole of the car parking accommodation shown on drawing no. 1232(PL)100 hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

Reason: To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) 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).

- (18) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

INFORMATIVES

- (A) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (B) 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.
- (C) Thames Water Development Planning Department have provided the following advice on the provision of water supply and drainage to the site:

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

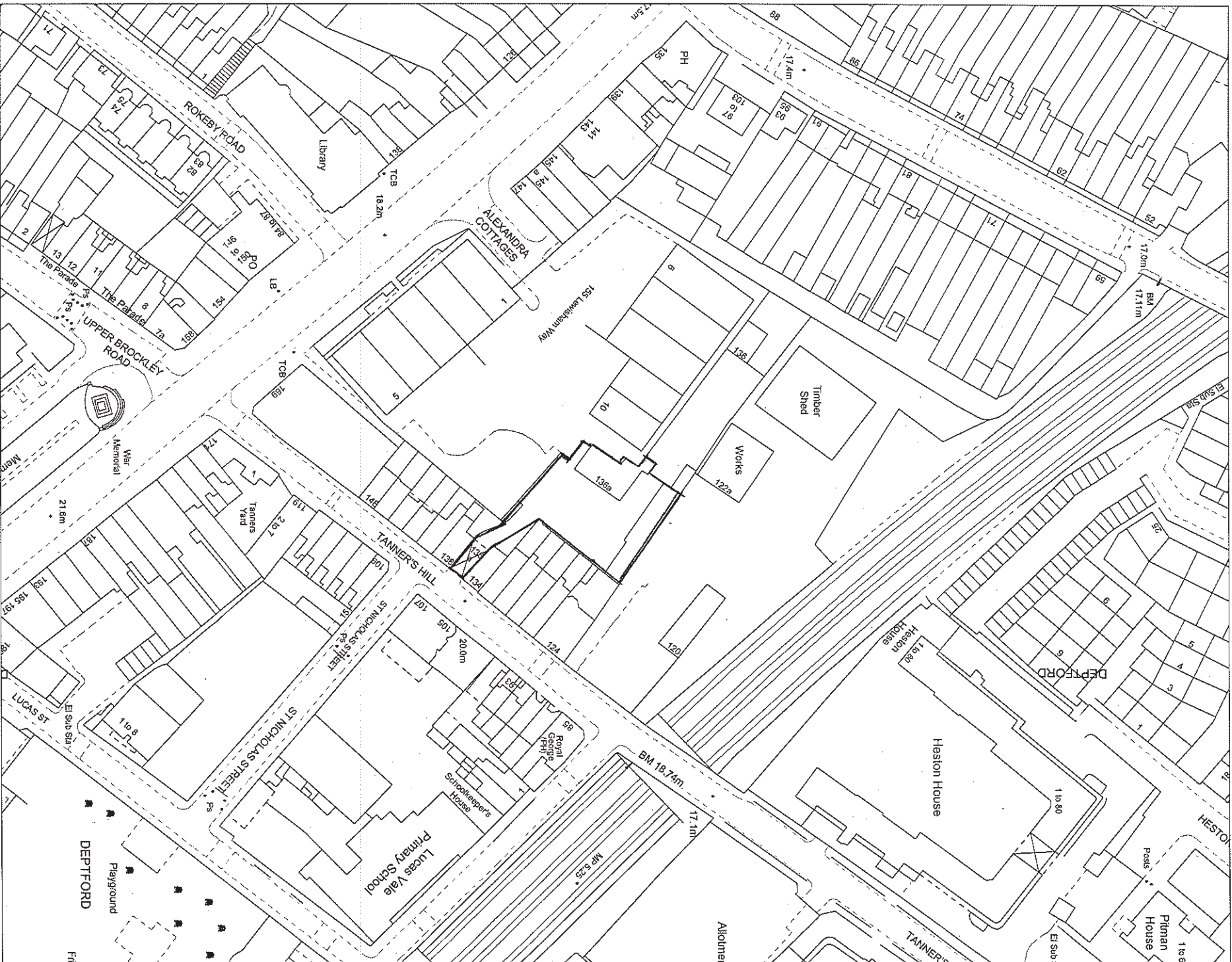
Surface Water Drainage - It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The applicant is advised to contact Thames Water Development Services on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments - Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development

- (D) The access road under the flying freehold features sections of granite setts and kerbs which should be retained/reused in the hard landscaping submission of details required as a condition of this planning permission

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136A Tanners Hill SE8



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Committee	PLANNING COMMITTEE C	
Report Title	72 TRANQUIL VALE SE3 0BN	
Ward	Blackheath	
Contributors	Russell Penn	
Class	PART 1	06 MAY 2014

<u>Reg. Nos.</u>	DC/13/86005
<u>Application dated</u>	20.12.2013 [revised 06.03.2014]
<u>Applicant</u>	Buro Boro Architects on behalf of Mr Tessier
<u>Proposal</u>	The change of use of the basement, ground and first floors of 72 Tranquil Vale SE3, from restaurant to wine bar, together with the installation of a shopfront. (Amended application: Omission of first floor bar area and revised shop front)
<u>Applicant's Plan Nos.</u>	TV.01; TV.02; TV.05; Design and Access Statement, Parking Statement, Heritage Statement, Photograph, Site Location received 23/12/2013. TV.07 Rev E; TV.08 Rev D and TV.11 Rev B received 6/3/2014.
<u>Background Papers</u>	(1) Case File LE/413/72/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	[Core Strategy or Adopted UDP] - Existing Use

1.0 Property/Site Description

- 1.1 The subject property is a four storey building located on the north east side of Tranquil Vale within the Core (primary) shopping frontage area of Blackheath District Centre and within the Blackheath Conservation Area. The premises are currently vacant with the most recent use as an Indian restaurant (Use Class A3). The unit comprises the basement, ground and first floor occupancy, to the boundaries of the building. The existing premises consists of restaurant seating at the front of the ground and first floors, a ground floor kitchen with a yard at the rear giving access to Brigade Street, a basement storage area and first floor male and female WCs.
- 1.2 There are two upper floors within the building converted to residential flats. To the rear of the site a single storey section of the building projects to adjoin the boundary with Brigade Street. To the north of the site is a book shop (Use Class A1). To the south is another A1 retail use. Further south between Nos. 58 to 64 are two restaurant chains, Pizza Express and Giraffe (Use Class A3). The building is not listed.

2.0 Planning History

- 2.1 An Advertisement Consent (Ref DC/96/0492) granted consent for display of a spotlight hanging sign in March 1996. There is no other recent relevant history relating to this site.

3.0 Current Planning Applications

The Proposals

- 3.1 Planning permission is sought for the change of use of the basement, ground and first floors of 72 Tranquil Vale SE3, from restaurant to wine bar together with the installation of a shopfront.
- 3.2 The plans and documents have been amended during the application process. The following description relates to the final plans now under consideration.
- 3.3 The proposals involve a change of use from restaurant use (Use Class A3) to wine bar (Use Class A4). This change was approved by the Lewisham Licensing Authority on 13 August 2013. The opening hours of the wine bar are indicated to be 12 noon to 12 midnight. It is proposed that the ground floor bar area will include a bar for dispensing drinks, with storage racks for wine bottles and a refrigerator for cold drinks. The seating will consist of bar stools, tables and chairs. The first floor is proposed to be used only to provide a storage area in the front part of the building and male and female toilets in the rear part, with no customer seating at first floor level.
- 3.4 To the front of the property the existing shop front will be replaced. The proposed ground floor elevation will consist of four double glazed hardwood windows on top of a low stall riser with hardwood timber cladding with fanlights consisting of smaller panes of glass above. The door will have the same proportions as the windows with a single fanlight over and be located centrally within the shop front with a small recess to the entrance.
- 3.5 Internally, the main design changes relate to the fitting out of the wine bar. Access from the rear will remain.

Supporting Documents

Design and Access Statement and Heritage Statement

- 3.6 The statement sets out the wider context in which the site lies, the relationship of the proposals surrounding property and the way in which the site context has informed the design.

Parking Statement

- 3.7 The statement advises that no parking changes are being made to the parking arrangements.

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 were also consulted. The Amenities Societies Panel and Blackheath Society were also notified, their comments are provided below.
- 4.3 Amenities Societies Panel: Panel objected to the new shopfront. The symmetry provided by the central door is a valuable element which should be retained. The present set back facade with the pillars in front are also an interesting feature, through probably not an early one.
- 4.4 Blackheath Society: In summary the Society does not object to the refurbishment of the shop front, but it objects strongly to the removal of the recessed central door and having the entrance door on the right hand side. This is a classic Blackheath Village feature and it should be retained at all cost.

Written Responses received from Local Residents and Organisations

- 4.5 Neighbour notification letters were sent to 12 properties. 3 objections were received and are summarised below:
- Concerns regarding noise and disturbance from a wine bar use next door.
 - Concerns regarding the fire escape for a first floor bar area.
 - There are already too many bars concentrated in Blackheath.
 - Additional bars will add to negative effect to local neighbours and residents

(Letters are available to Members).

- 4.6 Following the initial consultation the application was renotified by letter to all objectors and the Blackheath Society following the receipt of amended plans omitting the first floor customer area and altering the shop front to show a central recessed entrance door.
- 4.7 No further responses have been received following the reconsultation.

5.0 Policy Context

Introduction

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

A local finance consideration means:

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

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

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that 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 developer's 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]

London Plan (July 2011)

- 5.7 The London Plan policies relevant to this application are:
- Policy 2.15 Town centres
 - Policy 4.7 Retail and town centre development
 - Policy 4.8 Supporting a successful and diverse retail sector
 - Policy 4.9 Small shops
 - Policy 6.13 Parking
 - Policy 7.4 Local character
 - Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

- 5.8 The London Plan SPG's relevant to this application are:
Sustainable Design and Construction (2006)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 3 District Hubs

Core Strategy Policy 6 Retail hierarchy and location of retail development

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)

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

URB 3 Urban Design

URB 6 Alterations and Extensions

URB 8 Shopfronts

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

HSG 4 Residential Amenity

STC 4 Major and District Centres – Core Shopping Areas

ENV.PRO 9 Potentially Polluting Uses

ENV.PRO 11 Noise Generating Development

Shopfront Design Guide Supplementary Planning Document (March 2006)

- 5.11 This document seeks to promote good design in order to enhance the character and appearance of the borough as a whole. The guide advises on the use of sensitive design and careful attention to detail and that whilst shopfront design encompasses a wide variety of styles and details there are certain basic rules that apply everywhere.

Blackheath Conservation Area Appraisal and Supplementary Planning Document (2007)

- 5.12 This document advises on the content of planning applications, and gives advice on external alterations to properties within Blackheath Conservation Area.

Town and District Centres Retail Report 2013 (published Feb 2014)

- 5.13 This is a survey undertaken by the Council to identify the type and location of retail premises within the town and district centres and presents an analysis of the data.

Emerging Plans

- 5.14 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).

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

Development Management Plan

- 5.16 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is expected to conclude in Summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.

- 5.17 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

- 5.18 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

- 5.19 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 26	Noise and vibration
DM Policy 31	Alterations/extensions to existing buildings

- 5.20 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 14	District centres shopping frontages
DM Policy 17	Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)

DM Policy 19	Shopfronts, signs and hoardings
DM Policy 22	Sustainable design and construction
DM Policy 30	Urban design and local character
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Highways and Traffic Issues
- d) Impact on Adjoining Properties

Principle of Development

6.2 London Plan Policy 4.8 supports a successful, competitive and diverse retail sector, bringing forward capacity for additional comparison goods retailing, particularly in metropolitan and major centres

6.3 Core Strategy Policy 6 sets out the borough's town centre hierarchy and location of retail development. It expects major retail development, leisure and related town centre uses to be located within the major and district centres, with such uses outside these areas assessed against the sequential test. The Council will designate primary and secondary shopping frontages within major and district town centres to ensure essential services are maintained and contribute to their vitality and viability, and secondary frontages help provide uses appropriate to the night time economy. It seeks to protect local shopping facilities from change of use or redevelopment where there is economic demand for such services

6.4 Saved Policy STC 4 Major and District Centres - Core Shopping Areas states that Within the Core Shopping Areas all non retail development within Core Areas, including where relevant, changes of use should not harm the amenity of adjoining properties, including that created by noise and disturbance, smell, litter, and incompatible opening hours (all of which may be controlled by appropriate conditions), where appropriate, provide attractive display windows and entrances that are compatible with adjoining shop units and make adequate provision for access for people with disabilities

6.5 The main function of District Centres is to provide an adequate range of local shops to meet the day to day needs of the community. The site in question is not currently within an A1 Use Class and therefore consideration must be made between the differences of the current use as a A3 restaurant and the proposed A4 bar use

6.6 On this basis Officers have examined the range of uses within the boundary of Blackheath District Centre with reference to the Town and District Centres Retail Report 2013 (published Feb 2014).

- 6.7 From this analysis approximately 55% of 124 commercial units are A1, 19% are A2, 22% are A3, A4 and A5 uses, 2% are D1 and B1 and 2% are vacant. In terms of the A4 pub and bar use there are 4 properties in this category.
- 6.8 In this case the existing use is a restaurant use which has been so for many years. Therefore, the level of non retail use in the centre will remain unchanged and is acceptable in this regard. As such, it is considered that the change of use to an A4 Use is acceptable in principle at this location in a primary shopping frontage, subject to compliance with other planning policy as discussed below.

Design and Conservation

- 6.9 Core Strategy Policy 15 states that for all development the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character
- 6.10 Saved Policy URB 3 states that the Council will expect to achieve a high standard of design in extensions or alterations to existing buildings, while ensuring that schemes are compatible with, or complement the scale and character of existing development.
- 6.11 Policy URB 8 Shopfronts states that the Council will seek to establish and maintain shopfronts of a high design quality by retaining shop fronts of quality, requiring all new shopfronts, including signs, to relate well to the original framework and scale of the building within which they are placed, discouraging open shopfronts without a traditional glazed screen that break up the visual continuity of a shopping, in new shopfronts, alterations or extensions, providing wherever possible for separate access to any residential accommodation on other floors, and encourage the restoration of such access if already removed, provision of suitable access for people with disabilities in new shopfronts, provision of storage or refuse bins where feasible.
- 6.12 The application in relation to the shopfront has been discussed with the Council's Conservation Officer as detailed above. The Conservation Officer has commented that the existing shop front is characterised as 'modern' within the Blackheath Conservation Area appraisal. The units adjacent are characterised as 'historic' to the north and 'traditional' to the south. The appraisal states that the historic and traditional shopfronts make a very significant positive contribution to the character of the Village. For most visitors they are part of the memorable distinct village atmosphere and quality of experience.
- 6.13 The replacement frontage, now amended with a central recessed entrance is considered an enhancement to the parade reinstating the traditional and historic nature of the conservation area to the shop front. As such the replacement shop front is considered to be in keeping with the traditional town centre setting of the parade and enhances the character and appearance of the conservation area.
- 6.14 Following further advice during the assessment of this application amendments have been made to the plans to introduce a central recessed shop entrance in keeping with the traditional design of shop fronts generally within Blackheath. These changes are welcomed by the Conservation Officer. Therefore, the replacement shop front is considered to be in keeping with the traditional town centre setting of the parade and enhances the character and appearance of the conservation area.

- 6.15 Officers are aware that a new shop front was recently installed at the property with a side entrance without the benefit of planning permission. The applicant has advised that this will be removed and replaced with the central access as applied for.

Residential Amenity and Impact on Adjoining Properties

- 6.16 The application site is located within the town centre, situated on a busy thoroughfare where commercial activity and a certain amount of noise generating development is to be anticipated. However, there are residential dwellings above the unit and adjacent in close proximity which should be afforded protection.
- 6.17 The type of use proposed at the site is not considered to be significantly different to the A3 restaurant use that has also held a license to sell alcohol. The bar use at the site as proposed is for a bar that sells wine and champagne only. Officers note the concerns of local residents regarding noise and disturbance and potential effects on the residential amenity of adjacent upper floor residential property. However, in this commercial location within a town centre where higher levels of noise and disturbance can be expected, this is not considered a sufficient reason to withhold planning permission. Suitable planning conditions are suggested in terms of containing the customer seating and bar areas to the ground floor only,
- 6.18 Conditions are also proposed in relation to operating hours, prevention of music audible outside the premises and soundproofing to be installed on walls and ceilings to prevent noise transference.
- 6.19 Taking account of the location and soundproofing measures to be implemented, it is considered that the proposed A4 use would not cause unacceptable harm to neighbouring amenity.

Highways and Traffic Issues

- 6.20 Parking is not available on site. The site is located in a highly accessible location (PTAL 4 - good) with Blackheath railway station in walking distance and frequent bus services near to the building. Parking off site in the vicinity is controlled within a CPZ with restrictions imposed 6 days a week. The Highways team have not objected to the proposal on the grounds of parking or congestion as this is strictly controlled and enforced.
- 6.21 Therefore with the readily available methods of transport near to the site, It is not considered that the proposal would have any effect on highway safety and the proposal would not generate a requirement for additional parking spaces or cause increased on street parking in accordance with CS Policy 14 and Policy 6.13 of the London Plan (2011).

7.0 Equalities Considerations

- 7.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 7.2 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 7.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8.0 Conclusion

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 Officers consider that the proposal will have minimal effect on the retail character of the centre and the diversity of uses that contribute to the vitality and viability of the centre, the residential and workplace amenity in the locality, the character and appearance of the conservation area and parking and pedestrian/traffic safety situation in the locality. The scheme is therefore considered acceptable.

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:

TV.01; TV.02; TV.05; Design and Access Statement, Parking Statement, Heritage Statement, Photograph, Site Location received 23/12/2013. TV.07 Rev E; TV.08 Rev D and TV.11 Rev B received 6/3/2014.

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

- (3) (a) No development shall commence until full written details, including relevant drawings and specifications of the proposed works of sound insulation against airborne noise to meet D'nT,w + Ctr dB of not less than 55 for walls and/or ceilings where residential parties non domestic use shall be submitted to and approved in writing by the local planning authority.
- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details

Reason: In the interests of residential amenity and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- (4) (a) Notwithstanding the details hereby approved, no development shall commence until detailed plans at a scale of 1:10 showing the stallriser, mouldings and fanlights of the proposed shop front have been submitted to and approved in writing by the local planning authority
- (b) The development shall be carried out in accordance with the approved details

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham, Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the Unitary Development Plan (July 2004).

- (5) The premises shall only be open for customer business between the hours of 12.00 noon and 24.00 midnight on any day of the week.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

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

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- (7) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the first floor layout as detailed on Drawing TV.08 Rev D hereby approved shall be as set out in the application and no public use of the first floor store area shall be carried out.

Reason: In order to prevent any unacceptable noise and disturbance 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 and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant during the application assessment process which resulted in further information being submitted. As the resultant proposal was in accordance with these discussions and was in accordance with the Development Plan, permission could be granted.
- (2) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place
- (3) 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
- (4) The Applicant is advised that the existing shop front installed without planning permission shall be removed within 3 months of the date of this Decision. Failure to comply will result in Enforcement Action by the Council.



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Committee	PLANNING COMMITTEE C	
Report Title	SECOND FLOOR FLAT, 4 DARTMOUTH TERRACE SE10 8AX	
Ward	Blackheath	
Contributors	Monique Wallace	
Class	PART 1	06 MAY 2014

<u>Reg. Nos.</u>	DC/13/84220
<u>Application dated</u>	15.07.2013
<u>Applicant</u>	Derek Walker Associates Ltd on behalf Mr I Quicke
<u>Proposal</u>	Application for an extension of time for the implementation of the planning permission dated 27 July 2010 (DC/10/74295) for the formation of a terrace at second floor level to the side of 4 Dartmouth Terrace SE3, incorporating the construction of a glass balustrade, alteration of an existing window opening to provide an access door and the installation of a fire escape ladder.
<u>Applicant's Plan Nos.</u>	AD-01, 02, 3, 05, 06 & 07.
<u>Background Papers</u>	(1) Case File LE/213/4/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	PTAL 2 Areas of Special Character World Heritage Buffer Zone Area of Archaeological Priority Blackheath Conservation Area Not a Listed Building Unclassified

1.0 Property/Site Description

- 1.1 4 Dartmouth Terrace is a three storey semi-detached house that has been divided into flats. The application relates to the 2nd floor apartment.
- 1.2 Dartmouth Terrace sits within the Blackheath Conservation Area and comprises a group of five substantial detached three storey and semi-basement villas facing onto the Heath. No. 4 features an original two storey and semi-basement side element which houses the original upper ground floor entrance and is set back from the front and rear elevations. The side element has a flat roof with a deep parapet.

2.0 Planning History

2.1 Planning permission was granted on the 27th July 2010 for the formation of a terrace at second floor level to the side of 4 Dartmouth Terrace SE3 incorporating construction of balustrades, alteration of an existing window opening to a door to provide access to the flat roof and the installation of a fire escape ladder. Ref. DC/10/74295.

2.2 The development involved the use of the flat roof of the side addition and included the addition of a glass balustrade behind the existing parapet wall. The submitted drawing showed an escape ladder located at the rear of the terrace, accessed via an escape gate. The permission was subject to the following conditions:

Details of the glazed balustrade, showing the escape gate to the rear, together with details of the escape ladder (including appearance, location, materials) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

The proposed new door shall be provided in timber construction within the existing external reveals.

2.3 No details have been submitted in relation to the conditioned details.

3.0 Current Planning Applications

The Proposals

3.1 The current proposal is an application for an extension of time for the implementation of the planning permission granted on 27/7/10 for the formation of a terrace at second floor level to the side of 4 Dartmouth Terrace incorporating construction of balustrades, alteration of an existing window opening to a door to provide access to flat roof and the installation of a fire escape ladder.

Supporting Documents

3.2 The plans and documents submitted for the current application are exactly the same as those submitted for the scheme approved in July 2010 which comprise front, rear and side elevation drawings, and a second floor plan.

3.3 The proposed works involve lowering the flat roof to the original level and the addition of a glass balustrade behind the existing parapet. A fire escape ladder is proposed to be located at the rear, accessed by a gate.

3.4 A Heritage Statement was also submitted with the application documents.

4.0 Consultation

4.1 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 within 3, 4 and 5 Dartmouth Terrace and the relevant ward Councillors.

- 4.3 Four neighbouring residents have objected to the proposal on the following grounds:
- The reference to the development as a fire escape is a fabrication as the intended use is as a terrace.
 - The terrace would result in overlooking into the neighbouring properties and gardens.
 - The fire escape and balustrade would be visually obtrusive, out of keeping with the appearance of the Conservation Area.
 - A black metal balustrade would look better than the proposed glass.
 - The use of the proposed terrace would result in additional noise and disturbance to neighbours.

(Letters are available to Members).

5.0 Policy Context

Introduction

- 5.1 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

- 5.2 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 in paragraph 211, that 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)'.
- 5.3 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)

- 5.4 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.

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

Other National Guidance

- 5.6 The other relevant national guidance is:

Design (March 2014)

Flexible options for planning permissions (March 03 2014)

London Plan (July 2011)

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

Policy 5.3 Sustainable design and construction

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Core Strategy (June 2011)

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

Core Strategy Policy 15 High quality design for Lewisham

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

Unitary Development Plan (July 2004)

- 5.9 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

Blackheath Conservation Area Appraisal and Supplementary Planning Document (2007)

- 5.10 This document sets out the history and spatial character of the area, identifying areas of distinct character, advises on the content of planning applications, and gives advice on external alterations to properties within the Blackheath Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimney

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

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 Local Plan

5.13 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is expected to conclude in Summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.

5.14 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

5.15 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

5.16 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 31 Alterations/extensions to existing buildings

5.17 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

DM Policy 22 Sustainable design and construction

DM Policy 30 Urban design and local character

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

6.0 Planning Considerations

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

- b) Principle of development
- c) Design and Conservation
- d) Impact on Adjoining Properties

Background – Principle of Development

6.2 The provisions for applications for the extension of the time limit within which planning permissions may be implemented originally came into effect on 1 October 2009 and the provisions were subsequently amended to enable unexpired planning permissions granted on or before 1 October 2010 to be extended for a further 3 years. The permission which is the subject of the current application was granted on 27 July 2010.

6.3 As the current application is for an extension of the period for implementation, the development will by definition have been judged to be acceptable in principle at an earlier date. Accordingly, in considering this application, attention should be focused on development plan policies and other material considerations (including national policies) which may have changed significantly since the original grant of permission. Applications to extend the time limit for permissions may be refused where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably.

6.4 In the case of this application, the original planning permission was granted in July 2010, before the adoption of Lewisham's Core Strategy, the current London Plan and before a number of the policies within the UDP were deleted. Currently, planning applications must be considered against Lewisham's Development Plan which comprises the Core Strategy, saved policies of the UDP and the London Plan 2011.

6.5 Even though local planning policies have been overhauled since the adoption of the London Plan, Core Strategy and the deletion of a number of UDP policies, the policies which are relevant to consideration of the current application remain largely the same.

6.6 The saved UDP policies which still form part of the Development Plan for Lewisham were the same policies that the application was judged upon when planning permission was granted in July 2010. The relevant UDP policies are set out below.

6.7 URB 3 Urban Design states that the Council will expect a high standard of design in new development or buildings and in extensions or alterations to existing buildings, whilst ensuring that schemes are compatible with, or complement the scale and character of existing development, and its setting (including any open space).

6.8 URB 6 Alterations and Extensions states that alterations and extensions should respect the plan form, period, architectural characteristics and detailing of the original buildings, including external features, and should normally use matching materials. In addition, additional or enlarged windows should be in keeping with the original contemporary pattern.

- 6.9 URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation states that the Council will only grant permission/consent where alterations and extensions to buildings are compatible with the character of the area and its buildings.
- 6.10 HSG 4 Residential Amenity States that the Council will seek to improve and safeguard the character and amenities of residential areas throughout the Borough. Siting, design, landscaping, traffic and parking will be considered.
- 6.11 The UDP policies referred to above are all in conformity with the provisions of the adopted Core strategy which, is also in conformity with the objectives of the London Plan.
- 6.12 The objectives and content of relevant policies in the London Plan and Core Strategy underpin the UDP policies. Therefore, officers consider that by virtue of the saved policies being the same policies upon which the application granted in 2010 was assessed, the principle of the proposed development remains acceptable.

Design and Conservation

- 6.13 London Plan Policy 7.8 Heritage assets and archaeology, Core Strategy Policy 15 High quality design for Lewisham and Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment strengthen the policy requirement to protect the borough's heritage assets and to provide high quality developments in Lewisham.
- 6.14 Therefore, a proposal considered to be acceptable under the previous suite of planning policies, may potentially no longer be acceptable in terms of design. As stated above the relevant UDP policies in place in 2010, remain as saved policies and are similarly relevant to the current assessment of the design of the proposal and its effect on the character of the building and the heritage asset of the Blackheath Conservation Area.
- 6.15 Dartmouth Terrace is described within the Blackheath Conservation Area Character Appraisal as one of the most striking architectural compositions which enclose the heath. It comprises five substantial detached three storey and semi-basement villas arranged such that the modulation of the bays are symmetrical within the group, with the central villa having double bays arranged around a central entrance.
- 6.16 The building and its surroundings have not changed significantly since the proposal was previously considered and as in 2010, the effect of the proposal on the appearance and historic integrity of the building and the wider area is considered generally acceptable.
- 6.17 The glazed parapet would protrude approximately 450mm above the stucco parapet and due to the fact that it is proposed in clear glazing, it will not be overly visible within the street scene. Another property within this terrace has a railing surrounding a similar flat roof area which appears to be used as a terrace. This is the main element of the application, however it will only result in a minor change to the property and is not considered to be a significant alteration as the side addition is set significantly back from both front and rear main facades.

- 6.18 The current window in the side elevation will be replaced with a door, however as this will be behind the parapet it will not be readily visible from the street. Due to the fact that it is at 2nd storey level it will not be highly visible from ground level and will not appear to be significantly different from the existing window opening, subject to the design of the door.
- 6.19 According to a letter submitted with the application, the applicant seeks (in addition to a terrace) to provide a secondary means of escape in case of fire for the top floor flat. Currently the area that is proposed to be used is a flat roof which is only accessible from the 2nd floor flat by climbing through an existing side window onto the flat roof. There are few details within the plans showing the design of the escape ladder at the rear and the gate in the glass balustrade. The principle of an escape ladder is considered acceptable, as it will not be visible from the public realm and will be discreetly located to the rear of the side element. A condition is suggested to require further details of the ladder and balustrade gate to be submitted for approval before any works commence.
- 6.20 The application involves a storage space above the kitchen of the 1st floor flat being removed so that the ceiling height would be returned to its original height by lowering the level of the flat roof, also allowing for a terrace to be formed behind the parapet. This alteration would have no effect on the appearance of the building.
- 6.21 While no objections were received in connection with the scheme approved in 2010, five letters of objection have been received in relation to the current proposal. Some of the concerns relate to the proposal being visually unacceptable and being harmful to the appearance of the Blackheath Conservation Area. Though objections have been received to the current proposal, none of the issues raised refer to matters which were not considered during the assessment of the 2010 application.

Residential Amenity

- 6.22 Neighbouring residents have also raised objections to the use of the terrace as amenity space and the detriment to neighbour amenity caused by the loss of privacy, noise and disturbance to neighbours associated with its use.
- 6.23 The floor area of the proposed terrace would be approximately 8m² and it could therefore be used as an amenity area. It is not considered that such use would be likely to give rise to unacceptable loss of amenity to neighbours by reason of excessive disturbance or loss of privacy. A condition is proposed to require details of the balustrade to be submitted; this could potentially include an element of obscure glazing to reduce the potential for overlooking to windows in the flank of the neighbouring property at No. 3 Dartmouth Terrace.
- 6.24 As the objections raised for the current proposal regarding neighbour amenity had already been considered during the course of the approved scheme, and there are no new planning policies that would necessitate an alternative approach, officers consider that any impact derived from the proposal would remain to be of an acceptable level.

7.0 Equalities Considerations

- 7.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 7.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8.0 Community Infrastructure Levy

- 8.1 The above development is not CIL liable.

9.0 Conclusion

- 9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 9.2 Officers consider that the use of the existing flat roof as a terrace and a means of escape is acceptable and will not result in an unacceptable impact on the overall appearance of the application property or the Blackheath Conservation area, or significantly compromise the amenities of neighbours.

The physical alterations which include a glazed balustrade and a doorway are also considered to be acceptable due to their minor impact on the application building.

10.0 RECOMMENDATION Grant Permission subject to the following conditions:

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

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

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

AD-01, 02, 3, 05, 06 and 07

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) Details of the glazed balustrade, showing the escape gate to the rear, together with details of the escape ladder (including appearance, location, materials) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

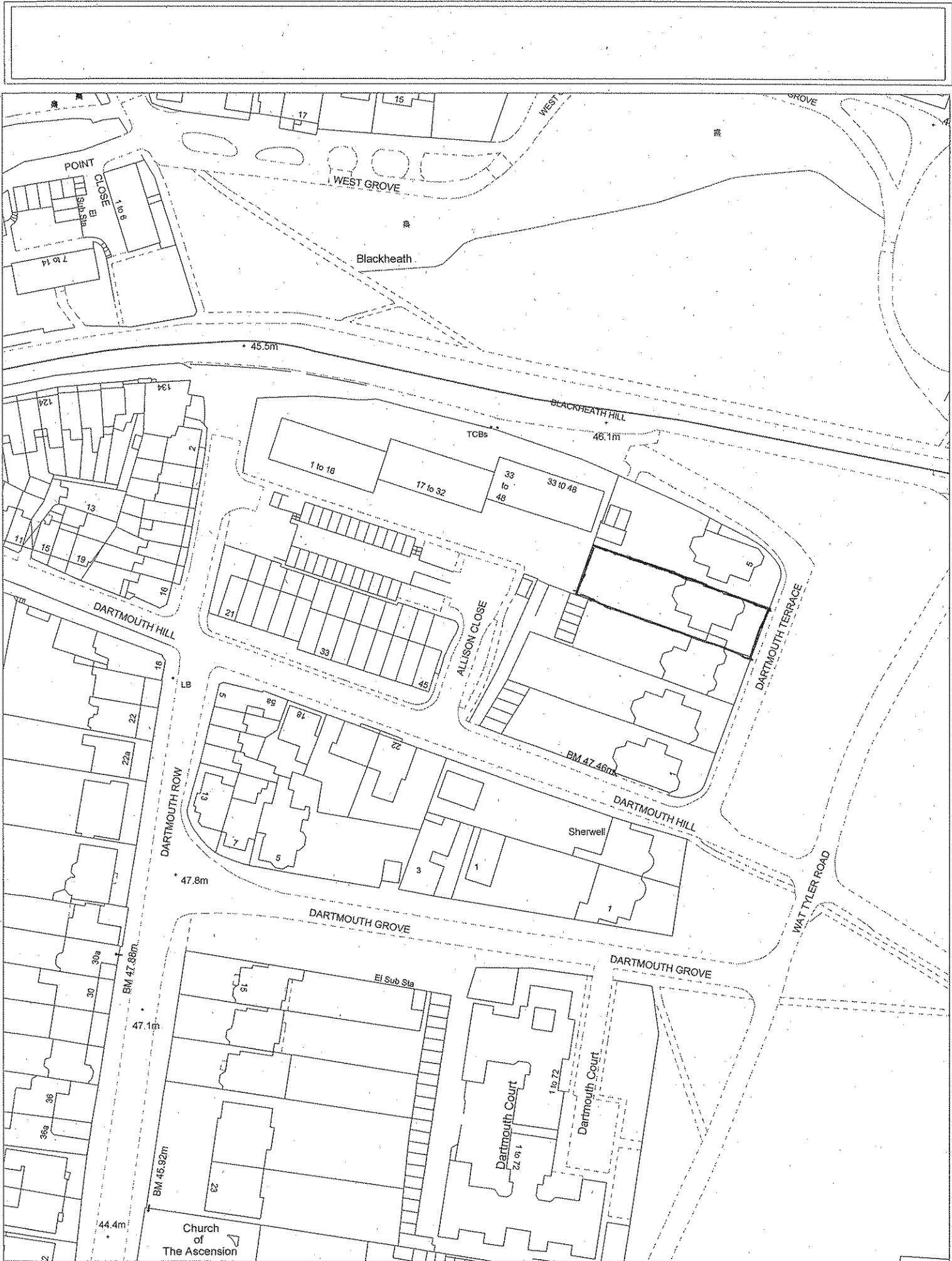
Reason To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with London Plan Policy 7.8 Heritage assets and archaeology; Policy 16 Conservation areas, heritage assets and the historic environment, and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and; Saved Policy URB 3 Urban Design, URB 6 Alterations and Extensions and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the Unitary Development Plan (July 2004).

- (4) The proposed new door shall be provided in timber construction within the existing external reveals.

Reason To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with London Plan Policy 7.8 Heritage assets and archaeology; Policy 16 Conservation areas, heritage assets and the historic environment, and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and; Saved Policy URB 3 Urban Design, URB 6 Alterations and Extensions and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the Unitary Development Plan (July 2004).

INFORMATIVES

- (A) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, 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.



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Committee	PLANNING COMMITTEE C	
Report Title	14 GLEBE COURT, THE GLEBE SE3 9TH	
Ward	Blackheath	
Contributors	Monique Wallace	
Class	PART 1	06 MAY 2014

Reg. Nos. DC/13/84447

Application dated 31.07.2013

Applicant Ms J Oliver

Proposal The retention of hardwood French doors (to be painted black) in the rear elevation at ground floor level, together with the formation of two steps to the rear of 14 Glebe Court, The Glebe SE3.

Applicant's Plan Nos. Amended Design and Access Statement, Os Map, Block Plan, Site Location Plan, Proposed Elevation, Original Elevation, and Photographs x 14 and 'new steps to rear of property' drawing received 7/11/13

Background Papers

- (1) Case File LE/682/5/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation PTAL 3
Blackheath Conservation Area

1.0 Property/Site Description

- 1.1 Glebe Court comprises a development of 21 flats at the north western corner of The Glebe within Blackheath Conservation Area.
- 1.2 Glebe Court is set back from and at a lower ground level than the highway. There is a building comprising eleven flats to the street frontage and a group of small two storey blocks of maisonette flats at the rear of the site.
- 1.3 The application property is a ground floor maisonette at the north east corner (rear) of the site, within a small two storey block, housing Flats 12-15 (inclusive).
- 1.4 Each of the four maisonettes within this small block has an individual garden plot. The garden plot to No.14 is to the north west of the building, while the gardens for units 12, 13 and 15 are to the north east. The individual garden plots are accessed by a narrow path from the common entrance which is aligned close to the building itself.

1.5 A set of French doors and timber steps have been constructed in the north west elevation, providing direct access to the garden plot of No.14.

2.0 Planning History

2.1 Permission was granted for the construction of the flats, including the application property, behind 5 The Glebe in 1954.

2.2 In 1993 planning permission was granted for a conservatory at the rear of No.12 Glebe Court.

2.3 In July 2013, planning permission was refused for the retention of French doors and timber steps to the rear of 14 Glebe Court, under reference DC/13/82536. The reasons for refusal are as follows;

(1) The French doors and external steps has resulted in demonstrable harm to the visual integrity of the application building by virtue of their appearance and proportions and thus neither preserves or enhances the appearance of the Blackheath Conservation Area which is contrary to Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment (2011) and retained policy URB16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in Lewisham's Unitary Development Plan (2004).

(2) The construction of the external steps over the garden path impedes access to the garden plots of neighbour dwellings which unduly compromises their residential amenities, contrary to Core Strategy Policy 15 High Quality Design for Lewisham (2011) and retained policies URB 6 Alterations and Extensions and HSG 4 Residential Amenity in Lewisham's Unitary Development Plan (2004).

3.0 Current Planning Applications

The Proposals

3.1 The current proposal is a further application for the retention of hardwood French doors (to be painted black) together with the formation of two steps to the rear elevation of 14 Glebe Court.

3.2 The proposal is a revision to that refused in July 2013, and the application now proposes that the French Doors would be painted black. The steps would be altered to be reduced in depth and would not be constructed over the garden path.

Supporting Documents

3.3 The documents submitted for the current application are similar to those submitted for the scheme refused in July 2013 which comprise elevation drawings showing the French doors, photographs, lease documents, and in addition to those originally submitted, a section and block plan of the steps as requested by officers for clarity, received on the 7/11/13.

3.4 A Design and Access Statement including information regarding the Blackheath Conservation Area was also submitted with the application documents.

4.0 Consultation

4.1 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 occupiers of 12-19 Glebe Court, together with the relevant ward Councillors.

4.3 Five objections to the proposal have been received from neighbouring occupiers, on the following grounds;

- Allowing the retention would result in a precedent being set.
- The doors are not in keeping with the style and appearance of the existing buildings.
- The steps compromise the right of way of other residents to their gardens.
- A letter of objection was also received from the freeholders of 12-21 Glebe Court who confirm that the door and stairs do not have permission from the freeholder and their installation is contrary to the terms of the applicant's lease.

(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.

A local finance consideration means:

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

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

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that 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 developer's request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms.

Other National Guidance

- 5.7 The other relevant national guidance is:
Design (Updated 06 03 2014)

London Plan (July 2011)

- 5.8 The London Plan policies relevant to this application are:
Policy 7.8 Heritage assets and archaeology

Core Strategy (June 2011)

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

Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Unitary Development Plan (July 2004)

- 5.10 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

Blackheath Conservation Area Appraisal and Supplementary Planning Document (2007)

- 5.11 This document sets out the history and spatial character of the area, identifying areas of distinct character, advises on the content of planning applications, and gives advice on external alterations to properties within the Blackheath Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

Emerging Plans

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

Development Management

- 5.14 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is expected to conclude in Summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.
- 5.15 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.
- 5.16 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

5.17 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 31 Alterations/extensions to existing buildings

5.18 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

DM Policy 22 Sustainable design and construction

DM Policy 30 Urban design and local character

DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

6.0 Planning Considerations

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

- a) Principle of development
- b) Design and Conservation
- c) Impact on Adjoining Properties

Principle of Development

6.2 Planning policies have not changed significantly since planning permission was refused in July 2013 and therefore, the main planning consideration is whether the modifications proposed in the current proposal satisfactorily address the reasons for refusal. The provision of a more direct access to the garden plot for Flat 14 is considered acceptable in principle subject to an assessment of the impact of the proposal on the appearance and character of the building, the surrounding area and the residential amenity of neighbouring residents.

Design and Conservation

6.3 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment strengthens the relevant saved UDP policy requirement to protect the borough's heritage assets and to provide high quality developments in Lewisham.

6.4 Saved UDP policy URB 6 Alterations and Extensions states that alterations and extensions should respect the plan form, period, architectural characteristics and detailing of the original buildings, including external features, and should normally use matching materials. In addition, additional or enlarged windows should be in keeping with the original contemporary pattern.

6.5 Saved UDP policy URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation states that the Council will only grant permission/consent where alterations and extensions to buildings are compatible with the character of the area and its buildings.

- 6.6 The application property is within the Blackheath Conservation Area, and the protection of the integrity of the buildings that comprise the conservation area is a material planning consideration. The doors were previously stained timber and the steps in their current form comprise untreated timber. However, since the submission of the current application, the doors have been painted black.
- 6.7 The original window was a black painted metal window with a narrow profile frame and glazing bars, which matched that at first floor level and was characteristic of those originally installed in the group of maisonettes.
- 6.8 The original window opening in this location has been modified to create a door opening. The window opening has been reduced in width, increased in height and timber French doors have been installed in the altered opening. As a result the proportions of the opening and its appearance now differ from the window above.
- 6.9 As originally installed, the incongruousness of the change of proportions was exacerbated by the stained timber finish, which was a material untypical of the surrounding properties.
- 6.10 The current proposal is to retain the French doors which have been painted black to better match the remainder of the window openings in the block of which No. 14 forms part and the similar blocks which form this development.
- 6.11 While the painting of the French doors does not fully address the misalignment with the window above, officers consider that painting the frames of the French doors black has significantly reduced their incongruity. As they are located at the rear of the block, at ground floor level and screened to a degree by garden vegetation, it is considered that they are now acceptable in terms of their appearance. The impact on the character and appearance of the conservation area is considered to be neutral and with the alterations the works are considered to be acceptable.
- 6.12 In order for the steps to match the French doors, officers consider it necessary to place a condition on the decision notice, requiring the steps to be painted black to match the doors.

Neighbour Amenity

- 6.13 HSG 4 Residential Amenity States that the Council will seek to improve and safeguard the character and amenities of residential areas throughout the Borough.
- 6.14 Eight objections were received in relation to the July 2013 refused application, while five objections have been received in respect to the current application.
- 6.15 The points of objection are the same as those received concerning the previous proposal and mainly relate to the installation of the steps which have been constructed to provide access from the French doors to the garden plot of Flat 14 which is at a lower level than the new door. The threshold of the door is approximately 0.61m above the adjacent ground level.
- 6.16 The existing steps have been constructed over the pedestrian path that leads from the entrance to the block, to the garden plots of Flats 13, 14 and 15.

The objections are on the grounds that the steps impede and could potentially permanently block access to the garden plots belonging to the upper floor maisonette within the application building (15 Glebe Court), and the adjacent maisonette (13 Glebe Court) . Neighbours have also raised objections on the grounds that the original window, which had a high sill relative to the common path, previously afforded privacy to the occupants of No.14, while the provision of a door allows views directly into the application unit.

- 6.17 With regard to the access issue, rights of way and matters in relation to trespass are not a planning consideration. While a development may be granted planning permission, this does not override property rights in respect to the development.
- 6.18 The obstruction of access to the individual garden plots has again been raised as a strong objection by neighbouring residents. The residential amenities of neighbouring residents is a material planning consideration and in the context that the existing steps compromise neighbours enjoyment of their own gardens by impeding access to them, then it is considered that the existing steps result in loss of amenity in this instance.
- 6.19 The occupiers of the first floor flat above No.14 and of the neighbouring dwelling to the south east state in their objections that the steps have been built directly on top of the common path by which they access their garden plots. Copies of property deed entries have been submitted to the planning department by neighbours that show the relevant common paths.
- 6.20 The issue of steps impeding access for neighbouring occupiers formed a reason for refusal of the previous application on grounds of the detriment caused to neighbour amenity.
- 6.21 To overcome this objection, the applicant has proposed a revised set of steps which would not encroach onto the communal path. This revised arrangement is shown on a revised drawing referenced 'new steps to rear of property' received 7/11/13.
- 6.22 Section 4 of the Amended Design and Access statement states that the new steps enable access/right of way to the private rear gardens of the neighbouring dwellings to be maintained.
- 6.23 Officers have reviewed the latest submitted drawing with the Council's Building Control department, and they advise that the proposed steps would be capable of being built in the way depicted in the drawing.
- 6.24 As the obstruction to the communal garden path can be remedied, as proposed, officers now consider the provision of steps as proposed no longer raise concerns on the grounds of neighbour amenity.
- 6.25 With regard to the remaining issue of privacy, while the new door has reduced the privacy of the relevant room of the application unit, this is not considered so significant as to justify the withholding of permission.
- 6.26 It would be desirable for the alteration of the steps to be carried out without delay, accordingly it is considered expedient to limit the period for implementation of the permission to six months.

7.0 Equalities Considerations

7.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 The protected characteristics under the Act are: Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

7.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8.0 Community Infrastructure Levy

8.1 The above development is not CIL liable.

9.0 Conclusion

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

9.2 Officers consider that the retention of the French doors, painted black and the retention of the steps thereto, with the application of a condition ensuring that they too are painted black is acceptable in design terms.

9.3 The proposed revised steps would no longer impede access for other residents of the block to their individual garden plots and therefore the proposal is also considered acceptable on grounds of neighbour amenity.

10.0 **RECOMMENDATION** Grant Permission subject to the following conditions:-

- (1) The development hereby permitted must be begun not later than six months from the date of this permission.

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, OS Map, Block Plan, Site Location Plan, Proposed Elevation, Original Elevation, and Photographs x 14 and 'new steps to rear of property' drawing received 7/11/13

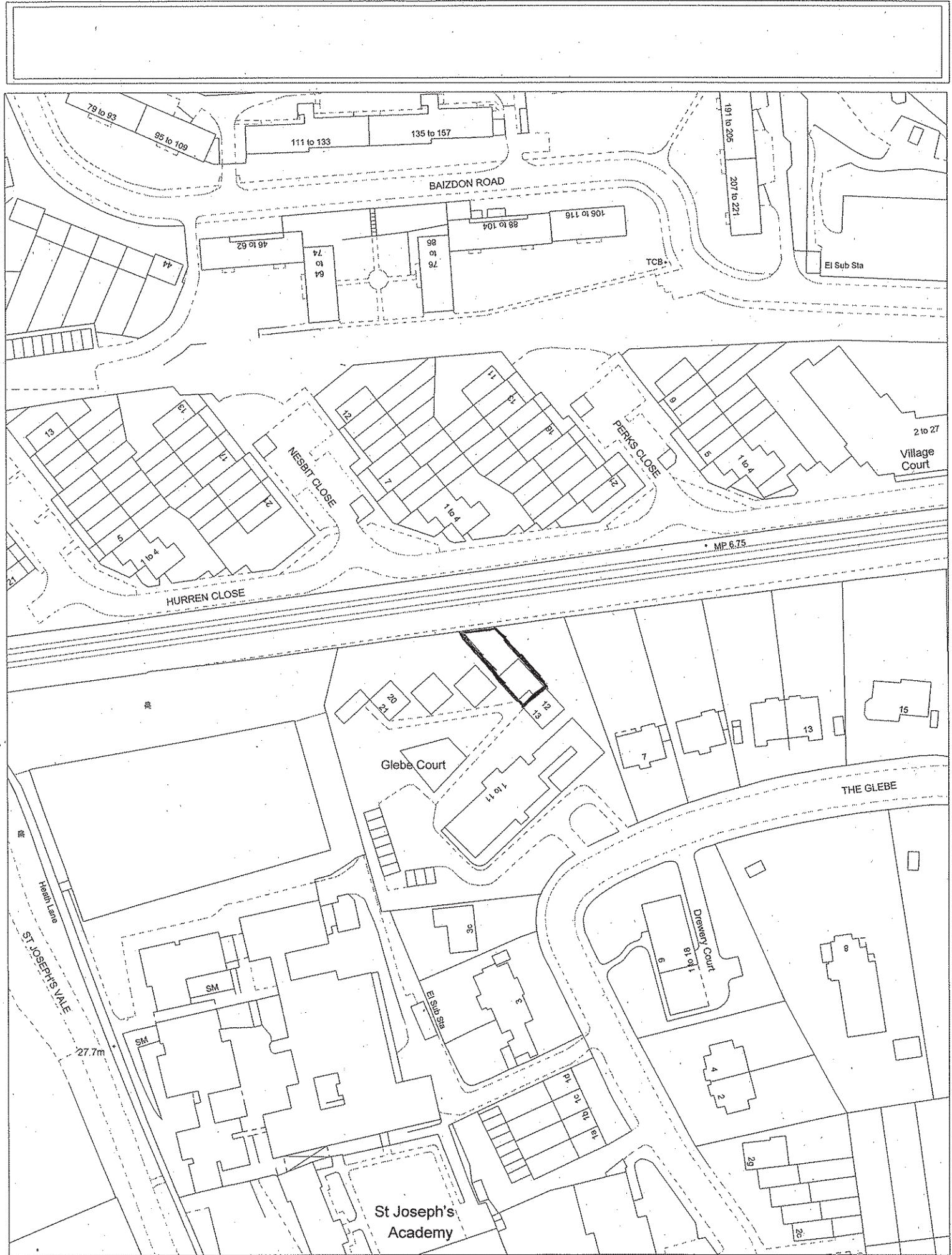
Reason To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

- (3) The steps hereby approved shall be constructed and painted black to match the French doors hereby approved within 3 months of the date of this permission and the doors and steps shall be retained in a black painted finish.

Reason To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and; Saved Policy URB 3 Urban Design, URB 6 Alterations and Extensions and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas and HSG 4 Residential Amenity in Lewisham's Unitary Development Plan (2004).

INFORMATIVES

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



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Committee	PLANNING COMMITTEE C	
Report Title	23 SYDENHAM ROAD SE26 5EX	
Ward	Sydenham	
Contributors	S Isaacson	
Class	PART 1	Date: 06 MAY 2014

<u>Reg. Nos.</u>	DC/13/86035
<u>Application dated</u>	23.12.2013, revised 28.03.2014
<u>Applicant</u>	On The Hoof Limited
<u>Proposal</u>	The change of use from an opticians (Use Class A1) to a bistro restaurant (Use Class A3), together with the installation of an extraction duct on the side elevation at the rear.
<u>Applicant's Plan Nos.</u>	A-049, 050, 099, A-100-Rev 02, A-250-Rev 01, Site Location Plan, Block Plan, Photographs, Overview & Operating Schedule, Heritage Statement, & Letters Of Support
<u>Background Papers</u>	<ol style="list-style-type: none"> (1) Case File LE/180/23/TP (2) National Planning Policy Framework (NPPF) (3) The London Plan (4) Adopted Unitary Development Plan (July 2004) (5) Local Development Framework Documents
<u>Designation</u>	Adopted UDP - Existing Use Sydenham Thorpes Conservation Area

1.0 Property/Site Description

- 1.1 23 Sydenham Road is a mid-terrace, three-storey property with a former opticians on the ground floor and residential above, located on north side of Sydenham Road, some 35 metres east of the junction with Silverdale, and 80 metres east of the junction with Sydenham Station Approach. The ground floor commercial element was previously occupied by Jays Opticians.
- 1.2 Sydenham Road is characterised by a mixture of commercial ground floor uses and upper residential units, with the surrounding area off Sydenham Road being primarily residential.
- 1.3 The subject site is located within the Sydenham district centre boundary within a primary frontage. There are a mixture of A1, A2 and A3 uses within the immediate vicinity.
- 1.4 The site lies within the Sydenham Thorpes Conservation Area and within a zone of archaeological priority, but is not within the immediate vicinity of a listed building. Sydenham Road is a classified road and the site has a PTAL of 4 / 5.

2.0 Planning History

2.1 No relevant planning history.

3.0 Current Planning Application

3.1 The proposal is for a change of use of 23 Sydenham Road from an opticians (Class A1) to use as a bistro, falling within Class A3, together with the installation of an extract duct on the side elevation at the rear.

3.2 The premises would operate between 9 AM until mid-evening, probably until 9.30 PM Monday to Saturday, and 9 AM until 6 PM on Sundays.

3.3 The applicants have confirmed that they would not intend to offer a takeaway service, but wish to obtain a licence to serve wine and bottled beer with food.

3.4 The Supporting Information submitted with the application states that the applicants have 20 years experience in the executive sector of food and beverage services in London. In August 2001, they were awarded the licence from South Central to run the coffee kiosk at Forest Hill Station, and have been managing a successful business there over the last 10 or so years. They now have three coffee kiosks based around Sydenham and Forest Hill and one coffee shop at Sydenham Station.

3.5 The submitted information also includes a Heritage Statement, which confirms that there would be no changes to the existing shopfront or signage, other than the change of name, plus an analysis of existing businesses in this part of the High Street and letters of support from the Sydenham Society and SEE3.

4.0 Consultation

4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

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

Written Responses received from Local Residents and Organisations

4.3 Three letters of objection have been received from owners of 11 & 89 Sydenham Road, and 321A Kirkdale raising the following issues:-

- There are too many coffee shops in Sydenham. Many years ago, Sydenham used to have a variety of different businesses, but now has become a place for catering premises and estate agents. A shoe shop would be more beneficial to the area.
- There are too many take-aways in Sydenham.
- Need different businesses, such as clothing or electrical stores.

Letters of Support

4.4 Two letters of support have been received in response to the consultation procedure. The occupier of 22 Princethorpe Road supports the application as it will help to improve the town centre by providing a quality new restaurant, where there is currently a lack of choice for local people. This will help to improve the vitality and vibrancy of the town centre and will also bring back into use a currently vacant unit.

4.5 The occupier of 58 Fairlawn Park considers Sydenham greatly needs businesses like this to improve the night-time economy and give greater choice for residents. This is a local business looking to expand, which is well liked and looking to offer something different from what is already available in Sydenham.

4.6 In addition, two letters of support have been submitted by the applicant, as follows:-

Sydenham Society

4.7 The applicant has submitted a letter from the Sydenham Society in support of the application. The letter states:- *"As Sydenham is lacking in restaurants - and two well-equipped restaurant premises have recently converted to alternative uses - the Society wholeheartedly supports business owners who are working to remedy this situation. In the view of both the Society and SEE3 (the not-for-profit organisation that is delivering the Portas Pilot in Sydenham) the town centre is in need of an evening economy to assist in its regeneration. A lively restaurant scene has been proven to be one of the best methods of attracting footfall to an area, thereby encouraging residents to support the local economy."*

SEE3

4.8 The second letter in support submitted by the applicant is from SEE3, which is the company set up as part of the Portas Pilot project to support the regeneration of local high streets in Forest Hill, Kirkdale and Sydenham, believes that the opening of a bistro-type restaurant in this location would enhance the shopping centre and would not conflict with the policies of the local planning authority. Their letter continues:- *"The applicant has conducted a survey in the immediate vicinity to demonstrate that there would be little, if any impact on existing businesses, while the proposed closing time of 9:30 PM should have no negative impact on local residents."*

4.9 Additional notifications have been carried out in respect of the external ducting, which was not covered by the initial notification letters, and any additional responses received will be reported verbally.

(Letters are available to Members)

Written Responses received from Statutory Agencies

Highways and Transportation

4.10 No objections.

Environmental Health

4.11 No objections.

Amenity Societies Panel

4.12 No objection.

5.0 Policy Context

Introduction

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

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

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

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

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

Ministerial Statement: Planning for Growth (23 March 2011)

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

London Plan (July 2011)

5.7 The London Plan policies relevant to this application are:

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Core Strategy

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

Objective 4: Economic Activity and Local Businesses
Objective 10: Protect and Enhance Lewisham's Character
Spatial Policy 3 District Hubs
Policy 6 Retail hierarchy and locations of retail development
Policy 15 High quality design for Lewisham
Policy 16: Conservation Areas, Heritage Assets and the Historic Environment

Unitary Development Plan (2004)

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

URB 3 Urban Design
URB 6 Alterations and Extensions
URB 8 Shopfronts
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
ENV.PRO 9 Potentially Polluting Uses
ENV.PRO 11 Noise Generating Development
HSG 4 Residential Amenity
STC 6 Major and District Centres - Other Shopping Areas
STC 9 Restaurants A3 Uses and Take Away Hot Food Shops

Emerging Plans

5.10 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).

5.11 The following emerging plans are relevant to this application.

Development Management Plan

5.12 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public took place in late February 2014.

5.13 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

5.14 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

5.15 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:-

DM Policy 15	Neighbourhood local centres
DM Policy 26	Noise and vibration
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 41	Innovative community facility provision

5.16 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:-

DM Policy 14	District centres shopping frontages
DM Policy 17	Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)
DM Policy 19	Shopfronts, signs and hoardings
DM Policy 30	Urban design and local character
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application are the principal of change of use in this part of the town centre, in particular whether the proposal will have a negative impact on the viability and vitality of Sydenham shopping centre, and whether the proposed extract duct at the rear is acceptable in terms of its visual impact.

Principle of Development

6.2 The premises has been vacant for a short time, but was previously occupied as an opticians shop, which falls within the A1 use class. The application seeks consent to change this use to a bistro restaurant (Use Class A3). The premises are located within a Major and District Centre. Saved policy STC 6 states that applications which involve the loss of an A1 unit will be acceptable provided that the proposed development would not harm neighbouring amenity, harm the character, attractiveness, vitality and viability of the centre as a whole.

6.3 Three objections have been received. Although they all mention the fact that Sydenham has too many coffee shops, it is notable that all three objections are in fact from existing Class A3 premises in the town centre.

6.4 There is general support for the provision of this additional high-quality bistro restaurant from SEE3 and the Sydenham Society, and there is still a high level of A1 retail uses in the town centre.

Design & Extract Ducting

6.5 No changes would be made to the existing shop front, and the only change to the signage would be the change of name. A ventilation system would be required, including the construction of an external ducting on the side elevation at the rear up to roof level, but this would not be visible from the public domain. Officers consider that the visual impact of proposed ducting would be minimal and would

not harm the character of the property or wider streetscene, nor have a significant impact on adjoining owners.

- 6.6 The extract ducting should be painted black to match the other pipework on the rear of the building, and a condition is recommended in this regard.

Impact on Adjoining Properties, including Hours of Opening

- 6.7 The applicant has requested that the hours of operation be between 9AM and 9.30 PM. Given the location of the property on the busy Sydenham Road and also within the District centre, these hours are considered acceptable and would unlikely result in a detrimental impact on neighbouring amenity in relation to noise and general disturbance.

- 6.8 The opening hours that the Council would normally allow for such A3 premises are in fact longer, and it is considered that, given the town centre location, it would not be appropriate to impose an unnecessary restriction that would not be applied to other similar premises in the town centre.

- 6.9 Therefore the standard condition covering opening hours from 7AM - 11 PM Monday to Friday, 7 AM - Midnight on Saturdays, Sundays and Bank Holidays is recommended. This would give the applicants flexibility of operation and allow them to extend their opening hours either earlier in the day or later in the evening without the need for a further application to the Council.

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 proposed bistro restaurant would be acceptable in this location and that it would enhance the viability and vitality of the Sydenham shopping centre. There would be no detrimental impact on neighbouring amenity the scheme is therefore considered 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:-

A-049, 050, 099, A-100-Rev 02, A-250-Rev 01, Site Location Plan, Block Plan, Photographs, Overview & Operating Schedule, Heritage Statement, & Letters Of Support

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) The premises shall not be open for customer business outside the hours of 7AM - 11 PM Monday to Friday, 7 AM - Midnight on Saturdays, Sundays and Bank Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- (4) The extract ducting shall be painted black to match the existing pipework on the rear elevation of the building.

Reason: .To ensure that the local planning authority may be satisfied as to the external appearance of the extract ducting and to comply with Policy 15 High Quality Design for Lewisham and Policy 16 Conservation Areas, Heritage Assets and the Historic Environment of the Core Strategy (June 2011) and saved policies URB 3 Urban Design & URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the Unitary Development Plan (July 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) You are advised that this permission relates only to the proposed change of use and that any alterations to, or the provision of a new shop front or new advertisements relating to the proposed use, would require separate permission.

23 Sydenham Road



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Committee	PLANNING COMMITTEE (C)	
Report Title	GARAGES TO THE REAR OF 3-7, CHESEMAN STREET SE26 4RA	
Ward	Forest Hill	
Contributors	Sean O'Sullivan	
Class	PART 1	Date: 06 MAY 2014

<u>Reg. Nos.</u>	DC/13/85169
<u>Application dated</u>	03.10.2013
<u>Applicant</u>	Arc3 Architects on behalf of Mr E Farrier
<u>Proposal</u>	The demolition of the garages at the rear of 3-7 Cheseman Street SE26 and the construction of 1 two bedroom single storey dwelling, together with the provision of 1 car parking space, 2 bicycle spaces and refuse store.
<u>Applicant's Plan Nos.</u>	G490/101 Rev.A, 102, 103, 111 Rev.D, 112, 113, 114 Rev.C, 115, 116 Rev.A, 117, 118, 120, 501, Planning Design & Access Statement, Sustainability Statement.
<u>Background Papers</u>	(1) Case File LE/457/C/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	None
<u>Screening</u>	None

1.0 Property/Site Description

- 1.1 The site is located between Sydenham and Forest Hill, in an area of primarily Victorian properties interspersed with newer redeveloped sites.
- 1.2 The site comprises 15 vacant/derelict garages, which are no longer linked to the residential uses nearby. The adjacent residential properties comprise a variety of two and three storey units, with integral gardens and garages.
- 1.3 It would appear, from the poor condition of the site, that the garages are no longer used for vehicular parking and this attracts antisocial activities.

2.0 Planning History

- 2.1 DC/03/55722/X The demolition of the garages at the rear of 3-7 Cheseman Street SE26 and the construction of a part two/part three storey building comprising 3 two bedroom self-contained flats and 2

two bedroom self-contained maisonettes, together with the provision of 5 car parking spaces and landscaping.

REFUSED 6th July 2005 for the following reasons:-

1. *The proposed part two/part three-storey block, by reason of the bulk of the building and relationship to adjoining residential properties, is considered to represent a substantial over-development of the site, with excessive density, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 6 Backland and Infill Development and HSG 12 Density in the adopted Unitary Development Plan (July 2004) and Policy 4B.2 & 4B.3 of The London Plan (February 2004).*
2. *The proposed part two/part three storey block would be visually intrusive and over dominant when viewed from adjoining houses and gardens, especially those at 3-7 Cheseman Street, 9 Brickwood Close and 7 Sandown Court Dartmouth Road, contrary to Policies HSG 4 Residential Amenity and HSG 8 Backland and Infill Development in the adopted Unitary Development Plan (July 2004).*
3. *The proposed part two/part three-storey block on this small site would cause overlooking and loss of privacy to residents in houses in Brickwood Close, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 8 Backland and Infill Development in the adopted Unitary Development Plan (July 2004).*
4. *The applicant has not demonstrated that it is possible to achieve a satisfactory refuse collection provision, due to reasons of narrow and constrained access to the site, which would be contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 8 Backland and Infill Development in the adopted Unitary Development Plan (July 2004).*

2.2 DC/06/63044/X The demolition of the garages at the rear of 3-7 Cheseman Street SE26 and the construction of a two-storey building comprising 4, two-bedroom self contained flats, together with 3 car parking spaces, 4 bicycle spaces, landscaping and refuse store.

REFUSED 14th June 2007 for the following reasons:-

1. *The loss of the existing garages would worsen the already acute on-street parking problems in Cheseman Street and would have an unacceptably harmful effect on parking demand, congestion, access and highway safety, contrary to Policy HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).*
2. *The proposed two-storey block, by reason of the bulk of the building and relationship to adjoining residential properties, is considered to represent an over-development of the site, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 8 Backland and In-fill Development and HSG 16 Density in the adopted Unitary Development Plan (July 2004) and Policy 4B.2 & 4B.3 in The London Plan.*

3. *The proposed two-storey block would be visually intrusive and over dominant when viewed from adjoining houses and gardens, especially those at 3-7 Cheseman Street, contrary to Policies HSG 4 Residential Amenity and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).*
4. *The applicant has not demonstrated that it is possible to achieve a satisfactory refuse collection provision, due to reasons of narrow and constrained access to the site, which would be contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).*

3.0 Current Planning Application

The Proposals

- 3.1 The demolition of the existing 15 garage structures and replacement with one new self contained dwelling.

Plot Size = 495.10m²

Existing Build Footprint area = 208.71m²

Proposed Build Footprint Area = 150.64m²

New Dwelling = 150.64m²

- 3.2 The accommodation would include a 2 bedroom dwelling with amenity space, and would comply with Lifetime Homes and Secured by Design requirements.
- 3.3 2 x bedrooms, living/dining space and kitchen, family bathroom, study and additional dedicated storage space, including a utility room.
- 3.4 The proposed new dwelling is located within a new single storey building within a plot, which is accessible from Cheseman Street. The proposed building maintains a reduced and subservient scale as it gets closer to the rear of the properties which surround it.
- 3.5 The siting of the proposal is at a lower level than the surrounding properties. A fire hydrant is proposed to the front of the dwelling. 1.2 metre high entrance gates would be provided at the entrance to the site from Cheseman Street.

4.0 Consultation

Pre-Application Consultation

- 4.1 A pre-application inquiry was submitted by the applicant in May 2013. Officers accepted the principle of single storey residential development in this location. and stated that the latest proposal constituted a considerable improvement on the previously refused applications, and would improve and safeguard the character and amenities of the residential area. The proposed low rise development, which is located lower than the surrounding properties, reduces overlooking, although care will be required to ensure that the development site will not be overlooked by neighbouring properties, including safeguarding the privacy of amenity spaces, such as garden space.

- 4.2 The proposal allows for a satisfactory vehicular access to the site. Sufficient space needs to be provided between the highway and the gate, in order to provide an off road parking area for vehicles entering the site, while the gate is being opened. It is noted that the Council's Highways officer, has concluded that there would be no adverse impact upon highway safety arising from the proposed development.

Written Responses received from Local Residents and Organisations

- 4.3 Letters were sent to residents in the surrounding area and the relevant ward Councillors. Three letters have been received from 3, 5 and 7 Chesemen Street highlighting the following concerns:-

- Proximity of the proposal to the rear of Nos. 3, 5, 7 & 9 Cheseman Street causing a loss of daylight and privacy,
- Increased parking problems in Chesemen Street as a result of the replacement of the existing garages with a new dwelling,
- Height of the proposed development,
- Construction of the rear boundary,
- Proposed lighting,
- Unsuitability of the site for residential development,
- Security and space for a growing family,
- The area becoming too "built up",
- Emergency vehicle and refuse vehicle access,
- Location of refuse bins close to residential property,
- Further information on proposals for the boundary wall should be requested,
- A "better use" of the proposed development site would be to provide some reasonably priced garage parking,
- Five year old precedents on other sites justifying the proposed development,
- Local residents have not been consulted by the applicant, regarding the loss of garages,
- Comments taken into account by the applicant from the Metropolitan Police in Bromley rather than Lewisham,
- "Anti-social behaviour" only caused by three residents from the neighbouring Council Bail Hostel,
- Proposal not "positive" or "viable" for Sydenham or Forest Hill,
- The flora and fauna on site now attracts a variety of attractive birds and bats,
- Would the garden be large enough to build two more properties or a block of flats?
- There is no side access and access is only available from Cheseman Street,
- Excavation on site,
- Why are there 3 bathrooms and one shower room for a 2 bedroom property?
- More information needed of the proposed internal layout,

(Letters are available to Members)

Highways and Transportation

4.4 Lewisham Highways – 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.

5.2 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)

5.3 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.

5.4 National Planning Policy Framework

5.4.1 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)'.

5.5 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.

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)
- 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 3.3 Increasing housing supply
 - Policy 3.4 Optimising housing potential
 - Policy 3.5 Quality and design of housing developments
 - Policy 3.6 Children and young people's play and informal recreation facilities
 - Policy 3.8 Housing choice
 - Policy 3.9 Mixed and balanced communities
 - Policy 3.17 Health and social care facilities
 - Policy 3.18 Education facilities
 - Policy 3.19 Sports facilities
 - Policy 5.1 Climate change mitigation
 - Policy 5.2 Minimising carbon dioxide emissions
 - Policy 5.3 Sustainable design and construction
 - Policy 5.4 Retrofitting
 - Policy 5.5 Decentralised energy networks
 - Policy 5.6 Decentralised energy in development proposals
 - Policy 5.7 Renewable energy
 - Policy 5.8 Innovative energy technologies
 - Policy 5.9 Overheating and cooling
 - Policy 5.10 Urban greening
 - Policy 5.11 Green roofs and development site environs
 - Policy 5.13 Sustainable drainage
 - Policy 6.9 Cycling
 - Policy 6.10 Walking
 - Policy 6.13 Parking
 - Policy 7.1 Building London's neighbourhoods and communities
 - Policy 7.2 An inclusive environment
 - Policy 7.3 Designing out crime
 - Policy 7.4 Local character
 - Policy 7.6 Architecture
 - Policy 7.19 Biodiversity and access to nature
 - Policy 7.21 Trees and woodlands

5.9 London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)

Housing (2012)

Sustainable Design and Construction (2006)

Planning for Equality and Diversity in London (2007)

London Plan Best Practice Guidance

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

Development Plan Policies for Biodiversity (2005)

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

Wheelchair Accessible Housing (2007)

London Housing Design Guide (Interim Edition, 2010)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 10 Managing and reducing the risk of flooding

Core Strategy Policy 12: Open space and environmental assets

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment

URB 3 Urban Design

URB 12 Landscape and Development

URB 13 Trees

URB 14 Street Furniture and Paving

ENV.PRO 10 Contaminated Land

ENV.PRO 11 Noise Generating Development

ENV.PRO 12 Light Generating Development

ENV PRO 17 Management of the Water Supply

HSG 1 Prevention of Loss of Housing

HSG 4 Residential Amenity

HSG 5 Layout and Design of New Residential Development

HSG 7 Gardens

HSG 8 Backland and In-fill Development

Residential Standards Supplementary Planning Document (November 2006)

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

Emerging Plans

- 5.14 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).

The following emerging plans are relevant to this application.

Development Management Plan

- 5.15 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is arranged for the 26th and 27th February 2014.
- 5.16 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.
- 5.17 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.
- 5.18 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 28	Contaminated land
DM Policy 35	Public realm

- 5.19 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and 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 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

6.0 Planning Considerations

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

- (a) Principle of Development
- (b) The demolition of the existing garages;
- (c) The design of the proposed dwelling;
- (d) The impact of the proposal on the amenities of neighbouring occupiers;
- (e) Living Conditions for future occupiers;
- (f) Amenity space provision;
- (g) Sustainability principles;
- (h) Sustainability and Lifetime Homes;
- (i) Parking and highway concerns.

Principle of Development

6.2 The principle of the development is considered against saved DM Policy 33 of the Development Management Local Plan – Submission Version November 2013, which states that development on infill and backland sites must meet the policy requirements of DM Policy 30 (Urban design and local character), DM Policy 32 (Housing design, layout and space standards) and DM Policy 25 (Landscaping and trees).

6.3 The proposal would be constructed on a backland site. The proposed dwelling would be located entirely at ground floor level and would replace 15 vacant/derelict garages. The proposed dwelling would include a flat green roof, which would serve to further soften the impact on the surrounding area, when viewed from neighbouring two and three storey dwellings. The proposed development would replace garages that have fallen into disuse. The proposed development would be an improved use of the site and the principle of the development in this location is considered acceptable.

Demolition of the existing garages

6.4 None of the 15 existing garages on the site are in use. The access road/track from Cheseman Street into the site is overgrown. The doors to the garages are mostly left open and/or vandalised. Rubbish has been dumped in some of the garages. Highways raise no objection to the removal of garage spaces from the site.

Design & Appearance

- 6.5 National and local planning policies place considerable emphasis on the importance of achieving high quality design that complements existing development, established townscape and character. The Council would expect any new development to be of a high quality in terms of design and the materials to be used. 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.”
- 6.6 It is stated in DM Policy 30 Urban design and local character of the Development Management Local Plan – Submission Version November 2013 that the *“Council will require all development proposals to attain a high standard of design. This applies to new buildings and for alterations and extensions to existing buildings. The requirements of Core Strategy Policy 15 which sets out the aims for each Core Strategy spatial area will need to be met.”*
- 6.7 It is recommended that the final details of materials are decided by condition. However, the applicant has indicated on the drawings with the application form that the walls of the proposal will be brick, with painted metal window frames and doors. The proposal includes a flat green roof and further details are recommended to be agreed by condition. The proposed development in this backland area, would enhance the appearance of the site when viewed from the rear of neighbouring residential properties and would enhance the character and appearance of the surrounding area.
- 6.8 The proposal would be acceptable in terms of height, scale, bulk, massing and siting. The proposed development is designed to a high standard and would be appropriate to the context of neighbouring properties and the surrounding area.

Neighbouring Amenity

- 6.9 It is stated in part 1 of DM Policy 32 of the Development Management Local Plan – Proposed Submission Version November 2013, that the *“siting and layout of new-build housing development, including the housing element of mixed use developments, will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.”*
- 6.10 Policy HSG 4 of the UDP expresses the desire to improve and safeguard the character and amenities of residential areas in a number of ways. These include the siting of new dwellings appropriately seeking higher standards of design and landscaping in all new development in residential areas.
- 6.11 The flank wall of the proposed development would cause a slight loss of daylight, loss of outlook and overbearing impact to the front of 7 Sandown Court, as a result of the south western facing wall of the proposed development, projecting to the front of these neighbouring properties. However, the proposed south western facing wall of the proposed development, would only be slightly

higher than the rear wall of the existing garages on this side of the site. Therefore, the loss of amenities caused to the neighbouring properties in Sandown Court, would not be significant enough to warrant refusal.

- 6.12 The proposed development would cause no significant loss of daylight, loss of outlook or overbearing impact to the rear of 3, 5, 7 or 9 Cheseman Street. There would be no significant loss of privacy or increase in overlooking into neighbouring properties, as a result of the single storey height of the proposed development. The rear part of the back garden of the proposal, would be raised in relation to the remainder of the site. However, a 2 metre high fence is proposed on the boundaries of the rear garden, preventing overlooking of neighbouring properties. There are no other amenity concerns caused by the proposed development.

Living Conditions for Future Occupiers

- 6.13 It is stated in part 4 of DM Policy 32 of the Development Management Local Plan – Proposed Submission Version November 2013, that the “*standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (2012) will be used to assess whether new housing development provides an appropriate level of residential quality and amenity*”.
- 6.14 Policy HSG 5 requires all new residential development to be attractive, neighbourly and to meet the functional requirements of its future inhabitants. It is considered that the current proposal would result in a good-sized dwelling house. The habitable rooms allow adequate outlook and natural light intake. The Mayor of London’s Housing Supplementary Guidance, November 2012 and the London Plan set out minimum floor spaces standards for dwellings of different sizes. These are based on the minimum gross internal floor space required for new homes relative to the number of occupants and taking in to account commonly required furniture and spaces needed for different activities and moving around, in line with Lifetime Home Standards. The quality of the proposed accommodation. Is acceptable in terms of room sizes and layout
- 6.15 In terms of outlook and light, all habitable rooms have suitable outlook and would receive adequate natural light.

Private Amenity Space Provision

- 6.16 Policy UDP Policy HSG 7 seeks to ensure that all new dwellings will have private and useable external space. Baseline Standard 4.10.1 of the Mayor of London’s Housing Supplementary Guidance, November 2012. states that a minimum of 5 square metres of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.
- 6.17 It is stated in Part 2b of DM Policy 32 of the Development Management Local Plan – Proposed Submission Version November 2013, that new build housing development must be provided with a readily accessible, secure, private and usable external space and this should include space suitable for children's play. 134.46 square metres of garden space would be provided to the rear of the proposed dwelling. The proposed development would result in a reasonably spacious living environment for future occupiers who would benefit from adequate levels of privacy.

Highways and Traffic Issues

- 6.18 The Council's highways and transportation officer has not raised any objection to the proposal. The site is well serviced by public transport given its proximity to Sydenham and Forest Hill overland rail stations and the fact that it is serviced by several bus routes. Two cycle spaces would be provided with the proposed development and is indicated on the drawings that these would be located to the front of the site, in addition to a car parking space and turning area.

Sustainability and Energy

- 6.19 It is stated in Core Strategy, Policy 8 all new residential development (including mixed use) will be required to achieve a minimum of Level 4 standards in the Code for Sustainable Homes from 1 April 2011. In the Sustainability Statement submitted with this application it is stated that Level 4 could be achieved and a condition is recommended to ensure Code Level 4 is achieved.

Lifetime Homes Standards

- 6.20 A condition is recommended to ensure Lifetime Homes Criteria are achieved.

7.0 Local Finance Considerations

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), 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).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

The Assessment

8.4 The scheme comprises of a single storey 2 bedroom dwelling. It is anticipated that the proposed scheme will have no impact on equality

9.0 Conclusion

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

9.2 Officers consider that the proposed scheme is acceptable subject to conditions to control the development in detail.

10.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions

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

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

- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below: G490/101 Rev.A, 102, 103, 111 Rev.D, 112, 113, 114 Rev.C, 115, 116 Rev.A, 117, 118, 120, 501, Planning Design & Access Statement, Sustainability Statement.

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

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

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

- (4) (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.

- (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
- (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

- (5)
 - (a) The building hereby approved shall achieve a minimum 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) (a) No development shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

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

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).

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

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

- (9) (a) A minimum of 2 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).

- (10) (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 URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

- (11) (a) No development shall commence on site until details of the green roof 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.
- (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.

- (12) The dwelling shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. 6490/117 and 6490/118 hereby approved.

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

- (13) No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

- (14) The whole of the car parking accommodation and turning space shown on drawings 6490/111 Rev.D and 6490/114 Rev.C hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

Reason: To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) 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).

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) It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- (3) You are advised that the application granted is subject to the Mayoral Community Infrastructure Levy ('the CIL'). 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>

- (4) 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>

- (5) **Thames Water Comments:**

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, there is not any objection to the application hereby approved.

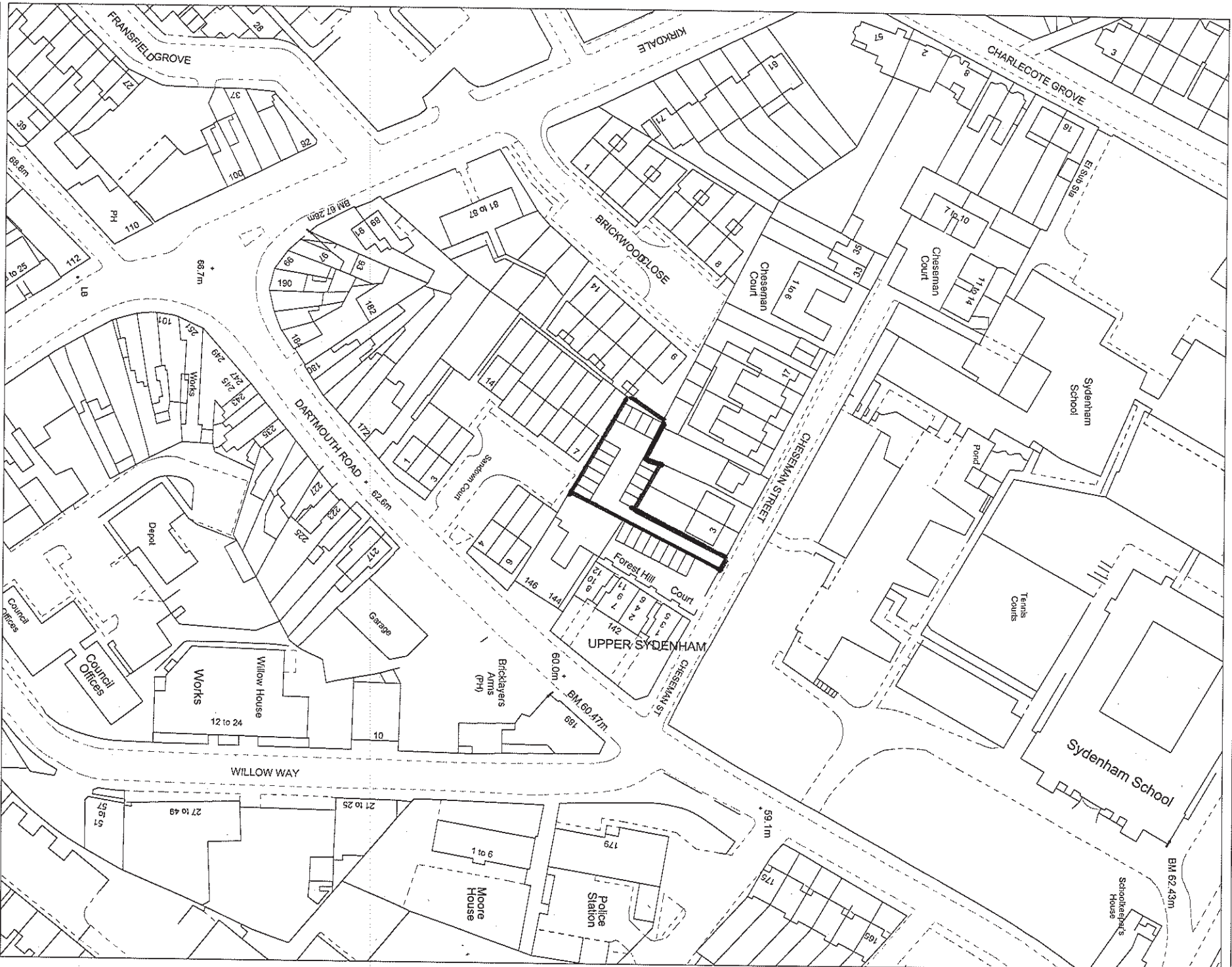
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water Thames Water recommend that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments:

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, there is not any objection to the planning application hereby approved.

Thames Water aim to provide customers with a minimum pressure of 10m head (Approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes . The developer should take account of this minimum pressure in the design of the proposed development. Thames Water can be contacted at tel. 0203 577 9998.

Garages to the rear of 3 to 7 Cheseaman Street



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Committee	PLANNING COMMITTEE C	
Report Title	ADAMSRILL PRIMARY SCHOOL, ADAMSRILL ROAD SE26 4AQ	
Ward	Perry Vale	
Contributors	Suzanne White	
Class	PART 1	06 MAY 2014

<u>Reg. Nos.</u>	DC/13/84444
<u>Application dated</u>	02.08.2013
<u>Applicant</u>	The Governors of Adamsrill Primary School
<u>Proposal</u>	Demolition of existing buildings (Blocks B, F & G) and the erection of a part single/part two storey extension at Adamsrill Primary School, Adamsrill Road SE26, comprising nine classrooms, staff room, studio hall, reception, sick bay, three group rooms, hall, kitchen, WC and storage facilities, associated landscaping and the felling of trees and the provision of photo voltaic panels on the roof, together with internal refurbishment of the existing 3 storey building and the provision of a new central entrance lobby.
<u>Applicant's Plan Nos.</u>	AIA10-6-13-001-A-A1, AIA10-6-13-002-A-A1b, AIA10-6-13-002-B-A1, AIA10-6-13-003-A-A1, AIA10-6-13-002-B-11, AIA10-6-13-002-C-A1b, AIA10-6-13-003-A-A1, AIA10-6-13-003-B-A1, AIA10-6-13-003-C-A1, AIA10-10-6-13-003-D-A1, LP1-9913-001-A-Draft, AIA23058/101, 23058/01A, 23058/02A, 23058/03A, 23058/04A, 23058/05A, 23058/06A, 23058/07A, 23058/08A, 23058/09, 23058/10, 23058/11A, 23058/101D, 23058/103F, 23058/102F, 23058/104F, 23058/105F, 23058/106A, 23058/107A, 23058/108A, 23058/109A, 23058/110 C, 23058/111A, 23058/112A, 23058_211, DN2028, 0412-AGB-5669, LP1-9913-006-E-SG Rev E, LP1-9913-005-E-Soft Rev E, LP1-9913-004-E-hard Rev E, LP1-9913-003-E-master, LP-9913-002-prop-cir, Ground Investigation Report, Design & Access Statement, Flood Risk Assessment, Extended Phase 1 Habitat Report, Energy Strategy Report Feb 2014& Arboricultural Assessment, Travel and accreditation Plan, Transport Statement, Breeam Pre-assessment and Planting Palette.

Background Papers

- (1) Case File LE/184/A/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation

The site is undesignated. It has an established D1 Education use.

Screening

Not EIA

1.0 Introduction

- 1.1 The submission of this application follows pre application discussions between the Council and the applicant regarding the form of development that would be appropriate for this site.
- 1.2 On the 2nd August 2013 the Planning Authority received an application for full planning permission made by Bailey Partnership on behalf of the Governors of Adamsrill Primary School for partial redevelopment of the site comprising demolition of three existing blocks of accommodation and the erection of a new part single/part two storey extension to the main school building to enable the school to take 3 forms of entry. At present, the school is 2 form entry plus bulge classes.
- 1.3 This report considers the proposals in light of relevant planning policy and guidance, representations received and other material considerations, and makes recommendations on the determination of the application.
- 1.4 For the reasons set out in this report the proposal is considered to be an acceptable form of development and Officers recommend that subject to the necessary conditions to control the development in detail and the planning obligations required to mitigate the impact of the development, planning permission should be approved.

2.0 Property/Site Description

- 2.1 This application relates to Adamsrill Primary School located on the northern side of Adamsrill Road at the corner with Fairwyn Road. The school site is a large rectangular plot with a section fronting Adamsrill Road effectively 'cut out' and allocated to a small terrace of dwellings.
- 2.2 The existing accommodation is distributed across several buildings. Block A is a 3 storey brick and render building with a pitched roof. Block B is a single storey flat roofed rendered building built around the 1970s. Block C is a new two storey temporary building providing 4 'bulge' classrooms. Block D is a two storey cottage constructed at the same time as the main school building and built in a similar style. Block E is the playground toilets and Block F is a community/parent facility. Blocks G & H are two further modular buildings.

- 2.3 The site is bounded by Adamsrill Road along the southern boundary where the road leads onto Fairwyn Road to the West. Two semi detached residential properties lie tight between the school and Fairwyn Road. Terraced residential buildings lie to the North, East and West boundaries. A small rear access lane separates the school from the rear garages and gardens of the terraced properties of De Frene Road to the North, whilst the properties to the east back directly on to the site boundary.
- 2.4 The school site is accessed via pedestrian access gates on Adamsrill Road to the South. Various outbuildings, including a sub station building and shelters form a 'street' type pedestrian access route. Vehicular access for deliveries and maintenance/emergency access is from Adamsrill Road. There is no vehicular access for staff and visitors and no car parking on the site.
- 2.5 The application site extends to 0.85ha. Most of it is hard surfaced either as play area, games court or car park. There is an area of habitat space with a number of trees to the South East corner of the site and a number of trees dotted around the site generally.
- 2.6 The surrounding properties are of predominantly brick and render construction and are generally 2/3 storey, the main school building is the largest on the street although it is set back from the street.
- 2.7 The school buildings are not listed nor is the site within a conservation area.

3.0 Planning History

- 3.1 The site has an extensive planning history, of which the most relevant and recent entries are summarised below:

2004: installation of uPVC double glazed windows together with re-covering the roof. Granted.

2010: retention of a single storey modular classroom building. Granted.

2010: construction of a single storey modular building to provide an entrance lobby, two classrooms with store rooms and toilet, together with associated pedestrian access. Granted

2010: construction of a 2 metre high Protek mesh panel fence above close boarded timber fence, to the side of Adamsrill Primary School, Adamsrill Road SE26. Granted

2010: details of external lighting & scheme of landscaping submitted in compliance with conditions (2) & (4) of the planning permission dated 06 September 2010 (DC/10/74869), for the construction of a single storey modular building at Adamsrill Primary School, Adamsrill Road SE26 to provide an entrance lobby, two classrooms with store rooms and toilets, together with associated pedestrian access. Granted

2012: demolition of two single-storey mobile classrooms and erection of a two-storey modular building providing classrooms in the same location to accommodate bulge class. Granted

2014: two related applications have been received in respect of decant measures to facilitate the development at the school site. These relate to the former Council Depot at Willow Way in Sydenham.

The first application (DC/14/86637) sought confirmation that Prior Approval for demolition of the existing buildings on site would not be required from the planning authority. This confirmation was issued in March. The second application (DC/14/86622) seeks full planning permission for the temporary siting of modular classroom structures to accommodate 300 students during construction of the extension at the main school site. This application is due to be determined by 12th June 2014.

4.0 Current Planning Application

The Proposals

- 4.1 The application seeks full planning permission for the erection of a part single/part two storey extension at Adamsrill Primary School, comprising nine classrooms, staff room, studio hall, reception, sick bay, three group rooms, hall, kitchen, WC and storage facilities, associated landscaping and the provision of photo voltaic panels on the roof together with internal refurbishment of the existing 3 storey building and the provision of a new central entrance lobby. Demolition of 3 existing blocks and the felling of a number of trees will be required to facilitate the proposals.
- 4.2 The proposal would enable the expansion of the school from 2 to 3 forms of entry, in response to the current demand for primary school places in the area, albeit the school already accommodates a number of bulge classes. The enlarged school will have a capacity of 630 students (compared with 520 at present) and c. 65 staff (compared with 50 at present).
- 4.3 The major element of the proposal is the demolition of Block B and the erection of a new part single/part two storey extension, linked to Block A, which extends east and in parallel to the private access road to the north.
- 4.4 Blocks F & G, temporary modular structures, would also be demolished. Block C, a two storey temporary classroom structure fronting Adamsrill Road, would also be removed upon completion of the works.
- 4.5 After school facilities would be re-provided in the new hall which forms part of the extension.
- 4.6 The form of the new extension is a simple linear volume. The height of the structure varies between 2storeys for its western portion, adjoining the main school building, and a large single storey to the east. It should also be noted that the ground levels drop as one moves west to east across the site. There is a central two storey element, which projects forward of the main volume and serves to 'break up' the mass of the block as viewed from the south.
- 4.7 A glazed link between the extension and Block A is intended to 'announce' the new main entrance to the school and create a welcoming approach from Adamsrill Road.
- 4.8 The proposals also include 70 cycle spaces, resurfacing and other improvements to the play areas to improve accessibility and a new refuse storage area.
- 4.9 Existing vehicular and pedestrian access points will be retained.

- 4.10 In terms of programme it is understood that, subject to planning approval, demolition will commence in August and construction will begin in September 2014.

Supporting Documents

4.11 Design and Access Statement

This document provides a comprehensive description of the site, outlines the site conditions that have influenced the scheme, sets out to describe the design principles behind the proposed development and explains the rationale for the scheme.

It states that the approach to the site organisation has been to align the new entrance hub with the main access point of the site, drawing people towards the building. This will act as a transition between the existing building and the proposed extension.

4.12 Flood Risk Assessment

Although the site is not located in an area of high flood risk and is under 1ha in size, the applicant has elected to submit a Flood Risk Assessment. The report is useful as it deals with drainage for the proposals. It states that the scheme would result in a slight increase in the impermeable area across the site. Drainage of surface water to soakaways is thought to be possible, subject to infiltration testing. Thames Water have confirmed that discharge to the existing sewer is acceptable if soakaways are not possible.

4.13 Extended Phase 1 Habitat Report

This report sets out the findings of the protected species and habitats survey undertaken in May 2012. The report covers surveys seeking evidence of badgers, bats, birds, reptiles and habitats. The report concludes that the site is not situated within or bounding a statutory designated site, has overall low ecological value and that the proposed development will not adversely impact the conservation status of any protected species.

It recommends that existing trees and hedgerows should be retained and lighting minimised in order to benefit bats. It also advises on demolition practices and highlights that the poor ecological value of the site presents opportunities for biodiversity enhancement e.g. utilisation of native species of trees and shrubs, brown and green roofs and other habitat creation.

4.14 Ground Investigation and Contaminated Land (Phase 1 & II)

These studies provide an assessment of the geology and hydrogeology of the site as well as the potential for any contamination to be present. The contaminated land study is based on an initial desktop study and subsequent intrusive investigation and laboratory testing. The reports conclude that removal of made ground to a depth of 0.6m in part of the site and its replacement with certified clean soil is required.

4.15 Arboricultural Implications Assessment

The report confirms that the site and proposed development have been assessed in accordance with the relevant British Standard, BS 5837:2012. A total of 55 individual trees were recorded during the survey.

These trees fall within the site boundary and the adjacent private access road to the north. None of the trees are covered by a Preservation Order or Conservation Area Consent. The report notes that many of the trees are of low quality and limited value. It is proposed to remove 26 trees as part of the redevelopment. These will be replaced by 27 'heavy standards' (semi-mature trees) and 100+ 'whips' (young seedlings).

4.16 Energy, Sustainability and BREEAM

An Energy Strategy Report and a BREEAM Pre-Assessment have been submitted in support of the application. The Energy Report assesses the proposed scheme's estimated energy demand and CO2 emissions in relation to Building Regulations requirements as well as planning policy. The report considers a CHP system for the development in order to achieve BREEAM 'Excellent', however it finds that there are difficulties with a CHP system because the heat and power demand of the scheme would not be sufficient for it to run efficiently.

The report concludes that the development would achieve at least a 40% improvement in the reduction of Carbon Emissions. The majority of CO2 savings will come from Photovoltaic panels installed on the roof of the new school building.

The BREEAM Pre-assessment states that the scheme will achieve a score of 67.33%, putting it at the upper end of the 'Very Good' range.

4.17 Transport Statement and Travel Plan

The Transport Statement sets out the existing site conditions including surveys undertaken to establish vehicular movements in Adamsrill Road and parking capacity for the surrounding streets. Modelling has been undertaken to demonstrate the trip generation impact from the proposed development both in terms of vehicles and pedestrians.

The statement estimates that an additional 22 vehicular trips will be generated during peak times. The parking surveys indicated that parking in surrounding streets is at 80% capacity during the morning peak, with 34 spaces available.

The report concludes that the development would not have an adverse impact on the surrounding highway network.

The existing school travel plan dated 2012/13 has been submitted. It is suggested in the Transport Statement that a review of the Travel Plan be required by condition, related to the opening of the new extension.

5.0 Consultation

This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

Site notices were displayed and letters were sent to 262 residents and businesses in the surrounding area and the relevant ward Councillors.

5.1 Pre-Application Consultation

The applicant has provided details of consultation exercises carried out with the local community, parents and staff. A mailshot was delivered to local residents shortly after submission of the application. An all-day exhibition was held for parents on the 9th January. A presentation was made to staff in March. In addition, the proposed drawings are available on the school's website.

5.2 Written Responses received from Local Residents and Organisations

In response to the statutory consultation process, objections have been received from 6 local residents (of De Frene Road and Girton Road). The matters raised are summarised as follows:

- visual impact caused by replacement of existing mature trees with a man-made structure
- overlooking of rear gardens and habitable rooms in De Frene Road properties
- children at school may be able to see into upstairs bedrooms
- removal of trees which will result in loss of habitat and screening which provides privacy
- removed trees should be replaced in order to maintain screening between school and private dwellings
- reception classrooms should receive at least 2% average daylight factor. This could be enhanced by increasing the level of glazing and size of openings. The glazing to the canopy should be glass rather than polycarbonate to ensure longterm transparency.
- Landscaping needs careful consideration to introduce sensory features and generally provide good quality routes around the school.

Some of the objectors also made supportive points, as follows:

- Support the principle of enhanced facilities at the school.
- The site has lacked investment for many years and improvements in facilities are welcome.

(Letters are available to Members)

Environmental Health

- 5.3 The Environmental Health Officer is generally content that with the information submitted and with the proposed remediation strategy. He has requested that an asbestos survey and post-remediation report are required by condition.

Education

- 5.4 No comments received.

Sustainability Manager

- 5.5 On the basis they are not meeting the BREEAM policy requirement of 'Excellent' and can only deliver BREEAM 'Very Good' they aren't compliant with policy 8.4 of the Core Strategy and I would therefore have to recommend permission is refused on sustainable design and construction grounds.

Highways and Transportation

- 5.6 The proposal to increase school capacity from 2 form entry to 3 form entry is unobjectionable, subject to the following:-
- Given the increase in the numbers of students and staff attending the school, a contribution (£3,000) is required for review of parking controls/restrictions to the school to minimise the impact associated with any drop offs / pick ups at the site. Particularly as drop off / pick up activities could cause parking stress and congestion if unmanaged.
 - A contribution (£3,200) is also required towards improving crossing facilities adjacent to the site. Improving the crossing facilities will improve pedestrian accessibility and will create safer walking routes to the school.
 - Conditions requiring the submission of a Delivery & Servicing Plan (DSP), a Construction and Logistics Plan (CLP), details of the secure cycle storage and review of the Travel Plan following the completion of the development.

Ecology

- 5.7 The comments of the Council's Ecology Officer can be summarised as follows:
- The Extended Phase 1 Habitat Report maintains the site is of low ecological value but does recommend a sensitive approach to the hedgerow trees along the northern boundary and trees in the southeast corner. The recommendations include efforts to minimise impacts from lighting and proactive approach to avoiding light spill generally but with particular regard to these features. These are sensible suggestion to limit potential negative impacts.
 - It is not possible to read the draft landscape plan as this is too poor quality to read and/or determine if any enhancements are proposed to benefit local biodiversity. Even though the ecological report maintains that the site is of low ecological value I am very disappointed with the complete lack of detail relating to biodiversity enhancements. The fact that the consultant has deemed there is little value highlights that there is an opportunity to make a significant difference and this should be a lever for the school to aspire to make a difference and contribute to the surrounding landscape by seeking to provide some green infrastructure (ecosystem services).
 - To illustrate, the proposal does not appear to have included any provision of living roofs to benefit biodiversity although there is a considerable amount of flat roof suitable for this kind of treatment included in the proposals. As such I question whether it complies with our LDF Core Strategy Policies that relate to Climate change; Sustainable Design and Construction and Energy Efficiency; Managing and Reducing the Risk of Flooding; and Open Space and Environmental Assets. Core Strategy Policy 7, 8,10 & 12 respectively.

As it currently stands from a nature conservation and biodiversity perspective I can not support this application and without appropriate biodiversity enhancements would recommend that you seek proper mitigation/enhancements or consider recommending refusal.

Trees

No comments received. Any forthcoming comments will be reported at the Committee Meeting.

Urban Design

No comments received. Any forthcoming comments will be reported at the Committee Meeting.

6.0 Policy Context

Introduction

6.1 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)

6.2 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

6.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that 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)’.

- 6.4 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.

Other National Guidance

- 6.5 The other relevant national guidance is:

Design

Natural Environment

Planning obligations

Renewable and low carbon energy

Travel plans, transport assessments and statements in decision-taking

Use of Planning Conditions

London Plan (July 2011)

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

Policy 1.1 Delivering the strategic vision and objectives for London

Policy 2.6 Outer London: vision and strategy

Policy 3.18 Education facilities

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.18 Construction, excavation and demolition waste

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.19 Biodiversity and access to nature

Policy 7.20 Geological Conservation

Policy 7.21 Trees and woodlands

Policy 8.2 Planning obligations

London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)

Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

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

Development Plan Policies for Biodiversity (2005)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 10 Managing and reducing the risk of flooding

Core Strategy Policy 12 Open Space and Environmental Assets

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 20 Delivering educational achievements, healthcare provision and promoting healthy lifestyles

Core Strategy Policy 21 Planning obligations

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment

STR ENV PRO 3 Energy and Natural Resource Conservation

URB 3 Urban Design

URB 12 Landscape and Development

URB 13 Trees

HSG 4 Residential Amenity

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

LCE 3 Educational Sites and Playing Fields

Planning Obligations Supplementary Planning Document (January 2011)

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

Emerging Plans

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

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

6.13 The following emerging plans are relevant to this application.

Development Management

6.14 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is expected to conclude in Summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.

6.15 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

6.16 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

6.17 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and 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 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 30	Urban design and local character

7 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Impact on Adjoining Properties
- d) Highways and Traffic Issues
- e) Sustainability and Energy
- f) Ecology and Landscaping
- g) Trees
- h) Planning Obligations

Principle of Development

- 7.2 The site is already in use as a primary school and therefore, in principle its continued use for this purpose is considered acceptable. In terms of the increased intensity of this use, the following planning policies are relevant.
- 7.3 Paragraph 72 of the National Planning Policy Framework advises that *“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.”*
- 7.4 Policy 3.18 of the London Plan states that from a strategic perspective the *‘Mayor will support provision of early years, primary and secondary school and further and higher education facilities adequate to meet the demands of a growing and changing population to enable greater education choice’*. Planning decisions which *‘enhance education and skills provision will be supported, including new build...which address the current projected shortfall of primary school places will be particularly encouraged’*.
- 7.5 Core Strategy Policy 20 supports the improvement of schools within the borough.
- 7.6 The proposals would increase capacity at the school from two forms of entry to three as well as delivering a significant improvement in the standard of educational facilities.
- 7.7 On the basis of the above policy guidance, it is considered that, subject to matters of design, highways, sustainability, impact on neighbouring occupiers, trees and biodiversity, the principle of development is acceptable. These issues are described and assessed below.

Design

- 7.8 Paragraph 56 of the National Planning Policy Framework states 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.
- 7.9 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure the highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 7.10 Saved UDP Policy URB 3 and Development Management Policy 30 state that the Council will require all development proposals to attain a high standard of design. This The retention and refurbishment of existing buildings that make a positive contribution to the environment will be encouraged and should influence the character of new development and the development of a sense of place.

- 7.11 The proposals involve the demolition of three existing buildings located in the eastern portion of the site. These buildings are:
- a large single storey 1970s building at the rear of the site (Block B)
 - two single storey buildings providing classroom and community/parent facilities (Blocks F & G)
- 7.12 These buildings are of no historic or architectural merit and there is no objection to their demolition in principle, subject to any replacement building being of a suitably high quality. The present layout of buildings across the site is fragmented and the removal of the above buildings provides an opportunity to rationalise and make more efficient use of the site as well as improving connections between facilities and routes throughout the site.
- 7.13 This scheme has been submitted following pre-application discussions with officers during 2013. The new extension is effectively formed from a single and two storey linear block, connected to the existing main building by a glazed link which will form the new entrance to the school. The volume is organised into three elements: teaching space, support space and a main hall/kitchen.
- 7.14 The design of the new extension takes cues from the architectural language of the main school building, in particular the regular rhythm of the fenestration and use of brick as the main material in the external treatment.
- 7.15 The reception classes have been located on the northern side of the building at the request of school staff, as this allows secure and dedicated early years foundation stage play space with free flow from the classrooms. The canopy which extends from the northern elevation above the ground floor classrooms incorporates rooflights of glass to enable daylight through to the play areas below.
- 7.16 It is considered that the design of the building is generally of a high quality, will complement the retained 3storey building, responds to the local character of the area and will deliver a significant improvement in the appearance of the site in comparison with the existing structures to be removed.

Impact on Adjoining Properties

- 7.17 The site is located to the south of properties on De Frene Road (even nos. 38-90). Between the application site and the rear gardens of these properties is a private access road. To the east is Normandy Close (nos. 1-5), the rear gardens of which back directly onto the application site. To the south, a small terrace of flats (159-173) have short gardens which also back directly onto the application site.
- 7.18 The existing boundary treatment to the north is planted with shrubs and trees, and provides a good level of screening, though there are gaps in places. In addition, there is a fence of 2 metres in height on the school side, comprised of open-mesh over timber panels, which runs along the length of the northern boundary. This fence will be retained as part of the scheme.
- 7.19 The proposed two storey school building has windows at ground and first floor levels facing north, towards the rear of the De Frene Road properties. At ground level, views out would be blocked by the existing fence.

- 7.20 At 1st floor level, there are three classrooms and two group rooms with windows facing north. The other windows on this level relate to toilets, stairwells and the hall, which is a double height space. The distance between the windows in the new building and the rear elevations of properties in De Frene Road would vary between 32-34 metres. At distances over 21metres, overlooking of habitable rooms is not considered to cause an issue of privacy.
- 7.21 The distance to the rear gardens of these properties would be 8.5-9.5metres from the extension, though potential overlooking of the gardens is mitigated by the retention of the bulk of planting on the boundary and provision of additional screening, the presence of garages in the bottom of most gardens and the limited hours of usage of the classrooms on the upper floors of the extension (after-school activities will take place in the hall primarily). On this boundary two trees are proposed for removal, and 3 'heavy standards' proposed to replace them. Tree removals and replacement are dealt with in greater detail below. It is considered that no harm due to overlooking would occur to these properties.
- 7.22 In respect of the relationship to Normandy Close, the distance between the rear elevations of these properties and the east elevation of the school building would be 21metres. Windows on the east elevation of the extension relate to the hall and staff room on the 1st floor level. The windows in the hall are at high level while the windows of the staff room are set back some 50metres. Again, the boundary is screened by the existing fence and planting. On this boundary two trees are proposed for removal, and 2 'heavy standards' proposed to replace them. It is considered that no harm due to overlooking would occur to these properties.
- 7.23 As regards the relationship to the apartments on Adamsrill Road, the minimum separation distance achieved by the extension is 25.5metres to the rear elevations of these buildings. There are numerous windows on the south elevation of the extension, however at this distance, overlooking is not considered to be an issue. There is potential overlooking from a section of the playground, however this occurs with the existing condition also. The scheme proposals include new fencing to the playground on the boundary with these properties, which will provide an improvement to the current situation. The details of this treatment can be secured by condition.
- 7.24 The concerns raised by local residents with regard to the potential for overlooking is understandable given the change from single to two storey development on this part of the school site. However, it is considered that the proposed scheme has responded positively to each of these sensitive boundary relationships and that it will not result in undue overlooking or loss of privacy to neighbouring occupiers.

Highways and Traffic Issues

a) Access

- 7.25 The proposed scheme will utilise the existing pedestrian and vehicular access points and the parent drop off and pick up point will also not change. The Highways Department have requested a contribution towards improved crossing facilities, which is considered appropriate to accommodate the increased footfall to the school arising from the proposals.

b) Servicing

- 7.26 The servicing arrangements for the school are not proposed to change and the applicant considers that the number of deliveries/collections will not change. However, to ensure that this is in line with the Council's guidelines and there is minimal impact on neighbouring properties a condition requiring a Delivery and Servicing Plan to be submitted to and approved by the Council is suggested by the Highways Department. This should also include a Waste Management Plan.

c) Cycle Parking

- 7.27 An additional 70 cycle spaces are proposed. The level of cycle parking proposed is considered to be acceptable, though the Highways Department have suggested a condition requiring details of location and specification to be submitted under a condition.

d) Car Parking

- 7.28 This proposal does not include an increase in car parking on the site. The Highways Department has however requested a contribution towards a review of parking controls locally in order to assess whether changes are required as a result of the proposals.
- 7.29 The school have also committed to update their Travel Plan once the extension is occupied. This can be secured by condition.
- 7.30 In conclusion, with the obligations and conditions identified above, it is considered that the highways impacts arising from the scheme can be adequately mitigated.

Sustainability and Energy

- 7.31 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new non-residential buildings to achieve a BREEAM rating of 'Excellent'.
- 7.32 A BREEAM pre-assessment report submitted shows that all reasonable efforts have been made to achieve as high a score as possible and the proposals would achieve a high BREEAM 'very good' score (67.33% out of a range of 55-69%). While it is unfortunate that BREEAM 'Excellent' is unlikely to be achieved it is considered to be acceptable in this instance given the wider benefits of the proposals and a condition is recommended requiring that the proposal meet a minimum score of 67% to ensure that this 'very good' score is achieved.
- 7.33 The submitted Energy Statement indicates that the scheme will achieve a carbon reduction of 81.1% against current building regulations, 46.98% of which would be provided by renewables (Photovoltaic panels). This satisfies part of Core Strategy Policy 8.
- 7.34 Although the Sustainability Manager has recommended refusal on the basis of failure to achieve BREEAM Excellent, it is considered that all reasonable efforts have been employed to this goal and that the proposed 'Very good' score is acceptable given the wider public benefits that the scheme will provide.

b) Sustainable Urban Drainage Systems

- 7.35 The proposal identifies that site drainage by soakaways may be feasible, subject to infiltration testing. A condition requiring details to be submitted is considered appropriate.

Ecology and Landscaping

- 7.36 Paragraph 117 of the NPPF advises that, to minimise impacts on biodiversity and geodiversity, planning policies should: promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.
- 7.37 London Plan Policy 5.11 states that major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible, to deliver several objectives including, among others, adaptation to climate change, enhancement of biodiversity and improvements to the appearance and resilience of buildings.
- 7.38 London Plan Policy 7.19C also states that, wherever possible, developments should make a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 7.39 Core Strategy Policy CS12 Part (l) seeks to promote living roofs and walls in accordance with London Plan policy and Core Strategy Policy 8 while DM Policy 24 states that the Council will require all new development to take full account of appropriate Lewisham and London Biodiversity Action Plans and biodiversity guidance in the local list, in development design and ensuring the delivery of benefits and minimising of potential impacts on biodiversity and geodiversity. DM 24 goes on to provide guidance on the specification sought for living roofs.
- 7.40 The submitted Ecology Report states that the site is not situated within or bounding a statutory designated site, has overall low ecological value and that the proposed development will not adversely impact the conservation status of any protected species. The Council's Ecology Officer concurs with these findings, however he has raised concerns with the lack of biodiversity enhancement proposed within the scheme. In particular, he highlights the large flat roof area of the extension as a missed opportunity to provide a living roof.
- 7.41 Officers consider that the details provided to date are not sufficient to demonstrate compliance with the above policies. As a result of further discussions, the applicant has agreed to consider further the potential to provide biodiversity enhancements, including living roofs. An update will be provided to Members at the Committee meeting.

Trees

- 7.42 The proposals involve considerable tree removal. A Tree Survey and Arboricultural Implications Assessment have been submitted in support of the proposal.
- 7.43 Core Strategy Policy CS12 Part (g) states that the Council will seek to protect trees, prevent the loss of trees of amenity value, and seek replacement trees where loss does occur.

- 7.44 Of the 26 trees for removal, seven are as a result of the proposed extension. Of these however, 5 are low quality 'Category C' specimens according to the Tree Survey. Category C trees should not generally impede development. The other two trees are Category 'B' (moderate quality and value), the loss of which is always regrettable. However, Officers are mindful of the difficulties of accommodating the scale of building required by the school on this site, given the various site constraints.
- 7.45 Of the seven trees for removal to accommodate the new building, two are located on the northern boundary, south of the rear gardens of 72 & 74 De Frene Road. The remainder are located further inside the school site, behind other retained trees which sit on the boundary south of 82-90 De Frene Road. The retained trees on the boundary vary between 3-8metres in height.
- 7.46 A further 18 trees are proposed for removal in order to facilitate works to the play areas. Of these, 4 are 'U Category' (serious defects), 12 are 'C Category' and one is B Category. In respect of the B Category tree, the survey showed that it had '*major deadwood over the [existing] play area*' and for this reason, its removal is considered acceptable.
- 7.47 The applicant has proposed replacement planting consisting of 27 'heavy standard' trees in order to mitigate the proposed loss of trees. These trees will have an immediate impact which will help to offset the proposed tree removals. In addition, 100+ 'whips' (seedlings) will be planted across the site. Although these young trees will take up to 15 years to mature, they have a 90% success rate and will, over the longterm, deliver an improvement to the tree resource on the site.
- 7.48 It is considered that the level of replacement planting proposed will provide a more consistent green buffer to the school site than is presently the case. The specification for the new planting can be secured by condition in order to ensure that the new trees would be adequate replacements for those removed and appropriate to their context.
- 7.49 On the basis of the limited quality of the existing trees on site, with the exception of a few specimens, the extensive replanting proposed and given the wider community benefits that the expansion and improvement of school facilities will bring, the proposals are considered acceptable in arboricultural terms.
- 7.50 Conditions requiring development to proceed in accordance with the approved Arboricultural Method Statement, Tree Protection Plan and planting specification are recommended to be attached to an approval.

Planning Obligations

- 7.51 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned

development being stalled. The NFFP also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

7.52 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

7.53 Negotiations with the applicant during the course of the application have resulted in the proposed submission of a legal agreement to make a financial contribution towards the a review of parking controls locally and enhancement of pedestrian crossings. The obligations sought are as follows:

- A contribution of £3,000 is required for review of parking controls/restrictions to the school to minimise the impact associated with any drop offs / pick ups at the site.
- A contribution of £3,200 is also required towards improving crossing facilities adjacent to the site.

7.54 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

8 Environmental Impact Assessment

8.1 An Environmental Statement has not been submitted and a request for a screening opinion has not been received from the applicant. Therefore, it falls to the Council to determine, prior to making a decision on the application, whether it would constitute development for which an Environmental Statement would be required.

8.2 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (the Regulations) identify two types of development projects: Schedule 1 developments, for which an EIA is mandatory, and Schedule 2 developments, for which EIA may be required. The proposed development is not Schedule 1 development. As an 'urban development project' with a site area of greater than 0.5ha, the application falls within the scope of projects defined by Schedule 2 of the Regulations, which must be 'screened' to determine if they constitute EIA development within the regulations.

8.3 Determination of whether EIA is required is considered in relation to Schedule 3 of the Regulations, by virtue of factors such as its characteristics, location and the characteristics of impact.

8.4 Circular 02/1999 indicates that in light of these matters, the Secretary of State's view is that EIA will be needed in three main types of case: a. for major developments which are of more than local importance, b. for developments which are proposed for particularly environmentally sensitive or vulnerable locations and c. for developments with unusually complex and potentially hazardous environmental effects.

8.5 Further advice on the need for an EIA for an Urban Development Project is given at Annex A18 of the Circular – *“In addition to the physical scale of such developments, particular consideration should be given to the potential increase in traffic, emissions and noise. EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination”*.

8.6 Schedule 3 of the Regulations also states that, with regard to screening, the characteristics of development must be considered having particular regard to “the cumulation with other development”.

8.7 The application site has an established education use and the proposed development is not of a scale which would be of more than local significance. The site is not identified as being located within a sensitive area. The proposals are not considered likely to give rise to unusually complex environmental effects. There are no known developments, either recently approved or soon due to come forward for planning approval, which are of a scale that could, in tandem with the subject scheme, give rise to significant environmental effects.

8.8 For these reasons, Officers have concluded that the proposal is not likely to give rise to significant effects and that the development proposal is not EIA development.

9.0 Community Infrastructure Levy

The above development is not CIL liable.

10.0 Equalities Considerations

10.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

In this matter it is considered that there is no impact on equality.

11.0 Conclusion

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

Officers consider that the proposals would make a significant contribution towards addressing the much needed placement of primary school places in the Borough.

The scheme is considered not to have an adverse impact on neighbouring occupiers and has made adequate provision to mitigate its environmental impacts through replacement planting, highways improvements and carbon reduction.

The provision for biodiversity enhancement is disappointing, however the applicant has committed to reconsider the incorporation of a living roof, and an update will be provided to Members at Committee. On account of the pressing need to deliver primary school places and the quality of the scheme in all other respects, it is considered that the scheme as currently proposed would, on balance, be acceptable in planning terms. If amended proposals do not come forward for a living roof, Members could seek habitat provision through the addition of conditions.

Officers therefore consider that the scheme is acceptable in planning terms and recommend approval of planning permission, subject to completion of a legal agreement.

12.0 RECOMMENDATIONS

12.1 RECOMMENDATION A

To agree the proposals and authorise the Head of Law to complete a secure a planning agreement or undertaking under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters:-

- A contribution of £3,000 is required for review of parking controls/restrictions to the school to minimise the impact associated with any drop offs / pick ups at the site.
- A contribution of £3,200 is also required towards improving crossing facilities adjacent to the site.
- The Council's reasonable legal costs incurred in the preparation and completion of the agreement/undertaking.

12.2 RECOMMENDATION B

Upon the completion of a satisfactory agreement or undertaking under Section 106, within 2 months of the Committee resolution, authorise the Head of Planning to 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:

AIA10-6-13-001-A-A1, AIA10-6-13-002-A-A1b, AIA10-6-13-002-B-A1, AIA10-6-13-003-A-A1, AIA10-6-13-002-B-11, AIA10-6-13-002-C-A1b, AIA10-6-13-003-A-A1, AIA10-6-13-003-B-A1, AIA10-6-13-003-C-A1, AIA10-10-6-13-003-D-A1, LP1-9913-001-A-Draft, AIA23058/101, 23058/01A, 23058/02A, 23058/03A, 23058/04A, 23058/05A, 23058/06A, 23058/07A, 23058/08A, 23058/09, 23058/10, 23058/11A, 23058/101D, 23058/103F, 23058/102F, 23058/104F, 23058/105F, 23058/106A, 23058/107A, 23058/108A, 23058/109A, 23058/110 C, 23058/111A, 23058/112A, 23058_211, DN2028, 0412-AGB-5669, LP1-9913-006-E-SG Rev E, LP1-9913-005-E-Soft Rev E, LP1-9913-004-E-hard Rev E, LP1-9913-003-E-master, LP-9913-002-prop-cir, Ground Investigation Report, Design & Access Statement, Flood Risk Assessment, Extended Phase 1 Habitat Report, Energy Strategy Report Feb 2014& Arboricultural Assessment, Travel and accreditation Plan, Transport Statement, Breeam Pre-assessment and Planting Palette.

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 relates 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 shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan 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 vehicle activity.
 - (iii) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

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

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

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

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

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

- (6) (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997.
- (b) Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004)

- (7) (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Very Good' and a minimum score of 67%.
- (b) No development shall commence until a Design Stage Certificate for the building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any the building, evidence shall be submitted in the form of a Post Construction Certificate (prepared by Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

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

- (8) No development shall commence on site until an asbestos survey has been submitted to and approved in writing by the local planning authority.

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

- (9) No development shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

- (10) No development shall commence on site above ground level until a detailed schedule and on-site sample panels 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).

- (11) A minimum of 70 cycle parking spaces shall be provided within the development.

(a) No development shall commence above ground level on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

(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).

- (12) Pedestrian, street, spot and security lighting should be installed in accordance with British Standards Institute (BSI) BS5489 and BS EN 13201. 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.

- (a) 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.
- (b) 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).

- (13) Details of the number and location of the bird/bat boxes (x2 house sparrow terraces; x2 open fronted boxes; x2 32mm boxes and x6 bat boxes) to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2011) and Core Strategy Policy 12 Open space and environmental assets.

- (14)
 - (a) The development shall not be occupied until a Delivery and Servicing Plan (including waste management) has been submitted to and approved in writing by the local planning authority.
 - (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
 - (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

- (15)
 - (a) Within 3 months of occupation of the development hereby approved, a review of the submitted Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' shall have been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan.
 - (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring

and review mechanism to ensure compliance with the Travel Plan objectives.

- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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

- (16) 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 extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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

- (17) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- (18) No machinery shall be operated on the premises before 8 am or after 6 pm on weekdays, or before 8 am or after 1 pm on Saturdays, nor at any time on Sundays or Public Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- (19) (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 URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

- (20) None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority and the development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: 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).

- (21) (a) Notwithstanding the details submitted, a scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) 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 under part (a). 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).

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.

Adamsrill Primary School



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