

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 27 MARCH 2014 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

Membership

Councillors:

Paul Bell (Chair)

Helen Gibson (Vice-Chair)

Pauline Beck

Liam Curran

Alexander Feakes

Peggy Fitzsimmons

Alan Hall

Stella Jeffrey

Madeliene Long

John Paschoud

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

Barry Quirk
Chief Executive
5th Floor Laurence House
1 Catford Road
London SE6 4RU
Date: Tuesday, 18 March 2014

For further information please contact:
Patricia Simpson Committee Co-ordinator
3rd Floor Laurence House
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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 27 MARCH 2014

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

(1) Personal interests

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

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

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

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

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

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

(7) Exempt categories

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

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

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Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 27 MARCH 2014

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 13 February 2014

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Committee	PLANNING COMMITTEE (C)	
Report Title	8 A-D ADAMSRILL ROAD SE26 4AN	
Ward	Sydenham	
Contributors	Amanda Ghani	
Class	PART 1	Date: 27 MARCH 2014

<u>Reg. Nos.</u>	DC/14/86160
<u>Application dated</u>	13.01.2014
<u>Applicant</u>	Faithorn Farrell Timms on behalf of London & Quadrant Housing Trust
<u>Proposal</u>	The Installation of replacement PVCu, double-glazed casement windows in the front, side and rear elevations of Flats A-D, 8 Adamsrill Road SE26, including the replacement of the front, side and rear doors.
<u>Applicant's Plan Nos.</u>	T1-1325-1, 2, 3, 4, 5, 6, Rehau S706 70mm, PVCu window systems, Grenadier entrance doors.
<u>Background Papers</u>	(1) Case File LE/184/8/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	N/A
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site consists of a two-storey, double-fronted, semi-detached, Victorian property arranged as four flats. The application is concerned with all the flats. The property is situated on the southern side of Adamsrill Road. The property is not within a Conservation Area, nor subject to an Article 4 Direction and is not in the vicinity of a Listed Building. The road is unclassified.
- 1.2 The existing windows in the front elevation are timber framed, single glazed, sliding sash types. The existing windows in the rear elevation are a mixture of timber framed, single glazed, sliding sash and casement types. The front door is timber and the rear door is timber framed/partially glazed. The french doors in the ground floor rear elevation are timber framed/glazed.

2.0 Planning History

- 2.1 No relevant planning history.

3.0 Current Planning Application

The Proposal

- 3.1 The current application is for the installation of replacement PVCu, double-glazed windows in the front, side and rear elevations of Flats A-D, 8 Adamsrill Road, SE26 including the replacement of the front, side and rear doors. The proposed windows are of similar dimensions to the original, would be double-glazed, top and side hung casements. The proposed rear patio door would be PVCu, double-glazed and the side and front doors would be of composite materials.

Adamsrill Road is mostly residential with many of the properties being purpose built maisonettes and flats or period properties that have been converted into flats, there are also a number of single family dwelling houses. There is an eclectic mix of building styles within the road, including modern flats and houses, Victorian maisonettes and early 20th Century terrace houses. No particular style has dominance giving no strong overall character to this road.

Of the 121 dwellings (not counting individual flats within large blocks), 71 have replacement PVCu or aluminium windows; 34 have their original timber windows some of which are original sash in the Victorian properties but also timber casement in the modern properties of 211-219. 6 properties have original PVCu windows and 6 have replacement timber windows.

The application property is one of a pair of late Victorian/Edwardian villas circa 1895-1910. The properties are not much older than other period properties within the road. The property has been converted into 4 flats and is in a rather neglected state. Number 6, which is the villa's pair has been converted into five flats and has installed replacement, PVCu, double-glazed sliding sash windows in the front elevation without the benefit of planning permission. The adjoining property to the east, is two maisonettes numbered 10 and 12, although the first floor has the original timber sash windows the ground floor has replacement aluminium framed casement windows. To the west of the two villas is a modern block of flats with PVCu windows in all elevations. Opposite the site there are properties with PVCu replacement windows and one with replacement timber sash windows.

Supporting Documents

- 3.2 None.

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 and business in the surrounding area.

Pre-Application Consultation

- 4.3 Pre-application advice was received from the Planning and conservation teams regarding documentation requirements, window detail and design.

Written Responses received from Local Residents and Organisations

- 4.4 Three objections were received. The occupants of 7, 10 and 11 Adamsrill Road, object to the proposal and believe that the casement style of window and PVCu as a material would be detrimental to the character of the building.

Written Responses received from Statutory Agencies

- 4.5 none

Lewisham Design Panel

- 4.6 n/a

Strategic Housing

- 4.7 n/a

Sustainability Manager

- 4.8 n/a

Highways and Transportation

- 4.9 n/a

Other

- 4.10 n/a

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 sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

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

National Planning Policy Framework

- 5.3 The NPPF was published on 27th March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.5 The Statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.
- 5.6 The statement further sets out that local authorities should reconsider at developers request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms. [Delete if not relevant]

Other National Guidance

- 5.7 The other relevant national guidance is:
- By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)
 - Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)
 - Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)
 - Guidance on Tall Buildings (English Heritage/CABE, July 2007)
 - Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010)

London Plan (July 2011)

The London Plan policies relevant to this application are:

- Policy 7.4 Local character
- Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

- 5.8 The London Plan SPG's relevant to this application are: Housing (2012)

Core Strategy

- 5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the 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
Core Strategy Policy 15 High quality design for Lewisham

Site Allocations

- 5.10 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.

Unitary Development Plan (2004)

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

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

Residential Standards Supplementary Planning Document (August 2006)

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

Emerging Plans

- 5.13 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).

- 5.14 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 31 Alterations/extensions to existing buildings

- 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 30 Urban design and local character

6.0 Planning Considerations

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

- a) Design
- b) Impact on Adjoining Properties

Principle of Development

- 6.2 The relevant planning considerations are whether the proposal is of a high quality design and whether it preserves or enhances the character of the surrounding area.

Design

- 6.3 The proposed PVCu windows would replicate the dimensions of the existing window openings. The glazing bar pattern would be similar to the original pattern although the frames would differ in thickness and the opening method would also differ being top hung casement in the front and rear elevations and top and side hung casements in the side elevation.
- 6.4 It is consequently felt that the proposed scheme to replace the windows and french doors with PVCu double glazed units and the front and side doors with GRP composites would not harm or detract from the surroundings and therefore adhere to Policy URB 3.

Impact on Adjoining Properties

- 6.5 The loss of timber framed, sliding sash windows is always regrettable In a period property; In this instance, as the villa's pair has installed replacement PVCu windows in the front elevation and as the property is not listed and does not fall within a conservation area it is considered that the scheme would be sufficiently in keeping with the original pattern and therefore conforms to Policy URB 6.

Conclusion

- 6.6 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 6.7 On balance, Officers consider that the scheme is therefore considered acceptable.

7.0 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: T1-1325-1, 2, 3, 4, 5, 6, Rehau S706 70mm, PVCu window systems, Grenadier entrance doors.

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

INFORMATIVES

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

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Committee	PLANNING COMMITTEE (C)	
Report Title	BARING HALL HOTEL, 368 BARING ROAD SE12 0DU	
Ward	Downham	
Contributors	Geoff Whittington	
Class	PART 1	Date: 27 MARCH 2014

<u>Reg. Nos.</u>	DC/13/84513
<u>Application dated</u>	09.08.2013 & amended 14.03.2014.
<u>Applicant</u>	Miss Lai on behalf of Mr Thomas
<u>Proposal</u>	The demolition of existing structures to the side and rear of the Baring Hall Hotel, together with the formation of new door and window openings, provision of bin stores to the rear and the reconfiguration of the internal layout.
<u>Applicant's Plan Nos.</u>	BaringPH-EGA-01, BaringPH-DP-01, BaringPH-EL-01, BaringPH-EL-02, BaringPH-EL-03-REV E, BaringPH-EL-01A, BaringPH-EL-04A and Site Plan.
<u>Background Papers</u>	(1) Case File LE/302/368 (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	PTAL 4 PTAL 5 Local Open Space Deficiency Not in a Conservation Area Locally Listed Building A Road

1.0 Property/Site Description

- 1.1 The Baring Hall Hotel is a late Victorian purpose built hotel prominently located at the junction of Baring Road and Downham Way, which is Locally Listed and subject to an Article 4 Direction. It is located across the road from Grove Park station and is surrounded by several small parades of shops, that make up the Grove Park Local Centre. The Downham Estate, a 1920s development, which spreads over much of the locality, adjoins Grove Park to the west of the hotel.
- 1.2 Grove Park as such came into existence after the arrival of the railway and construction of Grove Park station in 1870. Following this, a small selected estate of large villas for the middle class was developed to the west of Baring Road north of the railway tracks which remained surrounded by fields and farms until the beginning of the 20th century.

The rural surrounding also appeared to make Grove Park an attractive location for day or weekend trips hence the construction of the Baring Hall Hotel.

- 1.3 The Hotel and station marked the southern entrance to the estate and no doubt constituted the public face of it. The Hotel is still in both scale and architectural quality the most significant building in the area and this landmark quality is enhanced by its prominent corner position. The estate was re-developed during the 20th century with only one villa remaining in a much altered form in Somertrees Avenue. A few remainders of Grove Park earliest development phase also remain at the eastern side of Baring Road south of the junction with Downham Way though none of them comparable in quality and state of preservation to the Hotel.
- 1.4 The Baring Hall Hotel is two storeys with a hipped roof and made of red brick. There are gabled dormer windows and a projecting gabled bay to the first floor and roof. There is a balcony to the front elevation with an iron balustrade and a pedimented entrance to the side. An extension was built in the 1950s that extends to the rear along Downham Way. The hotel sits on a generous plot with a large car park to the rear accessed via Downham Way.
- 1.5 The hotel is believed to have been built around 1880 when the Earl of Northbrook, Lord Baring, developed the southern part of his estate around the new Grove Park station. Norman Shaw's architectural practice was engaged to design the new hotel and it was his senior assistant, Ernest Newton who was responsible for the design of the hotel. Newton went on to have a distinguished career becoming President of the Royal Institute of British Architects (RIBA), a founding member of the Art Workers Guild and a Royal Academician. He was also awarded a CBE and became known as a distinguished Arts and Crafts architect. He was a local man, educated in Blackheath and responsible for several notable local buildings including St Swithun's Church in Hither Green Lane, the vicarage of which is already on Lewisham's Local List. The Baring Hall Hotel is an unusual example of a commercial building by Newton as he principally built substantial residential properties in Kent, Surrey and Sussex.
- 1.6 English Heritage were asked to statutorily list the building but considered it to be an early example of Newton's work lacking the qualities of his later work and as such did not meet the criteria for statutory listing. However, in the notification report English Heritage state that;

“The Baring Hall Hotel [is]...locally significant as a landmark and a handsome piece of street architecture...”
- 1.7 The building is prominently positioned on a busy road junction and as such makes a positive contribution to the local streetscape as a distinctive local landmark building. All four elevations are visible because of the corner plot it occupies and the architect has designed each to be viewed, not succumbing to using cheaper materials on its secondary elevations.
- 1.8 The hotel is the last remnant of the artist estate that Lord Northbrook envisaged with the redevelopment of his estate in this part of Grove Park. It is significant as evidence of the evolution of this suburb which is now dominated by early twentieth century residential properties.

- 1.9 The public house was closed for a number of years from 2009, and was also damaged by separate fire incidents, but was reopened, albeit partially, to customers in December 2013 under the management of Antic. Bed and Breakfast accommodation would be reestablished on the upper floors.

2.0 Planning History

- 2.1 In August 2011, permission was refused at Committee for the demolition of the existing buildings at Baring Hall Hotel, 368 Baring Road SE12 and the construction of a part single/ part three/ part four storey building to provide commercial space (Use Class A1/A2/A3 & A4) on the ground floor and 5 one bedroom, 5 two bedroom and 4 three bedroom self-contained flats, incorporating balconies and a 2-storey plus roofspace terrace of 1 two bedroom and 2 three bedroom houses, together with the provision of 3 car parking and 26 bicycle spaces, refuse stores, amenity space and vehicular access onto Downham Way, for the following reasons:

The proposed development, by reason of its mediocre design, would fail to provide a suitable replacement for the existing Baring Hall Hotel building which is of significant historic, architectural and townscape quality in this prominent corner location and fails to justify the amount of development proposed for the site. As such, the development would fail to make a positive contribution to the visual character of the area, would fail to meet Core Strategy Objective 10: Protect and Enhance Lewisham's character and would fail to comply with Spatial Policy 5 Areas of Stability or Managed Change of the Council's Core Strategy and Core Strategy Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment, saved Policy URB 3 Urban Design of the Unitary Development Plan and Policies 7.1 and 7.4 of the London Plan 2011.

- 2.2 On 14 September 2011, the Mayor of Lewisham issued an Article 4 Direction for the site removing permitted development rights to demolish the building under Part 31 of the Town and Country Planning (General Permitted Development) Order 1995. He also locally listed the building because of its historic, townscape and architectural qualities. Both were brought in with immediate effect.

3.0 Current Planning Applications

The Proposals

- 3.1 The current application proposes the demolition of structures to the side and rear of the Baring Hall Hotel, including:
- Partial demolition of extension fronting Downham Way;
 - Demolition of a single-storey element to the rear;
 - Single-storey extension to the side fronting Baring Road would be removed.
- 3.2 Other external alterations to the building include the formation of door and window openings to the front and side elevations, the provision of bin stores at the rear. Reconfiguration works relating to the internal ground floor layout commenced in late 2013, which did not require planning permission.

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 responses received from 185 and 189 Baring Road, and Cllr Curran, objecting on the following grounds:
- The application is contrary to the Local listing status and guidance to 'take into account the desirability to sustain and enhance such assets', and to 'take responsibility for the preservation of such heritage assets'.
 - Several inaccuracies in the Design and Access Statement relating to when supposed structural additions were made.
 - Concerns relating to the repositioned staircase being accessed only from a new external entrance.
 - This special building merits the protection in practice that it has been afforded by legislation and local planning policies.

(Letters are available to Members)

- 4.4 One letter of support received from the Grove Park Community Group.

5.0 Policy Context

Introduction

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

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

National Planning Policy Framework

- 5.3 The NPPF was published on 27th March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.
- 5.5 The NPPF gives a presumption in favour of sustainable development. However, conservation of heritage assets is one of the 12 core principles of the NPPF which is what planning decisions should be based upon and which is considered sustainable development:
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

The NPPF also identifies three dimensions to sustainable development, of which two, social and economic, are relevant;

- **a social role** – supporting strong, vibrant and healthy communities...by creating a high quality built environment,
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment;

Furthermore, the NPPF states that;

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

- 5.6 When considering the quality of new buildings, their design must, “respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- 5.7 Although the NPPF instructs local planning authorities against imposing specific styles or tastes by unsubstantiated requirements, it clearly states that is, “proper to seek to promote or reinforce local distinctiveness.”

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.8 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)

- 5.9 The London Plan policies relevant to this application are
- Policy 1.1 Delivering the strategic vision and objectives for London
 - Policy 2.7 Outer London: economy
 - Policy 2.9 Inner London
 - Policy 3.16 Protection and enhancement of social infrastructure
 - Policy 4.1 Developing London’s economy
 - Policy 4.12 Improving opportunities for all
 - Policy 5.1 Climate change mitigation
 - Policy 5.3 Sustainable design and construction
 - Policy 7.1 Building London’s neighbourhoods and communities
 - 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

London Plan Supplementary Planning Guidance (SPG)

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

Core Strategy

- 5.11 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the 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 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 15 High quality design for Lewisham;
 - Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment.

Site Allocations

- 5.12 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.

Unitary Development Plan (2004)

The saved policies of the UDP relevant to this application are

URB 3 Urban Design

URB 6 Alterations and Extensions

URB 20 Locally Listed Buildings

HSG 4 Residential Amenity

LCE 2 Existing Leisure and Community Facilities

Emerging Plans

- 5.13 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).
- 5.14 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.
- 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 15 Neighbourhood local centres

DM Policy 31 Alterations/ extensions to existing buildings

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 17	Restaurants and cafés (A3 uses) and drinking establishments (A4 uses);
DM Policy 20	Public houses;
DM Policy 22	Sustainable design and construction;
DM Policy 30	Urban design and local character;
DM Policy 32	Housing design, layout and space standards;
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;
DM Policy 37	Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest;
DM Policy 38	Demolition or substantial harm to designated and non-designated heritage assets.

6.0 Planning Considerations

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

- a) Principle of Development
- b) Method of Demolition
- c) Design and Appearance
- d) Impact upon Neighbouring Properties

Principle of Development

6.2 Since acquiring the property, Antic have been undertaking internal improvement works to assist in reopening the building as a public house. The layout of the bar and seating areas remain as before the closure, however reconfiguration works have been undertaken including the repositioning of an internal stairs and removal of former customer toilets.

6.3 It must be advised that the Article 4 Direction is relevant only to demolition of the building and not to external changes to the building. It also does not restrict internal works as neither does the 'Local Listed' status, in the same manner as that of a statutory Listed Building, therefore the Council has no control over the works undertaken within the property.

6.4 Nevertheless, officers visited the building on a number of occasions - including an arranged meeting with local residents - to inspect the works undertaken, and to establish internal features that would be retained or removed. The existing bar and back bar, which was damaged in the fire, has been repaired and retained, as has timber panelling and small scale detailing on the internal walls.

- 6.5 During discussions with the applicants, they advised that having undertaken in depth investigations on site, it was determined that minimal original 'features' remained in the pub due to continued redecoration, alterations and replacements to the pub by previous owners, with the majority of alterations undertaken in the 1970s and 80's. There are also no original fireplaces on the ground floor. The key 'feature' elements of note and to be retained are the front bar and the glazed roof lantern in the South bar. 'Unfortunately there are very few and much less than anticipated original features remaining on the ground floor to retain.'
- 6.6 Concern had been raised toward the repositioning of the stairs and access only from a new external door to the north elevation, thereby contrary to a typical bed and breakfast arrangement. The applicant has since confirmed that the stairs would also be accessed from the bar area, as addressed in amended plan GA-01A. Officers raise no objections to this aspect as internal alterations do not require planning permission, and could not have been prevented by the Article 4 Direction.
- 6.7 Whilst the historic nature of the Baring Hall Hotel is acknowledged, it is also recognised that it includes a number of external elements that have been added over time to the original building, and which make a neutral contribution to the character of the property.
- 6.8 The primary reason for the proposed demolition works relates to the reopening of the public house, which it is hoped will safeguard the long-term future of the use. The structures are considered surplus to requirement, and merely serve to distract from the character and integrity of the original building.
- 6.9 The most evident change would be to the white rendered 1950s extension to the rear of the building. This element currently measures a length of 16 metres, however this is proposed to be reduced by approximately 7 metres. In demolishing this element the original plan form would be re-instated. The existing lantern feature would be retained, together with five existing window openings, providing natural light and outlook to a new dining area ancillary to the pub.
- 6.10 Officers support the partial demolition of this element as it would appear better proportioned and less obtrusive than the existing arrangement. A new rear opening would be created to provide access to an outdoor space adjacent the vehicular access into the rear car-park.
- 6.11 In regard to the age of this addition, the applicant has stated the following;

The original premise for stating that the rear extension affronting Downham Way is a later 1950's addition was based on both the Lewisham Council Article 4 Direction referring to Baring Hall as '*6.4 The Baring Hall Hotel is two storeys with a hipped roof and made of red brick. There are gabled dormer windows and a projecting gabled bay to the first floor and roof. There is a balcony to the front elevation with an iron balustrade and a pedimented entrance to the side. **An extension was built in the 1950s that extends to the rear along Downham Way.** The hotel sits on a generous plot with a large car park to the rear accessed via Downham Way.*', and subsequent report and appeal decision documents for application reference 12/2171328 which clearly refers to the fire damage to a 1950's extension and the public saloon.

- 6.12 The second element to be demolished lies to the rear of the building, measuring 17 metre wide and 4 metre deep. The single-storey yellow stock brick structure, formerly used for storage purposes, has no obvious architectural merit that would warrant its retention. Officers are of the opinion that whilst structures can be identified on map and plans submitted by objectors, these do not necessarily represent what exists today. This assessment is based on the type of brick used, the poor quality of design and poor relationship with the host building, which obscures the original lean-to. Furthermore, the quality of junctions between the original building and the single-storey structure are haphazard, thereby supporting the overall assessment. Its removal would allow for the original single-storey lean-to structure to be revealed, and therefore significantly improve the rear elevation of the building.
- 6.13 To the side of the building is a single-storey element that is not original, as demonstrated by an historic photograph taken from Baring Road. This too would be demolished, establishing an appearance akin to the original. Ground floor window openings and a doorway would be provided to the flank wall, whilst an existing window fronting Baring Road would be enlarged to form a new arched doorway that replicates the appearance of the existing main entrance.
- 6.14 Overall, officers raise no objections to the principle of undertaking demolition works to elements of the building that are considered to be unsightly and unworthy of retention. Their removal would serve to enhance and preserve the character of the building, however this is dependant upon the method of demolition, and the quality of the 'making good' replacement works.

Method of Demolition

- 6.15 Such details have not been afforded as part of the current submission, therefore it is considered appropriate that a condition be included requesting information outlining how the demolition works would be undertaken. This will seek to ensure the demolition is of a suitable approach that would not harm the integrity of the building, for example with the careful removal of bricks that can be salvaged and reused to other areas of the building.

Appearance

- 6.16 The rear elevation of the reduced extension fronting Downham Way would be built-up in facing materials to match the existing, whilst a bi-folding door would be installed. A 1:10 plan will be requested by condition that shows the door in greater detail, whilst confirming the material of the framework.
- 6.17 The existing roof lantern feature upon the extension would be repaired and retained.
- 6.18 The demolition of the single-storey extension to the side, fronting Baring Road, would result in a need to rebuild the original flank wall, which it is assumed would be in reclaimed brick from the extension.
- 6.19 Officers consider that ground floor windows would be appropriate to the north elevation, thereby resulting in a better appearance than the blank facade originally proposed.

- 6.20 The appearance of the proposed external alterations are considered to be acceptable. Conditions will seek to ensure further details are formally submitted to the Council, and that the works will be suitably executed and would not harm the character or appearance of the original setting of the building.

Impact Upon Neighbouring Properties

- 6.21 In light of the nature of proposed works, it is not considered there would be any harmful impact upon neighbouring occupiers.

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. The Baring Hall Hotel is an imposing local landmark which is Locally Listed and also protected from demolition by an Article 4 Direction.
- 8.2 Officers are satisfied there would be no adverse harm resulting from the proposed demolition works upon the significance of this un-designated heritage asset. It is therefore recommended permission be granted, however, considering the historic nature of the Baring Hall and its status as a Locally Listed building, it is appropriate that further details be submitted advising of the method of demolition works and facing materials that will be used.

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:

BaringPH-EGA-01, BaringPH-DP-01, BaringPH-EL-01, BaringPH-EL-02, BaringPH-EL-03-REV E, BaringPH-EL-01A, BaringPH-EL-04A and Site Plan.

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

- (3) No development shall commence on site until a detailed schedule of all external materials and finishes, including the provision of a sample panel of proposed brickwork and pointing 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 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 Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- (4) No development shall commence until a method of demolition statement 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 the proposed works would not harm the locally listed building, 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 Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- (5) (a) Notwithstanding the details hereby approved, no development shall commence until detailed plans at a scale of 1:10 showing windows, reveals and external doors 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 as to the detailed treatment of the proposal 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).

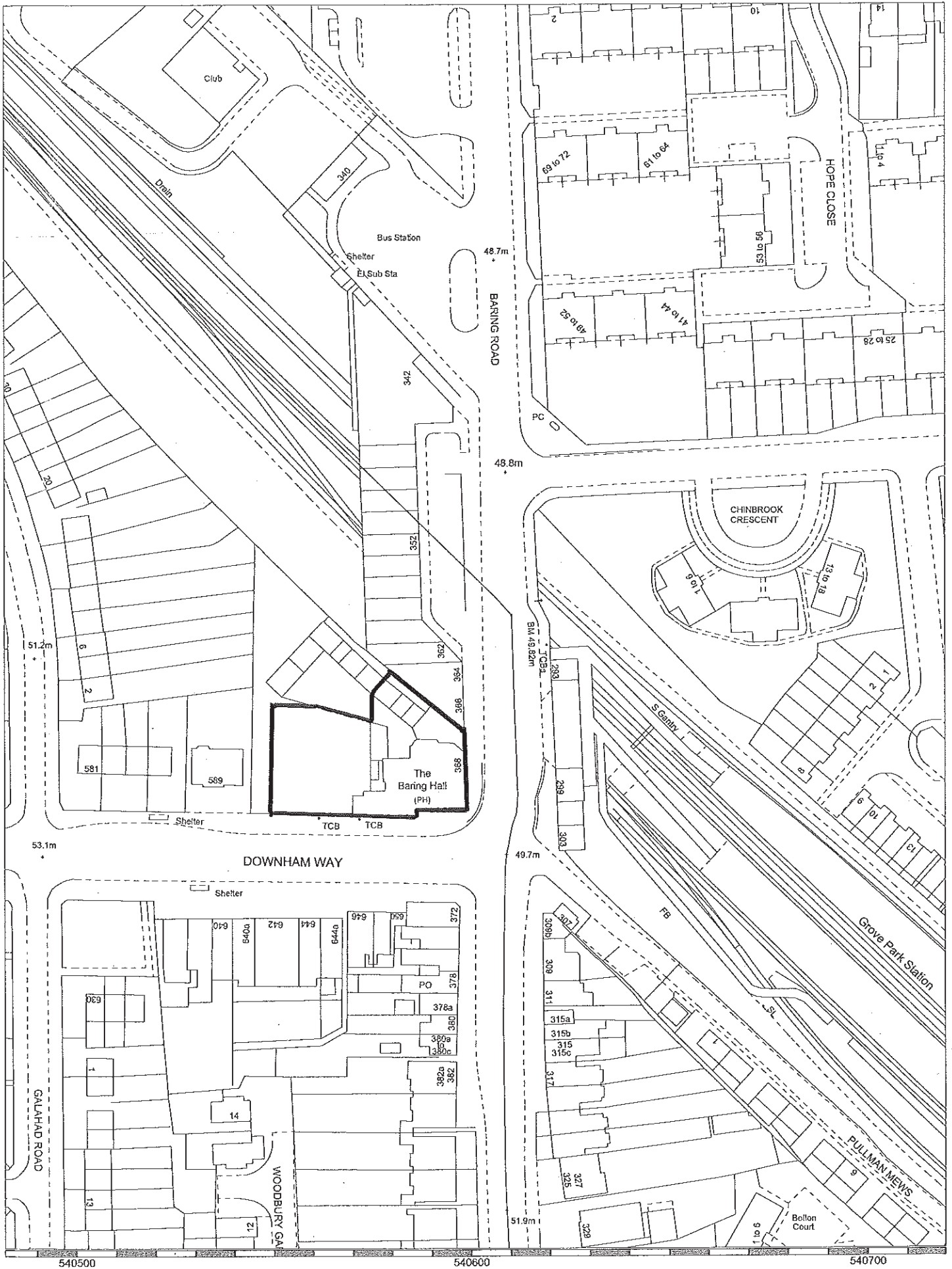
- (6) (a) Within 3 months of the decision date, a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) 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).

INFORMATIVE

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

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This plan forms no part of a planning application and is for guidance only

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Committee	PLANNING COMMITTEE (C)	
Report Title	4 ELIOT PLACE SE3 0QL	
Ward	Blackheath	
Contributors	David Jeffery	
Class	PART 1	Date: 27 MARCH 2014

<u>Reg. Nos.</u>	DC/13/85794
<u>Application dated</u>	08.01.2014
<u>Applicant</u>	Mr B Birnberg
<u>Proposal</u>	Planning Permission and Listed Building Consent for the installation of 6 no. solar panels in the rear roof slope and 2 no. solar panels in the side roof slope.
<u>Applicant's Plan Nos.</u>	EP100A, EP101A, EP102A, EP103A, Heritage, Design and Access Statement and email from the applicant dated 4 th March 2014
<u>Background Papers</u>	(1) Case File LE/680/4/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 Grade 2 Listed late 18th Century three-storey plus mansard roof property on the South side of Eliot Place. The property is organised as flats and is located approximately 100 meters east of the intersection of Eliot Vale and Baizdon Road.
- 1.2 The property faces out onto the open area of the heath and is open to long views from the north. The property is located within the Blackheath Conservation Area and the existing building (including its curtilage) is a Grade 2 Historic Building as a result of its historical and aesthetic significance.

2.0 Planning History

- 2.1 In April 1972 planning permission was granted for alterations and conversion of the four storey house and basement at 4 Eliot Place, to form a ten roomed self contained maisonette on basement, ground, first and part second floors, and a two roomed, self contained flat on part of the second floor and a three roomed, self contained flat on the third floor.

- 2.2 In February 1973 planning permission was granted for a limited period for the use of the semi-basement of 4 Eliot Place for the purpose of a preschool group for 16 children between the hours of 9am and 4 pm Mondays to Fridays during school term times.
- 2.3 In July 1974 planning permission was granted for a limited period for the continued use of the semi-basement of 4 Eliot Place for the purpose of a preschool group for 16 children between the hours of 9am and 4 pm Mondays to Fridays during school term times.
- 2.4 In September 1982 planning permission was refused for the erection of 2 semidetached two storey houses in the rear garden of 4 Eliot Place, together with the erection of 4 garages. A subsequent appeal was dismissed by the Planning Inspectorate.
- 2.5 In December 1992 planning permission was granted for the use of the semi basement at 4 Eliot Place as a pre school playgroup for 16 children between 9am and 4pm Mondays to Fridays during school term times.
- 2.6 November 2006 Planning permission granted for construction of a glass lean-to for use as a studio/greenhouse in the rear garden (06/64176)

3.0 Current Planning Applications

The Proposals

- 3.1 Planning permission and Listed Building Consent is sought for the installation of 6 solar panels in the rear roof slope and 2 solar panels in the side roof slope of 4 Eliot Place SE3. The solar panels would be located on the upper slope of the mansard roof and would not be visible from the surrounding area.

Supporting Documents

- 3.2 Design & Access and Heritage Statements. The applicant has also sent a supporting email (dated 4th March) outlining the energy efficiency measures which have already been utilised at the property.

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 14 letters were sent to neighbouring properties. The relevant ward Councillors were notified. No letters of objection have been received from neighbouring properties.

Pre-Application Consultation

- 4.3 The applicant engaged in pre-application discussions with the Council's Conservation Officer. Discussions focused on the potential impacts on the fabric and significance of the Listed Building and the suitability of potential locations for the solar panels which would not be visible from the public realm.

Amenity Societies Panel

- 4.4 The Panel had reservations about the principle and precedent of solar panels on listed buildings, even if on roof slopes not visible from public realm. They will be seen from the rear of the building. The Panel recommended that a location in the rear garden should be considered instead.

Letter of objection from the Blackheath Society

The letter is set out below in full;

“The Government’s commitment to sustainable development in the National Planning Policy Framework is shared by the Society and it is recognised that “there is a balance to be drawn between the benefits to society in responding to climate change and any harm caused to heritage assets.”

We have therefore had serious discussions about this and I have talked to other residents in the Blackheath area and to other members of the Amenity Societies Panel. I have also carefully studied the English Heritage Publication (2010) on small scale solar energy and traditional buildings and also the more recent Guidance Note (September 2012) for listed places of worship, which throws an interesting and relevant light on listed buildings in general. I quote:

“The principle of minimum intervention and reversibility should be adopted whenever and wherever possible.” One of the criteria to be met within the English Heritage Policy is that “the consenting authority imposes a condition requiring the removal of the equipment as soon as it falls out of use.” I am satisfied that in this instance these 8 photovoltaic panels can be removed at any future date without harming the fabric of the building.

It is the “minimum intervention” principle that is at issue here and whilst it is agreed by almost everyone that these panels are ugly, the main argument presented in their favour is that because of their location, they ‘cannot be seen’ from the public domain. By this reasoning, upvc windows on rear elevations of listed buildings might also be acceptable, but this is never the case.

Photovoltaic panels unfortunately have the characteristic of being very highly reflective and in sunlight they can be seen for miles around. The idea that the panels in this prominent and open location will not be visible is just not correct. Several people have told me that in other parts of Lewisham and Greenwich, solar panels have had a deleterious visual effect on the surrounding environment and in this case we are talking about a listed building within a Conservation Area of major importance.

Another of the EH criteria is that the proposal should have a “net environmental benefit”. This is difficult to demonstrate beyond approx. 1500kWh of free electricity per annum worth £200. Another of the EH criteria is that “other energy-saving measures should have been considered first” (eg. boiler efficiency, insulation, draught stripping) and in nine times out of ten this has not been done. Such measures would certainly save more than £200.

Lastly, if the Council were to allow this proposal, it would set a precedent the effects of which would certainly not preserve or enhance the characteristics of the Conservation Area”.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

5.3 The NPPF was published on 27th March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

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

Ministerial Statement: Planning for Growth (23 March 2011)

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

Other National Guidance

- 5.6 English Heritage's guidance note 'Small-scale (photovoltaic) solar electric and traditional buildings' (2010)

London Plan (July 2011)

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

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.4 Retrofitting
Policy 5.7 Renewable energy
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

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 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 15 High Quality Design for Lewisham
Core Strategy Policy 16 Conservation Area, Heritage Assets and the Historic Environment

Unitary Development Plan (2004)

- 5.9 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 6 Alterations and Extensions
URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
URB 18 Preserving Listed Buildings

Residential Standards Supplementary Planning Document (August 2006)

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

Emerging Plans

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 on the 26th and 27th 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 31 Alterations/extensions to existing buildings

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 1 Presumption in favour of sustainable development

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

DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

6.0 Planning Considerations

- 6.1 The primary considerations for this application are the effect of the proposals on the fabric and historic interest of the Grade II listed building and also any wider impact on the character and appearance of the Blackheath Conservation Area.
- 6.2 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.3 Policy URB 16 'New Development, Changes of Use and Alterations to Buildings in Conservation Areas' states that the Council will not grant planning permission where alterations and extensions to existing buildings are incompatible with the special characteristics of the area, its buildings, scale, form and materials. There is a statutory duty placed on the Council to only approve development which preserves or enhances the character and appearance of the Borough's Conservation Areas.
- 6.4 Policy 36 of the Development Management Local Plan (submission version) states that 'The Council encourages the adaption of historic buildings to improve energy efficiency in line with the detailed guidance provided by English Heritage. Careful consideration should be given to the most appropriate options for insulation, power use and power generation. Intrusive interventions, such as externally mounted micro-generation equipment or external wall insulation, should be avoided where these would unacceptably alter the character and appearance of the heritage asset'. This policy also states that 'the Council will only grant consent for alterations to Listed Buildings which relate sensitively to the building's significance and sustain and enhance its significance and integrity'.
- 6.5 English Heritage's guidance note Small scale solar (photovoltaic) energy and traditional buildings(2010) states that 'it is generally not considered sympathetic to a building's appearance to have solar collectors or other equipment fixed to any of its main elevations, ie the face or faces seen from the principle view point, towards which it is mainly viewed'.
- 6.6 The proposal involves the installation of six photovoltaic panels on the rear shallow secondary pitch to the mansard roof slope and two panels on the side. Owing to the orientation of the property, the location of a chimney stack and a side facing dormer window the proposed solar panels will not be visible from the public realm. The lack of visibility of the proposed solar panels is also assisted by the considerable height of this three and a half storey property, its elevated position above land to the rear and that the panels would be located on the upper slope of the mansard roof which is of a shallower pitch and therefore less visible.
- 6.7 Officers recognise that a lack of visibility from the public realm cannot in itself be considered as suitable justification for alterations to the fabric of a listed building. In the case of Grade II* and Grade I buildings this justification would rarely be enough in itself. Each application needs to be considered on a case by case basis and the unique historic and architectural significance and its contribution to the area needs to be taken into account alongside the likely degree of physical impact of the proposals.

- 6.8 However, in this instance, taking into consideration the minimal visual impact, that there is no loss of historic fabric and that any impact on the fabric of the building is completely reversible, the proposal is considered to safeguard the historic interest and fabric of this Grade II Listed Building. In order to ensure that the proposals have no permanent impact it is considered necessary to add a condition to any consent which would require the removal of the solar panels when they reach the end of their lifespan.
- 6.9 In their letter of objection, The Blackheath Society make reference to English Heritage Guidance stating that 'other energy saving measures should be considered first' before the addition of renewable energy to historic buildings. In response to this the applicant has provided information documenting energy saving measures they have implemented including the installation of a new boiler, the refurbishment of all their windows and the addition of secondary glazing. Officers consider that having regard to the energy efficiency measures already installed, the proposal to install solar panels are not without justification.
- 6.10 The Council's Conservation Officer was involved in pre-application discussions and raised no objection. It is considered that the impact of the proposed panels on the character and appearance of the conservation area would be neutral.
- 6.11 Taking into account the lack of visibility of the proposed solar panels, the minimal impact upon the historic fabric and significance of the building along with the reversibility of the works, the proposal is considered to be acceptable.

Community Infrastructure Levy

- 6.12 The above development is not CIL liable

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 would not result in material harm to the character, appearance and historic interest of the Listed Building and accords with Policy 16 'Conservation areas, heritage assets and the historic environment' of the Core Strategy (June 2011), Policy URB 16 of the Unitary Development Plan (2004) and relevant guidance from English Heritage.

9.0 RECOMMENDATION

GRANT PLANNING PERMISSION AND LISTED BUILDING CONSENT 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: EP100A, EP101A, EP102A, EP103A, Heritage and Design and Access Statement and email from the applicant dated 4th March 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.

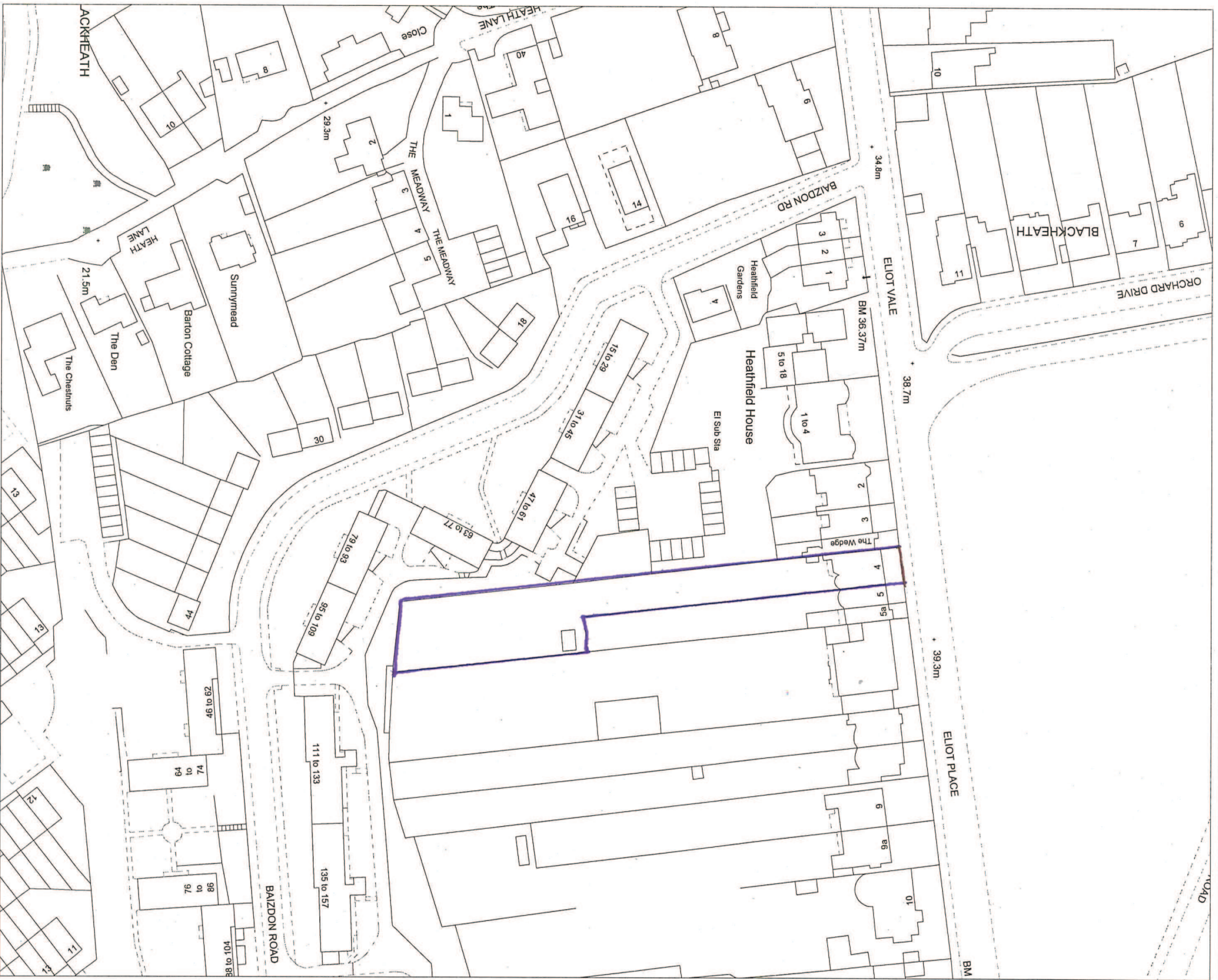
- (3) The solar panels hereby permitted shall be removed as soon as practicable once they cease to function and the roof shall be reinstated and repaired to match its former condition prior to the installation of the solar panels.

Reason: To ensure that the installation of the solar panels and any associated works are completely reversible and that there will be no permanent impacts on the historic interest or fabric of the Grade II Listed building in accordance with Policy 16 'Conservation areas, heritage assets and the historic environment' of the adopted Core Strategy (June 2011), URB 16 'New Development, changes of use and alterations to buildings in Conservation Areas' and relevant national guidance provided by English Heritage.

INFORMATIVE

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

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