

## PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 9 APRIL 2015 TIME 7.30 PM**

PLACE: **THE COUNCIL CHAMBERS, LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Paul Bell (Chair)  
Olurotimi Ogunbadewa (Vice-Chair)  
Suzannah Clarke  
Brenda Dacres  
Maja Hilton  
Simon Hooks  
Ami Ibitson  
Helen Klier  
John Paschoud  
Jonathan Slater**

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

**Barry Quirk  
Chief Executive  
Lewisham Town Hall  
London SE6 4RU  
Date: Friday, 27 March 2015**

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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 09 APRIL 2015

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 ()	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 09 APRIL 2015

### MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 26 February 2015.

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Committee	PLANNING COMMITTEE C	
Report Title	491A NEW CROSS ROAD, SE14 6TQ	
Ward	New Cross	
Contributors	Jan Mondrzejewski	
Class	PART 1	9 APRIL 2015

<u>Reg. Nos.</u>	DC/14/89474
<u>Application dated</u>	26.11.14 [revised on 24.02.15 and 05.03.15]
<u>Applicant</u>	Chestnut Planning on behalf of Dr Lori
<u>Proposal</u>	The change of use, alteration and conversion of the basement at 491A New Cross Road SE14 to provide a self-contained studio flat at the rear and a storage area for the ground floor commercial unit at the front, together with the conversion of the first, second and attic floors to provide 3 self-contained studio flats, together with alterations to the rear elevation of the building.
<u>Applicant's Plan Nos.</u>	10, 11, 12, 14A, 15A, 16A, 17A, 18A, Sustainability Statement, Heritage Statement, Design & Access Statement, Lifetime Homes Standard.
<u>Background Papers</u>	(1) Case File DE/57/33/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (Nov. 2014) (4) The London Plan (March 2015)
<u>Designation</u>	Existing Use

## **OBSERVATIONS**

### **1.0 Property/Site Description**

- 1.1 The application site comprises a three storey, plus basement and attic, late Victorian/Edwardian terraced property, located on the north side of New Cross Road within the Deptford High Street Conservation Area. The ground floor of the building comprises a mini cab office with a modern shopfront and signage to the street. To the left of the shop window is an entrance door leading to the basement of the property which currently comprises four windowless rooms and a bathroom with a window onto the rear yard of the property. The corridor which runs from the front to the rear of the basement contains a galley style kitchen and a door onto the rear yard of the property. The basement is currently let as rooms.
- 1.2 To the right of the shopfront is an entrance door giving access to a lobby. This in turn contains entrances to the commercial area of the property at ground floor level and the residential part of the property at upper floor level. It is likely that the upper floors of the property may have historically been operated as a House in

Multiple Occupation (HMO). However, it is now laid out as 3 one bedroom self-contained flats at first, second and attic floor level. More recently a small studio unit has been provided at the rear of the ground floor commercial unit, within a mezzanine level in the back addition of the property. Most of the flats have been used to provide shared accommodation, with additional partitions recently installed in order to increase occupancy.

1.3 The property is located in a Secondary Shopping Frontage within the Deptford District Centre and fronts New Cross Road which forms part of the A2 and is a Red route

1.4 The property is located close to the access to Theatre Place, under a flying freehold between 489 and 491 New Cross Road. Theatre Place, which lies to the rear of the application site, has recently been developed for residential purposes.

## **2.0 Planning History**

2.1 The applicant states that the basement of the building was historically used as a night club and that the cab office on the ground floor has been operating continuously over 10 years. However there is no record of planning permission having been granted for a night club.

2.2 Although officers do not doubt this information, the night club use appears to have ended some time ago and the residential use of the basement appears to have started recently. The subdivision of the upper floor rooms to increase occupancy of the building also appears to be recent as does the construction of a rear extension to the building at ground floor level to accommodate a kitchen and shower room/ wc for the flat at ground floor and mezzanine level, located at the rear of the ground floor commercial accommodation. The ground floor extension appears to be built in timber with comparatively thin walls and is unlikely to comply with building regulations in respect of thermal insulation.

2.3 In May 2014, an application for planning permission for the retention of the basement of the property as a self-contained three bedroom flat and the retention of the upper floors of the property as 1 self-contained studio flat and 3 self-contained one bedroom flats was refused for the following reasons:-

1) *The retention of the basement and upper floors of the property as residential flats on the basis of their current layout is considered unacceptable due to the poor quality of the residential accommodation and failure to comply with London Plan and Council requirements on minimum floorspace, natural light, outlook, waste storage and cycle storage contrary to Policy 3.5 Quality and design of housing developments of the adopted London Plan (July 2011), Policy 14 Sustainable movement and transport of the adopted Core Strategy (June 2011) and Saved Policies HSG 5 Layout and Design of New Residential Development, HSG 10 Conversion of Office and Other Commercial Space to residential Accommodation and HSG 11 Conversion of Space above Shops to Residential Accommodation of the adopted Unitary Development Plan (July 2004).*

2) *The retention of the basement and upper floors of the property as residential flats is considered unacceptable due to the detrimental impact on the character and appearance of the Deptford High Street Conservation Area of the alterations to the front elevation of the property required to*

*facilitate the development and comprising internal partitions butting up to windows, the reduction in size of the shopfront by the insertion of an access door to the basement and the provision of a PVCu door to the basement of unsuitable style and materials for the property in question, contrary to policies Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Saved Policies URB 8 Shopfronts and URB16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas of the adopted Unitary Development Plan (July 2004).*

- 2.4 In October 2014, the Head of Planning authorised the service of enforcement notices. Two separate enforcement notices were served in November 2014. The first notice is in respect of the unauthorised material change of use of the upper ground floor, first floor, second floor and third floor of the premises from use as one self-contained flat at upper ground floor, first floor, second floor and third floor level to use as 1 self-contained studio flat at upper ground floor level, as 1 self-contained flat at first floor level, as 1 self-contained flat at second floor level and 1 self-contained studio flat at third floor level at 491a New Cross Road.
- 2.5 The Enforcement Notice was issued for the following reason:
- The studio flat on the upper ground floor, and the three self-contained flats on the first second and third floor levels provide poor quality cramped accommodation that fails to comply with the London Plan and Council standards on minimum floor space and natural light and outlook contrary to Policy 3.5 High Quality and Design of housing developments of the Unitary Development Plan (July 2004).
- 2.6 The Enforcement Notice requires that the following steps be taken:
- i) Cease the use of the upper ground floor of the premises as a self-contained flat
  - ii) Cease the use of the first floor of the premises as a self-contained flat
  - iii) Cease the use of the second floor of the premises as a self-contained flat
  - iv) Cease the use of the third floor of the premises as a self-contained flat
  - v) Remove the partitioning dividing the front room of the first floor flat
  - vi) Remove the partitioning dividing the front room of the second floor flat
  - vii) Remove the partitioning dividing the front room of the third floor flat
  - viii) Remove the kitchen fixtures and fittings situated at second floor level
  - ix) Remove the bathroom fixtures and fittings situated at second floor level
  - x) Remove the kitchen fixtures and fittings situated at third floor level
  - xi) Remove the bathroom fixtures and fittings situated at third floor level
- 2.7 The Notice stipulated a compliance period of 6 months from the date the Notice takes effect.

2.8 The second enforcement notice also issued in November 2014 is in respect of the material change of use of the basement of the premises to use as a self-contained flat at 491a New Cross Road London SE14 6TQ.

2.9 The Enforcement Notice was issued for the following reason:-

*The basement flat provides a poor standard of accommodation given the lack of provision of outlook and natural lighting which is contrary to Policy HSG 5 Layout and Design of New Residential Development of the Adopted Unitary Development Plan, which states that the Council will only permit new residential development which provides a satisfactory level of privacy, outlook and natural lighting with appropriate provision of private amenity space. The development is contrary to Policy HSG 10 Conversion of Office and Other Commercial space to Residential Accommodation of the adopted Unitary Development Plan. (July 2004).*

2.10 The Enforcement Notice requires that the following steps be undertaken;

1. Cease the use of the basement of the premises as a self-contained flat
2. Remove the kitchen fittings and fixtures from the basement.

2.11 The Enforcement Notice stipulates a compliance period of six months from the date it takes effect.

2.12 Both notices are the subject of Appeals which will be dealt with at a Public Inquiry later this year. Officers have recently noted that the partitions dividing the upper floor front rooms of the property, which were the subject of the first enforcement notice have recently been removed from the third floor of the property. Although not required by either enforcement notice, the ground floor shopfront and entrance doors have also been replaced, without the benefit of planning permission. However, as the replacement shopfront and entrance doors are of better quality and appearance than those previously installed, it is considered it would not be expedient to pursue enforcement action in respect of this unauthorised material alteration to the property.

### **3.0 Current Planning Application**

3.1 The current application is for the provision of four studio flats, one each in the basement and each of the upper floors, with the remainder of the property (aside from the existing mini cab office) used as office space.

3.2 As originally submitted the proposal was for the change of use, alteration and conversion of the rear part of the basement area to a self-contained studio flat with an aspect onto the rear yard of the property together with a storage unit (Class B8) in the windowless front part of the basement, and the alteration and conversion of the rear of the ground floor and the upper floors of the building to provide 4 self-contained studio flats, together with alterations to the rear elevation. The front part of the ground floor was to be retained in commercial use as a mini cab office.

3.3 The application was subsequently altered to feature the following amendments:

The provision of a new staircase to the basement storage area from the ground floor commercial floorspace. This means the proposed studio flat at basement

level has a separate access onto the street which is not shared with a commercial use.

The proposed studio flat at ground floor and mezzanine level becomes part of the proposed commercial unit

#### **4.0 Consultation**

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

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

- 4.3 Nine replies from the occupiers of Flats 1, 5, 6, 7, 14, 15, 18 & 19 Theatre Place, 489A New Cross Road, plus one addition occupier of an flat at Theatre Place which does not give a flat number, objecting to the proposal on the following grounds;-
- 1) The development is not in keeping with the character of the Deptford High Street Conservation Area.
  - 2) The property has no right of way over the access to Theatre Place.
  - 3) The proposal constitutes over-development.
  - 4) The existing flats give rise to considerable fly tipping which constitutes a health hazard.
  - 5) Waste storage facilities at the premises are inadequate and existing residents of No 491A use the bins provided for the use of residents of Theatre Place.
  - 6) There is little change between this application and the one previously refused by the Council.
  - 7) The applicant also has old and overcrowded flats at No 491 which give rise to problems of fly tipping at Theatre Place.
  - 8) No 491A has no right of access from New Cross Road through the grounds of Theatre Place.
  - 9) Although the current scheme is an improvement on the original proposal in terms of space standards and natural light, the basement studio flat is unlikely to have good daylight, sunlight and outlook and the applicant has not submitted a daylight study to show that it would have.
  - 10) The basement flat would also suffer noise nuisance from the ground floor unit directly above it.
  - 11) Although the partitions butting up against the front elevation windows have been removed, the submitted scheme proposes no changes to the shop front.
  - 12) The proposed mix is poor, comprising only small units.

- 13) The provision of studio units in conversion schemes and wholly basement accommodation is not encouraged by Council's Residential Standards SPD or Policy HSG 9 Conversion of Residential Properties.
- 14) The additional windows at the rear of the property will give rise to loss of privacy and over-looking.
- 15) The proposed flats have no dedicated waste or cycle storage facilities.  
(Letters available to Members).

#### The Amenities Society Panel

- 4.4 The Panel were advised that this application follows an earlier refusal of planning permission and the recent service of an enforcement notice requiring the cessation of the use of the basement and rear ground floor of the building as residential accommodation and the restoration of the upper floors to a single flat and that a revised scheme was expected to be submitted.

### **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 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

#### Additional 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 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.

#### London Plan (March 2015)

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

Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 3.9 Mixed and balanced communities  
Policy 3.14 Existing housing  
Policy 5.3 Sustainable design and construction  
Policy 5.13 Sustainable drainage  
Policy 5.18 Construction, excavation and demolition waste  
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

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

- 5.6 The London Plan SPGs relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2004)  
Housing (2012)  
Sustainable Design and Construction (2006)

#### London Plan Best Practice Guidance

- 5.7 The London Plan Best Practice Guidance’s relevant to this application are:

Control of dust and emissions from construction and demolition (2006)  
London Housing Design Guide (Interim Edition, 2010)

#### 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 Lewisham Town Centre Local Plan, the Development Management Local Plan and the London 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 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

#### Development Management Local Plan

5.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014.

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 6 Houses in multiple occupation (HMO)

DM Policy 14 District Centre Shopping Frontages

DM Policy 22 Sustainable design and construction

DM Policy 23 Air quality

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

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

#### Residential Standards Supplementary Planning Document (revised 2012)

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, accessibility and materials.

### **6.0 Planning Considerations**

6.1 The main planning considerations are the standard of the proposed residential accommodation, impact on the character and appearance of the Deptford High Street Conservation Area transport and servicing issues and impact upon the amenities of adjoining residential properties.

#### Standard of the proposed accommodation

- 6.2 In terms of compliance with the minimum floorspace standards set out in Table 3.3 of the London Plan, which for a studio flat is 37sqm, the studio flats proposed are 38.5sqm in the case of the first and second floor flats and 35.5sqm in the case of the attic flat. The flats are also shown as having smoke lobbies to comply with building regulations, which the existing flats do not have. Moreover, the fact that the flats are no longer accessed via the kitchens is also an improvement in fire safety terms. While the provision of studio flats is not normally encouraged, such accommodation can sometimes be considered acceptable above shops in busy main road locations such as this. In this case the flats will have an access onto New Cross Road, which is no longer shared with the ground floor commercial use.
- 6.3 The originally proposed flat at ground floor and mezzanine level, which officers considered substandard in terms of both size and the quality of the construction of an existing timber built rear extension, will now revert to commercial use. It will be used in conjunction with the existing ground floor commercial premises (currently a sui-generis mini cab office).
- 6.4 The existing self contained basement flat has now been reconfigured as a studio flat occupying only the rear part of the basement. It is compliant with London Plan standards in terms of floor area and has adequate natural light via a large window onto a rear patio area. It also has its own access onto the street with the storage area in the front part of the basement now linked to the ground floor commercial use by a new staircase. If the scheme is implemented in accordance with the submitted plans, it will no longer be possible for the front part of the basement which has no natural light, to be accessed by the occupiers of the basement residential accommodation. Neither will the occupiers of the basement residential accommodation have to share the access to the flat with a business using the front part of the basement. The basement flat will also benefit from a private amenity space in the yard/garden area at the rear of the property.
- 6.5 On the basis of London Plan and Council policy the accommodation now proposed is considered to provide an acceptable standard of residential accommodation.

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

- 6.6 The removal of the partitions to the rooms at first, second and attic floor levels that butt up against the front windows of the property, which is a requirement of the first enforcement notice, will enhance the appearance and character of the Conservation Area as the partitions in question were visible in section from the street
- 6.7 It has already been noted that the partitions in question are also objectionable in terms of their impact on the quality of the residential accommodation provided and compliance with London Plan and Council policy requirements.
- 6.8 The previous PVCu street door to the basement accommodation was also unsatisfactory in terms of its impact on the character and appearance of the property by being of an inappropriate design and material for a Victorian shop in a Conservation Area. Although the application does not specifically propose any alterations to the ground floor front elevation, a new powder coated aluminium door of more appropriate design has been recently installed as part

of a new shopfront. This shopfront is considered to be of better design than that previously in place and no enforcement action in respect of this unauthorised change is proposed. Among the proposed alterations to the rear elevation is the re-opening of an original opening in the back addition of the property at ground floor level. This is currently blocked with breeze blocks and looks most unsatisfactory. The reinstatement of a double hung timber sash window in this opening will therefore be an enhancement to the character and appearance of the Conservation Area, although not one which would be visible from the public realm.

### Transport and Servicing Issues

- 6.9 Although the development does make any provision for cycle parking as required by London Plan and Council policy, it is seldom possible to achieve this in conversion schemes for accommodation above shops. In such circumstances occupiers may consider a folding bike that can be stored more easily. The applicant has submitted a copy of a land registry title indicating that the property has a pedestrian right of way to the rear yard via the flying freehold at no 491, which also serves Theatre Place. However, the occupiers of Theatre Place contest this and officers are not convinced the rear yard would be a suitable location for either a bike or a refuse storage area given that only occupiers of the proposed basement flat will have access to it and the area would be better utilised as an amenity space for this unit.
- 6.10 The number of potential residential occupiers of the property, when compared to the current occupancy, which is subject of the enforcement notice, would reduce from nine individually let rooms to 4 self-contained studio flats. Flats above shops can use a bagged waste collection system operated by the Council, as there is frequently no space for storage of wheeled bins. The larger size of the proposed flats would enable occupiers to store waste within the premises between collection dates. A number of units above shops in the Deptford High Street Conservation Area do not have refuse storage and collection areas compliant with Council standards and many use the bagged waste collection scheme.

### Impact on Adjoining Properties

- 6.11 The objections to the development from many of respondents living at Theatre Place appear to relate to the intensity of occupation at the application premises and a consequent negative impact on this adjoining residential development. Problems of trespass and unauthorised use of waste and recycling bins belonging to residents of Theatre Place are cited as well as incidents of residents throwing rubbish into the rear yards of Nos 491 and 491A New Cross Road as well as the communal areas of Theatre Place. Allegations of rubbish dumping may also be linked to the high turnover of tenants often found in shared accommodation such as that at No 491A New Cross Road.
- 6.12 As previously outlined, the current proposal would reduce the intensity of residential occupation at the premises and attract longer term occupation. This will hopefully reduce the incidence of nuisance cited by Theatre Place residents. Officers also note that the entrance to Theatre Place is gated and that only the occupier of the basement flat at No 491A would have any access to the rear yard/garden of the property.

## **Equalities Considerations**

- 6.13 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.14 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.15 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.16 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.17 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 6.18 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

- 6.19 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.

## **7.0 Consultations**

- 7.1 The objections to the development, including those citing instances of nuisance has been addressed in the preceding section of this report.

## **8.0 Local Finance Considerations**

- 8.1 The development will not be CIL liable if planning permission is granted as no new floorspace is created.

## **9.0 Conclusion**

- 9.1 The current proposal will allow the present accommodation to be considerably upgraded and the appearance and character of the Conservation Area enhanced. Although there is clearly a dispute between the applicant and the residents of Theatre Place over the right of access to No 491A via Theatre Place, the current development proposal is not reliant on this. Planning conditions are also proposed which should ensure a good standard of amenity for future residential occupiers of the building and a more attractive outlook for occupiers of Theatre Place.

## **10.0 RECOMMENDATION: GRANT PERMISSION Subject to the following conditions:-**

### **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:

10, 11, 12, 14A, 15A, 16A, 17A, 18A, Sustainability Statement, Heritage Statement, Design & Access Statement, Lifetime Homes Standard.

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

- 3 (a) The residential flats shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB L<sub>Amax</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut

and other means of ventilation provided. The evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

- (b) Development shall not commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 4 (a) No development shall commence until full written details, including relevant drawings and specifications of the proposed works of sounds 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 DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 5 The proposed residential accommodation shall not be occupied until the external alterations to the rear of the building shown on Plan No 18A have been implemented in full and no new external finishes, including works of making good, shall be carried out other than in materials to match the existing building.

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 31 Alterations and extensions to existing buildings including residential extensions.

- 6 The proposed new windows to the rear elevation of the back addition shown on Plan No 18A shall be timber double hung sash windows, with external reveals, cills and brick arches to match the originally provided window openings at the rear of the premises.

**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 of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 31 Alterations and extensions to existing buildings including residential extensions.

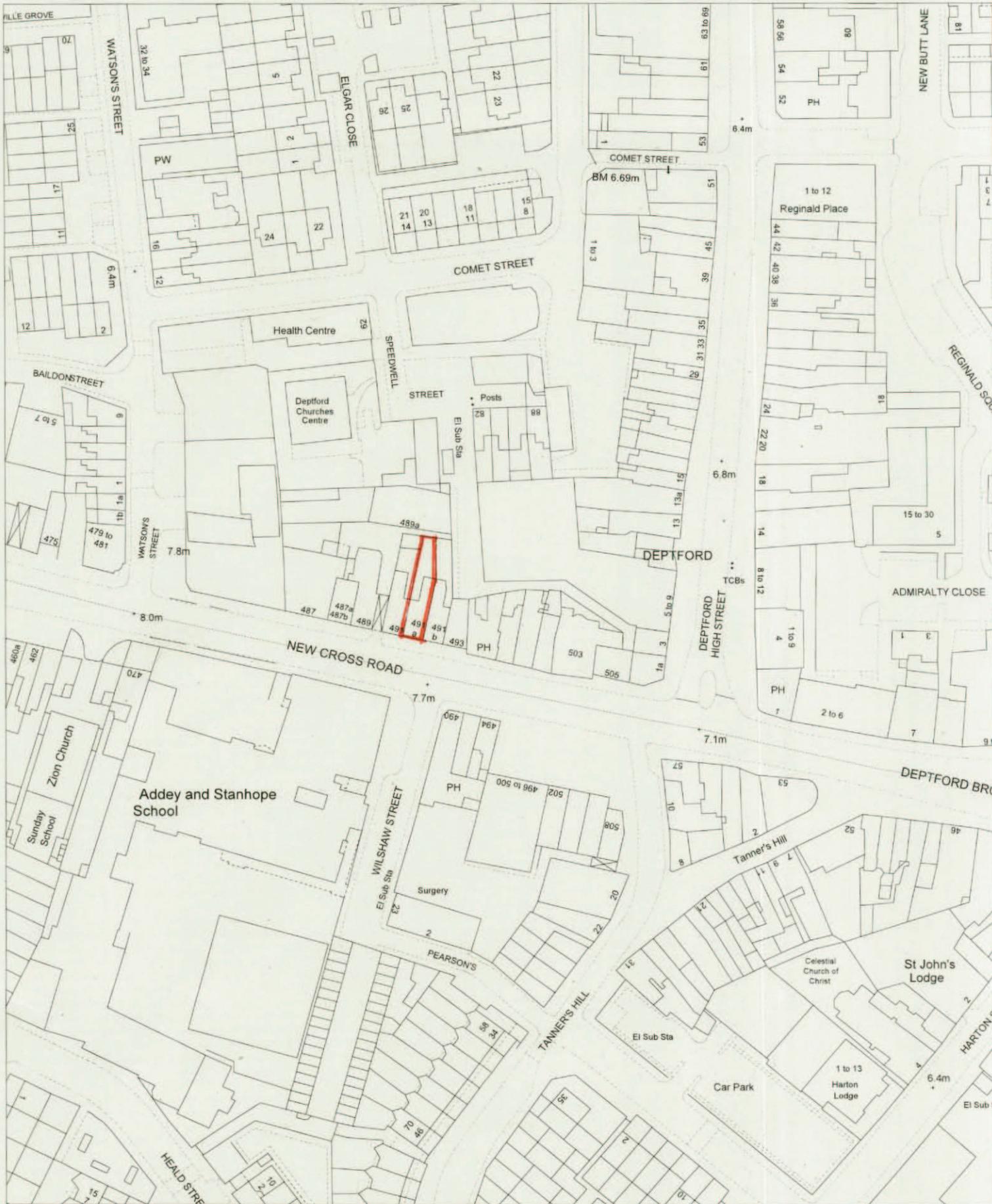
- 7 (a) Development shall not commence until a scheme of hard and soft landscaping and boundary treatment to the rear garden of the property has been submitted to and approved in writing by the local planning authority.
- (b) All planting, seeding or turfing shall be carried out in the first planting 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 DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

## **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.

# 491A New Cross Road



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Committee	PLANNING COMMITTEE B	
Report Title	Garages adjacent to 49-71 Dacre Park, SE13	
Ward	Blackheath	
Contributors	Michael Forrester	
Class	PART 1	09 APRIL 2015

<u>Reg. Nos.</u>	DC/14/89973
<u>Application dated</u>	22.11.2014
<u>Applicant</u>	Lewisham Council
<u>Proposal</u>	The demolition of garages adjacent to 49-71 Dacre Park SE13 and the construction of five two storey, two bedroom mews houses. incorporating green roofs, cycle stores and the provision of five car parking spaces.
<u>Applicant's Plan Nos.</u>	014_021_PL_040, 14-021-PL-041, 14-021-PL-042, 14-021-PL-142, 14-021-240, 14-021-PL-340, Appendix 3 Planning Statement (prepared by NLP Planning), Appendix 4 Daylight and Sunlight Report (prepared by Point 2 Surveyors), Appendix 5 Energy and Sustainability Statement (includes Ecological Phase 1 Habitat Survey Report) (prepared by Etude), Appendix 6 Transport Statement (prepared by MLM), Appendix 7 Flood Risk Assessment (Prepared by Conisbee), Appendix 8 Archaeological Desk Based Assessment (prepared by Archaeological Solutions), Appendix 9 Arboricultural Impact Assessment (prepared by PJC Consultancy) (all received 27/11/2014).  14-021-PL-140 rev A, 14-021-PL-141 rev A, 14-021-PL-141 rev A, 14-021-PL-341 rev A, 14-021-PL-520 rev A, Design and Access Statement (prepared by PTEa) (all received 3/02/2015)
<u>Background Papers</u>	(1) Case File LE/H39/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Area of Stability and Managed Change

## 1.0 Property/Site Description

- 1.1 The site comprises a block of 10 lock-up garages and an area of hard standing in the north eastern corner of the Dacre Estate. Vehicular access is on the western

side of Dacre Park. The garages adjoin the rear garden boundaries of 2-6 (consecutive) Kingswood Place.

- 1.2 There is a change in ground levels, rising towards the north from the south, where the rear gardens of properties in Kingswood Place to the north stand 2m higher than the application site.
- 1.3 The surrounding locality is residential in character, formed from buildings between 2 and 4 storeys in height. The site is located outside of, but directly adjacent to the Blackheath Conservation Area.

## **2.0 Planning History**

- 2.1 There is no relevant planning history on this site.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 Permission is sought for the demolition of the existing garages and construction of five, 2 bedroom dwellings, linked at ground floor creating a terrace along the northern boundary of the site adjacent to Kingswood Place.
- 3.2 The building measures a maximum of 6m in height, with the two storey element measuring 6m wide, and the single storey 2.7m wide, creating a total width of 8.7m for each dwelling. Each property measures 6.9m deep.
- 3.3 At ground floor a central entrance opens into an open plan kitchen/ living room with separate study area, above which at first floor level are two bedrooms and a bathroom, these open out onto a terrace area located above the kitchen.
- 3.4 Each dwelling would have an integral refuse store adjacent to the entrance.
- 3.5 The existing vehicular access from Dacre Park would be retained, the existing concrete hard surfacing would be replaced by permeable paving to provide 5 parking spaces and a turning area. A cycle store for all dwellings is located in this parking area.
- 3.6 A secure gate would lead from the western edge of the site onto St. Margaret's Passage.

### Supporting Documents

- 3.7 Archaeological Desk-Based Assessment – The document states that for an urban area, the area surrounding the site does not contain any prehistoric, Romano-British or Anglo-Saxon remains and thus the site has low potential for archaeology pre-dating the medieval period. The site has experienced significant ground disturbance with Victorian slum clearance in the 1950's and 60's, being replaced with the existing residential blocks and garage courts.
- 3.8 Arboricultural Impact Assessment - This provides an assessment of the existing trees within the site. A total of 10 individual trees and four tree groups were surveyed and recorded. Two individual trees and one group of trees were assessed Category B, with 8 trees and 3 groups being Category C. No trees were categorised as A or U.

- 3.9 Daylight and Sunlight - This provides an assessment across surrounding residential blocks and the impact upon daylight and sunlight and confirms that neither properties in Kingswood Place or Boone Street would be adversely impacted in terms of daylight and sunlight.
- 3.10 Design and Access Statement – This provides a design overview, details of materials and landscaping. Details of access, lifetime homes and wheelchair compliance are also provided. The document also provides details of Secure by Design measures and consultation with the Metropolitan Police.
- 3.11 Energy and Sustainability (incorporating an Ecology Report) - This document confirms that the dwellings will achieve Code Level 4 with a score of 68.6. Details of recycling, sustainable building materials and energy efficiency measures to be incorporated into the development are provided. The statement also includes an ecology report which states that the existing site has negligible potential for natural habitat, but that the proposed living roofs and enhanced landscaping will be beneficial for wildlife habitats.
- 3.12 Flood Risk Assessment - This document confirms that the site is located in Flood Zone 1 with a low risk of flooding. The proposals would be of a positive impact for surface water due to the introduction of permeable paving (currently the site has large areas of concrete surfacing), living roofs and soft landscaping.
- 3.13 Planning Statement – This document provides a planning policy overview, and confirms that the 5 dwellings are intended for private occupation.
- 3.14 Transport Statement - This provides an overview of current parking provision, confirms that the site is included within a controlled parking zone and includes a parking survey undertaken utilising the Lambeth methodology. This states that parking is available on surrounding streets during the survey times. The proposed residential development is stated as not having a detrimental impact upon parking demand in the locality.

#### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the applicant prior to submission and 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 The applicant undertook a public engagement event in advance of submitting an application.
- 4.3 Site notices were displayed and 116 letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

#### **4.4 Pre-Application Consultation**

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

- 4.6 6 letters of objection have been received, these are summarised below:

– Access to the rear elevation of these dwellings will be difficult

- Concern about construction noise
- Garages are made of asbestos and need careful removal
- Overspill of contractor parking
- Increase in pollution
- This area is already overdeveloped
- This proposed development will project in the skyline and will be cramped
- Parking is already at a premium
- Existing strain on resources locally

4.7 Letters are available to Members to view.

#### Highways and Transportation

4.8 There is no objection in principle, however, a construction environment management plan is required by condition.

### **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 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. 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 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

- 5.5 The other relevant national guidance is:

Conserving and enhancing the historic environment

Design

Renewable and low carbon energy

Use of Planning Conditions

## London Plan (July 2011)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 3.3 Increasing housing supply

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

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

## London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)

Housing (2012)

Sustainable Design and Construction (2006)

### 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 Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 9 Improving local air quality

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

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

### Development Management Local Plan

5.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 22 Sustainable design and construction

DM Policy 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

DM Policy 35 Public realm

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

### 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.

## **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) Transport and Parking Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology and Landscaping
- h) Planning Obligations

### Principle of Development

6.2 The National Planning Policy Framework states that Planning 'should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'. Policy 3.4 of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity. The site is well served by public transport, being located close to Blackheath railway station and is therefore considered a sustainable location and would utilise previously developed land. Residential use is a priority in London and the borough and it is considered that an additional five units would make a valuable contribution towards meeting housing need.

6.3 The proposals would make use of previously developed land, and Officers have not raised an objection to the principle of redevelopment, subject to securing a development of the highest design quality.

### Density

6.4 The site has a PTAL rating of 4, indicating a good level of accessibility to public transport. The London Plan suggests that a density of 200-700 habitable rooms per hectare is appropriate. The site has an area of 0.09 hectares and the scheme proposes 167 habitable rooms per hectare. It is considered that although the total number of habitable rooms is below the suggested density levels, the scheme maximises the opportunities for development on the site, taking into account the position of neighbouring buildings and context adjacent to the Blackheath Conservation Area.

### Design

6.5 Paragraph 63 of the National Planning Policy Framework states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Whilst paragraph 64 states that 'permission should be refused for

development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions’.

- 6.6 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.
- 6.7 There is no objection to the demolition of the existing garages as these are in a relatively poor state of repair which together with the large areas of concrete hardstanding, visibly detract from the setting of the Blackheath Conservation Area, which includes the properties in Kingswood Place to the immediate north as well as the wider Streetscene.
- 6.8 It is proposed to construct a row of part single, part two storey linked dwellings arranged in a mews style terrace. These are built up against the rear northern boundary as per the existing garages.
- 6.9 All would front onto a new shared surface incorporating areas of soft landscaping and paving which seek to evoke the appearance of a traditional mews. The massing of the buildings is simple, with a principle two storey block comprising the main living space, with a subservient single storey recessed block, above which is a terrace. The roofs are monopitch rising southward and proposed as living roofs.
- 6.10 The architecture is simple, featuring defined, recessed entrances with canopies, large areas of glazing, set in deep reveals. A large corner window breaks up the first floor massing of each two storey block.
- 6.11 The plans originally submitted proposed that the entire first floor would be clad in timber, following consultation at pre-application stage where residents in Kingswood Place considered a brick wall to be out of keeping with the garden setting and that a timber enclosure would be more appropriate. However, officers considered the design rationale for timber cladding to be unjustified, as this is not a material typical of the area. Whilst a timber clad rear elevation may be considered acceptable given the proximity of the rear garden boundaries of the Kingswood Place properties, the prominence of the front and flank elevations needed a more robust and sympathetic material. The applicant has therefore revised the flank and rear elevations to a brick which matches that of the ground floor, this has rationalised the elevations and is considered to create a unified elevation. Simple brick detailing in the front elevation animates the façade, without necessitating the need for additional materials.
- 6.12 The scheme has the potential to be robust and elegant and is therefore considered to be acceptable in principle. However, the success of the design and therefore its acceptability will depend entirely on securing the high quality of the materials and detailing proposed to ensure that the simplicity of the proposal does not lead to a scheme that is bland and fails to respond to the surrounding context. This is why it has been considered necessary by officers to secure the details of proposed materials for the scheme and why many details have been agreed with Officers prior to permission being recommended.
- 6.13 Following requests from the Council’s officers at pre-application stage, the applicant has provided details of the balcony balustrades, doors and windows of

the proposal and has confirmed the specification for the materials that will be used to ensure that the high quality design of the proposal will be delivered in accordance with the requirements of this sensitive site. It is considered that the details provided demonstrate that despite the simplicity of the building form, the scheme will make a positive contribution to the streetscene and thus enhance the setting of the Blackheath Conservation Area. A condition is recommended to secure the details as they have been submitted and to secure sample panels of proposed bricks.

## Housing

### *a) Size and Tenure of Residential Accommodation*

- 6.14 The proposals provide 5 units for private occupation. Although this application is made by the Council's Strategic Housing department, this scheme is linked to nearby proposals (Dacre Park Estate development of 25 affordable rent units and Longfield Crescent, Forest Hill with a scheme of 27 affordable rental units), the funding for which partly comes from the revenue raised by the development of small scale private schemes. The provision of 5 units in private occupation is considered to be acceptable in this location.
- 6.15 The London Plan sets out minimum floor spaces standards for dwellings of different sizes (Policy 3.5). These are based on the minimum gross internal floor space required for new homes, relative to the number of occupants and taking into account commonly required furniture and spaces needed for different activities and circulation, in line with Lifetime Home Standards. The quality of the proposed accommodation needs to be carefully considered in relation to the Council's LDF and the London Plan. The London Housing SPG is also a material consideration, and contains further guidance on internal layout.
- 6.16 The dwellings would all meet minimum space standards and are considered to be of a practical layout, which is supported.

### *b) Standard of Residential Accommodation*

- 6.17 The Residential Standards SPD states that private gardens should be approximately 9m deep, but that in some instances terraces or balconies can provide alternative provision.
- 6.18 The dwelling do not provide traditional front and rear gardens, due to their position on the northern boundary of the site. The two end units benefit from a ground floor garden located to the side, whilst every dwelling has a first floor roof terrace located over the kitchen. This is enclosed to the rear by a timber clad wall and balustrade to the front. It is considered that given the size of the dwellings, that the amenity space provision is acceptable.
- 6.19 The dwellings, due to their construction are set against the rear northern boundary and primarily face south over the access drive, although the terraces, and corner window at first floor allow for the creation of a double aspect dwelling.
- 6.20 It is considered that the dwellings would provide a high standard of residential accommodation which is supported.

## Transport and Parking Issues

- 6.21 The site currently comprises 10 garages, of which two are vacant and the rest occupied. These garages are on a lease of 4 months, and all occupiers have been notified of the redevelopment and are being assisted with relocation for alternative garaging. The redevelopment of this site is therefore not considered to result in a off-site demand for on street parking.
- 6.22 The retained access from Dacre Park raises no objections and the proposals provide 5 parking spaces, equating to 1 per dwelling which is considered to be acceptable in this instance given the small scale of the proposals.
- 6.23 Construction issues have been raised as a concern throughout the objections received, and it is recommended that a construction management plan is secured by condition.

#### Impact on Adjoining Properties

- 6.24 DM Policy 32 Housing design, layout and space standards states that all new build residential development should be attractive and neighbourly and respond positively to the site specific constraints and opportunities.
- 6.25 The dwellings have an outlook which primarily faces onto the shared surface access road. The first floor terraces are enclosed to the rear by a solid 1.6m high wall, thereby restricting the view rearward onto the gardens of properties in Kingswood Place. This is considered acceptable. The front of the terraces are enclosed by a balustrade and would therefore have a view south which raises no objections.
- 6.26 The buildings would project 1m above the height of the boundary enclosures of the gardens in Kingswood Place, however, given the change in land levels, where the gardens of these properties are set approximately 2m higher than the ground level of the application site combined with a minimum separation distance of 10.5m rising to over 20m it is not considered that the dwellings would appear visually overbearing. There is a significant level of tree screening on the boundary which would restrict the view of the properties from the south on Boone Street, and the plans confirm the retention of these trees.
- 6.27 A Daylight and Sunlight Assessment has been submitted, this studies the impact upon properties to the north in Kingswood Place and to the south on Boone Street and states that the massing of the building would not have a detrimental impact upon neighbouring occupiers and would remain BRE compliant.
- 6.28 Taking into account the careful planning of the layout, it is considered appropriate to restrict permitted development rights for future alterations to the building.

#### Sustainability and Energy

##### *a) Renewable Energy*

- 6.29 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

6.30 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- 1 Be Lean: use less energy
- 2 Be clean: supply energy efficiently
- 3 Be green: use renewable energy

6.31 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 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 residential development to meet a minimum of Code for Sustainable Home Level 4 and non residential buildings to achieve a BREEAM rating of 'Excellent'.

6.32 The applicant has confirmed by way of a CfSH pre-assessment that the dwellings are capable of achieving Code Level 4, which is policy compliant and to be secured by condition.

*b) Living Roofs and landscaping*

6.33 DM Policy 26 Biodiversity, living roofs and artificial playing pitches requires development to take full account of biodiversity and geodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity and geodiversity. The applicant has proposes green roofs which extend across the building. The applicant has agreed to install a living roof based on the Council's preferred system. This is to be secured by condition.

6.34 The site at present offers no potential for landscaping, given the extent of the garage block and hard surfacing, and although there is an area of grass/ shrubs to the west this is poorly maintained and overgrown. The proposals include, in addition to living roofs, areas of soft landscaping within the access drive from Dacre Park and two private ground floor gardens and the provision of trees. The hard surfacing is to be renewed in permeable materials. The proposals are therefore considered to represent an improvement for ecology and biodiversity.

6.35 The landscaping strategy proposal is considered to be acceptable at this stage, however, further details including maintenance are recommended to be secured by condition.

## **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, in this matter, there is no impact upon 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 There is no objection in principle to the redevelopment of the garages given that existing garage tenants are to be relocated. The provision of 5 dwellings for private occupation is acceptable and the proposed design, following amendments to the materials and detailing is considered to be high quality and would make a positive contribution to the streetscene.
- 9.3 The layout of the proposals is considered to be innovative and makes use of a constrained site and would provide an acceptable standard of residential accommodation. For the above reasons it is recommended that planning permission is granted.

## **10.0 RECOMMENDATION**

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

### 1 Time Limit

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 Accordance with Plans

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

014\_021\_PL\_040, 14-021-PL-041, 14-021-PL-042, 14-021-PL-142, 14-021-240, 14-021-PL-340, Appendix 3 Planning Statement (prepared by NLP Planning), Appendix 4 Daylight and Sunlight Report (prepared by Point 2 Surveyors), Appendix 5 Energy and Sustainability Statement (includes Ecological Phase 1 Habitat Survey Report) (prepared by Etude), Appendix 6 Transport Statement (prepared by MLM), Appendix 7 Flood Risk Assessment (Prepared by Conisbee), Appendix 8 Archaeological Desk Based Assessment (prepared by Archaeological Solutions), Appendix 9 Arboricultural Impact Assessment (prepared by PJC Consultancy) (all received 27/11/2014).

14-021-PL-140 rev A, 14-021-PL-141 rev A, 14-021-PL-141 rev A, 14-021-PL-341 rev A, 14-021-PL-520 rev A, Design and Access Statement (prepared by PTEa) (all received 3/02/2015)

**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 Construction Logistics Plan

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.
- (d) Details of hoarding lines.

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), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2011).

## 4 Code for Sustainable Homes

(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).

## 5 Materials

No development shall commence on site until a detailed schedule and samples of all external materials including the proposed brick and mortar, windows, fascia panels, balustrades, timber cladding and entrance canopies to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**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 Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

## 6 Refuse Storage

(a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit 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 Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

## 7 Cycle Parking

- (a) A minimum of 5 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

## 8 Tree Protection

No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

## 9 Hard Landscaping

- (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 Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

## 10 Soft Landscaping

(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 DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

## 11 Boundary Treatments

(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 Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

## 12 Living Roofs

(a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos.141-021-PL-142 and page 23 of the Design and Access Statement hereby approved and maintained thereafter.

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

(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage

and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

### 13 Lifetime Homes

Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on page 24 of the Design and Access Statement hereby approved.

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

### 14 Plumbing and Pipes

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 including rainwater pipes shall be fixed on the front elevation of the building(s).

**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 of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

### 15 Satellite Dishes

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the elevations or the roof of the building.

**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 of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

### 16 Removal of Permitted Development Rights (windows)

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

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in

accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas [delete irrelevant policy] of the Development Management Local Plan (November 2014).

#### 17 Removal of Permitted Development Rights (extensions)

No extensions or alterations to the building(s) 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).

#### 18 Use/ Retention of Amenity Space

The whole of the amenity space (including roof terraces and balconies) as shown on drawing no. 14-021-PL-140 A and 14-121-PL-141 A hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards

#### 19 Construction Hours

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 Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

### **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 which included revised elevations to amend the proposed material pallet.

## 2. CIL

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>

## 3. Construction

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. Street Naming and Numbering

The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

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# Garages adjacent to 49-71 Dacre Park



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Committee	PLANNING COMMITTEE C	
Report Title	GARAGES TO THE REAR OF THE WOOD VALE ESTATE BUCKLEY CLOSE SE23 3EQ,	
Ward	FOREST HILL	
Contributors	LUKE MANNIX	
Class	PART 1	09 APRIL 2015

<u>Reg. Nos.</u>	(A) DC/14/90021
<u>Application dated</u>	28.11.2014
<u>Applicant</u>	David Miller Architects
<u>Proposal</u>	The demolition of 22 garages and associated manoeuvring space at the Wood Vale Estate, Buckley Close and the construction of a part 2, part 3 and part 4 storey residential block of 9 self-contained flats comprising 1 one bed flat, 1 two bed wheelchair accessible flat, 3 two bed duplexes, 3 two bed flats and 1 four bed duplex accessed by a new access road, together with the redevelopment of the land to the south of Buckley Close to provide 8 three bedroom family houses with associated landscaping, public realm improvements, cycle storage and highways works including the provision of 25 car parking spaces.
<u>Applicant's Plan Nos.</u>	01C, 02A, 03A, 04A, 100B, 101B, 102C, 103D, 104D, 105A, 110D, 111D, 112E, 113D, 120D, 200C, 201E, 202E, 203E, 204E, 205A, 210F, 211F, 212F, 213E, 220E, 221E, 300A, 301B, 401C, 501; Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Constraints Plan and Tree Protection Plan; Archaeological Assessment; Bat Emergency and Activity Survey Report; Daylight and Sunlight Study; Design and Access Statement; Energy and Sustainability Statement and Preliminary Ecological Report; Flood Risk Assessment; Ground Investigation Preliminary Findings; Refurbishment Asbestos Survey Report; Transport Statement.
<u>Background Papers</u>	(1) Case File LE/H88/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	(1) PTAL 2
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The application relates to a backland site on the south east side of Buckley Close and to the rear of 182-244 Wood Vale. The site is currently used as garages, open parking, vehicle manoeuvring and public amenity space.
- 1.2 The site is located in a predominately residential area with the properties to the south east dominated by two-three storey terrace and semi-detached dwellings while high rise Council estate buildings adjoining the site to the north. Open space in the form of Camberwell Old Cemetery and Berchley Gardens is located to the north and west. A shopping parade on Wood Vale is located 200m from the site and Fairlawn, St. Francesca and Horniman Primary Schools are within 1km.
- 1.3 The site has sections of green space that slopes from Westwood Park down towards Wood Vale in a south-east to north-west direction. There are a scattering of trees of various grading and condition. A retention wall separates the green space from the flatter section that houses the garages and vehicle parking and manoeuvring area along Buckley Close. The area is paved in non-porous concrete.
- 1.4 The property is not located in a Conservation Area nor is it in the vicinity of a listed building.

## **2.0 Planning History**

- 2.1 DC/98/43614 – Planning permission was granted on 15<sup>th</sup> January 1999 for the erection of a terrace of 4 two-bedroom and 7 three- bedroom three-storey houses on the site of the derelict garages at the rear of 124-148 Wood Vale parking provision and access onto Wood Vale. This development formed part of the estate ground and neighbours the subject site.

## **3.0 Current Planning Applications**

- 3.1 Planning permission is sought for the demolition of the garages on Buckley Close to the rear of Wood Vale and the construction of a residential building accommodating 9 units along with the construction of 8 three storey terrace dwellings located on the existing car parking area, together with associated landscaping, public realm improvements, cycle storage and highways works including the provision of 25 car parking spaces.

### Terraced Housing

- 3.2 The proposed houses would be located to the south of the existing garages and adjoining the existing terrace row 1-11 Buckley Close. The proposed terrace row would result in the loss of 13 existing car parking spaces.
- 3.3 The proposed houses would be 5.1m in depth and 3m in width, with a combined width of 23.7m. The proposed terrace row would be three storeys high with a flat roof behind a parapet. The dwellings would be 10m in height, however, owing to the slope of the site, the terrace would be stepped with the highest dwelling being the southern most property.
- 3.4 The houses would all be three bedroom 5 person dwellings with an internal floor area of 137m<sup>2</sup>. The houses would include an integrated garage with space for the

storage of 2 cycles and refuse stores within a front porch on the lower ground floor. The upper ground floor would accommodate the living room with a separate kitchen/breakfast room and single bedroom. The first floor contains the master bedroom, a twin single bedroom and a bathroom. To the rear is the private amenity space for each dwelling, with depths varying from 2.3m to 4.1m.

- 3.5 The proposed flat roof of each dwelling would incorporate a living roof 50m<sup>2</sup> in area and 10m<sup>2</sup> photovoltaic panels. In total there would be 400m<sup>2</sup> of living roof and 80m<sup>2</sup> of photovoltaic panels.
- 3.6 The proposed terrace housing would be market housing.

#### Garage Site

- 3.7 The proposed residential building would replace the existing garages at the northern section of the site.
- 3.8 The proposed building would be part 2/part 3/part 4 storeys incorporating 9 self contained flats. The units would be made of 1x one bed 2 person flat, 4x two bed 4 person flat, 3x two bed four person duplex and 1x four bed 5 person duplex. One wheelchair accessible flat is included as the ground floor two bed 4 person flat. The proposed flats would benefit from private amenity space ranging from 6.72m<sup>2</sup> to 63m<sup>2</sup>.
- 3.9 The proposed flats would contain external refuse and cycle storage. The refuse store would be located to the front of the building and accessed by contractors from Buckley Close. The cycle store would house 10 bicycles and is located between the proposed building and the access to the open space behind the building.
- 3.10 The proposed building would have a flat roof behind a parapet and 13.17m in height at its highest point. The building would also incorporate a 190m<sup>2</sup> living roof with photovoltaic panels.

#### Landscaping and Highway Works

- 3.11 The proposal includes the reconfiguration of existing parking within the estate. 2 spaces are located next to the terrace row, 10 spaces are located to the front of the block of flats (including one disabled car parking space) and two spaces are located on the lower section of Buckley Close. A further 11 parking spaces are located on a strip of land off Wood Vale.
- 3.12 A new access road would be located off Buckley Close and service the proposed block of flats. The new road would utilise a shared surface scheme with permeable paving. The proposal includes a landscaping strategy of raised planting to create defensive space to some of the frontage of the ground floor flats. Further raised planting would be located to the front of the proposed dwellings and to the north elevation of the terrace row.
- 3.13 As part of the proposed works, a set of stairs to the existing green space would be added. It is proposed to remove 5 existing trees of moderate to low quality and extensively prune another tree, which will be located to the rear of the proposed terrace building.

## Materials

- 3.14 The proposed buildings would be constructed of brick. The main brick used to the external walls, raised planting beds and boundary treatment would be Wienberger – Smoked Yellow Multi – Gilt stock. A banding of Staffordshire Slate Blue brick with an Umbra Sawtooth brick shape would be added between the top floor windows and the parapet.
- 3.15 The proposed windows and doors would be PCC aluminium framed with double glazed panels. The frames would be coated in Anomatch BGB 715 colour by Powdertech. The railings around the raised planting would also be PPC aluminium coated in Anomatch BGB 715
- 3.16 Within the reveals of the windows, rain screen panels would be added adjacent to the windows. The rain screen would be made of tight weave expanded aluminium mesh. The balconies at the block of flats would also use aluminium mesh but with a wide weave. The mesh would be coated in anodised bronze.
- 3.17 The external bike lockers and louvre garage doors to the proposed dwellings would utilise Douglas Fir timber.

## Supporting Documents

- 3.18 Together with the existing and proposed plans, the following documents have been submitted in support of the application:
- Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Constraints Plan prepared by Jomas Associates Ltd (dated October 2014);
  - Archaeological Assessment prepared by CgMs Consulting (dated May 2014);
  - Bat Emergency and Access Survey Report prepared by Greengage (dated July 2014);
  - Daylight and Sunlight Study prepared by Right of Light Consulting (dated 26 June 2014);
  - Energy and Sustainability Statement prepared by Etude (dated October 2014). In addition, a Preliminary Ecological Appraisal is prepared by The Ecology Consultancy (dated 6 June 2014) is attached as an appendix;
  - Flood Risk Assessment prepared by Buxton Associates (dated 29 July 2014);
  - Ground Investigation Preliminary Findings prepared by GEA Ltd (dated 4 July 2014);
  - Refurbishment Asbestos Survey Report prepared by Forest Environmental (dated 18 August 2014);
  - Transport Statement prepared by Transport Planning Practice (dated September 2014).

## **4.0 Consultation**

4.1 This section outlines the consultation carried out by the applicant prior to submission and 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, the relevant ward Councillors and the Forest Hill Society were consulted. The Council's Highways, Housing, Environmental Health, Environmental Sustainability, Ecological Regeneration teams were also consulted.

### Pre-Application Consultation

#### *a) Planning Department Pre-Application Advice*

4.3 The applicant team has pre-application discussions with the Designing Out Crime Officer as well as engaging in pre-application discussions with Lewisham Planning Officers.

4.4 The site was first flagged for redevelopment and the Planning Department was consulted for early comments at this stage. At this stage the concept was for two 3 storey terrace rows of four bedroom dwellings, with the option of one bedroom dwellings also highlighted to provide a greater mix in the area. The applicant was advised that the Core Strategy Policy 1 seeks a mix of 42% of affordable units as family dwellings (3+ bedrooms). However it was considered that there was potential for this requirement to be relaxed given the mixed use of the site.

4.5 Issues were also raised in relation to the loss of amenity space for the existing flats and consideration should be given to DM Policy 33 of the Development Management Local Plan in providing amenity space for future and existing residents. Furthermore, the re-provision of active street frontages and improvement of natural surveillance was welcomed and should be increased in any future scheme. Finally, the low PTAL rating requires suitable provision of car parking for the existing demand and proposed demand.

4.6 Following the formal submission for request of pre-application advice, a meeting was held between the Council and the application team on the 16 May 2014. The proposal at the time contained two blocks containing flats covering the existing garages and a terrace row behind 150-180 Wood Vale.

4.7 Officers made the following comments regarding the proposal:

- The front elevation of the flats facing the public realm would be blank and unwelcoming due to the inclusion of the bin and bike store. They therefore asked if the bin and bike store could be relocated within the design so that they didn't dominate the facade facing Buckley Close.
- The ground apartments had dual aspect but felt that having a tall retaining wall to the rear (south facing) was a disadvantage and may cause the space to be dark and in the shadow most of the day. There was also concern that the location of the communal garden above could leave the

private ground floor garden vulnerable to littering or other anti-social behaviour.

- The ground floor accessible flats gardens were not sufficient for wheelchair access.
- The south facing gardens and balconies for the flats were welcomed;
- The link between the communal amenity space via the stair case to the west was not easily accessed and would prefer that there was a clear extended view into the communal space from Wood Vale so that the community would feel that it was also there for them to use and not a back garden to the new development;
- Concerns were raised over losing the existing parking spaces and the numbers lost could be regained elsewhere on site and that additional parking spaces could be provided as the site falls in PTAL rating 2 and would be attractive to families and older users who will be reliant on cars for transport. The integrated garages for the houses were welcomed;
- Concerns were raised over accessibility for the whole site due to the sloped topography. This was a particular concern for wheelchair users. They therefore thought the site was not appropriate for compulsory fully accessible wheelchair units.
- The ground floor flats should be accessed directly from Buckley Close with their own individual entrances;
- The tenure mix of 1 bed / 2 bed and accessible flats were welcomed;
- There were no issues with adjoining properties at Buckley Close as the proposed houses sit lower in the site so there would be no problems with overlooking; and,
- The garden space of the first two dwellings may not be suitable for a five person household.

4.8 Subsequent changes to the scheme were made and a further meeting for pre-application advice was held on the 27 October 2014. The amended scheme moved the furthest block of flats against the retaining wall to provide front gardens rather than rear gardens as well as separate access for all flats. The massing was also reduced with a reduction to 10 flats, however the four storey element to the middle of the block of flats was added.

4.9 Officers made the following comments regarding the proposal:

- There was further potential for the footprint of the block of flats to change. To allow for a better view into the communal garden area they felt an L-shape plan might give more space between the proposed houses and the flats. This would encourage the locals to use the space;
- The external refuse and cycle stores was again raised as an issue. It was requested that the stores be included within the building so it could be easily accessed by the residents but without compromising the façade;

- The potential for a platform access lift to improve access to the upper floor flats;
- The increase by 1 more storey from 3 storey to 4 storeys was not seen as having a detrimental impact;
- There was still a potential over development of the proposed houses on this site due to the loss of parking spaces. It was requested to reduce the proposed development by two dwellings;
- Further information was requested on how the relationship between the houses and access road and more parking spaces would work; and,
- Lewisham Homes proposed the removal of fences to the garden sites adjacent to the front of 150 – 180 Wood Vale. The distance and the viability was questioned. Furthermore, if it was proposed there should a discussion with the Lewisham Council transport Department for further advice.

*b) Community Consultation*

- 4.10 The applicant and agent held two public engagement events on 17<sup>th</sup> June 2014 and 8<sup>th</sup> of July 2014 inviting local residents of Wood Vale estate. Consultation boards detailing the proposal were provided at these events and comments were collected towards at the end of the meeting.
- 4.11 The main concerns raised during the meeting in June were:
- The unused Council estate road at the end of 1-11 Buckley Close should be reopened as part of the proposal to increase the through traffic and make use of the overgrown space;
  - The proposal originally intended to place car parking spaces over existing gardens to the rear of 150-180 Wood Vale. Residents would object to the loss of garden space;
  - The loss of parking and the existing garages. Residents felt the lost garages should be replaced and the residents who already own garages should be the first to be allocated new garages. There were also concerns regarding congestion for parking spaces and the number of reallocated parking available as part of the development is not adequate; and,
  - Construction impacts such as dust and traffic and the loss of parking during construction.
- 4.12 Comments were also made with regard to overcrowding, lack of green space, impact to trees, the storage and collection of refuse and the standard of housing proposed.
- 4.13 The subsequent meeting in July involved the owners of 150-180 Wood Vale regarding the compulsory acquisition of garden space for car parking. From this meeting, it was found that another area could be used for parking which would not compromise garden space. As a result, the space between the side road and Wood Vale is now marked for 11 car parking spaces as currently proposed.

## Written Responses received from Local Residents and Organisations

- 4.14 At the time of writing, five letters of objection were received from neighbouring occupiers at no. 150, 174 & 178 Wood Vale, 7 Buckley Close and 163 Westwood Park.
- 4.15 The occupiers raised the following issues:
- Loss of amenity space;
  - Loss of parking space and traffic congestion;
  - The proposed development is too dense and would result in over congestion in a small area;
  - Impact on visual amenities;
  - Impact on the demand for water services and the existing infrastructure;
  - Construction impacts from scaffolding, construction vehicles etc.; and,
  - Overlooking and loss of privacy.
- 4.16 Further to this, five letters with comments were received from neighbouring occupiers at no. 1 & 2 Buckley Close, 148B Wood Vale and 139 & 159 Westwood Park raising the following comments:
- Site sections should be provided to assess the impact on Westwood Park and the feasibility study should be made publicly available;
  - Unclear documents that do not adequately show the development;
  - Impacts on neighbours during construction;
  - Visual impact on neighbours and loss of light;
  - Insufficient time for making comments;
  - The management of the property and surrounding site in removing rubbish and maintaining the area;
  - The area of parking off Wood Vale should be suitably landscaped to improve the visual impact of the loss of green space; and,
  - Traffic calming devices along Wood Vale should be imposed due to the increase in traffic.
- 4.17 [Letters are available to members]

## Responses from Statutory Agencies and Departmental Bodies

### *a) Environmentally Sustainability*

- 4.18 The proposal does meet Policy 8.2 in relation to overall carbon reductions and Policy 8.3 which requires Code Level 4 is met. It is recommended that a condition is added to ensure these policies are met in practice

*b) Ecological Regeneration*

- 4.19 The proposal does not include the details required for an assessment of the proposed living roofs. These should be included prior to determination however if this is not possible a suitably worded condition should be added for the details to be secured prior to the commencement of development.

- 4.20 The Bat Emergency and Access Survey Report and the Preliminary Ecological Appraisal has been prepared by suitably qualified and experienced consultancy. The mitigation measures proposed in the reports should be implemented in full.

*c) Highways and Transportation*

- 4.21 The proposal includes a parking survey within the transport survey which outlines that there will not be a severe amount of parking stress on the highway network. The scheme also provides suitable refuse storage.

- 4.22 There is no Construction Management Plan submitted with the proposal and therefore it should be conditioned.

- 4.23 Likewise, a Parking Management Plan should be conditioned to ensure the appropriate measures are taken against vehicles parking on outside of the designated spaces. This may be included with the Landscaping Scheme which takes into account the shared surface scheme.

- 4.24 Overall the proposed development is unobjectionable.

*d) Tree Officer*

- 4.25 The proposed trees to be felled and pruned are not of any significance. A tree preservation order is being served on the willow to the rear of 50 Canonbie Road (identified as Tree 15 in the submitted tree survey schedule) and therefore the proposed works should not impact upon this tree.

## **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 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy and Development Plan Document (DPD) (adopted in June 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 With regards to Heritage assets, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.5 Officers have reviewed the Core Strategy 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.

#### London Plan (March 2015)

5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The 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 3.10 Definition of affordable housing  
Policy 3.11 Affordable housing targets  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 5.8 Innovative energy technologies  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.21 Contaminated land  
Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.12 Road network capacity  
Policy 6.13 Parking  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture

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

5.7 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

5.8 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)

#### 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 Lewisham Town Centre Local Plan, 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 10 Managing and reducing the risk of flooding  
 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 21 Planning obligations

Development Management Local Plan (2014)

5.10 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant policies from the Development Management Local Plan as they relate to this application:-

DM Policy 1	Presumption in favour of sustainable development
DM Policy 7	Affordable rented housing
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 28	Contaminated land
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 35	Public realm

Residential Standards Supplementary Planning Document (August 2006)

5.11 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.

**6.0 Planning Considerations**

6.1 The main planning considerations regarding the proposed development are:

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

- g) Landscaping and Public Realm
- h) Biodiversity and Environmental Impacts
- i) Archaeology
- j) Flooding
- k) Site Contamination
- l) Construction Impacts

### Principle of Development

- 6.2 The London Plan sets the residential targets of the Borough at 1,385 new homes per year and 13,847 within ten years, as outlined in table 3.1. Furthermore, Lewisham's Core Strategy intends to exceed the targets of the London Plan by providing an additional 18,165 net new dwellings from all sources between 2009/10 and 2025/26 to meet local housing need. Therefore the Council prioritises new housing within the Borough in order to meet and exceed these targets.
- 6.3 Lewisham's Local Development Framework also states that the Council will aim to provide for the needs of the local population through the provision of affordable housing as well as a mix of dwelling types and sizes, including family dwellings. For all major development, the Council will expect 50% of the residential units to be affordable housing.
- 6.4 London Plan Policy 3.10 defines affordable housing as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Affordable housing should include provisions to remain at an affordable price for future eligible households.
- 6.5 The surrounding development is an established residential area with a mixture of Council estate blocks and terrace development. The existing Wood Vale estate has a number of dwellings which are under occupied where larger homes are being occupied by smaller households.
- 6.6 The existing garages vary in state of repair with 11 currently in use and the remaining either vacant or filled with waste.
- 6.7 The proposal is for the demolition of the existing garages and the construction of 9 units. These residential flats would be affordable rented social housing managed by Lewisham Homes. In addition, eight terrace houses will be provided as market housing.
- 6.8 Lewisham Homes is a not-for-profit organisation that currently manages 18,000 homes in the Borough on behalf of the Council. Furthermore, they undertake a major local investment programme, operate their own maintenance company and build new homes through a partnership with the local authority.
- 6.9 The proposal increase the affordable housing stock, the profit generated from the sale of the eight market houses will be used to subsidise the construction of more affordable housing schemes within the Borough. Therefore the development would have a beneficial impact in meeting the Council's affordable housing targets.
- 6.10 On top of this, the proposed terrace housing would increase the stock of family dwellings within the Borough. This is to the detriment of off-street parking in the

form of garages, yet on balance the loss is considered justified in order to provide market and affordable housing.

- 6.11 Overall, the proposed development would add to Lewisham's housing stock as well as the affordable housing stock. Therefore the principle of the development is supported.
- 6.12 The site is located on pre-developed land within a residential area and therefore the principle of the development is outlined within DM Policy 33 of the DMLP. The policy defines backland, infill and amenity area development.
- 6.13 Infill sites are defined as sites within street frontages such as former builders yards, small workshops and garages, gaps in terraces and gardens to the side of houses. Infill sites may present urban design problems in harmonising the development with the existing built form.
- 6.14 Amenity areas are communal amenity areas attached to residential development. Examples of these are:
- private communal gardens for small blocks of flats; and,
  - landscaped spaces around taller blocks of flats and around low and medium rise 'slab blocks' where typically the distinction between the public and private realms is ambiguous and which provide a generally less secure environment as a result.
- 6.15 Given the above definitions, the site can be described as both an infill site and amenity area for the existing Wood Vale estate. As stated with DM Policy 33, in these cases the principles that will be applied will be taken from the appropriate parts of this policy.
- 6.16 DM Policy 33 sets out the following criteria:
- make a high quality positive contribution to an area;
  - provide a site specific creative response to the character and issues of the street frontage typology identified in Table 2.1 Urban typologies in Lewisham and to the special distinctiveness of any relevant conservation area;
  - repair or re-provide active street frontages;
  - increase natural surveillance;
  - retain adequate amenity space for the existing development according to the requirements of DM Policy 32 (Housing design, layout and space standards);
  - provide no significant loss of privacy and amenity, and no loss of security for adjoining residential development and private back gardens; and,
  - provide adequate privacy for the new development.
- 6.17 The above issues are discussed later in the report.

## Design

- 6.18 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on 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. The NPPF states 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.
- 6.19 Paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition to this, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 6.20 Lewisham's Local Development Framework also aims to protect and enhance the Borough's distinctive local character through appropriate and sensitive design. Core Strategy Policy 15 outlines how 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.
- 6.21 DM Policy 30 of the Development Management Local Plan seeks to apply the above design principles more specifically to individual proposals. It seeks to ensure that the siting and layout of all new-building housing responds positively to the site specific constraints and opportunities as well as to the existing and emerging context of the urban typology of the area.
- 6.22 The urban typology as mentioned in the DMLP is defined within the Lewisham Character Study, which was completed in 2010 and used as an evidence base for the Local Development Framework as well as a general reference document for the Council and local professionals.
- 6.23 The subject site is located with the 'free form slab' urban typology, as defined by the typology distribution map. Slab blocks are a low to medium rise form of development, typically between four and eight storeys high. It is typical to see blocks laid out in rectilinear form as part of an overall composition containing houses and towers as well as green space. However, these forms fail to establish a clear structure of routes and private spaces and so can create places that are very illegible that lacks a sense of ownership and safety through reduced surveillance. Particularly around Forest Hill, slab blocks are set within sloping sites. This has resulted in blocks that have to adapt to the landscape with curved or faceted plans with irregular layouts, which reduces legibility and natural surveillance.
- 6.24 The Wood Vale estate is a clear example of this urban form as it is typified by poor legibility through confusing routes of unclear public spaces with little ownership and poor surveillance. Therefore the proposed design should not only

relate to the existing development, but also provide a response against the issues highlighted above.

- 6.25 The existing parking and garage space, when compared with proposed residential units, has low levels of use at intermittent parts of the day and as a result the area has poor natural surveillance. Therefore the existing land use is considered to be a poor form of urban development and the replacement of these spaces with residential units would benefit the urban form.
- 6.26 Overall the proposed development is considered to provide a specific response to the poor natural surveillance and legibility of the typology of Wood Vale Estate through the improvement of Buckley Close street frontage from the existing garages and parking space.

*a) Terrace Housing*

- 6.27 The proposed development includes a three storey flat roof terrace row built adjacent to the existing 1-11 Buckley Close. The adjoining terrace is two storeys with a gable end pitched roof.
- 6.28 While the proposed roof type does not conform with the adjoining property, the building would follow the building line and would not be higher than the neighbouring property. Furthermore, the roof type is to facilitate a living roof and photovoltaic panels.
- 6.29 Therefore as the site is located in a free form slab typology that does not have a cohesive terrace quality, and the building has been designed to be highly sustainable, the proposed design of the terrace building is considered acceptable.

*b) Garage Site*

- 6.30 The proposed flat building would also be constructed with a flat roof behind a parapet and up to four storeys at its highest. The building would be located closer to the flat complexes of the Wood Vale estate, which includes eight storey flat roof towers and four storey pitched roofed rectangular blocks. The proposed height, scale and design of the flat building is considered to be in keeping with the urban typology.
- 6.31 Objections were raised regarding the visual impact of the proposed block of flats. It is considered that the scale and design of the building is in keeping with the surrounding four and eight storey estate buildings. Furthermore, the existing garages and parking space is not considered to be visually attractive and the proposed building would be an improvement to the visual appeal of the area.

*c) Materials*

- 6.32 Many buildings within these urban forms, including the buildings in Wood Vale Estate, utilise a mixture of materials with rendered elements. However the dominate material is yellow stock brick. There are also external balconies providing amenity space for residents. As with most of the development within this urban form, parking accounts for a significant proportion of the land at the Wood Vale estate.

- 6.33 The proposed smoked yellow multi brick by Weinberger is considered to be a suitable matching brick to the surrounding development. Furthermore, a banding of Ibstock Umbra Sawtooth Bricks, being Staffordshire Blue in colour, would be utilised between the parapet and top floor windows to give detail to both buildings.
- 6.34 Overall the proposed materials are considered to be of high quality to ensure the proposed buildings would be in keeping with the existing development and provide visual interest.
- 6.35 Details were listed in the Design and Access Statement, however a sample panel was not provided. Therefore a condition is proposed for the submission of samples to be submitted before the commencement of development to secure the high quality of the design. This is also applicable to the public realm as detailed further in the report.

### Housing

- 6.36 Policy 1 of the Core Strategy expects all major residential development over 10 dwellings to provide a suitable mix of dwelling sizes, types and tenure in order to meet the variety of needs within the Borough. Family dwellings of three bedrooms or more are also expected in major residential development.
- 6.37 When determining the mix of dwellings the following issues should be taken into account:
- the physical character of the site or building and its setting;
  - the previous or existing use of the site or building;
  - access to private gardens or communal garden areas for family dwellings;
  - the likely effect on demand for car parking within the area;
  - the surrounding housing mix and density of population; and,
  - the location of schools, shops, open space and other infrastructure requirements.
- 6.38 Also conditioned in Core Strategy Policy 1, new residential housing is to be built to Lifetime Homes standards and 10% of all housing are to be wheelchair accessible or easily adapted for those using a wheelchair in accordance with London Plan
- 6.39 The proposed scheme would incorporate 9 affordable housing units. Affordable rented housing should meet the criteria of Policy 3.10 of the London Plan and be let by local authorities or private registered providers. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable). Core Strategy Policy 1 also states 42% of affordable housing should be family dwellings. The residential tenure and size mix is outlined in table 1.

**Table [ 1 ]: Residential Tenure and Size Mix\***

Tenure	1 Bed	2 Bed	3 Bed	4 Bed +	Total
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<b>Private</b>	0 (0)	0 (0)	8 (0)	0 (0)	8 (0)
<b>Affordable</b>	1 (0)	7 (1)	0 (0)	1 (0)	9 (1)
				<b>Total</b>	17 (1)

\*Wheelchair accessible units shown in ( )

6.40 The London Plan and the Council's DM Policy 32 requires new residential units to provide a satisfactory level of privacy, outlook and natural lighting for future residents. Furthermore, new residential units are expected to be dual aspect units with satisfactory room layout to maximise sunlight/daylight.

6.41 The London Plan gives a prescriptive 5m<sup>2</sup> private amenity space for 1-2 person units and an extra 1m<sup>2</sup> per additionally occupant. Furthermore, DM Policy 32 states units should be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play where applicable. Normally, family dwellings with a minimum 3 bedrooms require space for children's play.

6.42 The assessment of the residential units is now divided into the terrace housing and garage site.

*a) Terrace Housing*

6.43 The proposed development would include 8 family houses at market price consisting of three bed 5 person units, which is not considered a varied mix of unit sizes for this tenure. However as there is a noted shortage of family dwellings within the Borough, the need for these types of dwellings outweighs the lack of variety. Furthermore, when taken as a whole, the scheme provides flats that have a more varied unit size. Therefore the proposed development is seen to provide an appropriate mix of housing.

6.44 The Council uses the design standards of the London Plan and London Plan Housing SPG to determine the minimum floor standards for proposed residential units. The minimum size for a three bedroom 5 person dwelling is 102m<sup>2</sup>. The proposed houses are 137.6m<sup>2</sup> each and therefore meet this standard.

6.45 The London Plan Housing SPG also includes minimum area standards for habitable rooms such as kitchen/living area, double bedrooms and single bedrooms. Double bedrooms and twin bedrooms should be a minimum 12m<sup>2</sup> and single bedrooms should be a minimum 8m<sup>2</sup>. The minimum combined area for living/dining/kitchen spaces is 29m<sup>2</sup> for 5 person units respectively. The proposed houses meet these standards and therefore provide adequate internal area for future residents.

6.46 The proposed drawings show that all units are Lifetime Homes compliant, with all proposed houses providing space for lifts to ensure these dwellings are capable of being adapted for those using a wheelchair.

6.47 The proposed houses would all have dual north-south aspect with the amenity space and living rooms facing south for maximum sunlight. The properties of Westwood Hill to the south-east are a sufficient distance from the terraces to allow sufficient privacy and the sloping topography and vegetation reduces the

likelihood of overlooking from the properties to the south-east. Therefore the proposed houses would have a suitable level of residential amenity for future occupiers.

6.48 The proposed terrace houses would all be 3 bedroom family dwellings and therefore these dwellings should be provided with external amenity space to provide for children's play.

6.49 The amenity space is located to the rear backing onto the rear gardens of dwellings along Westwood Park. Due to the shape of the site, the gardens taper in depth with the two northern-most dwellings having the shallowest gardens, being 4m in depth at its narrowest. This would normally not be acceptable to provide a satisfactory amount of play space. However, as the rear amenity space is still sizeable at 29.4m<sup>2</sup> and 47m<sup>2</sup> respectively, and there is still the large communal amenity space to the rear of the block of flats, the proposed amenity space is considered acceptable for the proposed houses.

*b) Garage Site*

6.50 It is noted that the scheme would only provide one family sized affordable dwelling, which is only 11% of all affordable units proposed. Nevertheless, it is understood that there is a large number of under-occupied units within the existing social housing stock in the locality. These larger units are inefficiently utilised and the scheme is intended to provide more suitable sized units for the area while freeing up the existing stock for larger families. Therefore, on balance, the mix of the affordable units is considered to be acceptable.

6.51 The proposed drawings show that all units are Lifetime Homes compliant and two proposed maisonettes providing space for lifts to ensure these dwellings are capable of being adapted for those using a wheelchair. Furthermore, the ground floor flat is designed as fully wheelchair accessible and therefore the proposed units satisfy the relevant policies.

6.52 The proposed unit sizes are detailed in table 2 against the minimum floor space as required in the Housing SPG. The proposed flats comply with the minimum space standards.

**Table [ 2 ]: Proposed Flat Type and Size Mix\***

<b>Unit Number</b>	<b>Type</b>	<b>Bedroom x Person</b>	<b>Proposed Internal Floorspace (m<sup>2</sup>)</b>	<b>Minimum Internal Floorspace (m<sup>2</sup>)</b>
9	Flat (accessible)	2x4	85	70
10	Maisonette	2x4	87	83
11	Maisonette	2x4	88	83
12	Flat	2x4	70	70
13	Maisonette	4x5	105	100

14	Flat	2x4	70	70
15	Maisonette	2x4	86	83
16	Flat	2x4	70	70
17	Flat	1x2	53	50

6.53 The internal size of the rooms of each flat are shown in table 3. The minimum combined area for living/dining/kitchen spaces depends on the size of the unit. The minimum standard is 23m<sup>2</sup> for 2 person, 25m<sup>2</sup> for 3 person, 27m<sup>2</sup> for 4 person and 29m<sup>2</sup> for 5 person units respectively.

**Table [ 3 ]: Room Type and Size Mix\***

Unit Number	Double Bedroom (m <sup>2</sup> )	Twin bedroom (m <sup>2</sup> )	Single bedroom (m <sup>2</sup> )	Living/Dining/Kitchen (m <sup>2</sup> )
9 (4p)	16	14	-	31
10 (4p)	14	14	-	28
11 (4p)	13	14	-	28
12 (4p)	13	13	-	27
13 (5p)	12	-	3 x 8	31
14 (4p)	13	13	-	27
15 (4p)	13	14	-	29
16 (4p)	13	13	-	27
17 (2p)	12	-	-	23

6.54 The proposed rooms are in compliance with the minimum standards of the London Plan and therefore the proposed flats would provide sufficient internal floorspace for future residents.

6.55 All of the units in the proposed flats have dual aspect with the majority of the main habitable rooms with suitable siting for sunlight. Flat 2 would have a living room with a mostly northern aspect. However there would be access to some sunlight in the summer months in the afternoon and the private amenity space would face to the south. Therefore, on balance, the location of one living room with northern aspect is considered acceptable.

6.56 The Council's Residential Standards SPD recommends that 21m distance should be kept between new habitable room windows and neighbouring rear windows, however this is to be taken into context with the development. The proposed block

of flats would be located 15m from the closest balconies of 246-268 Wood Vale to the north, which is slightly offset from the proposed building. While this is less than the distance of the Residential SPD, the balconies are offset from each other and therefore there would be little direct overlooking. Furthermore, the distance from the northern-most flats to 182-244 Wood Vale is 25m. Therefore the proposed flats are considered to have sufficient levels of privacy from overlooking.

- 6.57 The private amenity space for the proposed block of flats is provided through a mixture of ground floor gardens, roof terraces and external balconies. The sizes of these spaces meet the requirements of the London Plan. Furthermore, the 4 bedroom maisonette would provide the largest garden at 63m<sup>2</sup>. While the depth of the garden would be 4.9m, which is normally considered inappropriate for family dwellings, the retention of the open space to the rear for communal open space would allow sufficient space for children's play. Therefore the size of the amenity spaces for the proposed block of flats are considered acceptable.
- 6.58 The proposed amenity space of the block of flats includes three gardens and a balcony fronting the communal open space to the south. Furthermore, there is amenity space facing the proposed stairs leading to the rear communal area. Therefore there is the possibility of overlooking into these amenity spaces from the public realm. This could be mitigated through appropriate boundary treatment, however no detailed information has been submitted in relation to this. As such a condition is proposed that, as part of a Landscaping Scheme, details relating to boundary treatment shall be submitted to ensure there is adequate protection from overlooking into the amenity space.
- 6.59 Overall, the scheme would provide both affordable housing and family dwellings with appropriate amenities that has a sufficient mix of sizes and types to ensure housing is accessible to all.

#### Highway and Traffic Issues

- 6.60 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Plans and decisions should take into account of whether the opportunities for sustainable transport mode have been taken up depending on the nature and location of the site. Safe and suitable access to the site should be achieved for all people. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.61 Core Strategy Policy 14 supports the NPPF approach and promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans. Policy 7 and Policy 9 of the Core Strategy which relate to climate change and air quality also promote sustainable transport.
- 6.62 DM Policy 29 aims to ensure the effective implementation of car limited development and other parking standards, to help minimise congestion and reduce vehicle emissions. The policy states that car-limited major residential development will only be considered where:
- there is a PTAL level of 4 or higher;

- no detrimental impact on the provision of on-street parking in the vicinity;
- no negative impact to the safety and suitability of access; and,
- servicing and on-site accessible priority parking for disabled drivers.

6.63 It is also a requirement that all new development provides an appropriate number of parking bays that have an electric charging point installed and an appropriate level of passive provision in line with the parking standards detailed in table 6.2 of the London Plan.

6.64 The Council's Local Development Framework requires development to incorporate safe and secure cycle storage and parking. The Council uses the London Plan standards to determine the number of cycle parking required, which is 1 space per one bed unit and 2 spaces per all other units.

*a) Car Parking*

6.65 The majority of the neighbour objections related to the loss of parking and the detrimental impact of parking demand as a result of the development. A Transport Statement, which includes a Parking Survey, has been submitted to support the application.

6.66 The site is located on Buckley Close, being a privately owned cul-de-sac road with unrestricted parking. On a PTAL scale of 1-6, with 6 being excellent, the rating of the site is 2. The majority of the area is currently used as parking and manoeuvring, with the remaining area open amenity space.

6.67 Lewisham Homes manage the garages and it is understood that, of the existing 22 garages 11 are currently occupied. It is also understood that some of these spaces are in use for the storage of goods other than motor vehicles.

6.68 The proposal would remove the existing 22 garages on the northern section of the site and replace them with the proposed block of flats with 12 unallocated car parking spaces, including 2 disabled parking spaces. The proposed site plan also shows an additional unallocated 2 parallel parking spaces, although these are not mentioned in the Transport Assessment.

6.69 It is also proposed to remove 13 open car parking spaces to the south of the existing garages and construct a terrace row of eight dwellings, each with integrated garages. It is understood that electricity will be supplied to the garages to facilitate electric vehicle charging.

6.70 The proposal would also include the creation of 11 parking spaces to the front of 150-180 Wood Vale. Overall there would be a loss of 2 parking spaces for the creation of 17 extra residential units.

6.71 A parking survey was completed on Tuesday the 24<sup>th</sup> and Wednesday the 25<sup>th</sup> of June 2014 at 1am in line with the parking survey methodology for residential developments. The survey included Wood Vale, Buckley Close and the surrounding estate roads within 200m walk of the site.

- 6.72 The survey concluded that, of the 137 total unrestricted parking spaces surveyed, 56 were available on the 24<sup>th</sup> and 66 were available on the 25<sup>th</sup> with an average of 61 spaces or 44.5% availability.
- 6.73 It is noted that when the survey was conducted, all 13 spaces that are proposed to be removed were occupied. Nevertheless it is considered that there is sufficient parking availability to accommodate for the overspill resulting from the proposed development.
- 6.74 It is also noted in the Transport Statement that there is evidence between the level of car ownership and the sizes of the units, with one and two bedroom units showing lower level of car ownership than three and four bedroom units. Additionally, information gathered from the area in the latest census found that the number of households in the surrounding area that do not own a car is circa 32%.
- 6.75 Therefore it is considered that there would not be a significant impact on parking in the area as a result of the loss of the existing spaces and the construction of 17 residential units.
- 6.76 However, parking management should be implemented on the site to ensure that vehicles are not parked outside of designated areas. It is noted that a section of the Transport Assessment mentions parking management. A condition is proposed to secure a Parking Management Plan prior to the commencement of development.

*b) Transport Network Impacts*

- 6.77 The Transport Statement contains a section on trip generation and mode share to highlight the expected impact from the proposed development on the surrounding transport network.
- 6.78 Based on the average trip generation times of a comparable area and development, the development is expected to generate a low number of vehicular trips, as well as occasional visitors and deliveries. Using the existing census information, the number of trips are likely to be split between various modes of transport.
- 6.79 Therefore, the proposed development would not generate a significant number of trips and these trips would be easily absorbed into the surrounding transport network.
- 6.80 The individual transport impacts of the proposed terrace housing and block of flats are separated in the sections below for ease of assessment.

*c) Terrace Housing*

- 6.81 All proposed houses have 2 spaces allocated within the integrated garages and this is considered adequate cycle storage.
- 6.82 External refuse storage is located by the front entrance of the proposed houses. The storage areas would be 1300mm high, 800mm wide and 1300 mm deep. The refuse would be collected by the Council contractors from the front of Buckley Close.

#### *d) Garage Site*

- 6.83 A bicycle store is located to the front of the block of flats accommodating 10 bicycles. The store would be constructed of galvanised steel with timber cladding and secured by locks for resident use as managed by Lewisham Homes.
- 6.84 The minimum cycle storage for the block of flats under the London Plan standards is 17 and therefore the development does not meet this requirement. However there are other options for the storage of cycles either in the amenity space or within the flat. Therefore, on balance, the cycle storage proposed for the flats is considered acceptable. A condition is proposed to ensure the cycle storage is implemented prior to occupation as proposed.
- 6.85 The proposed block of flats would be serviced by a main refuse collection to the front of the building. The proposed unit would utilise four 1100L euro bins, with two for recycling and two for refuse. The refuse store is located a maximum 14m from the communal entrance with fob access to prevent the disposal of refuse by unauthorised users. Refuse is collected at the lower level utilising the existing access road between the development and 182-244 Wood Vale.
- 6.86 The size, location and management of the proposed refuse facilities is considered acceptable to provide for the future residents without adverse impacts on the highways.

#### Impact on Adjoining Properties

- 6.87 As mentioned above, DM Policy 33 requires no significant loss of privacy and amenity, and no loss of security for adjoining residential development and private back gardens.
- 6.88 DM Policy 32 also requires new residential development to be neighbourly and provide a satisfactory level of privacy, outlook and natural lighting both for its neighbours.
- 6.89 A Daylight and Sunlight Study has been submitted. The study is based on the various numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice'.
- 6.90 The nearest affected properties in terms of sunlight and daylight would be 1 Buckley Close to the south of the proposed terraces, the rear windows of the residential blocks 150-180, 182-244 and 246-268 Wood Vale. The neighbouring allotment gardens of 150-180 and 246-268 Wood Vale are also likely to be impacted from the proposed development.
- 6.91 The study shows that all neighbouring habitable windows would retain satisfactory vertical sky component test of the BRE guide. Therefore neighbouring would retain sufficient daylight.
- 6.92 All nearby south facing habitable windows pass both the total annual sunlight hours test and the winter sunlight hours test. Therefore there would be sufficient sunlight to these windows.
- 6.93 The study shows that 58% or more of the area of each nearby amenity space would still receive at least two hours of sunlight on 21st March post development.

This exceeds the BRE recommendation which states that at least 50% of any garden or amenity area should receive at least two hours of sunlight on the 21st March. Therefore the surrounding gardens would not be significantly overshadowed as a result of the proposed development.

- 6.94 As mentioned above, the proposed development is either significantly detached from the neighbouring residential blocks or offset from the rear balconies of 246-268 Wood Vale. Therefore there would be no major overlooking into the neighbouring properties from the proposed residential unit.
- 6.95 The development is significantly separated from the nearby properties along Westwood Park and Canonbie Road. Furthermore, due to the sloping topography and vegetation that divides the site from the neighbouring properties, there would not be any impact in terms of overlooking or loss of daylight/sunlight.
- 6.96 Overall, the proposed residential development would not significantly reduce the neighbouring properties amenities.

#### Sustainability and Energy

- 6.97 The Council with its partners will take action to ensure that climate change is adapted to and mitigated against, including those measures necessary to create a low carbon borough and reduce carbon emissions by:
- promoting resource and water efficiency;
  - maximising generation and use of renewable energy and locally distributed energy, particularly for major development sites;
  - building to high standards of sustainable design and construction;
  - reducing waste generation;
  - supporting environmental protection and enhancement including establishing ecological networks; and,
  - minimising the environmental impacts of development including water, noise and air pollution.
- 6.98 The Council's Core Strategy Policy 8 requires all major development to submit a Sustainability Statement and Energy Statement that shows how the requirements of London Plan policy and the London Plan SPG Sustainable Design and Construction are met and demonstrate what steps have been taken to minimise the environmental impacts of the proposed development. Proposals are required to fully contribute to CO<sup>2</sup> emission reductions in line with the regional and national requirements.
- 6.99 Also under Core Strategy Policy 8, all new residential development will be required to achieve a minimum of Level 4 standards in the Code for Sustainable Homes from 1 April 2011 and Level 6 from 1 April 2016, or any future national equivalent.
- 6.100 An Energy and Sustainability Statement has been submitted in support of the development, which includes a Code for Sustainable Homes pre-assessment. The

pre-assessment states that the proposed flats would score 71.35% and the proposed houses would score 71.94%. Therefore the proposed development would reach Code Level 4 and the requirements in Core Strategy Policy 8.

- 6.101 The Energy and Sustainability Statement also states that the proposed development would implement measures such as photovoltaic panels that are likely to result in CO<sup>2</sup> emissions of 18.1 tonnes/year, which is a 37% increase in the baseline reduction requirements of Part L 2010. Therefore the proposed development is considered to satisfactorily contribute to the reduction of CO<sup>2</sup> emissions and meet the requirements of the regional and national policies and the Local Development Framework.
- 6.102 A condition is proposed for the submission of Design Stage Certificates to secure the Code Level 4 rating for each residential unit prior to the commencement of development to secure the sustainability of the development.

#### Landscaping and Public Realm

- 6.103 The Design and Access Statement includes boundary treatment plans around the proposed parking area and area leading towards the communal amenity space. The plans include areas of defensive planting to the front of the proposed flats, around the stairs leading to the communal amenity space and to the side of the proposed houses facing some parking.
- 6.104 However there is insufficient detail on the site wide landscaping, such as new tree planting, number and species of plants or the materials for hard landscaping. Therefore a condition is proposed for the submission of details relating to a Landscaping Strategy prior to the commencement of development.

#### Biodiversity and Environmental Impacts

##### *a) Ecology*

- 6.105 A Preliminary Ecological Appraisal, comprising a Phase 1 habitat survey and protected species assessment, which was conducted on the 12<sup>th</sup> May 2014, has been submitted.
- 6.106 The appraisal found that the site is considered to provide habitats of low ecological value. Nevertheless it is noted in the report that further studies or mitigation measures would be required in order to comply with UK and EU legislation.
- 6.107 Nevertheless, habitat enhancement recommendations were listed in the appraisal and noted that the following should be implemented to achieve Code for Sustainable Homes credit:
- Detailed planting scheme of native tree and shrub species;
  - The use of plants of known value to wildlife. At least ten species of biodiversity value should be used in a structured scheme that includes trees, shrubs, climbers, herbaceous perennials and bulbs. A list of recommended species is attached in the appraisal;

- Bird boxes should be installed on retained semi-mature trees or on buildings where appropriate;
- The inclusion of bat boxes on trees and/or buildings;
- The implementation of living walls;
- The provision of 'insect hotels' and log piles should be included in ground-level planted beds and at the edge of grassland adjacent to the southern boundary to provide shelter and nesting places for invertebrates; and,
- Sustainable Urban Drainage Systems (SUDs) are incorporated into the proposals for the new development. This is discussed further in the report.

6.108 A condition is proposed to ensure these recommendations are incorporated into the Landscaping Strategy.

6.109 The appraisal also recommended the completion of a Bat Emergence and Access Survey be completed to determine the presence of bats in the existing garages or vegetation. The survey was completed and submitted with the application.

6.110 The survey found there was no evidence of roosting bats, however a single bat was spotted flying overhead. It was concluded that the site was not of particular importance for bats but did recommend the following:

- Bat boxes or bricks should be incorporated in trees or buildings where appropriate;
- Lighting should be sensitively designed to reduce obtrusive light. A lighting strategy should be agreed before construction to reduce the likelihood of adverse impacts on bats; and,
- Native species should be encouraged in a Landscaping Strategy to encourage native wildlife.

6.111 Some of these measures are included in recommendations listed above. Nevertheless, a lighting strategy is proposed as part of the Landscaping Strategy that should be conditioned.

#### *b) Living Roof*

6.112 The proposed development includes a living roof on the proposed terrace house and the proposed block of flats. No details were submitted for assessment and therefore a condition is proposed requiring the submission of living roof details prior to the commencement of development.

#### *c) Trees*

6.113 An Arboricultural Impact Assessment and Tree Protection Plan were submitted with the application.

6.114 The proposal intends to remove five trees and prune a sixth on the site. Three of the trees to be removed are Category B, being of moderate quality, and two trees classed as Category C, being of low or poor quality.

- 6.115 The proposed trees to be affected are not considered to be of significant character worthy of retention and therefore the proposed works to the trees is not considered significant.
- 6.116 The protection of the remaining on site trees is proposed as a condition to ensure the development does not harm the remaining significant vegetation.

#### Archaeology

- 6.117 An Archaeological Assessment was submitted in support of the proposal.
- 6.118 The site is not designated as an Archaeological Priority Area under the Lewisham Local Development Framework. Furthermore, the land was part of a railway line constructed in the 1860's prior to the residential development of the area. As a result, past post-depositional impacts are considered severe and the likelihood of archaeological facts being located within the site is low.
- 6.119 Overall, it is unlikely that the site is of any archaeological significance and therefore no further archaeological mitigation measures should be required.

#### Flooding

- 6.120 The subject site is located within zone 1 flood risk according to the Environmental Agency and a Flood Risk Assessment has been submitted. The assessment found the site to be at low risk from flooding.
- 6.121 The proposed development will implement SUDs techniques such as permeable pavement and living roofs, which allows percolation of surface water in order to reduce the overall impact of the development. As mention in ecology and Landscaping, details of these will be required prior to the commencement of development.
- 6.122 According to the Flood Risk Assessment, the re-developed site will result in an overall reduction in impermeable areas of approximately 0.7%. However it is noted that the likelihood of increased storm water flows as a result of climate change. As a result, a ground investigation is recommended to be carried out to confirm the suitability of soakways to drain the site. If these are found unsuitable, other SUDs techniques such as; increasing the permeable surfaces which can be achieved through decreasing the hard-standing areas, or potentially rain water harvesting should be considered as a means of mitigating the storm water flow into the public sewer.
- 6.123 A condition is proposed to secure details relating to the drainage of water on the subject site.

#### Site Contamination

- 6.124 A Summary of Ground Investigation Preliminary Findings has been submitted. The report found that there was indication of Polycyclic Aromatic Hydrocarbons (PAH) contamination is likely on the site. However the requirement for a widespread remediation is not envisaged.
- 6.125 The findings of the report are preliminary and a full report of the contamination levels, including a chemical analysis of the samples, would be included in the full

assessment. A condition is proposed to ensure the full contamination report is submitted prior to the commencement of development.

- 6.126 An Asbestos Survey Report has been submitted. It should be noted that this assessment included other locations that were tested within the Borough. The report summarised that of the eight garages tested, there was no asbestos containing materials (ACM's) discovered and therefore no further treatment was required.
- 6.127 However it is recommended that the areas not tested should be considered to contain ACM's and therefore vigilance should be taken during demolition. If any subsequent material is discovered, work should stop immediately and the appropriate action taken. An informative should be added to advise the applicant of their duties towards asbestos containment.

### Construction Impacts

- 6.128 Objections were raised by the nearby residents with regard to dust and scaffolding from the proposed development.
- 6.129 All development is required to be undertaken in accordance with "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites", as well as the appropriate building regulations and standards. An informative should be added advising the applicant of this.
- 6.130 Objections were also raised and comments were made by the Highway Officer regarding the impact of construction vehicles during the proposed works. A condition is proposed to ensure a Construction Logistics Management Plan is submitted prior to the commencement of construction to guarantee public highway safety during construction.

## **7.0 Community Infrastructure Levy (CIL)**

- 7.1 On 1<sup>st</sup> of April 2015 the Council introduced its Local CIL to be implemented along with the existing Mayoral CIL. The charge will replace a number of financial contributions currently required through Section 106 Agreements.
- 7.2 CIL is chargeable on the net additional floorspace (gross internal area) of all new development. However under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended) affordable housing is exempt from CIL. It should be noted that the applicant is required to apply for the exemption however.
- 7.3 Under the CIL charging schedule, the amount of CIL payable for the SE23 postcode is £70/m<sup>2</sup> of new development. The Mayoral CIL is charged at £35/m<sup>2</sup> of new development. It is the Local Planning Authority's responsibility to collect CIL payments from new development.
- 7.4 The applicant has completed the relevant form and an informative will be added advising them of the development is liable to CIL.

## **8.0 Conclusion**

- 8.1 The proposal seeks to demolish the existing garages, parking spaces and manoeuvring area to construct a terrace row of housing and a block of flats at Buckley Close, together with improvements to the public realm and access road.
- 8.2 The proposed development would not only add to the housing stock but also the affordable housing stock of the Borough.
- 8.3 The existing garages are considered to be a poor use of the land providing little permeability and substandard natural surveillance. The proposed residential units will increase the use and overlooking of public areas thereby improving natural surveillance and the improvements to the access road will beneficially impact on permeability. Therefore the development will positively impact on the character of the area.
- 8.4 Numerous objections were lodged regarding the loss of parking and the subsequent demand on parking from the proposed development. The submitted Parking Survey found there was sufficient parking to satisfy the demand and with the amount of parking proposed the development. Subject to suitable conditions, the development would not adversely impact on highways in the area.
- 8.5 Overall, the proposal is considered to provide essential market and affordable housing with satisfactory living standards without negatively impacting on roads, neighbours or the natural environment and thereby should be granted planning permission subject to conditions.

## **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:

01C, 02A, 03A, 04A, 100B, 101B, 102C, 103D, 104D, 105A, 110D, 111D, 112E, 113D, 120D, 200C, 201E, 202E, 203E, 204E, 205A, 210F, 211F, 212F, 213E, 220E, 221E, 300A, 301B, 401C, 501; Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Constraints Plan and Tree Protection Plan; Archaeological Assessment; Bat Emergency and Activity Survey Report; Daylight and Sunlight Study; Design and Access Statement; Energy and Sustainability Statement and Preliminary Ecological Report; Flood Risk Assessment; Ground Investigation Preliminary Findings; Refurbishment Asbestos Survey Report; Transport 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 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; and,
- (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), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

- (4) No development shall commence on site until a Parking Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (a) Details of how the parking areas and non-parking areas will be identified;
- (b) The management and measures to deter informal parking on the new access road;
- (c) Monitoring and reviewing system; and,
- (d) Electric vehicle charging points must be provided as part of the scheme

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

**Reason:** To ensure satisfactory parking management and reduce the impact of parking activity in accordance with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction and Policy 6.3 Assessing effects of development on transport capacity of the London Plan (2015).

- (5) (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-

- (i) The final ground 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; and,
- (ii) 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.

**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 DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

- (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 (2015) 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) (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 2015) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

- (8) No development shall commence on site until a detailed schedule and samples of all external materials and finishes, windows and external doors, balconies and bicycle store 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 buildings and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (9) The refuse and recycling facilities hereby approved shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** To ensure adequate recycling facilities and refuse storage is implemented in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- (10) (a) Secure and dry cycle storage shall be provided in line with the minimum standards of the London Plan.
- (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 6.9 Cycling of the London Plan (2015) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

- (11) The development shall be constructed using the protection measures and methods outlined in the Tree Protection Plan hereby approved. 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.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (12) (a) No development shall commence on site until a Landscaping Scheme has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate the following:-
- (i) Soft Landscaping details, including planting schedule, species list, number and location of plantings, size of trees and tree pits. Priority should be given to native plant species and plants of known value to wildlife as listed in the Preliminary Ecological Appraisal hereby approved;
  - (ii) Hard landscaping details including the permeability of hard surfaces, details of the new access road including shared scheme paving;
  - (iii) Any external lighting that is to be installed at the site, including measures to prevent light spillage;
  - (iv) Details of the proposed boundary treatments including any gates, walls or fences backing onto adjoining properties or shared amenity space;
  - (v) Details of the number, type and location of the bird and bat boxes; and,
  - (vi) Details of invertebrate habitats such as 'insect hotels' and log piles.
- (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.
- (c) 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 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, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015); Core Strategy Policies 12 Open space and environmental assets and 15 High quality design for Lewisham of the Core Strategy (June 2011); and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (13) (a) Details of the living roof as indicated on plan nos. 105A and 205A hereby approved shall be submitted to and approved in writing by the local planning authority prior to the commencement of construction and include:

- (i) Contour plans demonstrating how the plants and native species selected and the roof design would be beneficial to local biodiversity;
  - (ii) 1:20 section plans showing an extensive substrate base (depth shall vary between 80-150mm with peaks and troughs but shall average at least 133mm); and,
  - (iii) A management and maintenance plan including installer details, species list, sustainable irrigation and replanting scheme and an agreement with the installer that guarantees 80% coverage in 5 years.
- (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 (2015), Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

- (14) (a) No development shall commence until full details of the proposed photovoltaic (PV) array at roof level have been submitted to and approved in writing by the local authority.
- (b) The photovoltaics shall be installed in accordance with the approved details prior to occupation of the development and shall thereafter be permanently maintained in accordance with the approved specification.

**Reason:** To ensure the sustainable benefits of the development and to protect the amenities of adjoining premises in accordance with Policy 5.1 Climate Change Mitigation Policy 5.7 Policy 5.7 Renewable Energy of the London Plan (2015), Policy 7 Climate change and adapting to the effects and Policy 8 Sustainable Design and Construction and Energy Efficiency of the Core Strategy (June 2011) and DM Policy 22 Sustainable Design and Construction of the Development Management Local Plan (November 2014).

- (15) Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. 101B, 102C, 103D, 104D, 201E, 202E, 203E and 204E hereby approved.

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and

affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- (16) The wheelchair dwelling hereby approved shall be constructed as fully adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) as shown on drawing no. 401C hereby approved prior to their first occupation. For the avoidance of doubt a parking space should be provided for the wheelchair unit and where a communal access is to be the principle access for wheelchair users or relates to communal access to amenity space or facilities intended for the enjoyment of residents of the development the specification for the said communal access shall not be less than the specification for access for wheelchair units under the SELHP Wheelchair Homes Design Guidelines.

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- (17) 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), 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).

- (18) The whole of the amenity space (including roof terraces and balconies) as shown on drawing nos. 100B, 101B, 103D, 200C, 201E, 202E, 203E and 204E hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

- (19) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the garages of the 8 terraced houses shall be used for the garaging or storage of private motor vehicles only or for purposes ancillary to the residential use of the dwelling and shall not be used as living accommodation and no trade or business shall be carried on therefrom.

**Reason:** To ensure the garage is for domestic use for the dwellinghouse only. The application has been assessed only in terms of this restricted use and any other use may have an adverse affect on the character and

amenity of the area and amenity for future occupiers contrary to relevant Policies in the London Plan (2015), Core Strategy (2011) and the Development Management Local Plan (November 2014).

- (20) The whole of the car parking accommodation shown on drawing nos. 100B hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

**Reason:** To ensure the permanent retention of the spaces for parking purposes, to ensure that the proposed development 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), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (July 2015).

### **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, extensive pre-application discussions took place with the applicant prior to the application being submitted.

Further contact was made during the application process for further information relating to ecological impacts, the affordability of the scheme and site plan alterations. With the extra information, the Council was able to come to a positive decision.

- (2) It is noted that a Refurbishment Asbestos Survey Report was submitted which outlined that it is unlikely that asbestos containing materials are located in the site. Nevertheless, vigilance should be taken when demolishing the existing garages.

The applicant is advised to refer to the Health and Safety website for relevant information and advice.

- (3) 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.

- (4) The application granted is subject to the Mayoral Community Infrastructure Levy (CIL). More information on the Mayoral CIL is available at:-

<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11>

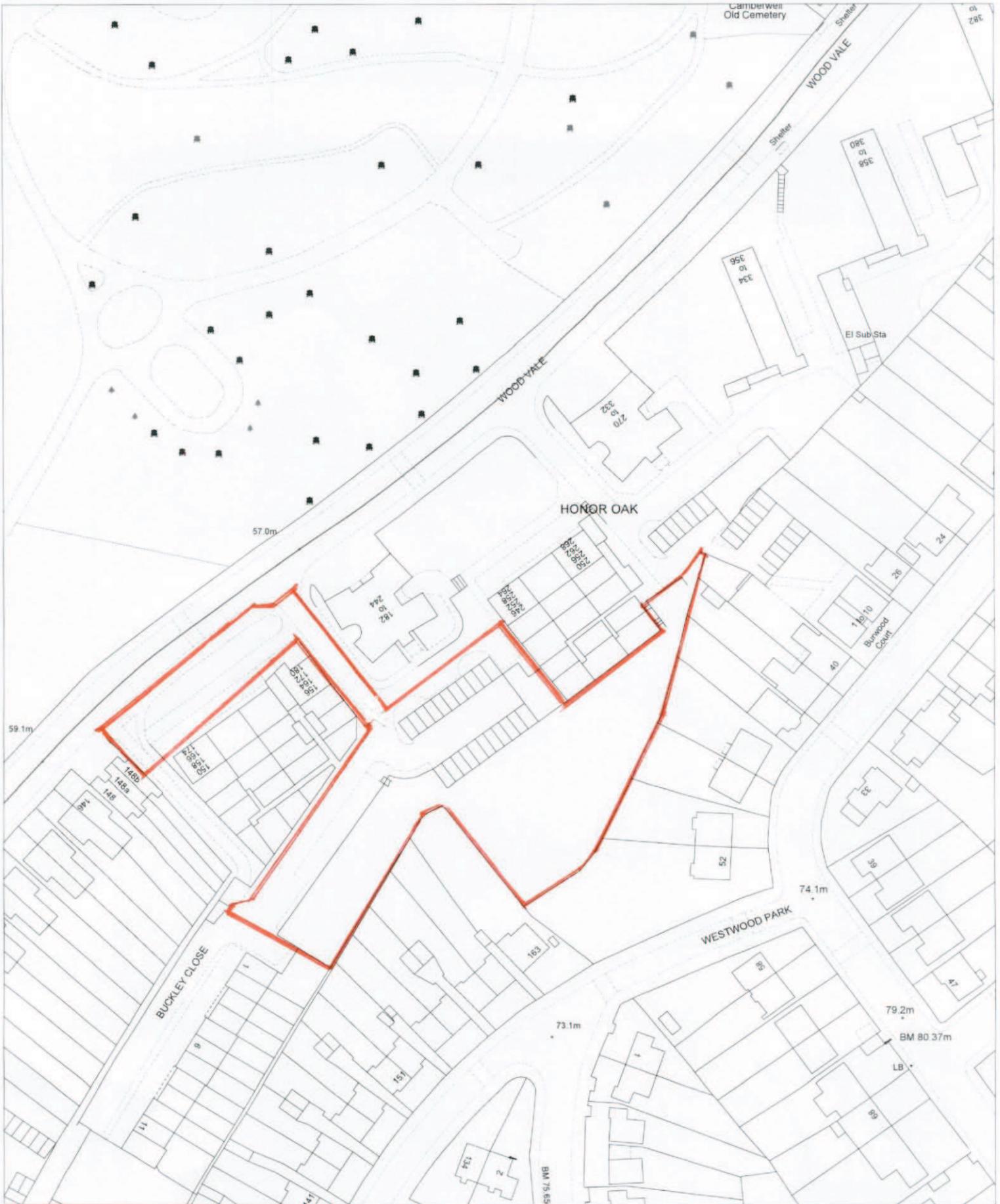
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

The application is also subject to Lewisham's CIL. The applicant is advised that if the development or part of the development is exempt from CIL, it is

their responsibility to apply for the exemption. Please contact the local planning authority regarding CIL.

- (6) the applicant is 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.
- (7) The applicant is advised that the implementation of the proposal will require approval by the Council of a Street Naming & Numbering Application. Application forms are available on the Council's web site.

# Garages to the rear of Wood Vale Estate



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Committee	PLANNING COMMITTEE C	
Report Title	LONGFIELD CRESCENT ESTATE, SE26	
Ward	Forest Hill	
Contributors	Elizabeth Donnelly	
Class	PART 1	DATE 09 APRIL 2015

<u>Reg. Nos.</u>	(A) DC/14/89888
<u>Application dated</u>	17.11.14
<u>Applicant</u>	Lewisham Council
<u>Proposal</u>	Demolition of existing garages to the north of Longfield Crescent Estate, Longfield Crescent SE26, and the construction of nine, part two/part three storey 3 bed mews houses with associated front gardens and roof terraces, two, 4 storey blocks providing three 1 bedroom and four 2 bedroom self-contained flats, four, 3 bedroom two storey plus roof space dwelling-houses and associated gardens together with the provision of children's play spaces, a new shared street running east to west towards the south of the site and landscaping works including a pedestrian pathway, hydraulic bollards and associated works.
<u>Applicant's Plan Nos.</u>	14-021-PL-000; 14-021-PL-001; 14-021-PL-100; 14-021-PL-101; 14-021-PL-102; 14-021-PL-103; 14-021-PL-104; 14-021-PL-105; 14-021-PL-106; 14-021-PL-107; 14-021-PL-108; 14-021-PL-109; 14-021-PL-110; 14-021-PL-111; 14-021-PL-112; 14-021-PL-113; 14-021-PL-114; 14-021-PL-200; 14-021-PL-201; 14-021-PL-202; 14-021-PL-300; 14-021-PL-301; 14-021-PL-302; 14-021-PL-500; 14-021-PL-501; 14-021-PL-502; Design and Access Statement; Flood Risk Assessment; Environmental Noise Report; Transport Statement; Arboricultural Impact Assessment; Daylight and Sunlight Report; Planning Statement; Archaeological Desk-Based Assessment; Energy and Sustainability Statement (Includes Extended Ecological Phase 1 Habitat Survey Report)
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/518/A (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	PTAL 3

## Screening

Screening Opinion issued on 17/02/2015 stating that an Environmental Impact Assessment is not required.

### **1.0 Property/Site Description**

- 1.1 The application site is approximately 1.75 hectares within the Longfield Crescent Estate. It is bounded by Sydenham Park Road to the west and Sydenham Park to the south. A railway line and a public footpath (northwards towards Forest Hill Station) run adjacent to the eastern side of the site. Albion Millennium Green is located on the northern boundary.
- 1.2 The Longfield Crescent Estate comprises five residential blocks ranging from 3 to 5 storeys and several terrace of two storey housing. To the north of the site there are 26 single storey garages. There is a basket ball court and a skate park in the north eastern corner of the site. Throughout the estate there are areas of communal amenity space and garden plots.
- 1.3 A street runs throughout the Estate, providing vehicular access routes to the various blocks. It can be accessed via both Sydenham Park Road and Sydenham Park.
- 1.4 The site is not located with a conservation area nor is it subject to an Article 4 direction. The Sydenham Park Conservation Area is located to the north of the site. There are no listed buildings on or adjacent to the application site.

### **2.0 Planning History**

- 2.1 A Screening Opinion was submitted under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in respect of the demolition of existing garages to the north of the site at Longfield Crescent Estate, Longfield Crescent SE26, and the construction of nine, part two/part three storey 3 bed mews houses with associated front gardens and roof terraces, two, 4 storey blocks providing three 1 bedroom and four 2 bedroom self-contained flats, four, 3 bedroom two storey plus roof space dwelling-houses and associated gardens together with the provision of children's play spaces, a new shared street running east to west towards the south of the site and landscaping works including a pedestrian pathway, hydraulic bollards and associated works.
- 2.2 The Council issued a Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 stating that an Environmental Impact Assessment is not required in relation to the proposed development.

### **3.0 Current Planning Applications**

- 3.1 This application is for the demolition of the existing garages to the north of the site at Longfield Crescent Estate, Longfield Crescent SE26 and the construction of 13 x 3 bedroom houses and two blocks, each with 4 x 2 bedroom and 3 x 1 bedroom flats, together with improvements to public open space and landscaping.
- 3.2 The proposed residential development can be broken down into three areas:

- The garage site at the northern part of the site that would be redeveloped with House Type 1.
- The area of overgrown private gardens towards the south western part of the site that would be replaced with House Type 2.
- Blocks A and B that would be located on the eastern side of the estate, on areas of shared amenity space.

Area 1: House Type 1 (Garage site; north of site)

- 3.3 An existing block of 26 garages to the north of the site in front of Albion Millennium Green would be demolished and replaced with 9 x 3 bed houses. They would be terraced and part two/part three storeys in height.
- 3.4 These would range from 6.8 to 9m in height, 8.8m in depth and 7m in width. The terrace of 9 houses would have a combined length of 71.2m.
- 3.5 The houses would have flat roofs that step down from three to two storeys with a roof terrace provided at second floor level.
- 3.6 In addition to the large terrace at second floor level, each house would have a 3.6m deep semi-private garden to the front which would contain bike and refuse stores. With regards to floor areas, the front gardens would range from 21.9sq m for the mid terrace houses and 60sq m for the two end of terrace houses. The roof terraces would be 16.4sq m.
- 3.7 The materials proposed comprise large Grey PPC aluminium/timber composite windows with deep reveals to the front, side and rear elevations. This terrace of houses would have perpend protruding brick detail at second floor level and a section and ground floor level. The roof terraces would be enclosed by metal balustrade, the refuse stores would be timber and they would have solid timber front doors with a paint finish.
- 3.8 All the proposed properties would be constructed in Ibstock Coleridge Yellow Multi facing brick. The rainwater goods for all of the proposed buildings would comprise Alumasc Aqualine or similar box gutter and circular downpipes PPC coated. The colour would match the proposed windows.

Area 2: House Type 2 (overgrown private garden site; south west of site)

- 3.9 An overgrown area of existing shared amenity space in the south eastern corner of the site would be replaced with a terrace of 4 x 3 bed houses of two storeys in height plus a mansard roof. The mansard roofs would allow a bedroom at second floor level.
- 3.10 Each house would range from 6.6m to 9.95m in height, 9m deep and 5.6m in width. The terrace of 4 houses would have a combined length of 22.1m.
- 3.11 They would have private gardens to the rear measuring 6.6m in depth and range from 73.8sq m to 90.1sq m in floor area. They would also have 2.3m deep front gardens, providing defensible space and contain bike and refuse stores.

- 3.12 House Type 2 also comprise large Grey PPC aluminium/timber composite windows with deep reveals to the front and rear elevations. The mansard roofs would be constructed in Marley Rivendale blue/black fibre cement tiles. The refuse stores would be timber and the front doors would be solid timber with a paint finish.

Area 3: Blocks A and B (shared amenity space sites; east of site)

- 3.13 Blocks A and B would be located to the eastern side of the site on an area of underused shared amenity space. Block A would extend the eastern end of the existing block (No's 99-157) and Block B would extend to the eastern end of the existing block (No's 171-201). Both blocks would abut the existing blocks and would be connected by a glazed staircase. They would both project 4.2m forward of the front elevation and 5.2m beyond the rear elevation of the existing blocks to which they are connected.
- 3.14 Blocks A and B would be identical. They would both comprise a ground floor 2 bed wheelchair accessible unit with 3 x 1 bedroom units and 3 x 2 bedroom units above.
- 3.15 The blocks would have a height of 12.5m (12.8m high to the highest part of the Photovoltaic's). They would range from 5m to 16.5m in depth and from 8.8m to 13m in width. There would be a single stair core within each block, it would adjoin the existing neighbouring blocks.
- 3.16 The ground floor wheelchair accessible units would have level access to a private garden. All other units would have private balconies. The balconies would be 1.8m deep and 3.8m wide on the north side of the blocks and 1.8m deep and 3.4m wide on the south side of the blocks. With regards to floor area, the proposed balconies would range from 5.7sq m to 6.9sq m.
- 3.17 The elevations of the proposed blocks would be constructed in brick with large full height Grey PPC aluminium/timber composite window openings set in deep reveals. The balconies would be inset into the façade enclosed with brick balustrade on the northern and southern elevations and frameless glass balustrade on the western elevations. The interior and exterior of the balcony would be brick. The soffits would be rendered to match colour of brickwork.
- 3.18 The entrance canopy for the blocks would include a polyester coated profiled aluminium box section to roof and fascia with concealed fixings. The soffit would be PPC aluminium. They would include a recessed down light.
- 3.19 The elevations at ground floor level would comprise perpend protruding brick detail with sections of hit and miss brick. The parapet detail would consist of a soldier course of brickwork in contrast to the stretcher bond used throughout the building. The top of the parapet wall would have grey PPC metal coping. The colour would match the windows. The blocks would have a proprietary aluminium glazing system. The entrance screen and glazed door would include an entry phone panel and letter boxes.
- 3.20 The blocks would have an insulated living roof with Photovoltaic's.
- 3.21 Each block would have internal refuse and cycle storage at ground floor level which would be via an externally located entrance.

### Landscaping/Public realm

- 3.22 This application includes a landscaping strategy that provides an overview of landscaping and public realm changes across the wider estate.
- 3.23 There would be 19 additional parking spaces provided across the site with new sections of shared surface street in front of the terraces of Type 1 and Type 2 houses. The shared surface street in front of the Type 1 houses would be mainly for pedestrian use, including hydraulic bollards to deter informal parking. The shared surface in front of the Type 2 houses would not be accessible by vehicles. The section of highway approaching the proposed blocks would be replaced with shared surface street.
- 3.24 The landscaping strategy also includes new areas of planting, the installation of Sheffield cycle racks (x10), concrete benches, playable landscapes, a concrete ramp, the repaving of the existing skate park, lighting and the removal of a section of fencing along the footpath to the east of the site.
- 3.25 The proposal also includes the installation of a new self-closing gate in the north eastern corner of the site which provides access to the footpath that runs from north to south along the eastern side of the site.

### Supporting Documents

#### Arboricultural Impact Assessment

- 3.26 This provides a tree survey and an Arboricultural impact assessment for the proposed development. It is concerned with the trees located within the site boundary or those located in areas with the potential to be affected by construction works. There are 5 trees that are categorised as category A (high quality).
- 3.27 The proposed development would require the removal of 4 x category B trees, 4 x category C and 2 x category U trees would be removed.
- 3.28 The report states that the loss of category C and U trees should not have a detrimental effect on visual amenity for the surrounding properties or the wider landscape.
- 3.29 It also states that the removal of the category B trees would be mitigated by replanting during the soft landscaping phase of development. The specification for soft landscaping is to be confirmed.
- 3.30 All category A trees would be retained. Tree T4 is the category A London plane; the report states that consideration should be given to the protection of shallow root growth in future road re-surfacing. It is recommended that Tree T17 should be monitored on an annual basis.

#### Archaeological Desk-Based Assessment

- 3.31 This document outlines the findings of an archaeological desk-based assessment of the land at Longfield Crescent.

- 3.32 There is no evidence for prehistoric, Romano-British, Anglo-Saxon or Medieval remains. The site also contains no Post-Medieval finds.
- 3.33 Due to the redevelopment of the site in the second half of the 20th Century, the site has experienced ground disturbance.
- 3.34 It was therefore found that the site has a very low potential for archaeological remains.

#### Daylight and Sunlight Report

- 3.35 This report provides an assessment of the impact upon daylight and sunlight across the surrounding residential buildings.
- 3.36 The assessment has been made based on the BRE guidance report: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011). The Vertical Sky Component (VSC) is a technical calculation and assesses the extent of sky visibility at the centre of the outside window face.
- 3.37 The majority of the windows of surrounding existing residential property would be unaffected by the proposed development. However, there are some movements away from the current BRE guidance.
- 3.38 Two windows in the block No's 57-85 Longfield Crescent would experience noticeable reductions in their Vertical Sky Component (VSC) values. One ground floor window that faces directly towards the development site would be materially affected, but retain a VSC of 17.51% which is considered to be fairly typical for an urban environment such as that in which the property is located. The other has an oblique view of the development site and is located underneath a balcony. Other windows at No's 171-193 Longfield Crescent would also experience reductions in VSC partly as they are located beneath balconies.
- 3.39 The report outlines how BRE Guidance clearly states that "existing windows with balconies above them typically receive less daylight" and as a result "...even a modest obstruction opposite may result in a larger relative impact on the VSC and on the area of the room receiving direct sunlight".
- 3.40 The report concludes that the proposed scheme demonstrates good compliance with the current BRE Guidance.

#### Design and Access Statement

- 3.41 This document provides a design overview, details of materials and a landscaping strategy. In addition to this, the document provides details of pre-submission consultation, access, Lifetime Homes and wheelchair compliance. The appendices include details of Secure by Design which sets out the consultation response from the Metropolitan Police.

#### Energy and Sustainability Statement

- 3.42 This document addresses Code for Sustainable Homes (CfSH) and confirms that the proposed development would meet a Level 4 rating with scores of 68.7% for Blocks A & B, 69% for House Type 1 and 70.8% for House Type 2.

- 3.43 It provides details of recycling, water-efficient fittings, energy-efficiency measures and sustainable building materials to be incorporated in the development.
- 3.44 The document also confirms that the site is at low risk of fluvial flooding.
- 3.45 An Ecological Phase 1 Habitat Survey Report is included.
- 3.46 The report states that the site has negligible potential for natural habitat, but the proposed living roofs and enhanced landscaping would be beneficial for local wildlife. Bird nesting potential has been noted in many of the trees across the site; it is therefore recommended that clearance of vegetation is undertaken outside of bird nesting season or after the absence of nesting birds has been confirmed.
- 3.47 Due to a potential for bat roosting in the garages, the applicant carried out a further bat emergence survey. The survey results identified that there were no roosting bats within the trees or buildings within the site boundary or immediately close to it. No bats were observed foraging over the site, and no bats were recorded commuting over the site.
- 3.48 Nonetheless, the report outlines that the potential for bat roosting and foraging in the locality still remains. Some best practice and mitigation recommendations include:
- The construction of the proposed development would take place predominantly during daylight hours. As such noise and general disturbance through construction activity would be limited.
  - The proposed development would have associated lighting elements and, where possible, these should be designed following guidance.
  - If any roosting bats are observed during development then the works should cease immediately and a licence bat worker should be contacted.
- 3.49 The proposed development would therefore not have any adverse impacts on bats nor roosts. Extensive mitigation is not deemed necessary, however, enhancement measures for bats have been recommended to increase the biodiversity value of the proposed development
- 3.50 In light of the above, whilst the report outlines that the site has a low ecological value, a number of ecological enhancement measures have been recommended. This includes the incorporation of green roofs with at least 20 species and a substrate depth between 100mm and 150mm is recommended to support the recommended species. Additional recommendations include bat boxes, bird boxes, an individual bee house, lacewing box, invertebrate habitat wall and invertebrate log pile.
- 3.51 It concluded that the proposed development would not give rise to any negative impacts to any designated site for nature conservation. .

#### Environmental Noise Report

- 3.52 This report considers the noise impact from the adjacent railway line on the proposed residential development.

- 3.53 It states that in order to ensure internal noise levels within living rooms during the day do not exceed the guidance levels, they should be fitted with a good standard of well-sealed thermal double glazing. To allow windows to remain closed, if desired, sufficient ventilation should be provided by acoustically treated trickle vents, acoustic air bricks or acoustic ventilators to each living room area.
- 3.54 For bedrooms facing the rail line, the noise levels should be controlled by a high standard of acoustic double glazing.
- 3.55 It is noted that it is not always possible to achieve the desired noises levels in external areas used for amenity space. In this case, a compromise between elevated noise level and other factors should be considered.
- 3.56 The report concluded that subject to mitigation measures, noise from the railway would not cause significant harm to adverse impacts on health and quality of life of future residents.

#### Flood Risk Assessment

- 3.57 This assessment confirms that as the application site is in Flood Zone 1 and remotely located from the reaches of the River Pool and Ravensbourne, there is no identified potential for flood risks for the site that cannot be managed.
- 3.58 A surface water drainage scheme should be implemented in order to provide a robust and sustainable drainage regime to the proposed residential development. The proposed permeable paving, living roofs and soft landscaping would be of positive impact on surface water.

#### Planning Statement

- 3.59 This statement provides a site description and a policy and development overview. It also confirms that the proposed development is a 100% affordable housing scheme; all 27 units would be for affordable rent.

#### Transport Statement

- 3.60 This document considers the highway and transportation issues regarding the proposed development. It also outlines the findings of a parking survey which was undertaken.
- 3.61 It is stated that none of the garages appeared to be in use for general day to day parking of vehicles. The overall levels were about 70% parking utilisation; within the area, pockets of high and low levels of parking were observed in addition to parking on the footway.
- 3.62 The statement outlines that parking levels of 60-70% is considered to be at a sustainable level. It is also understood that a number of existing garages are rented to individuals who live outside the estate. It is therefore outlined that the removal of garages would not have an adverse affect on parking in the locality.
- 3.63 The proposed development would provide an additional 19 parking spaces (0.7 spaces per unit). Two of these spaces would be allocated for disabled users. 20% of the new spaces would be provided with electric charging points. 20% would be provided with passive provision to allow easy conversion in the future.

3.64 This documents states that the proposed development would have an immaterial impact on highway and transportation.

#### **4.0 Consultation**

4.1 This section outlines the consultation carried out by the applicant prior to submission and 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, the relevant ward Councillors and the Forest Hill Society were consulted. The Council's Highways, Housing, Environmental Health, Environmental Sustainability, Ecological Regeneration teams were also consulted. Department.

##### Pre-Application Consultation

4.3 The applicant held two public engagement events in February 2013 and June 2014 with existing residents at Longfield Crescent Estate and surrounding neighbours.

4.4 In addition, the applicant team has pre-application discussions with the Designing Out Crime Officer as well as engaging in pre-application discussions with planning officers.

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

4.5 At the time of writing, three letters of objection were received from neighbouring occupiers at No. 149 Longfield Crescent, No. 69 Longfield Crescent and No. 91 Sydenham Park.

4.6 The occupiers raised the following issues:

- Demolition of garage would result in a loss of amenity
- Concerns about the attraction of nuisance neighbours; this is a quiet and friendly place so responsible people are needed
- Children's playspaces are too close to residential property; the objector is unwell and is concerned about noise issues
- The proposed houses should be one-bedroom; there are elderly people struggling to get smaller places to live as they cannot afford the big houses they have. The objector would be happy to be considered for a one bedroom flat in the proposed scheme
- Refuse/recycling concerns; bins already overflowing
- The proposed car parking spaces are just a formalisation of existing spaces rather than creating additional spaces; the plans are therefore disingenuous

- Road that allows access to front door removed – what about deliveries?
- Currently there is a pathway around the whole building – is this going to remain in place? It seems as though the residents of the existing buildings have to walk all the way around the building to get to the pathway
- The existing green space is well used by residents – removal of space will mean less room for more people
- The Daylight and Sunlight Report refers to Longfield Crescent being in SE13 – the objector wonders what other mistakes have been made in the report. It also refers to some of the properties in the estate and not others. Does this mean that there is no impact on the objectors flat (No.149)? The report only lists 99-147 – does this mean that 149-157 have no light impact at all or is this another mistake in the report?
- Concerns about the design of building; contrast with existing building
- When the plans were initially proposed, they suggested that there would be lift access between the new buildings – however, there appears to be lift access for the new building but not for the existing building?
- Unable to find information about what will happen to the wiring on the side of the existing building – the objector is a leaseholder and is responsible for buildings insurance. How will the building work affect this? It doesn't look as though it is a separate building, but a joined one – who will be responsible for the party wall?
- Concerned about the impact on the value of the objectors home. The existing buildings may appear poor in comparison to the proposed buildings. There will be less parking per resident, less access and potentially less light. There will also be less space in the estate as a whole as there will be 14 new families.

#### Written Responses received from Statutory Agencies

##### Ecological Regeneration Manager

- 4.7 No objections raised regarding the submitted ecological information and the recommendation contained within the documentation. The commitment to implementing 100sqm of wildlife planting, 500sqm of biodiverse roofs and recommendations made by the consultant in respect of bird and bat boxes, landscaping and sensitive external lighting is welcomed. All biodiversity enhancements/recommendations should be implemented in full and/or conditioned.
- 4.8 With regards to the living roof, it is important that the applicant understands and enters into a guaranteed establishment or longer term maintenance contract with the installer. Two growing seasons is considered to be a good rule for an establishment period to ensure that no value engineering takes places.

##### Highways and Transportation

- 4.9 Highways officers outlined the need for further details (by condition) relating to the proposed refuse strategy, requesting a Waste Management Plan inclusive of a swept path analysis. Further details of cycle parking and a Construction Management Plan were also requested.
- 4.10 Highways officers also raised concerns relating to the proposed self-closing gate that forms part of the landscaping strategy and required further details of the boundary treatment along the boundary of the site with the public footpath.
- 4.11 Highways officers queried whether the proposed roads would become adopted highway and informed officers of the necessary agreements that the applicant needs to enter into with regards to making changes to the existing adopted carriageway within the site.

#### Environmental Health

- 4.12 Environmental Health officers reviewed the Environmental Noise Report and suggested that the standard condition relating to noise insulation is added.

### **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 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. 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 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

- 5.5 The DCLG launched the National Planning Practice Guidance (NPPG) resource on the 6<sup>th</sup> March 2014. This replaced a number of planning practice guidance documents.

#### London Plan (March 2015)

- 5.6 On the 15<sup>th</sup> March 2015, the London Plan (consolidated with alterations since 2011) was adopted. 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 3.10 Definition of affordable housing  
Policy 3.11 Affordable housing targets  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 5.8 Innovative energy technologies  
Policy 5.11 Green roofs and development site environs  
Policy 6.9 Cycling  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.12 Road network capacity  
Policy 6.13 Parking  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture

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

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

Housing (2012)

Sustainable Design and Construction (2006)

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 Lewisham Town Centre Local Plan, the Development Management Local Plan and the London 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 3 District Hubs

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 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

5.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 7 Affordable rented housing

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 31 Alterations/extensions to existing buildings

DM Policy 32 Housing design, layout and space standards

DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas

DM Policy 35 Public realm

Residential Standards Supplementary Planning Document (August 2006)

5.11 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.

## **6.0 Planning Considerations**

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

- Principle of Development
- Design
- Landscaping and Public Realm
- Housing
- Highways and Traffic Issues
- Noise
- Impact on Adjoining Properties
- Sustainability and Energy
- Trees and Ecology
- Archaeology
- Land Contamination

### Principle of Development

- 6.2 The proposal would introduce an additional 27 residential units to Longfield Crescent Estate. The Estate currently provides five residential blocks and several terraces of two-storey housing. The proposed housing would replace a row of 26 garages, overgrown and unused garden plots and two areas of shared green space (approximately 600sq m in total). It would also seek to improve the amenity space and public realm for the existing residents.
- 6.3 The application site has an established residential use; the site itself and the surrounding streets are residential in nature consisting of purpose built flat blocks and semi-detached and terraced housing. For this reason, the proposed residential development is considered to be appropriate for this location.
- 6.4 The 27 new residential units would comprise a mixture of 1-3 bedroom units. They would provide 100% affordable residential accommodation. Proposals to provide housing of this kind are supported in principle by the Council as set out in Core Strategy 1 'Housing provision, mix and affordability', but will be expected to meet further policy requirements to ensure that the proposed development responds to existing and forecast local housing need, provides decent quality housing and does not harm the environment.
- 6.5 These policy requirements are summarised by DM policy 33 'Development on infill sites, backland sites, back gardens and amenity areas' and states that:
- Planning permission will not be granted unless the proposed development is of the highest design quality, relates successfully and is sensitive to the existing design quality of the landscape

- Developments on this site 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'.
- Development on these sites should retain existing formal and informal pedestrian through routes.

The above points will be addressed throughout the report.

### Design

- 6.6 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on 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. The NPPF states 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.
- 6.7 Paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition to this, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 6.8 In relation to Lewisham, Core Strategy Policy 15 outlines how 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.
- 6.9 DM Policy 32 of the Development Management Local Plan seeks to apply the above design principles more specifically to individual proposals. It seeks to ensure that the siting and layout of all new-building housing responds positively to the site specific constraints and opportunities as well as to the existing and emerging context of the site and surrounding area.
- 6.10 Further to this, DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 6.11 Table 2.1 identifies the different urban typologies in Lewisham and outlines that new development in amenity and non garden areas within this typology should not seek to replicate this layout. Instead, it should aim to reintroduce positive elements such as clear legible routes and well defined private and public spaces.
- 6.12 The proposed development utilises a site specific opportunity to redevelop existing underused garages and overgrown and underused garden plots/open space to provide additional residential units. As existing, the site is considered to have the capacity to support additional development, with the five purpose built blocks and terraced houses broken up by areas of garden/open space, a street

running throughout the estate and off-street parking provision. With privately owned individual garden plots clustered together in various locations across the site, there is not considered to be in a clear break between private and public space throughout the site.

- 6.13 It is recognised that due to the existing layout of the site, the proposed buildings would be prominent from surrounding view points. However, the arrangement and siting of the proposed buildings is considered to be logical and makes good use of the environment within the estate. Officers are satisfied that whilst the proposal would fill some of the spaces at the end of existing buildings, the overall nature of the site would not be compromised by the proposed development.

a) Area 1

- 6.14 Nine 3 bedroom houses (House Type 1) would replace the existing garages. The garages are currently located at the northern end of the site behind a gate and wall which would be demolished to help to integrate the proposed houses into the site and provide passive overlooking. Due to the existing wall and gate separating the garages from the rest of the estate, the existing garages are not considered to form an integral feature of the estate visually, nor are they considered to provide a positive contribution to the existing streetscene.
- 6.15 The proposed houses would be part two/part three storeys in height and would be set back against the rear wall of the estate. Due to the inclusion of front gardens, this terrace of houses would be fully integrated with the existing estate. In terms of their height, scale and massing, they are considered to be sympathetic to the existing adjacent four storey blocks. The step down from three to two storeys to provide a roof terrace is considered to effectively reduce the bulk of the proposed houses. Officers are satisfied that these nine houses would not give rise to a loss of the spaciousness between the buildings that features throughout the estate and surrounding area.
- 6.16 The proposed detailing, which includes large windows with deep reveals and sections of perpend protruding brick detail, is considered to provide these contemporary and relatively simple and rectangular shaped buildings with character and interest.

b) Area 2

- 6.17 The overgrown garden plots that are located at the western part of the site beyond existing block Nos 65-99 would be redeveloped with four 3 bedroom houses (House Type 2). These gardens, belonging to existing residents, are overgrown and unused.
- 6.18 The proposed houses would be two storeys with a mansard roof, they would have private rear gardens and small front gardens which would provide an element of private amenity space. They would be located to the rear of an L shaped three storey block and in front of the rear gardens of an existing terrace of two storey houses. In light of this, the height, scale and massing of the four proposed houses is considered to be appropriate in this location. The proposed mansard roofs allow for living accommodation at second floor level without creating the bulk that a three storey block may give rise to. For this reason, the scale of this terrace of houses is considered to respect the scale of the surrounding existing development.

6.19 The use of contrasting materials for the prominent and characteristic mansard roofs is considered to help read this terrace as four single family dwellinghouses rather than a block. Similar to House Type 1, the proposed front gardens help to visually integrate the proposed houses with the existing estate.

c) Area 3

6.20 Block A would be located at the eastern end of the existing four storey block Nos. 99-169. Block B would be located at the eastern end of the existing block Nos. 171-213. They would replace an area of shared green space. The proposed blocks would abut the existing blocks and would be connected by a glazed staircase. The eastern end of the proposed blocks would be adjacent to the railway line.

6.21 The proposed blocks would also be four storey, but with a height of 12.5m, 3.3m lower than the existing blocks and therefore, with regards to height, the proposed blocks would be subservient to the existing blocks. The connecting glazed staircase would ensure a relationship between the blocks, but would provide a clear break between the new work and existing building in line with the requirements of DM Policy 30. The form and massing of the proposed blocks differ from the regularity and linearity of the existing blocks across the estate. They would also project 4.2m forward of the front elevation and 5.2m beyond the rear elevations of the existing blocks. Nevertheless, due to the height and compact design, the proposed blocks are considered to be an appropriate scale, in keeping with the surrounding existing development.

6.22 The overall design is contemporary in nature, utilising simple detailing and a high quality pallet of materials. The glazing is considered to give the proposed blocks a light touch, whilst the inset balconies and deep reveals work together to give the blocks a clean and smooth aesthetic. The elevational detailing at ground floor level gives the building a solid base and helps to create interest at ground floor level. In addition to this, this detailing works to differentiate the ground floor from the rest of the building, helping to reduce the overall bulk of these four storey blocks.

6.23 Concern that the proposed buildings would contrast the existing buildings has been raised. Officers recognise that there would be a contrast between the existing buildings and the proposed development, but do not consider that it is appropriate to follow the design approach of the existing buildings. Whilst the design approach differs to the existing building, the lightness of the proposed Coleridge Yellow brick and glazing is considered to complement the existing adjoining blocks and surrounding development.

6.24 In relation to all of the proposed buildings, the proposed materials are considered to be high quality and appropriate for the setting. The detailed drawings submitted as part of this application demonstrate that the elevations provided are realistic impressions of the final building. Nevertheless, due to the vital importance of the proposed details and materials in the success of this scheme, they are to be secured by condition.

6.25 In light of the above, the design and detailing of the proposed development is considered to be sensitive to its local context, responding to local character by way of materials and scale. As required by the Development Management Local

Plan, the proposal does not seek to replicate the existing layout, but proposes a scheme that responds positively and sympathetically to the existing estate.

6.26 Therefore, the proposal is considered to be acceptable with regards to design.

#### Landscaping and Public Realm

6.27 Policy 7.4 'Local character' of the London Plan states development should contribute to a positive relationship between the urban structure and natural landscape features. Development Management Policy 35 seeks to implement these principles, whilst outlining the importance of the inclusion of trees in the streetscene and that street design, lighting, paving and signage in achieving a high quality environment for the borough.

6.28 In addition to the proposed buildings, the proposal includes various public realm and landscaping improvements for both the existing residents and future occupiers of the proposed blocks. The applicant has provided a landscaping strategy that illustrates their general approach to these improvements.

#### *a) Landscaping strategy*

6.29 In the northern half of the site, the proposal includes a shared street, green space, the re-paving of the existing skatepark, new parking spaces and a self-closing gate on the boundary between the site and the existing footpath to the east. There would also be areas of playable landscape and concrete benches throughout the site. In the southern section of the site, there would be areas of green space, two new shared streets, one providing access to the proposed houses (House Type 2) and another running east to west across the site towards the proposed Blocks A and B. The latter shared street would replace an existing section of carriageway.

6.30 It is felt that the proposed landscaping strategy would open up the estate and provide more usable and visually attractive landscaping and public realm. It is felt that the inclusion of aspects such as playable landscaping and benches would enhance the usability and value attached to the communal amenity spaces across the estate. The formalisation of existing informal parking spaces is considered to enhance the quality of the public realm.

6.31 Whilst the landscape strategy is considered to be in general conformity with the Council's policy requirements, there are still elements that require further detail and discussion. This includes aspects of the proposed boundary treatment and the self-closing gate. It is however felt that this can be addressed by condition. With regards to the gate, officers understand that it has been proposed as a result of pre-planning consultation where concerns relating to the safety of children using playspaces within the estate were raised by parents. It is also recognised that the Council have reservations relating to the use of gates that could be envisaged as a barrier between the residential development and surrounding public space. The proposed scheme is envisaged as an opportunity to improve the legibility of routes through the site and provide a clear definition between private and public spaces. For this reason, it is proposed that further details of the gate is required by condition.

6.32 The proposed lighting would be expected to improve the relationship between the application site and the footpath. Together with the natural surveillance provided

by the proposed residential buildings, the proposed lighting would be considered to be a positive introduction that would increase the sense of safety within and around the site.

- 6.33 It is recognised that the proposed development would give rise to a loss of existing amenity space. However, the proposed public realm and landscape improvements are considered to give rise to a higher quality of amenity space. Therefore, on balance, this is considered to be acceptable.

*b) Children's playspace*

- 6.34 Policy 3.6 'Children and young people's play and informal recreation facilities' of the London Plan states that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.
- 6.35 Based on the type of residential accommodation proposed, it would be expected that approximately 20% of the occupiers would be in the 0-16 age range. Whilst the landscape strategy does not provide specific floor areas of the proposed playspaces, officers are satisfied that there is a sufficient amount of space to provide the required 10sq m per child.
- 6.36 The landscape strategy outlines improvements to the existing playspaces including the skatepark and proposes additional playable landscapes. It is felt that the proposed development would provide play opportunities for both younger and older children. It is proposed that a condition is added so that further details are submitted to ensure that the proposed playspace is good quality, well-designed, secure and stimulating in line with Policy 3.6 of the London Plan.
- 6.37 Therefore, the proposed landscape strategy, as a general approach, is considered to be acceptable as it provides usable amenity space, improved pedestrian access and visually enhances the site. As outlined above, there are various elements of the strategy that require further consideration, nevertheless, officers are satisfied that the highlighted issues are capable of being dealt with through the submission of further detail required by a condition.

Housing

*a) Size and Tenure of Residential Accommodation*

- 6.38 Core Strategy Policy 1 'Housing provision, mix and affordability' states that the Council will seek the maximum provision of affordable housing with a strategic target for 50% affordable housing from all sources. In order to ensure that proposed housing development responds to local need, the provision of family housing (3+ bedrooms) will be expected as part of any new development with 10 or more dwellings. In the case of affordable housing, the Council will seek a mix of 42% as family dwellings.
- 6.39 Whilst the estate is 100% affordable, the wider area comprises a large amount of market housing. In light of this and the aim of the policy to provide mixed and balanced communities, the proposed affordable scheme is considered to effectively contribute to a more balanced social mix across the wider area.

6.40 The proposed development comprises 27 residential units all within affordable tenure. The table below provides a breakdown of the proposed accommodation:

**Table 1.1: Residential Tenure and Size Mix\***

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
<b>Affordable Rent</b>	6	8(2)	13	0	27 (2)

\*Wheelchair accessible units shown in ( )

6.41 As set out in the table above, 48% of the proposed accommodation would be 3 bedroom family dwellings, whilst the proposed blocks would provide smaller units. In light of this and the proposed 100% affordability of the scheme, officers are satisfied that the proposed development would meet existing and forecast housing need across the borough. The proposed development is therefore acceptable with regards to size and tenure. A condition is proposed to ensure that the residential tenure and size mix outlined above is delivered and retained.

*b) Standard of Residential Accommodation*

6.42 DM Policy 32 ‘Housing design, layout and space standards’ and Policy 3.5 ‘Quality and design of housing developments’ of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan. In particular, it provides detail on how to carry forward the Mayor’s view that “providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods”.

6.43 London Plan Policy 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. It outlines that the design of all new dwellings should include adequately sized rooms, convenient and efficient room layouts and meet the changing needs of Londoners’ over their lifetimes. The accompanying Mayors Housing SPG contains further guidance on internal layout. The Council therefore seek that all new homes are designed to meet the long term needs of occupiers, or capable of adaptation to achieve this. In relation to this, Policy 3.8 ‘Housing choice’ and Core Strategy Policy 1 require all new homes to be built to Joseph Rowntree Foundation’s Lifetime Homes standards. Core Strategy Policy 1 also requires 10% of all housing to be wheelchair accessible or easily adapted for those using a wheelchair in accordance with The South East London Housing Partnership Wheelchair Homes Design Guidelines (SELHP).

6.44 In addition to this, DM Policy 32 seeks to ensure that new residential development provides a satisfactory level of privacy, outlook, direct sunlight and daylight. It also states that new housing should be provided with a readily accessible, secure, private and usable external space and include space suitable for children’s play.

6.45 The table below illustrates that the proposed units are policy compliant with regards to the minimum floor space standards as set out in Table 3.3 of the

London Plan. It is also a requirement of DM Policy 32 that the proposed floor areas have a minimum floor to ceiling height of 2.5m. Due to the sloping ceiling, there is a section of the second floor bedroom in House Type 2 where the floor to ceiling height is less than 2.5m. Nevertheless, the London Housing SPG states that rooms with sloping ceilings should achieve the minimum ceiling heights in at least 60% of the area of the room. The GIA calculation below for House Type 2 takes into account (and deducts) the areas where the floor to ceiling height is less than 2.5m. Therefore, the proposed floor to ceiling heights set out below have a minimum floor height of 2.5m in accordance with policy.

**Table 1.2: Residential Internal Floor Areas**

<b>Dwelling Type</b>	<b>Policy requirement (GIA sq m) (Table 3.3, Policy 3.5 London Plan 2015)</b>	<b>Proposed GIA (sq m)</b>
<b>House Type 1</b>  Part one/part two, 3 bedroom 5 person dwelling house	102	110.3
<b>House Type 2</b>  Two storey plus roof space, 3 bedroom 5 person dwelling house	96	106.3
<b>Blocks A &amp; B</b>  2 bedroom wheelchair unit	85	86.3
<b>Blocks A &amp; B</b>  2 bedroom 3 person units	61	68.7
<b>Blocks A &amp; B</b>  1 bedroom 2 person units	50	53.8

- 6.46 Each of the proposed blocks have a single core that allows access to an appropriate number of units per floor by stairs. In line with the London Housing SPG standard 3.2.1 and 3.2.5, space has been identified for the future installation of a wheelchair accessible lift. Due to the location of the wheelchair accessible units at ground floor level, the proposed shared circulation for the upper level flats is considered to be acceptable.
- 6.47 An objector has stated that neighbours were shown plans that incorporated a shared lift between the existing and proposed blocks at pre-planning consultation stage. Officers queried this with the applicant; the applicant confirmed that a shared lift was considered at initial consultation. Nevertheless, due to the

difference between the existing and proposed floor levels, a shared lift was not found to be feasible. For this reason, there is a space for the potential installation of a lift in the proposed new blocks only.

- 6.48 In addition to this, the siting of the proposed residential development is not expected to give rise to an unacceptable level of overlooking and is therefore considered to provide future occupiers with an adequate level of privacy. With regards to daylight and sunlight, House Type 1 does not have any rear windows at ground floor level as the houses are set back against the boundary wall of the site. Nevertheless, there are rear windows at first floor level and the front of the houses are south facing and have ample glazing. House Type 2 has a good amount of glazing to the front and rear of the property. The one bedroom and two bedroom units within Blocks A and B would all be dual aspect. In light of this, all of the proposed units are dual aspect and are considered to provide a good level of privacy, outlook, daylight and sunlight in accordance with DM Policy 32.
- 6.49 The London Plan Housing SPG states that a minimum of 5sq m of private outdoor space should be provided for 1-2 person dwellings and an extra 1sq m should be provided for each additional occupant. The proposed private balconies and gardens are considered to provide policy compliant private amenity space for each of the units. There are also areas of existing communal amenity space across the estate that would be improved as a result of the proposed landscaping strategy. Officers are therefore satisfied that the proposed residential units would provide an adequate amount of amenity space, both private and communal.
- 6.50 The Design and Access Statement provided confirms that all proposed units would meet the requirements of Lifetime Homes which ensures the future adaptability to reflect the changing needs of households. A condition is recommended to secure this compliance.
- 6.51 Further to this, the proposed development includes two wheelchair accessible units with associated disabled parking spaces. Whilst the delivery of 2 units does not quite meet the 10% wheelchair housing requirement set out in Core Strategy Policy 1, it is considered to be acceptable in light of the 100% affordability of the scheme. A condition is proposed to ensure that the proposed wheelchair accessible units would be in full accordance with The South East London Housing Partnership Wheelchair Homes Design Guidelines (SELHP).
- 6.52 Therefore, the proposed residential is considered to provide an acceptable standard of residential accommodation.

#### Highways and Traffic Issues

- 6.53 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. Safe and suitable access to the site should be achieved for all people. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.54 Core Strategy Policy 14 'Sustainable movement and transport' supports this policy approach and promotes more sustainable transport choices through walking,

cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans. Core Strategy Policy 7 'Climate change and adapting to the effects' and Core Strategy Policy 9 'Improving local air quality' further promote sustainable transport.

- 6.55 Development Management Policy 29 'Car parking' aims to ensure the effective implementation of car limited development and other parking standards, to help minimise congestion and reduce vehicle emissions. The policy states that car-limited major residential development will only be considered where there is a PTAL level 4 or higher, no detrimental impact on the provision of on-street parking in the vicinity, no negative impact on the safety and suitability of access and servicing and on-site accessible priority parking for disabled drivers. It is also a requirement that all new development provides an appropriate number of parking bays that have an electric charging point installed and an appropriate level of passive provision in line with London Plan Table 6.2 Parking Standards.
- 6.56 The application site has a PTAL rating of 3 throughout the site. The site is considered to be generally accessible by public transport with bus links on Dartmouth Road within 400m of the site. Forest Hill Railway station is approximately 800m from the site, a 10 minute walk. A link is provided along the railway line.

a) Car parking

- 6.57 The proposed development would include the demolition of 26 garages and the provision of 19 parking spaces which is the equivalent of 0.7 spaces per unit. In addition to this, 13 existing spaces, which currently occurs informally on footways and on the roadside, would be formalised. This would result in 32 parking spaces in total across the estate. The applicant has provided a Transport Statement which justifies the level of parking relative to existing parking demand on the local highway network.
- 6.58 A parking survey was undertaken and outlines that overall, the parking levels stand at approximately 70% utilisation. Therefore, taking into consideration that a number of the existing garages were rented to individuals outside the estate, the existing availability of on-street parking and the proposed provision of off-street car parking across the development, the proposed parking is considered to be acceptable. Officers have considered the objections relating to the loss of the garages as means of parking and amenity, but are satisfied that there is adequate alternative parking options throughout the estate. In light of this, the proposed development is not considered to result in a detrimental impact upon the local highway network.

b) Access

- 6.59 With regards to access, an objector raised concerns relating to the future existence of the existing pathway throughout the site and questioned whether a road that currently allows access to their front door would be affected. The proposed development would not result in significant changes to existing vehicle movement routes through the site. It would also not remove existing areas of pathway leading to existing blocks. Areas of street would be replaced with shared street where pedestrian movement would be a priority over vehicle movement.

There would also be an additional pedestrian route running in front of the mews houses and connecting to the existing footpath along the railway line. This street would include hydraulic bollards which would restrict vehicular access to emergency/maintenance vehicles and deter informal parking.

- 6.60 It is felt that the addition of the shared street and the new pedestrian route at the north of the site would rationalise and improve pedestrian access through the site. In light of this, it is felt that the proposed changes would enhance the safety and suitability of pedestrian and vehicle movement across the site and improve its pedestrian connection with surrounding routes.

c) Refuse

- 6.61 With regards to refuse, the applicant has proposed a refuse strategy. Each of the proposed houses would have individual bin stores located within their front gardens. Blocks A and B would have a communal refuse store each, located at ground floor level. Further to this, the strategy outlines 4 refuse pick up points throughout the site and indicates refuse truck routes and parts of the site where on foot bin collection would be necessary. The on foot bin collection distances would range from approximately 13m to 60m.
- 6.62 The Council would usually restrict on foot bin collection distances to a distance of 10m. Nevertheless, at pre-application stage, the applicant had discussions with the Council's refuse team where it was agreed that the increased on foot collection distances was preferred over more centrally located communal bin stores. The application submission however, does not consider the impact of the proposed development upon the existing refuse arrangements for existing residents. An objection received from a neighbouring occupier raising concerns relating to refuse/recycling which suggested that the existing bins throughout the site are already overflowing. From visiting the site and considering the proposed landscape strategy, at least one of the existing communal bin stores would be affected by the proposal. However, it is considered that this can be addressed via condition. A Waste Management Strategy would be required by condition to ensure that the proposed refuse strategy mitigates the impact of the proposed development upon existing refuse arrangements.

d) Cycle parking

- 6.63 Policy 6.9 'Cycling' of the London Plan states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3. Table 6.3 outlines that all new dwellings greater than 45sqm in floor area should provide 2 cycle parking spaces each. It is also a requirement of the policy to provide 1 short-stay cycle parking space per 40 new units. In light of this, the proposed 27 residential unit scheme would be expected to provide 54 long-stay cycle parking spaces and a further short-stay cycle parking space.
- 6.64 The London Plan states that where it is not possible to provide adequate cycle parking within the residential dwellings, boroughs are encouraged to engage with developers to ensure that alternatives solutions that meet the objective of Policy 6.9 is met. Alternative solutions to internal cycle parking should therefore provide spaces that are useable in that they are conveniently located, secure and protected from the elements.

- 6.65 A total of 40 secure and dry cycle spaces would be provided.
- 6.66 Each of the proposed 3 bedroom houses would include two cycle parking spaces within the front gardens. The location and number of parking spaces for the proposed houses is considered to be acceptable. However, further detail would be required by condition to ensure that they provide secure and dry cycle storage.
- 6.67 It is shown on the plans that there would be internal cycle parking within Blocks A and B. The plans show the storage of 6 cycles per block, nevertheless, the applicant has confirmed that the proposed storage would provide storage for 7 bikes. In light of this, each block would provide 7 spaces; a total of 14 policy compliant spaces for the occupiers of both blocks. The landscape strategy illustrates the provision of additional visitor cycle parking in the form of Sheffield Cycle racks.
- 6.68 The proposed cycle parking does not meet the requirements of the London Plan, a further 14 spaces would be required to serve the occupiers of Blocks A and B. It is however felt that there is ample external open space available to provide further policy compliant long-stay cycle parking. For this reason, it is recommended that a condition is added to ensure that the applicant seeks to maximise the delivery of cycle parking across the site in accordance with policy.

#### e) Construction

- 6.69 The Transport Statement provided outlines that it is envisaged that the site would be developed in one phase due to the size of the scheme. It states that a Construction and Management Plan would be undertaken prior to commencement to reduce the impact of the construction stage. This would be required to ensure pedestrian safety and the maintenance of onsite parking throughout the construction phase; a condition is proposed to control the construction.
- 6.70 In light of the above, subject to details required by condition, the proposed development is considered to be acceptable in highways terms.

#### Noise

- 6.71 Policy 7.15 'Reducing noise and enhancing soundscapes' of the London Plan states that development proposals should seek to reduce noise by separating new noise sensitive development from major noise sources wherever practicable through the use of distance, screening, or internal layout in preference to sole reliance on sound insulation. Development Management Policy 26 'Noise and vibration' seeks to ensure that external noise levels can be satisfactorily controlled and managed by the noise sensitive development.
- 6.72 The application site is located in close proximity to the railway line. Blocks A and B and House Type 1 are located on the side of the estate closest to the railway line. The Environmental Noise report provided considers the proposed development in relation to the noise of the railway line. The report outlines that the bedrooms facing the railway would experience peak noise levels during the night from train pass-bys. It also suggests that in order to control these levels, a high standard of acoustic double glazing is required. The applicant has confirmed that this has been designed in.

- 6.73 It is also recognised that increased noise levels may be experienced by users of the proposed external amenity spaces, nevertheless, it is recognised that guideline noise values are not achievable in all circumstances, especially where urban areas adjoin strategic transport systems. The additional provision of communal amenity space throughout the estate ensures that residents have access to amenity space away from the railway line.
- 6.74 The report concluded that subject to mitigation measures, noise from the adjacent railway line would not cause significant harm to adverse impacts on health and quality of life of future residents. Environmental Health consider this to be acceptable and it is proposed that a condition is added to ensure appropriate noise levels within the proposed units.

#### Impact on Adjoining Properties

- 6.75 Core Strategy Policy 15 'High quality design for Lewisham' seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed developments to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers. Development Management Policy 33 'Development of infill sites, backland sites, back gardens and amenity areas' therefore seeks to ensure that infill development would result in no significant overshadowing or overlooking, and no loss of security or amenity. Further to this, Development Management Policy 31 'Alterations and extensions to existing buildings including residential extensions' states that residential extensions should result in no significant loss of sunlight and daylight to adjoining properties.
- 6.76 Objections relating to the impact of the proposed development upon the amenities of neighbouring occupiers have been received. These include concerns regarding daylight and sunlight, increased noise and disturbance and their enjoyment of existing green communal areas.
- 6.77 A Daylight and Sunlight report was provided, it confirmed that the majority of the windows of surrounding existing property would be unaffected by the proposed development. The report outlines that there are instances where the VSC levels would be reduced. Two windows in the block No's 57-85 would be noticeably affected, one of which would be materially affected but it would retain a VSC of 17.51% which is considered fairly typical for an urban environment of this kind. The other affected windows are located beneath balconies which, according to the BRE guidelines, typically receive less daylight. As a result of this, even a modest obstruction opposite may result in a larger relative impact.
- 6.78 Neighbouring occupiers at No. 149 Longfield Crescent raised concerns relating to the Daylight and Sunlight report as it refers to some properties throughout the estate but not others. Officers requested further justification regarding this from the applicant. The applicant outlined that it was the flats that directly face the proposed buildings within a 25 degree section line from the lowest window. The applicant therefore confirmed that the window of No.149 would not be noticeably affected by the proposed development.
- 6.79 For the reasons outlined above, the level of impact upon surrounding neighbouring properties with regards to daylight and sunlight is considered to be acceptable. Due to the siting of the proposed buildings, the proposal would also

not be expected to give rise to a significant increase in the amount of overshadowing and level of privacy experienced by neighbouring properties.

- 6.80 Objectors also raised concerns relating to the attraction of nuisance neighbours and increased noise levels as a result of children's playspaces being too close to residential property. Officers acknowledge that the proposal seeks to introduce new areas of playable landscape on external communal amenity space. This application also proposes improvements to the existing skatepark.
- 6.81 Whilst children's play areas throughout the site would be expected to generate some noise, it is not unreasonable to include the provision of play space within a development, especially where family housing is proposed. The resultant noise is therefore not considered to be unacceptable.
- 6.82 In light of the above, officers are satisfied that the proposed development is acceptable with regards to impact on adjoining neighbours.

### Sustainability and Energy

- 6.83 Policy 5.3 'Sustainable Design and Construction' of the London Plan states that the highest standards of sustainable design should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. In light of this, all proposed developments should demonstrate that sustainable design standards are integral to the proposal. Core Strategy Policy 7 'Climate change and adapting to the effects' requires the Council to apply London Plan policies relevant to climate change.
- 6.84 Further to this, Policy 5.2 'Minimising Carbon Dioxide emissions' of the London Plan outlines that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
1. Be lean: use less energy
  2. Be clean: supply energy efficiently
  3. Be green: use renewable energy
- 6.85 Core Strategy Policy 8 'Sustainable design and construction and energy efficiency' outlines the Council's commitment to prioritising the reduction of the environmental impact of all new development. It outlines the focus on minimising the overall carbon dioxide emissions of the development while improving sustainability aspects through sustainable design and construction, to meet the highest feasible environmental standards during design, construction and occupation. Core Strategy Policy 8 therefore requires all new residential development to achieve a minimum of Level 4 Code for Sustainable Homes.
- 6.86 The application submission includes an initial evaluation of the likely rating to be achieved under a formal Code for Sustainable Homes assessment. In order for residential development to meet Level 4, the development must achieve 60 percentage points or more. Based upon the assumptions that have been summarised in the pre-assessment report, Blocks A and B would be capable of achieving 68.7%, House Type 1 would be capable of achieving 69% and House Type 2 would be capable of achieving 70.8%. In light of this, officers are satisfied

that the proposed development is capable of achieving Level 4. In order to ensure that Level 4 is met, it is proposed to be secured by condition.

- 6.87 As outlined above, Policy 5.2 of the London Plan requires new residential buildings to achieve a 40% improvement on Part L 2013 building regulations. The proposed development would achieve a 25% improvement on 2010 building regulations as required by Code for Sustainable Homes Level 4, but only a 24.1% improvement on 2013 building regulations.
- 6.88 Whilst it is a policy requirement to achieve a 40% improvement, the Energy and Sustainability statement outlines the various measures that have been taken in order to minimise the carbon emissions of the development. Various renewable/low or zero carbon energy technologies were considered and compared prior to submission including CHP, Solar PVs, solar water heating, exhaust air source heat pumps, biomass heating and wind turbines.
- 6.89 Based upon the location, scale and feasibility of the proposed development, solar PVs, which would give rise to a 15.4% carbon dioxide saving, were considered to be the most appropriate low carbon technology. Officers are satisfied that a number of passive measures have been incorporated into the design of the buildings in order to increase their energy efficiency. This includes 100% energy efficient light fittings and well insulated and airtight fabric.
- 6.90 Therefore, in light of the above and taking into consideration the wider benefits of this 100% affordable housing scheme that includes public realm improvements for existing residents, the proposed energy saving contribution of this scheme is considered to be acceptable.
- 6.91 In accordance with Policy 5.13 'Sustainable drainage' of the London Plan, development should utilise sustainable urban drainage systems (SUDS) with the aim of achieving Greenfield run-off rates and ensuring that surface water run-off is managed as close to its source as possible.
- 6.92 The Flood Risk Assessment outlines a drainage strategy that illustrates the extent of the proposed green roofs. It also outlines areas of permeable paving. The proposed green roofs would make a positive contribution to SUDS by absorbing a proportion of surface water flow. There are also existing areas of green space across the site that would continue to absorb surface water flow. The Planning Statement provided outlines that the proposed surface water drainage scheme would discharge water into the existing sewer running along the railway line.
- 6.93 Given the low flood risk of the site, the proposed drainage strategy is considered to provide a robust and sustainable drainage regime to the proposed development. The proposed living roofs and areas of permeable paving would be incorporated within a condition to secure landscaping details.
- 6.94 Further to this, Policy 5.11 'Green roofs and development site environs' of the London Plan states that major development proposals should be designed to include roof, wall and site planting, especially green roofs. In addition to their role in supporting sustainable urban drainage systems, green roofs can improve the thermal performance of the building, reduce the urban heat island effect and enhance biodiversity.

- 6.95 In light of the above, whilst the proposed development is not capable of achieving a 40% improvement on 2013 building regulations, the wider benefits of the scheme are thought to outweigh this short falling by providing 27 affordable units and public realm improvements for the existing estate. The proposed scheme is however capable of meeting Level 4 and has effectively utilised energy saving measures within the feasibility of the development. The proposed drainage strategy is also considered appropriate to the proposed development. For these reasons, the proposed details are considered to be acceptable with regards to sustainability and energy subject to the recommended conditions.

#### Trees and Ecology

- 6.96 Policy 5.10 'Urban Greening' of the London Plan outlines the importance of urban greening such as new planting in the public realm, recognising its role in adapting to and reducing the effects of climate change. Core Strategy Policy 12 'Open space and environmental assets' sets out the value of green in the public realm stating that local biodiversity should be preserved and enhanced whilst trees should be protected or replaced where loss does occur. As a result of this, Development Management Policy 25 'Landscaping and trees' requires all applications for major development to submit a Landscape Scheme.
- 6.97 As existing, the application site comprises areas of green space (amenity grassland) and mature trees in addition to private and shared gardens. The shared garden space at the western edge of the site is dominated by dense scrub.
- 6.98 The applicant submitted an Ecology report which includes a bat survey report. The report sought to establish the ecological value of the site and identify any associated impacts. The report concluded that the scale and nature of the proposed development would not give rise to any negative impacts upon nature conservation across the site. The proposed development would also not have any adverse impact upon bats. It did however provide a series of recommendations to enhance the biodiversity value of the site. These include 100sqm of wildlife planting, 500sqm of biodiverse roofs, the provision of bird and bat boxes and sensitive external lighting. These commitments are welcomed by the Council's ecological regeneration team and would be required by condition.
- 6.99 In addition to the recognised surface drainage benefits of the proposed green roofs, they would also enhance the biodiversity across the site. Further details of the proposed green roofs would be required by condition to ensure that they are policy compliant and in line with the recommendations set out in the Ecology Report.
- 6.100 The applicant also provided an Arboricultural Impact Assessment. It outlined that the proposed development would involve the removal of 4 x category B trees, 4 x category C and 2 x category U trees. There are also 5 trees within the site that are categorised as category A (high quality) trees. The removal of the category B trees would be mitigated by replanting during the soft landscaping phase of development, whilst the removal of the category C and U trees is not considered to be detrimental. Officers are satisfied that the landscaping condition would ensure that the proposed development would not result in a loss of high quality trees (Category A trees) and that the loss of category B trees would be mitigated

through the proposed landscaping. A condition would also be imposed to ensure that the category A trees are adequately protected during the construction phase.

- 6.101 For the reasons outlined above, the details outlined in relation to trees, green roofs and biodiversity enhancement recommendations are considered to be acceptable and will be controlled by condition.
- 6.102 As outlined earlier in the report, the application submission includes a general landscaping strategy which is considered to be acceptable. Nevertheless, the acceptability of the proposed landscaping with regards to design, amenity and biodiversity is subject to the submission of a detailed Landscaping Scheme that would be required by condition.

#### Archaeology

- 6.103 Policy 5.21 'Contaminated Land' states that the Mayor supports the remediation of contaminated sites and outlines that appropriate measures should be taken to ensure that development of previously contaminated land does not activate or spread contamination. In response to this, DM Policy 28 'Contaminated land' seeks to ensure that contamination is properly addressed.
- 6.104 The proposed development seeks to demolish an existing garage site. The application submission has not however addressed land contamination. Whilst the garages are residential and have been used for storage purposes, details of land contamination risks and possible remediation of the garage part of the site will therefore be required by condition.

#### Land Contamination

- 6.105 Further to this, the NPPF states that there are parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are heritage assets.
- 6.106 The Archaeological Desk-Based Assessment states that the application site has a very low potential for archaeological remains. Officers have reviewed the report and agree that the proposal is acceptable with regards to archaeology.

#### 6.107 Other issues

- 6.108 Various objections received that have not been addressed above are dealt with below.
- 6.109 Issues regarding the possibility of being considered for one of the proposed properties and impact on value are not planning matters. Issues relating to wiring are private matters dealt with through the Party Wall Act.

### **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 Community Infrastructure Levy**

8.1 On 1<sup>st</sup> of April 2015 the Council introduced its Local CIL to be implemented along with the existing Mayoral CIL. The charge will replace a number of financial contributions currently required through Section 106 Agreements.

8.2 CIL is chargeable on the net additional floorspace (gross internal area) of all new development. However under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended) affordable housing is exempt from CIL. It should be noted that the applicant is required to apply for the exemption however.

8.3 Under the CIL charging schedule, the amount of CIL payable for the SE26 postcode is £70/m<sup>2</sup> of new development. The Mayoral CIL is charged at £35/m<sup>2</sup> of new development. It is the Local Planning Authority's responsibility to collect CIL payments from new development.

8.4 The CIL liable floorspace has been calculated to be 2325.5sq m. Nevertheless, due to the 100% affordable nature of the scheme, the applicant is eligible to apply for relief.

## **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. It is considered that the proposals would make a valuable contribution to the delivery of affordable housing in the borough. The design of the proposed development is considered to be high quality, replacing low quality garages and overgrown and unused gardens. The proposal is also considered to make positive enhancements to landscaping and public realm within the site, also resulting in an improvement for the quality of life for existing residents. The proposed development is therefore considered to visually enhance the estate whilst increasing the usability of existing communal open spaces.

9.2 The proposed development would provide a high standard of residential accommodation which would be expected to meet the changing needs of future occupiers. It is not expected to give rise to any significant impacts with regards to neighbouring amenity and highways and transport. Taking into account the affordable nature of the proposed development, the proposal is considered to have maximised opportunities to ensure sustainable and energy efficient construction.

9.3 In light of the above, the proposed development is considered to be acceptable and is 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:

14-021-PL-000; 14-021-PL-001; 14-021-PL-100; 14-021-PL-101; 14-021-PL-102; 14-021-PL-103; 14-021-PL-104; 14-021-PL-105; 14-021-PL-106; 14-021-PL-107; 14-021-PL-108; 14-021-PL-109; 14-021-PL-110; 14-021-PL-111; 14-021-PL-112; 14-021-PL-113; 14-021-PL-114; 14-021-PL-200; 14-021-PL-201; 14-021-PL-202; 14-021-PL-300; 14-021-PL-301; 14-021-PL-302; 14-021-PL-500; 14-021-PL-501; 14-021-PL-502; Design and Access Statement; Flood Risk Assessment; Environmental Noise Report; Transport Statement; Arboricultural Impact Assessment; Daylight and Sunlight Report; Planning Statement; Archaeological Desk-Based Assessment; Energy and Sustainability Statement (Includes Extended Ecological Phase 1 Habitat Survey Report)

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

- (3) 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), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

- (4) (a) No development (including demolition of existing buildings and structures) shall commence on the garage site (Area 1) 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 DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

- (5) No development shall commence on site until a detailed schedule and specification/samples of those materials as submitted namely, lbstock London Stock Multi facing brick, Grey PPC aluminium/timber composite windows and patio/terrace door, Marley Rivendale blue/black fibre cement tiles for the houses with the mansard roofs and any other external materials, finishes, windows, external doors, roof coverings and other site specific features (including the underside of the 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 buildings and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- (6) (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm<sub>ax</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.
- (b) Development shall not commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- (7) (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 (2015).

- (8) (a) Details for the onsite storage, disposal and collection of refuse and recycling facilities (including details of the refuse arrangements for the existing residential units within the application site) shall be submitted to and approved in writing by the local planning authority prior to the commencement of each phase of the development hereby approved.

(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 and collection and that the impacts of the development hereby approved have been adequately considered and mitigated in the interest of safeguarding the amenities of existing residents, neighbouring occupiers, future occupiers and the area in general, in compliance with Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (2014).

- (9) 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 and shall:

(a) maximise the provision of secure and dry cycle parking spaces for the occupiers of Blocks A and B, delivering a minimum of 7 secure and dry cycle parking spaces per block as indicated on drawing no. 14-021-PL-100 hereby approved

(b) provide 2 cycle parking spaces per 3 bedroom house as indicated on drawing no. 14-021-PL-100 hereby approved

(c) all cycle spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter

**Reason:** In order to seek to deliver cycle parking standards in line with the requirements of the London Plan (March 2015) and Core Strategy Policy 14 Sustainable movement and transport.

- (10) Prior to the commencement of works, a scheme for the landscape works shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include:

(a) the position and spread of all existing trees to be retained and/or removed;

(b) new tree and shrub planting including species, plant sizes, planting densities and not less than 100sq m of wildlife planting;

(c) means of planting, staking and tying of trees, including tree guards;

- (d) areas of hard landscape works including paving and details, including samples, of the proposed materials;
- (e) details of playspaces and recreation facilities, including the skatepark and playable landscapes
- (f) details of boundary treatment including any gates, fences or walls;
- (g) details of external lighting including measures to prevent light spillage;
- (h) details of the number and location of bird and bat boxes;
- (i) timescales for implementation; and
- (j) a management plan for future maintenance of landscaped areas

The landscape works shall be completed in accordance with the approved details including the timescales approved under para (i) of this condition. 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

**Reason:** To ensure a high quality landscaping scheme that enhances the visual amenity and biodiversity of the development and encourages permeability between the site and surrounding areas, provides an adequate amount of safe and secure playspace and recreational facilities and safeguards the amenities of existing and future occupiers to comply with Policies 5.12 Flood risk management, Policy 5.13 Sustainable Drainage and Policy 7.19 Biodiversity and access to nature conservation of the London Plan (2015), Policy 12 Open space and environmental assets and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character, DM Policy 25 Landscaping and trees, DM Policy 27 Lighting, and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (11) (a) Details of the location of the 4 electric vehicle charging points and 4 parking spaces with passive provision to be provided in accordance with the Transport Statement (p.6) hereby approved and a programme for their 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 points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved 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 (2015), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

- (12) Prior to the commencement of works floor plans (1:50) for each different type of unit layout proposed shall be annotated to show compliance with

the 16 Lifetime Homes criteria (in accordance with the 2010 (Revised) document) and submitted to and approved in writing by the local planning authority.

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- (13) The 2 wheelchair dwellings hereby approved shall be constructed to be easily adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) as shown on drawing no. 14-021-PL-101 hereby approved prior to their first occupation. For the avoidance of doubt a parking space should be provided for each wheelchair unit and where a communal access is to be the principle access for wheelchair users or relates to communal access to amenity space or facilities intended for the enjoyment of residents of the development the specification for the said communal access shall not be less than the specification for access for wheelchair units under the SELHP Wheelchair Homes Design Guidelines.

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- (14) The whole of the car parking accommodation as shown on drawing no. 615961/SK/04 Rev B hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

**Reason:** To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the buildings do 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), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (July 2015).

- (15) 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).

- (16) Not less than 500sq m of living roof shall be provided and shall be in accordance with recommendations set out in the Extended Ecological

Phase 1 Habitat Survey Report hereby approved. Details of the living roof shall be submitted to and approved in writing prior to the commencement of works and include:

(a) a fully detailed plan (to scale) showing and stating the area of the roof, including any contoured information depicting the extensive substrate build up and details of how the roof has been designed to accommodate any plant, management arrangements, and any proposed photovoltaic panels and fixings

(b) a scaled section through the actual roof showing the details of the extensive substrate base and living roof components

(c) details of the proposed plug planting and seed composition and planting methodology

(d) details of the proposed plug plant and seed composition

(e) a statement outlining a management strategy detailing how the living roof would be maintained and monitored for a period of at least 5 years post installation shall be provided.

(d) 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.

**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 (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

(17) (a) No development shall commence until full details of the proposed photovoltaic (PV) array at roof level have been submitted to and approved in writing by the local authority.

(b) The photovoltaics shall be installed in accordance with the approved details prior to occupation of the development and shall thereafter be permanently maintained in accordance with the approved specification.

**Reason:** To improve air quality in the interest of safeguarding the health of the local population and to protect the amenities of adjoining premises in accordance with Policy 7.14 Improving air quality of the London Plan (2015), Policy 7 Climate change and adapting to the effects and Policy 9 Improving local air quality of the Core Strategy (June 2011) and to comply with Development Management Local Plan (November 2014) DM Policy 23 Air quality.

- (18) The 27 affordable units shall be carried out in full accordance within the Design and Access Statement hereby approved to provide the following mix of dwellings:

Size	Habitable Rooms	No. of units
1 bed flat	2	6
2 bed flat	3	6
2 bed flat (wheelchair accessible)	3	2
3 bed house	4	13
	<b>Total</b>	<b>27</b>

**Reason:** To ensure the provision of affordable housing in order to meet the housing needs of the borough and to comply with Core Strategy Policy 1.

- (19) 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

**Reason:** To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

### **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 prior to the application being submitted through a pre-application discussion. Officers remained in close contact with the applicant throughout the application process, requesting clarification or further information where necessary.
- (2) Officers are aware that the proposed development requires works to sections of existing carriageway and the creation of new carriageway. The applicant should contact the Council's Highways team with regards to entering into the necessary agreements to carry out these works **prior** to the commencement of works.

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Committee	PLANNING COMMITTEE C	
Report Title	7 Beverley Court, SE4 1UN	
Ward	Brockley	
Contributors	Amanda Ghani	
Class	PART 1	09 April 2015

<u>Reg. Nos.</u>	DC/14/88236
<u>Application dated</u>	30.06.14
<u>Applicant</u>	Mr M Jones
<u>Proposal</u>	The installation of replacement PVCu double-glazed casement windows and french doors at ground floor level in the front, rear and side elevations of 7 Beverley Court, SE4.
<u>Applicant's Plan Nos.</u>	Proposed elevations, Existing elevations, Windows replacements 1-4 drawing, Window replacement 5 drawing, Window replacement 6-8 drawing, Site location plan, Heritage statement, Design and access statement and photographs
<u>Background Papers</u>	(1) Case File DE/89/40/TP (2) Development Management Local Plan (adopted November 2014) (3) Core Strategy (adopted June 2011) (4) The London Plan (March 2015)
<u>Designation</u>	Existing Use
<u>Screening</u>	N/A

## 1.0 Property/Site Description

- 1.1 The property is one of twenty-one, two storey houses, that comprise Beverley Court, which is a well mannered, neo-Georgian, post-war cul-de-sac development that has been built on a backland site at the rear of residential properties in Breakspears Road, Wickham Road and Cranfield Road. The land was in use as a nursery until the 1950's. The houses, which are finished in white painted render, are grouped in three terraces, enclosing a pleasant planted parking courtyard. While the majority of properties retain timber casement windows, there are a number of properties where windows have been replaced with uPVC windows of similar design.

- 1.2 The application property is a two storey end of terrace house, situated at the end of the first set of three terraces on the northern side of the cul-de-sac in Beverley Court mid terrace house, facing the parking courtyard.
- 1.3 To the rear of Nos. 1-7 are two blocks of garages. To the north is the railway embankment. Beverley Court is a private road with access from both Breakspears Road and Wickham Road. The main access is from Breakspears Road while the garages are accessed from Wickham Road.
- 1.4 The site is in the Brockley Conservation Area, which is subject to an Article 4 Direction. The property is not a listed building although Beverley Court is in close proximity to St. Peters Church in Wickham Road which is listed Grade II.

## **2.0 Planning History**

### Application Property

DC/00/46399 – Granted 01/11/00

The retention of a garden boundary wall at the side and rear of 7 Beverley Court, Breakspears Road, SE4.

DC/01/48487 – Granted 02/04/01

- 2.1 Certificate of Lawful Development in respect of the demolition of the existing conservatory and the construction of a single-storey extension at the rear together with the installation of a Velux window in the rear roof slope at 7 Beverley Court, Breakspears Road

### Other Relevant Planning History

- 2.2 November 2012 – Planning Committee C resolved to take no further action in respect of PVCu windows that had been installed in 5 and 6 Beverley Court without the benefit of planning permission. (See Appendix A)
- 2.3 DC/14/88102: The installation of replacement uPVC double glazed windows in all elevations of 13 Beverley Court, Breakspears Road, SE4. Granted and implemented.
- 2.4 There is a further application, which is also included in this agenda, in relation to the installation of replacement PVCu windows at the front, flank and rear elevations in addition to the replacement of french doors to the rear at 12 Beverley Court (DC/14/89224).

## **3.0 Current Planning Application**

### The Proposal

- 3.1 The current application is for the installation of replacement PVCu double-glazed windows and french doors in the ground floor front, rear and side elevations of 7 Beverley Court. The existing windows are timber-framed, single-glazed casement

types. The proposed windows would have the same opening arrangement and the same pattern of glazing.

3.2 The original windows are timber and single glazed.

#### **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 A site notice was displayed and letters were sent to neighbouring residents.

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

4.3 An objection were received on behalf of the Brockley Society. The concerns raised relates to the replacement of the timber windows with uPVC and that other properties in Beverley Court having been granted planning permission does not create a precedent.

#### **4.4 Amenity Society Panel**

4.5 Objects to the use of uPVC framed windows that would not preserve or enhance the character and appearance 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, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

#### **National Planning Policy Framework**

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

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents. The relevant guidance is:

Design

Conserving and enhancing the historic environment.

#### London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

#### Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London 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 2 Regeneration and Growth Areas

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

#### Development Management Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

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

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.9 The Character Appraisal for the Brockley Conservation Area describes the character of the conservation area and refers, amongst other things, to the impact of incremental changes, and that such changes such as uPVC windows and rooflights can cumulatively damage the character and appearance of the Conservation Area.

Brockley Conservation Area Supplementary Planning Document (2006)

- 5.10 This document advises on the content of planning applications, and gives advice on external alterations to properties. It sets out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that may be acceptable within Brockley Mews - mainly within Harefield Mews.

**6.0 Planning Considerations**

- 6.1 The relevant planning considerations are main issues to be considered are whether the proposal is of a high quality design, whether it preserves and enhances the character and appearance of the Brockley Conservation Area and whether the amenity of neighbouring properties is affected.

Design & Conservation

- 6.2 There is a statutory duty placed on the Council to conserve and enhance the significance of the Borough's heritage assets.
- 6.3 Core Strategy Policy 15 states that 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.
- 6.4 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.

- 6.5 DM Policy 31 states that the Council will expect alterations and extensions to be of a high, site specific, and sensitive design quality and respect and/or complement the form, setting, period, architectural characteristics and detailing of the original building. In addition, replacement windows should closely match the pattern of the original windows.
- 6.6 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 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.7 The most significant issue when assessing the acceptability of replacement windows and doors in a conservation area is the impact on the character and appearance of the property and on the wider conservation area. The existing original windows are timber, single-glazed, side and top-hung timber casement windows with small rectangular panes in a two by four pattern. The rear double doors to the garden have a similar design.
- 6.8 The proposed uPVC windows and doors are proposed to be installed within the existing openings and are very similar to the original windows in form, pattern, frame width and the external glazing bar detail. The proposed lounge window on the ground floor front elevation is made up of four windows of which the middle two have top lights.
- 6.9 The proposed dining room window on the ground floor side elevation is made up of four windows, the middle two have top fan lights. The proposed dining room french doors in the ground floor rear elevation measure 1.2m in width and just over 2m in height. Each door is flanked by a window panel of the same height and 0.48m in width.
- 6.10 Generally, in conservation areas such as Brockley, where Victorian houses predominate, timber is the required material for replacement sliding sash windows, in order to preserve the historic character of the area. PVCu replacement windows are uncharacteristic of period properties in the Brockley Conservation Area, as they tend to have thicker frames and a shiny appearance.
- 6.11 The Brockley Conservation Area Character Appraisal describes the character of the area and identifies a number of character areas. Beverley Court is within Area 1: Wickham, Breakspears, Tressillian and Tyrwhitt Roads. The appraisal describes various styles of period houses within this area, however no mention is made of Beverley Court. The character of the area is that of a large Victorian suburb. Houses tend to be large and set in wide tree-lined roads with extensive front and rear gardens, some with mews at the rear, adding to the area's spacious

and leafy appearance. Beverley Court is a post war development constructed on a backland site, behind the area's principal streets.

- 6.12 It is considered that because Beverley Court is in a more isolated location without a frontage to the historically significant streets of the conservation area, the visual impact on the character of the area as a whole is almost non-existent. It is the view of the Council's Conservation Officer that in terms of detailing the priorities for Beverley Court are to keep the general neo-Georgian appearance of the houses as a group and to maintain the coherence and consistency of Beverley Court as a development. The form of the windows (side hung casements and fanlights), the pattern of the glazing (eight small rectangular panes in a 2x4 pattern), the narrow frames and the external glazing bars are important details.
- 6.13 The proposed windows are similar to the originals in form, pattern, frame width and the external glazing bar detail.
- 6.14 In 2012 when possible enforcement action was considered when PVCu windows were installed at 5 and 6 Beverley Court, the Committee took the view that the harm of the UPVC windows in this location was not so significant as to warrant enforcement action. While that decision need not fetter future decisions, it is nevertheless a material consideration. Since that decision planning permission was granted under delegated powers in 2014 for the installation of replacement PVCu windows in all elevations at No. 13. In addition it was noted at the case officer's site visit that Numbers 14, 16 and 17 have installed uPVC windows in the front elevations, without planning permission. At No.14 all windows have been replaced; at No. 16 a ground floor window has been replaced and at No. 17 a first floor window has been replaced. All three properties have kept the glazing bar pattern of the original windows.
- 6.15 The Article 4 Direction came into effect in January 2006; part of the research underpinning the Conservation Area Character Appraisal involved a survey of alterations to the Victorian properties (not including Beverley Court) in the conservation area which demonstrated that the extent of unsympathetic alterations taking place was beginning to erode the character of the conservation area, hence justifying the removal of the householder permitted development rights to make alterations that are visible from a highway without planning permission. It is not considered that Beverley Court has the same characteristics of historic buildings that lead to the removal of householder permitted development rights.
- 6.16 The ground floor front window is visible from the private road within Beverley Court. The dining room window on the side elevation is mostly hidden from the road by a wall, with only the fanlights visible. The ground floor rear of the property is not visible from the public realm.
- 6.17 In this case, the UPVc windows and rear door are considered not to harm the heritage significance of the conservation area due to Beverley Court's isolated location, at the rear of the historically significant streets and the modest contribution it makes to the character of the area. The proposed replacement windows are not considered inappropriate due to the proportions and glazing patterns which reflect those of the original windows. In terms of the character of Beverley Court itself the use of alternative window materials (such as PVCu) is not considered inappropriate.

6.18 It is not considered there would be any adverse impact on the setting of the nearby Listed St Peter's Church.

6.19 Officers consider the proposal in this instance to be acceptable in terms of its design and visual impact. As such the proposal is considered to be consistent with DM Policies 30 and 36.

#### Impact on Adjoining Properties

6.20 There would be no material impact on the amenities of neighbouring properties from the windows with regard to overlooking or loss of privacy.

#### Equalities Considerations

6.21 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.22 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
- (c) Foster good relations between people who share a protected characteristic and persons who do not share it.

6.23 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

6.24 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

6.25 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty

2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

6.26 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

6.27 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.

### Conclusion

7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) The London Plan (2011) and the National Planning Policy Framework (2012).

8.0 In summary it is considered that, despite the installation of uPVC windows raising concerns in a Conservation Area, it is recommended that in this case the proposed development be accepted given the precedent set and the property's location within the Brockley Conservation Area.

**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:  
1A/L.P. /12B.C.B.R./06.13 Rev. 2, Casement Window Details & Cross-Section A-A, Casement Window Cross-Sections B-B & C-C, Windows & Rear Door Design, Heritage Statement, Windows & Doors Photographs, Photographs of Severn Door & Anthracite Grey Colour

Reason

- (1) 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 discussions took place which resulted in further information being submitted.

# 7 Beverley Court



Scale:1250  
Base on the  
Ordnance Survey map  
Licence no:100017710  
London, SE6 4RU

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Committee	PLANNING COMMITTEE C	
Report Title	5 & 6 BEVERLEY COURT, BREAKSPEARS ROAD, SE4 1UN REQUEST NOT TO PURSUE ENFORCEMENT ACTION	
Ward	Brockley	
Contributors	Gemma Barnes and Phil Ashford	
Class	PART 1	08 November 2012

### Background Papers

Adopted Unitary Development Plan (July 2004)  
Local Development Framework (June 2011)  
The London Plan (July 2011)  
Circular 10/97: Enforcing Planning Control:  
legislative provisions and procedural  
requirements (2006)  
National Planning Policy Framework (March  
2012) Paragraph 207: Enforcement

### Designation

Adopted UDP - Existing Use  
Brockley Conservation Area  
Brockley Article 4 Direction  
PTAL 3/4

## **1.0 Introduction**

- 1.1 This report deals with a breach of planning control at Nos. 5 and 6 Beverley Court, in relation to the unauthorised replacement of windows at both of the properties and whether it is expedient for the Council to instigate formal enforcement action.

## **2.0 Property/Site Description**

- 2.1 Beverley Court is a post war development built on previously undeveloped land used as a nursery until the 1950's. It consists of three terraces of small two storey houses finished in white painted render, enclosing a pleasant planted parking courtyard. It is located behind the area's principal streets and alongside the railway line.
- 2.2 The original windows are a mixture of timber framed side hung casement windows, and fixed casements with top lights pivoting outwards, subdivided by glazing bars into small panes.
- 2.3 Nos. 5 and 6 are located within the first terrace of properties running north to south close to the entrance into Beverley Court although the terrace is not visible from Breakspears Road. The terrace backs onto a row of garages which are accessed via Wickham Road.
- 2.4 Although Beverley Court is a private road and there is a lockable gate at the Wickham Road frontage which restricts vehicular access to residents only it is possible for pedestrians to gain access at this point. A locked gate prevents pedestrians using Beverley Court as a through-route but residents can use the gate to the side of No.7 to gain access to the garages and Wickham Road. There is a sign stating that Beverley Court is a private road on the Breakspears Road frontage but no gate to prevent vehicular or pedestrian access at this point. Consequently as the ability exists for the public to enter Beverley Court from Breakspears Road the

development falls within the definition of a public highway and is therefore covered by the Brockley Article 4 Direction.

### **3.0 Relevant Planning History**

3.1 **DC/10/74744:** The construction of a single storey conservatory to the rear of 5 Beverley Court, Breakspears Road SE4. Granted. The officers report for this application refers to the Article 4 Direction being in place.

3.2 **DC/08/65899:** The installation of timber double glazed replacement windows in the elevations of 1 Beverley Court, Breakspears Road SE4. Granted.

### **4.0 Policy Context**

#### National Planning Policy Framework (March 2012)

4.1 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 and 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. 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.

4.2 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.

4.3 With regard to enforcement Paragraph 207 of the NPPF states:-

*"Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning decisions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so."*

4.4 In addition, Circular 10/97: Enforcing Planning Control: legislative provisions and procedural requirements (2006) is relevant.

#### London Plan (July 2011)

4.5 The London Plan was published in July 2011. Together with the Core Strategy and saved policies in the adopted Lewisham UDP (July 2004), the London Plan

comprises the development plan for Lewisham. The policies that are relevant to this applications are:

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

#### 4.6 Adopted UDP (July 2004)

URB 3 Urban Design

URB 6 Extensions and Alterations

HSG 4 Residential Amenity

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

#### 4.7 Core Strategy

The Core Strategy was adopted on 29<sup>th</sup> June 2011.

The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Objective 1: Physical and socio-economic benefits

Objective 10: Protect and enhance Lewisham's character

Spatial Policy 1: Lewisham Spatial Policy

Spatial Policy 5: Areas of Stability and Managed Change

Policy 15: High quality design for Lewisham

Policy 16: Conservation areas, heritage assets and the historic environment

Residential Standards Supplementary Planning Document (2006).

Brockley Conservation Area Character Appraisal (2005).

Brockley Conservation Area Supplementary Planning Document (2005).

### **5.0 Consideration of Enforcement Action**

- 5.1 The main issue for consideration is whether it is appropriate and expedient for the Council to serve an Enforcement Notice, under the Town and Country Planning Act 1990 (as amended) on those who have a legal interest in the land which is the subject of this report.

#### Breach

- 5.2 A complaint was received in March 2011 alleging replacement UPVc windows had been installed at No.5 Beverley Court.
- 5.3 The Council undertook a site inspection where it was established that all of the original windows within the front and rear elevations and the front door had been replaced at No. 5 Beverley Court and the ground floor windows in the front and rear elevations had been replaced at No.6. The replacements were UPVc.

- 5.4 The Council wrote to the Occupiers of the Nos. 5 and 6 inviting a retrospective planning application for retention of the windows but advising that due the properties being sited within a Conservation Area an application for retention of UPVc windows would be unlikely to be approved (letter sent November 2011).
- 5.5 Upon receipt of the Council's letter the Occupier of No.5 contacted the Council to advise that she had previously sought advice from the Councils Conservation Team as to whether planning permission would be required for replacement of the windows. The reason clarification was sought was because the windows would only be visible from a private road so it was unclear whether the Article 4 Direction would apply.
- 5.6 A Conservation Officer responded to this query (February 2011) advising that planning permission would not be required on the grounds of the Article 4 Direction not covering private roads. The occupier of the property relied on this advice and proceeded to replace fenestration in the front and rear elevations of the property.
- 5.7 The occupier of No.6 also sought advice from the Councils Conservation Team as to whether planning permission would be required for replacement windows and front door on the grounds that she had seen the advice given to No.5. Again confirmation from the same officer was provided that planning permission would not be required.
- 5.8 Upon further investigation it became clear that the advice given by the Conservation Officer to both of the above enquires was incorrect. A further letter was sent to both Nos. 5 and 6 Beverley Court (March 2012) stating that incorrect advice had previously been given in respect of whether Beverley Court as a private Road is covered by the Article 4 Direction. The letter clarified the position as follows:  
*"Private roads are not excluded from the definition of a highway in planning legislation. A footpath or road is considered to be a highway even if not publically maintained, where members of the public are able to pass and re-pass (ie: able to access the footpath or road). Beverley Court although not publically maintained, is accessible to members of the public on foot and by car and therefore does fall within the definition of a highway for the purposes of planning. As such Beverley Court is covered by the Article 4 Direction"*.
- 5.9 The letter confirmed that the previous advice given by the Conservation Officer was incorrect and that informal advice does not constitute a Lawful Development Certificate and would not override the need for a planning application to be submitted. A further request was made for an application to be submitted to enable a full assessment of the impact of the development to be undertaken but it was reiterated that the Council do not normally grant planning permission for UPVc windows in conservation areas.
- 5.10 In April 2012 the Council wrote to occupiers of all of the properties in Beverley Court to confirm that the properties are covered by the Brockley Article 4 Direction.
- 5.11 Between April and June 2012 the Council engaged in various correspondence with the Occupiers of Nos. 5 and 6 in respect of this matter including correspondence submitted via a legal representative and Joan Ruddock MP.

- 5.12 Although retrospective applications were not submitted the Council's Conservation Team undertook further analysis of the impact of the unauthorised windows in order to establish what action, if any, should be taken to remedy the breach of planning control. As a result of this assessment it was concluded that the harm of the UPVc windows in this location is not that significant to justify enforcement action. The occupiers of Nos. 5 and 6 were notified by way of a response to a corporate complaint on 21 June 2012, that it was the view of officers that further enforcement action would not be taken and that a report would be presented to the Planning Committee for their consideration and agreement.
- 5.13 To date no retrospective application has been submitted to regularise the breach of planning control at Nos. 5 or 6 Beverley Court.
- 5.14 Whilst a breach of planning control has taken place for the reasons set out in this report it is the officers recommendation that no further action be taken. It is important to note that the properties are covered by an Article 4 Direction and the Council is not necessarily estopped from taking enforcement action where informal advice has been given by an officer if the level of harm caused by the breach of planning control warrants enforcement action being taken.

## **6.0 Planning Considerations**

- 6.1 The main planning considerations are :
- Visual impact of operational development including the impact on the Brockley Conservation Area;
  - Impact on neighbouring amenity.

### Visual impact

- 6.2 National and local planning policies place considerable emphasis on the importance of achieving high quality design that complements existing development, established townscape and character. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. New development must conserve the significance of heritage assets and their setting. When critiquing design, local planning authorities must take a proportionate approach to the type of development proposed and its context.
- 6.3 An important consideration when determining the acceptability of replacement windows in a conservation area is the visual impact on the property and how this will affect the character and appearance of the conservation area.
- 6.4 The character of the conservation area is set out in the Brockley Conservation Area Character Appraisal, and guidance on development is provided in the associated Supplementary Planning Document, both adopted in December 2005.
- 6.5 In summary the appraisal explains that the conservation area was built up by a number of speculative developers between the 1830's and early 1900s, with the majority of the area constructed in the 1870s and 1880s. The houses were built in a variety of architectural styles popular in the mid to late Victorian period and display good quality Italianate stucco and Gothic terracotta detailing.

- 6.6 The character of the area is that of a large Victorian suburb for the middle classes. Houses tend to be large and set in wide tree-lined roads with extensive front and rear gardens, some with mews to the rear, adding to the area's spacious and leafy appearance. Houses were constructed in a variety of forms, notably in short terraces, in semi-detached pairs and to a lesser extent free standing villas.
- 6.7 In contrast Beverley Court is a post war development built on previously undeveloped land used as a nursery until the 1950's. It consists of three terraces of small two storey houses finished in white painted render, enclosing a pleasant planted parking courtyard. It is located behind the area's principal streets and alongside the railway line.
- 6.8 While it continues the principle of suburban development it is quite distinct in scale, layout and design from the principal character of the conservation area and the properties are not visible from the streets which generate the area's character. Although of pleasant character its contribution to the heritage significance of the conservation area is considered to be a modest one.
- 6.9 The Article 4 Direction came into effect in January 2006 and followed on from the work on the conservation area appraisal. Part of the research underpinning the appraisal involved a survey of alterations to the Victorian properties (not including Beverley Court) in the conservation area which demonstrated that the extent of unsympathetic alterations taking place was beginning to erode the character of the conservation area, hence justifying the removal of the householders permitted development rights to make alterations visible from a highway without planning permission.
- 6.10 The associated SPD states at page 4 under windows "*Upvc will not be permitted .....[because] ....very much at odds with the character of historic buildings*", a category Beverley Court does not fall into.
- 6.11 In conclusion the UPVc windows installed are not considered to harm the heritage significance of the conservation area, because of both Beverley Court's isolated location away from the historically significant streets of the conservation area and the modest contribution that it makes to character. In terms of the character of Beverley Court itself the use of alternative window materials are not considered inappropriate subject to the proportions and glazing patterns reflecting those of the original windows, which in the case of Nos. 5 and 6 they do.
- 6.12 Taking account of the above it is considered that if a planning application were to be submitted for retention of the UPVc windows it is likely to be approved.
- 6.13 It is important to note that the Article 4 Direction is considered to be important for Beverley Court as the properties do make a modest contribution to the special interest of the Brockley Conservation Area. This small infill development has its own merits which should be afforded protection through the Article 4 Direction. In respect of windows, due to the lack of visibility it is considered that the change of materials for the windows would not be harmful to the character and appearance of Beverley Court nor the wider Conservation Area but this is in the context of maintaining coherence and consistency in the form and detailing of Beverley Court, which is its greatest strength.

- 6.14 When granting planning permission for windows the Council would wish to retain a degree of control that would ensure that any new windows retain the original glazing pattern and a consistent opening pattern. The same applies for changes of doors, roof covering, type and height of front boundaries, the insertion of rooflights, addition of dormers and changes to the exterior finish (the facades of Beverley Court are traditionally painted). Consequently the Article 4 Direction remains relevant, justified and of value for maintaining Beverley Court's own integrity. The decision to take no further action in this instance would not prejudice future control over alterations to dwellings in Beverley Court. Neither would it prejudice the determination for applications for UPVc windows if the detailed form and design of the window was not deemed to be acceptable.

#### Impact on neighbours

- 6.15 Policy HSG 4 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. It is not considered that the proposal would adversely affect neighbouring amenity in this respect.
- 6.16 However, officers are aware that the Article 4 Direction has prevented other residents in Beverley Court from inserting replacement UPVc windows, some occupiers have chosen to replace their windows with timber whilst others have installed secondary glazing. Such measures may have resulted in additional expense for those occupiers which is regrettable. However, this in itself is not sufficient reason to pursue enforcement action in this instance, when a thorough and recent assessment of the impact of UPVc windows in this location has revealed that, in principle UPVc windows would be acceptable provided they are of suitable design. Planning records show that no applications have been submitted for UPVc windows in Beverley Court and therefore until this time no formal determination of the appropriateness of UPVc windows in this location has been issued.

#### Summary

- 6.17 Overall for the reasons stated the windows in situ at Nos. 5 and 6 Beverley Court are not considered to result in harm to the character and appearance of the host buildings or the Brockley Conservation Area. Consequently it is not expedient to take any further action.

### **7.0 Legal Implications**

- 7.1 Government Policy advice to local planning authorities on the use of their enforcement powers is set out in The National Planning Policy Framework (March 2012). Local planning authorities have been given primary responsibility for taking whatever enforcement action may be necessary in the public interest.
- 7.2 The Local Government Ombudsman can make a finding of "maladministration" if a Council fails to take enforcement action when it is plainly necessary to do so.
- 7.3 For the planning system to be robust and to fully achieve its objectives, local planning authorities should take a proportionate approach to enforcement. Where

developers or individuals have proceeded without due regard to the planning process, resulting in unacceptable impacts on the local community, local planning authorities should take appropriate action.

- 7.4 Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.
- 7.5 For the reasons stated it is not considered appropriate or necessary in this case to take further enforcement action.

## **8.0 Human Rights Implications**

- 8.1 Implications in relation to the Human Rights Act 1998 (HRA) have been identified in regards to the alleged breach. Action will therefore be relevant to the occupiers' Article 8 rights and potentially their Article 1 rights under the first protocol of the HRA, as set out below:

### Schedule 1, Part I - The Convention

#### Article 8 Right to Respect for Private and Family Life

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

### Schedule 1, Part II - The First Protocol

#### Article 1 Protection of Property

- 8.2 Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.
- 8.3 In relation to Article 8 in particular consideration has been given to the personal circumstances of the occupiers of the residential premises as well as occupiers of neighbouring dwellings. Clearly the decision to take no further action will not impact upon the human rights of the occupiers of Nos. 5 and 6 Beverley Court.

8.4 Despite the fact that other residents in Beverley Court have taken an alternative approach to window replacements because of the Article 4 Direction this is itself is not a reason to pursue enforcement action where there is insufficient harm being caused. The decision to take no further action in this instance will not impact upon the human rights of other residents in Beverley Court.

## **9.0 Equalities Implications**

9.1 The Council has considered the public sector equality duty under section 149 of the Equalities Act 2010 and in the exercise of its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited under this Act and to foster good relations between persons who share a relevant protected characteristic and those who do not share it. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation.

9.2 As with the case with the original separate duties, the new duty continues to be a “have regard duty” and the weight to attach to it is a matter for the committee bearing in mind relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity, advance equality of opportunity or foster good relations.

9.3 It is considered that in this matter there is no known impact on equality by recommending that no further action be taken.

## **10.0 Conclusion**

10.1 The breach of planning control at Nos. 5 and 6 Beverley Court does not result in harm to the character and appearance of the host building or the conservation area. Furthermore the windows do not cause harm to neighbouring amenity and it is not therefore in the public interest to pursue further enforcement action.

## **11.0 RECOMMENDATION**

11.1 AUTHORISE THE HEAD OF LAW to take no further action in respect of the unauthorised windows and doors at Nos. 5 and 6 Beverley Court.

## **MINUTES**

5 & 6 BEVERLEY COURT, BREAKSPEARS ROAD, SE4

The planning officer outlined the details of the breach of planning control regarding the unauthorised replacement of the windows and doors and recommended that no formal enforcement action be taken.

After deliberation, Councillor Bell moved a motion to accept the officer's recommendation not to take formal enforcement action, which was seconded by Councillor Gibson

Members voted as follows:

FOR: Councillors Bell (Chair), Paschoud, Fitzsimmons, Gibson and Hall.

RESOLVED: That the Head of Law take no further action in respect of the unauthorised windows and doors at Nos. 5 and 6 Beverley Court.

Committee	PLANNING COMMITTEE	
Report Title	12 BEVERLEY COURT, LONDON, SE4 1UN	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	09 APRIL 2015

<u>Reg. Nos.</u>	DC/14/89224
<u>Application dated</u>	19.09.2014
<u>Applicant</u>	Mrs L Johnstone
<u>Proposal</u>	The installation of replacement, double glazed, uPVC casement windows to the front and rear elevations together with the installation of a replacement timber front entrance door and replacement, double glazed, uPVC french doors and associated top side window to the rear at 12 Beverley Court, Breakspears Road, SE4.
<u>Applicant's Plan Nos.</u>	1A/L.P. /12B.C.B.R./06.13 Rev. 2, Casement Window Details & Cross-Section A-A, Casement Window Cross-Sections B-B & C-C, Windows & Rear Door Design, Heritage Statement, Windows & Doors Photographs, Photographs of Severn Door & Anthracite Grey Colour
<u>Background Papers</u>	(1) Case File DE/419/40/TP (2) Adopted Core Strategy (2011) (3) Development Management Plan (2014) (4) The London Plan
<u>Designation</u>	Existing Use
<u>Screening</u>	N/A

## **1.0 Property/Site Description**

- 1.1 The property is one of twenty-one, two storey houses, that comprise Beverley Court, which is a well mannered, neo-Georgian, post-war cul-de-sac development that has been built on a backland site at the rear of residential properties in Breakspears Road, Wickham Road and Cranfield Road. The land was in use as a nursery until the 1950's. The houses, which are finished in white painted render, are grouped in three terraces, enclosing a pleasant planted parking courtyard. While the majority of properties retain timber casement windows, there are a number of properties where windows have been replaced with uPVC windows of similar design.
- 1.2 The application property is a two storey mid terrace house, facing the parking courtyard.

- 1.3 To the rear of Nos. 1-7 are two blocks of garages. To the north is the railway embankment. Beverley Court is a private road with access from both Breakspears Road and Wickham Road. The main access is from Breakspears Road while the garages are accessed from Wickham Road.
- 1.4 The site is in the Brockley Conservation Area, which is subject to an Article 4 Direction. The property is not a listed building although Beverley Court is in close proximity to St. Peters Church in Wickham Road which is listed Grade II.

## **2.0 Planning History**

### The Application Property

- 2.1 DC/13/84187: Lawful Development Certificate (Proposed) in respect of the construction of a single storey extension to the rear of 12 Beverley Court, SE4 together with the installation of 2 roof lights to the rear roof slope in connection with the conversion of the loft. Granted and implemented.

### Other Relevant Planning History

- 2.2 November 2012 – Planning Committee C resolved to take no further action in respect of PVCu windows that had been installed in 5 and 6 Beverley Court without the benefit of planning permission. (See Appendix A)
- 2.3 DC/14/88102: The installation of replacement uPVC double glazed windows in all elevations of 13 Beverley Court, Breakspears Road, SE4. Granted and implemented.
- 2.4 There is an application, which is also included in this agenda, in relation to the installation of replacement PVCu windows at the front, flank and rear elevations in addition to the replacement of french doors to the rear at 7 Beverley Court (DC/14/88236).

## **3.0 Current Planning Application**

### The Proposal

- 3.1 The current application is for the installation of replacement uPVC double-glazed windows at the front and rear elevations in addition to the replacement of the timber front door, french doors and associated top side window to the rear at 12 Beverley Court, Breakspears Road, SE4.
- 3.2 The original windows are timber and single glazed.

## **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 A site notice was displayed and letters were sent to three residents in the surrounding area.

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

- 4.3 An objection were received on behalf of the Brockley Society. The concerns raised relates to the replacement of the timber windows with uPVC and that other properties in Beverley Court having been granted planning permission does not create a precedent.

#### 4.4 Amenity Society Panel

- 4.5 Objects to the use of uPVC framed windows that would not preserve or enhance the character and appearance 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, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

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

closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 5.4 Officers have reviewed the Core Strategy 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

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents. The relevant guidance is:

Design

Conservation and

#### London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

#### Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together the Development Management Local Plan and the London 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 2 Regeneration and Growth Areas

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

#### Development Management Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

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

Brockley Conservation Area Supplementary Planning Document (December 2005)

- 5.9 This document advises on the content of planning applications, and gives advice on external alterations to properties. It sets out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that may be acceptable within Brockley Mews - mainly within Harefield Mews.

**6.0 Planning Considerations**

- 6.1 The relevant planning considerations are main issues to be considered are whether the proposal is of a high quality design, whether it preserves and enhances the character and appearance of the Brockley Conservation Area and whether the amenity of neighbouring properties is affected.
- 6.2 other relevant planning consideration is the Planning Committee's decision not to take enforcement action against the unauthorised installation of uPVC windows at numbers 5 and 6 Beverley Court.

Design & Conservation

- 6.3 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 Core Strategy Policy 15 states that 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.
- 6.5 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.
- 6.6 DM Policy 31 states that the Council will expect alterations and extensions to be of a high, site specific, and sensitive design quality and respect and/or complement the form, setting, period, architectural characteristics and detailing of the original building. In addition, replacement windows should closely match the pattern of the original windows.

- 6.7 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 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.8 The most significant issue when assessing the acceptability of replacement windows and doors in a conservation area is the impact on the character and appearance of the property and on the wider conservation area. The existing original windows are side and top-hung timber casement windows with small rectangular panes in a two by four pattern. The rear double doors to the garden have a similar design.
- 6.9 The proposed uPVC windows and doors are proposed to be installed within the existing openings and are very similar to the original windows in form, pattern, frame width and the external glazing bar detail. The proposed lounge window on the ground floor front elevation is made up of four windows of which the middle two have top lights.
- 6.10 The proposed dining room window on the ground floor side elevation is made up of four windows, the middle two have top fan lights. The proposed dining room french doors in the ground floor rear elevation measure 1.2m in width and just over 2m in height. Each door is flanked by a window panel of the same height and 0.48m in width.
- 6.11 Generally, in conservation areas such as Brockley, where Victorian houses predominate, timber is the required material for replacement sliding sash windows, in order to preserve the historic character of the area. PVCu replacement windows are uncharacteristic of period properties in the Brockley Conservation Area, as they tend to have thicker frames and a shiny appearance.
- 6.12 The Brockley Conservation Area Character Appraisal describes the character of the area and identifies a number of character areas. Beverley Court is within Area 1: Wickham, Breakspears, Tressillian and Tyrwhitt Roads. The appraisal describes various styles of period houses within this area, however no mention is made of Beverley Court. The character of the area is that of a large Victorian suburb. Houses tend to be large and set in wide tree-lined roads with extensive front and rear gardens, some with mews at the rear, adding to the area's spacious and leafy appearance. Beverley Court is a post war development constructed on a backland site, behind the area's principal streets.
- 6.13 It is considered that because Beverley Court is in a more isolated location away from the historically significant streets of the conservation area, the visual impact on the character of the area as a whole is almost non-existent. It is the view of the Council's Conservation Officer that in terms of detailing the priorities for Beverley Court are to keep the general neo-Georgian appearance of the houses as a group and to maintain the coherence and consistency of Beverley Court as a development. The form of the windows (side hung casements and fanlights), the pattern of the glazing (eight small rectangular panes in a 2x4 pattern), the narrow frames and the external glazing bars are important details.

- 6.14 The proposed windows at 12 Beverley Court are similar to the originals in form, pattern, frame width and the external glazing bar detail. The proposed replacement front door will be a timber Severn door in Anthracite Grey colour to match some of the neighbouring properties.
- 6.15 In 2012 when possible enforcement action was considered when PVCu windows were installed at 5 and 6 Beverley Court, the Committee took the view that the harm of the UPVC windows in this location was not so significant as to warrant enforcement action. While that decision need not fetter future decisions, it is nevertheless a material consideration. Since that decision planning permission was granted under delegated powers in 2014 for the installation of replacement PVCu windows in all elevations at No. 13. In addition it has been noted that Numbers 14, 16 and 17 have installed uPVC windows in the front elevations, without planning permission. At No.14 all windows have been replaced; at No. 16 a ground floor window has been replaced and at No. 17 a first floor window has been replaced. All three properties have kept the glazing bar pattern of the original windows. It is consequently felt that, in this case, the scheme would not harm or detract from Brockley Conservation Area or the neighbouring properties and therefore it adheres to Core Strategy Policies 15 and 16 and DM Policies 30, 31 and 36.
- 6.16 The Article 4 Direction came into effect in January 2006; part of the research underpinning the Conservation Area Character Appraisal involved a survey of alterations to the Victorian properties (not including Beverley Court) in the conservation area which demonstrated that the extent of unsympathetic alterations taking place was beginning to erode the character of the conservation area, hence justifying the removal of the householder permitted development rights to make alterations that are visible from a highway without planning permission. It is not considered that Beverley Court has the same characteristics of historic buildings that lead to the removal of householder permitted development rights.
- 6.17 In this case, the UPVC windows and replacement timber entrance door are considered not to harm the heritage significance of the conservation area due to Beverley Court's isolated location, at the rear of the historically significant streets and the modest contribution it makes to the character of the area.
- 6.18 The proposed replacement windows are not considered inappropriate due to the proportions and glazing patterns which reflect those of the original windows. In terms of the character of Beverley Court itself the use of alternative window materials (such as PVCu) is not considered inappropriate.
- 6.19 Officers consider the proposal in this instance to be acceptable in terms of its design and visual impact. As such the proposal is considered to be consistent with DM Policies 30 and 36.

#### Impact on Adjoining Properties

- 6.20 There would be no material impact on the amenities of neighbouring properties from the windows or doors as levels of sunlight, daylight, outlook, privacy and noise would remain the same.

## Equalities Considerations

- 6.21 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.22 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.23 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.24 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.25 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 6.26 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

- 6.27 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.

### Conclusion

- 7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) The London Plan (2011) and the National Planning Policy Framework (2012).

- 8.0 In summary it is considered that, despite the installation of uPVC windows raising concerns in a Conservation Area, it is recommended that in this case the proposed development be accepted given the precedent set and the property's location within the Brockley Conservation Area.

### **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:  
1A/L.P. /12B.C.B.R./06.13 Rev. 2, Casement Window Details & Cross-Section A-A, Casement Window Cross-Sections B-B & C-C, Windows & Rear Door Design, Heritage Statement, Windows & Doors Photographs, Photographs of Severn Door & Anthracite Grey Colour

#### Reason

- (1) 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 discussions took place which resulted in further information being submitted.

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# 12 Beverley Court



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