

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 5 NOVEMBER 2015 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

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

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

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

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| Committee | PLANNING COMMITTEE (C) | |
| Report Title | DECLARATIONS OF INTERESTS | |
| Class | PART 1 | Date: 05 November 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 (C) | |
| Report Title | MINUTES | |
| Ward | | |
| Contributors | | |
| Class | PART 1 | Date 05 November 2015 |

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 24th September 2015.

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|--------------|---------------------------------|-------------------------------|
| Committee | PLANNING COMMITTEE C | |
| Report Title | 167-169 Lewisham Road, SE13 6JL | |
| Ward | Blackheath | |
| Contributors | Michael Forrester | |
| Class | PART 1 | 5 th November 2015 |

Reg. Nos. DC/15/91914

Application dated 22.04.2015

Applicant Cerda Planning on behalf of Clancroft Properties Ltd

Proposal Demolition of existing petrol filling station, canopies and all site buildings at 167-169 Lewisham Road SE13 and construction of a six storey building comprising ground floor commercial units (Use Class A1-A3) with 28 residential units above, associated refuse and cycle spaces and landscaping.

Applicant's Plan Nos. 12-241-101 rev C, 12-241-102 rev C, 12-241-103 rev C, 12-241-104 rev C, 12-241-105 rev C, 12-241-106 rev C, 12-241-107 rev C, 12-241-108 rev C, 12-241-109 rev C, 12-241-110 rev C, 12-241-111 rev C, 12-241-112 rev C, 12-241-113 rev C, 12-241-114 rev C, 12-241-115 rev C, 12-241-116 rev C, Existing Site Survey, Design and Access Statement, Appendix 1 drawings, Appendix 2 cgi photomontages, Planning Statement, Daylight and Sunlight Statement, Schedule of Accommodation, Construction Logistics Plan ref HH4120685/KL/009, Air Quality Assessment Project No. 441472-02, Drainage Strategy and Flood Risk Statement ref 8671/FRA, Ecological Constraints Survey, Planning Noise Assessment 296239-01 (00), Site Waste Management Plan, Transport Statement, Travel Plan

Background Papers

- (1) Case File LE/133/167/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation Core Strategy – Growth and Regeneration Area, Lewisham Town Centre

Adopted DMLP - Existing Use Within Lewisham Town Centre boundary (Major Centre)

1.0 Property/Site Description

- 1.1 The application site is located on the eastern edge of Lewisham Road on the junction with Granville Park and currently comprises a 'Texaco' petrol filling station with two storey building and canopy over the forecourt. The site is hard surfaced and measures approximately 0.07 hectares.
- 1.2 To the north of the site is the Anchor Public House, a Victorian three storey gable fronted building which has a pedestrian right of way through the application site to its rear garden along the northern boundary. Beyond the pub are three storey dwellings facing Lewisham

Road, some divided into flats. To the east is the Community Education Lewisham Learning and Skills centre, which is a contemporary three storey building facing Granville Park. To the west of the site are Victorian three storey terraces with commercial ground floor units. To the south beyond Granville Park is the railway viaduct that extends from Lewisham Station towards Blackheath. The Premier Inn hotel under construction sits immediately south of the viaduct.

- 1.3 The site is included within the Lewisham Town Centre boundary and is defined as an 'edge of centre area'. The site is not located in a conservation area and is not a listed building and is neither flanked by any listed or locally listed buildings. The nearest conservation area is St Stephens which is set approximately 20m to the south and Blackheath which is set approximately 107m to the west.
- 1.4 Lewisham Town Centre is identified as a Regeneration and Growth area in the Core Strategy and an Opportunity Area and Intensification Area within the London Plan.

2.0 Planning History

- 2.1 DC/14/87509 - Change of use of the existing petrol filling station together with demolition of existing buildings at 167-169 Lewisham Road SE13 and the construction of a part 4 storey stepped building rising to 9 storeys comprising basement level plant room, ground floor cafe and 45 dwellings on the upper floors comprising 2 x studio flats, 20 x 1 bedroom and 23 x 2 bedroom together with 3 parking spaces, 23 bicycle stands, refuse stores and vehicular access from Granville Park and associated landscaping – application withdrawn.
- 2.2 DC/12/81408 – Demolition of the existing petrol station and convenience store and development of a new budget hotel with 5 storeys of hotel rooms (totally 115 rooms), above ground floor café and associated facilities – application withdrawn.
- 2.3 DC/10/81408 – The change of use, alteration and conversion of the first floor at 167-179 Lewisham Road from office use to a 1 three bedroom self-contained flat with alterations to the elevations – approved but not implemented, permission now expired.

3.0 Current Planning Applications

The Proposals

- 3.1 Permission is sought for the demolition of the existing site buildings including removal of the petrol filling tanks and construction of a part 5, part 6 storey building with ground floor café and 28 residential units above (8 x 1 bed, 16 x 2 bed and 4 x 3 bed).
- 3.2 The ground floor café would measure 178 sqm and would face onto Lewisham Road with a return frontage onto Granville Park. The frontage of this unit would be fully glazed. The residential entrance into the building is via Granville Park which also serves as the vehicular access into the building where a refuse store, plant space and three accessible parking spaces are located.
- 3.3 The upper levels comprise 6 flats per level with the top floor providing 4 units. Each unit has access to a private balcony or terrace.
- 3.4 The building would measure 17m up to the 5th floor (including the raised parapet/ balcony enclosure), with the recessed top level bring the total height to 19.5m. The width of the building would measure 20.2m and the depth 26.4m. The building is rectangular in shape.

- 3.5 The elevations are to be finished in two brick types (a Shelford Cream Multi – buff and a Rustington Antique – grey both by Traditional Brick and Stone Ltd), divided by large areas of full height glazing and recessed balconies finished in bronze.

Supporting Documents

Air Quality Assessment

- 3.6 An air quality assessment has been conducted on the site with regards to the impact from construction and proposes a series of construction mitigation measures. An assessment has also been undertaken with regard to the long term air quality impact for future residents and states that the development is acceptable.

Construction Logistics Plan

- 3.7 A draft construction logistics plan has been submitted, this states that construction is likely to take one year. The report confirms that materials are to be stored within the site hoardings and indicates that also site security and construction site office would be located within the site boundaries. The plan is considered deficient in detail to approve as a construction management plan as it does not include details of dust management for example.

Daylight, Sunlight and Overshadowing Report

- 3.8 This report provides an assessment of the daylight, sunlight and overshadowing impact from the proposed building on existing properties adjacent to the site using BRE methodology. The report states that the scheme would be of no adverse impact to those properties opposite on Lewisham Road or the education centre on Granville Park and that there would be some impact upon the Anchor PH to the north and No. 2 Lewisham Hill but that the impact would not be adverse to a degree to warrant the refusal of planning permission.

Delivery and Servicing

- 3.9 This provides a site description and further detail on the potential operation of the café unit including refuse collection and delivery scheduling. The report confirms that the delivery and servicing plan would be monitored to ensure that that all aspects of delivery and servicing are properly managed.

Design and Access Statement and CGI views

- 3.10 This document provides a historical analysis of the site, and summary of the site history, including design proposals for a hotel and residential options. An overview of the development s included including full design specification and justification regarding the height and massing. The Design and Access Statement is supported by a range of CGI views of the site from surrounding view points including Lewisham Road/ Hill, Lewisham Gateway and the town centre to the south and Granville Park.

Drainage and Flood Risk

- 3.11 This document provides details of the sites drainage strategy and proposes to incorporate SUDs features. The use of living roofs is also confirmed.

Ecological Constraints Survey

- 3.12 A survey was undertaken of the existing site (the hard standing, service station canopy, shop building and two trees). It concludes that the service station canopy and shop building have no potential for roosting bats. The two trees are proposed to be removed as

part of the proposal, one tree was found to offer no features suitable for bats and the other tree has features capable of hosting bats but that no evidence was found. No nesting birds are found during the survey.

Planning Statement

- 3.13 This document provides a site and development overview and seeks to demonstrate how the proposals accord with local and national planning policy. The document also provides the relevant planning considerations in terms of density, design, residential standards, transport and viability.

Noise and Vibration Assessment

- 3.14 This document provides an assessment of noise levels affecting the site, these are identified road and rail noise primarily. Vibration levels calculated from the site are found to be below the level for specific mitigation.

Sustainability and Energy Statement

- 3.15 This document provides an overview for the Energy Strategy and confirms that the commercial element of the building can meet BREEAM Excellent. Details of the energy hierarchy have been submitted and this confirms that a Be Lean, Be Clean and Be Green approach has been adopted in line with the London Plan. A total carbon saving of 35.12% is confirmed.

Site Waste Management Plan

- 3.16 This report details proposals for site waste during construction including the role of the contractors/ developers.

Transport Statement

- 3.17 This report describes the existing site and scale of the proposed development. Matters relating to access, traffic generation, highway impact and site accessibility are also detailed. The report confirms that the site has a PTAL of 6b and that the development would be of no adverse impact upon the local highway network taking into account the trip generation associated with the existing use as a petrol filling station.

Travel Plan

- 3.18 The report submitted provides details of public transport links, cycle routes and the objectives of the Travel Plan which are to reduce the need to travel by vehicles, promote healthy and sustainable modes of transport, and encourage the use of public transport. The report confirms that Sustainable Travel Information Packs will be issued to new residents.

Utility Strategy Report

- 3.19 This report provides details of services and infrastructure that affect the site. It concludes that the site is affected by UK Power Networks electric cables, Scotia Gas Network gas lines, Thames Water supplies, BT Open Reach/ Virgin Media and other telecoms equipment.

Viability Report

- 3.20 This report sets out the viability of the proposal and its financial capacity to support affordable housing and identifies the process by which this would be considered. The content of this report is confidential.

4.0 Consultation

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

4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. Transport for London were also consulted.

Written Responses received from Local Residents and Organisations

4.3 Four objections have been received from 18 Oakcroft Road SE13, 14 Eliot Park SE13, 1C Eliot Park SE13, 2B Eliot Park SE13,

- Not in favour of large developments in the area.
- Do not object in principle to new buildings but there are concerns about scale and bulk.
- Position of the building would be detrimental to highway visibility and is hazardous.
- Loss of habitat and wildlife.
- Serious parking congestion already exists on Lewisham Hill and Granville Park.
- Chain operator of the café would be detrimental to other businesses.
- Loss of light
- Development needs to consider the needs of existing residents.
- Development is too high
- Loss of light and outlook.
- Not enough parking

4.4 The Blackheath Society has objected to the proposals on the basis of the sites prominent location and inappropriate scale. Whilst not objecting to the principle of redevelopment, the building needs to be reduced in scale, the materials need revision and should be simpler brick building, there are serious parking concerns and access for commercial deliveries is not demonstrated.

4.5 Three letters in support have been received from the occupiers of 25 Granville Park SE13, 86a Tyrwhitt Road SE4 and 53 Fordel Road SE6 these are summarised below:

- The area needs housing.
- The proposal bodes well by integrating with the regeneration around Lewisham Station.
- Cycle spaces look good
- Looks fantastic and will make a welcome facelift to the approach to this side of Lewisham.

- Good to see the removal of the eyesore petrol station.
- Good to see inclusion of affordable housing.
- The scheme will enhance the area.
- The development is considered for the area.

4.6 Letters are available to Members.

Written Responses received from Statutory Agencies

Transport for London

4.7 TfL welcomes the car free development given the sites good accessibility to public transport. Consideration should be given to the potential for staff from the café to have access to the secure cycle parking depending on usage levels by residents.

4.8 TfL request that the footway and carriageway are not blocked during demolition or construction. Temporary obstructions must be kept to a minimum and not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on this road. In addition, no skips or materials should be kept on the footway or carriageway at any time. TfL expects the footways to be reinstated with appropriate provision of dropped kerbs and tactile following completion of the construction work.

Network Rail

4.9 After reviewing the information provided in relation to the above planning application, Network Rail has no objection or further observations to make.

Strategic Housing

4.10 There is a preference to provide on site affordable units and that these are rented the inclusion of these as larger 2 and 3 bedroom units is welcomed and would help to meet local demand.

Highways and Transportation

4.11 A car free scheme is supported in this location, however, the right to apply for car parking permits needs to be restricted by s106. A construction management plan is required to be secured by condition, given the location within the town centre and location adjacent to Lewisham Gateway.

Environmental Health

4.12 Taking into account the site history and current usage as a petrol filling station, a land contamination condition should be attached to any planning permission.

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 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 includes:

Design

Ensuring the vitality of town centres

Land affected by contamination

Renewable and low carbon energy

Travel plans, transport assessment and statements in decision-making

Use of Planning Conditions

Viability

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 1.1 Delivering the strategic vision and objectives for London
Policy 2.3 Growth areas and coordination corridors
Policy 2.13 Opportunity areas and intensification areas
Policy 2.14 Areas for regeneration
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 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.10 Definition of affordable housing
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services
Policy 4.12 Improving opportunities for all
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.8 Innovative energy technologies
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
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 7.14 Improving air quality
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

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)
Land for Transport Functions (2007)

London Plan Best Practice Guidance

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

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

Core Strategy

5.9 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 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 2 Regeneration and Growth Areas
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 5 Other employment locations
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 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
Core Strategy Policy 18 The location and design of tall buildings
Core Strategy Policy 21 Planning obligations

Development Management Local Plan

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 strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

5.11 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 17 | Restaurants and cafés (A3 uses) and drinking establishments (A4 uses) |
| DM Policy 22 | Sustainable design and construction |
| DM Policy 23 | Air quality |
| DM Policy 24 | Biodiversity, living roofs and artificial playing pitches |
| DM Policy 25 | Landscaping and trees |
| DM Policy 26 | Noise and vibration |
| DM Policy 27 | Lighting |
| 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 |
| 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 |

Lewisham Town Centre Local Plan

5.12 The Council adopted the Lewisham Town Centre Local Plan (LTCLP) on the 26th February 2014. The LTCLP, together with the Core Strategy, the Site Allocations Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan.

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

| | |
|--------------|--|
| Policy LTCP0 | Presumption in favour of sustainable development |
| Policy LTC9 | Growing the local economy |
| Policy LTC10 | Mixed use |
| Policy LTC11 | Employment uses |
| Policy LTC16 | Retail areas |
| Policy LTC18 | Public realm |
| Policy LTC19 | Tall buildings |
| Policy LTC21 | Sustainable transport |
| Policy LTC22 | Social infrastructure |
| Policy LTC24 | Carbon dioxide emission reduction |
| Policy LTC25 | Adapting to climate change |
| Policy LTC26 | Implementation |
| Policy LTC27 | Monitoring |

Residential Standards Supplementary Planning Document (2012)

5.14 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. Much of this document has been superseded by the adopted London Plan Housing SPG.

Planning Obligations Supplementary Planning Document (January 2015)

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

6.0 Planning Considerations

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

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

A. Principle of Development

- 6.2 The site is located within the boundaries of Lewisham Town Centre, the adopted Lewisham Town Centre Local Plan provides a framework for development and provides vision to *'make Lewisham the best place in London to live, work and learn'*.
- 6.3 Policy LTCP0 of the adopted Lewisham Town Centre Local Plan (LTCLP) states that *'when considering development proposals in favour of sustainable development in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions in the borough'*.
- 6.4 Policy LTC2 of the LTCLP requires all new development to contribute positively to the delivery of the vision for Lewisham Town Centre, development will be required to:
- A) demonstrate how the proposal will support the delivery of the town centre vision and the objectives for both the town centre and the individual Policy Areas.*
- B) demonstrate how the proposal for a site has been informed by the current, emerging and future context of both the town centre and the individual Policy Areas.*
- C) ensure that the proposal is in no way detrimental to the successful current or future implementation of other nearby sites or their ability to meet the LTCLP vision or objectives.*
- 6.5 There are no policies protecting petrol filling stations within the development plan and the application proposes that the existing facility is replaced by a mixed use building comprising a commercial unit at ground floor (retail/ café) with residential accommodation above.
- 6.6 The National Planning Policy Framework (NPPF) 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 Lewisham Rail and DLR stations 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 28 units would make a valuable contribution towards meeting housing need, which is set by the London Plan as 1,385 unit per year for the borough or 13,847 as a minimum ten year target.
- 6.7 As stated, there are no policies protecting Petrol filling stations (PFS), however, the site is generating a level of employment. In this case the redevelopment of the site would include the loss of the PFS and associated shop, but replacement with a retail unit/ café at ground floor. This would provide alternative on site employment and there is no objection to the provision of a retail unit/ café in this location given the mixture of retail offerings on this part of Lewisham Road which includes a large percentage of A1 uses. It is noted that within the objections received concern is raised at the potential for a chain group to operate this space, however, this is not a planning consideration. With regard to alternative PFS locations in the locality, there are two other facilities within central Lewisham, one at Tesco on Connington Road and another on Loampit Hill.
- 6.8 In all, Officers consider that the principle of providing a mixed use development in Lewisham Town Centre, especially on this important approach towards the station, is acceptable provided that a high standard of design is secured.

Relationship with other Town Centre Sites and Uses

- 6.9 The Council's aspirations for the regeneration of Lewisham Town Centre are supported by Spatial Strategy 2 within the Core Strategy with further detail about town centre areas and sites being explored in the adopted Lewisham Town Centre Local Plan. A key matter is the transformation of the town centre as a whole and the need to understand how different sites relate to each other, ensuring that the redevelopment of one site would not prejudice the redevelopment of neighbouring sites.
- 6.10 The site is set to the north of the railway viaduct and is bound by the application boundary of the Lewisham Gateway site, which is a development of strategic importance in the borough currently under construction.
- 6.11 To the south of the viaduct is the new Premier Inn hotel at Kings Hall Mews which is nearing completion. This scheme includes the paving and lighting up of the railway viaduct which extends towards the application site.
- 6.12 Officers consider that the suit is suitable for mixed use redevelopment and would sufficiently integrate with adjacent town centre uses, making for an appropriate link north of the railway viaduct up to Lewisham Hill.

B. Density

- 7.0 Core Strategy Policy 15 seeks to ensure a high quality of development in Lewisham, including residential schemes and that densities should be those set out in the London Plan. Within the Regeneration and Growth Areas development should achieve 'central' density levels within the Lewisham Town Major Centre. Policy 3.4 of the London Plan 2011 seeks to ensure that development proposals achieve the maximum intensity of use compatible with local context. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a sites setting (assessed in terms of its location, existing building form and massing) and public transport accessibility level (PTAL).
- 7.1 The site is located within Lewisham Town Centre and has a PTAL of 6, indicating excellent accessibility to public transport connections. The scheme proposes 28 dwellings on a 0.07 hectare site which equates to a density of 400 dwellings per hectare, this is within the top end of the 'central' density ranges set out in the London Plan and is considered to be acceptable in this highly accessible location.
- 7.2 Notwithstanding the density of the proposals, the scheme should provide a high quality and well designed standard of residential accommodation and good urban design. The quality of the residential accommodation is considered high quality and is discussed further below.

C. Design

- 7.3 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'. 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'.
- 7.4 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.

- 7.5 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 7.6 Lewisham Town Centre is an area undergoing significant change. The redevelopment of this prominent site creates the opportunity to significantly improve the quality of the local environment through the provision of high quality new developments that deliver improvements to the public realm.

Height and massing

- 7.7 In terms of the impact upon the urban environment, Core Strategy Policy 15 states that within the Regeneration and Growth Areas, development within Lewisham Town Centre should result in the upgrading of the social and physical environment and, in order to be successful, will need to allow for tall buildings of the highest design quality where they improve and add coherence to the skyline and do not cause harm to the surrounding environment.
- 7.8 This application is a resubmission following the withdraw of planning application DC/14/87509 which sought for the redevelopment of the site to provide a building of between 4 and 9 storeys. This was withdrawn following confirmation from officers that building was of an unacceptable scale and height that poorly integrated into its surroundings.
- 7.9 The revised scheme proposes a building of 6 storeys with the top floor recessed and is of a much simpler form. Whilst taller than immediately adjacent buildings, the scheme is not considered to represent a 'tall building' as defined by Core Strategy Policy 18 which states that 'tall buildings are defined as 'i) buildings that are significantly taller than the predominant height of buildings in the surrounding area ii) buildings which have a notable impact on the skyline of the borough iii) are more than 25m high adjacent to the River Thames or 30m high elsewhere in the borough'.
- 7.10 The applicant has submitted a series of CGI's assessing the proposal in views from the Town Centre, Lewisham Road and Granville Park. The views show that a building of 6 storeys would be of a prominent impact taking into account the massing of the existing building and forecourt canopy, standing at 2 storeys but would not a prominent feature in the skyline nor stand significantly above adjacent buildings. Which at 3 storeys appear taller due to the steeply pitched gabled roofs. The building would mirror the height of the Premier Inn hotel building to the south of the railway and when viewed with this scheme would act as 'book ends' to the viaduct.
- 7.11 The massing of the building is considered to be appropriate, it has been set back from Lewisham Road by 5.3m and 3.89m from Granville Park, so whilst the building would have extensive plot coverage the inset nature of the building from the boundaries would allow for generous pavements which is considered to be an acceptable response to the street and would be set behind the Anchor PH. The proposed building would be inset 5m Road (reducing to 0.4m due to the tapering boundary) from the northern boundary with this building due to the need to accommodate the pedestrian right of way and the covered cycle store. This gap between the proposed building and adjacent Anchor PH is considered acceptable and the massing of the building would not appear overbearing.

Detailed design

- 7.12 In terms of materiality, as described above, the elevations are formed from two primary materials brick and glazing. The ground floor commercial unit is proposed as a fully glazed frontage onto Lewisham Road, which wraps around the corner of the building, whilst a buff and a grey brick clad the upper floors. These are divided by recessed balconies with painted steel balustrades. The elevations are considered to be well

ordered and simple in arrangement, it is through the use of recessed balconies and subtle detailing around the windows that interest is articulated.

- 7.13 Details of the windows have been submitted, these confirm that glazing to the upper floors is to be full height (except for some windows facing north) and that these are recessed by 280mm. The window units are to be slim framed (the drawings state by Vitrocsa) in an bronze anodised aluminium frame with an frameless internal glazed balustrade. The window units are to be framed by an anodised aluminium panel again in bronze with a angled brick wall finished in Sheldford Cream brick slips to match the main elevations. The cill of the windows are to be finished in anodised bronze to match the rest of the window. The level of detail submitted is considered to be high and provide a realistic impression of the final buildings appearance.
- 7.14 Details of recessed balconies has also been submitted, these are to have a oak finished floor and provide level access from each unit. The balustrades are 1.1m high and formed from steel vertical bars 80mm by 8mm spaced at 100mm centres and powder coated in RAL: 1036 'pearl gold'. A continuous handrail is set behind the balustrade edge to ensure a clean and elegant appearance. This is powder coated to match the railings. The RAL colour would match the balconies of the adjacent Premier Inn hotel building on Kings Hall Mews, which are considered to be high quality.
- 7.15 Details of the structural glazing system to the ground floor retail/café space have been submitted, this shows that a series of 10 identically sized glazing panels form the west facing Lewisham Road elevation a single access point. A secondary access to the café unit is provided on Granville Road. The detail shows that each pane of glass measures 3.55m high and are separated by a 12mm silicone joint. A signage zone for the café is allowed for behind the glazing. Officers consider the detailing to be high quality and provide assurances for the final appearance of the building.
- 7.16 Details of the residential entrance on Granville Park have been provided. The canopy is to fall at 5 degrees to allow rain to fall into a recessed drainage channel. The canopy itself is a perforated anodised bronze aluminium canopy with a circular design set in a rectangular frame.
- 7.17 Officers fully support the use of bricks in this location, where Lewisham Road is characterised by Victorian brick buildings, the extensive use of glazing with recessed balconies and limited pallet of brick and metals. The level of detail submitted alongside the application is extensive and provides a clear and realistic impression of the buildings final appearance.
- 7.18 In terms of public realm, the existing site is dominated by hard standing and the petrol filling station and offers little positive contribution to the public realm. It is proposed that the replacement building would be inset from the pavement edges and paved in a grey concrete slab to match those works proposed by the Lewisham Gateway scheme. This is considered to be acceptable in principle, and a condition is recommended to secure these details. Breaking up the area of paving are a number of large circular planers, similar to those to be installed outside of the Premier Inn hotel building. These are 0.7m high grass reinforced concrete planters finished in a 'rusty' colour to match the bronze accents across the building.
- 7.19 Overall, the proposed treatment of the public realm is considered high quality and is supported by officers. The applicant has demonstrated on the plans how their proposed public realm would co-ordinate with adjacent development sites and as such it is considered that the proposal would successfully integrate within the Town Centre.
- 7.20 Based on the proposed materials and design details submitted the scheme has the potential to be 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 proposed materials for the scheme and why many details have been agreed with Officers prior to planning permission being recommended.

- 7.21 Following requests from the Council's officers at pre-application stage, the applicant has provided 1:20 details of the balcony balustrades/ soffits/ doors/ windows as described above 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 Lewisham Road and Lewisham Town Centre and will conserve and enhance the character and appearance of the area. A condition is recommended to secure the agreed materials and details as they have been submitted.
- 7.22 It is considered that through design discussions with Officers that have taken place during the pre application process a high level of architectural quality has been achieved for the proposal. The detailed plans that have been submitted demonstrate that a quality design is achievable and are therefore considered to be sufficient to justify the scale and height of the proposal. Officers consider that the proposed development has maximised the potential of the site and the scale of building achievable in this location and subject to the quality of the detailing and design being adequately secured through conditions, it is considered that the Development would be a high quality addition to the town centre.

Deliverability of Design Quality

- 7.23 Paragraph 173 of the NPPF states that the viability and deliverability of development should be considered in decision taking. The document goes on to say that to ensure viability, the cost of requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.
- 7.24 As discussed, the building is simple in design and the palate of materials is limited. The clean and contemporary aesthetic that this approach results in is considered to have merit but makes the detailing of the building and materials of vital importance to support such a simple approach. The Council has had the viability of the scheme appraised independently who have confirmed that the proposed build costs are reasonable and comparable to other developments, however, one method to improve scheme viability is to reduce the building cost per square metres (by reducing the quality of the materials used). Given this, the applicant has submitted confirmation to deliver the proposed design, given that the quality of the materials is vital to demonstrate the acceptability of this development in principle and to show that the scheme is deliverable in the near future without any major redesign.
- 7.25 It is materially relevant for the Council to consider the likelihood of a proposed development being carried into effect and the planning consequences should a scheme be unviable and therefore not be delivered in accordance with the approved plans.
- 7.26 Officers consider that the acceptability of this scheme in principle is inextricably linked with the design and quality that is inherent within it. The acceptability of the scale, massing, height and appearance of the proposal is inseparable from the design specification proposed materials. Given how vital these elements are to some of the fundamental elements of the scheme, it would not be possible in officers' view to leave the detailing to be secured by condition as this would suggest that the principle of the approach is acceptable irrespective of detailing which would be capable of being resolved

as a separate matter. Should future amendments to the scheme result in it being of a lesser quality than currently proposed, the entire approach to the development, its scale, height and appearance would need to be reconsidered as opposed to just considering alternative detailing. Given that the applicant has provided a high level of detail (although further details are required) as part of the submission and that they have confirmed that they are committed to delivering the scheme as designed, it is felt that the proposal would be acceptable in this regard and the quality of the proposal would be safeguarded.

- 7.27 It is officer's view that any future amendments to the materials and design quality would also necessitate a re-evaluation of the viability of the scheme and its ability to deliver increased affordable housing provision.

D. Housing

a) Size and Tenure of Residential Accommodation

- 8.0 Policy 3.12 of the London Plan (Negotiating Affordable Housing on individual private residential and mixed use schemes) states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential mixed use schemes, having regard to:

- a) current and future requirements of affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.
- b) affordable housing targets adopted in line with Policy 3.11
- c) the need to encourage rather than restrain residential development
- d) the need to promote mixed and balanced communities
- e) the size and type of affordable housing needed in particular locations
- f) the specific circumstances of individual sites.

The Policy goes on to state that 'negotiations on sites should take account of individual circumstances including development viability.

- 8.1 Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. Core Strategy Policy 1 confirms that the maximum level of affordable housing would be sought by the Council, with a strategic target of 50%, as a starting point for negotiations and subject to an assessment of viability. The policy seeks provision at 70% social rented and 30% intermediate housing (based on total unit numbers) and family housing (three+ bedrooms) in development of more than 10 units. Where existing areas have a high concentration of social rented housing, different proportions of affordable housing could be sought. Different proportions are supported by the Lewisham Housing Market Assessment 2007-8 (HMA), published in December 2009 which states (paragraph 37) that affordable housing provision in Lewisham should comprise 85% social rented housing, and 15% intermediate housing, in order to meet the identified need.

- 8.2 The HMA states (at paragraph 35) that a net 6,777 dwellings should be provided over the current 5-year period to meet current identified need. This is equivalent to the provision of 1,345 dwellings per annum. Table 3A.1 of the London Plan sets out a target of 11,050 additional homes to be built in Lewisham in the 10 years from 2011 - 2021, which is reflected in a monitoring target of 1,105 additional homes per year. As part of the overall need for housing in Lewisham, there is a specific need for affordable housing. The HMA states (paragraph 36) that over 80% of all new housing built would need to be affordable in order to meet identified need. Core Strategy Policy 1 indicates that where a site falls within an area which has existing high concentrations of social rented housing, the Council would be prepared to consider an affordable housing contribution to be provided in a way which assists in securing a more balanced social mix. This may include a higher percentage of intermediate housing or other arrangements as considered appropriate.

- 8.3 The proposed development would provide 28 residential units, including 5 affordable units (all affordable rent). Based on this the development would comprise 18% affordable units or 27% by habitable room.

Table [1]: Residential Tenure and Size Mix

| | 1 Bed | 2 Bed | 3 Bed | Total |
|------------------------|--------------|--------------|--------------|--------------|
| Private | 16 (3) | 7 | | 23 (3) |
| Affordable Rent | | 1 | 4 | 5 |
| Total | 16 (3) | 8 | 4 | 28 (3) |

*Wheelchair accessible units shown in ()

- 8.4 The percentage of affordable housing to be provided therefore falls below the maximum figure referred to in Core Strategy Policy 1. The Applicant has submitted a confidential financial appraisal for the scheme that has enabled the Council, advised by specialist consultants, to assess the overall viability of the scheme and its ability, in financial terms, to meet policy in terms of affordable housing provision. Further consideration of financial viability is set out in section 7 of this report. However, in summary, the financial appraisal demonstrates that when taken with other policy requirements and the package of measures proposed to make the commercial units attractive and affordable, the proposed development provides the maximum viable amount of affordable housing at this time.
- 8.5 It is also important to consider CIL and s106 obligations secured. Such mitigation has an impact on the viability of the scheme
- 8.6 It is also relevant to note that the provision of the 5 affordable units does not meet the 70% social rented / 30% intermediate split for housing set out in Core Strategy and the 60/40% split in London Plan Policy 3.11. The development proposes an 100% affordable rent, which is the result of discussions with the Council's Strategic Housing Team who have stated a preference for rented unit as opposed to shared ownership in this location due to the identified needs of residents in this part of the borough.
- 8.7 The viability assessment confirms that all of the affordable rented properties would be capped at 60% of market value.
- 8.8 For the reasons set out previously and in more detail in paragraphs 9.4-9.10, the proposals have been shown to include the maximum amount of affordable housing viable in a particular tenure and it is therefore recommended that this tenure mix is accepted.
- 8.9 The proposed size mix includes 4 family sized units (3 + bed) which equates to 14% overall but 80% within the affordable tenure. Although the overall number of family sized units is relatively low, officers welcome that that these would be in affordable tenure. On balance, the mix is considered to be acceptable overall.

b) Standard of Residential Accommodation

- 8.10 Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing developments to be of the highest quality internally, externally and in relation to their context. This policy sets out the minimum floor space standards for new houses relative to the number of occupants and taking into account commonly required furniture and spaces needed for differing activities and circulation, in line with Lifetime Home Standards. The accompanying London Plan Housing SPG is also a material

consideration, and contains further guidance on internal layout. The standards require the largest 1 bedroom to be a minimum of 50 sqm, the largest 2 bedroom to be 70 sqm and largest 3 bedroom to be 95 sqm. All units would meet these standards, the majority of unit are dual aspect, whilst the 1 bedroom units are single aspect they either face east or west and as such are considered to represent a good standard of accommodation.

- 8.11 Standard 4.10.1 of the Housing SPG sets out the baseline requirements for private open space. The standard requires a minimum of 5sqm to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. The minimum depth for all external space is 1500mm. All units within this development would have private amenity space in the form of balconies/ terraces which meet the aforementioned standard.

Table [2]: Dwelling sizes

| Unit Size | London Plan requirement | Proposed development |
|-----------------|-------------------------|----------------------|
| 1 bed, 2 person | 50 sqm | 51 sqm - 54 sqm |
| 2 bed, 4 person | 70 sqm | 70 sqm – 74 sqm |
| 3 bed, 4 person | 74 sqm | 78 sqm |

E. Highways and Traffic Issues

a) Access

- 8.12 The site is within Lewisham Town Centre, close to bus services along Loampit Vale and train and Docklands Light Railway (DLR) services from Lewisham Station. It has a Public Transport Accessibility Level (PTAL) 6b, where '1' is rated as Poor and '6' is rated as Excellent. The Council's Core Strategy Policy 15 'High quality design for London' and London Plan Policy 2.13 'Opportunity Areas and Intensification Areas' encourage relatively dense development to be located in areas such as Lewisham where the PTAL is Good or Excellent. The site is considered to be highly accessible.
- 8.13 The proposal include a ground floor retail unit/café facing Lewisham Road with a return frontage onto Granville Park. The vehicular access into the building is via Granville Park, where three parking spaces and the refuse/ storage areas are located.
- 8.14 The commercial and residential units would benefit from level access.

b) Refuse and Servicing

- 8.15 A refuse store is located along the flank of the building facing Granville Road, this is accessed via the service yard identified on the plans. This is considered to be an acceptable arrangement. Drop off and collection would be via Granville Park which raises no objections.

c) Cycle and Car Parking

- 8.16 Cycle storage is located adjacent at ground floor to the north of the building under a secure canopy, this also serves as the maintained right of way to the public house. The level of cycle parking is compliant with the London Plan and is considered to be acceptable. A brown roof extends over this space.

- 8.17 No car parking is proposed aside from three accessible parking spaces within the building accessed via Granville Park. A car-free approach is supported in this location which benefits from a PTAL of 6b, however, it is recommended that the ability to apply for parking permits is restricted to ensure that surrounding roads do not suffer from increased demand for on-street car parking. This would need to be secured as part of a s106 agreement.
- 8.18 Details of the cycle parking have been submitted, these are to be brushed stainless steel hoops and are of a high quality. These would be set behind a screen enclosing the cycle store from the street. The cycle parking would be dry and secure.

F. Impact on Adjoining Properties

- 8.19 Development Management Policy 32 requires the siting and layout of all new-building housing to respond positively to the site specific constraints and opportunities, as well as being attractive, neighbourly, provide a satisfactory level of outlook and natural lighting for both future and existing residents and meet the functional needs of future residents. All new-build housing will be required to be sited to minimise disturbance from incompatible uses and be well located in relation to public transport with a high quality pedestrian environment.

Daylight/ Sunlight/ Overshadowing

- 8.20 An assessment of daylight and sunlight has been carried out for the development in accordance with the Building Research Establishment's good practice guide "Site Layout planning for daylight and sunlight". This allows the Council to consider the impact of the proposal on the extent of daylight/sunlight received in the windows of adjacent properties serving the rooms used most frequently. This is useful in assessing the extent to which the site layout allows for natural lighting, but is only one factor in considering whether the scheme is well designed and should be considered in the context of the overall approach to the design of the scheme.
- 8.21 It is also important to note that the BRE guidance includes a level of flexibility within its application and for instance, developments in urban areas are treated differently to suburban areas because expectations of daylight and sunlight into properties differ in such locations. Consequently, it is often necessary to aim for different 'target values' of daylight and sunlight into rooms according to the location of the development.
- 8.22 The assessment of daylight is based on the calculation of the vertical sky component (VSC) to an affected window in both the existing and proposed condition. The VSC, simply put, is the amount of light received at the centre of a window. There is a further assessment that assesses the distribution of daylight within a room. This is called the average daylight factor (ADF). Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced by the room area, the area of room surfaces, the reflectance of room surfaces and the transmittance of the glazing with the size of the obstruction being a smaller influence. The extent, to which the effect of a proposal on surrounding properties is considered significant, is dependent on the use of the room to which the window relates. The significance of any impact of proposals on non-habitable or less well-used rooms such as bedrooms therefore varies. In this case, the relevant tests are essentially whether less than 0.8 times the existing level of daylight and sunlight is retained within a room and whether more than half of any one garden space is overshadowed. For sunlight the Annual Probable Sunlight Hours (APSH) method is detailed. This calculates the percentage of statistically probable hours of sunlight received by each window in both summer and winter months. March 21st through to September 21st is considered to be the summer period, whilst September 21st to March 21st is considered the winter period. For properties neighbouring a development only those

windows orientated within 90° of due south and which outlook the site of the proposal are relevant for assessment.

- 8.23 The site currently comprises a two storey building set the rear with a large extended canopy over the petrol filling station forecourt. The site is bound by the Anchor Public House to the north and the Community Education Lewisham Learning and Skills building on Granville Park. Beyond the Anchor PH are residential properties on the upper floors.
- 8.24 The existing site buildings/ forecourt canopy are in general much lower than the surrounding buildings. As a result it is considered that surrounding residential buildings enjoy a level of daylight and sunlight across the site in excess found in a typical urban location such as this. For this reason, it is expected that there would be impact upon daylight and sunlight.
- 8.25 The Anchor PH (165 Lewisham Road as referred to in the report) has a blank flank wall which faces onto the site,
- 8.26 The relevant properties tested are residential and educational buildings with windows that face onto the site. These includes No's 308-322 Lewisham Road, 165 Lewisham Road, 2 Lewisham Hill and the Community Education centre on Granville Park.
- 8.27 The report states that the garden to the Anchor PH as existing with the petrol filling station adjacent, on the equinox of the 21st March receives sunlight in the morning hours but is shaded in the afternoon.
- 8.28 The report has calculated the impact upon daylight and details that the BRE Guide states that if VSC is both less than 27% and less than 0.8m its former value, occupants of the existing surrounding buildings will notice the reduction in the amount of skylight.
- 8.29 With the development in place, the report states that the first floor windows of the Anchor would experience a reduction but that the VSC would remain 27% and that the windows of 2 Lewisham Hill (residential property which faces onto the garden of the PH) would have a reduction in VSC to 66% of the baseline value. Sunlight calculations have also been undertaken , this shows that all properties except the first floor windows of the 165 Lewisham Road would receive more than the recommended sunlight hours and that the impact would therefore be negligible. The windows of the Anchor PH would received above the recommended 25% of sunlight hours but only 2% in winter which is below the recommended 5%. In light of the above, taking into account the orientation and use of this building which faces east/ west and the separation distance to the proposed site Officers have concluded that the impact of the proposals on adjoining properties in terms of daylight, sunlight and overshadowing would be acceptable.

Outlook

- 8.30 With regard to outlook, an important consideration is the impact of the development from neighbouring properties and whether the development would have an overbearing impact. Whilst it is evident that the view of the site from surrounding sites would dramatically change, it is not considered that there would be an adverse impact in this respect. Sufficient distances of between 25m-32m from the first floor of No.2 Lewisham Hill which faces onto the site would be retained between the development to prevent any overbearing visual impact or loss of outlook. The first floor of the Anchor PH No. 165 Lewisham Road faces east toward Granville Park, and taking into account this orientation and distance to the proposed building, it is not considered that there would be unacceptable harm in terms of outlook.

Privacy

- 8.31 In terms of privacy it is not considered that the proposals would have an adverse impact upon neighbouring occupiers. There would be views towards the rear of properties on Lewisham Road and the Community Education Lewisham Learning and Skills building on Granville Park although the former retains an acceptable separation distances as detailed above and the later is not a residential building where the back to flank distance would measure between 7m and 9m.
- 8.32 Given the distance that would be retained between the new blocks and residential properties on Lewisham Road any overlooking would be at a sufficient distance to prevent a loss of privacy occurring given the distance of . However, it is accepted that there would be an element of mutual overlooking as is common in high density schemes.

G. Noise

- 8.33 It is recognised that during implementation of the development there would be a significant amount of noise and disturbance from construction related activity including vehicular traffic. Traffic has been discussed in this report and the impact has been deemed to be acceptable.
- 8.34 Construction related noise and activity cannot be avoided when implementing a development of this nature and scale. This is a relatively short term impact that can be managed as much as practically possible through measures such as a Construction Environmental Management Plan (CEMP)/ Construction Method Plan (CMP) and control of construction hours. A draft Construction Logistics Plan has been submitted, however it is not considered to be appropriately detailed for this sensitive site to allow for full approval.
- 8.35 Therefore, subject to control of the CEMP via condition, it is not considered appropriate or reasonable to raise an objection to the proposal on the grounds of harm to neighbouring amenity from construction related activity.

H. Sustainability and Energy

a) Renewable Energy

- 8.36 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.
- 8.37 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
- 8.38 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.

- 8.39 Code for Sustainable Homes is no longer enforced following a Government review of technical housing standards in 2015, however, the applicant has submitted a pre-assessment which confirms that the development is capable of achieving the 19% carbon reduction that equates to a Level 4 rating. A BREEAM assessment has also been submitted in relation to the non-residential floorspace and this confirms that the scheme can achieve an 'Excellent' rating. This would be policy compliant and is therefore supported.
- 8.40 The London Plan sets a higher carbon saving output of 35% for major development proposals and the applicant has submitted an energy strategy which adopts the Be Lean, Be Clean and Be Green principles from Policy 5.2 set out above.
- 8.41 With regards to renewable energy, the applicants energy statement states that ground source heat pumps, air source heat pumps, wind turbines and biomass heating have been discounted due to the difficulties in integrating this technology within a scheme of this size.
- 8.42 The energy assessment confirms that solar photovoltaic panels (62 sqm array) are to be used at roof level and that a combined heat and power system is proposed. The report acknowledged that a standard CHP system is typically not economically viable on development of this size, but that a micro system has been adopted. These technologies together with energy efficiencies made through building fabric equate to a total carbon reduction of 35.12% which is compliant with the London Plan.
- 8.43 Officers are supportive of the energy strategy proposed, however, details of the micro-CHP system to be installed are required to be sought by condition.

b) Living Roofs, ecology and landscaping

- 8.44 London Plan Policy 5.11 confirms that development proposals should include 'green' roofs. Core Strategy Policy 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity bio-diversity.
- 8.45 In this instance, the scheme proposes a brown roof over the covered cycle store and a 'sedum' roof over the top floor. Although Core Strategy Policy 7 indicates a preference for deeper substrates that bio-diverse roofs, in this instance, the applicant has sought to keep the building height to a minimum, where as a deeper substrate would need a taller parapet and thus raise the height of the building. Furthermore, the top floor is also covered by a 62 sqm array of photo voltaic panels.
- 8.46 Taking into account the existing site condition, and lack of natural habitat (aside from the trees to the rear) it is considered that the existing site makes a negative impact to biodiversity and landscaping. The two roofs proposed in this instance would assist in attenuating and reducing the amount of run-off actually leaving the site. Overall the proposal is considered to be acceptable when judged against sustainability policies and other site considerations.

Ecology

- 8.47 The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, ecological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 109 which states, the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity,

including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. Core Strategy Policy 11 seeks to protect the Borough's rivers and waterway network and Core Strategy Policy 12 seeks to protect open space and environmental assets.

- 8.48 This site is a Brownfield site with limited ecological value, however, the site does back onto the railway viaduct. An extended Phase 1 habitat survey was submitted with the application which did not find any protected species.

Landscaping

- 8.49 Landscaping and public realm works have been detailed above, the majority of the plot is to be covered by the proposed building, however, it is considered that taking into account the green/ brown roofs and various planters proposed within the public realm that the development would make a positive contribution to landscaping. Especially when taking into account the existing use as a petrol filling station.

I. Planning Obligations

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

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

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

- 8.52 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.

- Affordable Housing comprising 1 x 2 bedroom flat and 4 x 3 bedroom flats. All rents to be capped at 60% of market value. Affordable units to be built and transferred to a Registered Provider upon occupation of 50% of the private residential units.
- Public Realm contribution of £25,000 to be paid on commencement of development.
- Enter into a s278 agreement to undertake highway improvements to Granville Park which bound the application site.
- Local Labour obligations i.e. use of local labour during construction, working with the Councils Local Labour and Business Coordinators.

- Restriction on the ability to apply for car parking permits, except for blue badge holders.
- Submission of public access plan prior to first occupation.
- To construct (including shopfronts) and make available the commercial floorspace prior to any occupation of the residential units.
- Reimbursement of the Council's legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the agreement.

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

9.0 Local Finance Considerations

9.1 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).

9.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.

9.3 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.

Viability

9.4 The Applicant has submitted a confidential financial appraisal for the scheme that has enabled the Council, advised by specialist consultants, to assess the overall viability of the scheme and its ability, in financial terms, to meet policy in terms of affordable housing provision. As discussed above, the offer of 5 affordable units (1 x 2 bedroom and 4 x 3 bedroom) within affordable rent is considered to be acceptable.

9.5 The financial viability assessment has been independently tested in terms of its methodology for assessment. The content has been found to be robust in terms of development opportunity, and viable against a number of land and profit benchmarks. The scheme assumptions and build costs have been tested and consideration has been given to sensitivity tests, s106 and CIL requirements in seeking to ascertain whether the development is viable and what level of affordable housing can be provided.

9.6 With regard to a suitable development return, the Council's consultant has advised that the GLA Toolkit's default allowance of 20% on Cost is a reasonable benchmark on private and commercial elements; with Affordable elements at 6% on cost. Taking into account site works, build costs and finance costs which have been appraised and accepted.

9.7 The financial appraisal demonstrates that, when taken with other policy requirements and the regeneration benefits of the scheme, the proposed development provides the maximum viable amount of affordable housing at this time. This is essentially because of the costs of building which includes the removal of the petrol filling station and associated fuel tanks. There are also a range of transport and public realm improvements that would be undertaken to enhance the public realm around the site, namely the pavement

upgrades and hard landscaping which the applicant has committed to providing. These parts of the scheme require substantial investment but also offer very significant benefits the overall regeneration of Lewisham Town Centre.

- 9.8 An independent Quantity Surveyor has confirmed that the stated build costs are appropriate for the quality of scheme shown in the planning application.
- 9.9 The scheme is considered to be viable in its current form, given the size of the scheme (28 units) which would be delivered in a single construction phase it is not considered appropriate to use a 'review mechanism' within a s106. National Planning Practice Guidance on Viability states that *'Viability assessment in decision-taking should be based on current costs and values. Planning applications should be considered in today's circumstances. However, where a scheme required phased delivery over the medium and longer term, changes in the value of development and costs of delivery may be considered. Forecasts based on relevant market data, should be agreed between the applicant and local planning authority wherever possible'*.
- 9.10 Taking the above national guidance into account officers recommend that a shorter time for implementation is secured, in this case 1 year from the date of any grant of planning permission. This would ensure that the development is taken forward based on known costs and would delivery the proposed level of affordable housing.

Delivery

- 9.11 The viability appraisal confirms that the proposed development is viable and could be delivered in accordance with the details submitted with this application. It is proposed to deliver this development as one construction phase.
- 9.12 There are no known land ownership issues that would prevent delivery of the development. The development can still be accommodated with the Lewisham Gateway project and other development sites in Lewisham Town Centre in terms of construction logistics. This development would not prejudice the future development.

10.0 Equalities Considerations

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

11.0 Conclusion

- 11.1 The proposed building is considered to be of high architectural and design quality and as discussed in this report the redevelopment of this site as part of the Lewisham Town Centre is considered to make a significant positive contribution to the regeneration of this part of the Borough. Officers have engaged in extensive discussions with the applicant regarding redevelopment opportunities for the site in order to try and influence the nature and quality of the development proposals that come forward.
- 11.2 Officers consider that, with the recommended mitigation, planning conditions and obligations in place the proposal represents a high quality development that would bring a range of positive benefits to the Borough

12.0 RECOMMENDATION

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

S106 items

Affordable Housing comprising 1 x 2 bedroom flat and 4 x 3 bedroom flats. All rents to be capped at 60% of market value. Affordable units to be built and transferred to a Registered Provider upon occupation of 50% of the private residential units.

Public Realm contribution of £25,000 to be paid on commencement of development.

Enter into a s278 agreement to undertake highway improvements to Granville Park which bound the application site.

Local Labour obligations i.e. use of local labour during construction, working with the Councils Local Labour and Business Coordinators.

Submission of public access plan prior to first occupation.

To construct (including shopfronts) and make available the commercial floorspace prior to any occupation of the residential units

Restriction on car parking permits within the controlled parking area, with the exception of blue badge holders.

Meeting the Councils legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the Agreement.

RECOMMENDATION (B)

Upon the completion of a satisfactory Section 106, authorise the Head of Planning to 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 one year 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. Accord with Plans

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

12-241-101 rev C, 12-241-102 rev C, 12-241-103 rev C, 12-241-104 rev C, 12-241-105 rev C, 12-241-106 rev C, 12-241-107 rev C, 12-241-108 rev C, 12-241-109 rev C, 12-241-110 rev C, 12-241-111 rev C, 12-241-112 rev C, 12-241-113 rev C, 12-241-114 rev C, 12-241-115 rev C, 12-241-116 rev C, Existing Site Survey, Design and Access Statement, Appendix 1 drawings, Appendix 2 cgi photomontages, Planning Statement, Daylight and Sunlight Statement, Schedule of Accommodation, Construction Logistics Plan ref HH4120685/KL/009, Air Quality Assessment Project No. 441472-02, Drainage Strategy and Flood Risk Statement ref 8671/FRA, Ecological Constraints Survey, Planning Noise Assessment 296239-01 (00), Site Waste Management Plan, Transport Statement, Travel Plan

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

3. Construction Environment Management Plan

No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

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

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with 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. Site Contamination

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

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

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

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

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

5. Soundproofing for Mixed Use Buildings

- (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 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).

6. Fixed Plant Noise Control

- (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise

sensitive property. The measurements and assessments shall be made according to BS4142:1997.

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

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

7. BREEAM

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

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

8. Details of CHP

- (a) No development shall commence until full details of the abatement technology utilised to minimise emissions to air from the CHP have been submitted to and approved in writing by the local planning authority.
- (b) The CHP and associated abatement 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 (2011), 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.

9. Materials

The development shall be carried out in accordance with the materials as detailed on drawing no's 12-241-101 rev C and 12-141-102 rev C hereby approved, unless approved in writing by the local planning authority.

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.

10. Bird Bat Boxes

Details of the number and location of the bird/bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2011), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

11. Living Roofs

- (a) The development shall be constructed in accordance with plan nos 12-241-110 rev C 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).

12. Delivery and Servicing Plan

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

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

13. Travel Plan

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

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

14. Closure of Existing Access

The development hereby approved shall not be occupied until the existing access has been closed, the highway reinstated and the new access has been constructed in accordance with the permitted plans

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

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 north/south/east/west 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. Plumping and Pipes

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including rainwater pipes, other than those shown on the approved drawings, shall be fixed on the external faces of the building(s).

Reason: It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

17. Delivery Hours (once operational)

No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays, or at any time on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining residents 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).

18. Opening Hours

The ground floor premises shall only be open for customer business between the hours of 08:00 and 21:00 on Mondays to Saturdays and between 09:00 and 19:00 on Sundays and Bank 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, DM Policy 32 Housing design, layout and space standards, DM Policy 17 Restaurants and cafes (A3 uses) of the Development Management Local Plan (November 2014)

19. Restrict Use Class

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for Retail and café purposes falling within Use Classes A1, A2 or A3 only and for no other purpose

Reason: In order to protect residential amenity and in order to support a mixture of retail uses within Lewisham Town Centre and to accord with Policy LTC16 of the Lewisham Town Centre Local Plan (February 2014).

20. Access for Shop Front

The shop front hereby permitted shall have a level or ramped access (maximum gradient: 1 in 12) and the entrance door shall be a minimum 900mm clear opening width and such features shall be retained permanently.

Reason: In order to comply with Policies 14 Sustainable movement and transport and 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 19 Shopfronts, signs and hoardings of the Development Management Local Plan (November 2014).

INFORMATIVES

Positive and Proactive Statement

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

Community Infrastructure Levy

As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where

they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

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.

Land Contamination

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

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

Drainage

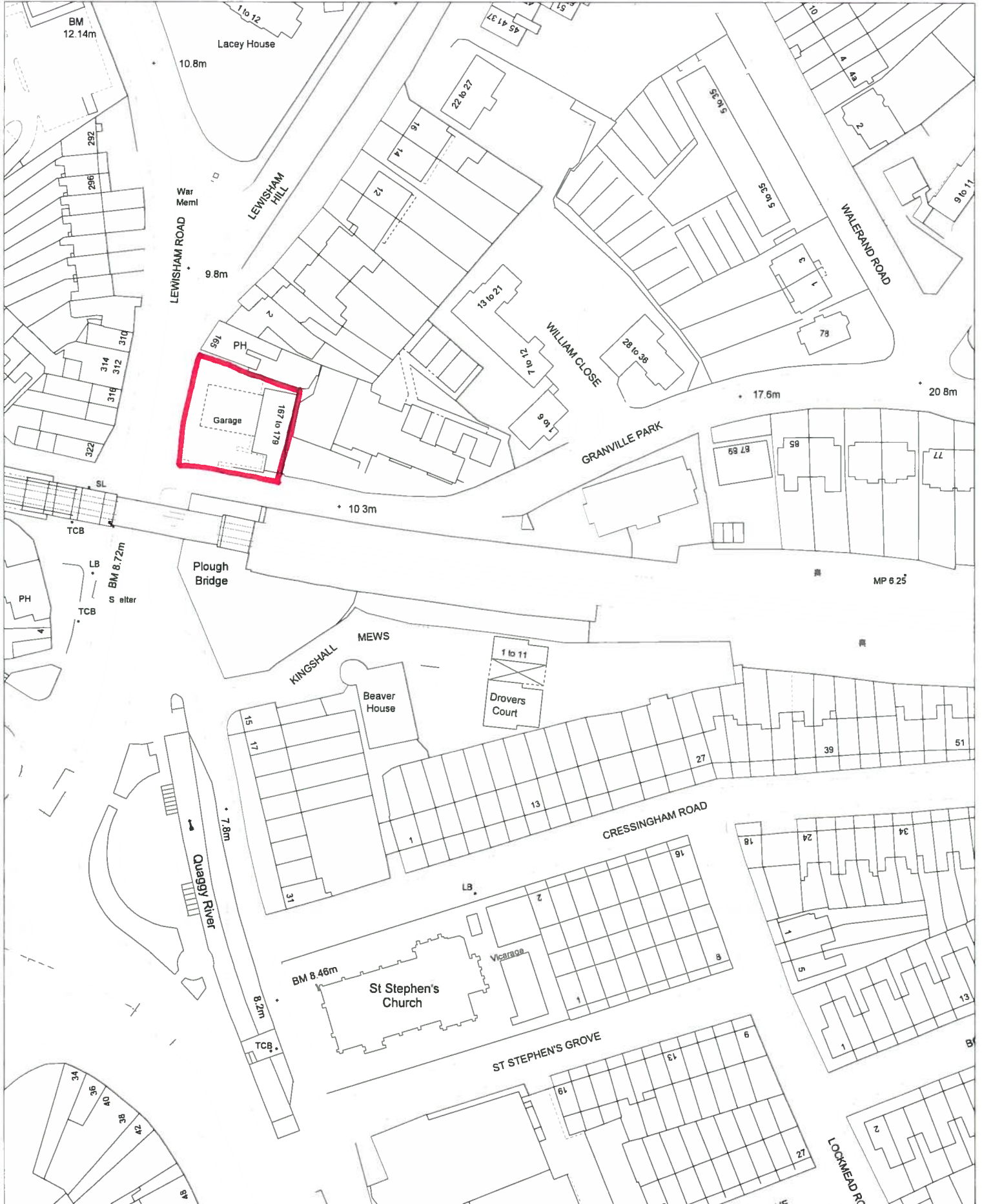
You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.

Noise from Fixed Plant

Assessment of the sound insulation scheme should be carried out by a suitably qualified acoustic consultant.

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167-169 Lewisham Rd



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|--------------|-----------------------------|------------------|
| Committee | PLANNING COMMITTEE C | |
| Report Title | 3A Eliot Park, London, SE13 | |
| Ward | Blackheath | |
| Contributors | Andrew Hartcher | |
| Class | PART 1 | 05 November 2015 |

Reg. Nos. DC/15/91686

Application dated 27 May 2015

Applicant Paul Simms

Proposal The alteration and conversion of the existing two-storey maisonette into two single-storey residential flats (lower ground floor and upper ground floor), together with the construction of a part one, part two storey rear extension at 3A Eliot Park, SE13.

Applicant's Plan Nos. Location Plan; Existing Floor Plans (received on 6th of April 2015); Proposed Elevations (received 30th September 2015); and Proposed Floor Plans (received 1st October 2015).

Background Papers (1) LE/135/3/TP
(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)

Designation PTAL 4
Local Open Space Deficiency
Blackheath Conservation area
Not a listed Building

Screening N/A

1.0 Property/Site Description

1.1 The application site is occupied by a four storey (including semi-basement) semi-detached property on the south west side of Eliot Park, which is divided into three flats. This application relates to the upper ground and lower ground floor levels, which are currently in use as a single maisonette dwelling with a Gross Internal Floor area of 133.45m².

1.2 The property has an original part two, part three storey projection to the side, which at upper ground floor level includes the common entrance to the property. Within the hallway, there is a doorway into the existing maisonette and a staircase to the upstairs flats at first and second floor levels, Nos. 3B and 3C. Adjacent to the side projection are external steps leading to a path along the side of the building at lower ground floor level, which leads to the rear garden area, which is at a lower level.

1.3 On the main front elevation of each of the semi-detached pair, there are two windows on each level, with a varying window design at each level. The front

garden, which is densely planted, slopes down towards the semi-basement area, allowing light to the lower ground floor windows.

- 1.4 There is a change in levels between the front and rear of the property. The upper ground floor level to the front is at pavement level while the rear garden access is at lower ground floor level.
- 1.5 To the rear of the property the rear elevation has a stepped alignment, with an original two storey projection with a hipped roof that is set forward of the main elevation by 1m, adjoining which is a further projection, with a lean to roof against the main projection and this in turn steps forward of the main elevation by 0.5m. The side projection is set back from the main rear elevation by 0.5m
- 1.6 The rear garden is approximately 21m in length and to the rear the property boundary adjoins the rear gardens of Nos. 14 to 16 Walerand Road. To the west side is the adjoining semi-detached property (No. 2 Eliot Park) and beyond that a detached property (No. 1 Eliot Park). All three properties are divided into flats. To the east of the site is a block of four storey flats dating from the 1980s (No. 4 Eliot Park). To the rear the flats project forward of the rear building line of the semi-detached pair by 3m.
- 1.7 The site is within the designated Blackheath Conservation Area but is not adjacent to any locally or statutory listed buildings.

2.0 Planning History

- 2.1 **DC/14/88590** – Application for the construction of a part one, part two storey rear extension, alterations and conversion of the upper ground and lower ground floor maisonette to provide 1 two bedroom flat and 1 three bedroom flat. **Refused by Committee in December 2014.**
- 2.2 Refused by reason of its incompatible design and excessive bulk which would detract from the architectural integrity of the building and the semi-detached pair of which it forms part, and fail to preserve or enhance the special character and appearance of the Blackheath Conservation Area.
- 2.3 **DC/14/86350** – Application for the construction of a part one, part two storey rear extension, alterations and the conversion of the upper ground and lower ground floor maisonette to provide 1 two bedroom flat and 1 three bedroom flat. **Withdrawn in August 2014.**
- 2.4 Withdrawn by the applicant when it became apparent that the incorrect certificate of ownership had been submitted in error.
- 2.5 **DC/99/45274** – The alteration of windows in the side and rear elevations and rear doors at 3A Eliot Park SE13. **Granted in December 1999.**

3.0 Current Planning Applications

The Proposal

- 3.1 The proposal is for alteration and conversion of the existing two-storey maisonette into two single-storey residential flats (lower ground floor and upper ground floor),

together with the construction of a part one, part two storey rear extension at 3A Eliot Park, SE13.

Alterations to existing building

- 3.2 There are no alterations proposed to the front elevation. The front entrance is to be retained for the main entrance to the upper ground floor flat. A new entrance is proposed in the side elevation at lower ground level, to provide access to the lower ground floor property, with no further alterations to the side elevation at lower ground floor level. At the upper ground floor level there are currently three windows in the side elevation. It is proposed to remove one of these windows (the stair landing window) and brick it up, and retain the other two windows.

Proposed extension

Lower Ground Floor Level

- 3.3 To the rear, the proposed extension would project out from the existing lower ground floor building line (which is currently stepped back), by 3.3m to 5.1m at its shallowest and deepest points.
- 3.4 On the side adjoining No. 4 Eliot Park, the extension would extend across 6.1m towards No. 2 Eliot Park at which point the projection would step back by 1.5m for a distance of 2.6m until it meets the property boundary line of No. 2 Eliot Park.
- 3.5 In the rear elevation at lower ground floor it is proposed to install glazed black coated aluminium doors (7 panels) and framing extending across the full width of the proposed extension to match the neighbours (No.2 Eliot Park) approved rear extension (DC 14/89157). The flank walls would match the existing dwelling with rendered brickwork coated with white masonry paint while the rear wall would be reclaimed London Stock brick.
- 3.6 The single storey element of the extension would have a flat roof with glazed conservatory style panels to match the neighbours approved rear extension and a maximum height of 3.5m above ground level.

Upper Ground Floor Level

- 3.7 The second storey element of the extension at upper ground floor level would project out from the existing upper ground floor building line (which is currently stepped back) by 0.97m to 1.6m at its shallowest and deepest points for a width of 4.2m. The extension would therefore infill the small stepped back part of the second storey resulting in a building with the same alignment for the full width of the plot at upper ground floor level.
- 3.8 The second storey element of the extension would have a white timber sash window in the rear elevation and reclaimed London Stock bricks walls to match the existing dwelling.
- 3.9 The second storey element of the extension would have a low pitched slate roof to match existing second storey roof at a height to the eaves of approximately 6.3m above ground level.

Set Backs

- 3.10 The proposed extension would adjoin the boundary of No. 2 Eliot Park at the same alignment as its newly built rear extension at lower ground level. The secondary and furthest projection of the proposed extension would be set back 2.6m across from the boundary of No. 2 Eliot Park creating a stepped building line.
- 3.11 The secondary and furthest projection of the proposed extension (lower and upper ground floor levels) on the side of No. 4 Eliot Park would be set back 0.8m from the property boundary and 1.5m from the existing building itself on this site. This part of the extension would extend 0.7m beyond the existing rear building line at No. 4.

Refuse and cycle parking facilities

- 3.12 The Applicant proposes to provide refuse and recycling facilities and 5 cycle parking spaces at the front of the property at pavement level.

Proposed accommodation

Lower Ground Floor Level

- 3.13 The lower ground floor is proposed as a three bedroom unit, with each bedroom providing between 12.7m² to 16.3m² of floorspace.
- 3.14 The master bedroom would have an ensuite bathroom and an additional bathroom would also be provided in the flat.
- 3.15 A separate living area (15.9m²) would be provided in the centre of the flat connecting to kitchen (21m²) at the rear of the property. Glazed aluminium doors would provide access onto the existing patio from the kitchen and the master bedroom to the rear garden.

Upper Ground Floor Level

- 3.16 At upper ground floor level a two bedroom unit is proposed, with the bedrooms providing between 14.5m² to 21.5m² of floorspace.
- 3.17 A separate bathroom would be provided in the flat. A combined open plan kitchen, living and dining area would be provided at the front of the flat with a total of 27.8m² of floorspace. There would be no direct access from the upper ground floor flat to the rear garden.
- 3.18 The lower ground floor flat will, once extended provide 69.32m² of internal floorspace for a 3 bedroom flat and the upper ground floor flat will provide 87.32m² for a 2 bedroom flat.

Supporting Documents

- 3.19 The application is accompanied by a Design and Access Statement and a Heritage Statement.

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 and conservation area notice were displayed, letters were sent to residents in the surrounding area and the application was advertised in the local newspaper for a period of three weeks. Local ward Councillors were consulted.
- 4.3 A total of 8 submissions were received from members of the public, 7 objecting to the proposal and 1 supporting the proposal.

Public Submissions

- 4.4 Objections to the scheme were received from residents at 1C, 2B, 8, 14 and 24 Eliot Park on the following grounds:
- the proposal would result in a significant loss of garden space, a mature tree and a harmful effect on wildlife, particularly bats;
 - the proposal intrudes into an area used by bats for foraging and warrants a bat survey;
 - a large part of the rear garden of No.3 is owned by Lewisham Council;
 - the extension will cause overshadowing and loss of light to adjoining properties;
 - the proposal would extend beyond established and graduated building lines at the rear of properties at Eliot Park, ruining rear garden vistas;
 - concern that the building will disturb the foundations and damage surrounding properties;
 - the design of the proposal is out of character with the area and adjacent properties and would have a negative impact on residential amenity;
 - the proposal would set a dangerous cumulative precedent for garden development in the conservation area;
 - the proposal would take away a good sized family residence to create two flats;
 - the proposal would place additional load on the existing stormwater drainage system;
 - insufficient consultation and timeline for making a submission, particularly given holiday period;
 - the proposal would result in increased car parking demand;
 - insufficient pre-application consultation by the Applicant;
 - amended plans being provided to Council without reconsultation of residents; and
 - errors on the planning application form.
- 4.5 A submission was received from the owner of the flat above No. 3A Eliot Park (No. 3B) supporting to the proposal on the following grounds:
- the proposal would provide the type of extra accommodation needed in the street;
 - the proposal is a smaller and improved scheme that cannot be considered overdevelopment;
 - the proposal would maintain the façade and general condition of the street; and

- the proposal is sympathetic to the adjoining neighbour's new extension, matches the overall style of the extension and the conservation area.

Blackheath Society

- 4.6 The Blackheath Society was consulted on the subject application and did not make a submission.

Blackheath Village Residents Group

The Blackheath Village Residents Group was consulted on the subject application and did not make a submission.

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

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 1.1 Delivering the strategic vision and objectives for London

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

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)

London Plan Best Practice Guidance

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

London Housing Design Guide (Interim Edition, 2010)

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 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:

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 15 High quality design for Lewisham

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

Core Strategy Policy 21 Planning obligations

Development Management Local Plan

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 strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 3 Conversion of a single dwelling to two or more dwellings

DM Policy 22 Sustainable design and construction

DM Policy 26 Noise and vibration

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 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 (amended 2012)

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

Blackheath Conservation Area Appraisal and Supplementary Planning Document (2007)

5.13 This document sets out the areas of distinct character in the Blackheath Conservation Area including the architectural character, materials and details of the buildings contained within. The document also sets out guidance in relation to planning considerations for development proposed in the Blackheath Conservation Area.

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design and Impact on the Blackheath Conservation Area
- c) Standard of Residential Accommodation
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Other Matters

Principle of Development

6.2 Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

6.3 Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context and states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

6.4 The existing building at No. 3 Eliot Park is a four storey semi-detached property that has been divided into three flats. The existing maisonette is large and has a gross internal floorspace of approximately 133.45m².

6.5 DM Policy 3 Conversion of a family house to two more dwellings does not apply to the subject application as it applies to the conversion of single family houses into two or more dwellings, rather than the conversion of existing flats.

6.6 The site has a PTAL rating of 6a which represents excellent public transport accessibility levels. Intensification of the existing residential use at this location would therefore be welcomed provided that the development is designed to complement the character of surrounding developments and the design and layout of the flats create a suitable standard of residential accommodation. It is considered that there would not be any significant negative parking implications arising from an intensification of residential land use on the site.

6.7 The evidence for Lewisham shows that the main need for housing is for family housing, which is defined in the London Plan as houses having three or more bedrooms. The proposal seeks to retain one three bedroom unit and to provide an additional two bedroom unit. Therefore, it is considered that the three bedroom lower ground floor unit with direct garden access would provide suitable family accommodation and meet the needs of the future occupiers. This accords with the NPPF, the London Plan and Council's relevant planning policies.

- 6.8 Given the above, the principle of the further conversion of the existing maisonette into two flats is considered to acceptable in this instance.

Design and Impact on the Blackheath Conservation Area

- 6.9 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’. Paragraph 131 states that ‘in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 32 continues that great weight should be given to the asset's conservation. Paragraph 34 states that 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 use.
- 6.10 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.
- 6.11 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.
- 6.12 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.13 DM Policy 31 also states that rear extensions will generally not be permitted where any part is higher than the height of the ridge of the main roof, or where the extension is not set back into the roof slope. Roof extensions on the street frontage of a building, particularly in a residential street will be resisted in favour of extensions to the rear of the building. Residential extensions should retain an accessible and usable private garden that is appropriate in size in relation to the size of the property. Additional or enlarged windows, doors and other openings, should be in keeping with the original pattern, and in the case of a roof extension should reflect the existing alignment of the windows. Replacement windows where controllable by the Council should closely match the pattern of the original windows.
- 6.14 DM Policy 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or

cause an incongruous element in terms of the important features of a character area.

- 6.15 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.
- 6.16 The proposal constitutes a rear extension to the existing property.
- 6.17 The gross internal floor space of the existing maisonette is approximately 133.45m². The proposed extension would add 23.19 m² of internal floor space (total 156.64m²), an increase of 17.4% which is considered to be reasonable. This represents an approximate 50% reduction in floorspace when compared to the previously refused proposal (DC 14/88590). This has been achieved by removing second storey (lower ground floor) element of the proposed extension (except a small infill section to make the second storey flush with the rear wall) and significantly reducing the single storey (lower ground floor) footprint.
- 6.18 Further, the proposed extension would not increase the width of the host dwelling noting that the ground floor footprint already covers the full width of the plot. The proposal follows the existing flank building line and does not extend any closer to the boundary than the existing side addition.
- 6.19 The single storey element of the extension would have a flat roof and a maximum height of 3.5m above ground level. The second storey element would have a low pitched slate roof to match the design and height of the existing dwelling at a approximately 6.3m above ground level to the eaves. Therefore, no part of the extension would be higher than the height of the main roof, and in regards to the second-storey element of the proposal, the extension would be set back into the existing roof slope.
- 6.20 The existing site is of considerable size at around 345m² and has a large garden depth of approximately 21m to the rear boundary. The existing property at No. 3 is also of considerable size with a ground floor footprint of around 90m². Given the size of the existing site and property and the depth of the resulting garden (around 18m to the rear boundary), the scale of the proposed extension is considered to be appropriate, with the height and massing of the proposed extension relating well to the proportions of the existing building, the site and its surrounds.
- 6.21 Considering the above, Council officers are satisfied that the proposed extension would compliment the form of the existing building and would be smaller and less bulky than the original building such that it would remain subservient to the host dwelling in accordance with DM Policy 31.
- 6.22 The single storey element of the proposed extension would extend across 6.1m from No. 4 Eliot Park towards No. 2 Eliot Park at which point the projection would step back by 1.5m for a distance of 2.6m until it meets the boundary of No. 2 Eliot Park at the same alignment as its newly built rear extension. The secondary projection of the single-storey element of the proposed extension would extend

0.7m beyond the existing rear building line at No. 4 Eliot Park compared to 1.25m with the previously refused scheme.

- 6.23 The single storey element of extension has been designed in response to concerns raised with the previously refused proposal (DC 14/8915) so that it is stepped back and so that garden vistas from No. 2 Eliot Park (and the windows of its new extension) and adjoining properties towards the rear are maintained and do not encroach into the line of sight. This allows the maintenance of graduated building lines and green vistas at the rear of properties at Eliot Park towards the south-east which was an issue of concern raised in public submissions.
- 6.24 The second storey element of the extension would essentially infill the small stepped back part of the second storey resulting in a building with the same alignment for the full width of the plot at upper ground floor level. At upper ground floor level, the second storey element of the proposed extension would be set back considerably at 4.2m from the existing rear building line at No. 4 Eliot Park.
- 6.25 The proposed extension also would be built using materials that match or compliment the existing dwelling (e.g. London Stock brick, white timber sash windows etc) and the neighbours (No. 2 Eliot Park) approved extension (DC 14/89157). Further, a suitably sized rear garden (over 50% of the existing) would be retained at the property.
- 6.26 Given the above, while it is acknowledged that the size of the proposed extension is substantial, Council officer's are satisfied that the proposed extension:
- has been designed so that it compliments the form of the existing building, the site and its surrounds;
 - is smaller and less bulky than the original building and would be subservient to the host dwelling;
 - has been designed using high quality or complimentary materials which are appropriate for the site context and are sympathetic to the neighbours (No.2 Eliot Park) approved rear extension (DC 14/89157);
 - would retain a accessible and usable private garden that is appropriate in size for the property; and
 - has been designed (e.g. through the use of set backs) to minimise impacts on residential amenity.
- 6.27 The proposal would therefore considered to be compliant with the requirements of DM Policy 31 and the Residential Standards SPD.

Conservation Issues

- 6.28 An application for a rear extension at the subject site was previously refused (DC 14/88590) in 2014 because its incompatible design and excessive bulk which was considered to detract from the architectural integrity of the building and the semi-detached pair of which it forms part, and fail to preserve or enhance the special character and appearance of the Blackheath Conservation Area.
- 6.29 As discussed in the previous section of this report, Council's officer's are satisfied that the design of the current proposal has significantly improved from the previous such that it is considered to be of a high quality because it is smaller and less bulky than the original building, would be subservient to the host dwelling and would be built using complimentary materials in accordance with DM Policy 31.

- 6.30 In particular, the Applicant has sought to significantly reduce the bulk of the proposed extension by removing approximately 50% of internal floorspace by removing the second storey (ground floor) element of the proposed extension (except a small infill section) and significantly reducing the single storey (lower ground floor) footprint.
- 6.31 Council officer's acknowledge that the size of the proposed extension is substantial but do not consider that it would unreasonably impact on the architectural integrity or symmetry of the subject semi-detached pair (Nos. 2 and 3). This is because these properties are already asymmetrical and are not a matching pair. The architectural integrity and symmetry of these buildings was lost when the neighbours extension at No. 2 Eilot Park was approved and constructed (DC 14/89157). The impact of the proposed extension on the architectural integrity of the building is therefore not considered significant enough to warrant refusal of the application, subject to the scale and design of the proposal being appropriate which has been demonstrated earlier in this report.
- 6.32 Further, the symmetry of subject semi-detached pair (Nos. 2 and 3) in the context of a conservation area is most important at the front elevation where no changes are proposed. Whilst the extension would alter the appearance of the properties from the rear, these are not Listed buildings, a suitably sized (some 18m long) garden would be maintained, green outlooks to the rear of Eliot Park would be maintained, the proposal would not result in an unreasonable impact on the amenity adjoining occupiers (see further discussion below) and the alterations would not be visible from the public realm.
- 6.33 Given the above, Council officers are satisfied that the reasons for refusal of the previous application (DC 14/88590) have been addressed by the revised scheme such that the proposed extension would not cause harm to the special characteristics of the Blackheath Conservation Area and is in accordance with DM Policy 36.

Standard of Residential Accommodation

- 6.34 DM Policy 31 states that new rooms provided by extensions to residential buildings will be required to meet the space standards in DM Policy 32 Housing Design, layout and space standards.
- 6.35 DM Policy 32 states that the standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (SPG) will be used to assess whether new housing development including conversions provides an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. The standards and criteria in this policy, including those of the London Plan and the London Plan Housing SPG, will ensure a reasonable level of residential amenity and quality of accommodation, and that there is sufficient space, privacy and storage facilities in development to ensure the long term sustainability and usability of the homes.
- 6.36 In this regard, DM Policy 32 states that residential accommodation shall:
- meet the minimum space standards for new development which should conform with the standards in the London Plan and the London Plan SPG on Housing (as updated in 2012);

- provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy; and
- have a minimum floor height of 2.5 metres between finished floor level and finished ceiling level. Space that does not meet this standard will not count towards meeting the internal floor area standards.

6.37 The lower ground floor flat will, once extended provide 69.32m² of internal floorspace for a 2 bedroom 3 person flat and the upper ground floor flat will provide 87.32m² for a 5 person 3 bedroom flat. The London Plan minimum space standards for a 2 bedroom 3 person flat is 61m² and a 5 person 3 bedroom flat is 86m², therefore both units would comply with this control. In addition, at lower ground floor level the proposed bedrooms are between 12.7m² and 16.3m² and would therefore comply with the standard of 12m² for a double bedroom in the London Plan. At upper ground floor level, the proposed bedrooms are between 14.5m² and 21.5m² and would also comply with the London Plan in this regard. The kitchen/living/dining space for each unit also exceeds the minimum space requirements of the London Plan with 36.9m² provided at lower ground floor and 27.8m² provided at upper ground floor level.

6.38 All rooms are considered to have acceptable outlook, adequate privacy and would receive adequate sunlight and daylight.

Amenity Space

6.39 The proposal will provide direct access to the rear garden for the lower ground unit, from the master bedroom and kitchen. Whilst the upper ground floor unit will have no direct access into the garden area, there is a side access door proposed to allow rear garden access for the upper flats.

6.40 Given the above, Council officer's conclude that the proposal would provide an appropriate level of residential quality and amenity for potential future occupiers of the flats and would comply with the relevant requirements of the London Plan, DM Policy 31 and DM Policy 32.

Highways, Traffic and Servicing Issues

Car Parking

6.41 As noted earlier in this report, the site has a PTAL rating of 6a which represents excellent public transport accessibility levels. Accordingly, it is not considered there would be any significant negative parking implications arising from the intensification of residential land use on the site.

Cycle Parking and Refuse Storage

6.42 Cycle parking is required to be provided at a rate of 2:1 for this type of dwelling as stipulated in the London Plan (as amended in March 2015). This equates to a total of two cycle parking spaces per flat. The Applicant proposes to provide a total of 5 cycle parking spaces at the front of the property which exceeds the requirements of the London Plan.

- 6.43 The Residential Development Standards SPD (amended 2012) seeks to ensure that all new developments have adequate facilities for refuse and recycling. The Applicant proposes to provide refuse and recycling facilities at the front of the property.
- 6.44 Council's Conservation Officer raised concern that there is a lack of detail in terms of elevations, material detail, and landscaping to the front elevation in respect to the bin and bike storage area. It was recommended that the final details of these facilities (citing materials and design) be secured by a condition.
- 6.45 Council officers have therefore recommended conditions that would require the Applicant to submit further details of the bin and bike stores to Council for approval prior to the commencement of any development on site. This is to ensure that the citing, design and appearance of these facilities is appropriate and includes consideration of screening, landscaping and vegetation to minimise any visual impacts as far as reasonably practicable.

Impact on the Amenity of Adjoining Properties

- 6.46 For areas of stability and managed change, Core Strategy Policy 15 states that small household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.
- 6.47 DM Policy 31 states that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.48 Given that the proposal would result in a minor 0.70m extension beyond the existing rear building line at the adjoining property at No. 4, it is considered unlikely that the proposal would result in any unreasonable impact on the amenity of the occupiers in terms of loss of outlook, overlooking or overshadowing.
- 6.49 There are a number of windows in the side elevation of the No. 4 Eliot Park and it is acknowledged that there will be a level of impact to these windows. These windows are located behind the existing rear building line of No. 3 Eliot Park and as such already have limited light. Additionally, as these windows serve non-habitable rooms (kitchens and bathrooms) it is considered that whilst there will be a degree of impact, this is not so significant as to warrant the refusal of planning permission.
- 6.50 To the west side, the extension would be single storey and would be constructed up to the boundary with No. 2 Eliot Park. The single storey element of the extension would have a flat roof and a maximum height of 3.5m above ground level, just 0.20m higher than the adjacent property. As noted earlier in this report, the single storey element of extension has been designed in response to concerns raised with the previously refused proposal (DC 14/8915) so that it is stepped back and garden vistas from No. 2 Eliot Park (and the windows of its new extension) to the south-east towards the rear are maintained and do not encroach into the 45 degree line of sight from this property. This also allows the maintenance of graduated building lines and green vistas towards the south-east at the rear of properties at Eliot Park which was also an issue of concern raised in public submissions (see further discussion below). In view of this, it is considered

that the proposal would not result in a significant amenity impact on No. 2 Eliot Park in terms of loss of outlook, overlooking or overshadowing.

- 6.51 The rear of the property adjoins the rear gardens of numbers 14-16 Walerand Road. The distance to the nearest property at the rear on Walerand Road is considerable at around 36m. The proposed extension is also separated by around 18m of garden land to the rear boundary and is screened by mature trees. As such, the proposal would not result in any amenity impacts to occupiers at the rear of the site.
- 6.52 Given the above, whilst the proposal will result in a change to the current site arrangements, the development is not considered to have an unreasonable impact to the amenity of neighbouring occupiers.

Other Matters

- 6.53 Concern was raised in public submissions that the proposal would extend beyond established rear building site lines running from No. 1 Eliot Park towards No. 6 Eliot Park. On the side adjoining No. 4 Eliot Park the extension will project beyond the rear building line of the adjacent flats by 0.70m. This encroachment is considered to be minor and would be well behind the rear building line of the next closest block of flats located further to the south-east which also form part of No. 4 Eliot Park. As such, it is considered that the proposal would have no discernable impacts on garden vistas towards the south-east at the rear of properties at Eliot Park. It is also noted that loss of views are not a relevant matter for planning consideration.
- 6.54 Concern was raised in public submissions that the building would disturb the foundations and damage surrounding properties and place additional load on the existing stormwater drainage system. However, Council officer's are satisfied that the construction impacts of the proposed extension would be minor and can be managed in accordance with standard building controls. Further, given the scale of the proposed extension relative to the existing property, Council officer's are satisfied that any additional load placed on the existing stormwater management system as a result of the extension would be inconsequential.
- 6.55 Objectors have drawn attention to the fact that the Council is the freehold owner of a significant part of the rear garden. The Council owns the freehold of the rear part of this and also parts of adjacent gardens in Eliot Park and Walerand Road. It is understood that there is a covenant limiting the use of the land to use as garden. The land owned by Council is to remain as garden land in the current application.
- 6.56 Objectors have raised concern about the effect of the loss of garden land on wildlife, including bats. Concern was also raised that the proposal intrudes into an area used by bats for foraging and warrants a bat survey.
- 6.57 The proposed extension would be constructed on an old sub-paved patio at the rear of the property and a small area of the garden closest to the house. The remainder of the garden (some 18m) would be retained as garden land. The extent of garden land affected is not dissimilar to the situation that would occur for a substantial rear residential extension and it is not considered that the construction of the proposed extension would result in loss of wildlife habitat to the

extent that permission should be withheld on grounds of loss of or damage to wildlife habitat.

- 6.58 The Council have given consideration to the characteristics of the development site in relation to the presence of bats and consider that the development does not require the submission of a bat survey. The application site is an urban residential garden, which is not known to the Council as a foraging/roosting site for bats or within a designated protected area for bats (Site of Nature Conservation Importance, Local Nature Reserve (LNR) or Green Corridor). The proposed development would not modify or disturb the eaves or roof space of the existing property nor is within the proximity to woodland or a watercourse. It is also noted that the location of the extension is not along or adjacent to a linear path, such as a railway embankment or park which are the favoured routes for foraging bats.
- 6.59 Given the scale of the development and that it is located in the garden area closest to the existing property the impact on wildlife habitats is considered minimal. Although the development is likely to require the removal of one tree, for which a separate application is required should this be the case, the tree is not of a quality to support bats. The remainder of the existing garden will remain as garden land. It is concluded therefore that the location and scale of the development will not adversely impact or harm the bats and the natural environment of the site.
- 6.60 Concern was also raised that amended plans were provided to Council after the formal consultation period without reconsultation of residents. However, the revised plans removed elements of the original scheme (e.g. the summerhouse in the rear garden) and sought to fix minor errors on the plans (e.g. the omission of doors on the floor plans that were shown on the original elevations). As such, reconsultation was considered unnecessary. Notwithstanding, this the Council advised residents that it would continue to accept submissions on the scheme right up until the date of determination.

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; and
- (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.

8.4 In this matter there is no impact on equality.

9.0 Conclusion

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

9.2 The sub-division of the lower maisonette is considered to be acceptable in principle.

9.3 Council officer’s acknowledge that while the size of the proposed extension is substantial, the design is of a high quality. The proposed extension would be smaller and less bulky than the original building, subservient to the host dwelling and built using complimentary materials in accordance with DM Policy 31.

9.4 Further, for the reasons outlined in this report Council officers are satisfied that the reasons for refusal of the previous application (DC 14/88590) have been addressed by the revised scheme such that the proposed extension would not cause harm to the special characteristics of the Blackheath Conservation Area and is in accordance with DM Policy 36.

9.5 Finally, the proposal would provided an acceptable standard of residential accommodation for future occupiers and would not result in an unreasonable impact to the amenity of neighbouring occupiers.

9.6 As such, the proposal is recommended for approval, subject to conditions.

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:

Location Plan; Existing Floor Plans (received on 6th of April 2015); Proposed Elevations (received 30th September 2015); and Proposed Floor Plans (received 1st October 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.
 - a) The development shall be constructed using those materials specified in the documentation and plans submitted as part of the subject planning application.
 - b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

4.
 - 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 to ensure that adequate provision for recycling facilities and refuse storage is made in the interest of safeguarding the amenities of neighbouring occupiers and the area in general to comply with DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014). In order to ensure that the citing, design and appearance of recycling facilities and refuse storage is appropriate and includes consideration of screening, landscaping and vegetation to minimise any visual impacts to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 36 New development, changes of use and alterations affecting designated heritage items and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

5.
 - a) A minimum of 5 secure and dry cycle parking spaces shall be provided within the development.

- 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) and in order to ensure that the citing, design and appearance of cycle parking facilities is appropriate and includes consideration of screening, landscaping and vegetation to minimise any visual impacts to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 36 New development, changes of use and alterations affecting designated heritage items and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

- 6. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

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|--------------|---------------------------|-----------------|
| Committee | PLANNING COMMITTEE C | |
| Report Title | 1-3 COMET STREET, SE8 4AN | |
| Ward | Brockley | |
| Contributors | Jan Mondrzejewski | |
| Class | PART 1 | 5 NOVEMBER 2015 |

Reg. No. DC/15/92227

Applications dated 14/05/15 valid from 12/06/15

Applicant Planning Co-Operative obo Comet Street LLP

Proposal The demolition of 1-3 Comet Street, SE8 and the construction of 3, three bedroomed, three storey plus basement terraced houses and a three storey plus basement block providing 1, three bedroomed, self-contained maisonette, 1, two bedroomed self-contained maisonette and 4 one bedroom self-contained flats, together with refuse store, bicycle store, garden areas to the front and rear and roof gardens to the proposed flats.

Applicant's Plan Nos. S144459/01, EX01 rev PL1; EX02 rev PL1; EX04 rev PL1; EX05 rev PL1; EX06 rev PL1; GA02 rev PL1; GA03 rev PL1; GA04 rev PL1; GA05 rev PL1; GA06 rev PL1; GA08 rev PL2; GA10 rev PL2; GA11 rev PL1; LTH-01 rev PL1; LTH-02 rev PL1 (Proposed Ground Floor Plan); LTH-02 rev PL1 (Proposed Basement Plan); LTH-03 rev PL1; Front Elevation Along Comet Street; Rear Elevation; Comet Street Deptford_Bird's Eye View (Eastside); Comet Street Deptford_Bird's Eye View (Westside); Comet Street Deptford_Model View; Model Views_28-04-2015 (Top View & View 1-3); Comet Street Deptford_Model View; Model Views_28-04-2015 (View 4-7);View from Deptford High Street Looking Down to Comet Street (Existing Photographs); Planning Statement; Design and Access Statement; On Site Health and Safety Document; Comet Street Code for Sustainable Homes Pre-Assessment by Falcon Energy Ltd; Shadow Study Report by Mono Design Group; GLA - Room Size.

Statement of Community Involvement (received 12th June 2015);

GA12, Detailed Section (received 31st July 2015)

VSC Daylight Analysis (received 30th September 2015)

GA01 rev PL1; GA07 rev PL2 (received 6th October 2015)

Background Papers (1) Case File

- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (Nov. 2014)
- (4) The London Plan (March 2015)

Designation

Existing Use

OBSERVATIONS

1.0 Property/Site Description

- 1.1 The application site comprises an existing scaffold Yard occupying a corner plot in Comet Street to the rear of Nos 43-53 Deptford High Street. The site comprises a walled yard with chamfered corner to the street at the rear of No 51 Deptford High Street and two modern warehouse buildings with gabled elevations to the street. The modern buildings incorporate elements of a previous interwar building which occupied the site and is believed to have been a dairy. With regard to the buildings in Deptford High Street which adjoin the site:-
- a) Nos 39-44 is a three storey double fronted Victorian building of c1870 with a very obvious modern roof addition. The ground floor of the building is in A1 use and the upper part has been converted into flats.
 - b) No 45 is a three storey building with a three bay frontage and with a double span roof which appears to date from the late 1700s. However, the building was re-fronted in the early 1900s incorporating a sign for the Red Lion and Wheatsheaf, a Public House which existed at the site until the 1950s. The ground floor of the building is currently in A3 use and the upper part has been converted into flats.
 - c) Nos 47-49 Deptford High Street comprise a pair of two storey shops of c1850 with London roofs and a parapet cornice very similar to the three storey terrace at Nos 22-28 Deptford High Street which is dated by a stone plaque on the building to 1844. These properties are currently unoccupied and derelict
 - d) No 51 Deptford High Street is a two storey building of c1900 with double span pitched and a first floor frontage set back from the neighbouring properties to the south. The ground floor shop unit is vacant although the upper floors appear to be occupied as residential accommodation.
- 1.2 The application site faces onto a four storey block of post war flats and an area of amenity space laid to lawn on the south side of Comet Street. This green space adjoins a recent three storey residential development known as Shaftesbury Row.
- 1.3 To the north of the application site, Comet Street is a narrow two way road with its original Victorian granite sett surfacing largely intact. On its north side of the road is the flank wall of No 53 Deptford High Street, a building which appears to be of interwar date and which contains a first floor residential flat accessed from Comet Place at the rear via an external staircase.
- 1.4 The property is located within the Deptford District Centre, the Deptford High Street Conservation Area and an Archaeological Priority Area..

2.0 Planning History

- 2.1 1949 - Planning permission granted for the use of 1 Comet Street, SE8, for shop, office or storage or any uses falling within Classes I, II or XI of the Town and Country Planning (Use Classes) Order, 1948.
- 2.2 1960 - Planning permission for the use of the site of Nos. 1 and 2 Comet Street, SE8, for an extension to the adjoining milk redistribution centre.
- 2.3 1964 - Planning permission for the retention of existing fence, forming access with gates, and the paving and use for the parking of vehicles of the sites of Nos 1 and 2 Comet Street, SE8.
- 2.4 1985 - Refusal of planning permission for the erection of a single-storey warehouse/factory building at 2 Comet Street, SE8.

Reasons

1. The proposal would result in an increased generation of vehicle movements to and from the premises and, combined with the lack of off-street parking or adequate turning facilities, would be prejudicial to the free flow of traffic and conditions of general safety in Comet Street and surrounding roads.
 2. The proposal would be likely by reasons of noise and general disturbance, to be detrimental to the amenities of the locality and to the enjoyment of their properties by neighbouring occupiers.
- 2.5 1989 – Planning permission for the erection of a 3,7m high brick boundary wall at 1-3 Comet Street, SE8, together with the provision of a new roller shutter door.
 - 2.6 2006 - Planning permission (DC/06/61753) refused for the demolition of the existing buildings on the site, and the construction of a part three/part four storey building comprising, 6, one bedroom and 11, two bedroom self contained flats.

Reasons

1. The proposed development, by reason of its form, bulk, mass, and design would be detrimental to the streetscene in this important location, would provide unsatisfactory accommodation by reason of poor outlook from a number of habitable rooms, would result in overdevelopment of the site and would fail to preserve or enhance the character and appearance of the Deptford High Street Conservation Area, contrary to Policies URB 3 Urban Design and URB 16 New Development, Changes of Use & Alterations to Buildings in Conservation Areas in the adopted Unitary Development Plan (July 2004).
 2. The proposed refuse collection arrangements are unsatisfactory and would be likely to result in refuse bins being left in the street or blocking the pedestrian access to the rear of the development, contrary to Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- 2.7 Also of relevance to this application is the grant of planning permission (DC/05/59423) in 2005 for the alteration and conversion of the upper floors at 45, 47 and 49 Deptford High Street SE8, together with the construction of extensions at first and second floor levels to the rear of 47 and 49 Deptford High Street, to provide

5, one bedroom and 1, two bedroom, self-contained flats, alterations to the front and rear elevations and the provision of an external metal staircase to the rear to second floor level. Although this permission has expired and was never implemented, the application took account of the impact of the proposed development on the site of 1-3 Comet Place. The planning officer's states that:

'The proposal has been designed in consideration of the potential future development of the scaffold site, in terms of overlooking and outlook. The rear windows of the proposed dwellings, which would be kitchen/living area windows, would be approximately 9.5m from the edge of the site boundary.'

This planning permission was never implemented and expired in 2010. However, from the objections received to the current application it will be noted that one of these is from the owner of Nos 47 & 49 Deptford High Street (see para 4.3) and relates to the impact of the proposed development on the development potential of these adjoining properties. Just as Officers in 2006 took into account the impact of the development of 45-49 Deptford High street on 1-3 Comet Street, so the impact of the development of 1-3 Comet Street on 47 & 49 Deptford High street will also need to be considered.

3.0 Current Planning Application

- 3.1 The current application is for the demolition of the existing scaffolding yard (Class B8) and the construction of 3, three bedroomed, three storey plus basement terraced houses and a three storey plus basement block providing 1, three bedroomed, self-contained maisonette, 1, two bedroomed self-contained maisonette and 4 one bedroom self-contained flats, together with refuse store, bicycle store, garden areas to the front and rear and roof gardens to the proposed flats.
- 3.2 The application was the subject of pre-application enquiries with officers This resulted in the reduction in height of the proposed flats from four storeys with semi-basement to three storeys with semi basement. Further discussions then took place regarding the use of the flat roof of the block as a roof garden. Officers, considered that this should be restricted in size to small amenity spaces with views towards Comet Street. Screening in materials such as acid etched glass would be used to prevent overlooking of properties to the rear in Deptford High Street. The proposed amenity spaces would be surrounded by an extensive green roof which would not be accessible to residents. This would allow the occupiers of the flats in question to have the benefit of rooftop views with no consequential loss of privacy to the occupiers of surrounding properties.
- 3.3 Officers also secured an improved north elevation incorporating window openings and a triangular corner bay to Comet Street and the chamfered north east corner of the proposed building. In the scheme as initially submitted there were proposed as largely blank expanses of brickwork.
- 3.4 In order to avoid overlooking to existing properties in Deptford High Street from windows in the rear elevation of the proposed development, triangular oriel windows are proposed with obscure glazing to the hypotenuse facing towards the rear of the High Street and clear glazed windows facing due south. All the proposed dwellings will have a dual aspect..

- 3.5 The proposed three storey houses feature a ground floor kitchen/living room/ diner, which although below the recommended size in the London Housing SPG, has access to large basement room with natural light from a covered light well to the street and lantern light in structural glass incorporated into the rear patio gardens of the units. The proposed houses have rear gardens of up to 9m in length while the ground floor and basement maisonettes have small private amenity spaces to the rear. All the remaining flats have balconies to Comet Street angled towards the south west.
- 3.6 Each of the 3 town houses has a bin store onto the street which is an integral part of the proposed elevational design. There is also a communal bin store at the rear of the site accessed directly from Comet Street. The houses will have bike storage areas located in the rear gardens of the units and the flats will have a communal bike store accessed from Comet street.
- 3.7 The three town houses are intended to relate to the existing green to the West of the site. Although lower in scale than the recent three storey residential terrace located to the south of the green, it is considered the intended use of this portion of the site coupled with its scale and massing would reinforce and formalize the square as a central/focal point of this residential quarter of the District Centre.
- 3.8 The proposed elevations use a combination of a grey brick with 'Corten' steel to highlight projecting balconies and bays. These materials are intended to provide a link back to the maritime and industrial heritage of the area. The surrounding area and Deptford High Street in particular does not have a consistent fabric material commonly used. Painted brickwork, render and facing brick in a variety of colours are evident. Closer to the site Shaftsbury Row, is a light grey stock brick with the contemporary artist studio adjacent to the site, finished in anthracite grey zinc cladding. The applicant states that high quality materials will be specified to provide a complementary and high quality addition to the urban fabric.

Supporting Documents

- 3.9 The application is submitted with a Design and Access Statement, a statement of community engagement, which includes consultation with local residents prior to the submission of the application, a Lifetime Homes Assessment, a sustainability statement demonstrating that the proposed scheme will meet level 4 of the Code for Sustainable Homes, a shadow path analysis and daylight study showing the level of impact on rear elevation windows to properties in Deptford High Street.

4.0 Consultation

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

Written Responses received from Local Residents and Organisations

- 4.3 6 replies received from the owner of Nos 45 - 49 Deptford High Street and occupiers of Flat 1, 43, 45A & 45B Deptford High Street, 448 New Cross Road and

12 Flamingo Court, Hamilton Street, objecting to the application on the following grounds:-

- (1) The development will be detrimental to the potential extension and development of the vacant shops at Nos 47 & 49 Deptford High Street..
- (2) The proposed development would blight the potential for bringing the flats above the shops at 47 & 49 back into residential use and should therefore be either modified to take these concerns into account or refused.
- (3) The Proposed development would by reason of its height and scale reduce the provision of natural light to the windows of adjoining buildings in Deptford High Street.
- (4) The proposed development would give rise to overshadowing which will impact on the quality of peoples lives living in the buildings to the rear.
- (5) This imposing structure is not suitable for this location and is basically too big.
- (6) The proposed development would give rise to overlooking of adjoining residential properties in Deptford High Street.
- (7) The proposal would create a precedent for increasing the height/scale of buildings in the local area.
- (8) The Bedroom window of 45A Deptford High Street is only 10 feet away from the boundary wall of the application site and provides a small garden for the occupier of this flat.
- (9) The height of the building is totally inappropriate and detrimental to the character and appearance of the Deptford High Street Conservation Area.
- (10) The wholly below ground basements would not provide a good standard of living accommodation for the occupiers of the proposed development.
- (11) The proposed garden areas would be dark and of questionable value to the occupiers of the proposed development, plants would be unlikely to thrive in this space.
- (12) The scheme offers no enhancement to the surrounding area with landscaping and trees visible from the public realm.
- (13) The proposed dark cladding and materials would emphasize the height of the building unnecessarily.
- (14) The brick indicated in the planning application is very dark and the Corten steel cladding will weathers quickly to a dark rust - this will not reflect much light in what is a very tight urban site.
- (15) The applicant does not appear to have delivered the promised report (Demolition and Construction Management Report). This needs to be the subject of a condition as the site extends to the immediate rear of the properties in Deptford High St, which means that the normal working

hours may need to be further restricted in order to protect the amenities of adjoining residents, particularly at 39-43 Deptford High St.

- (16) The Shadow Study Report. Shows that the first floor roof terrace of No.39-43 will be affected by the shadow of the proposed development from about 1900 in the Summer Solstice model; which is more than a negligible impact. The Report also talks about the East elevation when it clearly means the West.
- (17) No indication has been given as to the boundary treatment between the application site and the part-open staircase hall of 39-43 Deptford High St.
- (18) There needs to be an adequate new boundary wall with facing bricks of an appropriate height, texture and colour - not simply the retention of the existing rear wall of the demolished scaffolding yard, which is only 1m high and a confused mess of blocked openings and concrete lintels.
- (19) The slanted oriel windows at the rear of the three new houses should be obscure-glazed to prevent loss of privacy to High St residents.
- (20) The rear of the proposed houses face onto what is a tight urban light well. The concern is not just overshadowing but the absorption of light in a congested group of buildings - traditionally a light well is treated with lighter materials to reflect light into the windows of adjoining properties..

(Letters available to Members).

The above comments are addressed in Section 6 of this report.

Highways and Transportation

- 4.4 No objection in principle to a car free scheme subject to a section 106 agreement requiring a two year subscription to a car club for all initial occupiers of the proposed development.

Thames Water

- 4.5 Comments provided on water supply and foul and surface water management (which have been passed on to the applicant) but raising no objection to the proposed development. It is recommended that informatives suggested by Thames Water on water supply and foul and surface water management be added to the decision notice.

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

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 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
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 5.13 Sustainable drainage
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.9 Cycling
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 8.2 Planning obligations

London Plan Supplementary Planning Guidance (SPG)

5.7 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

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

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

Wheelchair Accessible Housing (2007)

London Housing Design Guide (Interim Edition, 2010)

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 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 2 Regeneration and Growth Areas

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 5 Other employment locations

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 9 Improving local air quality

Core Strategy Policy 10 Managing and reducing the risk of flooding

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

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

Core Strategy Policy 21 Planning obligations

Development Management Local Plan

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 strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 4 Conversions of office space and other B Use Class space into flats

DM Policy 11 Other employment locations

DM Policy 22 Sustainable design and construction

DM Policy 23 Air quality

DM Policy 24 Biodiversity, living roofs and artificial playing pitches

DM Policy 25 Landscaping and trees

DM Policy 27 Lighting

DM Policy 28 Contaminated land

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

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design/Conservation
- c) Quality of the proposed Housing
- d) Highways and Traffic Issues
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Ecology and Landscaping
- j) Planning Obligations

Principle of Development

6.2 In the case of the last refusal of planning permission (DC/06/61753) for a residential development of this site (17 units), in 2006, the reasons for refusal were the form, bulk, mass, and design of the proposed building, which was considered detrimental to the streetscene, unsatisfactory accommodation by reason of poor outlook, overdevelopment and failure to preserve or enhance the character and appearance of the Deptford High Street Conservation Area. There was also a secondary objection on the basis unsatisfactory arrangements for refuse collection. Notably, loss of employment was not a reason for refusal.

6.3 Since the consideration of the 2006 application for the redevelopment of this site, the Core Strategy (Adopted June 2011) places the Deptford District Centre within a Regeneration and Growth Area. Spatial Policy 2 of the Plan states that these areas have the potential to deliver 14,975 additional new homes within the period of the Core Strategy. This accounts for approximately 82% of the borough's forecast housing growth. In particular Spatial Policy 2 notes that 'housing development will also feature prominently within the area known as Deptford Creekside and the Deptford Town Centre'.

6.4 DM Policy 11: Other employment locations Sites in Town Centres, Local Hubs and other clusters of commercial and/or retail uses, states that the Council will seek to retain employment uses (B Use Class) on sites and buildings in Town Centres, and Local Hubs *where they are considered capable of continuing to contribute to and support clusters of business and retail uses, and where the use is compatible with the surrounding built context.*

6.5 The presence of a scaffold storage yard in close proximity to existing residential accommodation would normally be considered anomalous, particularly in a Conservation Area where the current buildings and yard present such poor elevations to the street. On the other hand, residential development, subject to appropriate design, has the potential to greatly improve the living conditions of adjoining occupiers as well as the character and appearance of the Deptford High Street Conservation Area.

Design/Conservation Area Considerations

6.6 Development Management Policy 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.

- 6.7 Development Management 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 or enhancing their character or appearance, will not grant planning permission where: a. new development is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials
- 6.8 Through the paid pre-application enquiry procedure, officers have had the opportunity to assess this scheme prior to submission. Compared to the scheme as initially presented to officers, the proposed flats at the corner of Comet Street have been reduced in height by a full storey on the basis of officer advice. This followed a detailed inspection of the site by planning, conservation and design officers, accompanied by the applicant, his agent and architect. Officers were particularly concerned that the new development would not be visible from the High Street or in long views from Reginald road. The applicant, again on the basis of officer advice, has also introduced windows to the north elevation and made more of a feature of the chamfered north west corner of the building. While these changes have greatly improved the scale, massing and appearance of the proposed building within the context of the Deptford High Street Conservation Area, the architect's initial concept of a contemporary design with bold bays in Corten steel, forming a frontage to the Comet Street Green still finds expression in the submitted proposal. Officers also consider that the proposed development would complement the recently erected residential development on the west side of the green. Compared to the existing building, the proposal would, in the opinion of officers, represent an enhancement to the character and appearance of the Deptford High Street Conservation Area,
- 6.9 In terms of the colour of the proposed brick, officers are not convinced that the suggested Staffordshire Blue would be appropriate for a new building in this location and would prefer to see a lighter brick perhaps similar to the grey brick used on the new building to the west of the green. This is of course an aspect of the scheme which has attracted some interest from local residents who have concerns about the building being too dark and diminishing light levels for existing residents. In this respect officers would suggest that if the Committee is minded to grant permission for the proposed development, the exact colour of brick and choice of material for the oriel windows on the rear elevation of the building forms the basis of a planning condition.

Housing

- 6.10 Policy 3.5 in the London Plan requires new housing developments to be of the highest quality in terms of making new dwellings 'a place of retreat' by ensuring safe access, adequate room sizes and practical layouts. The policy also refers to ensuring that the design of new dwellings has a clearly defined 'point of arrival' so that occupiers take ownership of their dwellings. Further detail about what is necessary in order to create the high standards of accommodation, are found in the London Plan Housing SPG and Lewisham's Residential Standards SPD.
- 6.11 Core Strategy Policy 1 Housing provision, mix and affordability. This states that the Council will seek an appropriate mix of dwellings within a development, having regard to a number of relevant criteria. DM Policy 32 Housing design, layout and space standards deals with the siting and layout of development as well as internal standards within schemes.

a) Size and Tenure of Residential Accommodation

- 6.12 As the scheme is below 10 units in size there is no requirement to provide affordable housing.
- 6.13 The proposed mix of unit types and, in particular, the inclusion of family sized units of accommodation is in keeping with Core Strategy Policy 1 Housing provision, mix and affordability. This states that the Council will seek an appropriate mix of dwellings within a development, having regard to the following criteria:
- a. the physical character of the site or building and its setting
 - b. the previous or existing use of the site or building
 - c. access to private gardens or communal garden areas for family dwellings
 - d. the likely effect on demand for car parking within the area
 - e. the surrounding housing mix and density of population
 - f. the location of schools, shops, open space and other infrastructure requirements
- 6.14 Officers consider that this highly accessible location, close to shops, schools, Public Library and leisure facilities is clearly suitable for family accommodation. The proposed 3 Bedroom town houses have private rear gardens of up to 9 metres in depth and are on a par with or exceed amenity space provision for three bedroom units within new build developments in the local area.
- 6.15 The proposed ground floor and basement maisonettes have small private amenity spaces to the rear while all the remaining flats have balconies to Comet Street angled towards the south west and the top floor flats have the benefit of roof terraces.

b) Standard of Residential Accommodation

- 6.16 The Council's adopted Residential Standards SPD (updated 2012) sets out criteria for new residential units but this document is largely superseded by Core Strategy and London Plan requirements. The London Plan Housing SPG sets out guidance to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) and access arrangements.
- 6.17 All the proposed flats are dual aspect facing Comet Street to the West and private/shared amenity areas to the east. Several of the flats also have additional natural light/outlook from windows on the north and north east elevation of the proposed building.
- 6.18 All flats exceed the minimum floorspace specified in Table 3.3 of the London Plan and most rooms meet or exceed the minimum floorspace required by the London Housing SPG., the exception being the kitchen/living room/diners of the three town houses which at approximately 21sqm are 10sqm below the recommended 'Good Practice' minimum floor area set out in the guidance. However these units have the benefit of a basement area of up to 40sqm in area which is well provided with

natural light, although somewhat lacking in outlook. On the basis of this additional provision officers consider the units to be of an acceptable standard.

- 6.19 New residential development is no longer required to meet the Lifetimes Home Criteria at planning stage. However, this remains a matter to consider. Lifetime Homes Criteria seeks to incorporate a set of principles that should be implicit in good housing design enabling housing that maximizes utility, independence and quality of life. The applicant has advised all units would meet these criteria. No wheelchair accessible units are proposed as the site is not capable of providing any on-site wheelchair accessible parking space.

Highways and Traffic Issues

- 6.20 Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. However, this also depends of the size of the unit; 4+ beds should have a maximum of 2 spaces, and units of 1-2 beds, a maximum of 0-1 car parking space. Core Strategy Policy 14 Sustainable movement and transport states that the Council will take a restrained approach to parking provision.
- 6.21 Policy 6.9 Cycling of the London Plan states that developments should provide secure, integrated and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 of the Plan.
- 6.22 In the case of this application it was agreed that given the good accessibility of the site, a car free scheme would be acceptable, subject to the provision of a Section 106 Agreement offering all initial occupiers of the development a two year subscription to a car club.

Access

- 6.23 Only pedestrian access to the proposed flats and town houses are proposed and the existing crossovers in Comet Street will be removed. A planning condition requiring the removal of the existing crossovers and the reinstatement of the footway in perpetuity will be required in the event that planning permission is granted.

a) *Cycle Parking*

- 6.24 The proposed development meets the standards set out Table 6.3 of the London Plan. Each of the proposed town houses has a storage area in the rear gardens of the properties capable of accommodating two bicycles, although the cycle storage areas for the proposed town houses are located in rear gardens and are therefore only accessible via the front entrance of the properties onto Comet Street. A communal bike store accessible from the street will also be provided for the proposed flats to provide secure and weather proof storage area in compliance with London Plan requirements. Should the Committee be minded to grant permission for the proposed development, this will be subject to a planning condition requiring full details of the proposed bicycle storage facilities to be submitted and approved by the Council.

b) *Car Club*

6.25 As the site lies within an area of good accessibility to public transport (PTAL 6a), a car free scheme is considered acceptable. . Although the site does not lie within a controlled parking zone and access to on-street parking is currently unrestricted, the applicant has indicated a willingness to enter into a Section 106 Agreement for the provision of free car club membership for all residents of the development for an initial two year period. The reason for this is to reduce the need for private car ownership and to therefore reduce congestion and improve air quality in the local area.

c) *Refuse*

6.26 Each of the 3 town houses has a bin store accessible from Comet Street which is an integral part of the proposed elevational design. There is also a communal bin store at the rear of the site accessed directly from Comet Street.

Impact on Adjoining Properties

6.27 The applicant has provided a shadow path analysis and daylight study (submitted 21 September 2015) to show that the impact of the proposed development on windows located in the rear elevation of adjoining properties in Deptford High Street.

6.28 The analysis daylight study specifically considered the impact of the proposed development on 12 windows to neighbouring properties in Deptford High Street under both the existing (baseline) and proposed conditions. The Vertical Sky Component (VSC) was analysed at the centre of each window and the change from the existing (baseline) conditions calculated, in accordance with BRE digest 209 (2011). The results, show that 7 of the 12 windows (No. 1, 3, 6, 7, 10, 11, 12) have a VSC greater than 27%, under proposed conditions, and therefore adequate daylight levels within these rooms can be expected. The results also show that 4 of the windows (No. 2, 5, 8, 9) have a VSC less than 27% under both the existing and proposed conditions, but the change from baseline is not less than 0.8 times the former value. Therefore, according to BRE 209 (2011) the loss of skylight will not be noticeable to the occupants.

6.29 Only 1 window has a VSC less than 27% and a change from baseline less than 0.8 times the former value. The window (No. 4) has a VSC under proposed conditions of 21.0% with a change from baseline of 0.74. However, the room is currently used as storage for the shop below and is a non-habitable space. Therefore whilst the change from baseline is slightly below the recommended 0.8 times the former value, the loss of daylight will not have a detrimental impact of the use of the space.

6.30 In summary, the study concludes that the proposed development will not have a detrimental impact upon the neighbouring 12 windows analysed within the report, when considering the amount of receivable diffuse daylight (VSC) at each of the windows, under the proposed site conditions, compared to existing (baseline) conditions. .

6.31 Regarding the impact of the proposal on the potential redevelopment of the sites of Nos 44-49 Deptford High Street, the site in question does not have an approved planning permission and the current scheme has been evolved in discussions with officers to have no detriment impact in terms of the provision of natural light and privacy and overlooking of adjoining properties. It will be seen that the height of the proposed development has been limited and windows facing the rear of the Deptford High Street properties have been designed to give rise to no overlooking.

In view of this, officers do not accept that the current proposal would impede any reasonable attempt to develop an adjacent site in accordance with Council policies applicable to the Conservation Areas.

- 6.32 As previously noted, materials to be used in the proposed development will be subject to a pre-commencement planning condition and officers will attempt to ensure that materials to both the front and rear elevations are responsive to their context. In particular, that any advantage to be gained from reflected daylight/sunlight to the occupiers of properties at the rear of the site is maximised.

Sustainability and Energy

- 6.33 London Plan Policy 5.2: Minimising Carbon Dioxide Emissions establishes an energy hierarchy based around using less energy, in particular by adopting sustainable design and construction (being 'lean'), supplying energy efficiently, in particular by prioritising decentralised energy generation (being 'clean') and using renewable energy (being 'green').
- 6.34 In terms of being 'lean', London Plan Policy 5.3: Sustainable Design and Construction encourages minimising energy use, reducing carbon dioxide emissions, effective and sustainable use of water and designing buildings for flexible use throughout their lifetime. Major developments should demonstrate that the proposed heating and cooling systems have been selected to minimise carbon dioxide emissions. In terms of being 'green', a reduction in carbon emissions from onsite renewable energy is expected.
- 6.35 A report by Falcon Energy Ltd submitted with this application states that If the requirements of the credits detailed within the pre-assessment estimator are met, in accordance with the Code for Sustainable Homes November 2010 Technical Guidance, it is anticipated that a score of 69.53% would be achieved for the assessment. This exceeds the minimum credit score required to achieve Code Level 4. The roof plan for the proposed town houses also shows the provision of photovoltaic panels as well as a green roof. Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes, though residential development is still expected to meet code level in regard to energy performance and water efficiency.

Ecology and Landscaping

- 6.36 London Plan policy 5.10 Urban Greening states that new developments should integrate forms of urban greening into proposals, such as soft landscaping. Development Management Local Plan Policy 25 Landscaping and trees requires new developments to submit landscaping schemes
- 6.37 At present the application site is wholly covered by a building and hard surfaced yard and provides no soft landscaping opportunities whatsoever. The current proposal will provide a soft landscaped garden area together with an extensive green roof which will increase opportunities for wild life and assist in the provision of sustainable drainage.

Archaeology

- 6.38 The site is located within an archaeological priority area. It lies to the rear of a section of Deptford High Street know to have been developed from the mid 1700s and the adjoining property at No 45 would appear to date from that period. In

addition, the south part of Deptford High Street is the location of a Roman building recorded in the late 1800s, while the site of the Dover Castle Pub in nearby Deptford Broadway was the subject of archaeological excavations in the early 1990s. The latter produced evidence of a ditch of the Roman period, two pagan period Anglo-Saxon burials, one with grave goods including a Bronze pendant, decorated with garnets over gold foil, as well as a medieval oven (probably linked to the St Christopher Inn, which was the Medieval predecessor of the later Public House). In addition, the standing buildings on the application site show evidence of Victorian as well as interwar brickwork incorporated into the existing structures and probably related to the previous use of the site as a dairy/milk distribution depot.

- 6.39 A planning Condition requiring an archaeological investigation of the site, including a recording of the standing structure is therefore suggested..

Planning Obligations

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

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

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

- 6.42 A Section 106 Agreement is recommended to ensure that the proposals are acceptable in transport terms, consistent with the recommendations of the Highways and Transportation group. This would require that two years membership of a car club for all initial residents of the proposed development would be secured.

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

7.0 Community Infrastructure Levy

- 7.1 The above development will be CIL liable.

8.0 Equalities Considerations

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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/>
- 8.5 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
- 8.6 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/>

8.7 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.

9.0 Conclusion

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

9.2 On balance Officers consider that the proposed Section 106 Agreement, requiring a two year subscription to a car club for initial occupiers of the building for a period of 2 years in order to minimise the impact of the proposed development on on-street parking in the local area. Officers also consider that there are no daylight/sunlight, overlooking or privacy implications associated with the proposed development which could not be controlled by appropriate conditions and which would justify refusal. The proposed development will therefore provide much needed new homes with good standards of amenity in a new building which will improve the character and appearance of the Deptford High Street Conservation Area.

10.0 RECOMMENDATION (A)

Authorise the Head of Law to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following matters: -.

- The provision of two years membership of a car club for occupiers of the development.
- The reimbursement of the Council's legal costs and a payment for monitoring to ensure that the requirements of the agreement are implemented.

RECOMMENDATION (B)

Upon the completion of a satisfactory Section 106, within one month, in relation to the matters set out above, authorise the Head of Planning to 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:

S144459/01, EX01 rev PL1; EX02 rev PL1; EX04 rev PL1; EX05 rev PL1; EX06 rev PL1; GA02 rev PL1; GA03 rev PL1; GA04 rev PL1; GA05 rev PL1; GA06 rev PL1; GA08 rev PL2; GA10 rev PL2; GA11 rev PL1; LTH-01 rev PL1; LTH-02 rev PL1 (Proposed Ground Floor Plan); LTH-02 rev PL1 (Proposed Basement Plan); LTH-03 rev PL1; Front Elevation Along Comet Street; Rear Elevation; Comet Street Deptford_Bird's Eye View (Eastside); Comet Street Deptford_Bird's Eye View (Westside); Comet Street Deptford_Model View; Model Views_28-04-2015 (Top View & View 1-3); Comet Street Deptford_Model View; Model Views_28-04-2015 (View 4-

7); View from Deptford High Street Looking Down to Comet Street (Existing Photographs); Planning Statement; Design and Access Statement; On Site Health and Safety Document; Comet Street Code for Sustainable Homes Pre-Assessment by Falcon Energy Ltd; Shadow Study Report by Mono Design Group; GLA - Room Size.

Statement of Community Involvement (received 12th June 2015);

GA12, Detailed Section (received 31st July 2015)

VSC Daylight Analysis (received 30th September 2015)

GA01 rev PL1; GA07 rev PL2 (received 6th October 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. No development shall commence on site until the developer has secured the implementation of a programme of archaeological work (including recording of the standing building) in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011)

4. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to:-
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with 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).

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

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

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

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

6. (a) Notwithstanding the details hereby approved, no development shall commence until detailed plans at a scale of 1:5, 1:10 and 1:20 (as appropriate) showing Sections and elevations through proposed windows, balconies, basement lightwells and roof terraces have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

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 2011) 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 specification/samples of all external materials and finishes, windows and external doors, roof coverings, roof terrace balustrades and privacy screens to be used on the buildings have been submitted to and approved in writing by the local planning authority. This shall include the erection on site of a sample panel of brickwork for inspection by officers and 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.

9. (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).

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

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

11. (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 (2015), 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.

12. (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).

13. (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).

14. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plans 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 (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).

15. Any external lighting is required to meet with CIBSE and ILE criteria of a maximum 2 lux at the nearest neighbouring residential window.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

16. The development hereby approved shall not be occupied until the existing vehicular access points have been closed, the highway reinstated in accordance with the permitted plans and retained in perpetuity thereafter.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

17. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the 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).

18. 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 2015 (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).

19. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the rear elevation above ground level of the building hereby approved (with the exception of those facing due south) shall be fitted as obscure glazed/fixed shut and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to

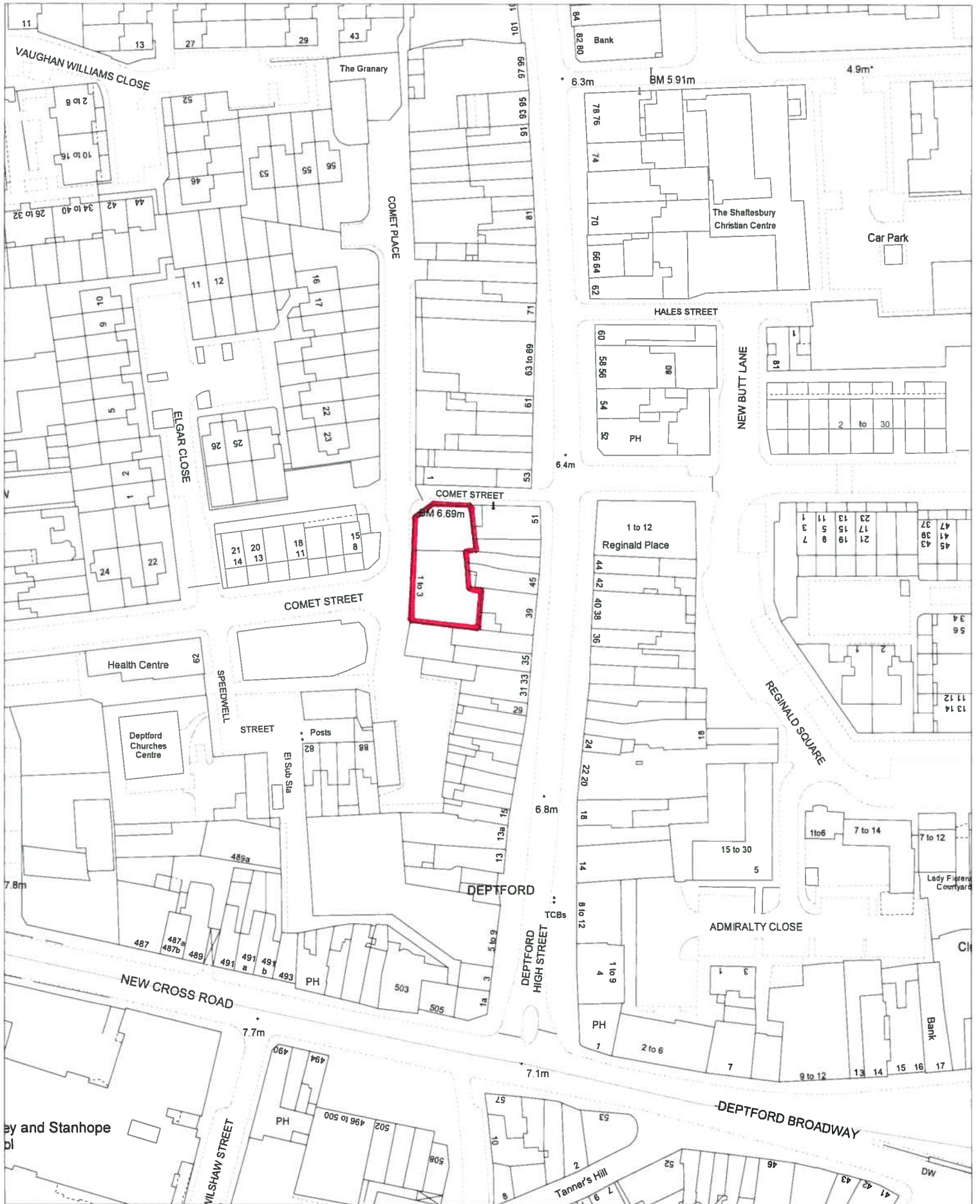
existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- C. 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.
- D. 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.
- E. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
- Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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1-3 COMET STREET



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| | | |
|--------------|-------------------------------|-----------------|
| Committee | PLANNING COMMITTEE (C) | |
| Report Title | 144 Old Bromley Road, BR1 4JY | |
| Ward | Downham | |
| Contributors | Geoff Whittington | |
| Class | PART 1 | 5 November 2015 |

| | |
|------------------------------|---|
| <u>Reg. Nos.</u> | DC/14/89534 |
| <u>Application dated</u> | 16 October 2014 |
| <u>Applicant</u> | Mr Turner LJT Architects Ltd |
| <u>Proposal</u> | The demolition of the single storey extension at the side of 144 Old Bromley Road BR1 and the construction of a part-single, part-two, part-three storey building to provide 2 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats, together with the provision of 3 car parking spaces and associated landscaping. |
| <u>Applicant's Plan Nos.</u> | <p>Location Plan; Lifetime Homes Statement; Sustainability Pre-Assessment Specification; Transport Statement; Travel Plan received 16 October 2014</p> <p>Design and Access Statement received 11 May 2015</p> <p>160_P_100 Rev G; 160_P_101 Rev G; 160_P_103 Rev D; 160_P_150; 160_P_200 Rev A received 27 May 2015</p> <p>160_P_102 Rev H; 160_P_110 Rev H received 22 July 2015</p> <p>160_P_300; 160_P_302 received 22 October 2015</p> |
| <u>Background Papers</u> | <p>(1) Case File LE/470/144/TP</p> <p>(2) Local Development Framework Documents</p> <p>(3) The London Plan (2015)</p> |
| <u>Designation</u> | <p>PTAL 2</p> <p>Adjacent to Metropolitan Open Land</p> <p>Area of Archaeological Priority</p> <p>Not in a Conservation Area</p> <p>Not a Listed Building</p> |

1.0 **Property/Site Description**

- 1.1 The application site is occupied by a two-storey semi-detached residential building located on the south side of Old Bromley Road, close to the junction with Ashgrove Road. The property was extended in the late 1980s by way of a large single-storey side extension to form a double garage and living accommodation. The property benefits from a large rear garden measuring 33 metres deep, and a 10 metre deep front driveway. The site in its entirety measures approximately 1158sq.m.
- 1.2 The surrounding area is mostly residential in character, comprising 2-storey terraced and semi-detached dwellings, whilst further to the north-west are blocks of flats.
- 1.3 Directly to the east of the site is a McDonald's drive-thru restaurant and associated grounds. Further to the east fronting Bromley Hill is a parade of commercial uses with residential units above.
- 1.4 The site has a PTAL rating of 2 on a scale of 1-6, where 6 is excellent, however the immediate area is well served by bus routes operating along nearby Bromley Road, Bromley Hill and Downham Way.
- 1.5 The site does not lie within a conservation area, there are no Article 4(2) Directions, and there are no Listed Buildings within the immediate vicinity. The rear boundary of the application site abuts Beckenham Place Park, which is designated Metropolitan Open Land. The application site falls within Areas of Archaeological Priority.

2.0 **Planning History**

- 2.1 In April 1972, Outline permission was refused for the erection of a 2-storey, four-bedroomed detached house with integral garage, together with an access road on part of the garden land adjoining 144 Old Bromley Road, for the following reasons:
- (1) The proposal represents a form of backland development unrelated to the existing pattern of development, which would give rise to overlooking, overshadowing and loss of amenity and privacy to the adjoining residential premises
 - (2) The proposed development would result in the loss of three mature woodland trees, detrimental to the visual amenities and character of the area.
 - (3) The development does not conform to the Council's daylighting standards.
- 2.2 In July 1973, Outline permission was refused for the erection of 3-storey block on the site of 142 and 144 Old Bromley Road, comprising 17 self-contained flats with 17 garages and 2 car parking spaces, for the following reasons:
- (1) The proposal does not comply with the Council's policy in respect of small units of accommodation which in the interests of securing a proper balance of unit types throughout the Borough requires that in this area not more than 10% of new units should be of one habitable room only and that no more than 24% shall be of one and two habitable rooms.

- (2) The density of the proposed development is excessive in relation to the density of zoning.
- (3) The proposed development would involve the loss of four mature woodland trees, detrimental to the visual amenities and character of the area.

2.3 Permission granted in 1988 for the erection of a single-storey side extension at 144 Old Bromley Road to provide additional residential accommodation together with a double garage.

3.0 Current Planning Application

The Proposal

- 3.1 The application is for the demolition of the existing single-storey side extension at 144 Old Bromley Road, and the construction of a part-single/ part-two/ part-three storey residential building. Five units would be accommodated, comprised of 2, one bedroom, 2, two bedroom and 1, three bedroom self-contained flats. All dwellings would be market properties for sale or rent. Table 1 sets out the unit types and habitable room sizes.
- 3.2 The proposed building would lie 2 metres from no.144, measuring a maximum depth of 19.2 metres at ground floor level, 15 metres deep at first floor and 10 metres and second floor. The overall height of the building would be 8.2 metres, incorporating a flat roof.
- 3.3 Proposed facing materials would include use of facing brick to all elevations. External doors and windows would be aluminium framed, whilst zinc cladding would be used to the upper level. Biodiverse green living roofs are proposed to the flat roof areas at first and second levels.
- 3.4 Flat 1 would be a 3 bedroom family sized unit located to the ground floor and would be provided with an 80sq.m private rear garden. Flats 4 and 5 at first and second levels would be afforded rear facing roof terraces. Flat 3 at first floor would have amenity space to the front, as would Flat 2 at ground floor. All units would also have access to the landscaped communal garden (280sq.m in size) to the rear, which would provide seating, children's play space and a communal allotment area.
- 3.5 Three car parking spaces are proposed to the front forecourt, whilst secure, dry stores for 6 bicycles would be provided to the front and side of the building.
- 3.6 A refuse and recycling bin store would be located to the front forecourt.

Table 1: Proposed Units (Minimum London Plan standards in brackets)

| Flat | Unit size sq.m | Bed 1 (12 sq.m) | Bed 2 (8sq.m) | Bed 3 (8sq.m) | Kitchen/ living/ dining | Outlook |
|-------------|---------------------------|----------------------------|--------------------------|--------------------------|------------------------------------|----------------|
| 1 (3b 4p) | 92.5 (74) | 15.96 | 11.2 | 9.11 | 31.15 (27) | Dual aspect |
| 2 (1b 2p) | 52.5 (50) | 12.09 | n/a | n/a | 30.1 (23) | Dual |
| 3 (1b 2p) | 50.5 (50) | 12.07 | n/a | n/a | 26.8 (23) | Dual |
| 4 (2b 3p) | 61 (61) | 12.6 | 8.7 | n/a | n/a | Dual |
| 5 (2b 3p) | 61 (61) | 12.4 | 11.05 | n/a | n/a | Dual |

4.0 Consultation

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

Written Responses received from Local Residents and Organisations

- 4.3 Three letters and a petition signed by 22 local residents have been received objecting to the proposed development on the following grounds:
- Poor design;
 - Out of keeping with surrounding properties;
 - Height and depth would be intrusive;
 - Loss of privacy and overlooking;
 - Ecological concerns – the development would drastically diminish the rear garden;
 - Overshadowing;
 - Overbearing;
 - Noise during construction;
 - Inadequate parking provision;
 - Increased traffic and parking issues relating to McDonald's;
 - Drainage concerns.

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

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 3.3 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 5.3 Sustainable design and construction
Policy 6.3 Assessing effects of development on transport capacity of the London Plan
Policy 7.1 Lifetime neighbourhoods
Policy 7.4 Local character
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:

Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 8 Sustainable design and constructions 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 policies from the Development Management Local Plan as they relate to this application:

The following policies are considered relevant to this application:

DM Policy 1 Presumption in favour of sustainable development
DM Policy 22 Sustainable design and construction
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

- 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 residential development;
- b) Design, scale and massing;
- c) Standard of accommodation;
- d) Impact on neighbouring properties;
- e) Car parking/ access;
- f) Refuse storage/ collection;
- g) Landscaping;
- h) Sustainability.

Principle of Residential Development

- 6.2 At national level, the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Policy 3.3 Increasing Housing Supply establishes a housing target for the Borough of 13,847 additional dwellings for the plan period 2015-2025.
- 6.3 The application proposes the demolition of the single-storey extension to the side of 144 Old Bromley Road, and the construction of a part-single/ part-two/ part-three storey residential building accommodating five self-contained units. The existing dwelling would revert back to its original footprint.
- 6.4 Other than the adjacent McDonald's restaurant, the immediate area is predominantly residential in character. Officers therefore raise no objection to the principle of further residential use upon the site, subject to proposed scale, appearance, visual impact upon neighbouring occupiers and standard of accommodation.

Design

- 6.5 Paragraph 15 of the National Planning Policy Framework (p15) states: "local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 6.6 Policy 7.4 of the London Plan, Local Character, states that development should have regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass.

- 6.7 Downham Ward is considered to fall within 'areas of stability and managed change', which are areas largely residential or suburban in character, and where the urban form and development pattern is established thereby limiting major physical change. Core Strategy Policy 15 states that infill and small scale development in such areas will need to be designed and laid out to complement the character of surrounding development. Any adverse effect on neighbouring amenity will need to be addressed.
- 6.8 The applicants have engaged in pre-application discussions with officers to seek advice on what would constitute an acceptable form of development upon the site. Officers provided advice on planning policies, the constraints of the site, design, layout and relationship with surrounding development.
- 6.9 The proposal would be different to existing dwellings within the area, incorporating a flat roof, large window openings and external balconies. However, it would be respectful of the character and proportions of the neighbouring pairs of semi-detached properties, in addition to the established front building line.
- 6.10 The new building would be of a comparable eaves and ridgeline height with the nearest dwellings, whilst the width would be no greater than the pair of semis. The proposed depth would be considerably greater than neighbouring dwellings, measuring 19.2 metres deep at ground floor, compared to the 13.4 metre depth of no.144. The building, however would incorporate a staggered rear footprint whereby it would measure an initial depth of 13.4 metres to the side nearest no.144, before extending further to the opposite side. The proposed first floor would range between 13.4 and 15 metres deep, which is comparable with neighbouring dwellings.
- 6.11 Officers consider the proposed flat roof to be acceptable in appearance, despite neighbouring properties being characterised by pitched roofs. The provision of a flat roof would result in a less bulky form of development, whilst being a key element in the modern appearance of the building. The applicant had initially proposed a pitched mansard type roof at pre-application stage, however officers considered the bulk and massing of the development to be unacceptable.
- 6.12 A similar flat roof residential development was recently completed at nearby 44-46 Bromley Hill, adjacent to existing pitched roof dwelling-houses, and it is considered that the building is a successful addition to the streetscene.
- 6.13 Officers therefore raise no objections to the scale and massing of the proposed development, and are satisfied it would not harm the character of the immediate area, neither would it be detrimental to the Metropolitan Open Land located 25 metres to the south of the proposed building.
- 6.14 The applicant advises the external faces of the building would be of London Stock and Old Trinity Stock bricks, however officers consider a red brick would be more appropriate to relate with the existing properties. All external doors and fenestration would be grey aluminium, with use of zinc cladding to the upper level, glass balustrades and timber louvred screening to rear balconies.
- 6.15 The proposed materials are generally considered acceptable in principle, however a Condition will be included to request samples for further assessment.

- 6.16 In regard to density, the London Plan provides the detailed density policies for Development Plan purposes. The Council's assessment of the nature of the immediate area is that it falls within a suburban setting. The London Plan refers to 'suburban' as being areas with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys.
- 6.17 Guidance states that the Council should make the best use of previously developed land, however such aspirations should not negate the requirement for developments to blend with the surrounding character. The Public Transport Accessibility Level (PTAL) for the area is 2. The London Plan Matrix table 3.2 advises that densities in suburban areas should be between 150-250 habitable rooms per hectare.
- 6.18 The density of the proposed scheme is 127 habitable rooms per hectare, which is below the given range. Density forms only part of the considerations toward developments such as this. Officers are satisfied that the scale and density of the proposed development would not be demonstrable to the character of the local area or the amenities of neighbouring residential occupiers.
- 6.19 In summary, the development is considered to be appropriate in scale, height and massing, respecting the general form of development within the immediate area, and befitting of this location, with the provision of large window openings, balconies and terraces contributing to the overall outdoor feel and modern design of the development. The applicants will be requested by way of a planning Condition to provide external material samples.

Standard of Accommodation

- 6.20 The Council's adopted Residential Standards SPD (updated 2012) sets out criteria for new residential units but this document is largely superseded by Core Strategy and London Plan requirements. The London Plan Housing SPG sets out guidance to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) and access arrangements.
- 6.21 Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development, including unit and room sizes.
- 6.22 The proposal includes the provision of five self-contained flats, comprising 1no. three bedroom six person, 2no. one bedroom two person, and 2no. two three person dwellings. As the scheme is below 10 units in size there is no requirement to provide affordable housing. It is therefore likely the proposed units would be for private sale or rent.
- 6.23 As shown in Table 1, each unit would be in compliance with the minimum floorspace standards of the London Plan Housing SPG (2012). The proposed layout of each unit is considered to be acceptable, with all rooms exceeding the minimum room guidance, in accordance with The London Plan Housing SPG. All habitable rooms would be provided with sufficient outlook, with each unit being dual aspect. Officers are satisfied all units and habitable rooms would be afforded sufficient natural light intake, in accordance with DM Policy 32 Housing design,

layout and space standards, which seeks to resist single aspect north facing residential units.

- 6.24 The provision of private amenity space is considered acceptable, with each one and two bedroom unit provided with either terraces or balconies. The three bedroom family unit would be afforded a spacious 80sq.m private rear garden. All occupiers would also have access to the communal garden at the rear, which would provide soft landscaping, children's play space, seating and a communal allotment. Officers are satisfied the scheme would be in accordance with the London Housing Design Guidance, and DM Policy 32 which requires readily accessible, secure, private and usable external space in new build housing development.
- 6.25 New residential development is no longer required to meet the Lifetimes Home Criteria at planning stage, however this remains a matter to consider. Lifetime Homes Criteria seeks to incorporate a set of principles that should be implicit in good housing design enabling housing that maximizes utility, independence and quality of life. The applicant has advised all units would meet with criteria and allow for easy conversion to wheelchair accessible units. This is considered to be acceptable.
- 6.26 The proposed development overall is considered to comply with the London Plan accommodation standards, and by way of layout, circulation space and design, would provide a high quality living environment for future occupiers.

Impact on Neighbouring Amenities

- 6.27 DM Policy 32 states that new residential development must '*provide a satisfactory level of privacy, outlook and natural lighting for both its future residents and for its neighbours.*'
- 6.28 The development has been designed to minimise the level of visual harm to existing occupiers. The deepest part of the development would be the 19.5 metre ground floor element that would be sited away from the west boundary with no.144. The first floor level would project an initial 1.4 metres beyond the rear wall of no.144, however considering the proposed building would lie 2 metres away, it is considered this would not result in adverse harm upon their amenities.
- 6.29 The proposed rear facing terraces at first and second levels would be sited to the eastern half of the building, away from the boundary with no.144, whilst being screened to ensure no significant overlooking to existing residential occupiers. The Flat 4 terrace would be screened by a 1.8 metre high timber panel. A Condition would ensure this would be installed in full prior to first occupation and maintained thereafter.
- 6.30 The front facing balcony at first floor would be set behind the main front elevation, and so would not be viewed by existing occupiers on the southern side of Old Bromley Road.
- 6.31 Window openings are proposed to the east and west flanks, providing secondary openings to some habitable rooms, and kitchens and bathrooms. Officers are satisfied the west facing openings would generally not compromise the privacy of the nearest residential occupiers, however the Flat 4 bedroom window should be conditioned to be frosted and fixed shut to avoid direct overlooking into the garden

of no.144. The only window to the flank wall of no.144 is a first floor frosted bathroom opening.

- 6.32 On the opposite side, due to the existing boundary with McDonald's being extensively screened by natural vegetation, there would be minimal overlooking into the adjacent site. The proposal has been designed in consideration of the potential future redevelopment of the adjoining McDonald's site, with the primary habitable windows sited to the front and rear elevations. East facing openings at first and second floor levels would serve hallways and a bathroom, together with secondary openings to a bedroom and living room. It is considered appropriate that all east elevation openings be frosted, and with the exception of the Flat 4 bathroom, be unopenable, thereby avoiding any direct overlooking into the adjacent site.
- 6.33 A Condition would also ensure that the flat roof areas shown as Biodiverse living roofs could not be used for amenity or sitting out purposes.
- 6.34 In summary, the proposed scheme is considered to have a satisfactory relationship to neighbouring dwellings, and would not result in any significant visual harm to existing occupiers.

Parking & Access

- 6.35 Policy 6.13 of The London Plan states; 'The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car-parking provision that can undermine cycling, walking and public transport use.' 'In locations with high PTAL, car-free developments should be promoted.'
- 6.36 Three off-street parking spaces for future residents would be provided within the front forecourt, with adequate manoeuvring for vehicles and pedestrian access. No.144 would retain two spaces to its frontage. The PTAL 2 rating is low, however nearby Bromley Hill, Bromley Road and Downham Way are well served by bus routes. The nearest train station is Beckenham Hill, located approximately 750 metres from the site.
- 6.37 Dry, secure cycle stores are proposed. The London Plan in Table 6.3 advises that 1 cycle space per bed unit and 2 spaces for all other units would be required. In this case, 8 cycle spaces would be the minimum requirement. The applicant has acknowledged this, and would provide a minimum of 8 spaces, to be secured by Condition.
- 6.38 The proposed vertical cycle store enclosures shown in the Design and Access Statement are industrial type boxes that measure approximately 1.8 metres in height, accommodating one cycle each. The provision of three such stores to the front of the site would be inappropriate, impacting negatively upon the character of the streetscene. The applicant has been advised of the concerns, and would submit further storage details by way of a Condition.
- 6.39 A Residential Travel Plan Statement has been submitted that sets out objectives and targets to ensure occupiers have a greater awareness of how they generally travel, and to promote use of sustainable modes of travel.

- 6.40 The strategy would be overseen by a Travel Plan Co-ordinator, and their responsibility would be to ensure:
- The implementation of measures set out in the Travel Plan;
 - Promoting the objectives and benefits of the Travel Plan;
 - Acting as the point of contact for all residents;
 - Ensure the cycle parking facilities are well maintained;
 - Monitor the effects of the Travel Plan.
- 6.41 The Transport Statement states there is good availability of accessible on-street parking spaces within the immediate area. A survey undertaken by ML Traffic Engineers in July 2014 showed in excess of 50 vacant on-street parking spaces between 1am and 5am along Old Bromley Road and Fieldside Road.
- 6.42 The Council's Highways & Transportation Officer has raised no objections to the proposed development, and considers it to be in accordance with Core Strategy Policy 14 and DM Policy 29 of the Development Management Plan.

Refuse Storage/ Collection

- 6.43 In terms of refuse provision, the submitted drawings indicate sufficient space for the provision of a refuse and recycling bin store to the front of the site. Whilst the proposed siting is considered acceptable, further details relating to the construction and appearance of the store would be requested by Condition.

Landscaping

- 6.44 The 280sq.m garden area to the rear of the proposed building would remain predominantly lawned, with the retention of existing planting and trees. A communal allotment area would be located to the rear of the garden, whereby composting facilities are intended to 'boost micro habitats and assist bee populations.'
- 6.45 Hard landscaping measures would be introduced to form patio areas, passageways to either side of the building, pathways to the rear, and to the front forecourt. It is expected that such paving would be permeable, and will be formally assessed by Condition.
- 6.46 New boundary fencing would be erected to the western boundary with no.144, whilst new fencing would enclose the garden area of Flat 1. Gates would be provided to the passageways on either side. A Condition will request further details are formally submitted regarding their height and appearance.
- 6.47 Policy 3.6 Children and young people's play and informal recreation facilities states development proposals that include housing should make provision for play and informal recreation. A children's play area is proposed within the rear garden, comprised of a 'play kit' and swing positioned upon a rubber matting surface that would be laid for safety purposes. It is considered appropriate to ensure the facilities are provided prior to first occupation by Condition.

- 6.48 The proposed landscaping works are considered acceptable in principle, subject to the submission of further details.

Sustainability and Energy

a) Renewable Energy

- 6.49 Relevant policies within the London Plan Core Strategy would need to be addressed in any submission.
- 6.50 London Plan Policy 5.2: Minimising Carbon Dioxide Emissions establishes an energy hierarchy based around using less energy, in particular by adopting sustainable design and construction (being 'lean'), supplying energy efficiently, in particular by prioritising decentralised energy generation (being 'clean') and using renewable energy (being 'green').
- 6.51 In terms of being 'lean', London Plan Policy 5.3: Sustainable Design and Construction encourages minimising energy use, reducing carbon dioxide emissions, effective and sustainable use of water and designing buildings for flexible use throughout their lifetime. Major developments should demonstrate that the proposed heating and cooling systems have been selected to minimise carbon dioxide emissions. In terms of being 'green', a reduction in carbon emissions from onsite renewable energy is expected.
- 6.52 The applicant has submitted a Sustainability Statement in support of the application, which satisfactorily addresses the sustainability issues. Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes, though residential development is still expected to meet code level in regard to energy performance and water efficiency.
- 6.53 The scheme would achieve Code Level 4 for Sustainable Homes, with a 44% energy improvement over Building Regulations Part L 2013 Target Emissions Rate.
- 6.54 From 1 October 2015, the Ministerial Statement advised that the standard for energy efficiency in new residential development will be a 19% reduction in CO2 emissions over Building Control requirements, which is equivalent to Code Level 4.
- 6.55 In regard to water efficiency, from 1 October 2015 new development is expected to achieve a consumption of 110 litres per person per day, including a 5 litre allowance for external water use. The applicant has advised the scheme would be in compliance with the requirements.

b) Living Roof

- 6.56 The application proposes the provision of a green sedum roof, however officers would expect to see the construction of a substantial Biodiverse green living roof that would be plug planted and over-seeded. The applicant has agreed to provide further details by way of a Condition, which would also ensure the roofs are constructed and planted/ operational in full prior to first occupation.

c) Sustainable Urban Drainage Systems

- 6.57 Policy 5.13 of the London Plan requires development to utilise SuDS, unless there are practical reasons for not doing so though supporting text to the policy also recognises the contribution 'green' roofs can make to SuDS. The hierarchy within that policy is for a preference for developments to store water for later use.
- 6.58 The submission advises that rainwater run-off would be minimised by proposed permeable paving, whilst the living roofs and any soft landscaping would assist in attenuating and reducing the amount of run-off.
- 6.59 In summary, it is considered the development would accord with sustainability policies.

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 The proposed development is CIL liable.

9.0 Equalities Considerations

- 9.1 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.
- 9.2 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.
- 9.3 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.

9.4 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/>

9.5 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

9.6 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/>

9.7 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.

10.0 Conclusion

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

10.2 The proposed residential development in terms of design, scale and massing is considered appropriate for its setting, relating well with existing dwelling-houses. The standard of accommodation would meet with criteria, whilst the development would not result in adverse harm upon the amenities of neighbouring occupiers.

10.3 As such, it is considered that the development is in compliance with London Plan, Core Strategy and Development Management Local Plan policies, and therefore permission is recommended, subject to appropriate conditions.

11.0 **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:

Location Plan; Lifetime Homes Statement; Sustainability Pre-Assessment Specification; Transport Statement; Travel Plan received 16 October 2014

Design and Access Statement received 11 May 2015

160_P_100 Rev G; 160_P_101 Rev G; 160_P_103 Rev D; 160_P_150; 160_P_200 Rev A received 27 May 2015

160_P_102 Rev H; 160_P_110 Rev H received 22 July 2015

160_P_300; 160_P_302 received 22 October 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) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to:-
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity.
 - (iii) Measures to deal with safe pedestrian movement.

- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements.
- (g) Details of how the southern boundary wall will be protected during the works.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with 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) Prior to any works commencing, full details of the proposed living roofs shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a 1:20 scale plan of the living roofs that includes contoured information depicting the extensive substrate build up and a cross section showing the living roof components and details of how the roof has been designed to accommodate any plant, management arrangements, and any proposed photovoltaic panels and fixings.
- (b) The development shall be carried out strictly in accordance with the details so approved under (a) and shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority. Evidence that the roof has been installed in accordance with (a) & (b) 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).

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

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and

- (6) (a) No works above ground level shall commence 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 (2015), 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.

- (7) All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy 12 Open space and environmental assets, and 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).

- (8) The whole of the car parking area shown on drawing no.160_P_100 (Rev G) 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 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 2011).

- (9) Any external lighting is required to meet with CIBSE and ILE criteria of a maximum 2 lux at the nearest neighbouring residential window.
- Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).
- (10) No extensions or alterations to the building hereby approved 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 on immediately adjacent neighbours in terms of overlooking, and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).
- (11) Details of the proposed refuse store shall be submitted to the Council and provided in full prior to occupation of the residential units, and shall thereafter be retained in perpetuity.
- 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).
- (12) (a) A minimum of 6 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.
- Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

- (13) The whole of the amenity spaces (including the communal garden and private external areas) as shown on the plans hereby approved shall be provided in full prior to first occupation, and retained permanently thereafter 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).

- (14) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed elements of the building (excluding proposed terraces and balconies) hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roofs shall be carried out, nor shall the roof areas be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and 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).

- (15) (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).

- (16) No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16

Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011).

- (17) a) The western flank window of the Flat 4 bedroom as detailed on Plan 160_P_101 Rev G hereby approved shall be fitted as obscure glazed and fixed shut, and shall be retained in perpetuity.
- b) All east elevation openings at first and second floor levels as detailed on Plan 160_P_110 Rev H hereby approved shall be fitted as obscured glazed and retained thereafter in perpetuity.
- c) The east elevation openings at first and second floors (with the exception of the Flat 4 bathroom) shall be fixed shut and retained in perpetuity.

Reason: To avoid the overlooking of neighbouring properties and consequent loss of privacy thereto and to comply with 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).

- (18) Details of the first floor terrace screening (Flat 4) as detailed on Plan 160_P_101 Rev G shall be submitted to and approved in writing by the local planning authority, and shall thereafter be fully installed and maintained prior to first occupation of the residential units hereby approved.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- (19) The residential units hereby approved shall achieve the following energy efficiency and water efficiency standards :
- Energy efficiency - a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations;
 - Water efficiency - 110 litres per person per day (including a 5 litre allowance for external water use).

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).

- (20) The residential units shall operate in full accordance with all measures identified within the Travel Plan hereby approved from first occupation. Evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms within 6 months of first residential occupation.

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

- (21) The proposed children's playspace area and equipment within the rear garden as detailed on Plan 160_P_302 shall be implemented in full prior to first occupation and retained in perpetuity.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy 3.6 Children and young people's play and informal recreation facilities.

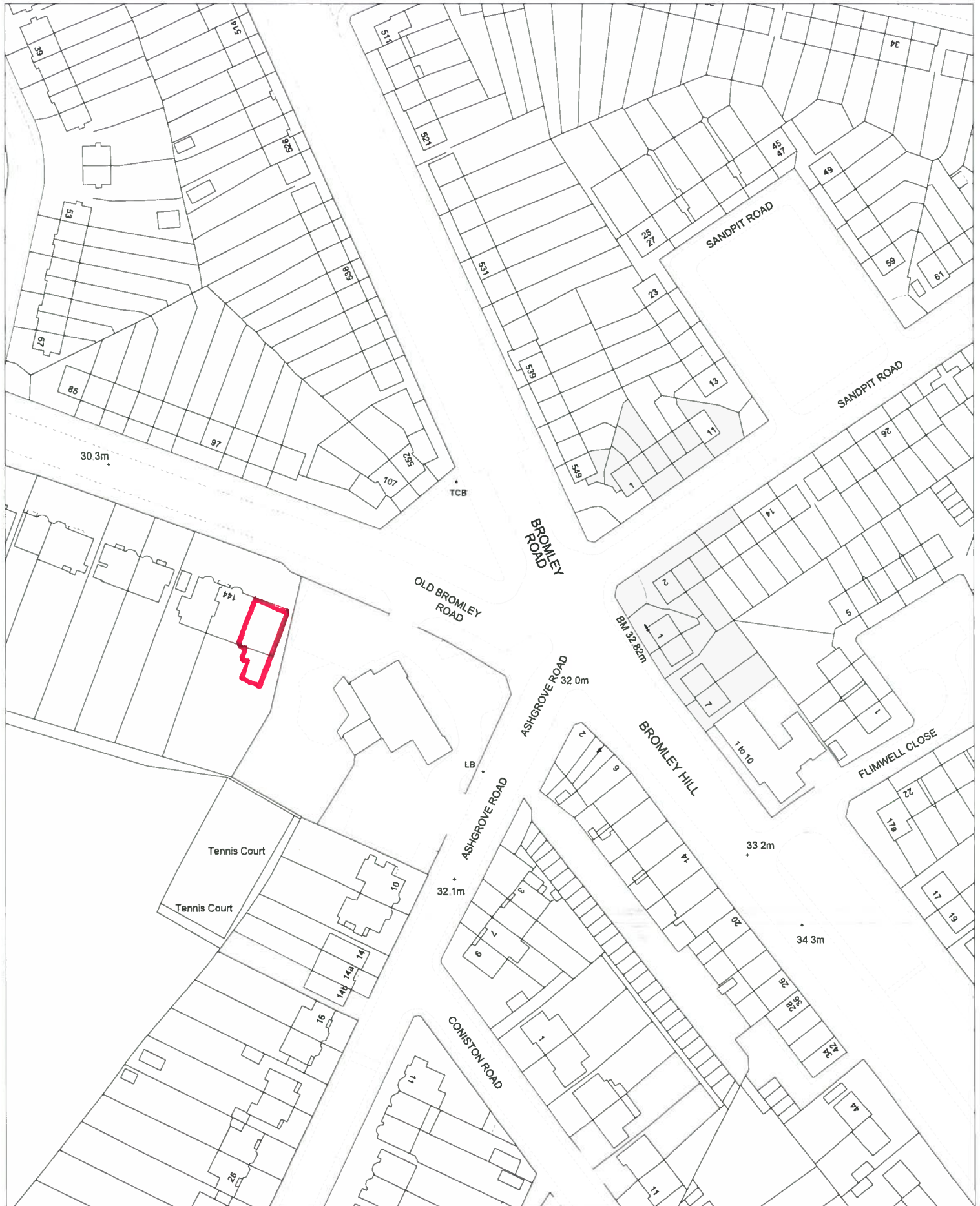
INFORMATIVES

- (A) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (B) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- (C) 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.

- (D) 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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144 OLD BROMLEY RD



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| | | |
|--------------|----------------------|-----------------|
| Committee | PLANNING COMMITTEE C | |
| Report Title | 23 Mount Ash Road | |
| Ward | Forest Hill | |
| Contributors | Hoa Vong | |
| Class | PART 1 | 5 November 2015 |

Reg. Nos. DC/15/92426

Application dated 31.05.2015 [as revised on 10.06.2015]

Applicant Mr Hasling on the behalf of Mr Bennett

Proposal The construction of a single storey extension to the rear of 23 Mount Ash Road SE26.

Applicant's Plan Nos. 15016-02, 15016-03, 15016-04 (Received 15 June 2015). 15016-01 Rev A, 15016-05 Rev A, 15016-06 Rev , Design & Access Statement, Heritage Statement (Received 6 October 2015).

Background Papers

- (1) Case File LE/91/16/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation Sydenham Hill/ Kirkdale Conservation Area

1.0 Property/Site Description

- 1.1 The application relates to a three storey, including a lower ground floor level, single family dwellinghouse located on the south side of Mount Ash Road. The lower ground floor to the front is served by a lightwell which also provides a separate access via a small alcove located below the traditional entrance. This is a feature which is shared by all of the properties on the south side of Mount Ash Road.
- 1.2 Natural ground levels to the rear are much lower than the front of the property, providing a substantive (approximately 2m) height difference between the ground floor of the property to the front and at the garden level. The rear garden is relatively shallow measuring 8m deep and 3.6m wide.
- 1.3 The houses on Mount Ash Road are consecutively numbered and consist of two long terraces, each running the length of the street and forming a cul de sac. They are constructed of London Stock brick and possess butterfly roofslopes with a central valley concealed from the front elevation behind a parapet wall giving the appearance of flat roofslopes from the streetscene.
- 1.4 To the rear as originally built the properties on the south side of Mount Ash Road possess small single storey rear projections measuring approximately 1.2m deep and 1.6m wide which incorporate monopitched roofs with eave heights of approximately 2.4m and maximum heights of 2.8m. They are constructed of London stock brick with dark roof tiles. During the officers site visit it was noted that many of the properties have been extended to the rear and possess replacement single storey rear extensions.
- 1.5 The property shares a side boundary with the rear gardens of 34 and 32 Panmure Road and the rear garden of 26 Panmure Road. Due to significant tree cover along the rear garden and 3m high wall to the side boundary it is not possible to look into the rear gardens of any of these properties.

1.6 The property is located within the Sydenham/Kirkdale Conservation Area and is subject to an Article 4 Direction. The building is not listed.

2.0 Planning History

2.1 There is no relevant planning history.

3.0 Current Planning Applications

3.1 The current application is for the construction of a single storey extension to the rear of 23 Mount Ash Road SE26.

3.2 The current application has been revised and originally included the construction of an extension to the lightwell to the front of the property and refurbishment of the front coal store and front pathway. These elements have been omitted from the proposal and the current application is for the construction of a single storey rear extension only.

3.3 The proposed extension would measure 4.2m wide, 3m deep and incorporate a mono-pitched roof slope with an eaves height of 2.3m and a maximum height of 3.15m. It would be constructed of reclaimed London stock bricks to match the existing house. The roof will be finished in man-made slates with aluminium framed glazed doors to the rear elevation and a rooflight.

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 and a press advertisement were displayed and letters were sent to residents and councillors in the surrounding area. The Council's Conservation Officers and the Sydenham Society were also consulted.

Written Responses received from Local Residents and Organisations

4.3 The Sydenham Society have objected to the application on the following grounds:

- The impact of the changes to the front on the continuity of the street scene
- The proposed widening of the entrance from the street would create an unbalanced look when viewing the front of the terrace
- Loss of light and outlook for neighbours caused by the rear extension
- Impact of the rear extension on fauna including stag beetles
- The amount of glass (sliding or folding patio doors and roof lights) in the proposed rear extension could result in noise and light pollution
- Installation of uPVC windows to the main dwelling at a previous date

4.4 Thames Water were consulted regarding sewerage and water infrastructure capacity, no objections were received.

4.5 ASP- The Panel objects to the front basement extension which is out of character and would involve the loss of front garden. The Panel queries the lack of information in

relation to the existing footpath and lightwell. The Panel also objects to the proposed uPVC window.

4.6 There have been no further comments.

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.

London Plan (March 2015)

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

Policy 7.1 Lifetime Neighbourhoods
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

Core Strategy

- 5.6 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
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

- 5.7 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:

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

| | |
|--------------|--|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 30 | Urban design and local character |
| 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 |

6.0 Planning Considerations

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

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

Design and Conservation

- 6.2 Development Management Local Plan DM Policy 31 'Alterations and extensions to existing buildings including residential extensions' states that "alterations and extensions, including roof extensions will be required to be of high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context."

- 6.3 DM Policy 36 states that the Council will not grant planning permission where development would be incompatible with the special characteristics of the area, its buildings, spaces, settings, form and materials.
- 6.4 The subject application was reviewed by Council's Conservation Officer who initially raised concerns regarding the extension of the lightwell to the front of the property and refurbishment of the front coal store and front pathway. These elements have been removed from the current application and Conservation Officers are satisfied with the amended scheme.
- 6.5 In terms of materials, reclaimed matching London stock brick, high quality artificial slate and aluminium framed doors will be used which are considered to complement the materials of the host property. The incorporation of a monopitched roof would also replicate the design of the original rear projection and those in the area. It is therefore considered that the overall use of materials and roofslope design would complement the form of the host building and would appear as a relatively harmonious addition to the area.
- 6.6 It is acknowledged that the use of aluminium framed windows are modern features however there is no policy requirement that prevents the introduction of contemporary elements provided that they complement the host building. Given that these units are of a high quality it is considered that the use of aluminium frames would be acceptable from a design perspective.
- 6.7 In terms of massing, although the proposed extension would be wider and deeper than the original rear projections, an extension of this massing is not considered to be a visually obtrusive or dominant feature and as a similar height to the original rear projections is maintained, it is considered that the proposed extension would be clearly subservient and respect the proportions of the host dwelling.
- 6.8 It should also be noted that the Amenities Society Panel and Sydenham Society have raised no objections regarding the impact of the proposed rear extension on the character of the subject property or conservation area. Objections were raised to the alterations to the front however these elements no longer form part of the current planning application. The Sydenham Society have instead raised objections regarding the impact of the proposed rear extension on neighbouring residential amenity which will be discussed in further detail in the following section.
- 6.9 Notwithstanding this however the rear of the property and existing rear extensions along Mount Ash Road are not visible from the public realm and the impact on the conservation area would therefore be limited. In addition to this the proposed extension is clearly subservient to the host dwelling, would be of sympathetic roofslope design and would be constructed of matching brickwork. The proposed development is therefore not considered to have an unacceptable impact either in isolation or cumulatively on the appearance of the subject property or conservation area and is considered to be acceptable.

Impact on Adjoining Properties

- 6.10 DM Policy 31 states that residential extensions should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens. The policy also states that residential extensions should retain an accessible and usable private garden that is appropriate in size in relation to the size of the property, and retain 50% of the garden area.

- 6.11 The proposal would result in excess of 50% of the existing garden area being retained. Concerns have been raised that the proposal would have a negative impact on the amenity of neighbouring occupiers causing loss of light and outlook for neighbours.
- 6.12 The proposed extension would abut the side boundary of the neighbouring property at No. 22, adjoining an existing single storey rear projection measuring 1.2m deep with an eaves height of 2.4m and a maximum height of 2.8m. Due to the presence of this existing extension which is of a similar height, the proposed extension would be largely obscured from the ground floor level thereby mitigating any significant visual impact caused by the proximity of the proposed extension at the side boundary. The proposed extension would project a further 1.9m from the rear wall of this adjoining extension however considering that an eaves height of 2.3 metres is proposed, which is lower than the adjoining extension at No.22, it is not considered that the proposed extension would have an unacceptable impact on neighbouring amenity. It also is worth noting that neighbouring occupiers have not objected to the proposal.
- 6.13 Concerns have been raised regarding the impact of light spillage from the proposed roof lights upon the adjoining property. This impact is not considered to be significant in a built-up location where existing windows of neighbouring properties are in close proximity.
- 6.14 The proposed extension would not increase overlooking to the adjoining property as no additional rear facing windows or side facing windows are proposed. It is therefore considered that the subject application will not impact the visual privacy of the adjoining properties.
- 6.15 Due to the presence of a side boundary wall approximately 3m high to the rear of the properties on 34 and 32 Panmure Road and separation distance of 35m rear garden of 26 Panmure Road, the proposed extension is not considered to cause any significant impact on residential amenity to any other adjoining properties.
- 6.16 The proposed development is for these reasons considered to be acceptable and is not considered to result in any significant harm to neighbouring residential amenity.

Sustainability and Energy

- 6.17 The proposal complies with the principle of extending an existing building and maximises the use of a site. For a development of this scale it is not considered appropriate or necessary to insist upon the inclusion of renewable energy facilities.

Ecology

- 6.18 Objections have been raised regarding the environmental impact of the proposal on local fauna and stag beetles. The site however does not lie within an area of ecological importance and does not meet any of the thresholds that would necessitate a survey assessment as detailed in the Local information requirement, Biodiversity Guidance 2013.

7.0 Community Infrastructure Levy

- 7.1 The above development is not CIL liable.

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.

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 on equality.

9.0 Conclusion

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

9.2 Officers consider that the proposed extension is of an acceptable design and would have an acceptable impact on neighbouring amenity. It is therefore recommend that the proposed development is recommended for approval.

RECOMMENDATION

GRANT PLANNING 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:

15016-02, 15016-03, 15016-04 (Received 15 June 2015). 15016-01 Rev A, 15016-05 Rev A, 15016-06 Rev , Design & Access Statement, Heritage Statement (Received 6 October 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.

Informatives

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

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