

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 4 FEBRUARY 2016 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, 26 January 2016**

**For further information please contact:
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Order Of Business			
Item No	Title of Report	Ward	Page No.
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 6
3.	1-3 Ashby Road, SE4	Brockley	7 - 18
4.	3A Eliot Park, SE13	Blackheath	19 - 42
5.	Lee Court, Lee High Road, SE13	Blackheath	43 - 68
6.	Site A, B, and C, Lee Green Estate and Land Adjacent to Cambridge Drive, SE12	Lee Green	69 - 138
7.	105 Sydenham Road, SE26	Sydenham	139 - 156

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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 4 FEBRUARY 2016

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 4 FEBRUARY 2016

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 17th December 2015.

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Committee	PLANNING COMMITTEE C	
Report Title	1-3 ASHBY ROAD, LONDON, SE4 1PR	
Ward	Brockley	
Contributors	Monique Wallace	
Class	PART 1	4 February 2016

Reg. Nos. DC/15/93717

Application dated 10.29.15 as revised on 04.12.15

Applicant Mr K Fornalewaski Clive Sall Architecture on behalf of Northhill Properties Limited

Proposal Alterations to the existing office building at 1-3 Ashby Road SE4, comprising the introduction of light wells to the rear part of the building and a new light well adjoining the boundary with 54 - 60 Manor Avenue, together with alterations to the external elevations of the building and new landscaping of the Ashby Road and Ashby Mews frontages.

Applicant's Plan Nos. 196 000 REV P03, 196 001 REV P03, 196 002 REV P03, 196 003 REV P03, 196 190 REV P03, 196 191 REV P03, 196 192 REV P03, 196 300 REV P03, 196 301 REV P03, 196 292 REV P03, 196 390 REV P03, 196 391 REV P03, 196 392 REV P03 received 2/12/15

Background Papers (1) Case File DE/315/8/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation Core Strategy, - Existing Use

1.0 Property/Site Description

1.1 The application site comprises a modern part single/part two storey office building located at the junction of Ashby Mews and Ashby Road. The building was formerly used by the Council's Social Services Department as offices and is currently vacant. To the east, the site adjoins the rear gardens of properties in Manor Avenue. The site has a 25m wide main frontage onto Ashby Road and to the west, the site has a 28m deep side return into Ashby Mews. Ashby Mews serves residential garaging and commercial workshops located to the rear of the application site. The Mews is a private road.

- 1.2 On the opposite side of Ashby Road, directly opposite the application site is Royston Court. Royston Court is a modern two storey, plus attic housing development constructed on a former commercial site.
- 1.3 Both Ashby Road and Ashby Mews are within the Brockley Conservation Area which is covered by an Article 4 Direction.

2.0 Planning History

- 2.1 In February 2006, applications for planning permission and conservation area consent were submitted for the demolition of the building and the construction of a part single/part three storey plus basement building to provide a 22 bedroom care home. The planning application was proposed for refusal on the grounds of 1) its excessive height and bulk and its generally poor design; 2) its close proximity to the rear gardens of properties in Manor Avenue and; 3) the lack of outdoor amenity space and poor outlook to the ground floor bedrooms adjoining the Mews. The conservation area consent application was also recommended for refusal on the basis that the demolition of the building in advance of an agreed scheme of redevelopment would fail to preserve or enhance the character and appearance of the conservation area and would be contrary to Council policy. These applications were withdrawn at the applicant's request before determination.
- 2.2 In September 2006 further applications for planning permission and conservation area consent were submitted for the demolition of the former Council offices and the construction of a part two/part three storey building, to provide an 18 bedroom care home, together with associated landscaping, provision of a refuse store, bicycle spaces and 3 car parking spaces.
- 2.3 This planning application was refused on the grounds of 1) its excessive height and bulk and its generally poor design and; 2) the close proximity to the rear gardens of properties in Manor Avenue. The conservation area consent application was refused for the same reason as the previously withdrawn conservation area consent submission referred to above.
- 2.4 Further applications for Conservation Area consent and planning permission for a 16 bedroom care home at the site were refused in August 2007. These were refused for the same reasons as the previous applications. Appeals in respect of these decisions were also dismissed. The Inspector considered that the existing building had a neutral impact on the character and appearance of the Conservation Area and that the height of the existing building allowed views through to the trees and vegetation in the rear gardens of Manor Avenue.
- 2.5 On 9 June 2014, the Council determined that Prior Approval under Class J of Part 3 of Schedule 2 of the General Permitted Development Order 1995 (as amended) for the change of use of the premises (Class B1a) into residential use (Class C3) to form 3 x 1 bed and 3 x 2 bed self contained flats was not required (the development could proceed). Case reference DC/14/87239.
- 2.6 On 17 August 2015, the Council determined that Prior Approval under Class O of Part 3 of Schedule 2 of the General Permitted Development Order 2015 for the change of use of the premises (Class B1a) into residential use (Class C3) to form 6 x 1 bed and 3 studio contained flats was not required. Case reference DC/15/92810.

2.7 On 15 October 2015 the Council determined that Prior Approval under Class O of Part 3 of Schedule 2 of the General Permitted Development Order 2015 for prior approval in respect of change of use of 1-3 Ashby Road SE14, from office use (Class B1(a)) to residential (Class C3) to create 9 self-contained units was not required. Case reference DC/15/93310.

3.0 Current Planning Applications

3.1 The proposal is in respect of alterations to the existing office building at 1-3 Ashby Road, comprising the introduction of light wells to the rear part of the building and a new light well adjoining the boundary with 54 - 60 Manor Avenue, together with minor alterations to the external elevations of the building and new landscaping of the Ashby Road and Ashby Mews frontages.

3.2 Planning permission is being sought for the creation of two differing forms of lightwells; a large exposed strip to the side (east, abutting the plots fronting Manor Avenue), resulting in the of removal of a vertical strip of the existing roof, and four further lightwells within the centre of the building.

3.3 The light wells are to provide natural light into the centre of the building, while the larger opening is to provide external access to the office space from the side.

3.4 Bin enclosures and cycle stores are proposed to the front.

3.5 The proposals would result in the overall upgrading of the existing building, including brickwork repairs, landscaping, painting and painted aluminium window replacements.

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 Letters were sent to 51 nearby occupiers. Two letters of objection were received to the proposals from occupiers of Manor Avenue.

4.4 The objections are summarised as follows:

- Noise disturbance derived from the new exposed areas
- Pollution from the smoking due to staff using the proposed external areas
- Creating an access from Ashby Road to the rear gardens of Manor Avenue results in a security risk

- The application documents refer to residential use while the application form does not state how many employees will be present. Residents therefore cannot adequately judge the impact of the proposals.

Amenities Societies Panel

- 4.5 The Panel have strong concerns that the alteration requested is changing the external fabric of the building and therefore invalidating the automatic permissions granted for office to residential use.

Brockley Society

- 4.6 The Society has already commented on the previous but related Prior Approval submission (DC/15/92810) for this project in the context of raising concerns on the sub-standard nature of accommodation being proposed.

- 4.7 It is in the light of this that the Society's Planning Group raise the following objections to the current proposals:

- The proposals do not demonstrate compliance with Building Regulations, Part B Fire Safety and does not justify the proposal to shut and block off the former escape exit to Ashby Mews
- The proposals do not take into account the light spillage from the proposed skylights/light wells/proposed open roof area
- The proposal do not provide any mitigation measures for the potential noise disturbance to and from adjacent Mews units/gardens
- The proposals have not considered a green roof
- The proposals do not demonstrate that the bin store would have sufficient for the future occupiers.

- 4.8 The letters are available to Members.

5.0 Policy Context

Introduction

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

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

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

5.3 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that '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

- 5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states 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)'.
- 5.5 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

- 5.6 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)

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

Policy 5.3 Sustainable design and construction,
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

Core Strategy

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the 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 2 Regeneration and Growth Areas
Spatial Policy 5 Areas of Stability and Managed Change
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 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

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

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 11	Other employment locations
DM Policy 22	Sustainable design and construction
DM Policy 25	Landscaping and trees
DM Policy 27	Lighting
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Brockley Conservation Area Supplementary Planning Document (December 2005)

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

6.0 Planning Considerations

6.1 Although Prior Approval for the change of use to residential has been approved, the residential use has not yet been implemented and therefore the application site can only be considered as a B1 Office space, which was its last use, for the purposes of this planning application.

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

- Principle of Development
- Design and Conservation
- Impact on Adjoining Properties
- Landscaping

Principle of Development

6.3 The National Planning Policy Framework states that there should be a presumption in favour of sustainable development so long as the proposals accord with the provisions of the development plan for the borough. The NPPF encourages the effective use of land by reusing land that has been previously developed (brown field land).

6.4 Whilst it is recognised that the site benefits from prior approval for residential units the proposal is for alterations to the existing building which is still classified as an office and the scheme under consideration does not include a change of use, nor an increase in density. Therefore so long as the proposed alterations do not result in any visual detriment to the appearance of the existing building, the street scene or the Brockley Conservation Area, or significantly compromise the amenities of nearby residential occupiers, the principle of development is considered to be acceptable.

Design and Conservation

6.5 DM Policy 36, New development, changes of use and alterations affecting designated heritage assets and their setting... requires all planning applications for proposals affecting heritage assets to provide a statement setting out the impact to the significance of that asset and any harm or loss to that asset should be robustly justified. In particular, the policy continues to advise that planning permission would not be granted for developments or alterations and extensions to existing buildings that are deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

6.6 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

- 6.7 The NPPF states that proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.
- 6.8 Development Management Local Plan (DMLP) Policy 30 Urban design and local character states that all developments, including alterations and extensions, should attain a high design. The design response of any such alterations should create a positive relationship to the existing townscape.
- 6.9 The office building is unremarkable in appearance and low key in terms of its scale, materials and fenestration. It is dated stylistically to the late 1950s and is not of special architectural or historical interest and are not typical of the buildings which the Conservation Area designation or Article 4 Direction sought to protect. However, Officers consider that the building has a neutral impact to the appearance of the Brockley Conservation Area. Any proposed alterations need to be sympathetic to the architectural language of the application building to ensure that its current neutral impact does not become a negative one.

Lightwells

- 6.10 None of the lightwells would be visible from the public realm. The exposed strip along the eastern side of the building would be shielded from views from the public realm by the existing single storey building to the front.
- 6.11 The lightwells would not be visible from the public realm. Given the overall size of the existing building and the relatively limited alterations proposed, Officers consider the proposals to be minor, having a negligible impact upon the appearance of the application building and the Conservation Area and therefore do not raise any objections.

Alterations to the front

- 6.12 The proposal would upgrade the existing facades of the application building by repairing brickwork, replacing fascia boards and installing new planting. During the course of the application revisions were submitted. The revised drawings resulted in areas of the façade, initially proposed to be rendered, to be repaired with brickwork to match the existing. The revisions also resulted in subtle articulation to the outbuilding (bin store) to the front.
- 6.13 Officers consider the proposed alterations to the facades of the building to be acceptable as they would improve the appearance of the application building and thus enhance the street scene and the Brockley Conservation Area generally.

Impact on Adjoining Properties

- 6.14 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. It must therefore be demonstrated that

proposed alterations are neighbourly and that significant harm would not arise with respect to overbearing impact, overshadowing, loss of light, loss of outlook or general noise and disturbance. DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens.

- 6.15 The properties fronting Manor Avenue would be affected the most by the development given that the largest opening within the application building would abut their plots. However, the Manor Avenue properties are in excess of 30m from the application site. It is not considered that these openings would give rise to any significant amenity impact. Further, any noise and disturbance from the use of the building would be compatible with the amenities of nearby residential occupiers. For that reason, officers consider any additional noise and disturbance derived from the proposed works would be acceptable.

Landscaping

- 6.16 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 developments to submit a landscaping scheme while 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 landscaping features that positively contribute to the character of the conservation area are to be retained.
- 6.17 The proposal is to enhance the existing garden area to the front of the plot (fronting Ashby Road and Ashby Mews) with hedging which is welcomed. In order to ensure that the planting has the best chance of longevity, a condition is recommended requesting details of the proposed species.

7.0 Community Infrastructure Levy

- 7.1 The above development is not CIL liable.

8.0 Conclusion

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 Officers consider that the proposed lightwells and the alterations to the facades and front garden accord with planning policy and are therefore acceptable.

9.0 RECOMMENDATION (A)

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:

196 000 REV P03, 196 001 REV P03, 196 002 REV P03, 196 003 REV P03, 196 190 REV P03, 196 191 REV P03, 196 192 REV P03, 196 300 REV P03, 196 301 REV P03, 196 292 REV P03, 196 390 REV P03, 196 391 REV P03, 196 392 REV P03 received 2/12/15

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

1-3 Ashby Rd, SE4



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Committee	PLANNING COMMITTEE C	
Report Title	3A Eliot Park, London, SE13	
Ward	Blackheath	
Contributors	Andrew Hartcher	
Class	PART 1	04 February 2016

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. Design and Access Statement, Heritage Statement, Existing Floor Plans (received 7th April 2015); Proposed Elevations (received 30th September 2015); Proposed Floor Plans (received 1st October 2015); Location Plan (received 11th January 2016) and Bat Survey Report (received 13th January 2016).

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 This was refused due to 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 87.32m² of internal floorspace for a 3 bedroom flat and the upper ground floor flat will provide 69.32m² for a 2 bedroom flat.

Supporting Documents

3.19 The application is accompanied by a Design and Access Statement, a Heritage Statement and a Bat Survey Report.

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 and letters were sent to residents in the surrounding area. 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 7 residents (including those 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 of 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 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

- 4.7 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 be 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 (upper 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 complement 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 the 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 the extension does not encroach into their 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, this allows the second storey element of the proposed extension to 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 complement 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 complements 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 complementary 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 an 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 of 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 complementary 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 Eliot 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 the 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 of adjoining occupiers (see further discussion below) and the alterations would not be visible from the public realm.
- 6.33 Given the above, 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, Officers 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 siting, design and appearance of these facilities is appropriate and includes consideration of screening, landscaping and vegetation to minimise any visual impacts as far as a 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 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 the 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 on 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, Officers 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, Officers 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 the Council is to remain as garden land in the current application.
- 6.56 Objectors 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 However, the proposed extension would be constructed on an 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 excessive 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 Officers (including Council's Ecological Regeneration Manager) gave consideration to the characteristics of the development site in relation to the presence of bats and considered that the development does not meet the trigger requirements for a bat survey. The application site is an urban residential garden,

which is not known to the Council to contain bats, as a foraging/roosting site or within a designated protected area (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 potential 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 the roosting of bats and the proposal would not impact on the mature Ash Tree in the rear garden. The remainder of the existing garden will remain as garden land.
- 6.60 Council's Ecological Regeneration Manager has advised that (as with the previous application DC/14/88590) the proposal is unlikely to have any adverse affects on bat species provided it does not impact on the mature Ash Tree in the rear garden (which as above is not the case).
- 6.61 Given the above, it was concluded that the location and scale of the development would not result in adverse impacts or harm to bats, bat roosts or the natural environment.
- 6.62 The application was originally set to be heard at the Committee meeting on 5 November 2015. However, on 4 November 2015 (on day before the meeting) Officers were advised that residents had undertaken their own bat survey of rear gardens between Eliot Park and Walerand Road which showed an active bat population foraging across the area including the garden of No. 3A. This resulted in the application being withdrawn from the 5 November 2015 Committee.
- 6.63 Officers have since requested a copy of the survey from residents in writing on three occasions but residents have not been forthcoming with this information and the alleged presence of bats on site has not been supported.
- 6.64 Despite this, to ensure a timely resolution to this issue (and despite not meeting the relevant trigger requirements), in January 2016 the Applicant engaged ASG Ecology to undertake a bat survey of the subject site (including a site visit) to determine if the one tree proposed for removal was of a quality to support bats and to determine the overall foraging potential of the site for bats.
- 6.65 Consistent with the advice of Council's Ecological Regeneration Manager, the Bat Survey Report found that the one tree to be removed had a negligible potential to support roosting bats. The report also found that the site characteristics are relatively poor for foraging bats and more suitable habitat for foraging and commuting bats is located to the northeast of the site (e.g. Blackheath and Greenwich Park). The potential for foraging and commuting bats in the rear garden of the property was therefore found to be low to moderate and it was concluded that there are no constraints to construction of the proposal resulting from the presence or potential presence of bats. Notwithstanding this, to ensure that excessive light does not cause disturbance to foraging or commuting bats in the rear garden, the report made some precautionary recommendations, such as:

- where possible, limiting lamps to a maximum power of 2000 lumens (150w);
- installation of movement sensors to limit the amount of time that areas adjacent to the building are illuminated each night;
- ensuring no construction works that require high levels of illumination are undertaken outside day time hours;
- ensuring lights are aimed to illuminate only the area immediately required;
- minimising light spill by avoiding upwards pointing light fixtures where possible, and limiting the spread of light on or below the horizontal plane (e.g. by using hoods or cowls to restrict the area to be lit); and
- using plant species such as honeysuckle *Lonicera periclymenum* as part of the redevelopment of the site to help attract insects to the garden as a food source for bats.

6.66 Officers note these recommendations and welcome the intention to carry out the development in accordance with these as a precautionary measure. However, given that bats have not been found to be present on the site, these recommendations do not meet the necessary tests to be included as a condition on any planning permission as they are not necessary to make the development acceptable.

6.67 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 albeit that the plans were made publically available. Officers advised residents that it would continue to accept submissions on the scheme 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 complementary 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 provide 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:

Design and Access Statement, Heritage Statement, Existing Floor Plans (received 7th April 2015); Proposed Elevations (received 30th September 2015); Proposed Floor Plans (received 1st October 2015); Location Plan (received 11th January 2016) and Bat Survey Report (received 13th January 2016).

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, namely yellow stock brick, timber sliding sash windows, black coated aluminium conservatory doors and in accordance with the Design and Access Statement and Proposed Elevations (received 30th September 2015).
- 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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3A Eliot Park, SE13



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Committee	PLANNING COMMITTEE B	
Report Title	Lee Court, Lee High Road SE13	
Ward	Blackheath	
Contributors	Monique Wallace	
Class	PART 1	4 February 2016

Reg. Nos. (A) DC/15/93738

Application dated 16.09.2015

Applicant Mr Burrell HFBT Architects on behalf of Mr Wright Grandpex Company Ltd

Proposal Partial demolition of the single storey estates office at Lee Court, Lee High Road SE13 and the construction of a four storey, three bedroom dwelling house, together with the provision of bin storage.

Applicant's Plan Nos. 878 PL2 3000, 878 PL2 E 3000, 878 PL2 E 3001, 878 PL2 3001, 878 PL2 3002, 878 PL2 E 3002, 878 PL2 3003, 878 PL2 E 3003, 878 PL2 E 3004, 878 PL2 3004, 878 PL2 3005, 878 PL2 4000, 878 PL2 4001, 878 PL2 4002, 878 PL2 4003, 878 PL2 4004, Statement of intent, materials schedule, Design & Access Statement, Window details received 17/9/15; Heritage Statement received 21/12/15; 878 PL2 1000 REV B, 878 PL2 1001 Rev B, 878 PL2 1002 Rev A, 878 PL2 2000 REV A, 878 PL2 2001 REV A, 878 PL2 2002 REV A, 878 PL2 2003 REV A, 878 PL2 2004 REV A, 878 PL2 2010 REV A, 878 PL2 2011 REV A, 878 PL2 2012 REV A, 878 PL2 2013 REV A, received 16/1/16.

Background Papers (1) Case File LE/451/N/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation Existing Use

1.0 Property/Site Description

- 1.1 The application site is a single storey annex attached to the western end of a four storey residential block located on the western side of Lee High Road.
- 1.2 The site abuts the vehicular and pedestrian entrance to a private housing development known as Halley Gardens, while the closest residential block being 43-48 Halley Gardens is 19m north of the application building.
- 1.3 Directly opposite the site is the junction with Manor Park and Lee High Road to the south.

- 1.4 The application site has a Public Transport Accessibility Level of 2/3 and is within an Area of Archaeological Priority.

Historic description

- 1.5 Lee Court is an Art Deco purpose-built mansion block, probably dating from the early 1930s, and a relatively rare building type in the borough. This four storey building is articulated along Lee High Road in six sections, with eight flats in each section and each section comprising five bays. The two outer bays and the two inner bays feature pairs of windows; Crittall steel framed windows of which some of the original remain. The central bay is a stair tower which is approached under a half moon canted reinforced concrete canopy. The staircase towers form vertical accents in the street. The main façade is of red brick under a flat roof with stepped parapet.
- 1.6 Mansion blocks were frequently located on main roads and were designed to be best appreciated when sweeping by in the car, the movement creating a fuller appreciation of their massing and articulation. The building is a good example for its time and has landmark and streetscape value.
- 1.7 The subject building is not nationally or locally listed, nor is it in a Conservation Area. However, during the course of the development management process, the application site has been considered as an undesignated heritage asset of significance for the following reasons:
- It is a well preserved and good example of an inter-war mansion block of architectural quality;
 - It has streetscape value as a positive historic building on a prominent curving site providing a strong reference point in an area where there has been much change and re-development during the 20th century.

2.0 Planning History

- 2.1 A planning application was submitted in May 2014 in respect of the demolition of the single storey estates office at Lee Court and the construction of a four storey, three bedroom dwelling house with an integral garage and the provision of bin and cycle stores.
- 2.2 During the course of the application, 7 objections and 2 comments were received in response to the consultation exercise carried out for the planning application.
- 2.3 After reviewing the proposals, Officers advised the applicant that they were minded to recommend refusing planning permission as the full demolition of the Estate Office was considered to be unacceptable. The Estate Office has historic and architectural significance. In historic terms, the inter-war period saw a decline in the use of domestic servants. A solution to this for the middle classes was the mansion block. A small number of staff were shared between the flat occupants and would typically have undertaken tasks such as cleaning, minor maintenance, security and taking in post. The Estate Office was the base for such staff at Lee Court and it is therefore significant in reflecting these social changes and a now largely-forgotten solution. In architectural terms, the entrance to the Estate Office, although subsidiary, was designed to match those of the stair towers and features the same type of white painted reinforced concrete detailing. The loss of one

such detailed entrance to the development would disrupt the rhythm of the main façade.

- 2.4 In light of the above considerations, the proposal would have been contrary to Policies 7.4 Local Character and 7.8 Heritage Assets of the London Plan (2015), including modifications since 2011 which was adopted in March 2015 (hereinafter referred to as the London Plan) and, Objective 10: Protect and enhance Lewisham's character, Policy 15: High quality design for Lewisham and Policy 16 'Conservation areas, heritage assets and the historic environment of Core Strategy (June 2011), and Development Management Local Plan Policies 31 Alterations and extensions to existing buildings including residential extensions, 33 Development on infill sites, backland sites, back gardens and amenity areas and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest and DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets (November 2014).
- 2.5 The above proposal was referenced DC/14/87685 and was withdrawn in November 2014.
- 2.6 On 6 August 2015 under reference PRE/15/01973, Officers provided a formal pre-application response in respect of a revised version of the previously withdrawn scheme. The pre-application proposal was for the alteration, extension and conversion of the existing estate office to provide a new dwelling.
- 2.7 The letter concluded that Officers were in support the overall design, scale and mass of the proposal, subject to the detailing of the proposed extension being achieved to the necessary high standard. The current application is broadly the same as the pre-application version, with further detail provided.

3.0 Current Planning Application

The Proposal

- 3.1 The annexe attached to the western end of the mansion block, would be partially demolished, altered and extended to create a four storey extension to Lee Court in order to provide a new single family dwelling.
- 3.2 The extension would continue the parapet of the main building, concealing a flat roof. The front and rear elevations would return to the flank with distinctive curved corners, with the windows turning the corner in this same curved design feature. A prism feature window detail would be to the front, while a curved glass block detail would be to the rear.
- 3.3 Each floor is approximately 32m², and the overall floor area for the building would be approximately 128m². The accommodation would comprise a kitchen/dining room at ground floor level, with a w/c; a living space and study at first floor level; 2 bedrooms and bathroom at 2nd floor level; and a third, larger bedroom with a further bathroom at 3rd floor level.

Level	Room	Size
Ground	Kitchen/Dining	19.48m ²
First	Living	21.66m ²
Second	Bedroom 2 (twin)	11.6m ²
	Bedroom 3 (single)	8m ²
Third	Bedroom 1 (double)	19.42m ²
Roof terrace	External amenity space	15m ²

3.4 A roof top terrace would serve as the amenity space for the new dwelling.

3.5 Refuse storage is proposed at ground floor level to the front, and cycle parking is proposed within the new dwelling.

Supporting Documents

Design and Access Statement

3.6 This document describes the application site and its environs and the planning history leading to the current submission. It then describes the proposal in detail, including landscaping and materials. The final Chapter 6 discusses matters pertaining to sunlight, daylight and overlooking, highways and refuse, sustainability and flood risk.

Crittall

3.7 A booklet explaining the Crittall steel window range was submitted with the application. These are the windows to be used in the new development to match what was originally installed in the main building. The booklet gives the technical details of the windows and provides images of where they have been installed in other locations.

Materials Schedule

3.8 The schedule advises that it is to be read in conjunction with the Design and Access Statement, and lists out the proposed materials, which include Crittall Windows, brick walls and a mild steel balustrade.

Statement of Intent

3.9 The statement sets out the proposed chronology of the build programme which was predicted to start in January 2016 and last for 40 weeks.

Heritage Statement

3.10 The Statement summarises the sequence of events leading up to the identification of the application building as a non-designated heritage asset. The Statement

disagreed with Council Officers about the designation arguing that the application building had 'low' historic value but stated that the modern design as originally proposed would 'jar' with the existing building and therefore may not win at appeal. The Statement then confirms that the scheme was therefore revised in line with Officer's comments which has resulted in the current submission.

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

4.3 Four objections were received to the proposals from 35 Celestial Gardens, Flats 5, 7 and 20, Lee Court (the application building). The objections are summarised as follows:

- Loss of privacy and noise disturbance from the roof terrace
- Lack of adequate parking for a family sized dwelling
- The proposed new building would result in the loss of a fire escape/alternative access to the rear
- The proposal results in overdevelopment of the application site
- Inappropriate massing, design and use of materials

Written Responses received from Statutory Agencies

Transport for London

4.4 Transport for London (TfL) provided the following comments to the proposals: The footway and carriageway on Lee High Road must not be blocked during construction. Temporary obstructions must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Lee High Road.

- During the demolition and construction works, the developer should comply with the parking, loading and unloading restrictions on this section of the TLRN (Transport for London Road Network).
- Two cycle parking spaces have been shown in what appears to be a cupboard under the stairs near the main entrance. This space does not comply with the requirements of the London Plan (2015) and London Cycle Design Standards (2014). The cycle parking should be reviewed against these requirements and then secured by condition.
- The Council may wish to consider whether it would be appropriate to secure an undertaking whereby future occupiers are exempt from being able to obtain CPZ permits – to support the car free nature of the proposal.

Thames Water

- 4.5 Thames Water raised no objections to the proposals on the grounds of sewerage or water flow capacity but requested that the applicant contact Thames Water should building works be carried out within 3 meters of pipes managed by Thames Water.

Amenities Societies Panel

- 4.6 The frontage that faces upon the approach going down Lee High Road from West to East is an uninspired blank wall of bricks. This design (with its curved corner, crittal-style windows and matching the existing as closely as possible) would improve that aspect. Concerns however are raised regarding the proposed height - whether it would be better to step down a storey.
- 4.7 Attention should be paid to the promised quality and detailing.

Lewisham Highways and Transportation

- 4.8 No objection.

5.0 Policy Context

Introduction

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

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 3.14 Existing housing
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 5.13 Sustainable drainage
Policy 6.9 Cycling

Policy 6.13 Parking
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

Sustainable Design and Construction (2006)

Core Strategy

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

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 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

Development Management Local Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the 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:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 32 Housing design, layout and space standards

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

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

Residential Standards Supplementary Planning Document (August 2006)

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

6.0 Planning Considerations

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

- a) Principle of Development
- b) Scale and Design
- c) Housing
- d) Highways and parking
- e) Noise
- g) Impact on Adjoining Properties
- h) Sustainability and Energy

Principle of Development

6.2 The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

6.3 The application site is within an area of stability and managed change, as designated by the Core Strategy proposals map. Spatial Policy 5 Areas of Stability and Managed Change states that such areas will provide quality living environments supported by a network of local services and facilities. Policy 5 requires developments in these locations to protect and enhance the character of the Lewisham, especially with regard to properties of historic significance. The policy encourages the provision of small scale infill development of a scale, layout and design complementary to its immediate environments and provided that it is designed to make suitable residential accommodation, and it provides for garden and amenity space.

6.4 The existing annexed building was constructed for the sole purpose of, and was used as, an estate office supporting the running of the residential flats in Lee Court. The employees of the estate office would usually receive parcels, and packages for the occupiers and be contacted/visited in the first instance regarding maintenance of Lee Court. The management of such large properties is now typically off-site and therefore such estate offices have become redundant, as is the situation with the application site.

- 6.5 Even though office has been vacant for some time, officers consider that the estate office currently falls under C3 use as it has always been ancillary to the main C3 use at Lee Court.
- 6.6 In light of the above, officers raise no objections to the principle of continuing the residential use to create a dwelling house at the application site.

Scale and Design

- 6.7 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime. Development Management Local Plan Policy 30, Urban design and local character also states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas states that planning permission will not be granted 'unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape, and is sensitive to the setting of heritage assets.' Development Management Local Plan Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest states that non-designated heritage assets may be identified during the development management process. This is what happened when officers reviewed the proposals for application reference DC/14/87685. Policy 37 also states that the Council will protect the local distinctiveness of non-designated heritage assets and that the significance of non-designated heritage assets should be sustained and enhanced by any development affecting it. Policy 38 states that proposals for demolition or substantial harm to designated heritage assets will be refused unless it can be demonstrated that these are necessary to achieve substantial public benefits that outweigh the harm or loss.
- 6.8 The NPPG addresses conserving and enhancing the historic environment defines a non-designated heritage asset as a 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.' Since the building is identified by the Council as a non designated heritage asset, conservation concerns are a material planning consideration in this instance.
- 6.9 Officers consider Lee Court to be an undesignated heritage asset, which should be preserved, enhanced and complemented, as per the requirements of Development Management Local Plan 37.
- 6.10 The amenities Societies suggested that the building should perhaps be stepped down from Lee Court by a storey. However the vast width of the Lee Court is interrupted by slight bays which break the mass of the building in alignment with the curve of this section of Lee High Road. Further, officers consider that part of the attractiveness of the undesignated heritage asset is its width and mass and adding stepped, lower addition to the building would result in a visual contradiction, rather than complement the distinctive and unique style of Lee

Court. For this reason Officers consider that the scale and mass of the proposals to be acceptable.

- 6.11 In terms of the curved design, and specific use of Crittall windows, and protruding prism detailing to the front all result in detailing which would reflect the existing features and architectural language of Lee Court. Officers consider that the proposed extension to Lee Court would in itself still be a striking corner feature extension, which complements the remainder of the undesignated heritage asset.
- 6.12 There is currently a small sign above the entrance door to the estate office. This is an integral and important part of the heritage asset, denoting how the annexe was originally used. This sign is to be retained during the extension works and should be clearly visible when the extension has been completed, thus preserving one of the telling historic features of the application site.
- 6.13 The south eastern corner of the application building (where the proposed works are to take place) are prominent in the streetscape and therefore it is important that all of the detailing is of a high quality.
- 6.14 The depths of the reveals and the projections in the brickwork detail are important features of the existing building which are to be repeated in the proposed extension. The current application has been submitted with drawings scaled at 1:5 where there are changes in the levels of the façade. Officers are satisfied with the level of detail provided which would result in the quality of development as envisaged.
- 6.15 1:10 drawings, together with a brochure from the Crittall window company who are to create the curved windows, have been submitted with the planning application which again confirm that the proposed development would be constructed in materials and of a level of detail which would result in the quality of development necessary for the undesignated heritage asset.
- 6.16 The application was submitted with 1:10 scaled drawings of the roof balustrade, the details of which are considered to be acceptable.
- 6.17 The proposed scale, materials and detailing as set out in the drawings, Design and Access Statement and Materials Schedule are considered to be acceptable.
- 6.18 Overall, officers support the proposed design, scale and detailing proposed, of which its quality has been assured by the provision of the information submitted regarding sections and materials.

Housing

- 6.19 Development Management Local Plan Policy 32 is consistent with the NPPF which states that developments should result in 'high quality design and a good standard of amenity for all existing and future occupants of land and buildings' (paragraph 17) the Core planning principles (paragraph 11) and Section 7, Requiring good design.
- 6.20 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 Housing Technical Standards, the London Plan Housing SPG and Lewisham's Residential Standards SPD.

- 6.21 The London Plan and DMLP Policies provide guidance on the housing design, layout and space standards of new development. In general they direct that the siting and layout of new-build housing development will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area. DMLP Policies (Policy 32 in particular) expect that all new residential development to meet the functional requirements of the future residents.
- 6.22 On 11 May 2015 the Mayor of London published for consultation Minor Alterations to the London Plan, Housing Standards, which will bring the London Plan in line with the new national housing standards. It should be adopted in Spring 2016.
- 6.23 The Technical housing standards – nationally described space standard March 2015, together with the London Plan housing standards policy transition statement (October 2015) and Lewisham's Residential Standards SPD (2012) sets out the standard of accommodation required from new housing development.
- 6.24 The overall floor area and room sizes within the proposed new dwelling adhere to necessary minimum standards and essential furniture layouts have been annotated on the drawings which show an acceptable layout.
- 6.25 The required standards compared to the floor areas proposed are set out below:

	Minimum required	Proposed	Difference
Overall dwelling size	99m ² (3 bed/5 person)	128m ²	+29m ²
Living/Kitchen/ Dining	29m ² (5 person)	41.14m ² (L= 21.66m ² + K/D= 19.48)	+12.14m ²
Bedroom 1 (double)	11.5 m ²	19.42m ²	+7.92m ²
Bedroom 2 (twin)	11.5m	11.6m ²	+0.1m ²
Bedroom 3 (single)	7.5m ²	8m ²	+0.5m ²
Roof terrace	8m ²	15m ²	+7m
Internal floor to ceiling heights	2.3-2.5m	Ground floor = 2.85m First floor = 2.75m Second floor = 2.75m Third floor 2.8m	+0.25m/0.35m

- 6.26 Outlook to the front and rear of the property is considered to be acceptable as repeats views from the host building, being Lee Court. Further, the front and rear elevations face east and west respectively, resulting in good levels of sunlight reaching all habitable rooms throughout the days.

- 6.27 London Plan Housing SPG baseline Standard 4.10.1 requires new dwellings to have external, private amenity space, and officers support the innovative provision of the roof terrace to create the necessary amount of amenity space, which optimises the external space available at the application site.
- 6.28 The proposed new dwelling would be built to Lifetime Home standards which could be secured during the Building Control process should planning permission be granted.
- 6.29 Officers consider the proposed standards of accommodation for the new dwelling to be acceptable.

Highways and parking

- 6.30 The NPPF includes as one of the 12 core land-use principles, a requirement for Boroughs to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Regarding the promotion of sustainable transport para. 29 states that the transport systems needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
- 6.31 Policy 6.1 in the London Plan (Strategic Approach) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development by: encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm. Core Strategy Policy 14 (Sustainable Movement and Transport) states that there will be a managed and restrained approach to car parking provision to contribute to the objectives of traffic reduction while protecting the operational needs of major public facilities, essential economic development and the needs of people with disabilities. A network of high quality, connected and accessible walking and cycling routes across the Borough will be maintained and improved. London Plan Tables 6.2 and 6.3 which provide maximum and minimum cycle and car parking requirements should be used as a basis for assessment.
- 6.32 TfL have not objected to the principle of the development but have requested that the footway and carriageway on Lee High Road be kept clear during construction works where practicable and the loading and unloading restrictions on this section of the TLRN are observed.
- 6.33 The nearby residents have objected on the grounds that the lack of parking provision would exacerbate existing on-street parking in nearby streets and that a family sized dwelling should be provided with its own parking accommodation.

a) Access and servicing

- 6.34 Stepped pedestrian access to and from the proposal site would be from Lee High Road. A secondary level access is proposed through a side entrance leading on to Halley Gardens (access road). Any deliveries for the site would use existing points of delivery for the remainder of Lee Court or Celestial/Halley Gardens which is either from the nearby loading bays, or within the vehicular entrance area

into Celestial/Halley Gardens. Emergency vehicles can readily access the site from Lee High Road. This arrangement accords with the comments from TfL and Officers are satisfied with the proposed access and servicing arrangements.

c) Cycle Parking

- 6.35 London Plan Table 6.3 Cycle Parking minimum standards requires a minimum of 2 cycle spaces for dwellings with more than 1 bedroom.
- 6.36 The proposal is for two cycle parking spaces within a cupboard under the stairs near the main entrance. This space does not comply with the requirements of the London Plan (2015) and London Cycle Design Standards (2014). The cycle parking should be located to the front of the property, in a dry and secure location; the cycle parking should not be within the dwelling.
- 6.37 During the pre-application discussions, the cycle storage was proposed to be within the front garden of the new dwelling and for reasons of clutter and the subsequent harm to the appearance of the building, the cycle storage was re-located. In having the cycle parking within the building at ground floor level, little storage space is left at ground floor level for the occupiers which could in turn reduce the desire to own bikes. Officers are concerned about the proposals as they currently stand with regard to the cycle parking but on balance, this matter can be addressed by way of a condition given that there is additional storage space within the remainder of the dwelling and the space to the front which can be landscaped to minimise any visual impact.

d) Car Parking

- 6.38 London Plan Table 6.2 Car Parking standards provides maximum levels of parking for developments, and not minimums. DM Policy 29 Car parking states that the Council will take a restrained approach to car parking provision.
- 6.39 Lewisham's Highway's Officers did not object to the proposals as the site is for a car free scheme, and is minor in nature being only one dwelling. Further Lee High Road forms part of the Transport for London Road Network (TLRN) which is managed by TfL. TfL suggested that Officers consider adding a condition prohibiting future occupiers of the proposed development applying for parking permits.
- 6.40 As only one dwelling is being proposed, Officers do not consider that the ability of future occupiers to apply to use the local Controlled Parking Zones would significantly impact the existing on street parking levels. Furthermore, whilst the site has a PTAL rating of 2 it is within 30m of a PTAL zone 4 reflecting the high accessibility of local bus routes. Therefore Officers consider that there are no policy reasons to object on the grounds of a car free development.

f) Refuse

- 6.41 A bin store is proposed to be located at the front of the application property. The existing occupiers within Lee Court store and have their refuse collected from the rear of the application building. The design and access statement states that refuse would be collected from the front of the property, but in line with the comments from TfL, any proposals to block/interrupt the TLRN should be minimised. It is not to say that refuse cannot be collected from the front of the

site, as the refuse collection truck would only block the road for a short period of time to collect for the new dwelling. However, it would be advantageous if the proposed new dwelling could share the refuse collection arrangements with the remainder of the dwellings within the immediate vicinity. For this reason, Officers consider it pertinent to add a refuse management plan condition to the decision notice should Members be minded to grant planning permission.

Noise

- 6.42 DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens.
- 6.43 Neighbours have objected on the grounds that the new dwelling would result in additional noise and disturbance for the existing neighbouring occupiers.
- 6.44 43-48 Halley Gardens which is the closet residential block to the immediate north of the application site is approximately 19m away from the application site.
- 6.45 Officers are satisfied that any noise generated from the proposed dwelling, whether from within or from the proposed roof terrace, would be in keeping with the noise levels of the surrounding domestic properties. Therefore Officers raise no objections to the proposals on these grounds.

Impact on Adjoining Properties

- 6.46 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm would not arise with respect to overbearing impact, overshadowing, loss of light, loss of outlook or general noise and disturbance.
- 6.47 Neighbours have objected to the proposal on the grounds of a loss of privacy and outlook, sunlight and daylight and the loss of a fire escape/alternative access to the rear.

Privacy

- 6.48 43-48 Halley Gardens have south windows facing windows and therefore there would be views from the proposed new dwelling into those dwellings.
- 6.49 However, the apertures from the proposed extension would repeat the locations and alignment of those within the remainder of Lee Court. In addition, the rear of Lee Court has external steps and landings intended for use as a means of escape but also used for amenity space. Further, there are established trees inhibiting the views to and from 43-48 Halley Gardens and Lee Court. By extending the proposed extension westwards, the level of outlook would be similar to the existing properties within Lee Court and therefore officers are satisfied that any level of overlooking into other nearby properties would be of a similar and acceptable level.
- 6.50 The proposed height of the parapet from the floor level of the roof terrace would be 0.91m which could result in overlooking to nearby occupiers. However, the 1.65m height of the roof terrace access enclosure would restrict views towards 43-

48 Halley Gardens to the north. Westerly views would be onto the flank of 20 Manor Park Parade which does not have any windows. The properties on the opposite of Lee High Road are in excess of 20m away and therefore any overlooking from the proposed development to those properties would be to an acceptable level.

Sunlight and daylight

- 6.51 With regard to a loss of outlook and sunlight from the proposed extension, the three storey extension (four storey in height in total) would protrude beyond the rear elevation of Lee Court by 1.3m to the north. Officers consider that the 1.3m depth, albeit at 4 storeys in height would result in a minimal impact to outlook to the existing, northernmost occupiers of Lee Court. The use of glass blocks for this part of the extension would further minimise any sense of enclosure/overbearance.
- 6.52 The proposed northerly 1.3m projection would result in some loss of sunlight during the late afternoons/evenings also to northernmost occupiers of Lee Court but again, the relatively shallow depth of the element of the extension which is to project beyond the rear elevation of Lee Court would render any loss, marginal.

Means of access/escape

- 6.53 Objections raised to the proposal included the reduction of space to the rear and side of the Lee Court which objectors state is used as an alternative means of access to Lee Court from the rear and as a means of escape. Currently there is a gate to the side of the estate office within the site which provides access to the rear of the building. However the applicant has confirmed that whilst there is a gate it is locked and not in use as a means of access or escape by residents. The proposed development would result in the access around the side of the building to the west being removed, although there would be no impact on the access to Halley Gardens. The rear of the building would however still be accessible from the east side of the building, as a means of access and escape. Officers are therefore satisfied that the proposed extension would not render the rear of Lee Court inaccessible or make it unsafe for users.

Sustainability and Energy

- 6.54 Core Strategy Policy 7 seeks to apply the London Plan policies relevant to climate change including those related to: air quality, energy efficiency, sustainable design and construction, retrofitting, decentralised energy works, renewable energy, innovative energy technologies, overheating and cooling, urban greening, and living roofs and walls.
- 6.55 The proposal is for the alteration and extension of an existing property and therefore there are limitations to the sustainability measures available. That said, page 33 of the Design and Access Statement states that the extension would achieve Level 4, Code for Sustainable Homes but would strive to achieve Level 5 through applying 'fabric first' principles to the construction of the extension.
- 6.56 Officers consider that the sustainability measures proposed are acceptable for a development which is resulting from the extension of an existing property as is the instance in this case.

Other matters

- 6.57 The application site is within an Area of Archaeological Priority and the proposal involves an element of demolition. If Members were minded to grant planning permission, a condition would be placed on the decision notice requesting that measures to be put in place in order to look out for any archaeological remains.

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 Conclusion

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 On balance, Officers consider that the proposed development would result in an attractive and sustainable form of development while providing a new dwelling of an acceptable standard and resulting in a complimentary addition to a non-designated heritage asset and would have minimal impact to neighbour amenity. Officers also consider that the proposals would not result in any detriment to the TLRN, nor the local parking capacity and therefore the scheme is considered acceptable.

9.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

Conditions

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

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

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:
878 PL2 3000, 878 PL2 E 3000, 878 PL2 E 3001, 878 PL2 3001, 878 PL2 3002, 878 PL2 E 3002, 878 PL2 3003, 878 PL2 E 3003, 878 PL2 E 3004, 878 PL2 3004, 878 PL2 3005, 878 PL2 4000, 878 PL2 4001, 878 PL2 4002, 878

PL2 4003, 878 PL2 4004, Statement of intent, materials schedule, Design & Access Statement, Window details received 17/9/15; Heritage Statement received 21/12/15; 878 PL2 1000 REV B, 878 PL2 1001 Rev B, 878 PL2 1002 Rev A, 878 PL2 2000 REV A, 878 PL2 2001 REV A, 878 PL2 2002 REV A, 878 PL2 2003 REV A, 878 PL2 2004 REV A, 878 PL2 2010 REV A, 878 PL2 2011 REV A, 878 PL2 2012 REV A, 878 PL2 2013 REV A, received 16/1/16.

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

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

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with 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) The development shall be constructed in those materials as proposed namely:

External Walls Generally Including Garden Walls

IBSTOCK West Hoathley Medium Multi Stock bricks to match existing building at Lee Court.

Quadrant Shaped Enclosure Above Rear Entrance

Cement render painted white.

Glazed Stair Enclosure

Clear insulating glass blocks.

Windows

Crittall Corporate 2000 Berkeley pattern mild steel windows with clear double glazing ppc finished in white to match original windows in Lee Court.

Entrance Doors

Pale Oak by Spirit Doors Ref Zara from the Naturelle Range.

Balustrading

Tubular purpose designed galvanised mild steel balustrading ppc finish white.

External paving to front and roof gardens

Marshalls Fair Stone Granite Paving colour 'light' generally, with 'dark' edge trims.

- (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.

5. (a) Notwithstanding the details hereby approved, no development shall commence on site until proposals for the storage of refuse and recycling facilities, together with a refuse management plan for the new dwelling has 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).

6. a) Notwithstanding the details hereby approved, a minimum of 2 secure and dry cycle parking spaces shall be provided within the curtilage of the new dwelling, details of which shall be submitted to the local planning authority and approved, prior to the commencement of works.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

7. (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).

8. The boundary treatments hereby approved including the gates and walls shall be implemented prior to occupation of the new dwelling and retained in perpetuity.

Reason: To ensure that the proposed development is fully completed prior to first occupation, to maintain the appearance of the adjoining non-designated heritage asset, being Lee Court and in the interests of 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 and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (November 2014).

9. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no flues, plumbing or pipes, including rainwater pipes, shall be fixed on the external faces of the extension hereby approved.

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 and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (November 2014).

10. No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 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) and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (2014).

11. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be created in the dwelling hereby approved other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of visual amenity in accordance with DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (2014).

12. 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)

13. The residential unit 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).

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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Further information regarding the heritage status of Lee Court was submitted

in support of the application during the course of the application process rendering the proposal to be in accordance with the pre-application discussions and in accordance with the Development Plan.

- B. The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works take place.
- C. 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>
- D. 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.
- E. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- F. 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.

G. Thames Water

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground,

water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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.

H. Refuse management plan

The applicant is advised to contact the Council's refuse team when preparing the refuse management team.

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Lee Court, Lee High Rd, SE13



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Committee	PLANNING COMMITTEE C	
Report Title	Site A, B and C Lee Green Estate, SE 12	
Ward	Lee Green	
Contributors	Colm Harte	
Class	PART 1	04 February 2016

Reg. Nos. Site A - DC/15/92720
 Site B - DC/15/92724
 Site C - DC/15/92707

Application dated 09/07/2015

Applicant Indigo Planning on behalf of the Peabody Trust

Proposal Site A
 The demolition of the existing garages on Site A, Land on Western Side of Millbank Way, Lee Green Estate, Cambridge Drive SE12, the construction of a part two/part three storey building to provide 4 one bedroom, 4 two bedroom and 4 three bedroom self-contained flats together with associated landscaping, amenity space, refuse storage and detached cycle store

Site B
 Demolition of existing garages at Site B, land at junction of Osberton Road and Millbank Way, Lee Green Estate, Cambridge Drive SE12 and the construction of a part 2/part 3 storey building including roof space with terraces to the west and east elevations to provide 2 two bedroom self-contained flats and 2 three bedroom maisonettes, associated landscaping, amenity space, refuse storage, cycle storage and one accessible car parking space together with rebuilt refuse enclosure for flats at 9-26 Millbank Way

Site C
 Construction of a wheelchair accessible 2 bedroom bungalow and associated landscaping, amenity space, refuse storage, cycle storage and one accessible car parking space on Site C - Land adjacent to 35 Cambridge Drive, SE12, together with rebuilt refuse enclosure for flats at 35 Cambridge Drive

Applicant's Plan Nos. Site A
 P1-00-001 Rev 00; P1-00-100 Rev 00; P1-00-110 Rev 00; P1-00-300 Rev 00; P1-00-301 Rev 00; P1-00-310 Rev 00; P1-00-311 Rev 00; P1-00-312 Rev 00; P1-00-313 Rev 00; P2-00-050 Rev 00; P2-00-110 Rev 00; P3 - 21- 001 Rev 00; P3 -22 - 001 Rev 00; P3 - 22 - 002 Rev 00; P3 – 20 - 004 Rev 00; P7 – 20 – 010 Rev 00 Received 22 June 2015; P2-00-100 Rev 01; P2-00-111 Rev 01; P2-00-112 Rev 01; P2-00-

113 Rev 01; P2-00-210 Rev 01; P2-00-211 Rev 01; P2-00-212 Rev 01; P2-00-213 Rev 01; P2-00-214 Rev 01; P2-00-301 Rev 01; P2-00-303 Rev 01; P2-00-310 Rev 01; P2-00-311 Rev 01; P2-00-312 Rev 01; P2-00-313 Rev 01; P3 -12-001 Rev 01; P3 - 21 - 002 Rev 01; P3 – 22 - 003 Rev 01
Received 10 November 2015

Planning Statement (June 2015, Indigo Planning); Transport Statement (April 2015, ttp Consulting); Construction Management Plan (April 2015, ttp Consulting); Daylight and Sunlight Assessment (September 2015, eb7); Extended Ecological Phase 1 Habitat Survey (September 2014, Greenguage); Code for Sustainable Homes Pre- Assessment Report (April 2015, Frankham Consultancy Group); Arboricultural Impact Assessment (March 2015, PJC Consulting); Energy Statement (April 2015, Frankham Consultancy Group); Phase 1 Ground Condition Assessment (March 2015, RSA Geotechnics LTD); Biodiversity report (September 2014, Greenguage Environmental LLP)

Site B

P1-00-002 Rev 00; P1-00-101 Rev 00; P1-00-120 Rev 00; P1-00-300 Rev 00; P1-00-301 Rev 00; P1-00-302 Rev 00; P1-00-303 Rev 00; P1-00-320 Rev 00; P1-00-321 Rev 00; P1-00-322 Rev 00; P1-00-323 Rev 00; P2-00-050 Rev 00; P2-00-120 Rev 00; P2-00-121 Rev 00; P3 -21 - 001 Rev 00; P3 - 22 - 001 Rev 00; P7 – 20 – 010 Rev 00 Received 22 June 2015 P2-00-122 Rev 01; P2-00-123 Rev 01; P2-00-220 Rev 01; P2-00-221 Rev 01; P2-00-222 Rev 01; P2-00-223 Rev 01; P2-00-224 Rev 01; P2-00-320 Rev 01; P2-00-321 Rev 01; P2-00-323 Rev 01; P3 - 21- 001 Rev 01; P3 – 22 - 003 Rev 01; P3- 20-004 Rev 01 Received 10 November 2015

Planning Statement (June 2015, Indigo Planning); Transport Statement (April 2015, ttp Consulting); Construction Management Plan (April 2015, ttp Consulting); Daylight and Sunlight Assessment (September 2015, eb7); Extended Ecological Phase 1 Habitat Survey (September 2014, Greenguage); Code for Sustainable Homes Pre- Assessment Report (April 2015, Frankham Consultancy Group); Arboricultural Impact Assessment (March 2015, PJC Consulting); Energy Statement (April 2015, Frankham Consultancy Group); Phase 1 Ground Condition Assessment (March 2015, RSA Geotechnics LTD); Biodiversity report (September 2014, Greenguage Environmental LLP)

Site C

P1- 00- 003 Rev 00; P1-00-102 Rev 00; P1-00-300 Rev 00; P1-00-301 Rev 00; P1-00-330 Rev 00; P1-00-331 Rev 00; P1-00-332 Rev 00; P1-00-333 Rev 00; P2-00-050 Rev 00; P2-00-130 Rev 00; P2 -00 - 131 Rev 00; P3 - 22 - 001 Rev 00; P7 – 20 – 010 Rev 00; P2-00-230 Rev 00; P2-00-231 Rev 00; P2-00-330 Rev 00; P2-00-330 Rev 00; P2-00-331Rev 00; P2-00-332 Rev 00; P2-00-333 Rev 00; P3 -21 - 001 Rev 00; P3 - 22 - 001 Rev 00 Received 22 June 2015 P2-00-323 Rev 01; P3 - 21- 001 Rev 01; P3 – 22 - 003 Rev 01; P3- 20-004 Rev 01 P2-00-102 Rev 01; P3- 20-004 Rev 01 Received 10 November 2015

Planning Statement (June 2015, Indigo Planning); Transport Statement (April 2015, ttp Consulting); Construction Management Plan (April 2015, ttp Consulting); Daylight and Sunlight Assessment (September 2015, eb7); Extended Ecological Phase 1 Habitat Survey (September 2014, Greenguage); Code for Sustainable Homes Pre- Assessment Report (April 2015, Frankham Consultancy Group); Arboricultural Impact Assessment (March 2015, PJC Consulting); Energy Statement (April 2015, Frankham Consultancy Group); Phase 1 Ground Condition Assessment (March 2015, RSA Geotechnics LTD); Biodiversity report (September 2014, Greengage Environmental LLP)

Background Papers

- (1) LE/390/B/TP
- (2) Local Development Framework Documents
- (3) The London Plan

1.0 Property/Site Description

- 1.1 The Lee Green Housing Estate is a former Crown Estate, acquired by Peabody in 2011. The estate consists of predominantly modern dwelling houses and two flatted developments in addition to a number of converted Victorian properties to the eastern edge of the estate. Milbank Way dissects the estate and from which areas of the hardstand car parking, garages and ancillary buildings are accessed. Additionally, areas of communal open space, including a community garden with extensive landscaping and several mature trees are also located on the estate. The surrounding area is predominantly residential in character and comprises a mixture of detached, semi detached and terrace dwellings of varying type and ages. The estate is not located within a conservation area and is not subject to an Article 4 Direction.

- 1.2 It is advised that this report relates to three separate planning applications for 3 separate sites, all of which are located within the Lee Green Housing Estate. The proposed sites are as follows:

Site A

- 1.3 Site A (DC/15/92720) is a narrow L shaped site that is located upon the western side of Millbank Way, which runs between Osberton Road and Dorville Road. The subject site is currently occupied by a 30 individual garages and are situated opposite a terrace of existing two storey red brick houses (1-8 Millbank Way). The rear gardens and private amenity areas of the houses located on Leyland Road and Osberton Road adjoin the southern and western boundaries of the subject site. The existing garages are in poor repair, many of which are disused and is the site of frequent fly tipping.

Site B

- 1.4 Site B (DC/15/92724) is situated within the Lee Green Estate and is a prominent site located at the intersection of Millbank Way and Osberton Road. Similar to Site A, this site occupied by ten single garages. To the north of the site is Tony Law House, which is a three storey block of flats while a row of two storey terraced houses is located to the south (27- 34 Millbank Way). Directly to the east of the site is a row of two storey terraced houses known as 11- 25 Cambridge Drive. It is noted that the 'redline' of the application site includes the adjoining hardstand car parking area immediately to the west of the site.

Site C

- 1.5 This is the smallest of the three sites, is located on the western side of Cambridge Drive and is occupied by an existing hard paved drying area, which most recently has been used as an informal car parking area. The site is situated along the rear property boundary of 27-33 Cambridge Drive and a three storey flatted development, which includes ground floor apartments positioned to the south of the subject site. The site currently has an existing vehicular access crossing that accesses onto Cambridge Drive, which would be retained as part of this application.

2.0 Planning History

- 2.1 There is no relevant planning history for Site A, B or C.

3.0 Current Planning Applications

- 3.1 Overall the subject applications propose the demolition of the existing garages and the construction of 17 dwellings, across Site A, B and C. Each application would include the following:

Table 1.1: Residential Mix

	1 B 2P	2 B 3P	2B 4P	3B 5P	3B 6P	Total
Site A	4		4	4		12
Site B		1	1	1	1	4
Site C		1				1

Site A:

- 3.2 The subject application would involve the demolition of 30 single storey garages, the removal of 3 trees and the construction of a part two/part three storey brick building to provide 4 one bedroom, 4 two bedroom and 4 three bedroom self-contained flats together with associated landscaping, amenity space, refuse storage and detached cycle storage areas. The proposed development would run along Mill Bank Way and comprise of four main building elements each with a distinctive pitched roof profile, interconnected by lower two storey elements. Access to the proposed development would be provided from Millbank Way, with communal access doors to the upper floor flats, interspersed between separate entrances to the ground floor units.
- 3.3 The proposed 3 storey elements would have a maximum height of 11.6 metres with the inter connecting two storey elements being 6 metres in height. The proposed roof would be finished using a zinc standing seam roof with a photovoltaic array and two roof lights finished flush to each southern roof slope.
- 3.4 It is proposed that provision would be made for refuse storage within separate bin storage areas located within the front setback from Millbank Way. Further to this, it is proposed that 16 cycle parking spaces would be provided within a designated bike store also to be located within the front setback.

Site B:

- 3.5 Similar to Site A, Site B would involve the demolition of 10 exiting garages and the construction of a part 2/ part 3 storey building including roof space with terraces to the west and east elevations to provide 2 two bedroom ground floor flats and 2 three bedroom maisonettes at second and third floor levels. The proposed development would have a similar architectural vernacular as Site A, and would have two three storey flank elements linked

by a lower two storey element. The proposed flatted development would be finished using a common pallet of materials in terms of face brick, zinc clad roof and aluminium framed windows.

- 3.6 Both ground floor flats would be accessed via individual entrances located on the proposed north and south facades, with the access for the upper floor flats being provided on the western façade. Refuse and cycle storage would be provided adjacent to each entrance.
- 3.7 One ground floor flat (Flat 13) is identified as an accessible unit and would be provided with a designated off street parking space, located within the adjoining car park, adjacent to the proposed unit.
- 3.8 The current application also proposes the reconstruction of the existing refuse enclosure for flats at 9-26 Millbank Way which is located to the south west corner of the of the subject site.

Site C:

- 3.9 The subject application would involve the construction of a wheelchair accessible 2 bedroom bungalow that would be accessed from the Cambridge Drive and would involve associated landscaping, external amenity space, refuse storage area and the provision of one accessible car parking space, to be located within the front setback of the proposed dwelling. The proposed dwelling would be single storey and would have a maximum height of 5.6 metres. As with Sites A and B, a common vernacular would be utilised throughout the proposed development in addition to use of identical materials and finishes.
- 3.10 The current application also proposes the reconstruction of the existing refuse enclosure for flats at 35 Cambridge Drive which is located in the south east corner of the of the subject site.

Supporting Documents

- 3.11 Planning Statement including Statement of Community Engagement (June 2015, Indigo Planning): This document provides a policy compliance overview in support of the subject application.
- 3.12 Transport Statement (April 2015, ttp Consulting): This document states that the site has a PTAL rating of 3, indicating moderate access to public transport and seeks to justify the level of vehicle and cycle parking proposed. Contained within the Transport Statement submitted includes a Delivery and Servicing Strategy
- 3.13 Construction Management Plan (April 2015, ttp Consulting): A CMP has been submitted in support of the application, which includes details of the access for the Site A, B and C. The document sets out working hours for the site and a programme of works for the development (with an approximate programme duration of 52 weeks).

- 3.14 Daylight and Sunlight Assessment (September 2015, eb7): This report assesses daylight and sunlight levels received by the residential properties (including amenity space where applicable) for the proposed development at Sites A, B and C. Following concerns, a revised document was submitted.
- 3.15 Arboricultural Impact Assessment (March 2015, PJC Consulting): The report outlines that the proposed development would involve the removal of 3 x category B trees, 5 x category C trees. There are also 2 trees within the site that are rated as category A (high quality) trees which would be retained and protected during construction. The report concludes that the removal of the category B trees would be mitigated by replanting during the soft landscaping phase of development, whilst the removal of the category C trees is not considered to be detrimental.
- 3.16 Energy Strategy (April 2015, Frankham Consultancy Group): This document provides detail as to how the proposed development will comply with relevant policy requirement as detailed within the London Plan and Council Core Strategy.
- 3.17 Phase 1 Ground Condition Assessment (March 2015, RSA Geotechnics LTD): The Phase 1 Risk Assessment identified that the potential for contaminants is low and small in scale however recommends however the existing garages located on Sites A and B are identified as having Asbestos roofing panels present.
- 3.18 Biodiversity report (September 2014, Greengage Environmental LLP): The report details that the scale and nature of the proposed development will not give rise to any negative impacts to any designated site for nature conservation. Furthermore, the report finds that proposed the recommended ecological enhancements contained within the report are incorporated, the development would have a positive impact on the biodiversity value of the site.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the applicant (Indigo Planning) prior to submission and the Council following the submission of each application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors. Thames Water Development Planning, the Lee Manor Society, Lewisham Tree Officer, the Ecological Regeneration Manager, the Highways Officer, and the Environmental Sustainability department were also consulted and responses are detailed below.

4.3 The applicant engaged in early pre-application discussions and detailed written advice was provided by Council officers. The proposed scheme was accordingly amended in line with officers comments.

4.4 Following submission of the application, the following internal consultee responses were received:

Strategic Housing Officer

5.1 The Strategic Housing Officer is supportive of the development and particularly welcomes the affordable housing provision and tenure proposed.

Highways and Transportation

5.2 Council's Highway's officer has not raised any objection to the proposed development. During the course of the assessment of the current application the following additional information was provided:

- Maps detailing the location of available parking;
- The location of the vacant garages identified and sufficient evidence of their vacancy (e.g. pictures);
- The location of cycle and bin storage areas; and
- The phasing of construction.

5.3 Accordingly the application is considerable acceptable subject to the securing of a Construction Logistics Management Plan which is to be submitted and approved in writing prior to the commencement of development

5.4 The applicant will also be required to enter into a S278 agreement with the Highway Authority to secure highways reinstatement/improvement works on the public highway adjacent to the application sites. This is detailed in the relevant section below.

Ecological Regeneration Manager

5.5 The Ecology Officer commented that the Extended Ecological Survey and the Bat Report were acceptable in principle but noted the following:

- Demolition will need to be carried out as soon as possible and/or another survey will be deemed necessary as the survey is nearing the end of its validity;
- It is recommended that a solid number/quantity of features for implementation is secured i.e. 16 bat and/or bird boxes (reflective of the number of units);
- The bat report recommends that the development should implement a sensitive lighting scheme;
- Guidance around the sensitivity of lighting to wildlife is provided and should be secured by planning conditions.

5.6 Ecology is discussed in the relevant section below.

Written Responses received from Local Residents and Organisations

- 5.7 In response to the proposed development at Site A, 3 letters of support were received by Council and 7 letters of objection in addition to 1 petition against the development, signed by 10 people from 7 properties. It is noted that 4 of the seven properties that submitted a objection were signatories of the petition.
- 5.8 In response to the proposed development at Site A, 3 letters of support were received by Council and 7 letters of objection in addition to 1 petition against the development, signed by 10 people from 7 properties. It is noted that 4 of the seven properties that submitted a objection were signatories of the petition.
- 5.9 6 letters of objection and 1 petition was received in opposition to the proposed development at Site B.
- 5.10 For Site C 1 letter of objection was received, however the concerns raised related primarily to the proposed development at Sites A and B.
- 5.11 Note: It is advised that as Site A, B and C are separate applications and were separately notified, all comments received have been considered accordingly and are listed in relation to the relevant site. Further to this officers advise that several responses received from adjoining properties referenced more than one site in a submission and for clarity all concerns have been detailed under each relevant site.

SUPPORT

Site A

- 5.12 Residents and members of the public have expressed support of replacing the dilapidated and disused garages which in recent years have become hotspots for fly tipping.

Site B

- 5.13 Similarly as above, the redevelopment of this site is welcomed. It is expressed that all three proposals positively respond to the city-wide and national housing need and that all three developments are designed to a very high standard.

OBJECTION

Site A

- 5.14 Comments can be categorised into the following subsections:

Overlooking/Loss of Privacy

- 5.15 Some residents on Millbank Way and Dorville Road have commented that the proposed development of Site A would lead to overlooking their properties.

Design of the proposed development

- 5.16 Building is too high and will have considerable mass, and the design of the building is out of keeping with the adjoining properties which is inappropriate given the surrounding development;

Loss of Views

- 5.17 An objection has been raised on the grounds that the proposed development would interrupt views from the adjoining properties located between 1-8 Millbank Way;

Impact of the proposed construction work, including piling operations, upon the surrounding development

- 5.18 Concerns have been raised regarding the potential impact of proposed foundation works considering the presence of Kempton Park Gravel Formation has been identified within the Ground Condition Assessment report;

Removal of existing trees

- 5.19 Objection is raised regarding the proposed removal of some existing trees onsite;

Methodology used as part of the accompanying Biodiversity report

- 5.20 Concerns have been raised regarding the validity of the finding of the accompanying ecology report. As the site visits conducted by the applicants ecologist were carried out outside of the optimal times and good practice guidelines, local residents are concerned that this could impact the result of the supporting ecology report.

Parking Stress

- 5.21 Objections have been raised that the proposed development would lead to parking congestion of the surrounding street as a result of the proposed development.

Daylight Sunlight

- 5.22 Comments have been raised with regard to the proposed daylight/sunlight massing model that has been used, in particular the positioning of the windows of the property at 17 Dorville Road.

Community Engagement

- 5.23 Some residents have commented that there was a lack of community engagement from the applicant and the consultant team.

Site B

- 5.24 Comments received in relation to Site B are largely similar to Site A and can be categorised into the following subsections:

Overlooking/Loss of Privacy

- 5.25 Some residents on Cambridge Drive and Tony Law House have commented that the proposed development would lead to overlooking their properties;

Design of the proposed development

- 5.26 Building is too high and will have considerable mass, and the design of the building is out of keeping with the adjoining properties which is inappropriate given the surrounding development

Impact of the proposed construction work, including piling operations, upon the surrounding development

- 5.27 Concerns have been raised regarding the potential impact of proposed foundation works considering the presence of Kempton Park Gravel Formation has been identified within the Ground Condition Assessment report;

Removal of existing trees

- 5.28 Objection is raised regarding the proposed removal of some existing trees onsite;

Methodology used as part of the accompanying Biodiversity report

- 5.29 Concerns have been raised regarding the validity of the finding of the accompanying ecology report. As the site visits conducted by the applicants ecologist were carried out outside of the optimal times and good practice guidelines, local residents are concerned that this could impact the result of the supporting ecology report;

Impact on Highway safety and Parking Stress

- 5.30 Objections have been raised that the proposed development would have a negative impact on highway safety and increase parking congestion of the surrounding street as a result of the proposed development;

Daylight Sunlight

- 5.31 Comments have been raised with regard to the proposed daylight/sunlight massing model that has been used, in particular the positioning of the windows;

Community Engagement

- 5.32 As with Site A, residents have commented that there was a lack of community engagement, prior to the submission of the subject applications.

Site C

- 5.33 One objection was received, however the concerns raised related primarily to the proposed development at Sites A and B.

6.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that '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

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

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

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

Other National Guidance

- 6.5 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)

- 6.6 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 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 5.13 Sustainable drainage
- Policy 5.18 Construction, excavation and demolition waste
- Policy 5.21 Contaminated land
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- Policy 7.19 Biodiversity and access to nature
- Policy 7.21 Trees and woodlands
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)
Sustainable Design and Construction (2006)
Shaping Neighbourhoods: Character and Context (June 2014)
Sustainable Design and Construction SPG (April 2014)
Housing (November 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 2 Regeneration and Growth Areas
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 3 Strategic Industrial Locations and Local 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 11 River and waterways network
Core Strategy Policy 12 Open space and environmental assets
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 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

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

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

DM Policy 1 Presumption in favour of sustainable development
DM Policy 7 Affordable rented housing

- DM Policy 22 Sustainable design and construction
- DM Policy 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 31 Alterations/extensions to existing buildings
- DM Policy 32 Housing design, layout and space standards
- DM Policy 33 Infill, backland, back garden and amenity area development

Residential Standards Supplementary Planning Document (August 2006)

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

Planning Obligations Supplementary Planning Document (February 2015)

- 6.12 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.

Planning Considerations

- 6.13 The main issues to be considered in respect of the proposed applications are:
- a) Principle of Development
 - b) Design
 - c) Quality of Accommodation
 - d) Highways and Traffic Issues
 - e) Residential Amenity
 - f) Sustainability and Energy
 - g) Ecology and Landscaping
 - h) Land Contamination
 - i) Planning Obligations

Principle of Development

- 6.14 Paragraph 53 of the NPPF states that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development

of residential gardens, for example where development would cause harm to the local area.

- 6.15 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.
- 6.16 DM Policy 33 of the Development Management Local Plan states that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality, relates successfully and is sensitive to the existing design quality of the streetscape, and sensitive to the setting of heritage assets. This includes the importance of spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings.
- 6.17 The acceptability of the principle of development will depend on how the site is classified and also on the character of the area and the urban design function a space fulfils. If a site is considered suitable for development, planning permission will only be granted for development of the highest design quality that successfully relates to the streetscape and character of the surrounding buildings and site layouts.
- 6.18 DM 33 states that the development of infill sites will only be permitted where they:
- a. make a high quality positive contribution to an area;
 - b. provide a site specific creative response to the character and issues of the street frontage typology identified in Table 2.1 Urban typologies in Lewisham and to the special distinctiveness of any relevant conservation area;
 - c. result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens;
 - d. provide appropriate amenity space in line with DM Policy 32 (Housing design, layout and space standards);
 - f. repair the street frontage and provide additional natural surveillance;
 - g. provide adequate privacy for the new development and;
 - h. respect the character, proportions and spacing of existing houses.
- 6.19 In total the three proposed applications would introduce an additional 17 new residential units to Lee Green Estate. The estate currently provides two flatted developments and several terraces of two-storey housing. In the case of Sites A and B, the proposed development would replace 30 garages and 10 garages respectively while Site C is a former clothes drying area and informal parking area.

- 6.20 The proposed infill developments have been specifically designed to fit the site and surroundings well and to respect the character of the surrounding streetscape. The details of the application demonstrate how the proposal seeks to address issues of design and residential amenity. However considering the proposal in light of the site context and planning policy, the principle of developing Sites A and B for the provision of 12 units and 4 units respectively while a single residential dwelling upon Site C are considered acceptable subject to a high standard and sustainable design and a layout which responds to each site context, and which takes account of the amenities of neighbouring properties.

Design

- 6.21 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.22 Paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition to this, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 6.23 In relation to Lewisham, Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.24 DM Policy 32 of the Development Management Local Plan seeks to apply the above design principles more specifically to individual proposals. It seeks to ensure that the siting and layout of all new-building housing responds positively to the site specific constraints and opportunities as well as to the existing and emerging context of the site and surrounding area.
- 6.25 Further to this, DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 6.26 Table 2.1 of DM Policy 30 identifies the different urban typologies in Lewisham and outlines that new development in amenity and non garden areas within this typology should not seek to replicate this layout. Instead, it should aim to reintroduce positive elements such as clear legible routes and well defined private and public spaces.

- 6.27 The proposed development utilises site specific design responses to redevelop existing underused garages and hard paved drying areas to provide additional residential units. As existing, the site is considered to have the capacity to support additional development and would utilise development already present within the estate i.e. flatted developments and single dwelling houses. Further to the proposed development of the three site would not result in a reduction of either existing private gardens or communal open spaces within the estate.

Site A (DC/15/92720)

- 6.28 The proposed development would be part two/part three storeys in height and would be set back from street by between 1 and 3 metres and from the boundary wall of the estate, adjoining the rear gardens of the properties addressing Leyland Parade, by between 3.3 and 5 metres. All proposed units would be accessed from the primary Millbank Way frontage, with areas of defensible space provided through the inclusion of front gardens areas replicating the adjoining terrace of houses located directly opposite.
- 6.29 In terms of height, scale and massing the proposed development is considered to be suitable. In particular the scheme is considered to successfully respond to the adjacent development, through the introduction of four distinct three store elements, interconnected by two storey components. Officers are therefore satisfied that the proposed design would suitably reduce the massing of the proposed development and ensure it would be keeping with the existing development within the estate and the wider surrounding area.
- 6.30 Officers note that the proposed development has a simple design approach, and includes a varied roof form to reduce the overall mass of the building. The simple design that this results in is considered to have merit but makes the detailing of the building and proposed use of materials of vital importance to support such an approach. It is therefore necessary for the applicant to demonstrate how high quality materials and detailing will be delivered. During the course of the application, Officers have sought additional information on the proposed materials and their detailing to support the application. These details confirm the use of a good quality brick (Mystique) which will complement the more traditional red brick used on the surrounding properties. Aluminium windows, doors and balcony railings are also proposed and this choice of materials is supported by officers. The colour of the mortar used will also be an important consideration. A condition is therefore proposed requiring sample panels of the brick to be constructed on site so that the mortar colour and pointing can be agreed with officers.
- 6.31 In terms of detailing, the submitted drawings confirm that the windows and doors would feature 160mm depth reveals with the window head being finished in brick. Furthermore the returns to the balconies would be finished with matching brick slips. It is considered that the details provided demonstrate that despite the simplicity of the building form, the detailing ensures that the proposed scheme would be a high quality design response. Conditions are recommended to secure these details.

- 6.32 Concern has been raised from adjoining properties owners regarding the height and massing of the proposal. In this regard, the tallest elements would be three storeys and therefore one storey higher than the adjoining terrace of properties, situated on Milbank Way. Officers are satisfied however, that the building has been designed to sufficiently break up this massing, through the introduction of varying building heights. The detailing of the façade itself which features generous reveals, inset balconies and double height openings would provide texture and visual interest that would further reduce the bulk of the proposal. On balance, and subject to securing the quality of the materials and detailing as set out above, it is considered that the scheme as designed would result in a high quality design response that it worth of support by Council.

Site B

- 6.33 As previously stated, the proposed development would involve a part 2/ part 3 storey building and would seek to provide 2 two bedroom ground floor flats and 2 three bedroom maisonettes at second and third floor levels. The proposed development would seek to follow the common architectural language that would be present across all three application sites.
- 6.34 The proposed design approach would seek to provide individual access for both ground floor flats from Osberton Road and Milbank Way. Access to the upper floor flats would be provided via a communal entrance located on the proposed western façade, opposite Tony Law House. Officers welcome the proposed entrance strategy, which would activate underused areas within the estate, particular in relation to Osberton Road. It is also proposed that provision for waste and cycle storage would be made adjacent to each entrance.
- 6.35 The proposed development is considered to represent a considered design philosophy, relating to the construction of a sensitive infill development that would suitably respond the surrounding built development, in particular the three storey Tony Law House and the adjoining two storey terrace of properties situated between No 11- 25 Cambridge Drive and No 27- 34 Millbank Way. The proposed design would also include the distinctive roof profile common throughout the three application sites. The proposed use of a combination of high quality and durable materials including face brick, zinc roof covering and aluminium framed windows are considered to be acceptable for such a prominent site.
- 6.36 As with Site A, it is considered that the use of such a simple design approach is highly dependant upon the quality and detailing of materials, so as to ensure this design approach can be suitably achieved. The applicant has specified the materials to be used and a condition has been recommended to be imposed, should the application be approved required further samples of materials to be provided prior to the commencement of above ground works. It is considered that the applicant has demonstrated that despite the simplicity of the building form, the proposed detailing would result in the creation of a distinctive building, which would read as part of a family of three infill buildings within the estate. Additional details were provided to Officers in relation to windows, balconies and guttering and these are considered to demonstrate

how high quality materials and detailing will be delivered. Conditions have been recommended, should the application be approved that prior to commencement the applicant shall be required to construct a sample brick panel on site, for approval by Officers.

Site C

- 6.37 The proposed single storey house would be brick finished, with a zinc roof and would have a private rear garden with hardstand disable parking space located to the front of the property. The proposed development is considered to be acceptable within the proposed location. The inclusion of a matching pitched roof profile and common use of building materials across Site A, B and C allows for the creation of a high quality accessible housing unit while also respecting the scale of the surrounding existing development.
- 6.38 In summary, officers consider that the proposed building height, layout are acceptable and consider that initial concerns regarding the detailing of each proposed application have been reworked and sufficient detail has been submitted so that officers are satisfied that the proposed design would be of high quality.
- 6.39 It is recognised that due to the existing layout of the proposed sites, the proposed developments would be prominent from surrounding view points. However, the arrangement and siting of the proposed schemes are considered to make good use of the environment within the Lee Green Estate. Officers are satisfied that whilst the proposal would be a step change from the existing underused garaged sites (Site A and B) and vacant Site C overall, the existing estate would not be compromised by the proposed development.

Deliverability

- 6.40 As detailed above, all three applications would involve the use of high quality materials which would be expensive to deliver. Deliverability is a consideration within the NPPF and the viability and deliverability of development should be considered in plan making. The NPPF 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. In this case, to overcome concerns about the scale, massing and design of the scheme and the relationship with the immediate context which are fundamental to the acceptability of the redevelopment of this site, the scheme was designed and details provided to demonstrate the inherent quality of the architecture and design approach. The subject application proposes to meet the Councils 50% affordable housing policy requirement while still providing a high quality standard of design. The design quality of the scheme is integral to the acceptability of the scale and mass. As such, any future attempt to vary the scheme or reduce the quality of the design or materials could not be accepted as a minor material amendment but will instead require the principles of the proposal, including its scale and massing to be reconsidered.

Quality of Accommodation

Size

- 6.41 Core Strategy Policy 1 'Housing provision, mix and affordability' states that the Council will seek the maximum provision of affordable housing with a strategic target for 50% affordable housing from all sources. In order to ensure that the proposed development responds to local need, the provision of family housing (3+ bedrooms) will be expected as part of any new development with 10 or more dwellings. In the case of affordable housing, the Council will seek a mix of 42% as family dwellings.
- 6.42 Overall across all three application sites, it is proposed to provide 17 residential units and the table below provides a breakdown of the proposed accommodation:

Table 1.2: Residential Mix*

	1 B 2P	2 B 3P	2B 4P	3B 5P	3B 6P	Total
Site A	4		4	4		12
Site B		(1)	1	1	1	4
Site C		(1)				1

**Wheelchair accessible units shown in ()*

- 6.43 As set out in the table above, 6 of the proposed 17 units would be 3 bedroom family dwellings, which would be provided between Site A and B. The inclusion of family accommodation is welcomed and the provision of four 3 bedroom units with direct access onto ground floor private garden space is considered to be a suitable design response and would make a valuable contribution to the supply of family sized dwellings within the local area.

Affordable Housing

- 6.44 In accordance with The London Plan and Core Strategy, affordable housing will be sought on developments of 10 units or more. The starting point for negotiation is 50%, and would be subject to a financial viability assessment. To ensure mixed tenure and promote mixed and balanced communities, the affordable housing component to be provided should achieve at least 70% affordable/ social rented housing and 30% intermediate housing.
- 6.45 The proposed scheme would provide 52% of proposed units for affordable housing and would be provided as a mixture of affordable rent, social rent and shared ownership.
- 6.46 The proposed affordable housing would be spread across all three sites and provide a range of unit sizes and tenures which are detailed in the table below. It is noted that there would not be any distinction between the private

housing and the affordable housing offer in terms of either materials and finishes of access arrangements.

Table 1.3: Affordable Housing Mix

Site	Unit number annotated on drawings	Unit type	Area sqm	Tenure
A	5	2B4P	71	Affordable Rent
A	9	1B2P	58	Affordable Rent
A	10	1B2P	58	Shared Ownership
A	11	1B2P	58	Shared Ownership
B	13	2B3P	67.7	Affordable Rent
B	14	2B4P	70	Affordable Rent
B	15	3B6P	122	Social Rent
B	16	3B5P	106	Social Rent
C	17	2B3P	69	Affordable Rent

6.47 As detailed in the table above, two of the proposed affordable units would be intermediate housing, in the form of shared ownership, while five would be affordable rent and two units would be social rent.

6.48 The proposed affordable rent units would be let at a level of no more than 80% of market rate while two 3 bedroom units proposed on Site B would be let at a social rent level.

6.49 In summary, based upon the submitted details the proposed development will comply with the required 50% affordable housing requirement as per Core Strategy Policy 1 'Housing provision, mix and affordability'. Officers therefore raise no objections to the proposed provision of affordable housing.

Standard of Residential Accommodation

6.50 London Plan Policy 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. It outlines that the design of all new dwellings should include adequately sized rooms, convenient and efficient room layouts and meet the changing needs of Londoners' over their lifetimes.

- 6.51 New residential development is no longer required to meet the Lifetime Homes Criteria at planning stage which is to be delivered through Building regulations, however this remains a matter to consider to ensure that a scheme is capable of meeting this standard. 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 scheme has been designed to achieve compliance with the Lifetimes Homes Standard for all units.
- 6.52 Two wheelchair units would be provided within the scheme, compliant with Core Strategy Policy 1 Housing provision, mix and affordability, which requires a minimum 10% provision of wheelchair units in schemes providing 10 or more residential units. From 1 October 2015, this would be in accordance with Building Regulation M4 (3) Wheelchair User Dwellings.’ The wheelchair units will be secured by planning condition.
- 6.53 DM Policy 32 ‘Housing design, layout and space standards’ and Policy 3.5 ‘Quality and design of housing developments’ of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan. In particular, it provides detail on how to carry forward the Mayor’s view that “providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods”.
- 6.54 In addition to this, DM Policy 32 seeks to ensure that new residential development provides a satisfactory level of privacy, outlook, direct sunlight and daylight. It also states that new housing should be provided with a readily accessible, secure, private and usable external space and include space suitable for children’s play.
- 6.55 The Mayor of London published the Minor Alterations to the London Plan 2015 which states that reduces the minimum ceiling height from 2.5 metres to 2.3 meters for at least 75% of the gross internal area of the dwelling. It is noted however that 2.5 meters would become the recommended floor to ceiling height.

Table 1.4 : Residential Internal Floor Areas

Unit type	No. of units	Policy requirement (GIA sq m) (Table 3.3, Policy 3.5 London Plan 2015)	Proposed GIA (sq m)
1B2P	4	50	Min: 58

2B3P(Wheelchair Housing)	2	61	Min: 61
2B4P	3	70	Min: 70
3B5P	4	86	Min: 87
3B5P (2 storey)	1	96	Min: 106
3B6P (2 storey)	1	105	Min: 122

- 6.56 The proposed development that would be located at Sites A and B a floor to ceiling height of 2.5m at ground and first floor level. However due to the proposed roof design, the floor to ceiling heights of the proposed second floor units would vary between 1.5- 4.9 metres in the case of Site A and 1.5 - 4.5 metres in the case of the Site B. The applicant has provided detailed drawings which demonstrate that a minimum 2.3 metre floor to ceiling heights have been provided for approximately 78% for the second floor areas. In addition to this, as previously stated, officers are supportive of the proposed roof design which successfully reduces the bulk and scale of the proposed development while adding variation and architectural interest to the proposed development.
- 6.57 Nevertheless, officer acknowledge that ceiling heights are an important element in the design of a dwelling and can impact upon the internal amenity of a property in terms of light, ventilation, thermal comfort and flexibility of use. All units would comply with the minimum internal floor space standards and would also be dual aspect. Accordingly the proposed development, is considered to be acceptable and would provide a high standard of internal accommodation.
- 6.58 In terms of private open space, Standard 4.10.1 of the Housing SPG sets out the baseline requirements for private open space. The standard requires a minimum of 5 sqm to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. All units would be provided with at least the minimum quantum of private open space however it is noted that units 1-4 in Site A, Units 13 and 14 in Site B and Unit 17 on Site C would all be provided with private external courtyards with areas ranging between 30sqm and 45 sqm.
- 6.59 In relation to solar access, the subject application is supported by a Daylight and Sunlight report prepared by eb7 Limited. The accompanying report however only relates to the impact of the proposed development upon the adjoining residential properties and does not include the an assessment of the level of daylight received by the proposed residential units. While ordinarily officers would expect confirmation from the applicant in this regard, as all units would be a minimum of dual aspect and would be positioned away from adjoining properties and officers are satisfied that in the case of the proposed development, the levels of internal daylight and sunlight received would be acceptable.

- 6.60 It is considered that the proposed units would be provided with a suitable level of outlook and amenity. Officers therefore consider that the proposed development would be provided with an acceptable standard of accommodation.

Child playspace

- 6.61 The proposed development would result in a child yield of 10 children based on the Council's Planning Obligations SPD calculator model, which would be broken down into five 0-5 year olds and three 5-11 year olds and two children over the age of 12. London Plan policy 3.6 Children and young people's play and informal recreation facilities states that developments including housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor's Supplementary Planning Guidance 'shaping neighbourhoods: play and informal recreation (2012)' requires a minimum area of 10sq.m of play space for each child, which is also used as a local benchmark. It goes on to state that the 10sq.m per child benchmark should be set in the context of the overall open space requirements, and where open space provision is genuinely playable, the open space may count towards the play space provision.
- 6.62 As part of the proposed applications it is not proposed to provide any play space onsite and Lewisham's Planning Obligations SPD provides a methodology for calculating a financial contribution in lieu of the provision of the required space.
- 6.63 The Lee Green estate currently benefits from a relatively large area of communal open space which would be available for use by future residents as an area to informal recreation. Further to this, officers note that the Edith Nesbit Gardens adjoins the estate and includes play facilities for a range of age groups. Accordingly officers consider that a financial contribution of £13,000 towards the installation of new play equipment within the vicinity of the development would ensure that there would be an adequate provision of playspace which would both be necessary and reasonable in order to mitigate against the impact of the proposed development.
- 6.64 While the payment of a financial contribution would be acceptable, the applicant has indicated the possible provision of playspace within the estate is currently being investigated. This provision would also appropriately mitigate against the impact of the development. As a result officers consider that either the provision of the play space or the payment of a financial contribution would be appropriate mitigation. As a result officers consider that it is appropriate in the circumstances to secure the provision of the playspace to a minimum value of £13000 prior to the occupation of the developments. The type of play space and location of which to be agreed with officers prior to commencement of development, If the provision is not possible then within six months of commencement to pay to the Council the commuted sum of £13000 for the provision of play space by the Council in the vicinity of the development.

Highways and Traffic Issues

- 6.65 The London Plan (2015) states that in locations with good public transport accessibility, car-free developments should be promoted.
- 6.66 The 3 sites collectively benefit from a moderate PTAL rating of 3. The existing walking and cycling links to and from the site are adequate and the level of traffic likely to be generated by the proposal is minimal. There are a number of bus services that operate in the vicinity of the site on a regular basis as demonstrated in the Transport Statement which accompanies the planning application.
- 6.67 Two off street accessible parking spaces are proposed to be provided. One space would serve accessible Flat 13, located within the Site B and would be created through the reconfiguration of the existing hardstand parking area, located immediately to the south of the proposed site. A second off street parking space would be located in hardstand to the front of the site and would serve the proposed accessible bungalow at Site C, being accessed from Cambridge Drive.
- 6.68 With the exception of two accessible spaces, no additional off-street parking would be provided for the proposed development. It is proposed that all car-parking needs of the development are to be met on-street.
- 6.69 As previously stated all three applications have been accompanied by Transport Statement (TS) prepared TTP Consulting, which has been reviewed by Council's Highways Officer. The statement demonstrates that there is sufficient capacity along the adjoining road network and within the off street parking areas in the estate to accommodate both the parking displacement caused by the loss of the existing garages and the likely additional parking demand which would be generated by the proposed additional units. This is considered to be acceptable.
- 6.70 Objections have been received by adjoining owners regarding the capacity of the surrounding streets to absorb the additional parking demand caused as a result of the loss of the existing garages. Officers are satisfied that sufficient evidence has been presented to the Council to confirm that the loss of the garages is acceptable. The application is supported by a survey of the usage of the garages, and supports the applicants contention that they are primarily either used for storage or are vacant. It is noted that a small portion are currently in use for car parking, however officers are satisfied that the loss of the garages would not contribute significantly to parking stress of the surrounding properties, should the proposed applications be approved.
- 6.71 Secure and dry parking for a total of 30 bicycles are detailed on the proposed plans, which are provided across the three proposed sites as follows:
- Site A: 16 cycle spaces would be provided for the proposed development within a combined storage area, while cycle storage of the proposed

ground flats identified on the proposed ground plan (02058 P2 00110) as Flat 1 and Flat 4 would be provided with separate storage area with the separate rear private courtyard areas;

- Site B: 8 cycle space would to the provided within two separate bike store areas at ground floor level;
- Site C: Two secure cycle spaces would be provided and would be situated to the rear of the proposed dwelling;

This meets the necessary standard and would be secured by condition.

Servicing and Refuse

- 6.72 In regard to refuse and servicing, separated waste storage areas would be provided for the subject sites, and would be serviced accordance with existing arrangements for the estate. It is understood that new refuse stores adjoining or adjacent to the three sites would be provided. Accordingly the proposed refuse details and positioning are considered acceptable would be secured by condition.

Construction

- 6.73 The Council's Highways Officer has reviewed the Construction Management Plan, prepared by TTP Consulting, submitted in support of each application site. The Construction Management Plan outlines details of the management of traffic during the construction period and seeks to provide a robust construction strategy that will minimise the potential for disruption to local residents and other users of the adjacent highway network. Officers are satisfied that this will manage the construction process appropriately and a condition is recommended requiring this to be implemented.

Residential Amenity

Site A

Impact on Adjoining Properties

- 6.74 A Daylight and Sunlight Assessment prepared by eb7 was submitted in support of the subject application. This report has been prepared in accordance with the Building Research Establishment's good practice guide "Site Layout planning for daylight and sunlight".
- 6.75 This report assesses the impact of daylight and sunlight as a result of the proposed development across all three applications. In relation to Site A the impact upon the following the properties has been addressed:
- 1 - 8 Millbank Way
 - 4 - 6 Osberton Road
 - 17 Dorville Road

- 6.76 The overall impacts in terms as a result of the proposed development indicate full compliance with the BRE guidance.

Amenity Space

- 6.77 The south facing amenity space of 4, 6 and 8 Osberton Road have been assessed for sunlight amenity, (whether the proposal overshadows the existing amenity space serving the rear of 4-8 Osberton Road.) The reduction in sunlight levels was not considered noticeable as they are well above the BRE guide's suggested target, therefore the proposal would not result in a considerable negative impact upon the adjoining properties.

Overlooking

- 6.78 The proposed development at Site A would adjoin the rear of the existing residential development which address Osberton Road and Leyland Road. The proposed flatted development does not propose any windows on the northern (side) elevation and would be positioned between 8.5 and 19 metres from the adjoining properties. It is therefore considered that the proposed development would not result in an over bearing impact on the adjoining properties or impact upon privacy.
- 6.79 The proposed development would adjoin the rear boundary wall of the properties at 31-37 Leyland Road and would maintain a separation distance of between 21-27 metres. In addition to this, the proposed windows along this façade, at ground and first floor, would serve non habitable rooms or stairwells only and would be opaque glazed, hence mitigating any potential overlooking. The proposed second floor units would involve high level windows serving kitchen, however these windows would not allow overlooking into the adjoining residential properties.
- 6.80 Objections have been received regarding the impact of the proposed development upon the adjoining properties located to the east of the site at 1-8 Millbank Way. A separation distance from the adjoining properties of approximately 17 metres would be maintained. Further to this it is noted that the Residential Standards SPD (Updated 2012) states the 'acceptable distance between front elevations should normally be determined by the character of road widths in the area'. The separation distances between Site A and the properties on the opposite side of Millbank Way are therefore considered to have an adequate separation distance.
- 6.81 Concerns have also been raised by the residents of the property located at 17 Dorville Road in regard to the proposed development. Specifically concerns are raised that the proposed development would result in a substantial overbearing impact upon the rear private open space area of the adjoining property. While officers acknowledge that the proposed development would increase the sense of enclosure of the adjoining property, all rear facing windows would be opaque glazed to prevent overlooking. Furthermore as previously noted, the adjoining property would continue to meet BRE guidance in terms of daylight and sunlight. Accordingly it is considered that, on balance, the proposed development is acceptable.

- 6.82 In conclusion, the proposed development at Site A is not considered to have an unacceptable impact on the amenity of the surrounding residential properties.

Site B

Impact on Adjoining Properties

- 6.83 Following on from the equivalent assessment of the impact of the proposed development section under Site A, the Daylight/Sunlight report includes an assessment of the impact of the proposed development at Site B. The impact of the proposal at the following properties has been specifically assessed:

- 23- 25 Cambridge Drive
- 30 - 34 Cambridge Drive
- Tony Law House, 8 Osberton Road

- 6.84 23 and 25 Cambridge Drive are two properties located towards the end of a terrace of dwellings situated to the east of proposed Site B, with No. 25 located directly adjacent to the site. The Daylight/Sunlight report in regard to these properties indicates full compliance with the BRE guidance.

Amenity Space

- 6.85 When assessing the impact of new development upon the external amenity areas/ gardens of adjoining properties, BRE guidance recommends at least half of the rear garden area receives two hours of sunlight on 21 March. However, where an existing area does not comply with this standard, as is the case with the existing north facing rear gardens of the adjoining properties located at 23 and 25 Cambridge Drive, 0.8 times of the existing value should be retained.
- 6.86 The impact of overshadowing of Site B upon rear gardens of 23 and 25 Cambridge Drive have been assessed and in the case of 23 Cambridge Drive, 0.9 times the former area that experiences 2 hours or more of sunlight would be maintained and therefore would be compliant with the BRE guidelines.
- 6.87 In regards to the amenity area for 25 Cambridge Drive, the submitted report details that the area of garden that experiences 2 hours or more of sunlight would be reduced by 36% and therefore would not be compliant with the BRE guidelines. The submitted report notes that due to the orientation of the existing rear garden, this area is sensitive to changes in the surrounding built environment.
- 6.88 Officers consider that on balance the proposed non compliance is deemed to be acceptable, considering that the rear amenity area of 25 Cambridge Drive is north facing therefore is not orientated to maximise sunlight, as demonstrated by the sunlight levels currently received. Considering that 0.63 of the former area would be retained in what is a constrained amenity area,

this would not give rise to a level of impact which would warrant the refusal of this application.

- 6.89 The properties located at 30 - 34 Cambridge Drive and Tony Law House, 8 Osberton Road have also been assessed in regard to the impact in the Daylight and Sunlight levels and were found to be fully compliant with BRE targets.

Overlooking

- 6.90 As stated above, the separation distances that are considered acceptable are dictated by road widths in the area. The separation distance between Site B and Tony Law House is proposed to be 17m at a minimum and is considered to be more than adequate to ensure the proposal would not unduly impact the privacy of existing occupants at Tony Law House.
- 6.91 To the rear eastern elevation the site, the proposed development proposes one bedroom and one bathroom window at first floor level and a second floor balcony associated with Flat 15 and would adjoin the side boundary of 25 Cambridge Drive. It is noted however that the proposed development would not share any direct views onto the adjoining properties and would not adjoin or overlook the rear private amenity spaces of this property. While the proposed development would result in a change to the existing built form, from the existing garages, it is considered that the proposed development would not result in an overbearing impact upon the adjoining properties and is therefore considered to be acceptable.
- 6.92 In conclusion, the proposal is not considered to have an unacceptable impact on residential amenity of the surrounding properties.

Site C

Impact on Adjoining Properties

- 6.93 In addition to the aforementioned daylight and sunlight assessments, the properties at 27-34 Millbank Way, 27-33 Cambridge Drive, and 35 Cambridge Drive have been considered in relation to the proposal at Site C. It is considered that these properties are sufficiently separated from the adjoining properties and therefore it is considered that proposed single storey dwelling would not negatively impact the adjoining properties.
- 6.94 In terms of the impact on privacy of adjoining properties, it is noted that the subject site is adjoined on the north, west and south by residential properties. It is considered however that the proposed design takes account of the immediate surroundings and does not propose any windows on either the northern or southern side elevations in order to prevent shared views between properties.
- 6.95 It is noted that the rear western elevation is located approximately 18 metres from the properties situated at 27-34 Millbank Way. This separation distance is considered sufficient especially when considering that a rear boundary fence

is proposed which would further prevent any overlooking from the proposed development.

- 6.96 In conclusion, the proposal is not considered to have an unacceptable impact on residential amenity of the adjoining residential properties.

Impacts of construction on Adjoining Properties

- 6.97 The applicant has indicated that the proposed development for Site A, B and C would be implemented simultaneously and officers therefore have considered the impact of construction upon adjoining properties and the Lee Green Estate in the same fashion.
- 6.98 The application is supported by a Construction Management Plan which includes details of the site access for the Site A, B and C, control of pedestrian movements through the estate and location of loading areas. The proposed plan also sets out working hours for each site and a programme of works for the development which would have a duration of 52 weeks.
- 6.99 The submitted plan has been reviewed by Highways Officers and is considered to be acceptable in principle however a condition has been recommend to be imposed upon each consent requiring a Construction Management Plan be submitted and approved by Council prior to the commencement of development.
- 6.100 Concerns have also been raised from the adjoining residents regarding the Geotechnical Report which was submitted in support of each application. Particular concern has been raised in regard to the geological conditions of the site and the presence of Kempton Park Gravel formations, which are identified as potentially transmitting excessive ground vibrations when certain piling methods are used. Officers have sought details of the proposed piling to be submitted prior to the commencement of development and subject to this condition, the construction impacts are considered to be acceptable.
- 6.101 The submitted Geotechnical Report also identifies the presence of Asbestos within the roof covering of the exiting garages of Site A and B. An informative is recommended to be included should the application be approved advising the applicant of their responsibility to identify and manage such asbestos during demolition works.

Sustainability and Energy

- 6.102 In the earlier stages of the preparation of the scheme, the applicant would have been advised to meet Code for Sustainable Homes (CSH) Level 4. This requirement has been withdrawn however the pre-assessment accompanying this application demonstrates that the design of the scheme will meet this standard.
- 6.103 In line with the Mayor's Energy Strategy, solar photovoltaic array satisfies the London plan requirement to achieve a 35.15% reduction in carbon emissions. This together with the examples of water efficiency highlighted in the Code for

Sustainable homes demonstrated that the proposal is compliant with London Plan policies 5.2 and 5.3, Core Strategy Policy 8 and Development Management Policy 22.

Ecology and Landscaping

- 6.104 Policy 5.10 'Urban Greening' of the London Plan outlines the importance of urban greening such as new planting in the public realm, recognising its role in adapting to and reducing the effects of climate change. Core Strategy Policy 12 'Open space and environmental assets' sets out the value of green in the public realm stating that local biodiversity should be preserved and enhanced whilst trees should be protected or replaced where loss does occur. As a result of this, Development Management Policy 25 'Landscaping and trees' requires all applications for major development to submit a Landscape Scheme.
- 6.105 There are no statutory designations of national or international importance within the boundary of the site. There are however, two Local Nature Reserves (LNR's) identified and 18 Sites of Importance for Nature Conservation (SINC) within a 2km radius of the sites. In response to this, an Ecological Survey Report was submitted with this application. The findings of the report show that all sites have a low ecological value.
- 6.106 The applicant submitted an Ecology report prepared by Greengage which includes a bat survey report. The report sought to establish the ecological value of the site and identify any associated impacts. The report concluded that the scale and nature of the proposed development would not give rise to any negative impacts upon nature conservation across the site. The proposed development would also not have any adverse impact upon bats. It did however provide a series of recommendations to enhance the biodiversity value of the site. These include wildlife planting, the provision of bird and bat boxes and sensitive external lighting. These commitments are welcomed by the Council's ecological regeneration team and would be required by condition.
- 6.107 As outlined earlier in the report, the application submission includes a general landscaping strategy which is considered to be acceptable. Nevertheless, the acceptability of the proposed landscaping with regards to design, amenity and biodiversity is subject to the submission of a detailed Landscaping Scheme that would be required by condition.

Arboriculture

- 6.108 An Arboricultural Impact Assessment (AIA) prepared by PJC Consultancy accompanies the subject application. The report outlines that the proposed development would involve the removal of 3 x category B trees, 5 x category C trees. There are also 2 trees within the site that are categorised as category A (high quality) trees. The removal of the category B trees would be mitigated by replanting during the soft landscaping phase of development, whilst the removal of the category C trees is not considered to be detrimental. Officers are satisfied that the landscaping condition would ensure that the

proposed development would not result in a loss of high quality trees (category A trees) and that the loss of category B trees would be mitigated through the proposed landscaping. A condition would also be imposed to ensure that the category A trees are adequately protected during the construction phase. This is considered acceptable by Councils Arboricultural Officer.

- 6.109 For the reasons outlined above, the details outlined in relation to trees and biodiversity enhancement recommendations are considered to be acceptable and will be controlled by condition.

Land Contamination

- 6.110 Policy 5.21 'Contaminated Land' states that the Mayor supports the remediation of contaminated sites and outlines that appropriate measures should be taken to ensure that development of previously contaminated land does not activate or spread contamination. In response to this, DM Policy 28 'Contaminated land' seeks to ensure that contamination is properly addressed.

- 6.111 The Phase 1 Ground Condition Assessment (Contamination) submitted in support of subject application has been reviewed by Council's Principal Environmental Protection Officer. No objection has been raised to the proposed development subject to the inclusion of a condition requiring the contaminative assessment to be undertaken.

Planning Obligations

- 6.112 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

- 6.113 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.

- 6.114 Officers consider that the obligations outlined below under Recommendation A (Paragraph 11.1) 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 Local Finance Considerations

7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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

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

7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Equalities Considerations

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

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

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

8.3 In this particular case, it is not considered that the nature of the proposed development would result in a harmful impact upon equality.

9.0 Conclusion

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

9.2 Combined, the three proposed applications, would provide for the high quality redevelopment of three existing vacant or underutilised sites within the Lee Green Estate. Additionally 52% of proposed units would be

available for social and affordable housing, which would be provided across all sites.

9.3 The development would make positive use of presently under-used sites and utilises high quality design to make a positive contribution to the local area.

9.4 For these reasons, the proposals are considered acceptable and are therefore recommended for approval.

10.0 **RECOMMENDATIONS**

10.1 **RECOMMENDATION (A)**

To agree the proposals and authorise the Head of Law to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) securing for Site A, B and C the following principal matters including other such amendments as considered appropriate to ensure the acceptable implementation of the development. The Heads of Term are to be as follows:

S106 items

- Affordable Housing as detailed in the table below. All affordable rents to be capped at 80% of market value.

Site	Unit number annotated on drawings	Unit type	Area sqm	Tenure
A	5	2B4P	71	Affordable Rent
A	9	1B2P	58	Affordable Rent
A	10	1B2P	58	Shared Ownership
A	11	1B2P	58	Shared Ownership
B	13	2B3P	67.7	Affordable Rent
B	14	2B4P	70	Affordable Rent
B	15	3B6P	122	Social Rent
B	16	3B5P	106	Social Rent
C	17	2B3P	69	Affordable Rent

- Enter into a s278 agreement to undertake highway improvements to surrounding streets which bound the application sites.
- Use of Local Labour and contributions of £9,010
- Contribution towards the provision playspace within Edith Nesbit Gardens £13,000
- Contribution to meet the cost of the consultation, design and possible implementation of a Controlled Parking Zone in the streets that surround the application sites.
- Meeting the Councils legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the Agreement.

10.2 RECOMMENDATION (B)

Upon the completion of a satisfactory Section 106 pursuant to recommendation A, in relation to the matters set out above, authorise the Head of Planning to Grant Permission for site A under DC/15/92720 subject to the following conditions:-

Full Planning Permission Time Limit

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.

Develop in Accordance with Approved Plan

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

P1-00-001 Rev 00; P1-00-100 Rev 00; P1-00-110 Rev 00; P1-00-300 Rev 00; P1-00-301 Rev 00; P1-00-310 Rev 00; P1-00-311 Rev 00; P1-00-312 Rev 00; P1-00-313 Rev 00; P2-00-050 Rev 00; P2-00-110 Rev 00; P3 - 21- 001 Rev 00; P3 -22 - 001 Rev 00; P3 - 22 - 002 Rev 00; P3 – 20 - 004 Rev 00; P7 – 20 – 010 Rev 00 Received 22 June 2015; P2-00-100 Rev 01; P2-00-111 Rev 01; P2-00-112 Rev 01; P2-00-113 Rev 01; P2-00-210 Rev 01; P2-00-211 Rev 01; P2-00-212 Rev 01; P2-00-213 Rev 01; P2-00-214 Rev 01; P2-00-301 Rev 01; P2-00-303 Rev 01; P2-00-310 Rev 01; P2-00-311 Rev 01; P2-00-312 Rev 01; P2-00-313 Rev 01; P3 -12-001 Rev 01; P3 - 21 - 002 Rev 01; P3 – 22 - 003 Rev 01 Received 10 November 2015

Planning Statement (June 2015, Indigo Planning); Transport Statement (April 2015, ttp Consulting); Construction Management Plan (April 2015, ttp Consulting); Daylight and Sunlight Assessment (September 2015, eb7); Extended Ecological Phase 1 Habitat Survey (September 2014, Greenguage); Code for Sustainable Homes Pre- Assessment Report (April 2015, Frankham Consultancy Group); Arboricultural Impact Assessment (March 2015, PJC Consulting); Energy Statement (April 2015, Frankham Consultancy Group); Phase 1 Ground Condition Assessment (March 2015, RSA Geotechnics LTD); Biodiversity report (September 2014, Greengage Environmental LLP)

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.

Protecting Residential Properties

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

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

Surface Water

4. A scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions shall be implemented in accordance with the recommendations contained within the submitted Code for Sustainable Homes Pre-assessment Report, dated April 2015 prepared by Frankham Consultancy Group

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).

Piling Operations

5. a. No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority.

b. Details of any such operations must be submitted to and approved in writing by the local planning authority prior to commencement of development on site (excluding demolition of the existing buildings) and shall be accompanied by details of the relevant penetrative methods.

c. Any such work shall be carried out only in accordance with the details approved under part (b).

Reason: To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

Materials/Design Quality

6. The detailed design and material samples of the windows, drainpipes and external doors/roof coverings to be used on the building have been submitted and approved in writing by the Local Planning Authority prior to construction of the above ground works. 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.

Architectural Details

7. a. Notwithstanding the details hereby approved, detailed plans at a scale of 1:20 showing detail of the balconies, shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

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 Urban Design for Lewisham Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban Design and Local Character.

Sample Brickwork

8. A sample panel of the proposed brick including proposed mortar and pointing work shall be built on site (using the proposed materials hereby approved), and shall be approved in writing by the local planning authority prior to construction of the above ground works.

The development shall only 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.

Construction Logistics Plan

9. a. No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:
 - i. Rationalise travel and traffic routes to and from the site.
 - ii. Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
 - iii. Measures to deal with safe pedestrian movement.
- b. The measures specified in the approved details shall be implemented prior to the commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

Cycle Provision

10. a. A minimum of 16 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved refs. P2-00-110-00 and P7- 20 – 010- 00.
- b. A minimum of **2** additional secure and dry cycle parking spaces shall be provided for both Flat No. 1 and Flat No. 4 within the rear garden area of each flat
- 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).

Soft Landscaping

11. 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).

Bird/Bat Boxes

12. 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 (2015), 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).

External Lighting

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

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

Plumbing or Pipes

14. 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, other than rainwater pipes, shall be fixed on the external faces of the buildings.

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).

Construction Deliveries and Hours

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

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

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Operation of Machinery

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

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework, DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Land Contamination

17. (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 as detailed in the Ground Investigation Report (March 2015, RSA Geotechnics Limited) is identified and remedied in view of the historical uses of the site, details which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

Refuse Storage

18. (a) Details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (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).

Boundary Treatments

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

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with 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).

External Reveals

20. All window and door openings shall be constructed with minimum 160mm deep external reveals.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with 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).

Trees

21. None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority

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

Energy:

22. The development hereby approved shall not be carried out other than in strict accordance with the Energy Strategy prepared by Frankham Consultancy Group dated April 2015 including the 19% Carbon Dioxide Emissions Savings relative to 2013 Part L Building Regulations.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions and 5.3 Sustainable design and construction in the London Plan (2011).

Waste Management:

23. The Development shall not be occupied until a Waste Management Plan has been submitted to and approved in writing by the local planning authority. The measures shall be in general accordance with the Transport Statement dated April 2015 prepared by TTP Consulting. The approved waste management plan shall thereafter be retained and maintained 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).

Overlooking:

24. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the on the rear west elevation of the building hereby approved shall be fitted as obscure glazed and retained in perpetuity.
25. **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 and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

Use of flat roofs

26. 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/flat roof on the building s 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).

Wheelchair Housing:

27. (a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified in the schedule below:

Unit reference number	Approved Document M (2015) Access Requirement	Dwelling type
Flats 1-12	M4(2)	Accessible and adaptable

(b) No development above ground level shall commence until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

(c) The development shall be carried out in accordance with the details approved under part (b).

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

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) The applicant is advised that some conditions require details to be submitted prior to the commencement of works as they seek to manage the impact of the construction works and mitigate land contamination and secure design details, including of materials which are needed before works commence.

10.3 RECOMMENDATION (C)

Upon the completion of a satisfactory Section 106 pursuant to recommendation A, in relation to the matters set out above, authorise the Head of Planning to Grant Permission for site B under DC/15/92724 subject to the following conditions:-

Full Planning Permission Time Limit

- 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.

Develop in Accordance with Approved Plan

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

P1-00-002 Rev 00; P1-00-101 Rev 00; P1-00-120 Rev 00; P1-00-300 Rev 00; P1-00-301 Rev 00; P1-00-302 Rev 00; P1-00-303 Rev 00; P1-00-320 Rev 00; P1-00-321 Rev 00; P1-00-322 Rev 00; P1-00-323 Rev 00; P2-00-050 Rev 00; P2-00-120 Rev 00; P2-00-121 Rev 00; P3 -21 - 001 Rev 00; P3 - 22 - 001 Rev 00; P7 – 20 – 010 Rev 00 Received 22 June 2015 P2-00-122 Rev 01; P2-00-123 Rev 01; P2-00-220 Rev 01; P2-00-221 Rev 01; P2-00-222

Rev 01; P2-00-223 Rev 01; P2-00-224 Rev 01; P2-00-320 Rev 01; P2-00-321 Rev 01; P2-00-323 Rev 01; P3 - 21- 001 Rev 01;P3 – 22 - 003 Rev 01; P3-20-004 Rev 01 Received 10 November 2015

Planning Statement (June 2015, Indigo Planning); Transport Statement (April 2015, ttp Consulting); Construction Management Plan (April 2015, ttp Consulting); Daylight and Sunlight Assessment (September 2015, eb7); Extended Ecological Phase 1 Habitat Survey (September 2014, Greenguage); Code for Sustainable Homes Pre- Assessment Report (April 2015, Frankham Consultancy Group); Arboricultural Impact Assessment (March 2015, PJC Consulting); Energy Statement (April 2015, Frankham Consultancy Group); Phase 1 Ground Condition Assessment (March 2015, RSA Geotechnics LTD); Biodiversity report (September 2014, Greengage Environmental LLP)

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.

Protecting Residential Properties

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

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

Surface Water

4. A scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions shall be implemented in accordance with the recommendations contained within the submitted Code for Sustainable Homes Pre-assessment Report, dated April 2015 prepared by Frankham Consultancy Group

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).

Piling Operations

5.
 - a. No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority.
 - b. Details of any such operations must be submitted to and approved in writing by the local planning authority prior to commencement of development on site (excluding demolition of the existing buildings) and shall be accompanied by details of the relevant penetrative methods.
 - c. Any such work shall be carried out only in accordance with the details approved under part (b).

Reason: To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

Materials/Design Quality

6. The detailed design and material samples of the windows, drainpipes and external doors/roof coverings to be used on the building have been submitted and the cladding have been shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. 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.

Architectural Details

7.
 - a. Notwithstanding the details hereby approved, detailed plans at a scale of 1:20 showing detail of the balconies shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

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 Urban Design for Lewisham Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban Design and Local Character.

Sample Brickwork

8. A sample panel of the proposed brick including proposed mortar and pointing work shall be built on site (using the proposed materials hereby approved), and shall be approved in writing by the local planning authority prior to construction of the above ground works.

The development shall only 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.

Construction Logistics Plan

9. a. No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:
- i. Rationalise travel and traffic routes to and from the site.
 - ii. Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
 - iii. Measures to deal with safe pedestrian movement.

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

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

Cycle Provision

10. (a) Eight secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved refs. P2-00-120-00 and P7-20-010-00

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

Soft Landscaping

11. 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).

Bird/Bat Boxes

12. 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 (2015), 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).

External Lighting

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

Reason

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

Plumbing or Pipes

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

Reason

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).

Construction Deliveries and Hours

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

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

Reason:

In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Operation of Machinery

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

Reason:

To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework, DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Land Contamination

17. (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 as detailed in the Ground Investigation Report (March 2015, RSA Geotechnics Ltd) is identified and remedied in view of the historical uses of the site, details which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

Refuse Storage

18. (a) Details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (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).

Boundary treatments

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

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with 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).

Window Reveals

20. All window and door openings shall be constructed with minimum 160mm deep external reveals.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with 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).

Trees

21. None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority

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

Energy

22. The development hereby approved shall not be carried out other than in strict accordance with the Energy Strategy prepared by Frankham Consultancy Group dated April 2015 including the 19% Carbon Dioxide Emissions Savings relative to 2013 Part L Building Regulations.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions and 5.3 Sustainable design and construction in the London Plan (2011).

Waste Management Plan

23. The development shall not be occupied until a Waste Management Plan has been submitted to and approved in writing by the local planning authority. The measures shall be in general accordance with the Transport Statement dated April 2015 prepared by TTP. The approved waste management plan shall thereafter be retained and maintained 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).

24. Details of the proposed refuse enclosure for flats at 9-26 Millbank Way which is located to the south west corner of the of the subject site hereby approved shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

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).

Use of flat roofs

25. 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/flat roof on the building s 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).

Wheelchair Housing

26. (a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified in the schedule below:

Unit number	reference	Approved Document M (2015) Access Requirement	Dwelling type
Flat 13		M4(3)(2)(b)	Wheelchair user (on completion)
Flat14,Maisonette15, Maisonette16,		M4(2)	Accessible and adaptable

b) No development above ground level shall commence until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

(c) The development shall be carried out in accordance with the details approved under part (b).

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

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) The applicant is advised that some conditions require details to be submitted prior to the commencement of works as they seek to manage the impact of the construction works and mitigate land contamination and secure design details, including of materials which are needed before works commence.

10.4 RECOMMENDATION (D)

Upon the completion of a satisfactory Section 106 pursuant to recommendation A, in relation to the matters set out above, authorise the Head of Planning to Grant Permission for site C under DC 15/92707 subject to the following conditions:-

Full Planning Permission Time Limit

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.

Develop in Accordance with Approved Plan

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

P1- 00- 003 Rev 00; P1-00-102 Rev 00; P1-00-300 Rev 00; P1-00-301 Rev 00; P1-00-330 Rev 00; P1-00-331 Rev 00; P1-00-332 Rev 00; P1-00-333 Rev 00; P2-00-050 Rev 00; P2-00-130 Rev 00; P2 -00 - 131 Rev 00; P3 - 22 - 001 Rev 00; P7 – 20 – 010 Rev 00; P2-00-230 Rev 00; P2-00-231 Rev 00; P2-00-330 Rev 00; P2-00-330 Rev 00; P2-00-331Rev 00; P2-00-332 Rev 00; P2-00-333 Rev 00; P3 -21 - 001 Rev 00; P3 - 22 - 001 Rev 00 Received 22 June 2015; P2-00-323 Rev 01; P3 - 21- 001 Rev 01; P3 – 22 - 003 Rev 01; P3- 20-004 Rev 01 P2-00-102 Rev 01; P3- 20-004 Rev 01 Received 10 November 2015

Planning Statement (June 2015, Indigo Planning); Transport Statement (April 2015, ttp Consulting); Construction Management Plan (April 2015, ttp Consulting); Daylight and Sunlight Assessment (September 2015, eb7); Extended Ecological Phase 1 Habitat Survey (September 2014, Greenguage); Code for Sustainable Homes Pre- Assessment Report (April 2015, Frankham Consultancy Group); Arboricultural Impact Assessment (March 2015, PJC Consulting); Energy Statement (April 2015, Frankham Consultancy Group); Phase 1 Ground Condition Assessment (March 2015, RSA Geotechnics LTD); Biodiversity report (September 2014, Greenguage Environmental LLP)

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.

Materials/Design Quality

3. A detailed schedule of all external materials and finishes, windows and external doors and roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority prior to construction of the above ground works. 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.

Construction Logistics Plan

4. a. No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:
 - i. Rationalise travel and traffic routes to and from the site.
 - ii. Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.

iii. Measures to deal with safe pedestrian movement.

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

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

Cycle Provision

5. (a) Two secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved ref. P2-00-130-00 and P7-20-010-00.

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

Soft Landscaping

6. (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).

Plumbing or Pipes

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

Reason: 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).

Construction Deliveries and Hours

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

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

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Operation of Machinery

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

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework, DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Land Contamination

10. (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 as detailed in the Ground Investigation Report (March 2015, RSA Geotechnics Ltd is identified and remedied in view of the historical uses of the site, details which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

Refuse Storage

11. (a) Details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(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).

Boundary treatments

12. (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).

External Reveals

13. All window and door openings shall be constructed with minimum **160** mm deep external reveals

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with 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).

Permitted Development

14. No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 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).

Permitted Development

15. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in the any

elevation of the building other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

Waste storage:

16. Details of the proposed refuse enclosure for flats at 35 Cambridge Drive hereby approved shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

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).

Wheelchair Housing:

17. (a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified in the schedule below:

Unit number	reference	Approved Document M (2015) Access Requirement	Dwelling type
Accessible 17	Bungalow	M4(3)(2)(b)	Wheelchair user (on completion)

(b) No development above ground level shall commence until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

(c) The development shall be carried out in accordance with the details approved under part (b).

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June

2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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) The applicant is advised that some conditions require details to be submitted prior to the commencement of works as they seek to manage the impact of the construction works and mitigate land contamination and secure design details, including of materials which are needed before works commence.

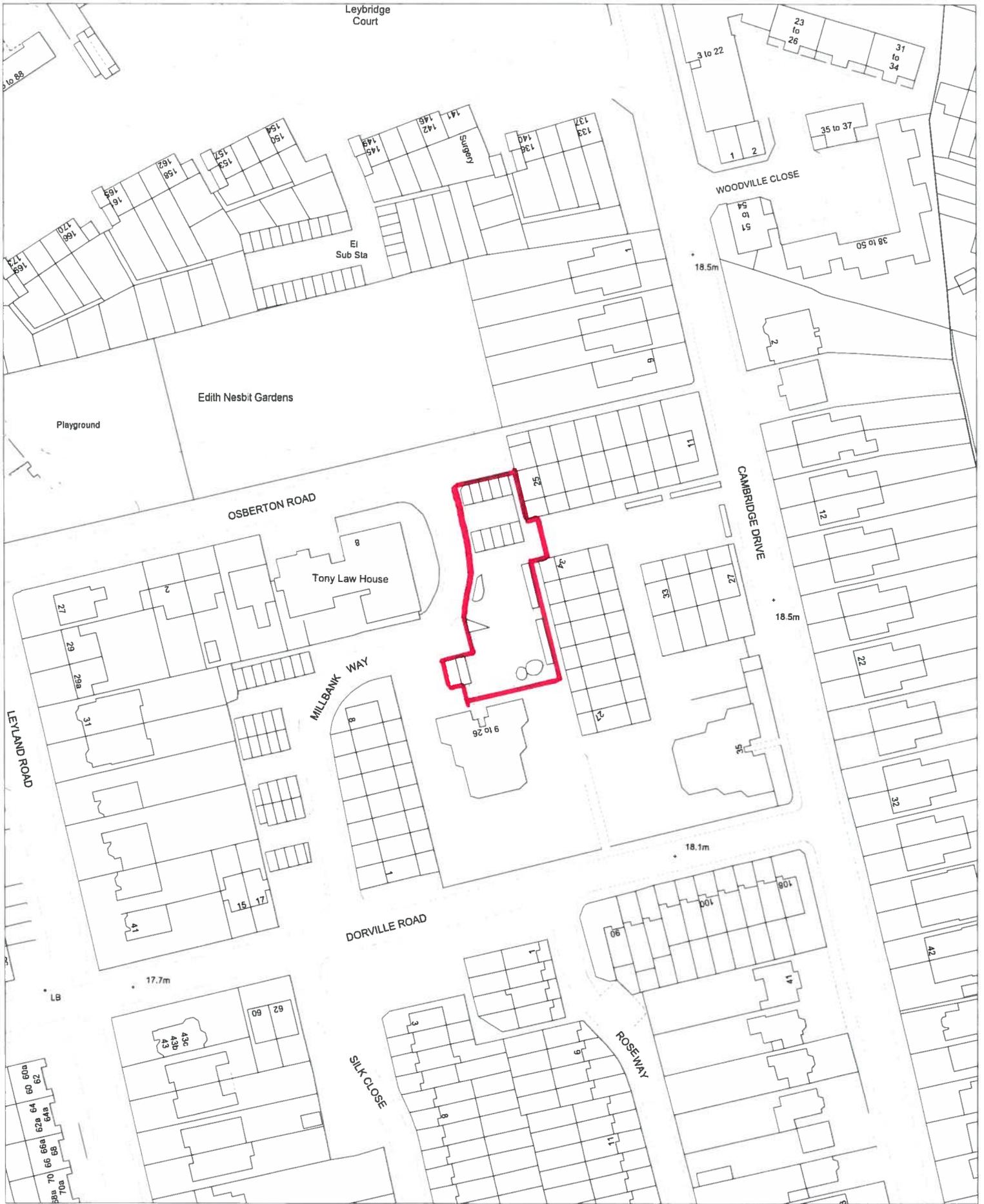
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Lee Green Estate, SE12 (92720)



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Site B, Cambridge Dr, SE12 (92724)



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Land adjacent to Cambridge Dr, SE12



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Committee	PLANNING COMMITTEE C	
Report Title	105 Sydenham Road SE26 5UA	
Ward	Sydenham	
Contributors	Luke Mannix	
Class	PART 1	04 February 2016

<u>Reg. Nos.</u>	DC/15/92676
<u>Application dated</u>	17.06.15
<u>Applicant</u>	Rightplan Ltd (on behalf of Mr Ado)
<u>Proposal</u>	The change of use of the ground floor unit at 105 Sydenham Road SE26 from a cheque centre (Use Class A2) to mixed educational uses, including after school club (Use Class D1)
<u>Applicant's Plan Nos.</u>	1000/001; 1000/002; 1000/110; 1000/111; Planning, Design and Access Statement (received 15th of July); Marketing Information (received 7 th September 2015).
<u>Background Papers</u>	(1) LE/180/105/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Sydenham District Town Centre Primary Shopping Frontage Sydenham Thorpes Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site relates to the ground floor unit within a three-storey, mid-terrace building located on the northern side of Sydenham Road. The ground floor premises is currently vacant but was last used as a cheque exchange centre (Use Class A2). The upper floors are used as separate residential accommodation (Use Class C3).
- 1.2 The site's frontage consists of a standard shop front design with large amounts of glazing. A single plastic sign is located in the fascia, with smaller signage projecting from the consul bracket advertising for the adjoining businesses. To the side of the shop front, a timber door provides entrance for the upper floor flats with a fanlight window above.
- 1.3 Internally, the premises consists of a customer waiting area and counter to the front with employee office area to the rear, together with a kitchenette and toilet. The yard to the rear has access to the adopted alley which is accessed from Queensthorpe Road and Mayow Road.

- 1.4 The neighbouring properties match the site with commercial units on the ground floor and residential use above. The surrounding shop premises include hot food take-aways (Use Class A5), betting shops (Use Class A2), clothing retailers, bargain stores, cake store, party store and a Co-operative grocer opposite (Use Class A1).
- 1.5 The site is located designated within the Sydenham district town centre, as well as being designated within primary shopping frontage pursuant to the Core Strategy Policies Map 2011. As of 2013, the Sydenham district town centre had a vacancy rate of 7.2% and the proportion of A1 units within the primary shopping frontage was 56.1%.
- 1.6 The site is also located in the Sydenham Thorpes Conservation Area which is also covered by an Article 4 Direction.
- 1.7 Sydenham Road is a classified 'C' road with the area to the front of the site with restrictive double yellow lines, however, there are small areas of limited hours parking further along Sydenham Road. Unrestricted parking is located along nearby residential streets nearby, as well as a free car park accessed from Girton Road.
- 1.8 The PTAL rating for the site is 5, based on a scale of 0-6b with 6b being the highest. Sydenham Road has bus routes servicing Penge, Croydon centre, Catford, Forest Hill and Crystal Palace along the road. Sydenham Station is located 400m to the west. Therefore the access to public transport is considered to be very good.

2.0 Planning History

- 2.1 DC/08/68416 – Planning permission was refused but allowed at appeal (APP/C5690/A/09/2102736/NWF) for the change of use of the ground floor shop at 105 Sydenham Road SE26 to a restaurant/take-way service (Use Class A3 /A5), together with the installation of extract ducting to the rear.
- 2.2 DC/11/77822 – Planning permission was granted for the change of use of 105 Sydenham Road SE26 from retail (Use Class A1) to a Cheque Centre (Use Class A2) (Professional & Financial Services).

3.0 Current Planning Applications

- 3.1 The current proposal seeks planning permission for the change of use of the ground floor unit at 105 Sydenham Road from a cheque centre (Use Class A2) to mixed educational uses, including after school club (Use Class D1).
- 3.2 The proposed plans show no external alterations to the external shop front. Cycle parking spaces are shown in the rear yard.
- 3.3 The business would be open from 09:00 to 20:00 Monday to Friday and 09:00 to 18:00 Saturday and Sunday. It is proposed to employ three staff on a permanent basis.

4.0 Consultation

4.1 A site notice was displayed and letters were sent to residents and business in the surrounding area. A press notice was placed in the News Shopper on 22nd July 2015.

4.2 Ward Councillors, the Amenity Society Panel and the Sydenham Society were notified. In addition, the relevant internal Council departments were notified.

4.3 The responses received are summarised below.

a) Written Responses received from Local Residents and Businesses

4.4 Two letters providing comments on the application were received from nearby residents. The matters raised are as follows:-

- There are inaccuracies within the submitted details, such as; the omission of on-site trees, gates for vehicle parking, incorrect site plan, shared ownership of the rear yard for access and the site is within a Conservation Area;
- The cycle parking should be reorganised to ensure trees are not impacted and the car parking space is not lost;
- The use of the rear yard may lead to noise and nuisance for upper floor flats given the circular stairs leading to the residential units; and,
- It is requested that permission is only granted with conditions that restrict the use to the numbers of children to 14 at any one time, limit the hours of operation to those stated and exclude the rear yard from any use as a children's play area.

b) Written Responses received from Councillors and Societies

4.5 Objections were received from Councillor Best, Councillor Onikosi and the Sydenham Society raising the following concerns:-

- As a result of the proposed change of use, the shop would not be able to be let as an A1 unit. Therefore the proposal results in the loss of an A1 unit in an area of need for these types of business;
- The space appears insufficient for the proposed use; and,
- Several fast food take-away shops are located nearby, making the site unsuitable.

c) Amenity Society Panel

4.6 The panel objected as the retail use should be retained within the district shopping centre.

d) Conservation Officer

4.7 No objections.

e) *Highways Officer*

4.8 No objections.

Other Consultation Matters

4.9 The original description of development was given as follows:

The proposed change of use of the ground floor from A1 to an after-school club (D1) at 105 Sydenham Road, SE26.

4.10 This was noted as incorrect as the correct current use class is A2. Furthermore, more information was provided in relation to the proposed use of the site.

4.11 Taking this into account, the description was changed to:-

The proposed change of use of the ground floor unit at 105 Sydenham Road SE26 from a cheque centre (Use Class A2) to mixed educational uses (Use Class D1)

4.12 Neighbours, Ward Councillors and the Sydenham Society were re-notified on 30th November 2015 with the change in description and given 21 days to comment. Two letters were received from the same respondents outlining similar concerns as noted above.

4.13 Following this re-notification, the applicant requested the description be changed to include an after school club specifically. Therefore the description was changed to what is currently outlined. It is considered that the latest change in description would not significantly disadvantage neighbours and concerned parties and therefore re-notification was not considered necessary.

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 4.8 Supporting a successful and diverse retail sector and related facilities and services

Policy 6.9 Cycling

Policy 6.13 Parking

Policy 7.1 Lifetime neighbourhoods

Core Strategy

- 5.7 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 3 District Hubs
Core Strategy Policy 6 Retail hierarchy and location of retail development
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

Development Management Local Plan

5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the 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:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 14	District centres shopping frontages
DM Policy 26	Noise and vibration
DM Policy 29	Car parking
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
DM Policy 42	Nurseries and childcare

6.0 Planning Considerations

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

- a) Principle of Development;
- b) Impact on the Conservation Area;
- c) Highways and Traffic Issues;
- d) Impact on Adjoining Properties; and,
- e) Other Matters.

Principle of Development

6.2 The NPPF states that Local Plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally. To support this approach, all policies in the DMLP should be read in the context of DM Policy 1 Presumption in favour of sustainable development.

6.3 DM Policy 1 outlines that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the

Council will grant permission unless material considerations indicate otherwise, taking into account whether:-

(a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or,

(b) specific policies in that Framework indicate that development should be restricted.

- 6.4 The site is designated as being within the Sydenham district town centre. The Council, recognising it has an important role to play in encouraging retailing and town centre development, has developed policies to protect and enhance these areas through appropriate development.
- 6.5 The Core Strategy, in line with the NPPF and London Plan policies, has set out the retail hierarchy within the Borough within Policy 6. The policy states that the Council will designate primary and secondary frontages within the Major and District town centres to ensure essential services are maintained and contribute to their vitality and viability; secondary frontages will help provide for the uses appropriate to the night time economy.
- 6.6 In line with this, the Council has designated a primary shopping frontage along Sydenham Road, which runs from the junction with Mayow Road in the east to the junction of Silverdale Road in the west. The subject site is situated within the primary shopping frontage, four properties in from the junction with Mayow Road.
- 6.7 Core Strategy Policy 6 goes on to state that the Council will protect local shopping facilities from change of use or redevelopment where there is an economic demand for such services.
- 6.8 DM Policy 14 has been created to protect A1 shops within primary frontages of district town centres. However, it is noted that the policy only relates to units in A1 Use Class and therefore does not apply to the subject site, being A2 Use Class. Furthermore, there are no policies which otherwise relate or restrict the proposed change of use.
- 6.9 There are no specific policies within the NPPF which protect A2 Use Classes within district town centres.
- 6.10 On the other hand, the Core Strategy aims to improve community well-being. Relating to this, paragraph 7.176 states that the Council wishes to ensure a thriving environment in which people can live, work and learn. Sustainable communities can only exist where a network of appropriately located facilities is provided within a local area. Education and health facilities are considered two essential basic services and are supplemented through other community, leisure, arts, cultural, entertainment and emergency services, and sports and recreational facilities.
- 6.11 Core Strategy Policy 19 states that the Council will work with its partners to ensure a range of health, education, policing, community, leisure, arts, cultural, entertainment, sports and recreational facilities and services are provided, protected and enhanced across the borough. Part 2.c goes on to state that the preferred location for new uses will be in areas that are easily accessible and

located within close proximity of public transport, other community facilities and services and town and local centres.

- 6.12 DM Policy 42 states that the Council will require applicants for day nurseries and facilities for the care, recreation and education of children to consider:
- the acceptability of the loss of the existing use;
 - traffic volumes and the effect on congestion;
 - accessibility by walking, cycling and public transport;
 - access, egress, cross-site movement and parking / drop off areas, including for disabled users;
 - the impact on local residential amenity, including noise; and,
 - the need for suitable space for outside play areas.
- 6.13 The proposed use would operate normal working hours with children occupying the site in 1.5 hour periods. Given the high turnover of people using the site, which would include parents who may shop in the area while children are in the building, the proposed use is not considered to adversely impact on the viability and vitality of the shopping parade.
- 6.14 It is noted that the site is currently vacant and has been for over a year. Marketing evidence has been submitted to outline the active marketing of the site. Taking this into account, the active use of the site as proposed would be a beneficial impact when compared to the currently vacant site.
- 6.15 The proposal intends to provide mixed educational support uses, including an after school club, exam centre and support for excluded school pupils with ages ranging from 6-16.
- 6.16 Taking into account the need for educational care facilities in the Borough, the proposal is considered to beneficially add to the provision of community and educational facilities. Furthermore, as outlined above, the loss of the existing use would be acceptable.
- 6.17 The proposed location, being within the Sydenham district town centre with a good access to public transport and other services, is also considered to be in a preferred location. Furthermore, it is considered that the site would be accessible to disabled users.
- 6.18 It should also be noted that there are no significant concerns relating to impact on residential amenity, including noise, traffic volumes and congestion.
- 6.19 It is noted that the outside amenity would not be used for playspace. However, given the age of the children and the periods of care would only be 1.5 hours, it is not considered to require outside playspace.
- 6.20 The objection from the Sydenham Society with regard to the location of nearby fast food take-away restaurants is noted. However, it should be noted that the Council's DM Policy 18 relates to, and restricts, proposals for hot food take-away

uses and not educational facilities nearby these premises. Taking this into account, it is considered that this policy does not apply to the proposal and therefore would not be sufficient to warrant a refusal.

- 6.21 Overall, when considering the presumption in favour of sustainable development, the proposed development is considered to provide beneficial impacts to the vitality of the area through the use of a currently empty site for a compatible use. Furthermore, given the need for such uses in the Borough and the sustainable location, it is considered to provide much needed educational facilities. Finally, the adverse impacts in terms of transport and neighbouring amenities would not outweigh the beneficial impacts of the proposed development. Therefore, the principle of the development is considered to be acceptable.
- 6.22 An assessment of the remaining impacts are considered below.

Impact on the Conservation Area

- 6.23 The Council's LDF recognises the importance of preserving the special character of the Borough Conservation Areas. The site is located within the Sydenham Thorpe Conservation Area and therefore the proposal should protect and enhance this special character.
- 6.24 The proposed development does not involve the alteration of the existing shop front or any other external alterations visible from the public realm. The plans show cycle parking to the rear, however as noted below, details are not clear and therefore a condition for cycle parking would be required.
- 6.25 For that reason it is considered that no adverse impact on the streetscene would occur as a result of the proposed development.
- 6.26 It is considered that, due to the changing nature of the business, a change to the advertisement on the front facade would be required. It is understood that this would be dealt with under advertisement consent in a future application.
- 6.27 Overall there are no concerns with the proposed change of use in relation to the impact on the Conservation Area.

Highways and Traffic Issues

- 6.28 The unit, which is currently vacant, operated as a cheque centre servicing visiting members of the public. Furthermore, given the location within primary shopping frontage, there are already large levels of transport movements in the locality.
- 6.29 The site is also noted as having very good access to public transport, being located along Sydenham Road with numerous bus routes as well as Sydenham Station relatively close.
- 6.30 The proposal intends to operate the site as mixed educational uses with an after school club. It is outlined that the premises would be utilised by 6-16 year old children with opening hours from 9:00 to 20:00 Monday to Friday and 9:00 to 18:00 Saturday and Sunday. The maximum number of children at any one time would be 14 with children staggered to 1.5-2 hour periods. Three full time staff members would be employed.

- 6.31 Taking into account the number of children using the premises and the number of staff, the proposed development is not expected to generate large amounts of movement. Furthermore, taking into account the existing levels of transport movement within the area from the previous and nearby uses, the use is not considered to have a noticeable impact on the highway network.
- 6.32 The proposed development would be car free. Given the very good access to public transport, this is considered to be acceptable. However, taking into account the nature of the development, it is recognised that some users would travel by car and those users could be dropped off by parents. As the area to the front of the site has restrictive parking, this could lead to vehicles stopping to drop off children and adversely impacting on vehicle movement if not controlled.
- 6.33 In order to manage the dropping off of children, as well as promoting sustainable modes of transport such as cycling and public transport for children, parents and staff, a travel plan should be implemented. This travel plan should be in accordance with Transport for London's document 'Travel Planning for New Development in London'.
- 6.34 No travel plan was submitted in support of the application. However, in line with the guidance of the NPPF and NPPG, it is considered that a condition could reasonably be added requiring a travel plan to be submitted prior to occupation. The Travel Plan shall specify initiatives to be implemented 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. Evidence should also be provided between 3 and 6 months from first occupation to assess whether objectives are being met.
- 6.35 Considering the condition would overcome any adverse impact in terms of generation of private vehicle transport, the impact on the highway network is considered acceptable.
- 6.36 The Council, in line with the NPPF, seeks to promote sustainable modes of transport over private vehicle use. For that reason, the Council requires new development to provide cycle parking spaces in line with the London Plan.
- 6.37 Table 6.3 of the Parking Addendum to Chapter 6 in the London Plan outlines the minimum cycle parking spaces for new development. Given the scheme relates to educational uses for children aged 6-16, it is considered that the parking standards for D1 nurseries/schools is most appropriate. As such the proposal should provide 1 space per 8 staff plus 1 space per 8 students for long stay cycle parking and 1 space per 100 students for short stay cycle parking. This amounts to 3 spaces plus one short stay space, taking into account the number of staff and students at any one time.
- 6.38 The proposed development includes cycle parking to the rear yard accommodating two parking spaces as detailed on the application form, however it is noted that the plans show space for four parking spaces. It is also noted that cycle stands are located to the front of Co-operative Grocers opposite the site. Whilst this would be suitable for short stay parking, it is considered to be too distant and unsafe (being a classified main road) to suitably promote long term cycle parking for staff and children.

6.39 The comments regarding the shared access of the rear yard are also noted. Given that there may be issues relating to the use of this part of the site, it is considered that, notwithstanding the plans shown, a condition should be placed requiring details of the proposed cycle parking which is practical, safe, convenient and dry. This is considered to be appropriate to make the development acceptable and would ensure that any issues of access and rights over the rear yard could be resolved.

Impact on Adjoining Properties

6.40 The subject site is located within primary shopping frontage of the Sydenham town centre. Therefore the adjoining properties consist of ground floor commercial units with residential units above.

6.41 To the rear are two storey terrace dwellings. However the rear of these buildings are considerably separated from the site by rear gardens and the small adopted alleyway.

6.42 The proposal would not alter the external appearance of the building. Therefore there would not be any adverse impacts on visual amenities or loss of sunlight/daylight or privacy.

6.43 The proposed development would be occupied by a maximum of 14 children at any one time. The hours of operation will be between 9:00 and 20:00 Monday to Friday and 9:00 to 18:00 Saturday and Sunday.

6.44 Given the number of children attending is considered to be acceptable for the size of use and the hours of operation is considered to be suitable taking into account its location, the proposed development is not considered to negatively impact on the area in terms of noise.

6.45 The concerns regarding the use of the rear yard and the existing external staircase providing access to the residential flats are noted. However, any use of the rear yard as a means of access is a private matter between the landowners and not a matter for planning. Whilst the cycle parking would be located to the rear, the Planning, Design and Access Statement outlines that the proposed use would not require the need for outside play areas. Furthermore officers consider that the use of the rear yard as outside play could be controlled by condition.

6.46 With respect to conditioning the number of children, it is considered that it would not be possible to enforce the condition as children would be staggered throughout the day with periods of overlap. Furthermore, it is not considered reasonable to restrict the growth of the business through such a restriction.

6.47 It is considered that the good management would be a more appropriate way of dealing with noise and disturbances. It should be noted that the operators are a recognised provider of after school care in the Borough with a premises in Rushey Green and a premises proposed in Deptford. Furthermore, the management of the premises as outlined in the Planning, Design and Access Statement is considered to set out an acceptable approach to the management of the use. Additionally, a condition restricting the use of music, amplified sound systems and other loud noise sources is also considered advisable given the surrounding residential properties.

- 6.48 Subject to the measures outlined above, the proposed development is not considered to significantly impact on adjoining properties through noise and disturbances.

Other Matters

- 6.49 The comments with regard to the inaccurate plans are noted. Following a site inspection, officers took account of the trees located in the rear yard as well as the gate in the rear fence.
- 6.50 Whilst these discrepancies were noted, the omission of these details were not considered to severely impact the outcome of the recommendation. The above matters were assessed in relation to the proposed plans and found to be acceptable.

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 Council's CIL schedule outlines that proposed change of uses to D1 would fall under the CIL charge. Therefore it is considered that the proposal is CIL liable.
- 7.4 The development may be exempt from CIL payment, however this is for the applicant to investigate and notify the Council. An informative should be added to the planning permission notifying the applicant that an assumption of liability form must be submitted.

8.0 Equalities Considerations

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

- 8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 8.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

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 subject site, whilst located within the primary shopping frontage of Sydenham town centre, was last in use as a cheque centre, being classed as an A2 Use Class. Therefore the Council’s policies on restricting the change of use from an A1 shopping premises do not apply. Considering the location is appropriate for a D1 use, the proposed development is considered acceptable in principle.
- 9.3 The proposed development would otherwise not have adverse impacts on the character of the Sydenham Thorpe Conservation Area, local highway network or adjoining properties.
- 9.4 Taking the above into account, the proposed development is considered acceptable.

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:

1000/001; 1000/002; 1000/110; 1000/111; Planning, Design and Access Statement (received 15th of July); Marketing Information (received 7th September 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) A minimum of 4 secure and dry cycle parking spaces shall be provided within the development.
- (b) Notwithstanding the approved plans, the premises shall not be occupied 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).

- (4) (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, outline measures to prevent unauthorised parking, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within 6 months of occupation, 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).

- (5) The premises shall only be open for operation between the hours of 09:00 - 20:00 Monday to Friday and 09:00 - 18:00 Saturday and Sunday.

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 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 premises shall be used for a mixed educational use incorporating an after school club and for no other purpose (including any other purpose in Class D of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To allow the Council to assess any future use, including the impact on the residential amenities, highway and the special character of the Sydenham Thorpe Conservation Area.

- (7) The whole of the amenity space as shown on drawing no. 1000/002 hereby approved shall not be used as children's playspace.

Reason: To protect the amenity of adjoining properties and to comply with DM Policy 42 Nurseries and childcare of the Development Management Local Plan (November 2014).

- (8) The use shall be managed in accordance with the Design, Planning and Access Statement (received 15th of July) hereby approved.

Reason: To ensure that the premises is adequately managed to prevent noise and disturbances to nearby residents and to comply with DM Policy 42 Nurseries and childcare of the Development Management Local Plan (November 2014).

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

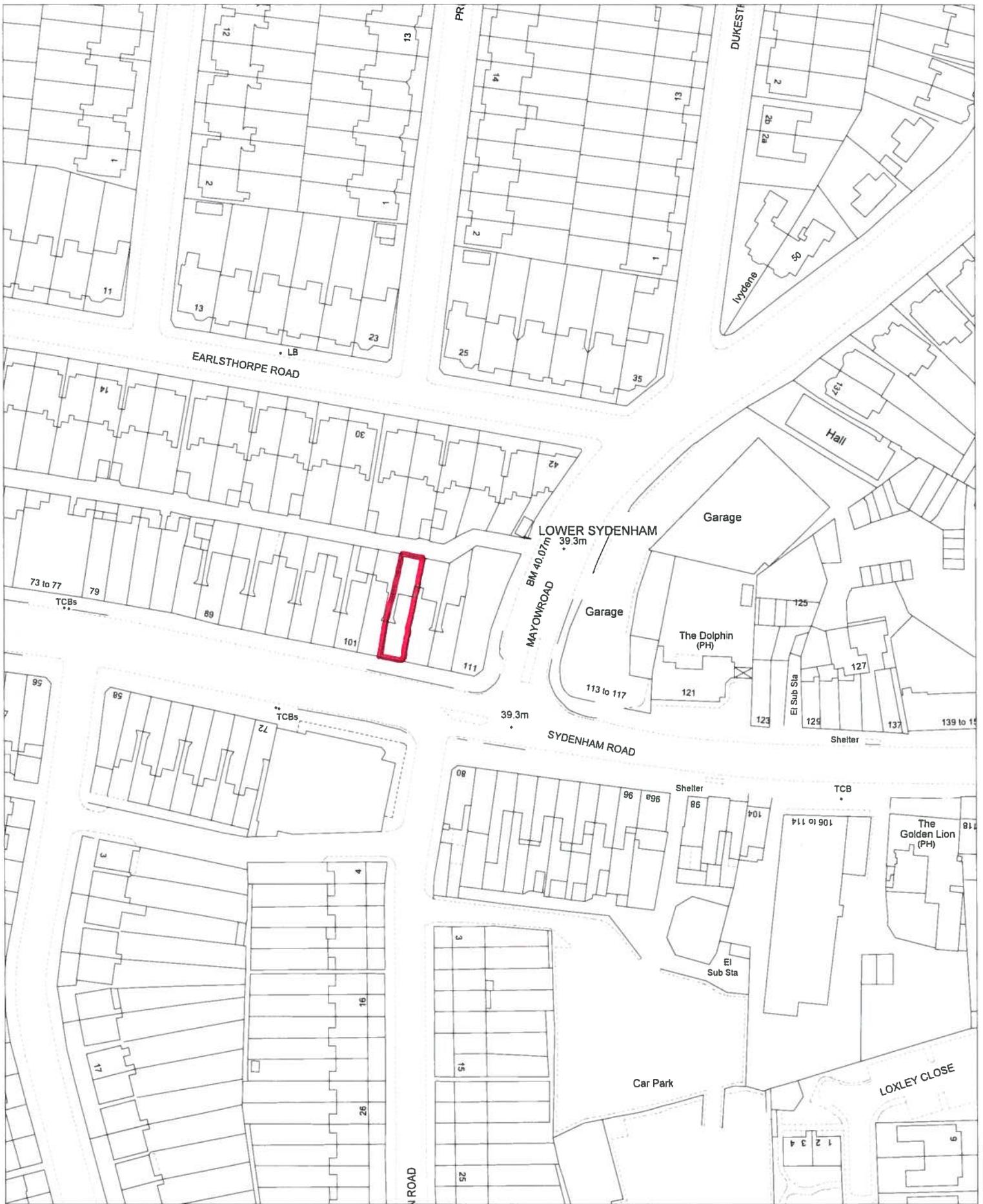
Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

INFORMATIVES

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. 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>

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105 Sydenham Rd, SE26



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