

PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 16 FEBRUARY 2017 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:**

**Abdeslam Amrani (Chair)
Andre Bourne (Vice-Chair)
Obajimi Adefiranye
Amanda De Ryk
Maja Hilton
Stella Jeffrey
Roy Kennedy
Pat Raven
Alan Till
James-J Walsh**

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, 7 February 2017**

**For further information please contact:
Amanda Ghani Committee Co-ordinator
3rd Floor Laurence House
Catford Road SE6 4RU**

**Telephone No: 0208 314 9417
Email: planning@lewisham.gov.uk**



RECORDING AND USE OF SOCIAL MEDIA

You are welcome to record any part of any Council meeting that is open to the public.

The Council cannot guarantee that anyone present at a meeting will not be filmed or recorded by anyone who may then use your image or sound recording.

If you are intending to audio record or film this meeting, you must :

- tell the clerk to the meeting before the meeting starts
- only focus cameras / recordings on councillors, Council officers, and those members of the public who are participating in the conduct of the meeting and avoid other areas of the room, particularly where non-participating members of the public may be sitting.
- ensure that you never leave your recording equipment unattended in the meeting room.

If recording causes a disturbance or undermines the proper conduct of the meeting, then the Chair of the meeting may decide to stop the recording. In such circumstances, the decision of the Chair shall be final

Order Of Business			
Item No	Title of Report	Ward	Page No.
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 12
3.	GARAGES, LAND ADJACENT TO, 55 BROSELEY GROVE, LONDON, SE26 5LD	Sydenham	13 - 32
4.	49 MONTPELIER VALE, LONDON, SE3 0TJ	Blackheath	33 - 46
5.	134 BREAKSPEARS ROAD, LONDON, SE4 1UA	Brockley	47 - 58

This page is intentionally left blank

	PLANNING COMMITTEE (A)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 16 FEBRUARY 2017

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).

This page is intentionally left blank

Committee	PLANNING COMMITTEE (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 16 FEBRUARY 2017

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 05TH January 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (A) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 5th January 2017 at 19:30.

PRESENT: Councillors Amrani (Chair), Bourne (Vice Chair), Adefiranye, Hilton, Jeffrey, De Ryk, Till and Walsh

OFFICERS: Max Smith and Suzanne White – Planning Service, Kevin Chadd – Legal Services, Amanda Ghani – Committee Co-ordinator

APOLOGIES: Councillors Raven and Kennedy. Councillor Walsh was not present for Item 3 on the agenda.

1. DECLARATION OF INTERESTS

There were no declaration of interests.

2. MINUTES

Members approved minutes for 2nd June 2016 and 17th November 2016.

Councillor Stella Jeffrey addressed the committee with regards to a meeting at Hither Green Baptist Church on 6th September 2016. Due to comments minuted at the meeting which stated The Chair (Cllr Jeffrey) was biased; the councillor decided to withdraw from discussions over Item 3 on the agenda.

3. Land adjoining 25, Fordyce Road SE13 (Item 3 on the agenda)

The Planning Officer Max Smith gave details of the existing vacant site, which contains garage buildings and was originally part of the rear garden of 45 Lewisham Park. He explained that the site is still considered part of the 45 Lewisham Park planning unit, even though it is now in separate ownership. He stated that officers were unable to support an original proposal for a four storey block of eight residential units on the site due to scale,

siting and an over complicated building form. Other development options were explored between the applicant and the planning department before the submission of this application. The officer then outlined the current proposal for four, three-storey, three-bedroomed houses highlighting their good contemporary design quality and that they would be 0.5m lower than properties on the opposite side of the road. He stated that there would be no impact on biodiversity and that the development included ample amenity space. He advised that, although officers would normally be against back garden development, in this case material considerations applied, including the large size of the original plot of No.45 the site's street frontage, lack of ecological impacts, the fact that a large garden would be retained for No.45, the good quality design of the scheme, the fact that impacts on neighbours were acceptable and the scheme's compliance with residential standards.

The officer pointed out a mistake in Condition 3 – Construction Management Plan which should be amended to include the line “development shall be undertaken in accordance with the approved details.”

Cllr Hilton asked whether the ‘study area’ on the second floor met the London Plan room standards.

The officer answered that it did even though much of the room is under the eaves. The Councillor then asked if the developments were to be described as four bedroom houses, would the standards still be met. The officer conceded that two of the four units would fall short of the minimum floor areas if that was the case.

Cllr Adefiranye stated he was unclear as to whether any development on the site would be classified as infill or back garden. The planning officer gave clarification that it is back garden development with infill characteristics. The Councillor asked the officer to reiterate the policy for back garden development. To which the officer replied we resist development, but do make exceptions if on balance other material considerations carry sufficient weight, as in this case. The Councillor asked how often such exceptions are made. The officer opined that all applications are dealt with on merit and on a case by case basis; stating that the planning authority does not need to take a rigid view. He added that it is unusual for a site to have such a large rear garden and that the policy is strong enough to defend development where there is harm.

The Chair asked whether there were further gardens adjacent to the site. The officer confirmed there were and that the applicant had considered the impact if the adjacent plot was developed.

The Committee received verbal representation from Richard Coutts the Architect. He provided a number of photographs and drawings of the site and of other projects his firm has been involved with for members' consideration. Mr Coutts spoke of the high quality and calibre of the scheme. He stated that the refused application had been dealt with by another architect and that this application had a design led approach which had successfully met Planning Policy regarding distances between properties, daylight, amenity, parking and ecology issues. The architects had made themselves available for public consultations. Mr Coutts made several statements claiming that colleagues at the GLA would be more than happy with this proposal and that many of his designs were award winning. In summing up, Mr Coutts reminded members that the site was not in a conservation area and there were no listed buildings nearby; the development would sit comfortably in the area.

Cllr Hilton opined that what is considered high quality design is personal and subjective and whilst she was not averse to the principle of housing on the site she felt overall the units were of poor design and too numerous.

The councillor noted that the irregular room shapes would not allow furniture to sit comfortably within them, whilst two of the units do not meet room standards if they were described as four-bedroom units. Furthermore, there was not enough storage space in the units and questions were raised over the size of the gardens.

Mr Coutts referred to his photographs showing a successful development of similar style apartments in Culverley Road, that he had been involved with. He reiterated that room sizes met the parameters set out in the London Plan; being of good proportions. By building up into the roof, he believed the design mitigates against future applications for loft development. Mr Coutts stated that if we are unable to build on the green belt we need to densify cities and make full use of brownfield sites.

Cllr De Ryk found Mr Coutts statements regarding the opinions of members of the GLA to be arrogant. The councillor, stated that the development would be overbearing in relation to the Victorian terrace opposite. The front elevation was considered too flat and aggravating to neighbouring residents and found his other examples to be more interesting in terms of design; though found the Culverley Green development similarly overbearing. She also shared Cllr Hilton's concerns over lack of storage space.

Mr Coutts said he took on board the concerns of members, but counter claimed that design cues for the development had been taken from the Edwardian terrace opposite. He reiterated that the applicant had gone through a lengthy process with the planning department and he thinks this is a good design.

Cllr Till asked if any amenity society had supported the application.

Mr Coutts replied that a previous scheme in a conservation area that he had been involved in had been approved by the Brockley Society. The Cllr stated that the proposed development looked like a set of warehouses, out of character with the area and he did not understand what the other application Mr Coutts had highlighted, had to do with this application.

Cllr Adefiranye thanked Mr Coutts for an excellent presentation and asked whether he had been involved in any successful schemes regarding back garden development in the borough. Mr Coutts stated that the site was legally separated from 45 Lewisham Park over 10 years ago and is considered an infill site. He stated that he had not been involved in any back garden schemes since Lewisham demanded too much paperwork and high level drawings making such applications too risky.

Cllr Bourne commented on the proposal saying it was too bulky and questioned the number of units and trend to maximise profits.

Mr Coutts asked the planning officer to show a slide from the initial presentation showing varying heights of the buildings. Again, he reiterated that his team had positively engaged and that advice from the planning department had been taken on board when coming up with this scheme and he felt the rug could now be pulled from under his feet. The Chair asked how Mr Coutts defined the site, infill or back garden. Mr Coutts retorted it was definitely an infill site.

The committee received verbal representation from two objectors, Gregory Jones Planning QC, school governor and City of London Councillor and Ros Orr, both neighbouring residents. Ms Orr spoke first and stated that the site was not hardstanding but was full with vegetation and wildlife. She considered the proposal an enormous overdevelopment. Whilst she understood the need for housing, it was wrong to cram houses into a small site. Mr Jones called the design sub-standard and rebuked the architect for saying that the

aesthetics fell outside planning consideration. He opined the proposal was considered as critical development in an area which was being looked at to become a conservation area. Mr Jones described the proposed living accommodation as substandard, with a lack of storage, garden and amenity space. He advised members that Lewisham Policy trumps London Policy. Mr Jones stated the planning report was legally flawed since the Council's position is that this is a garden site. Consequently, the report is strongly presumptive against policy and is in breach of the development plan and has been dealt with on the basis of it being infill development. Mr Jones threatened to take the case to judicial review if members voted in line with the planning officer's recommendation. He added that there are six houses with large rear gardens in the row and this scheme could set a precedent.

(An unidentified voice from the public gallery called time)

Mr Jones continued that it was untrue that Lewisham demanded too much information to be submitted when dealing with back garden development. He said architects seek to brow beat Local Authorities.

The Chair asked members if they had any questions. Cllr Till asked to hear from Kevin Chadd, the Council's legal representative. Mr Chadd clarified the legal position regarding policy interpretation, advising that the question of policy and how it's interpreted is for officers. The officer says that the site is back garden, but members can reach a different decision. Cllr De Ryk said that we need to support policy which members have been incremental in making. The councillor asked whether by sub-dividing a garden and changing ownership, the planning status is changed. The planning officer explained that planning status would remain the same unless the use has changed and although the planning department have changed their view on the status of the land following new information, the proposal remains approvable. The Chair pointed out the disparity asking if the site were infill would it be permissible. The officer said it likely would be on balance and on its own merits and quoted part of Policy DM 33, stating in terms of harm on this site the assumption was made that development would be acceptable due to the road fronting the site and the houses on the existing street scene. The officer continued that when assessing the development proposal, material considerations need to be looked at and in this case such considerations supported the scheme.

Cllr Hilton asked if other sites could be developed. The officer advised that each application is considered on its merits. Cllr Adefiranye noted that a scheme on a similar site had been refused recently. Cllr Amrani asked the officer to go through the issues raised. The officer advised that we have a plan led system unless material considerations suggest otherwise. Kevin Chadd advised that S36 says decisions should be made according to the plan unless material considerations apply. Material considerations could be sufficient to overrule policy but it depends on what they are and the weight of them.

The Chair reviewed the recommendation before members. Cllr Amrani voiced concerns over Council policy on back garden development not being met along with issues over design, scale and bulk and failure to meet residential standards, including garden size standards and cautioned careful consideration by members.

Councillor Adefiranye moved a motion to reject the officer's recommendation and refuse the application on the principle of back garden development, design and overdevelopment and residential standards. It was seconded by Councillor Till.

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne (Vice-Chair), Hilton, Jeffrey and De Ryk

RESOLVED: That planning permission be refused in respect of application No. DC/16/096329.

Councillor James Walsh arrived at the committee meeting. Max Smith left the committee meeting.

4. 36 Mount Ash Road (Item 4 on the agenda)

Suzanne White the Planning Officer outlined details of the revised proposal for the construction of a single/part two storey extension to the rear of the property. The officer pointed out the unusual staggered water closet feature on these properties and noted the difference in land levels. Six objections were received from Residents and the Sydenham Society. The officer listed the objections pertaining to the first submission and noted that a construction management plan had been submitted along with the application.

Cllr Walsh enquired as to any similar development in the locality and where the objectors live in relation to the subject site. The planning officer mentioned a number of two storey developments in the road and passed a photograph to members showing an extension at number 27. The officer stated that Mount Gardens is an adopted road that runs to the rear of the property, but that in comparison with other properties in the row, the subject site was well screened from Mount Gardens.

The Committee received verbal and written representation in the form of a two-sided Q & A sheet from Steven Gardener, the owner of number 36. The sheet showed how the applicant had addressed objections from neighbours. Mr Gardener's wife and architect were also in attendance. Mr Gardener began by saying that his neighbours at number 35 had accepted the amendments made to the application. He said he and his wife had done substantial work on the property in the three years they had lived there, including installing timber sash windows in the front elevation. The proposed extension would incorporate a kitchen/diner on the ground floor with a nursery on the first floor. Mr Gardener noted that 2 similar extensions have been approved on the road. Amendments made, include the use of brick rather than render and a reduction in the extensions size.

There were no questions from members.

The Committee received verbal representation from Mr Haydar an adjoining neighbour and from Mary Mckernan representing the Sydenham Society.

Mr Haydar said he had only seen the revised application today. He stated that he used his garden for relaxation purposes and existing extensions in the area were ugly and awful looking. He referenced a two storey extension at number 29 as being okay, but said he didn't want to see any more on this terrace. The proposal was thought to be overbearing and out of scale compared to existing development in the vicinity, causing a loss of light and overshadowing. Mention was also made of a stream that runs underneath the properties.

Mary Mckernan showed a photograph of motor vehicles parked on the road at Mount Gardens to illustrate how unsuitable the highway is for deliveries. Ms McKernan added that many of the extensions on this terrace did not obtain planning permission and are overbearing in nature. The jigsaw effect at the rear of these properties was highlighted as a historically important feature worthy of preservation.

The planning officer showed members the proposed drawing of the rear of the property, pointing out setbacks from shared boundaries which should mitigate loss of light and

overshadowing. The officer stated that Highways had no issues regarding this proposal, having reviewed the construction management plan as fit for purpose. The officer also advised that she was aware that there are enforcement cases relating to Mount Ash Road, but did not know the details.

With regards to possible overshadowing, Cllr Walsh asked for clarification on the orientation of the properties rear gardens, to which the officer replied north-west. The councillor asked the officer if the Article 4 Direction specifically mentioned the jigsaw pattern of the original water closet at the rear of these properties. The officer confirmed that the Article 4 Direction makes no specific mention of this feature.

As members had no further questions, Councillor De Ryk moved a motion to accept the officer's recommendation and grant planning permission. It was seconded by Councillor Walsh.

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne (Vice-Chair), Adefiranye, Hilton, Jeffrey and Till.

.

RESOLVED: That planning permission be granted in respect of application No. DC/16/98020 subject to the conditions outlined in the report.

5. 274 Brockley Road SE4 2SF (Item 5 on the agenda)

The Planning Officer outlined details of the proposal regarding demolition of the existing property, retention of the front façade and the construction of a new building behind to incorporate 4 self-contained flats. The officer mentioned that the proposal retains the original London roofline and brought members attention to a previous application for five flats which had been refused and subsequently dismissed on appeal. The officer outlined the arrangement of the units, cycle and bin storage and spoke of amendments made to the application including separate access for the two lower flats and the provision of a courtyard space.

Cllr Walsh and Cllr Jeffrey noted that the windows seemed disproportionately large for a corner unit. The officer replied that discussions had taken place with the applicant and the windows were thought to be acceptable. Members thought the principle good but overall the design was not worthy or sympathetic enough for a site opposite a conservation area.

The Committee received verbal representation against the proposal from Will Duggan a long term resident and near neighbour. Mr Duggan stated that there were restrictive covenants regarding building beyond the existing building line. The planning officer stated that although she was unaware of them, any covenants would not restrict the planning process and would be dealt with as a civil matter. Mr Duggan spoke of the development leaving minimal space to the rear. Disruption and inconvenience to neighbours and members of the public was also highlighted. Mr Duggan opined that the existing property could be converted into three flats and that demolition of a Victorian property to secure one further flat was ridiculous. Mr Duggan stated that the proposal would not be a high quality contribution to the street and questioned the number of bins required for the proposed units, stating that a minimum of 8 bins rather than the proposed 5 would be needed. The planning officer conceded that there

would be limited and temporary impact on the public regarding closure of the pavement, but that a condition could be imposed regarding a construction management plan.

Cllr Hilton asked if the development would remain within the existing footprint. The planning officer stated that the development would extend to the flank wall with a terrace above, leaving a courtyard garden. Cllr De Ryk asked if it was feasible to demolish all but the façade and was informed it was and that the Inspectorate had raised no objection to this part of the previous proposal.

Cllr Walsh expressed concern regarding rooms with a single aspect and reiterated his concern with the design of the windows, citing policy DM 30 and 32. Members agreed that the windows are too large and that a more sympathetic design rather than tweaking details was needed.

Suzanne White sought clarification from members that the fenestration was the only concern and advised that if Members were minded to defer the application, further discussions could be had with the applicant to redesign this element within the scope of the current application.

The Chair asked if members were minded to defer the matter so that negotiations on design and consequent reconsultation could take place.

Councillor Walsh motioned to defer. It was seconded by Councillor Hilton.

Members voted as follows:

DEFER: Councillors Amrani (Chair), Bourne (Vice-Chair), Adefiranye, Jeffrey, De Ryk and Till

RESOLVED: To defer a decision on the application to allow officers to negotiate amendments to the fenestration design on Brockley Road.

6. 76 Lock Chase, SE3 9HA (Item 6 on the agenda)

The Planning Officer outlined details of the proposal regarding a single-storey rear extension. Following on from objections from the Blackheath Society, a number of changes were made to the application including removal of a proposed side extension; deletion of the proposed alterations to the front boundary crossover and the removal of the proposed roof light within the front roof slope including reductions to the quantum glazing within the rear elevation.

The Blackheath Society maintain their objection to the aluminium glazed doors on the south elevation.

The Committee received verbal representation from Geoff Watkins the Architect. He stated that he was not involved in past refusals linked to the site. The proposal, he said, was simple and modest and would maximise use of the garden space whilst providing large open plan living accommodation. Further reduction of the glazed area would fail to achieve this goal. The roof dormers give the option to subdivide internal space.

Cllr Walsh asked why the proposal included aluminium windows on such a high quality site. The architect replied that the original small, leaded casements were of no historic worth. Cllr Bourne asked if there were any similar developments in the area, the architect was unaware of any. Cllr De Ryk addressed members confirming that there were similar developments in

the area and commented that Lock Chase is beautiful with a particular character. The house in question is of lesser significance than others on the street scene. The councillor went on to state that you cannot see the back of this property from the public realm and therefore it was frustrating that the Blackheath Society had maintained their objection to the proposal.

Since there were no further questions from members, Councillor Hilton moved a motion to accept the officer's recommendation. It was seconded by Councillor Bourne.

Members voted as follows:

FOR: Councillors Amrani (Chair), Adefiranye, Jeffrey, De Ryk, Till and Walsh

RESOLVED: That planning permission be granted in respect of application No. DC/16/098004 subject to the conditions outlined in the report.

The meeting ended at 9.50pm.

Chair

5 January 2017

Committee	PLANNING COMMITTEE A	
Report Title	GARAGES TO THE REAR OF 55 BROSELEY GROVE SE26	
Ward	Sydenham	
Contributors	Elizabeth Donnelly	
Class	PART 1	Date: 16 th February 2017

Reg. Nos. DC/16/095645

Application dated 24.02.2016

Applicant Mr Christopher Barnes (Architecture Design)

Proposal The demolition of the existing garages on the site at the rear of 55 Broseley Grove SE26 and the construction of 2 three bedroom semi detached chalet bungalows, together with the provision of car parking and associated refuse storage.

Applicant's Plan Nos. Site Location Plan; Design and Access Statement; Energy and Sustainability Statement Received 25th February 2016; Planning Statement Received 21st April 2016; Access Details Received 22nd November 2016; (00)01 Rev E; (00)02 Rev E; (11)01 Rev E; (11)02 Rev E; (11)03 Rev E; (11)04 Rev E; (11)05 Rev E; Detail Sheet 1 Rev E Received 9th January 2017; (11)06 Rev E Received 13th January 2017

Background Papers Case File LE/165/55/TP

Designation PTAL 2
Not a Listed Building

1.0 Property/Site Description

- 1.1 This application relates to a back land garage site which is located to the rear of 55 Broseley Grove. The site is accessed via an access road between No. 53 and No. 55 Broseley Grove.
- 1.2 The site is approximately 675sqm in area and comprises 21 single storey garages. The garages are used for storage and car parking. 4 of the garages are vacant.
- 1.3 The north, west and south, the site adjoins the rear garden boundaries which serve two storey housing. To the east, the site adjoins the land surrounding Orchard Court, a 4 storey apartment block.
- 1.4 The site is not located within a conservation area, nor is it subject to an Article 4 direction. It is not in the vicinity of a listed building.

2.0 Planning History

2.1 **DC/04/58609** – Planning permission refused on 14/02/2005 for the demolition of existing garages at the rear of 55 Broseley Grove SE26 and the construction of a two storey plus roofspace terrace of 3, four bedroom houses, together with associated landscaping and provision of 4 car parking spaces with access onto Broseley Grove. The application was refused for the following reasons:

1) The shared pedestrian and vehicular access to the site along a 19 metre long, 3.2 metre wide service road is inadequate for the servicing of the proposed development contrary to Policies URB 2 Urban Design, HSG 4 Layout and Design of New Residential Property and HSG 6 Backland and in-fill Development in the adopted Unitary Development Plan (July 2004).

2) The proposed building due to its overall height and proximity to neighbouring buildings represents an obtrusive form of development detrimental to the amenities of neighbouring residential occupiers in terms of privacy, sunlight and outlook, this impact increased by the change in ground level contrary to Policies URB 2 Urban Design, HSG 3 Residential Amenity, HSG 5 Gardens and HSG 6 Backland and in-fill Development in the adopted Unitary Development Plan (July 2004).

An appeal in relation to the above proposal (Ref. APP/C5690/054/1179671) was subsequently dismissed by the Inspector.

2.2 **DC/13/83507** – Planning permission was refused on 26/02/2015 for the demolition of the existing 21 garages on land at the rear of 55 Broseley Grove SE26 and the construction of 2 three-bedroom bungalows, together with the provision of 2 car parking spaces, 4 bicycle spaces and refuse storage. The application was refused for the following reasons:

1) The loss of the existing 21 garages would displace the existing off-street garage parking into surrounding streets, particularly Broseley Grove, Elvino Road and Knighton Park Road and thereby cause significant increased congestion in surrounding streets that have limited on-street parking capacity, contrary to Policy 14: Sustainable Movement & Transport of the Core Strategy (June 2011) and DM Policy 33: Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

2) The scale of development proposed and the resulting level of activity, the narrow width of the proposed access onto the site, inadequate pedestrian footways and the potential conflict between vehicle manoeuvring and pedestrian routes, would create conditions prejudicial to the safety of pedestrians and other visitors to the site, contrary to Policy 14: Sustainable Movement & Transport of the Core Strategy (June 2011) and DM Policy 33: Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

3) The substantial size of the pyramid rooflights and their close relationship to the windows in the rear elevation of 55 Broseley Grove would result in a significant impact of the occupiers of that property by reason of light pollution, contrary to DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

3.0 Current Planning Application

3.1 This application relates to the demolition of the existing garages and the construction of 2 x 3 bedroom semi-detached bungalows.

Scale

3.2 The proposed building (the pair of bungalows) would be single storey. It would have a flat roof and a maximum height of 2.9m. The building would have a maximum width of 18.8m and a depth of 13.3m.

3.3 It is proposed that a 1.8m close boarded fence would surround the site.

Materials

3.4 Officers also sought amendments to the scheme to improve the quality of the materials proposed. The proposed materials include Golden Buff masonry brick for the external walls and timber windows. The roof would be a flat roof constructed from fibreglass.

Residential Units

3.5 The proposal seeks to provide two 3 bedroom units with private rear gardens. The table (Table 1.1) below outlines the details relating to the proposed units.

Unit Type	Policy requirement	Unit size (GIA) (sqm)	Bedroom sizes (sqm)	Living/ kitchen /diner sizes (sqm)	Floor to ceiling heights (m)	Private amenity space (m) (usable)
3 bed 5 person x 2	86	86	Bed 1: 13 Bed 2: 13.5 Bed 3: 9	42	2.5	112.7 (house 1) 116.6 (house 2)

Car Parking

3.6 The proposed units would each have an on-site parking space.

Access

3.7 The development would be accessed via an 18m long access road off Broseley Grove. The access road is 2.9m in width.

Cycle parking

3.8 Each house would be provided with a cycle store for 2 bikes to the side.

Refuse

3.9 Refuse bins would be stored within the site. A refuse collection zone, located at the opening of the site, is also shown on the plans.

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 Letters were sent to adjoining neighbours. The Councillors for Sydenham were also consulted.
- 4.3 9 objection letters were received from neighbouring residents. A further objection, outlining support for the resident objections, was received from Councillor Chris Best.

Written responses received from local residents

- 4.4 Objections were received from 9 local residents. The objections referred to the following issues:
- Inaccuracies in the documents and plans, including non-specific Lifetime Homes Statement.
 - Refuse collection would give rise to cluttering of bins at opening of access road causing obstruction
 - Inadequate/ restricted access for delivery vehicles and emergency vehicles, including fire engines
 - Pedestrian safety/ visibility issues due to narrowness of access road
 - Surface water drainage and pollutant run-off concerns due to topography and previous uses
 - Loss of parking and increased parking stress on surrounding streets
 - Security issues for adjoining properties
 - Increased noise and disturbance for neighbouring occupiers
 - Site stability issues

5.0 Policy Context

Introduction

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

A local finance consideration means—

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

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

National Planning Policy Framework (NPPF)

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

London Plan (as amended 2016)

The London Plan policies relevant to this application are:

- Policy 3.1 Ensuring equal life chances for all
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 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 6.9 Cycling
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2016)
Sustainable Design and Construction (2006)

Core Strategy (2011)

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

Spatial Policy 1 Lewisham Spatial Strategy
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 9 Improving local air quality
Core Strategy Policy 10 Managing and reducing the risk of flooding
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan (2014)

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

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 26 Noise and vibration
DM Policy 27 Lighting
DM Policy 29 Car parking
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings
DM Policy 32 Housing design, layout and space standards
DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 35 Public realm

Residential Standards Supplementary Planning Document (August 2006)

This development 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, amenity space and materials

6.0 Planning Considerations

The planning considerations relevant to this application include the following:

- Principle of development
- Design
- Standard of accommodation
- Highways/transport
- Impact on adjoining neighbours
- Sustainability and energy
- Flooding

Principle of Development

- Loss of existing garages

6.1 Officers must consider the acceptability of the loss of the garages. The main concern would be the impact of this loss upon on-street parking in the surrounding area.

6.2 As the landowner, the applicant has provided information which outlines how they are used and the addresses of the current garages occupiers. This demonstrates that 12 of the garages are used for storage (household items or building material) purposes, 5 for the parking/storage of a car and 4 are vacant. The information provided also demonstrates that the 5 garages in car parking use do not belong to residents of the surrounding streets, rather, they are scattered across the borough. For this reason, officers are satisfied that the loss of garages would not give rise to an unacceptable level of parking displacement into the streets surrounding the application site, nor a particular area elsewhere in the Borough.

- Proposed residential use

6.3 The application site is considered to constitute a backland site when assessed against DM Policy 33 'Development on infill sites, backland sites, back gardens and amenity areas'. In relation to backland sites (part 6), the policy reads:

New development on sites of this type will only be permitted where they provide:

a) a proper means of access and servicing which is convenient and safe both for drivers and pedestrians

b) no significant loss of privacy, amenity and no loss of security for adjoining houses and rear gardens

c) appropriate amenity space in line with the policy requirements in DM Policy 32 (Housing design, layout and space standards)

6.4 Whilst the above policy generally supports the principle of the residential redevelopment of backland sites (where the loss of the existing use is considered to be acceptable), the acceptability of the scheme is dependent on the details which will be discussed throughout the report.

6.5 Further to this, the general principles of this policy, which are mainly design related, also apply and will be discussed in the design section.

Design

6.6 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Core Strategy Policy 15, DM Policy 33 and DM Policy 30 seek to ensure that development is high quality, sensitive to the local context and creates a positive relationship with the existing townscape.

- Scale of development

6.7 The surrounding context comprises a mix of semi-detached housing, bungalows and terraced housing. There is also a 3 storey flatted block that adjoins the site on the eastern side. To the west, north and south, the site adjoins rear gardens attached to 2 storey houses.

6.8 The existing garages are partially visible from Broseley Grove, when looking down the access road towards the site. However, due to the proposed siting of the development, the built form would not be visible from the street, rather the proposed landscaping.

6.9 Whilst the surrounding existing development presents a mixed character, the site is largely adjoined by two storey development. As stated within DM Policy 33, backland development needs sensitive design in order not to detract from the character of the streetscene and the scale of adjacent buildings.

6.10 As the proposal seeks to deliver single storey buildings, it is considered that the development would provide adequate subordination with the frontage buildings, therefore, relating sensitively to surrounding existing development.

- Materiality

6.11 Officers have worked with the applicant to ensure that the proposal would give rise to a high quality development. This has included the revisions to the scheme to incorporate brickwork to all external elevations and windows reveals to improve the relationship between the proposed timber windows and external wall.

6.12 As originally submitted, the scheme included a living roof, however, as the details submitted in this regard were not considered to give rise to a high quality living roof, they were removed from the plans.

6.13 A living roof would however be considered to improve the appearance of the building when viewed from the adjoining neighbouring buildings, in addition to the sustainable drainage and biodiversity advantages. For this reason, it is proposed that details of a high quality living roof are required by condition. An informative will also be added to guide the applicant towards submitting acceptable details.

Housing

6.14 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.

- Unit mix

6.15 In terms of unit type, the development seeks to deliver two family sized homes. This is aligned with the Borough's identified housing need and is therefore welcomed.

- Standard of accommodation

6.16 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.

6.17 Each of the units are considered to comply with the minimum GIA space standards set out in the London Plan (as demonstrated in table 1.2) and present good internal layout. The sections provided also confirm that the floor to ceiling heights would be 2.5m throughout.

6.18 DM Policy 32 requires proposals to provide accommodation with a good outlook, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. Within this policy there is also a presumption that residential units provided should be dual aspect.

6.19 The proposed units would be dual aspect, with windows to the front and rear elevations. The outlook, daylight and sunlight is therefore considered to be adequate. With regards to privacy, there would be a minimal level of overlooking into the rear gardens of the proposed units from existing surrounding development, however, this is considered to be a normal and acceptable situation within the Borough.

6.20 In light of the above, the standard of proposed accommodation is considered to be acceptable.

- Amenity space

6.21 The London Plan Housing SPG states that a minimum of 5sq m of private outdoor space should be provided for 1-2 person dwellings and an extra 1sq m should be provided for each additional occupant. Further to this, the Shaping Neighbourhoods: Play and Informal Recreation (SPG) states that a minimum of 10sq m of outdoor space should be provided per child.

6.22 As shown in table 1.1, the proposed development provides each of the units with private rear gardens. The gardens are considered to be of a good size, provide space for children's play and adequate privacy for future occupiers. In light of this, the proposed amenity space is considered to be acceptable.

Highways and Transport issues

6.23 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. Safe and suitable access to the site should be

achieved for all people. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.24 Core Strategy Policy 14 'Sustainable movement and transport' supports this policy approach and promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have Travel Plans. Core Strategy Policy 7 'Climate change and adapting to the effects' and Core Strategy Policy 9 'Improving local air quality' further promote sustainable transport.

- Car parking

6.25 The objections received have raised concern in relation to the loss of parking and increased parking stress on surrounding streets.

6.26 As discussed in the principle of development part of this report and based on the evidence provided, it is not felt that the proposed development would displace a significant amount of parking onto the surrounding streets as a result of the loss of garages.

6.27 Further to this, the proposed development seeks to provide a car parking space per unit. This is considered to be adequate. The applicant has also demonstrated that there is adequate space to manoeuvre in and out of the parking spaces to enable cars to leave the site in a forwards direction.

6.28 Officers raise no concerns in this regard.

- Cycle parking

6.29 The proposal seeks to deliver 2 cycle parking spaces per unit. This is in line with the policy requirements in terms of numbers.

6.30 The cycle storage would comprise an enclosed structure located to the rear of the house, the details of which have been provided as part of the application. It is considered that the proposed structure would be dry, secure and accessible. It is proposed that the cycle storage is secured by condition.

- Access/ servicing

6.31 The previously refused schemes include reasons for refusal relating to the nature of the access route to the site. Concerns were raised in relation to inadequate servicing of the development due to narrow width of access road and safety issues resulting from conflict between pedestrians and vehicles using the access.

6.32 Objections received from local residents also raise concerns in relation to the access of delivery and emergency vehicles, including fire engines, the cluttering of bins at the opening of the access road and pedestrian safety/visibility issues due to narrowness of access.

6.33 In relation to refuse, the proposal includes refuse storage provision within the site which is located in close proximity to the units. It is noted that the refuse collectors will not collect the bins from within the site on collection day due to the distance they would be required to travel on foot. As a result, the proposed plans show a refuse

collection zone in the opening of the access road where the rubbish would be left/collected from on collection day. The application submission demonstrates that 2 refuse bins and 2 recycle bins would fit in the zone without restricting vehicular movement and outlines the proposed management strategy.

- 6.34 Whilst the bins would further narrow the access road (on collection day only), this solution allows the collection of rubbish without obstructing the footpath outside of the site boundary. In the context of a constrained site which seeks to provide two family units, on balance, it is considered to be an acceptable solution.
- 6.35 In terms of servicing, a service vehicle, including fire engines, would not be able to access the site via the access road due to the narrowness of the route. However, it should be noted that where fire engines cannot directly access residential properties, the furthest corner of any part of the proposed dwelling must be within 45 metres of any emergency appliance parked at the entrance of the site. The application submission suggests that the proposal would be capable of achieving this. However, further to this, there are alternative measures that can be taken in order for the proposal to comply in this regard. This includes the provision of sprinklers within the properties. The regulation of this falls with Building Control. It is proposed that an informative is added to the permission to remind the applicant that in order to comply with Building Regulations, the necessary measures must be implemented.
- 6.36 In relation to general delivery vehicles, it is also likely that they would not be able to enter the site due to the narrowness. Nevertheless, as the opening of the site is located at the part of the street that is a dead-end, it is not felt that the temporary stopping of delivery vehicles at the kerb side would be detrimental to the movement of traffic.
- 6.37 In light of the above, the proposed development is considered to be acceptable in highways/planning terms. However, the proposal will be expected to comply with Building Regulations should planning permission be granted.

Impact on adjoining neighbours

- 6.38 Core Strategy Policy 15 'High quality design for Lewisham' seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed developments to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers. Further to this, Development Management Policy 31 'Alterations and extensions to existing buildings including residential extensions' states that residential extensions should result in no significant loss of privacy, sunlight and daylight to adjoining properties.
- 6.39 Given the single storey nature of the proposed units and the blank side elevations, the proposal is considered to be acceptable in relation to privacy, sunlight and daylight to adjoining properties. The proposed boundary treatment is also considered to be acceptable in this regard.
- 6.40 Furthermore, objection in relation to security issues arising from the proposed development was raised. In introducing residential development to this backland site, the proposed would increase the amount of natural surveillance to the rear of surrounding gardens. As a result, officers have no concerns in this regard.
- 6.41 The proposed development also includes low level lighting. In the context of the backland nature of the site and the narrow and lengthy access road, this is

supported from a designing out crime perspective and would be expected to increase the safety of future occupiers. From a neighbouring amenity perspective, the application submission confirms that the lighting would not exceed 2 lux at the closest residential window and is therefore considered to be acceptable in this regard. It is proposed that a condition is added to secure this lighting level.

Energy and sustainability

- 6.42 Policy 5.2 'Minimising Carbon Dioxide Emissions' states that development should make the fullest contribution to minimising carbon dioxide emissions. Further to this, Policy 5.3 'Sustainable Design and Construction' of the London Plan states that the highest standards of sustainable design should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 6.43 Core Strategy Policy 8 'Sustainable design and construction and energy efficiency' outlines the Council's commitment to prioritising the reduction of the environmental impact of all new development. It outlines the focus on minimising the overall carbon dioxide emissions of the development while improving sustainability aspects through sustainable design and construction, to meet the highest feasible environmental standards during design, construction and occupation. Core Strategy Policy 8 therefore requires all new residential development to achieve a minimum of Level 4 Code for Sustainable Homes.
- 6.44 However, following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes, elements of which will now be incorporated into building regulations. Nevertheless, residential development is still expected to meet code level with regards to energy performance and water efficiency.
- 6.45 The application submission includes an Energy and Sustainability Statement which suggests that the proposal would be capable of achieving Code Level 4.
- 6.46 It is proposed that a condition is added to secure energy performance and water efficiency.

Flooding

- 6.47 Objections have been received in relation to surface water drainage and pollutant run-off concerns due to the topography of the site and its previous uses.
- 6.48 The proposed development includes large garden areas and additional soft landscaping. The site is not located within a Flood zone and is also considered to be largely permeable with much opportunity for drainage. The proposal does however also include areas of hard landscaping (paving). It is proposed that a condition is added to the permission to ensure the permeability of the paved area.
- 6.49 In terms of pollutants, it is also proposed that a land contamination condition is added to the permission. This would require a full site investigation and the identification of the necessary remediation works required to make the land good. This would take place prior to the commencement of works and would be submitted to the Council for assessment and approval. Officers are therefore satisfied that pollutant run-off would not occur.

Other

6.50 The objections also suggest that there are inaccuracies on the documents and plans submitted. Officers are satisfied that the application submission has enabled a full and accurate assessment.

7.0 Equalities Implications

7.1 The Council has considered the public sector equality duty under section 149 of the Equalities Act 2010 and in the exercise of its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited under this Act and to foster good relations between persons who share a relevant protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation.

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

Community Infrastructure Levy

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

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

7.5 This development is 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 The proposed development is considered to be acceptable and of no significant harm to the character of the area or neighbouring amenity.

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:

Site Location Plan; Design and Access Statement; Energy and Sustainability Statement Received 25th February 2016; Planning Statement Received 21st April 2016; Access Details Received 22nd November 2016; (00)01 Rev E; (00)02 Rev E;

(11)01 Rev E; (11)02 Rev E; (11)03 Rev E; (11)04 Rev E; (11)05 Rev E; Detail Sheet 1 Rev E Received 9th January 2017; (11)06 Rev E Received 13th January 2017

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

3. (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.

(b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

(c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

4. Prior to the commencement of works, details of landscaping shall be submitted to the local planning authority for approval prior to the commencement of works. The details shall include the following:

Hard Landscaping:

- (a) Details of any hard surfaces on any part of the site not occupied by buildings, including details of permeability;

(b) Details of boundary treatment, including any gates and boundary treatment between rear gardens;

Soft Landscaping:

(a) Details of any trees within the site, or within close proximity to the site and affected by the development (including tree categories and root protection areas);

(b) Details of any trees to be retained;

(c) Details of proposed plant and tree numbers, species, size of trees and tree pits;

(d) Details of the management and maintenance of the landscaping for a period of five years;

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.

All soft and hard landscaping shall be implemented prior to occupation and permanently retained and maintained.

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).

5. (a) A minimum of 4 (2 per unit) secure and dry cycle parking spaces shall be provided within the development as indicated on the plans (drawing no. (11) 02 Rev E) hereby approved.

(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).

6. The refuse storage area and refuse collection zone shown on drawing no. (11)06 Rev E shall be provided in full prior to the occupation of the development and shall thereafter be permanently retained and maintained, in accordance with the management strategy hereby approved.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

7. No extensions or alterations to the buildings hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

8. (a) Each of the dwellings hereby approved shall meet standard M4(2) of the Approved Document M of the Building Regulations (2015).

(b) No development shall commence until written confirmation from the appointed building control body has been obtained.

(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).

9. The residential units hereby approved shall be constructed in order to achieve the following requirements:

- (a) a minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and
- (b) a reduction in potable water demand to a maximum of 110 litres per person per day

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).

10. Notwithstanding the details submitted, any external lighting that is to be installed at the site must not exceed 2 lux at the nearest residential window.

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

11. (a) No development shall commence until full details of a living roof, including full detailed plans (to scale) showing and stating the area of the roof, a scaled section through the actual roof showing details of the extensive substrate base and living roof components, details of the proposed plug planting and seed composition and planting methodology and details of the proposed plug plant and seed composition.

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

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

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

Informatives

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

B. The applicant is reminded that they are required to obtain full building control approval.

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. For further guidance in relation to the requirements of condition (11), please see the following information:

The Council favour specifically designed & locally appropriate biodiverse living roof systems that meet the Mayor of London (Policy 5.11 Green Roofs and Development Site Environs) preferred standard for contributing to biodiversity and will resist the use of homogenous mat based living roof products.

Biodiverse living roof systems use a low nutrient substrate base and should vary to make a mosaic of different substrate depths between 80-150mm with peaks and troughs (but averaging at least 133mm). They should be seeded and plug planted with native wildflower species and include other materials to vary the micro-habitat/topography characteristics of the locality in which the roof is situated e.g. larger boulders/rocks, mounds of sand for solitary bees/wasps and/or one natural hardwood per 20m² (dimensions 100mm diameter x 1m long), for other invertebrates. Further advice, species lists, recommended specifications can be obtained from the Council's Nature Conservation Section and Lewisham's Biodiversity Planning Guidance Notes that are available from that Section.

Developers should avoid using pre vegetated mat based living roof products. These tend to be expensive, they frequently use inappropriate species that are not locally appropriate and result in a less biologically interesting/biodiverse, uniform and homogenous vegetated roof. Intensive living roofs (roof gardens) differ from extensive living roofs as they have a much greater depth of growing medium (+200mm) and tend to replicate a terrestrial landscape at roof level. Intensive living roofs should still aspire to use flowers, plants, shrubs and trees known to benefit local wildlife.

Living roofs should not be seen as an automatic substitution for ground level landscaping. Further, information can be found at: <http://livingroofs.org/>

GARAGES TO THE REAR OF 55 BROSELEY GROVE, SE26 - Site Plan



This page is intentionally left blank

Committee	PLANNING COMMITTEE A	
Report Title	49 Montpelier Vale, Blackheath, SE3 0TJ	
Ward	Blackheath	
Contributors	Monique Wallace	
Class	PART 1	16 February 2017

<u>Reg. Nos.</u>	DC/16/96814
<u>Application dated</u>	25.05.16
<u>Applicant</u>	Mr May, of Russell + May Associates on behalf of Michael Caine
<u>Proposal</u>	Change of use from A1 (Retail/Shops) to A4 (Drinking Establishments) of 49 Montpelier Vale Ground Floor and Basement Floor.
<u>Applicant's Plan Nos.</u>	1213/02, 1213/10, 1213/01, Photographs, Design and Access Statement, received 25/5/17; Proposal statement received 3/1/17.
<u>Background Papers</u>	(1) Case File LE/410/49/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Area of Archaeological Priority Areas of Special Character Shopping Non-Core Area Major District Centre PTAL 4 Blackheath Conservation Area B Road

1.0 Property/Site Description

- 1.1 The application property is a four storey plus basement and attic building at the junction of Montpelier Vale and Royal Parade. The ground floor occupies a much deeper footprint than the rest of the building. This is a feature of the entire terrace of which the property is part.
- 1.2 The ground floor and basement is currently occupied as a retail shop. The upper floors are in residential use, accessed by a separate entrance in Royal Parade. The flat roof of the ground floor projection at the front is used as a roof terrace by the residential accommodation on the first floor.
- 1.3 This application relates to the retail premises on the ground floor and basement.
- 1.4 The building is not Listed and is within the Blackheath District Centre, which is within the Blackheath Conservation Area.
- 1.5 The application site is within a secondary shopping frontage as identified on the Core Strategy Policies map.

2.0 Planning History

- 2.1 In 1999 under reference DC/99/44729, planning permission was **refused** for the change of use of the ground floor of 49 Montpelier Vale SE3 to an A2 office.
- 2.2 In June 2014, a Lawful Development Certificate was **granted** under Class D of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (Amended) in respect of the proposed change of use of the ground floor and basement of 49 Montpelier Vale from a shop (Use Class A1) to use as a restaurant/cafe (Use Class A3) for a temporary period of two years starting on 1 July 2014. Not implemented, now **expired**.

3.0 Current Planning Application

The Proposal

- 3.1 The current application is for the conversion of the existing A1 retail shop at 49 Montpelier Vale to an A4 (Drinking Establishment) use, described as a wine bar.
- 3.2 The proposal does not involve any physical alterations to the property that would require planning permission.

Supporting Documents

- 3.3 The application was submitted with drawings showing the existing and proposed elevations (no change) and the existing and proposed floor plans, showing the layout of the new A4 use.
- 3.4 Photographs and a Design and Access Statement were also submitted, which states at paragraph 4.1 that the site is to be used as a wine bar with tables and chairs at both ground and basement levels. The Design and Access Statement also refers to refuse management and access to the site for wheelchair users.
- 3.5 Copies of a planning proposal statement (hand written) was sent to neighbours advising them of the intended use. A copy of this letter was copied and submitted as a case copy document.

4.0 Consultation

- 4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Council's Licensing team were also consulted.

Written Responses received from Local Residents and Organisations

- 4.3 Three objections were received to the proposals from the occupiers of Flats 1 and 2, 43a Montpelier Vale, Flat above 49 Montpelier Vale (directly above the application site) and 8 Senlac Road.
- 4.4 The objections to the proposals are summarised as follows:
- The change of use would result in additional refuse problems.

- The new use would result in music being heard by local residents.
- Blackheath is saturated with places to eat and drink.
- The tables outside would be exposed to pollution from passing traffic
- A bar would have longer opening hours, which would be detrimental to the amenities of nearby occupiers.
- The cigarette smoke would compromise the enjoyment of the roof terrace above the shop unit.
- There is nowhere suitable for air conditioning units and ventilation ducting.
- The Victorian building does not have adequate sound proofing.
- The loss of the A1 unit would harm the retail offer in Blackheath.
- There is a direct correlation between drinking establishments and anti-social behaviour.
- Another drinking establishment in the vicinity would exacerbate parking problems
- Insufficient capacity for additional waste to be created by the use.

Blackheath Society

4.5 Objections were raised to the proposals, summarised as follows:

- There are already enough drinking establishments in the village
- The loss of A1 would threaten the balance of Village
- No evidence has been provided to show that the A1 use is not viable.
- The change of use would harm the amenities of nearby residential occupiers, which might drive them out of the Village, thus irreversibly changing its character.
- The change would result in additional car parking, which would exacerbate an already unsatisfactory situation.

Lewisham Licensing

4.6 The Licensing team did not object to the proposals but provided the following comments.

- The application site is within Cumulative Impact Zone (CIZ). In such areas, the applicant has to demonstrate that the new use would not:
 - Exacerbate crime and disorder
 - Reduce public safety
 - Cause a public nuisance
 - Expose children to further harm.
- A4 premises increase the presence of crime and disorder.
- A Licence application would need to be presented to the Licensing committee for their consideration.

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 2016)

5.6 The policies relevant to this application are:

- Policy 2.15 Town centres
- Policy 4.1 Developing London's economy
- Policy 4.7 Retail and town centre development
- Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.13 Parking
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.4 Local character
- Policy 7.8 Heritage assets and archaeology
- Policy 7.13 Safety, security and resilience to emergency
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

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 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

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 14 | District centres shopping frontages |
| DM Policy 17 | Restaurants and cafés (A3 uses) and drinking establishments (A4 uses) |
| DM Policy 20 | Public houses |
| DM Policy 26 | Noise and vibration |
| DM Policy 27 | Lighting |
| DM Policy 29 | Car parking |

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

Blackheath Conservation Area Appraisal 2007

- 5.10 The application building is referred to in the Appraisal as being part of Character area 9. Particular reference is made to the uniqueness of the properties within the area, and the high quality of the shop fronts.

Town and District Centres Retail Report 2015

This document confirms that Blackheath has the lowest vacancy rates of all the Town and District centres in the borough. The document advises that all centres have experienced a decline in A1 provision, which can be attributed to the rise in internet shopping.

6.0 Planning Considerations

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

- a) Principle of Development
- b) Highways and Traffic Issues
- c) Neighbour Amenity

Principle of Development

- 6.2 The principle of development in this case is formed of two parts; 1) whether the loss of the A1 (retail) use is acceptable and 2), whether the change of use to A4 (drinking establishments) is acceptable.

Loss of A1

- 6.3 London Plan Policy 2.15 Town Centre states that boroughs should ensure that developments sustain competitive choice of goods and services. Annex 2 of the London Plan is a list of the Town and District Centres within London. Here, Blackheath is referred to as a District Centre that has a low potential of growth. The supporting text to the annex states that Borough policies should therefore encourage the optimum use of the existing units within the centre. London Plan Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services states that decisions should 'b) support convenience retail,' particularly in District Centres in order to support lifetime neighbourhoods. Point g) of the same policy states that clusters of retail uses should be managed having regard to their impacts to the centre's vitality and viability, competitiveness, local identity, security and safety and economic benefits.
- 6.4 Core Strategy Policy 6 identifies Blackheath in the retail hierarchy as a District Centre. Development Management Local Plan Policy 14 (DM 14) is explicit in its requirements when it comes to the proposed loss of an A1 unit in a secondary shopping frontage and states that the loss of an A1 unit would only be acceptable in the following circumstances:

- The A1 unit is being replaced with an A2, A3, A4 or D2 use
- The change of use would not harm the amenity of adjoining properties, including that created by noise, smell, litter, and incompatible opening hours (all of which may be controlled by appropriate conditions)
- Not result in 3 or more non-A1 uses together
- Not harm the retail character, attractiveness, vitality and viability of the centre including unreasonably reducing the percentage of A1 units
- Retain/provide an active frontage at ground floor level

6.5 The Town and District Centres Retail Report 2015 confirms that Blackheath has the lowest vacancy rates of all the Town and District centres in the borough with a vacancy rate of 0.8%; in 2011 it was 2.5%, 2014 it was 0%, thus showing that the vacancy levels fluctuate, albeit slightly.

6.6 The proposal is to provide an A4 use and would not result in there being three non-A1 uses as the unit is at the end of a parade, with an A1 unit immediately adjoining. Further, the proposal is to replace the A1 unit with an A4 unit and, would retain an active frontage. Lastly, the findings of the Town and District Centres Retail Report 2015 confirms that the Blackheath Town centre has very low vacancy rates and officers do not consider that the loss of an A1 unit would cause any material harm to the viability and vitality of the District Centre. The policies provide parameters which aim to protect the vitality and viability of shopping areas, and the proposed change of use principally complies with those requirements. Subject to further consideration regarding neighbour amenity, the principle of the loss of A1 is considered to be acceptable.

Change of use to A4

6.7 Core Strategy Spatial Policy 3 states that development decisions should ensure that the character of the Blackheath Village should be preserved and enhanced. The Town and District Centres Retail Report 2015 states that all centres (except for New Cross and Blackheath, which have gained an additional pub each, and Downham (no change)) have experienced a decline in pubs. The report also states that, in 2015, the proportion of A1 (retail) and A3-A4 (restaurants, bars and pubs) were 54% and 24% respectively in Blackheath District Centre.

6.8 DM Policy 20 Public Houses refers to the retention of Public Houses only. DM 17 (Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)) however, is again explicit in the requirements needed to be attained before a change of use to A4 can be supported:

- The location is acceptable
- The proposed use does not detrimentally affect the vitality of the shopping area
- There is no harm to the living conditions of nearby residents, including that created by noise and disturbance from users and their vehicles, smell, litter and unneighbourly opening hours

- Any traffic generated from the proposed use is appropriately managed

- 6.9 The application site is within the District Centre and therefore is considered to be an appropriate location. As established against the requirements of DM 14 (District centres shopping frontages), the proposed use would not detrimentally affect the vitality of the shopping area as the loss of an A1 unit, and the gain of an A4 unit is not considered to unreasonably reduce the level of A1 provision, nor would it result in the overprovision of non-A1 units.
- 6.10 The impact to amenity and highways will be considered in later paragraphs of this report.
- 6.11 Subject to further consideration regarding the impact to neighbour amenity and highways, officers consider the principle of the loss of A1 and the change of use to A4, to be acceptable.

Design

- 6.12 No alterations are proposed to the external façade of the application unit, while officers are satisfied that the A4 use would maintain an active frontage throughout the day in accordance with the requirements of DM 14 (District centres shopping frontages) and 17 (Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)).

Highways and Traffic Issues

- 6.13 Core Strategy Policy 14 Sustainable movement and transport aims to encourage sustainable modes of transport, and to facilitate this ambition, the policy states that the Council will take a restrained approach to parking provision.
- 6.14 Objections have been raised on the grounds that the change of use would lead to further parking and congestion in the vicinity of the application site. The Design and Access statement submitted with the application advises that the change of use would not have any implications upon the existing parking and flow of traffic around the site.
- 6.15 District Centres benefit from excellent access to public transport. Blackheath Village has a Public Transport Accessibility Level (PTAL) of 4 (good).
- 6.16 Officers consider that the proposed change of use to A4 would result in more vehicular movement and parking around the district centre, but only marginally and to an acceptable level given the limited floorspace of the unit and its proximity to good public transport links.
- 6.17 With regard to servicing, officers consider that the existing refuse storage and collection arrangements, with the correct management secured by condition, would be acceptable.

Impact on Adjoining Properties

- 6.18 Objections have been received with regard to neighbour amenity, namely the impact of noise and disturbance upon the nearby residential occupiers and with regard to anti-social behaviour.

- 6.19 Both DM policies 14 and 17 aim to ensure that changes of use do not result in an unreasonable level of impact on neighbour amenity. However, given the location of the site within a district centre, it would be expected that there would be a greater degree of noise and activity compared to a principally residential area. Given that the principle of a drinking establishment use is acceptable in a district centre, consideration should be given to mitigating the harm of noise and disturbance arising from the use, balancing this against the requirements of the business.
- 6.20 The planning application form does not state the proposed hours of operation. The district centre location affords the ability of later opening times than would be allowed for a more residential environment. Therefore officers recommend that the business only be open for patrons between the hours of 10am-10:30pm Monday-Wednesday, 10am-11:00pm Thursday and Sunday and Bank Holidays and 10am-12:00am Friday-Saturday. This should be secured by way of a condition.
- 6.21 Officers also recommend a further condition ensuring that loud music is minimised outside of the venue; that is, any live bands and amplified music levels are to be contained within the basement area as to minimise harm to neighbour amenity to a reasonable level given the location. Given the change to A4 use which necessitates longer opening hours, a further condition requiring sound proofing should also be secured by condition.
- 6.22 With regard to noise and disturbance from patrons loitering outside of the venue, Officers consider that it would be unreasonable and unenforceable to request that the space outside is kept clear. Notwithstanding this, officers consider that any noise derived from patrons talking and smoking outside of the venue would not result in noise levels that were inappropriate for a District Centre location.
- 6.23 The proposed use does not include a kitchen on the floorplans and no ventilation/extraction equipment is proposed. If such equipment is required in the future, a separate planning application would need to be submitted.

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 loss of A1 and change of use to A4 is appropriate for the District Centre location, resulting in acceptable levels of impact to neighbour amenity.

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:

1213/02, 1213/10, 1213/01, Photographs, Design and Access Statement, received 25/5/17; Proposal statement received 3/1/17.

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 use hereby approved shall commence until full written details, including relevant drawings and specifications of the proposed works of sounds insulation against airborne noise to meet D'nT,w + Ctr dB of not less than 55 for walls and/or ceilings where residential parties non domestic use shall be submitted to and approved in writing by the local planning authority.
- (b) The use shall only commence once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, DM Policy 14 District centres shopping frontages DM Policy 17 Restaurants and cafés (A3 uses) and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

4. (a) The change of use shall not occur until details of proposals for the storage of refuse and recycling facilities for the commercial unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

5. The premises shall only be open for customer business between the hours of 10am-10:30pm Monday-Wednesday, 10am-11:00pm Thursday and Sunday and Bank Holidays and 10am-12:00am Friday-Saturday.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 14 District centres shopping frontages DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

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

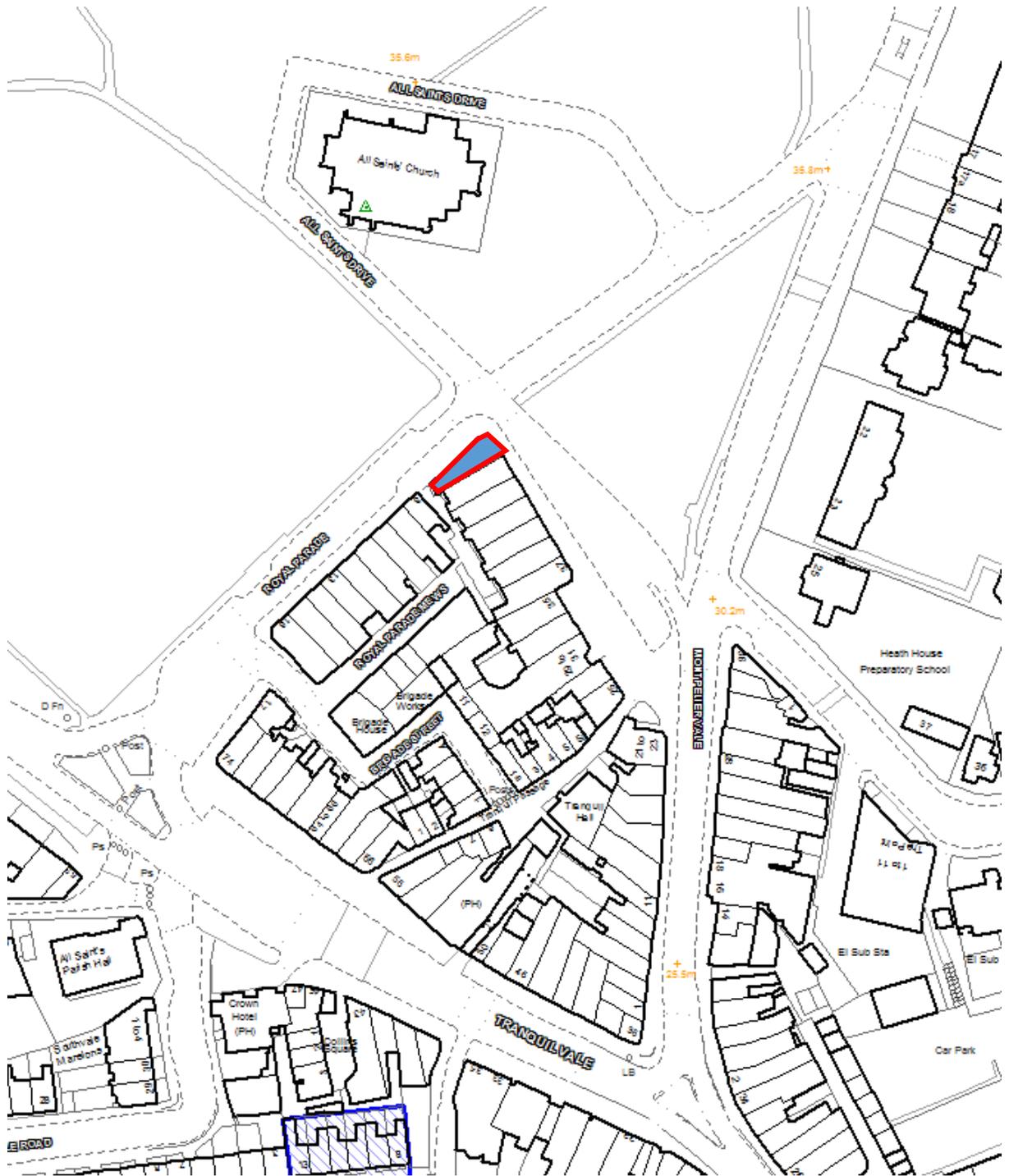
Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November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

Informatives

- 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. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- B. The applicant is advised that any use associated with the implementation of this permission (including the serving of food and/or alcohol) 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 use takes place.
- C. Pre-commencement Conditions (3) and (4) attached to this decision notice are necessary in order to protect the amenities of nearby residential occupiers and to ensure that refuse is managed appropriately in the District centre location.

This page is intentionally left blank

49 Montpelier Vale, SE3 OTJ Site Map



This page is intentionally left blank

Committee	PLANNING COMMITTEE A	
Report Title	134 BREAKSPEARS ROAD, LONDON, SE4 1UA	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	16th February 2017

<u>Reg. Nos.</u>	DC/16/099151
<u>Application dated</u>	15.11.2016
<u>Applicant</u>	Mr N Morss
<u>Proposal</u>	The construction of a single storey rear extension at 134 Breakspears Road, SE4, together with the construction of a dormer window to the rear roofslope and the insertion of rooflights in the front and side roofslopes.
<u>Applicant's Plan Nos.</u>	16508/03; 16508/04; Site Location Plan Received 16th November 2016 Heritage Statement Received 22nd November 2016 16508/05 Rev C; 16508/06 Rev B; Design & Access Statement Received 3rd January 2017
<u>Background Papers</u>	(1) Case File LE/89/134/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	Brockley Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application property is located on the north side of Breakspears Road, a residential road adjoining Wickham Road to the west. The road is mostly comprised of two and three storey terraced, semi-detached and detached residential properties, although there is a blocks of flats almost opposite the application property and further up the road. Part of Lewisham Southwark College is to east side of its northern part close to its junction with Lewisham Way.
- 1.2 The application site is occupied by a two storey semi-detached London stock brick built Victorian property. It features a distinctive canted bay to the left side of the recessed front doors, which are beneath decorative arched stucco, and timber sash windows. It also has a low pitched slate roof and ample front garden.

- 1.3 At the rear there is an original two storey addition with a lean-to and shed-like structure to the rear of that. The rear garden is part hard paved patio, but mostly grassed and is approximately 25m deep from the rear wall of the main property.
- 1.4 The property is within Brockley Conservation Area, subject to an Article 4 direction, but is not a listed building nor in the vicinity of one. The site has a PTAL rating of 3.

2.0 Relevant Planning History

- 2.1 None.

3.0 Current Planning Application

- 3.1 Planning permission is sought for the construction of a single storey extension to the rear (north) of the site as well as the construction of a dormer to the rear roofslope and the insertion of rooflights in the front and side roofslopes.
- 3.2 The proposed extension would wrap around the original two storey addition, replacing the lean-to and garden store. It would therefore form the boundary with no. 132, but would not project beyond the existing side (south) elevation building line, being 1.05m from the boundary with no. 136.
- 3.3 The rear extension is proposed to measure 5.75m wide, 2.25m of which would infill the side return. It would be 7.75m deep, although a 1.8m wide section on the boundary with no. 132 would project a further 2.6m. It would be 3.3m high including parapet at its rear elevation and 2.97m high to its side elevation, which would not feature a parapet and where the land steps down close to the boundary with no. 136. The land also steps up towards the rear of the site meaning that the part of the extension housing the bike shed would be 3m high.
- 3.4 It would feature rear sliding doors leading onto a patio, double doors from the bike store and a side door, a window to the bike store, a 'sun tube' to the laundry room and 4.8m deep by 80cm wide rooflight over the kitchen / dining area.
- 3.5 The materials proposed are a red cedar treated timber wall cladding system, a damp-proof course of Staffordshire blue brick for the base of the extension, grey coloured GRP for the roof and polyester powder coated aluminium frames for the windows, doors and parapet copings.
- 3.6 The rear dormer would measure 3.2m deep by 2m wide by 1.8m high. It would feature a timber framed sash window with double glazing and would be clad in milled lead.
- 3.7 The rooflights would be conservation style, feature a central glazing bar and would be fitted flush to the roofslopes.
- 3.8 The extended patio decking in concrete slabs would not be more than 300mm high and therefore does not require planning permission.

4.0 Consultation

- 4.1 Pre-application advice was sought where Officers advised that the principle of a rear extension was acceptable subject to the design, materials and dimensions. A high quality, modern design either constructed of materials in keeping with the existing property or contemporary materials was encouraged as long as it was subordinate to the main dwellinghouse and had an acceptable impact on neighbouring amenity.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 Site and public notices were displayed and letters were sent to 11 adjoining addresses, Brockley Ward Councillors, the Brockley Society and the Council's Conservation Officer.

Written Responses received from Local Residents and Organisations

- 4.4 Two objections were received raising the following concerns:
- The square, flat-roofed extension would bear no aesthetic relation to the existing or surrounding buildings.
 - The massing is excessive.
 - The proposed finish would contrast sharply with the surrounding structures and would stand out.
 - The submission is misleading as regards the colour of the finish.
 - The flat roof may be used as a recreational area, which would have radical implications on privacy.
 - If the extension is granted without amendments, it would set a precedent allowing others to ignore the Brockley Conservation Area SPD.
 - Lack of detail to soften the side elevation and no step back from the side elevation of the main building.
 - The bike shed and utility room roof should be in slate and mono-pitched like the existing.
- 4.5 The Brockley Society made the following comments:
- There is no objection to the principle of forming a rear extension and dormer as proposed provided that the linear rooflight to the kitchen is installed with a remote controlled blind to minimise light pollution.
 - A strong objection is raised to the proposed front slope rooflight as this does not comply with current policy in the Brockley Conservation Area SPD, as supported by the Appeal Inspector's Decision of 24 Nov 2015 for 46 Wickham Road (ref App/C5690/W/15/3039149).
 - Unfortunately, the Applicant on the advice of the Duty Planning Officer has erroneously chosen to ignore this policy and has cited examples in support that have all been superseded by the Appeal Inspector's report or are incorrect (i.e. DC/15/93768 was refused on 18 Dec 2015).

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 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, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2015 as further altered in 2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

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

Other National Guidance

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

London Plan (March 2015)

5.6 On 10 March 2015 the London Plan (as further altered in 2016) was adopted. The policies relevant to this application are:

- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Plan

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

DM Policy 1 Presumption in favour of sustainable development
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings
DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (updated May 2012)

- 5.9 Paragraph 6.2 (Rear Extensions) states that when considering applications for extensions the Council will look at these main issues:
- How the extension relates to the house;
 - The effect on the character of the area - the street scene and the wider area;
 - The physical impact on the host building, and the amenity of occupiers of neighbouring properties;
 - A suitably sized garden should be maintained.
- 5.10 Paragraph 6.7 states that when considering applications for roof extensions they should be sensitively designed to retain the architectural integrity of the building. 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 sets out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the impact of the proposal's design on the character and appearance of the existing building and of Brockley Conservation Area in addition to any impact on the amenities of neighbouring occupiers.

Design and conservation

- 6.2 The dimensions of the ground floor rear extension are considered to be acceptable because, whilst the maximum depth of its projection is large at 7.75m, its scale is considered to be subordinate to the main building, given the bulk of the original two storey rear addition and host property.
- 6.3 The use of a flat roof allows for a better standard of living accommodation given the 2.45m high head room, which matches that of the ground floor rooms in the main part of the dwellinghouse. As such, it is considered that the flat roof is the most appropriate option.
- 6.4 It is recognised that the design of the rear extension is contemporary, which is supported by Council policies. A 'pastiche' approach would not be encouraged; rather an extension that draws certain elements from the main building and re-interprets them in a modern style would be acceptable in principle.
- 6.5 The extension is proposed in a red cedar treated timber wall cladding system, a GRP roof and ppc aluminium for the windows, doors and parapet copings, all of which are contemporary materials not seen on the rear elevation of the property. However, there is no policy requirement that prevents the introduction of contemporary elements provided that they complement the host building, which they are considered to do in this case.
- 6.6 The rear and side doors in addition to the large rooflight would help to bring light into the new space, particularly the dining and kitchen area. The use of a 'sun tube' is considered to be an innovative and discreet way of bringing in natural light to the laundry room.
- 6.7 The proposed rear dormer, given its modest dimensions, would be subordinate to the rear roofslope, thereby preserving the architectural character of the building. It would be set in by at least 400mm from the party wall with no. 132, which is the maximum possible given that it would otherwise interfere with the sloping south western roofslope, which would give rise to an awkward relationship with the rear roofslope. It is therefore not possible for the dormer to line up with the window below. The dormer would also be set up from the roof eaves by 1m and set down from the roof ridge by 20cm, and would therefore appear subordinate to the original roofslope.
- 6.8 The dormer would feature a single timber sash window, which would be more in character with the geometry and hierarchy of the existing fenestration compared with the two smaller windows originally proposed. The milled lead cladding would be appropriate to the property's location in a Conservation Area. The use of a timber sash window to match those on the lower floors is welcomed.
- 6.9 The comments of the Brockley Society regarding the front rooflight are acknowledged. However, the applicant does not wish to remove this feature of the scheme given that it is south facing and would provide sunlight to the roofspace

and has declined to move it onto the flat 'crown' roof of the property. Given the overall good quality of the scheme, and providing that the roof lights would be conservation style and fitted flush with the roofslope (which would be secured by condition), on balance it is not considered in this instance that the front rooflight provides sufficient grounds to refuse planning permission.

- 6.10 The proposed scale, form, design and materials for the proposals are considered by Officers to be of a high quality and appropriate for the building and the Brockley Hill Conservation Area. As such, the proposal complies with Core Strategy Policies 15 and 16, DM Policies 30, 31 and 36 and the Brockley Conservation Area SPD.

Impact on the amenity of neighbouring occupiers

- 6.11 81, 83, 85 and 87 Wickham Road are to the rear of 134 Breakspears Road. However, while the extensions would be visible, given the distance between the properties, they are not considered to have any significant impact on the amenities of those properties.
- 6.12 The proposed rear dormer is not considered to impact on levels of noise, outlook, daylight or sunlight currently experienced by neighbouring occupiers. Given that the windows on the first floor already overlook surrounding properties, there would be no significant impact to their privacy.
- 6.13 The proposed single storey rear extension would also not have any significant impact on privacy given that there are no side facing windows proposed, whilst a condition can prevent the use of the flat roof as an amenity area.
- 6.14 With regard to the an impact on no. 136 in terms of loss of light, associated overshadowing and outlook, whils the extension would be deep, a gap of just over 1m would be retained to the shared boundary. Given the height of the structure, and taking into account ground levels, it is not considered that there would be a significant impact on this neighbouring property. The impact would be further mitigated by the existing fence with trellis and assorted greenery on the boundary.
- 6.15 These impacts would be insignificant on no. 132 given that the part of the extension proposed to house the laundry room and bike store would extend no further than the existing structures and would only be 75cm higher.
- 6.16 Officers acknowledge that the extension would be 2.25m closer to the boundary fence with no. 136, but given it would be single storey in nature and the gap to the boundary of 1.05m, it is not considered to be significantly overbearing or create a sense of enclosure, taking into account the lower ground level at no. 136. Officers have investigated with the applicant reducing the height, but this is not possible without significantly reducing the quality of living accommodation in terms of head height.
- 6.17 Concern has been raised light spillage from the proposed rooflights, but this is not considered to be significantly worse than light spillage from the existing windows.
- 6.18 Therefore, the application is deemed to be acceptable in terms of the residential amenity of neighbouring occupiers.

Equalities Considerations

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

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

Conclusion

- 7.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2015) and the National Planning Policy Framework (2012).

- 8.0 In summary it is considered that the proposal is acceptable in terms of its impact on the existing property, Conservation Area and adjoining residential properties.

- 9.0 RECOMMENDATION: GRANT PLANNING 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:

16508/03; 16508/04; Site Location Plan Received 16th November 2016; Heritage Statement Received 22nd November 2016; 16508/05 Rev C; 16508/06 Rev B; Design & Access Statement Received 3rd January 2017

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

- 3) The rooflights to the front and side roofslopes shall be conservation style in accordance with the approved plans and shall be fitted flush to the plane of the roofslopes.

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).

- 4) 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.

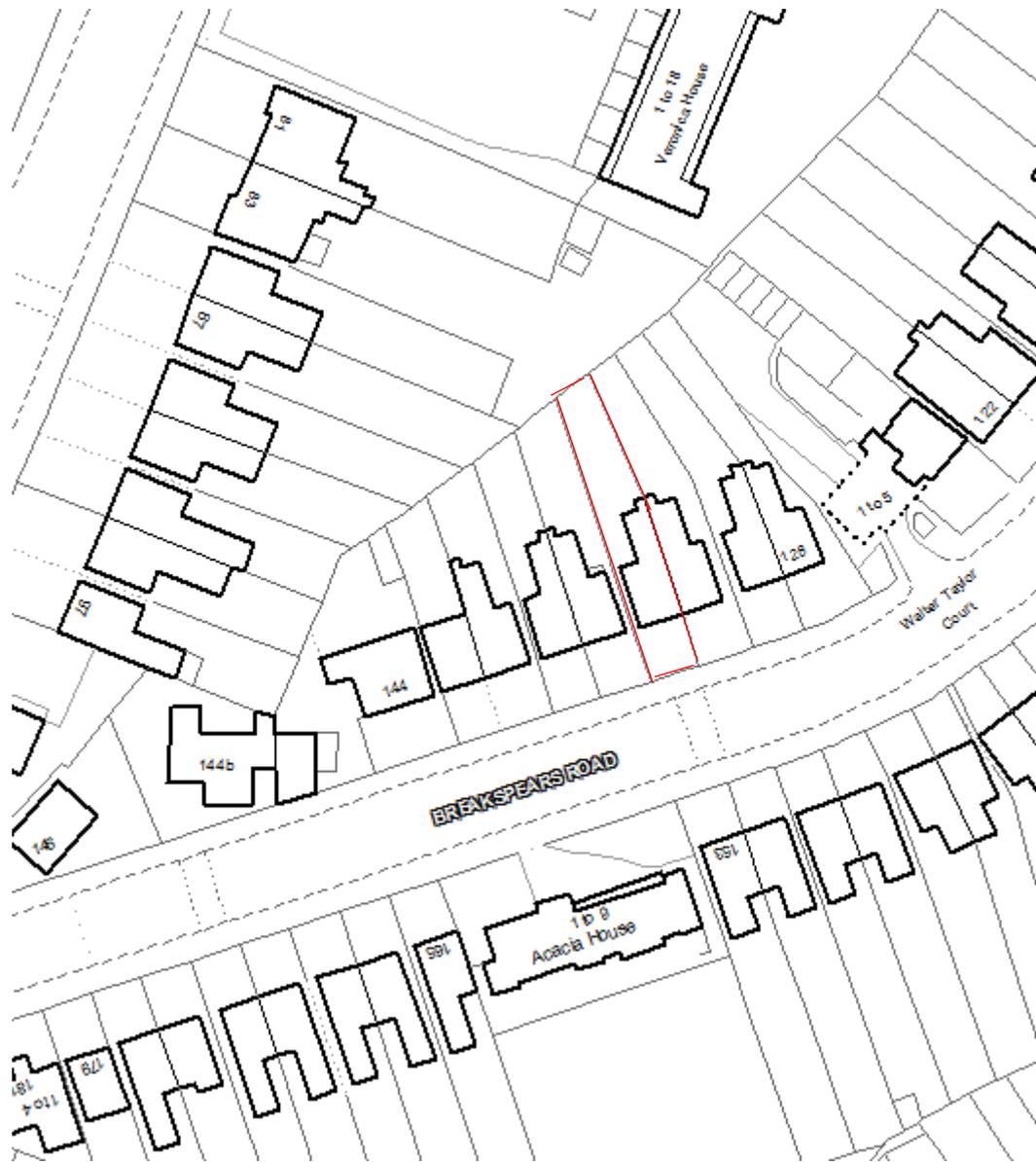
Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality

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).

INFORMATIVES

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Further information was submitted prior to determination to make the proposal in accordance with the Development Plan.

134 Breakspears Road, SE4 – Site map



This page is intentionally left blank