

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 20 OCTOBER 2016 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Joan Reid (Chair)
Olurotimi Ogunbadewa (Vice-Chair)
Mark Ingleby
Jim Mallory
Hilary Moore
John Muldoon
Jacq Paschoud
Gareth Siddorn
Susan Wise**

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, 11 October 2016**

**For further information please contact:
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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 20 OCTOBER 2016

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 20 OCTOBER 2016

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 08 September 2016 and approve the revised minutes of Planning Committee (B) held on the 28 July 2016.

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Committee	PLANNING COMMITTEE B	
Report Title	197 NEW CROSS ROAD, LONDON, SE14 5DQ	
Ward	NEW CROSS	
Contributors	Russell Brown	
Class	PART 1	20th October 2016

Reg. Nos. DC/16/096758

Application dated 20.05.2016

Applicant Coral Racing Limited

Proposal The proposed change of use of the ground floor of 197 New Cross Road, SE14 from a bank (Use Class A2) to a licensed betting shop (Sui Generis).

Applicant's Plan Nos. 14/3971/01; 14/3971/02; Heritage Statement
Statement of Responsible Gambling; ASB Reports & Crime Map; Supplementary Letter to LPA 19.07.2016 Received 19th July 2016

Background Papers (1) Case File DE/414/197/TP
(2) Core Strategy (June 2011)
(3) Development Management Local Plan (November 2014)
(4) London Plan (March 2016)

Designation PTAL 6a
Hatcham Conservation Area
Hatcham Conservation Area Article 4(2) Direction
Area of Archaeological Priority
Major District Centre
A Road

Screening N/A

1.0 Property/Site Description

- 1.1 The application site is located on the north east side of New Cross Road (A2) where it curves northwards, eventually to meet Old Kent Road, and opposite the junctions with Queens Road (A202) to the west and Pepys Road to the south. The rear backs onto undeveloped land off Hatcham Park Mews.
- 1.2 The building itself is three storeys plus attic and built in the 1880s-90s and designed in the neogeorgian style. The importance of the ground floor is demonstrated by the rusticated stonework and pedimented entrance. Above that, eight over eight pane sash windows are set regularly in brown brick with red brick dressings. The two pediment style gables and tall chimneys crown the building.

- 1.3 The ground floor is currently vacant, having last been used as a Barclay's bank (Use Class A2) until 27th September 2013. A NHS dental care centre (Use Class D1) occupies the first floor, while the second floor and attic rooms are empty.
- 1.4 The site is within the Hatcham Conservation Area, subject to an Article 4 direction, but is not a listed building, although it is opposite the Grade II listed White Hart building. It is in a Major District Centre (New Cross) and has a PTAL rating of 6a.

2.0 Relevant Planning History

- 2.1 DC/93/04345: The display of an internally-illuminated cash dispenser sign on the front elevation of 197 New Cross Road SE14. **Granted.**
- 2.2 DC/93/36268: The installation of a cash dispenser in the front elevation of 197 New Cross Road SE14. **Granted.**
- 2.3 DC/99/44325: The replacement of an ATM cash dispenser in the front elevation of Barclays Bank. **Granted.**
- 2.4 DC/99/05019: The display of an internally-illuminated cash dispenser sign on the front elevation of Barclays Bank Road SE14. **Granted.**
- 2.5 DC/00/47647: The display of an internally illuminated fascia sign and projecting sign at 197 New Cross Road SE14. **Granted.**
- 2.6 DC/03/54374/FT: The display of an internally-illuminated fascia panel sign for the additional automatic cash dispenser to the front elevation of 195/197 New Cross Road SE14. **Granted.**
- 2.7 DC/03/54373/FT: The installation of an additional automatic cash dispenser to the front elevation of 195/197 New Cross Road SE14. **Granted.**
- 2.8 DC/11/76907/X: The installation of 5 antennas mounted on the chimneys on the west and east sides of the roof and 1 equipment cabinet and meter pillar at ground floor level at 195-197 New Cross Road SE14. **Refused as the location of the proposed antennae on both the front and side elevations of the building was considered to be inappropriate on this significant building within the Hatcham Conservation Area and unsympathetic to the architectural qualities of this prominent building within the street scene, in addition to the proposed equipment cabinet having been considered to result in additional street clutter within the conservation area, which would have had a detrimental impact on its character.**

3.0 Current Planning Application

- 3.1 Planning permission is sought for the change of use from bank (Use Class A2) to a licensed betting shop (Sui Generis) at ground floor level only. No external changes are proposed.
- 3.2 It is proposed to open from 08:00 to 22:00 Mondays to Sundays including Bank Holidays and would employ two full-time and four part-time employees.

4.0 Consultation

- 4.1 No formal pre-application advice was sought, although a call was made to Lewisham's planning policy team who confirmed that the property does not lie within either a primary or secondary frontage. As such, there is no policy that is directly relevant to the proposal, although Core Strategy Policy 6 and paragraph 2.101 of the Development Management Local Plan should be considered.
- 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 Public and site notices were displayed and letters were sent to four adjoining residents, New Cross Ward Councillors and the Council's Conservation Officer.
- 4.4 The Council's Conservation Officer had no comments to make as no external alterations would be made as part of this application.

Written Responses received from Local Residents

- 4.5 56 objections were received from local residents, raising the following concerns:
- An over-saturation of betting shops in the vicinity and a new one is not required.
 - Adverse impact upon primary and secondary schools as well as hostels for vulnerable adults in the immediate area.
 - The use of the building in Lewisham's Cumulative Impact Zone and Controlled Drinking Zone could lead to on-street alcohol consumption, drug-taking and anti-social behaviour, as seen outside other betting shops in the area.
 - The proposed use would contribute to poverty in the area.
 - The proposed use would ruin the historic and beautiful building, which is in a key location within New Cross.
 - The building should be used for a restaurant, bar, cultural centre, cinema, 'upscale' shop, library or community use.
 - It would not increase the wide range of uses in the town centre, only replicate the existing services, and it would not sustain or enhance the vitality and viability of New Cross by not supporting the local economy.
 - The proposal would generate problems around highways safety, traffic generation, noise and general disturbance.
 - The proposed use sends out the wrong message to the young and disaffected and could fuel gambling addiction.
 - The shop fascia, which can be seen on the nearby Coral shop, would be an eyesore on this rather grand building.
 - Another betting shop would substantially detract from the economic and community improvements in this area.
 - The use would likely increase loitering at a narrow section of the pavement, thereby causing an obstruction.
 - The late night opening hours would see people avoiding the building, which is on a dangerous corner crossing.
 - The area outside the Post Office next door would see an increase in littering.
 - The proposed opening hours are unacceptable.
 - This proposal would negate much of the recent effort and money that has gone into regenerating the local area and would discourage investors from

taking on new premises in the area as well as appearing attractive to shoppers.

- Healthy habits and pursuits should be encouraged and this area, which is one of the most deprived in Lewisham, should not be degraded by targeting the poor and working class people.
- There has been significant local interest in this site and the change of use to Sui Generis would limit its future use.
- There is evidence that suggest that Fixed Odds Betting Terminals (FOBTs) are the most addictive form of gambling and in 2012 over £1.5 billion was lost on them in the UK. There are approximately 227 in the borough and gamblers are estimated to have lost £14,429,863 on them.
- It would be an unsustainable change of use that goes against national local policy considerations.
- No planning notice has been displayed, which is a legal requirement and prevents local people from learning of the plans in advance, and therefore a wider public consultation is requested.

4.6 Of the issues raised, only those related to over-concentration of betting shops, neighbouring amenity, the protection of historic assets, the vitality and viability of New Cross town centre, highways issues, noise and opening hours are relevant planning considerations.

4.7 In addition, a petition was received against the proposal, with 22 signatures.

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 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 2016)

- 5.6 On 14 March 2016 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 2.13 Opportunity Areas and Intensification Areas
Policy 2.15 Town centres
Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services
Policy 7.1 Lifetime neighbourhoods
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 2 Regeneration and Growth Areas
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 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

Hatcham Conservation Area Character Appraisal (February 2006)

- 5.9 The application property is described in its own paragraph under the Character of New Cross Road and is listed as an 'architectural gem' in this document, as identified by the New Cross Gate Urban Design Framework and Development Strategy.

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the loss of the existing use and the acceptability of the proposed use, the impact on the property and the character and appearance of the Hatcham Conservation Area as well as on highways and the amenities of neighbouring residents.

Principle of development

- 6.2 London Plan Policy 2.13 states that development proposals should provide necessary social and other infrastructure to sustain growth and, where appropriate, contain a mix of uses.
- 6.3 London Plan Policy 2.15 designates New Cross as a District Centre.
- 6.4 London Plan Policy 4.8 states that Local Development Frameworks should take a proactive approach to planning for retailing and related facilities and services and provide a policy framework for maintaining, managing and enhancing local and neighbourhood shopping and facilities which provide local good and services as well as manage clusters of uses having regard to their positive and negative impacts on the objectives, policies and priorities of the London Plan including a centre's:
- i. broader vitality and viability;
 - ii. broader competitiveness, quality or diversity of offer
 - iii. sense of place or local identity
 - iv. community safety or security
 - v. success and diversity of its broader retail sector
- 6.5 London Plan Policy 7.1 states that development should maximise the opportunity for community diversity, inclusion and cohesion; and should contribute to people's sense of place, safety and security.
- 6.6 As the property is not located within a designated shopping frontage, it is not afforded any protection by Core Strategy Policy 6 or DM Policy 14. Town centre areas located outside both the primary and secondary frontage tend to contain a much greater variety of uses and therefore national and local policies encourage a much more flexible approach to proposed changes of use.

- 6.7 A2 units have a permitted change of use to A1, but it is not considered that the proposed use would remove 'in-demand' retail space since there were at least five vacant retail units found in the immediate vicinity during a retail survey of 39 shops in the parades on both sides of the street conducted by Officers on 30th September 2016 (see Appendix 1). There were nine vacant retail units on 14th May 2016 according to the applicant. It is not unusual for a turnover of units such that some of those nine vacancies in May would have now been filled and some of the units that were in use have become vacant. Moreover, it is noted that the lawful use is A2 and the ground floor of the building has been vacant for three years during which time no applications for change of use have been received.
- 6.8 A retail footfall survey has been submitted with this application, which was conducted by ESA retail on behalf of Coral, and sought to gain a greater understanding of the shopping habits of their customers to see whether they visited a betting shop in isolation or in combination with other shops and services too. The survey included town centres, Wellington in Shropshire and Leighton Buzzard in Bedfordshire, which are both of a comparable size to New Cross in terms of population. It found that 72% of customers to Coral combined their trip with other shops in the local area, whilst only 28% would never visit other shops, and that Coral was the most popular shop, especially on a Saturday. 26% of customers stated that they would visit weekly and another 22% on a daily basis.
- 6.9 As such, it is not considered that a betting office in the proposed location would harm the vitality or viability of the existing centre in terms of the number of trips.
- 6.10 In order for town centres to be successful and competitive, they must provide customer choice and a diverse retail offer. It is acknowledged that betting offices can cause detrimental impacts because of their location or concentration. For this reason, planning policy seeks to resist proposals that would result in an unacceptable concentration of such a use, detrimentally affect amenity or result in adverse effects arising from crime, disorder or anti-social behaviour.
- 6.11 Approximately 41% of the units in the vicinity of the application site are in A1 use, with a further 15% in A2 use. Nearly 31% are in non-retail use with only one of these being in use as a betting shop (William Hill at no. 174). On this basis, there would not be an undue proliferation of betting shops in the area as a result of the proposal. The other Coral premises at no. 141 fell outside of the scope of Officers' retail survey, but even if included in the survey, notwithstanding there would be more shops surveyed, betting shops would only represent 5% of all the units within the area in that use.
- 6.12 The applicant has stated that, were they to gain approval for this site, they would lease the existing betting office out to a prospective tenant, but not to a betting company. Although this cannot be secured by condition, any future proposals for betting shops in the area would be considered in the light of the number of such premises at that time.
- 6.13 Therefore, the loss of the existing use in this location is acceptable and the proposed use is compliant with policy.

Conservation

- 6.14 London Plan Policy 7.8 states that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.
- 6.15 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.

DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. The retention and refurbishment of existing buildings that make a positive contribution to the environment will be encouraged and should influence the character of new development and a sense of place. An adequate response to how the scheme relates to the existing street including its building frontages will be required including a statement describing the significance of the heritage asset, including its setting will be required for proposals that impact on such an asset.

- 6.16 DM Policy 36 states that the Council will require a statement that describes the significance of the asset and its setting and an assessment of the impact on that significance for development proposals affecting heritage assets. Also required is clear and convincing justification if the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting. The Council will not grant planning permission where:
- a. alterations to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials; or
 - b. development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the Conservation Area.
- 6.17 Whilst the special nature of the building, and its location on a prominent corner site upon arrival to New Cross from the north and west, thereby constituting its status as a local landmark, are recognised, it is not a nationally or locally listed building. As such, it is only afforded protection by virtue of being in a Conservation Area and its architectural significance comes from its external features. Since there are no external changes proposed as part of this application then the use would have no significant impact on the building itself nor on the character or appearance of the Hatcham Conservation Area.
- 6.18 Planning policy at all levels encourages the refurbishment of historic buildings and proposals to bring them back into viable use that sustains their long term conservation. In this context the application is supported.

Highways

- 6.19 The site has a PTAL rating of 6a, so is well served by regular public transport. The aforementioned retail footfall survey showed that 63% of Coral customers arrived

by public transport, cycling or by foot. Whilst it is difficult to know exactly how accessible the location of the stores used in the survey are, they are all in town centres. One of them, Grove Park, is within the London Borough of Lewisham and the figures in relation to travel to the shop would represent a better indication for the proposed store in New Cross. The Grove Park store has a PTAL rating of 5, is also on an A Road (A2212) and had the highest percentage of people walking to it (62%) whilst only 12% went by car and 20% by bus.

- 6.20 Given the higher PTAL rating of the subject site, a higher proportion of travel by sustainable modes would be expected. It is further noted that there are 5 cycle stands on the footpath directly outside the application site. Two cycle spaces for staff are proposed to be secured by condition in line with Policy 6.9 of the London Plan.
- 6.21 Furthermore, the unit would not require servicing so being on a Red Route where no stopping is permitted would not pose a problem.
- 6.22 Concerns have been raised about people blocking the pavement, but this is not considered to be a problem given the large area available for congregation of people outside the Post Office next door and there is a crossing point slightly further up New Cross Road at no. 189.

Impact on the amenity of neighbouring occupiers

- 6.23 There would be no impact on the amenities of neighbouring properties from the proposed change of use as levels of sunlight, daylight, associated overshadowing, outlook and privacy would remain the same.
- 6.24 However, there is the potential for the proposed use to lead to increased noise levels, certainly since the building has been vacant for three years. On one side of the site there is a Post Office and on the other, a hairdressers on the ground floor with residential above. The most noise sensitive address would therefore be the latter. The part of the ground floor closest to no. 193 is that which is taken up by the staircases to the basement and the dentist upstairs so, combined with the change of use being confined to ground floor level, it is not considered that there would be a significant impact on the residential occupiers above the hairdressers. Furthermore, the unit is already in a noisy location on the A2, a main access road between London and Dover, and two other junctions, one of which is also an A road.
- 6.25 The opening hours are typical for other commercial units in the area and would mirror those for the branch of William Hill at no. 174 and are therefore considered to be acceptable.
- 6.26 Officers consulted the Metropolitan Police's online crime map for the area to check for instances of anti-social behaviour or crime related to the store. As of 13th July 2016 a single incident of anti-social behaviour in the vicinity of the existing Coral betting shop at no. 141 was identified, having occurred in June 2015. It is not clear whether this incident related to the existing Coral shop, but the applicant has stated that it was not related to no. 141 itself. Officers consider that it would be unreasonable to refuse this application on the basis that the proposed use might lead to increased levels of crime, disorder or anti-social behaviour given the lack of substantiated evidence of anti-social behaviour at the existing branch.

- 6.27 The applicant, Coral Racing, have submitted a Statement of Responsible Gambling that underlines the fact that they are a key member of the Association of British Bookmakers (ABB), which represents around 80% of all betting office operators in Great Britain.
- 6.28 Compliance with the new Harm Minimisation Strategy is mandatory for members of the ABB and they state that they are a responsible operator who is fully committed to meeting their obligations. They also stated that they are aware of the public concern over some issues of problem gambling and are committed to not only adhering to the ABB's Code of Practice, but also to continuing to work with the ABB and other stakeholders to ensure customers are encouraged to gamble responsibly.
- 6.29 Therefore, the proposal is considered to have an acceptable impact on neighbouring amenity.

7.0 Equalities Considerations

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

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

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

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

8.0 Conclusion

8.1 Officers have 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 2016) and the National Planning Policy Framework (2012).

8.2 It is considered that the proposed change of use would be acceptable in principle and would not result in significant harm being caused to the building, Hatcham Conservation Area or to the amenities of neighbouring occupiers.

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:

14/3971/01; 14/3971/02; Heritage Statement

Statement of Responsible Gambling; ASB Reports & Crime Map; Supplementary Letter to LPA 19.07.2016 Received 19th July 2016

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

3) The premises shall only be open for customer business between the hours of 8am and 10pm on any day of the week.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 32 Housing design, layout and space standards, DM Policy 14 District centres shopping frontages, DM Policy 16 Local shopping parades and corner shops of the Development Management Local Plan (November 2014).

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

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 6.9 Cycling of the London Plan (March 2016) and Policy 14: Sustainable movement and transport of the Core Strategy (June 2011).

INFORMATIVES

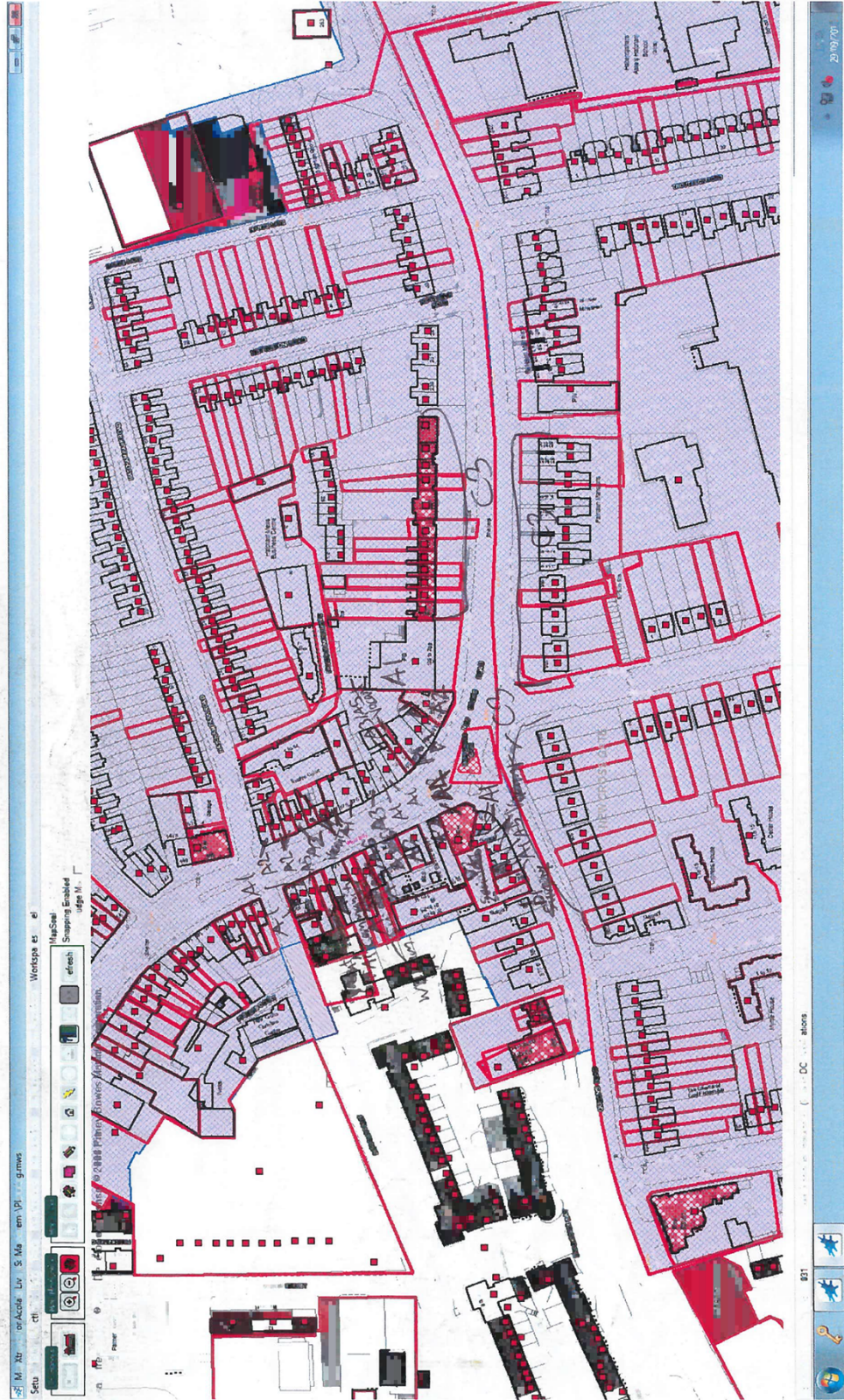
Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information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

The applicant is advised that any new signage associated with the proposed use would require advertisement consent and any changes to the existing frontage would require a separate application for planning permission.

Appendix 1

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Committee	PLANNING COMMITTEE B	
Report Title	ST CYPRIANS HALL, BROCKLEY ROAD, LONDON, SE4 2RA	
Ward	BROCKLEY	
Contributors	Russell Brown	
Class	PART 1	20th October 2016

<u>Reg. Nos.</u>	DC/16/096995
<u>Application dated</u>	08.06.2016
<u>Applicant</u>	The Co-operative Food Group Limited
<u>Proposal</u>	The proposed change of use of part of the ground floor of St Cyprians Hall, Brockley Road, SE4 from office (Use Class A2) and restaurant (Use Class A3) to retail (Use Class A1), together with alterations to the shopfront and the installation of plant louvres and a door on the north elevation fronting onto Braxfield Road.
<u>Applicant's Plan Nos.</u>	AP02A; AP06A; AP09A; AP16A; AP19A; Environmental Noise Impact Assessment Report; Planning & Retail Statement; Transport Statement AP32; AP33; AP34 Received 30th June 2016 Marketing Letter 20.07.2016; Hindwoods Marketing Brochure Received 20th July 2016
<u>Background Papers</u>	(1) Case File DE/10/C/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	None
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site comprises a brick built church hall building with a gabled frontage to Brockley Road. This features three doorways with pointed arches, the largest of which is in the centre of the building. Above the blocked opening are three slender lancet windows. The building has been much extended to the rear at later periods. Most recently, planning permission was granted for the erection of an additional storey at third floor level behind the parapet of the existing building, which is currently nearing completion.
- 1.2 The building is flanked by two three storey Victorian buildings; 294 Brockley Road at the corner of Brockley Road and Braxfield Road is in use as an undertakers

and. No. 296 is an office with residential accommodation above. The latter has planning permission for an additional storey in a contemporary style. To the south of no. 296, the parade appears to have been largely rebuilt in the post war period as shops with residential accommodation above.

- 1.3 The application site also includes the rear extension and yard of 294 Brockley Road. The former club has a fire escape onto the service road to the rear of 296-308 Brockley Road, which is accessed from Comerford Road. Comerford Road and Braxfield Road comprise two storey Victorian terraced houses with rear gardens of between ten to twelve metres in depth, a number of which border the application site.
- 1.4 The application site is opposite Brockley Cemetery which is located within the Brockley Conservation Area. The facade of the church hall and the adjoining Victorian shops are regarded, by virtue of their contribution to the street scene, as non-designated heritage assets.

2.0 Relevant Planning History

- 2.1 DC/10/74907/X: The demolition of the existing church hall and ancillary buildings, with retention of the facade at St Cyprians Hall, Brockley Road SE4 and the construction of a single to four storey building to provide a restaurant (Use Class A3) and office (Use Class A2) on the ground floor, together with 3 one bedroom and 5 two bedroom self-contained flats and 1 two bedroom self-contained maisonette. **Granted and in the process of being implemented.**
- 2.2 DC/15/92982: An application under section 73 of the Town and Country planning Act 1990 for a minor material amendments to the planning permission (DC/10/74907) granted on 28th July 2011 for the demolition of the existing church hall and ancillary buildings, with retention of the facade at St Cyprian's Hall, Brockley Road SE4 and the construction of a single to four storey building to provide a restaurant (Use Class A3) and office (Use Class A2) on the ground floor, together with 3 one bedroom and 5 two bedroom self-contained flats and 1 two bedroom self-contained maisonette. This comprises the amendment of the previous approved plans to include new plans and elevations incorporating alterations comprising the provision of a transom to most of the proposed casement windows, changes to the proposed internal layout, changes to the proposed roof garden layout including the provision of a living roof buffer to the area of flat roof adjoining the gardens of neighbouring properties in Comerford Road, details of the proposed bollard lights for the roof garden together with additional information on materials, fencing and mesh balustrades. **Granted.**

3.0 Current Planning Application

- 3.1 Planning permission is sought for the proposed change of use of part of the ground floor of the property from office (Use Class A2) and restaurant (Use Class A3) to retail (Use Class A1). Alterations to the front and side (north) elevations are also proposed. It should be noted that although the lawful use of the ground floor is as office and restaurant floorspace, they have never been occupied as such.
- 3.2 The separate retail unit fronting Braxfield Road would remain, as would the entrance to flats 1-8 on the upper floors and the separate residential unit labelled as 'House' on the drawings. There would be a reduction in the office and refuse

space to facilitate the provision of a plant room. This would necessitate minor changes to the fenestration.

3.3 The proposed alterations to the shopfront consist of the central double door entrance being replaced by double glazed automatic sliding doors and the doors to either side being replaced by shopfront glazing in grey aluminium frames.

3.4 The opening times of the retail unit are proposed to be 06:00-23:00 Monday-Sunday.

4.0 Consultation

4.1 No pre-application advice was sought.

4.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.3 A site notice was displayed and letters were sent to 19 adjoining residents, Brockley Ward Councillors, the Council's Highways and Environmental Health Officers.

Written Responses received from Local Residents

4.4 32 objections were received from local residents raising the following concerns:

- The location is one of the few that is suitable for a large restaurant and there is a surfeit of small supermarkets in the area, including two Co-ops.
- The Crofton Park Co-op is poorly run.
- The building has not been finished before the change of use has been applied for.
- This could discourage local entrepreneurs from this location.
- The opening of another convenience store would make the high street unattractive.
- The proposed use would not support the night time economy of the area.
- Parking and traffic issues as the site has no parking spaces, which is further constrained by the bus stop opposite and on the other side of Braxfield Road, and drivers will illegally park on the junction or on nearby residential streets.
- The Co-op will put several of the smaller convenience stores out of business, leaving derelict and unsightly spaces in the high street.

4.5 The Council's Highways Officer had concerns over the following:

- There are no facilities for customer parking
- No servicing would be able to be provided at the front of the store so the only viable location is via Braxfield Street, which is a residential street and therefore very noise sensitive, as well as being heavily parked. Whilst it would be possible, there are therefore concerns about the delivery truck or lorry using that street.
- There is no dedicated service bay on this street so whilst one could be applied for, there are concerns over it taking away up to three valuable parking spaces, and in the meantime, there is no guarantee that there would be a space available for unloading goods at the time of the deliveries.

- The space outside the 'refuse corridor', which appears to be shown as decking on the proposed ground floor plan, is not within the red line on the site location plan. Therefore, it appears as though this is not owned by the applicant / developer. However, the store will need the use of this for colleagues to push and pull cages from the store to the delivery truck / lorry. The applicant will need to confirm whether they own this space or have right of access from its owner.

The Highways Officer suggested a number of conditions as follows:

- The swept path analysis within the Transport Statement showed that a 8.1m rigid vehicle is the largest vehicle that could be routed along Braxfield Road and Arabin Road to service the A1 unit. If permission was granted a condition would be required restricting the size of vehicles that can service the A1 unit.
- The submission of an updated Delivery & Servicing Plan (DSP), the plan should include details of measures to rationalise the number and time of delivery and servicing trips to the commercial element of the development, with the aim of reducing the impact of servicing activity. The plan should also include the additional information that has been submitted via email in relation to storage of cages. The A1 use should operate in accordance with the approved DSP.
- No deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 19:00 on any day. The movement of any roll cages or the waiting of lorries on or near the site should be restricted outside of the recommended delivery times.
- The applicant will be required to enter into a S278 agreement with the Highway Authority to secure the provision of a loading bay and the associated Traffic Regulation Order.

Cycle parking would also be secured via condition.

4.6 The Council's Environmental Health Officer supported the findings of the noise report, subject to the plant being situated inside a plant room rather than externally and required confirmation that the Refrigeration Condenser and the air conditioning would be switched off at night (23:00-07:00) as well as whether the plant condenser night time 'set back' is pre-installed within the equipment or whether it requires a manual intervention to be turned off. They also asked that the report specifically details the plant louvre attenuation.

4.7 Officers consider that the EHO's concerns have now been alleviated following the confirmation from the applicant that all noise requirements will be met in the design of the plant equipment and louvres, and that the submitted report was based on the AC units not being operational at night, whilst the refrigeration equipment would be.

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 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 2016)

- 5.6 On 14 March 2016 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character
Policy 7.6 Architecture

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

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 26 Noise and vibration
DM Policy 30 Urban design and local character
DM Policy 31 Alterations/extensions to existing buildings

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the principle of development, the impact of the proposal's design on the character and appearance of the existing building, the surrounds and on the amenities of neighbouring occupiers as well as noise and highways issues.

Principle of development

- 6.2 The Council have no planning policies to resist the loss of floor space in Use Classes A2 and A3. The proposal retains the ground floor of the property in the A Use Class, which is welcomed given that the property is located within a group of at least four contiguous shops that constitutes a local shopping parade, as defined by the Development Management Local Plan.
- 6.3 Marketing information in the form of a letter from Hindwoods Chartered Surveyors dated 20th July 2016 and marketing brochure have been provided by the applicant to demonstrate that the unit has been marketed since 2nd September 2015 for Use Classes A1, A2, A3 and B1 with other uses subject to planning to broaden the market to include D1, D2, A4 and A5. A rent was not quoted and the size of the property available was marketed from 355 sq. ft. – 7,736 sq. ft. Whilst marketing is not a policy requirement for this change of use, Officers are satisfied with this approach and note the only interest came from operators who would not have been suitable for the space.
- 6.4 The concerns of objectors who would have preferred to see a restaurant opening on the site are noted. However, given the position of the premises in a local shopping parade and the lack of interest from restaurant operators in the space, the proposed use would be very difficult resist in planning policy terms.
- 6.5 As such, the proposed land use is considered acceptable in principle.

Design

NPPF Section 7 Requiring good design states that the Government attaches great importance to the design of the built environment. Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character. DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings.

- 6.6 The proposed alterations to the front and side elevations use contemporary doors, glazing and materials that are appropriate for the contemporary nature of the building and the surrounding area and are therefore acceptable.
- 6.7 The louvres would face onto Braxfield Road, a largely residential street. The applicant has confirmed that they are of a size to allow sufficient fresh air in so that the air conditioning units and refrigeration condenser work effectively and to ensure that noise is kept to a minimum. They would be finished in grey to match the existing building and are considered acceptable.
- 6.8 The design and materials proposed for the alterations are considered to be of a high quality and appropriate for the building and its surrounding context. As such, the proposal complies with Core Strategy Policy 15 and DM Policies 30 and 31.

Impact on the amenity of neighbouring occupiers

- 6.9 There would be no impact from the proposal on the amenities of adjoining neighbouring properties or to the future occupiers of those flats above in terms of levels of sunlight, daylight, associated overshadowing, outlook or privacy.
- 6.10 DM Policy 26 Noise and vibration states that the Council will require a Noise and Vibration Assessment for noise generating equipment, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician.
- 6.11 In compliance with this policy, the applicant has submitted an Environmental Noise Impact Assessment Report for the a/c units, refrigeration condenser and refrigeration pack that would be located within the proposed plant room.
- 6.12 The Council's Environmental Protection Officer has stated that the report is acceptable subject to a few items being confirmed by the applicant. They have confirmed that all noise requirements will be met in the design of the plant equipment / louvres and that the assessment is based on the a/c units not being operational at night, but the other plant equipment will be. Officers consider that it essential for the refrigeration equipment to remain switched on for the food retail use and therefore raise no objection in this case. However, a condition will be added regarding plant room noise control.

Highways

- 6.13 The highways issues have been outlined in the consultation section of this report. On balance it was considered that the use would be acceptable in highways terms

subject to the imposition of suitable conditions regarding the type of delivery vehicle, times of deliveries, the submission of a revised servicing and delivery plan, provision of secure cycle parking and the provision of a servicing bay on the public highway to secure the arrangements set out in the servicing and delivery plan.

- 6.14 Table 6.3 of London Plan Policy 6.9 states that one cycle space is required for a food retail use between 100m² and 750m². The development is to be car-free and the applicant has stated that the catchment area for the proposed 'top-up' sized store would likely be limited to approximately 400m and that where people drive rather than walk, there is parking available on the opposite side of the street. This approach is considered acceptable since the site has a PTAL of 4 which indicates 'Good' public transport accessibility.
- 6.15 Delivery to and the servicing of the proposed store would be via Braxfield Road, which is a residential street. A servicing bay is proposed in place of the 'keep clear' marking and part of the single yellow line and therefore no loss of parking would ensue. This would override the current 'no waiting at any time' restriction.
- 6.16 The cages full of goods delivered to the store and the empty cages returned to depot would come and go through the refuse corridor, and it has been confirmed by the applicant that it would be wide enough for the cages with the 'back of house' area sufficiently sized for cage storage. Therefore, the only time that cages would be left outside is while cages are being unloaded from a delivery, which would not be for a long period of time. It has also been confirmed that the strip of land directly outside the door belongs to the landlord of the site.

7.0 Equalities Considerations

- 7.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.3 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it

relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

- 7.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty

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

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

8.0 Conclusion

- 8.1 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 2016) and the National Planning Policy Framework (2012).

- 8.2 It is considered that the principle of development is acceptable and the proposal would have no significant adverse impact on the building, surrounds and on neighbouring amenity through design, noise or highways issues.

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:

AP02A; AP06A; AP09A; AP16A; AP19A; Environmental Noise Impact Assessment Report; Planning & Retail Statement; Transport Statement

AP32; AP33; AP34 Received 30th June 2016

Marketing Letter 20.07.2016; Hindwoods Marketing Brochure Received 20th July 2016

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

3)

- a) In compliance with the Plant Noise Emission Criteria presented in Section 8.0 of the Environmental Noise Impact Assessment Report, the plant room louvres shall be attenuated such that noise emissions shall not exceed the following Cumulative Atmospheric Plant Noise Emission Limits when measured at 1 metre from the louvres with all appropriate plant operating simultaneously:
- Cumulative Atmospheric Plant Noise Emission Limits
 - Sound Pressure Level (SPL dB re 2x10⁻⁵ Pa)
 - Daytime (07:00 – 23:00 hours) 50dBA @ 1m
 - Night-time (23:00 – 07:00 hours) 37dBA @ 1m
- b) Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

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

- 4) The proposed retail (A1) unit shall be serviced by rigid vehicles of no greater length than 8.1m.

Reason: To safeguard the amenities of the adjoining residential occupiers, especially along Braxfield Road and Arabin Road, and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

- 5) A revised Delivery & Servicing Plan shall be submitted to include, but not limited to, details of measures to rationalise the number and time of delivery and servicing trips to the retail (A1) unit and the storage of cages. The scheme shall be carried out in full accordance with the Delivery & Servicing Plan, as approved.

Reason: To comply with Core Strategy Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 6) No deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 19:00 on any day and the movement of any roll cages or the waiting of lorries on or near the site shall only take place within those times.

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

- 7) The development shall not be occupied until the Local Planning Authority has approved in writing a scheme of works to provide a loading bay on Braxfield Road.

Reason: To comply with Core Strategy Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 8) The premises shall only be open for customer business between the hours of 7am to 11pm on any day of the week.

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 16 Local shopping parades and corner shops 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 discussions took place which resulted in further information being submitted.

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Committee	PLANNING COMMITTEE B	
Report Title	10 Lawrie Park Avenue, SE26	
Ward	Sydenham	
Contributors	Ann McCormick	
Class	PART 1	Date:20 October 2016

<u>Reg. Nos.</u>	DC/16/097415
<u>Application dated</u>	19.04.2016 (as revised 15.09.16)
<u>Applicant</u>	Michael Demetris
<u>Proposal</u>	Construction of a 1-bedroom, part single/part two storey dwelling to the side of No. 10 Lawrie Park Avenue, SE26 together with cycle and waste storage
<u>Applicant's Plan Nos.</u>	LP-01; BP01; 101; 102; 103; 104; 105 Rev H; 107 Rev G; 108 Rev G; Planning Statement and Design & Access Statement
<u>Background Papers</u>	(1) Case File LE/67/213/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 3
<u>Screening</u>	N/A

Property/Site Description

- 1.1 The application relates to the garden space to the side of 10 Lawrie Park Avenue associated with the end of terrace property at No.10 Lawrie Park Avenue.
- 1.1 The host building forms part of a two storey 1950s/1960s terrace comprising 3 houses. At the opposite end of the terrace, the dwellings step down to single storey as the terrace wraps round the corner with Sheenewood. The properties are set back circa 7.2m from the street, with an area of grass separating the pavement and the houses.
- 1.2 To the north of the site, the building style slightly changes, including a set back in the building line of the adjoining fence. This group of houses consist of a semi-detached pair and a terrace of 5 houses. These properties have single storey integral garages that project forward of the front wall of the main house. The property immediately north of the application site also has a pagoda which projects from the front wall of the house, infilling the space to the south of the projecting garage.
- 1.3 No.10 Lawrie Park Avenue's rear garden wraps round to the side of the property. Officers have measured this space to be 218sqm. The site tapers slightly towards

the rear. There is a brick wall on the boundary line between No.10 Lawrie Park Avenue and the adjoining property which is No.1 Gable Court.

- 1.4 The surrounding street is residential in nature with varied building styles throughout the street. However, whilst the building styles vary, each style is grouped together with like buildings.
- 1.5 The site has a PTAL rating of 3.
- 1.6 The property is not located within a conservation area and is not subject to an Article 4 direction. It is not a listed building.

2.0 Planning History

- 2.1 DC/15/92867: Application for the construction of a two-storey, three bedroom dwelling to the site of 10 Lawrie Park Avenue, SE26. **Refused 15/10/2015** by Council for the following reasons:
 - Proposed development failed to respect and complement the alignment of the existing street, giving rise to an awkward and incongruent relationship between the proposed property and No.1 Gables Court detracting from the established spacious character and appearance of the streetscene resulting in a cramped appearance;
 - The proposed development fails to provide cycle parking facilities.
- 2.2 Appeal Reference AAP/C5690/W/15/3140035: Appeal dismissed due to harmful impact to the character and appearance of the area contrary to Policy 15 of Core Strategy, DM Policy 30 and DM Policy 33.
- 2.3 PRE/16/002289: Pre-application meeting (following refusal of DC/15/92867) for construction of two-storey, 2bedroom/4 person dwelling.

3.0 Current Planning Application

- 3.1 The application relates to the construction of a two storey 1B/2P dwelling to the side of 10 Lawrie Park Avenue, SE26 together with the provision of cycle and waste storage. Originally the application also proposed a basement and associated lightwell to provide 2no. additional bedrooms however, following discussions with officers, design changes were made to omit this element, leaving only a 2-storey, one-bedroom proposal. The amended drawings were received 15th September, and associated Addendum to Design and Access & Planning Statement received 19th September.
- 3.2 The proposed dwelling would be flush with the existing end of terrace property (No. 10 Lawrie Park) both with regards to the front building line and ridge height.
- 3.3 The proposed development would involve the subdivision of the existing garden space belonging to No. 10. It would result in 63.89sqm (8.5-9.8m in depth) rear garden for the proposed dwelling and c. 102.18sqm remaining for the existing property at No. 10 Lawrie Park as measured by Officers.

- 3.4 As originally submitted, part of the existing boundary wall between No. 10 Lawrie Park and No. 1 Gables Court was proposed to be replaced with a timber fence. Following positive discussions subsequently, it has been agreed with the applicant that the wall would be retained. This can be secured by condition. A 2m high timber fence would be erected along the front elevation to replace the existing fence between the subject property and the existing wall along the boundary with No.1 Gables Close.
- 3.5 The property would form a continuation of the existing terrace and would therefore be two storey in height with a pitched roof. At the rear building line of this terrace, the proposed building would step down to single storey for a depth of 3.85m. The single storey element would abut the boundary with the new boundary line of No. 10 Lawrie Park and would be 2.8m from the side wall of No. 1 Gables Close. The single storey would have a flat roof with an eaves height of 3.0m and would include two rooflights.
- 3.6 The proposed dwelling would have a gross internal area of 68sqm with a 2.5m floor to ceiling height across both levels. One bedroom would be provided (double room) and bathroom at first floor, and an open plan kitchen/living/dining and WC at ground floor. The standard of accommodation will be assessed later in this report.
- 3.7 The proposed materials would match the existing No. 10 Lawrie Park Avenue.
- 3.8 The proposal has increased the distance between No.1 Gables Close and has adapted the design of the proposal in response to the previously refused application (DC/15/92867) and subsequent dismissed appeal as well as discussions with officers.
- 4.0 Consultation**
- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to twenty-one neighbouring properties and the relevant ward Councillors were consulted. The Council's Highways and Environmental Sustainability teams as well as Thames Water were also consulted.
- 4.3 Four objections were received from neighbouring residents at No. 1 and No.7 Gable's Court and No. 15 and No.17 Lawrie Park.
- 4.4 Occupants of No. 15 Lawrie Park
- Concerns that the proposal would result in overdevelopment
- 4.5 Occupants of No. 17 Lawrie Park
- Concerns of loss of privacy
 - Proposed basement is not in line with current style of property situated on the road.

4.6 Occupants of No. 7 Gable's Court

- Concerns that the proposal would look out of character with surrounding area.

4.7 Occupants of No. 1 Gable's Court:

- No objection in principle but concerns regarding the development;
- Would not be happy with brick wall along boundary being replaced by timber fence. Would be amenable to new brick wall built to same height and length;
- Concerns regarding proposed basement and impact on the existing sewer (This no longer applies as basement has been removed from proposal).

5.0 **Policy Context**

Introduction

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

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

A local finance consideration means:

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

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were

adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

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

Other National Guidance

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

London Plan (2015 as amended)

- 5.6 In March 2016 the London Plan (March 2015) was updated with minor amendments. The policies relevant to this application are:

Policy 3.5 Quality and design of housing developments
Policy 7.4 Local character

Core Strategy

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

Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 15 High quality design for Lewisham
Policy 8 Sustainable Design and Construction

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 30 Urban design and local character
DM Policy 32 Housing design, layout and space standards

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

Residential Standards Supplementary Planning Document (updated 2012)

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

6.0 Planning Considerations

6.1 The main considerations for this application are:

Principle of Development

6.2 The proposed development would infill a gap in the street frontage between No. 10 Lawrie Park Avenue and No.1 Gables Court. The subdivision of the existing garden belonging to No. 10 Lawrie Park Avenue would also facilitate the development. The garden space accessible to the occupiers would be reduced from 218sqm to 102.18sqm.

6.3 DM Policy 33 relates to 'Development on infill sites, backland sites, back gardens and amenity areas' and will be applied to the proposed development.

6.4 The policy defines various types of development sites, outlining the suitability of residential development on each type of site. It does however recognise that there will be some instances where a particular site will not fall squarely within any one of these definitions. The policy states that in these cases, the principles that will be applied will be taken from the appropriate parts of this policy.

6.5 The proposal is considered to have features that liken it to both infill development and back garden development. Whilst the Council's policy framework seeks to resist back garden and backland development, the application site has many characteristics that would deem the proposed development successful when considered an infill development. As the proposed development would not be located on a landlocked site nor within an enclosed rear garden, but instead have a street frontage, a development of this kind could be considered acceptable in principle as long as sufficient garden space is retained for the host building.

6.6 Therefore, whilst the principle of the proposed development may be considered to be acceptable, the proposed development would also be expected to meet the following policy tests as required under Part A 'Infill Sites' of DM Policy 33:

- a. Make a high quality contribution to an area
- b. Provide a site specific creative response to the character and issues of the street frontage typology

- c. Result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens
 - d. Provide amenity space in line with DM Policy 32
 - e. Retain appropriate garden space for adjacent dwellings
 - f. Repair the street frontage and provide additional natural surveillance
 - g. Provide adequate privacy for the new development and
 - h. Respect the character, proportions and spacing of existing houses
- 6.7 As outlined above, the acceptability of the proposed development is dependent upon its ability to meet the policy tests above. In order to ensure this, officers will have regard to design, standard of accommodation, impact on neighbours, sustainability and highways/transport.
- 6.8 It should also be noted that the acceptability of the principle of development in this instance is based upon whether the subdivision of the rear garden belonging to No. 10 Lawrie Park Avenue gives rise to an acceptable amount and quality of amenity space for both the proposed house and the adjoining property at No. 10.

Design

- 6.9 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.10 The NPPF requires Local Planning Authorities to undertake a design critique for planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 6.11 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles. The Councils Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.
- 6.12 As existing, No.10 forms an end of terrace property, the last house of its style before a transition is made to Gables Court which is a development from a similar era, but with different form, detailing and characteristics. With this transition, the building line takes a step backwards. The front wall of the main house at No.1 Gables Court is set approximately 2.9m back from the building line at No.10. The properties at Gables Court have single storey integral garages that project beyond the front wall of the main house by approximately 2.6m.

- 6.13 The brick boundary wall that runs along the boundary with the application site and No.1 Gables Court varies between 2.0-2.5m in height. In the existing streetscene, this wall is considered to mask the change in building line between the two groups of buildings.
- 6.14 As noted above, following positive discussions with the applicant/agent, it has been confirmed via email dated 5th October 2016 that the boundary wall between the subject site and No. 1 Gable's Court would be retained. This can be secured through condition.
- 6.15 The proposed house would adjoin the existing building at No.10 Lawrie Park Avenue and would have a flush front elevation continuing the existing building line of this terrace.
- 6.16 The proposed dwelling would be situated 2.81m from the neighbouring property at No. 1 Gables Court. The distance between the neighbouring property has been considered in line with the comments and indeed, the reasons for refusal of the previous planning application and the subsequent dismissal of the Appeal. It is considered that the distance between the neighbouring property and the proposed dwelling adequately addresses the previous concerns and would be acceptable in terms of siting of the proposed dwelling.
- 6.17 Following discussions with the Council to remove the basement element of the proposal, an Addendum to the Planning Statement and Design & Access Statement was received, dated 19th September, to advise that the front façade will no longer be set back from the existing building line of the adjoining properties and the roof ridge will match the height of No. 10 Lawrie Park Avenue.
- 6.18 The proposed single storey addition to the rear of the property is considered to be acceptable in terms of its design and would be a sensitive addition to the rear elevation.
- 6.19 The subject site lies within a suburban typology categorised by detached, semi-detached and terrace properties however, while the building design and configurations vary, there is a relatively consistent approach and any new proposals should respond appropriately and sensitively to this context. The proposed development, as amended is considered to be of an acceptable design.
- 6.20 As such, it is considered that the design of the proposed extension complies with the provisions of Policy 15 of the Core Strategy (2011) and DM Policy 30 'Urban Design and local character' of the Development Management Local Plan (2014).

Standard of Accommodation

- 6.21 Paragraph 17 of the NPPF details within its core planning principles that new development should seek to enhance and improve the health and wellbeing of the places in which people live their lives. London Plan Policy 3.5 'Quality and Design of Housing Developments' sets out minimum space standards which should be applied to all new housing developments. London Plan Policy 3.5 also seeks convenient and efficient room layouts to meet the changing needs of Londoners over their lifetimes.

- 6.22 Guidance on the implementation of the London Plan Policy 3.5 has been produced in the form of the Housing SPG (2016) which responds to the Department for Communities and Local Government’s publication Technical housing standards – nationally described space standard (in March 2015).
- 6.23 Specifically regarding housing developments, Policy DM 32 of the Lewisham Development Management Local Plan expects development to respond positively to site specific constraints and opportunities as well as to the existing and emerging context for the site and the surrounding area. Policy DM 32 also reinforce the prescribed minimum standards for housing development as set out in London Plan Policy 3.5. It states it will assess whether new housing development including conversions provides an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of room, with main habitable rooms receiving direct sunlight and daylight, adequate privacy and storage facilities to ensure the long term sustainability and usability of the homes.
- Unit Type and Size
- 6.24 With regards to unit type, the development seeks to deliver a 1 bedroom, two person dwelling house. The provision of a 1 bedroom dwellinghouse in this locality is considered to be acceptable. The development is however expected to meet further policy requirements. An assessment of the proposed residential property against required space standards is considered below in line with the Technical Housing Standards – Nationally described space standard (2015). The proposed occupancy has been outlined as being 1bedroom/2person.

Unit Type	Room	Size	Policy Requirement	Pass/Fail
1 bedroom/ 2 person	Overall Floor Area	68sqm	58sqm	Pass
	Floor to ceiling height	2.5m	2.5m (under DM Policy 32)	Pass
	Kitchen/Dining/Living	32sqm	N/A	N/A
	Bedroom (Double)	24sqm	11.5sqm	Pass
	Built-in storage	0.6sqm	1.5sqm	Fail

- 6.25 As can be seen from the table above, the proposed development is considered to provide a good quality standard of accommodation. While it is noted that the proposed storage falls below the minimum policy requirement, it is recognised that there is sufficient space within the proposed dwellinghouse to meet this requirement.
- Outlook, privacy and natural lighting
- 6.26 Further to the above, the ground and first floor of the proposed dwelling house is dual aspect; it has windows to the front and rear elevations. As a result, it would be

expected to give rise to a good level of outlook and natural lighting in all habitable rooms.

6.27 The proposal is therefore considered to be acceptable with regards to outlook.

- Amenity Space

6.28 The proposed development involves the subdivision of the garden space that serves the existing property at No. 10 Lawrie Park Avenue. As existing, the property has 218sqm of private garden space. The proposal would involve the provision of a rear garden to the proposed house, resulting in No. 10 having 102.18sqm of garden space remaining with a depth of between 11.4-11.7m. The proposed house would have 63.89sqm of rear garden space with a depth of 8.5-9.8m.

6.29 Therefore, although the proposal would result in a reduction of amenity space for the host building, the resultant garden space for both properties would be considered to provide a sufficient and high quality area of private amenity space.

6.30 In light of this, the proposal is considered to result in an acceptable provision of amenity space for both No. 10 and the new house.

- Functional requirements of future residents

6.31 Where appropriate, the Council would seek the provision of new homes designed, or capable of adaption, to housing for long term needs. London Plan Policy 3.8 and Core Policy 1 require all new homes to be built to Joseph Rowntree Foundation's Lifetime Homes Standards. The practical application of the Lifetime Homes Standard is to apply the criteria where relevant as many sites would not lend themselves to all of the criteria and some flexibility in their application is required, particularly when dealing with conversions.

6.32 New residential development is no longer required to meet the Lifetimes Home Criteria at planning stage, however this remains a matter to consider. Lifetime Homes Criteria seeks to incorporate a set of principles that should be implicit in good housing design enabling housing that maximizes utility, independence and quality of life.

6.33 The Planning Statement outlines that the proposed development would be capable of meeting the 16 Lifetime Homes criteria. This is acceptable.

Impact on residential amenity

6.34 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31, 32 and 33 seek to ensure that new residential development should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed extensions are neighbourly and that significant harm will not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light, loss of privacy or general noise and disturbance.

6.35 The Appeal Decision (Reference APP/C5690W/15/3140035) in relation to the previous proposal for a 3bed/4 person property outlined that the proposal would have an impact on No. 1 Gables Court owing to the new property being built along the

boundary, reducing the existing separation distance and indeed creating '*an awkward and close juxtaposition of the two properties and their contrasting building lines*' (to the front elevation) as a result.

- 6.36 The current proposal would have a separation distance of 2.2m from the front building line to the existing boundary wall. This is considered to be sufficient and would resolve the impact outlined above by the Inspector in relation to the previous refusal.
- 6.37 As outlined above, the proposed development would not be considered to give rise to a loss of privacy or a harmful increase in overlooking. The proposed house would be 2.8m from the side wall of No.1 Gables Close and together within the existing brick wall along the boundary, is considered to provide an adequate distance from the neighbouring property. The separation distance would reduce to 2.2m from the rear building line of the proposed dwelling to the flank of the neighbouring property at No. 1 Gable's Court. However this is consider adequate.
- 6.38 In addition to the above, the two proposed windows (1.2m x 1.3m and 0.6m x 1.3m) on the side elevation would be visible for 0.2m above the height of the boundary wall (2.2m). In addition, the proposed windows would be obscured and fixed and as such, are not considered to impact on the amenity or privacy of the adjoining property.
- 6.39 The single storey element of the proposed house would extend beyond the rear wall of the house at No.10 Lawrie Park Avenue. It would extend 3.85m and would be the full width of the two storey part of the house. It would have a flat roof with an eaves height of 3m. Due to the orientation of the application site, the proposal would not be expected to give rise to a significant overshadowing impact upon No.10. Whilst the presence of the building would be noticeable and perhaps change the feel in the front part of this garden, due to its depth it would not be expected to give rise to a significant overbearing impact.
- 6.40 The proposed dwelling would be flush with the building line of the adjoining property at 10 Lawrie Park Avenue and would sit c.3m forward from the front building line of 1 Gable's Court. As a result of the proposed two-storey height, the proposal would have a potential impact on No. 1 Gable's Court in relation to overshadowing and loss of daylight. However, as there are no windows on the flank of No. 1 Gables Court, and taking the height of the existing boundary wall into consideration and indeed the use of the front of the property at No. 1 Gables Court for the use of the driveway, on balance, any potential overshadowing is considered to be negligible to the enjoyment of the property for occupants of No. 1 Gable's Court.
- 6.41 In light of the above, the proposed development is considered to be acceptable with regards to neighbouring amenity.

Sustainability

- 6.42 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. The NPPF requires planning policies to be consistent with the Government's zero carbon buildings policy and adopt nationally described standards. In determining planning applications, Local Planning Authorities should expect new development to comply with adopted policies on local requirements for decentralised energy supply unless it can be demonstrated by the

applicant, having regard to the type of development involved and its design, that this is not feasible or viable and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

- 6.43 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies 7 and 8 support the London Plan principles and also require all new residential development to meet a minimum of Level 4 standards in the Code for Sustainable Homes and non-residential development to meet a minimum of BREEAM 'Excellent'
- 6.44 Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes and it has been fully absorbed into the new Part L of Building Regulations. As such, energy and water savings to meet CfSH equivalent on minor residential schemes are secured through Building Regulations and do not therefore need to be secured through the planning process.
- 6.45 Therefore, the proposed development is considered to be acceptable with regards to sustainability.

Transport/Highways

- 6.46 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 can 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.
- 6.47 London Plan and Core Strategy Policies encourage sustainable transport modes whilst recognising the need for operational parking for commercial uses and disabled parking facilities. Car parking standards within the London Plan should be used as a basis for assessment. Priority should be given to enhancing pedestrian and cycle routes and promoting use of sustainable transport modes through a Travel Plan.
- 6.48 Policy 6.9 of the London Plan maintains that development should provide secure, integrated and accessible cycle parking facilities. A dwelling of the proposed scale must provide 1 secure and dry cycle parking spaces.
- 6.49 The proposal includes three secure and covered cycle parking spaces. As such, the proposal is considered to be acceptable in terms of cycle parking provision.
- 6.50 The proposed development may give rise to an additional car(s) in the street. However, due to the scale of the development, the proposal would not be expected to give rise to additional parking stress in the street and surrounding area.
- 6.51 The proposed development is considered to be acceptable with regards to highways/transport.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 The proposal would not give rise to any additional impact on residential amenity in terms of overlooking or general noise and disturbance.
- 7.3 In light of the above, it is recommended that planning permission is granted on the basis that the proposal is of acceptable design and will not create a negative impact on the host building or the surrounding environment.

8.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which 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:

BP01; LP01; 103; 104; 101; 102 (Received 11 July)

105H; 107 Rev G; 108 Rev G (Received 15 September 2016)

Design and Access Statement (Addendum dated 19 September 2016)

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

- (3) No development shall commence above ground level on site until a detailed schedule and specification of all external materials, including windows, doors, roof coverings and boundary treatments have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the highest quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

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

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

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

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

- (6) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof on the building 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, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- (7) None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority

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

- (8) Notwithstanding the approved drawings, the existing boundary wall with No.1 Gables Court shall be retained.

Reason: In the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

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 pre-application advice was sought for the construction of a two-storey 2-bedroom/4 person dwelling and advice was given regarding the proposal being unacceptable. Discussions took place during the application process which resulted in further information being submitted.

- (B) You are advised that all construction work should be undertaken in accordance with the 'London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites' available on the Lewisham webpage.

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Committee	PLANNING COMMITTEE B	
Report Title	278-280 Kirkdale, SE26 4RS	
Ward	Sydenham	
Contributors	Ann McCormick	
Class	PART 1	20 October 2016

Reg. Nos. DC/16/097653

Application dated 25.07.2016

Applicant Acorn Ltd

Proposal Application submitted under Section 73 of the Town & Country Planning Act 1990 for a minor material amendment to vary condition (2) (approved plans & documents) of the planning permission DC/14/89804 granted 17 June 2015 for the demolition of the existing building at 278-280 Kirkdale SE26, and the construction of a five storey building with basement to provide a public house at ground and basement levels, together with 7 one bedroom self-contained flats with balconies above, **in order to allow the use of the approved basement and ground floors for a use falling within Use Class A2, as well as (already approved) A1 and A3.**

Applicant's Plan Nos. 08.13 DWGZB 09 Rev C; 08.13 DWGPL3099A;
Application Site, Site Plan

Background Papers (1) Case File LE/240/278/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation PTAL 5
Secondary Frontage
Sydenham District Centre
Cobb's Corner Conservation Area

Screening N/A

1.0 Property/Site Description

1.1 The application site is situated on the south side of Kirkdale on a small, roughly rectangular plot of land immediately to the west of the railway line adjoining Sydenham Station.

- 1.2 The site formerly comprised two single storey shops which were demolished in 2013 and replaced with a five storey building with basement as approved under DC/07/66511.
- 1.3 The surrounding street is commercial in nature with a range of Use Classes as outlined within Appendix 1 of this report.
- 1.4 The site has a PTAL rating of 5.
- 1.5 The property is located within the Cobb's Corner Conservation Area. It is not a listed building.

2.0 Planning History

- 2.1 DC/04/57020: Construction of four-storey building on the site of 278-280 Kirkdale to provide two retail units with cycle and refuse stores on the ground floor and 2x1 bedroom and 2x2 bedroom self-contained flats incorporating balconies on the upper floors, together with a roof garden. Granted 19/04/2005.
- 2.2 DC/07/66511: Demolition of existing building at 278-280 Kirkdale and construction of a five-storey building with basement to provide a public house at ground and basement levels, together with 7x1 bedroom self-contained flats with balconies above. Granted November 2007.
- 2.3 DC/14/089804: Application under Section 73 of the Town and Country Planning Act 1990 for a minor material amendment in connection with the planning permission dated 22 September 2010 (DC/07/66511) for the demolition of the existing building at 278-280 Kirkdale SE26, and the construction of a five storey building with basement to provide a public house at ground and basement levels, together with 7 one bedroom self-contained flats with balconies above in order to allow: the re-wording of Condition (1) to include drawing numbers 08.13.DWG PL3099A, 09.13.DWG.ZB099 Rev A, 07/1394/01B, and the change of use of the ground floor and basement from public house (Use Class A4) to retail or office within Use Classes A1 or A3. Granted 17 June 2015.

3.0 Current Planning Applications

- 3.1 The application relates to a minor material amendment to vary condition (2) (approved plans & Documents) in connection with the planning permission (DC/14/89804) granted 17 June 2015 for the demolition of the existing building at 278-280 Kirkdale SE26, and the construction of a five storey building with basement to provide a public house at ground and basement levels, together with 7 one bedroom self-contained flats with balconies above, **in order to allow the use of the approved basement and ground floors for a use falling within Use Class A2, as well as (already approved) A1 and A3.** According to the applicant the commercial unit has not been occupied since construction and has been marketed for use with A1/A3 since 2014 with little interest.
- 3.2 As outlined within the applicant's submission, this minor amendment will facilitate the applicant, Acorn Ltd, who have been located within the area for over 20 years, and whose office is currently situated within the primary shopping frontage at 54

Sydenham Road to relocate to the subject site. This relocation will result in an increase of 3-4 additional members of staff to be recruited.

3.3 As such, the proposal involves the relocation of an existing A2 business to a different unit within the Secondary Shopping Frontage within the District Centre of Sydenham.

3.4 No external alterations or changes to any other conditions are proposed.

4.0 Consultation

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

4.2 Site notices were displayed, a Press Notice was advertised on 10 August 2016 and letters were sent to 111 neighbouring properties and the relevant Ward Councillors. The Council's Highways team and Conservation Officer were also consulted together with Network Rail and the Sydenham Society.

4.3 Two objections were received from the Sydenham Society and a Ward Councillor.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

Other National Guidance

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

London Plan (2015 as amended)

- 5.6 In March 2016 the London Plan (March 2015) was updated with minor amendments. The policies relevant to this application are:

Policy 4.7 Retail and town centre development
Policy 7.4 Local character

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:

Core Strategy Policy 6 Retail hierarchy and location of retail development
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment.

Development Management Local Plan

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

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

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

- DM Policy 14 District Centre Shopping frontages
- DM Policy 19 Shop fronts, signs and hoardings
- DM Policy 30 Urban design and local character
- DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their settings: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens.

6.0 Planning Considerations

6.1 The main considerations for this application are:

Principle of Development

- 6.2 Guidance for determining S73 applications is set out in the NPPG which states that a minor material amendment is one '*whose scale and nature results in a development which is not substantially different from the one which has been approved*'. This is not a statutory definition but the Department for Communities and Local Government agree with this statement.
- 6.3 The proposed amendments comprise changing the proposed Use Class of the ground floor and basement from already approved A1/A3 use to include A2 use, thereby becoming A1/A2/A3. The reason for this proposed change in use is to allow the applicant (Acorn Ltd) to relocate their estate agent office from 54 Sydenham Road to the subject site.
- 6.4 No external changes or alteration to any other conditions are proposed. The changes are minor when judged against the scheme in its entirety and do not change the nature or scale of the approved scheme. It is therefore considered appropriate to deal with the proposed alterations as a minor material amendment.
- 6.5 DM Policy 14 'District Centre shopping frontages' sets out the criteria for considering proposals involving the loss at ground floor level of shops (Class A1). While it is noted that the ground floor unit is currently vacant, this policy applies as it has planning permission for businesses falling within both Use Class A1 and A3.
- 6.6 As the site lies within Sydenham district town centre and is identified as a secondary shopping frontage with the Policies Map, the proposed minor material amendment would also be expected to meet all of the following criteria as required under Part 2 of DM Policy 14:
- a. Introduce an A2, A3, A4 or D2 use

- b. 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)
- c. Not create an over-concentration of non-retail uses so as to create a break in the retail frontage of 3 or more non-A1 uses together
- d. Not harm the retail character, attractiveness, vitality and viability of the centre including unreasonably reducing the percentage of A1 units
- e. Retain an appearance which is compatible with adjoining shop units including window presentation
- f. Provide an active frontage at ground floor level

6.7 The site is located within Sydenham district town centre and falls within a secondary shopping frontage. The surrounding area consists of a mix of retail, cafes, betting offices, banks and estates agents among others. A comprehensive list of units and their associated Use Classes within the surrounding area is provided at Appendix 1. The area surveyed covered c. 640m from Sydenham Station (Stop E) (adjacent to 'Pure Gym', 291 Kirkdale) to the corner of Sydeham Road/Mayow Road. A total of 115 units were surveyed.

6.8 Objections were received citing the saturation of A2 use in the area as well as querying if 70% retail was still available in the core area of the high street from the Cobbs to Mayow. It should be noted that in relation to 70% of A1 uses, DM Policy 14 'District centres shopping frontages' states that '*70% of A1 uses in the primary shopping frontage...should be maintained*'. As the site is situated within the secondary shopping frontage, this requirement does not apply.

6.9 Having surveyed the uses of 115 surrounding units in close proximity to the site, the following was established:

A1 Use Class: 54.7% (63 units)

A2 Use Class: 14.78% (17 units)

A3 Use Class: 12.17% (14 units)

A4 Use Class: 0.86% (1 unit)

A5 Use Class: 1.73% (2 units)

D1 Use Class: 3.47% (4 units)

D2 Use Class: 0.86% (1 unit)

Sui Generis: 8.69% (10 units)

Other (vacant): 2.60% (3 units)

- 6.10 In relation to the above criteria as provided under DM Policy 14, it is clear that the proposal meets all six aspects:
- 6.11 A) The proposal will introduce an A2 use
- 6.12 B) There will be no harm to the amenity of adjoining properties
- 6.13 C) There will not be 3 or more non-A1 uses together. The immediately adjoining units comprise of a DIY Store, Bookstore, Charity Shop, Convenience Store, Newsagents, Pharmacy (all Use Class A1), Credit Union (Use Class A2) and Café (Use Class A3).
- 6.14 D) The proposal will not unreasonably reduce the percentage of A1 units. Following a site visit by Officers and as outlined with Appendix 1, 54.7% of units in the immediately surrounding area comprise of A1 Use. The proposal involves the relocation of an existing A2 unit in the area, and furthermore, the ground floor unit of the subject site is currently vacant, and therefore does not result in a loss of an existing A1 unit.
- 6.15 E) The appearance of the ground floor unit will remain the same.
- 6.16 F) The proposed relocation of an existing business will provide an active frontage.
- 6.17 In light of the above, the proposed variation of condition to allow A2 use at this site is considered to be appropriate.

Amenity of Future Occupiers and Neighbours

- 6.18 The impact of the development upon existing residential occupiers surrounding the site was considered and deemed to be acceptable when planning permission was granted for the original proposal under DC/07/66511 and indeed through application DC/14/089804 for the rewording of Condition (1) for the change of use of ground floor and basement from public house (A4) to retail or office within Use Classes A1 or A3.
- 6.19 The present application does not present an opportunity to re-consider the impact of the development in its entirety in respect of impact upon neighbouring amenity. It is only reasonable and appropriate to consider the impact of the amendments sought.
- 6.20 The change in use from a proposed A1 or A3 use to include an A2 use is seen to result in similar effects. As such, the hours of opening conditioned as part of DC/14/089804 grant of permission shall be implemented as part of this application. This provides that *'premises shall not be open for customer business between the hours of 12 midnight and 8am on any day of the week.'*
- 6.21 From the above, it is considered that the relocation of an existing A2 Use Class business in the area would not give rise to a saturation of A2 Use within the surrounding streetscene.
- 6.22 As a result, the proposal is considered to be appropriate.

Community Infrastructure Levy

6.23 The above development is CIL liable.

7.0 Equalities Considerations

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

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

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

7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

7.4 In this matter there is no impact on equality.

8.0 Conclusion

8.1 For the reasons set out in this report, the proposed amendments are considered to be minor material as they will not change the nature and scale of the development as originally approved.

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

8.3 The proposed amendments would not adversely affect the design of the scheme or amenity of future occupiers or existing neighbours. As a result, it is recommended that planning permission is granted.

9.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which permission is granted (22 September 2010).

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:

08.13 DWGZB 09 Rev C; 08.13 DWGPL3099A; 07/1394/01B; un-numbered survey/elevation plan; Application Site; Site Plan.

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

- (3) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

Reason: To ensure that the highest quality demonstrated in the plans and submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- (4) All window and door openings shall be constructed with minimum 90mm deep external reveals

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 'Urban design and local character' of the Development Management Local Plan (November 2014).

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

Reason: It is considered that such plumbing or pipes would seriously detract from the 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).

- (6) The premises shall not be open for customer business between the hours of 12 midnight and 8am on any day of the week.

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 14 District centres shopping frontages of the Development Management Local Plan (November 2014).

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

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

- (8) The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans or drawings submitted therewith and hereby permitted in writing by the local planning authority, or as shall have been agreed in writing by the local planning authority, before any part of the building is occupied.

Reason: To ensure that the development is carried out to the satisfaction of the local planning authority

INFORMATIVES

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

APPENDIX 1- Retail Survey 278-280 Kirkdale

Property No	Current Use	Use Class
242 Kirkdale	Off License	A1
246 Kirkdale	Shoe Shop	A1
250 Kirkdale	Café	A3
252 Kirkdale	Solicitor Office	A2
254 Kirkdale	Tattoo Parlour	Sui Generis
256 Kirkdale	Estate Agent	A2
260 Kirkdale	Café	A3
262 Kirkdale	Credit Union	A2
264 Kirkdale	Pharmacy	A1
266 Kirkdale	Newsagent	A1
268 Kirkdale	Convenience Store	A1
270 Kirkdale	Charity Shop	A1
272 Kirkdale	Bookstore	A1
274 Kirkdale	DIY Shop	A1
278-280 Kirkdale	SUBJECT SITE VACANT	
295 Kirkdale	Gym	D2
297 Kirkdale	Convenience Store	A1
299-301 Kirkdale	Citizens Advice Bureau	A2
303 Kirkdale	Vacant	
321 Kirkdale (Opposite site)	Café	A3
323 Kirkdale (Opposite site)	Shop (trophies)	A1
325 Kirkdale (Opposite site)	Pub	A4
2 Sydenham Road	Doctor Surgery	D1
3 Sydenham Road	Off License	A1
4 Sydenham Road	Estate Agent	A2
5 Sydenham Road	Convenience Store	A1
6 Sydenham Road	Optician	D1
7 Sydenham Road	Launderette	Sui Generis
8 Sydenham Road	Café	A3
9 Sydenham Road	Dry Cleaner	A1
11 Sydenham Road	Café	A3
12 Sydenham Road	Bank	A2
13 Sydenham Road	Estate Agent	A2
14 Sydenham Road	Estate Agent	A2
15a Sydenham Road	Estate Agent	A2
16 Sydenham Road	Café	A3
17 Sydenham Road	Consultants	A2
19 Sydenham Road	Shop	A1
20 Sydenham Road	Hair Shop	A1
21 Sydenham Road	Café	A3
22b Sydenham Road	Vacant	
22 Sydenham Road	Bistro	A3
24a Sydenham Road	Café	A3
25 Sydenham Road	Cobbler	A1
26 Sydenham Road	Charity Shop	A1
27 Sydenham Road	Café	A3
28 Sydenham Road	Barber	A1

29 Sydenham Road	Photo Shop	A1
30 Sydenham Road	Off License/Convenience Store	A1
31 Sydenham Road	Beauty	A1
32 Sydenham Road	Bookmakers	Sui Generis
33 Sydenham Road	Phone Shop	A1
35 Sydenham Road	Barber	A1
36 Sydenham Road	Hair salon/ florist	A1
37 Sydenham Road	Jewellery Shop	A1
38-40 Sydenham Road	Convenience Store	A1
39 Sydenham Road	Fruit & Veg shop	A1
40 Sydenham Road	Estate Agent	A2
41 Sydenham Road	Funeral Director	A1
42 Sydenham Road	Fruit & Veg shop	A1
43 Sydenham Road	Money Transfer shop	Sui Generis
44 Sydenham Road	Post Office	A1
44a Sydenham Road	Sydenham Centre	D1
45 Sydenham Road	Fishmonger	A1
46 Sydenham Road	Charity Shop	A1
47 Sydenham Road	Shop/accupuncture	A1
48 Sydenham Road	Barber	A1
49 Sydenham Road	Hair Shop	A1
50 Sydenham Road	Launderette	Sui Generis
51 Sydenham Road	Discount Shop	A1
52 Sydenham Road	Shop	A1
53 Sydenham Road	Bank	A2
54 Sydenham Road	Estate Agent	A2
55 Sydenham Road	Boots	A1
56 Sydenham Road	Showroom	Sui Generis
57 Sydenham Road	Curtain Shop	A1
58 Sydenham Road	Restaurant	A3
59 Sydenham Road	Funeral Care Office	A1
60 Sydenham Road	Estate Agent	A2
61 Sydenham Road	Bank	A2
62 Sydenham Road	Pharmacy	A1
63 Sydenham Road	Estate Agent	A2
64 Sydenham Road	Shop	A1
65 Sydenham Road	Veg Shop	A1
66 Sydenham Road	Shop - Stationary	A1
67 Sydenham Road	Restaurant	A3
68 Sydenham Road	Beauty	A1
69 Sydenham Road	Café	A3
70 Sydenham Road	Beauty	A1
71 Sydenham Road	Clothes Shop	A1
72 Sydenham Road	Hairdresser	A1
73 to 77 Sydenham Road	Superdrug	A1
74 to 78 Sydenham Road	Budgens	A1
79 Sydenham Road	Pawn Shop	A1
80 Sydenham Road	Paint Shop	A1
81 Sydenham Road	Bank	A2
82 Sydenham Road	Beauty	A1

83 Sydenham Road	Subway	A3
84 Sydenham Road	Barber	A1
85 Sydenham Road	Bookmakers	Sui Generis
86 Sydenham Road	Western Union	Sui Generis
87 Sydenham Road	Pound Store	A1
88 Sydenham Road	Shop	A1
89 Sydenham Road	Bookmakers	Sui Generis
91 Sydenham Road	Veg Shop	A1
93 Sydenham Road	Bookmakers	Sui Generis
95 Sydenham Road	Takeaway	A5
97 Sydenham Road	Clothes Shop	A1
99 Sydenham Road	Clothes Shop	A1
101 Sydenham Road	Charity Shop	A1
103 Sydenham Road	Charity Shop	A1
105 Sydenham Road	Teaching Centre	D1
107 Sydenham Road	Takeaway	A5
109 Sydenham Road	Shop	A1
111 Sydenham Road	Cake Shop	A1

Use Class	% Total
A1	54.7% (63 units)
A2	14.78% (17 units)
A3	12.17% (14 units)
A4	0.86% (1 unit)
A5	1.73% (2 units)
D1	3.47% (4 units)
D2	0.86% (1 unit)
Sui Generis	8.69% (10 units)
Other (Vacant)	2.60% (3 units)

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Committee	PLANNING COMMITTEE B	
Report Title	30 Lampmead Road, London SE12 8QL	
Ward	Lee Green	
Contributors	Karl Fetterplace	
Class	PART 1	20 OCTOBER 2016

<u>Reg. Nos.</u>	DC/16/97144
<u>Application dated</u>	18.6.2016
<u>Applicant</u>	Mr/Ms Williams
<u>Proposal</u>	The reconstruction of collapsed elements of the house at 30 Lampmead Road SE12, together with the construction of a rear roof extension, single storey side and rear extension and alterations to the existing rear fenestration.
<u>Applicant's Plan Nos.</u>	219-PL-E-01, 219-PL-E-02 Rev A, 219-PL-E-03 Rev A, 219-PL-E-04 received 20 June 2016; 219-PL-P-01 Rev C, 219-PL-P-02 Rev D, 219-PL-P-03 Rev D, 219-PL-P-11, 219-PL-P-12, 219-PL-P-15, Photomontage 1, Photomontage 2, Design & Access Statement including Heritage Statement Rev C (31 August 2016, PlanStudio), Lewisham Planning Precedents (PlanStudio), VMZinc Facades Guidelines for Design and Specification, VMZinc Gallery 2016 Edition, VMZ Standing Seam Installation Guide January 2016 received 5 September 2016.
<u>Background Papers</u>	(1) Case File LE/433/30/TP (2) Core Strategy (2011) (3) Development Management Local Plan (2014) (4) The London Plan (2015)
<u>Designation</u>	PTAL 2 Lee Manor Conservation Area Lee Manor Article 4(2) Direction Not a Listed Building Area of Archaeological Priority - Lee Unclassified Road
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application property is a two storey plus loft space end of terrace Victorian single family dwellinghouse. It is located on the northern side of Lampmead Road, at its junction with Aislibie Road and hence the dwelling side elevation and upper part of the rear elevation are visible from Aislibie Road, although the rear elevation is mostly obscured by the rear projection and garden wall. On 7 June 2016, the existing roof structure and part of the façade collapsed. The dwelling had a pitched main roof and has a mono-pitch roof on the original rear projection. At the back of the rear projection there is a single storey extension with a lean-to roof. The elevation facing the side return has a bay window.
- 1.2 The dwelling sits in a terrace of seven dwellings that lie on the outer boundary of the Lee Manor Conservation Area, in an area that was added to the conservation area in 2008. The site is also subject to the Lee Manor Article 4(2) Direction.

2.0 Planning History

- 2.1 **PRE/16/2211:** Duty Planner advice was sought regarding the construction of a rear roof extension, ground and first floor extension to the rear, alterations to the window fenestration to the rear and the installation of two rooflights to the front roofslope. It was advised that the rear roof extension and full height window to the rear may be acceptable subject to the submission of further details. It was also advised that the first floor extension to the rear projection and two front rooflights were unlikely to be supported.
- 2.2 **DC/16/96313:** The construction of single-storey rear and side extension, rear roof extension and alteration to existing rear fenestration at 30 Lampmead Road SE12.
- 2.3 Application withdrawn on 17 June 2016 by applicant as due to the collapse of the house, the Council was unable to determine an application to make extensions to the house.
- 2.4 **EC/16/173:** Following the collapse of elements of the dwelling, an enforcement case was opened. The description of the alleged breach was the potential rebuild of a collapsed house in a conservation area. The applicant was advised to withdraw the existing planning application (DC/16/96313) and re-submit a new planning application.

3.0 Current Planning Application

- 3.1 This application is for the reconstruction of collapsed elements of the house at 30 Lampmead Road SE12, together with a rear roof extension, single storey side and rear extension and alterations to the existing rear fenestration.
- 3.2 The extensions and alterations to the rear fenestration proposed in this application are the same as those proposed in the previously withdrawn application. The purpose of this current application is to add the reconstruction of collapsed elements of the house to the proposed works. These would be reconstructed in their original form – in natural slates and yellow and red stock brick - with the

exception of those elements that would have otherwise been altered to facilitate the proposed works.

- 3.3 The bay window in the side return would be demolished to allow for a ground floor extension that would increase the footprint of the rear projection (including single storey lean-to) by 1.1m to the rear and 0.9m to the side. The setback to the side boundary would be 0.7m. The rear extension would have a flat roof. Its height was reduced from 2.8m to 2.5m above existing ground level following concerns raised by officers. This would sit below the side boundary wall, which has a height of 2.8m. The garden level is proposed to be lowered by 0.12m to facilitate this extension. The extension would be faced in yellow London stock brick to match the existing and would include roof lights and a glass section. The bi-fold doors at the rear of the extension would be full width, with dark grey aluminium frames.
- 3.4 The rear roof extension would be set in from the side of the roof by 0.5m and set back 1m from the eaves. It would have chamfered edges, with windows for its full width. It would be clad in dark grey standing seam zinc. Natural slate would be used.
- 3.5 The alterations to the existing rear fenestration include a 0.5m double height fixed window that would span from ground floor to first floor, adjoined by an openable dark grey aluminium framed window at first floor level. The existing uPVC windows would be replaced by dark grey timber sash windows.
- 3.6 Officers advised the applicant that whilst the scheme may be acceptable in principle, a greater level of detail would be required to satisfy officers that a high quality scheme could be delivered. The applicant then submitted detailed drawings, product information, precedents and samples of the proposed zinc and slate.
- 3.7 The scheme has been revised from that which was the subject of duty planner advice, in that the rear projection is no longer proposed to be extended to the rear at first floor level, two front rooflights have been omitted and the existing chimney stacks are proposed to be retained.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to all adjoining premises and the relevant ward Councillors. No responses were received.
- 4.3 The Lee Manor Society objected to the proposal, as outlined below:
- We have no objection to the proposed re-instatement of the original Victorian frontage and roof but proposals for the rear of the building concern us deeply.
 - The proposed roof extension is completely out of character with the Lee Manor conservation area character appraisal and it is far too large for a house of this size. The house is on a corner plot and is very visible from many points of the compass. Lewisham has successfully contested appeals by householders

against its policy of insisting on modest, appropriate roof extensions. This extension is ugly, overlarge and totally inappropriate on this property. We object to it on these grounds. The applicant has submitted examples of other ugly roof extensions in Lampmead Road but these were all built before Conservation Area status was extended to Lampmead Road in 2007 and are of no relevance to this application.

- The applicant is also proposing an incoherent arrangement of windows to the rear of the building in a modern style that appears to match the proposal for the roof extension. These windows would completely destroy the harmony of the door and window arrangements to the rear and should be refused. We object to the proposed window arrangements to the rear.
- We also object to the proposed removal of the rear side bay window. Although not visible from the street, these rear bays are a distinctive feature of many houses in the conservation area and should be retained. The gain of minimal interior space does not justify the loss of this feature. The Telegraph Hill Society has made a similar argument on properties in its conservation area and has had some success with this.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

Other National Guidance

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

The London Plan (March 2015) incorporating March 2016 Minor Alterations

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

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

London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan's Housing SPG's is relevant to this application.

Core Strategy

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

Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

- 5.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core

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

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 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 (August 2006)

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

6.0 Planning Considerations

6.1 The relevant planning considerations are the impact on the design and appearance of the existing building and conservation area and whether the amenity of neighbouring properties is affected.

Impact on the design and appearance of the existing building and conservation area

6.2 Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.

6.3 London Plan Policy 7.8 states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

6.4 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

- 6.5 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.6 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. The retention and refurbishment of existing buildings that make a positive contribution to the environment will be encouraged and should influence the character of new development and a sense of place.
- 6.7 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.8 DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.9 Although the rear roofslope extension would introduce a feature that would affect the uniformity of the roofscape of the surrounding buildings when viewed from Aislibie Street, given the high quality detail and design material it is not considered that this roof extension would have an adverse impact on the Lee Manor Conservation Area if it is delivered to the high standard that is demonstrated in the plans. It is noted that the view from Aislibie Street is a view that is from outside the conservation area. The view of the opposite end of this terraced row is not prominent due to vegetation and the presence of existing buildings at the intersection of Lenham and Lampmead Roads. Nos. 18 and 22 Lampmead Road have L-shaped rear roof extensions, with the extension on the main roof slope being full width. This therefore diminishes to an extent, the quality of this terrace, although it is acknowledged that these roof extensions pre-date the inclusion of this terrace in the conservation area. Further, the Lee Manor Conservation Area Character Appraisal notes the importance of the front elevations of this terrace, but does not comment on the rear roofscape.
- 6.10 The walls of the dormer are proposed to be clad in pale grey standing seam zinc, with the windows and doors being a pale grey powder coated aluminium to match the zinc. These materials are considered to be acceptable in a conservation context and following the provision of slate and zinc samples, product information and detailed drawings to officers at a scale of 1:20 of the rear roof extension and

double height rear window, it is considered that a high quality design can be delivered.

- 6.11 This proposal is considered acceptable by officers, despite conservation concerns. Planning policy supports proposals where the design would be high quality, site specific and contemporary. It is these features that make the dormer acceptable.
- 6.12 Notwithstanding the fact that the plans do not show any pipes, a condition has been included to remove permitted development rights for these. This is to ensure that the scheme is delivered as designed, with no unwanted elements.
- 6.13 It is acknowledged that the double height window would not be similar in design or style to that of the existing building and that concerns have been raised in this regard. However, this window is considered to be an appropriate modern addition that would represent high quality design. Additionally, its visibility from the public realm would be limited due to the location of the building's rear projection.
- 6.14 The use of grey windows to the rear of the dwelling is considered acceptable as it would be an improvement on the existing uPVC casement window, and would match the colour of the new full height window and rear roof extension.
- 6.15 With regard to the rear extension, due to the high (2.8m) rear and side boundary wall, it would be barely visible from the public realm and its presence would thus have little effect on either the distinctive appearance of the host building or the character of the conservation area, particularly given that it would only project past the original building by 1.1m to the rear and by 0.9m to the side. Further, the existing rear lean-to has a maximum height of 3.2m, sloping down to 2.7m at the eaves. Therefore, despite the increase in depth, the proposed extension would be lower in height than the existing lean-to.
- 6.16 The proposal would result in the loss of the original bay window. The bay window is not a feature that is visible from the public realm and is therefore not considered to be one that makes a contribution to the character and appearance of the conservation area. Given this, it is considered that the retention of the bay window would be an onerous requirement on the property owners in this instance.
- 6.17 It is proposed to use natural slate roof tiles in the reconstruction of the roof, rather than replace the brown concrete tiles that were on the roof prior to it collapsing. The lower roof to the original rear projection would also be re-tiled to match the main roof. This would enhance the appearance of the dwelling as compared to its previous state, as the concrete tiles are not original. The use of red and yellow stock brick for the rebuilding of the collapsed walls is also considered appropriate.
- 6.18 For the above reasons, officers consider that the proposal is acceptable as the proposal would be of high quality and there would not be an unacceptable level of impact on the character and appearance of the host building or conservation area, despite the objection received from the Lee Manor Society.

Impact on Adjoining Properties

- 6.19 Core Strategy Policy 15 states that extensions and adaptations to existing buildings will need to be designed to protect neighbour amenity.

- 6.20 It is noted that there have not been any objections from neighbouring properties to this proposal. Given that the rear extension would be 2.5m high and would be setback from the side boundary by 0.9m, it is not considered that it would have an adverse impact on the adjoining property and this distance and the fact that there is a 2m boundary wall is considered sufficient to mitigate any impacts.
- 6.21 No new openings would be created by this proposal, with the exception of the double height window on the rear elevation. This would introduce some mutual overlooking, however it is considered that this would not be unreasonably adverse. This is due to the fact that there is an existing window at first floor level adjacent to the proposed double height window and that the latter would only increase the total width of the opening from 0.9m to 1.2m. No concerns are raised with regard to this window on the ground floor.
- 6.22 There would be potential for overlooking from the bedroom windows in the proposed rear roof extension into the rear gardens of the buildings adjacent to the subject site. However, it is acknowledged that some degree of overlooking is commonplace in a densely developed urban area such as this. The same is considered for the increase in light pollution that the proposed works could cause, and the proposal is therefore considered acceptable in this regard.
- 6.23 The proposal may have a minimal impact on the daylight and sunlight received by the dwellings to the east, as well as causing some overshadowing, however, given that the proposed extension would only be at ground floor and would only project past the original building by 1.1m, this is considered to be acceptable.

7.0 Equalities Considerations

- 7.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 7.4 In this matter there is no impact on equality.

8.0 Conclusion

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations and officers consider that the scheme is acceptable. This application is therefore recommended for approval.

9.0 **RECOMMENDATION**

GRANT PERMISSION subject to the following conditions:-

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

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

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

219-PL-E-01, 219-PL-E-02 Rev A, 219-PL-E-03 Rev A, 219-PL-E-04 received 20 June 2016; 219-PL-P-01 Rev C, 219-PL-P-02 Rev D, 219-PL-P-03 Rev D, 219-PL-P-11, 219-PL-P-12, 219-PL-P-15, Photomontage 1, Photomontage 2, Design & Access Statement including Heritage Statement Rev C (31 August 2016, PlanStudio), Lewisham Planning Precedents (PlanStudio), VMZinc Facades Guidelines for Design and Specification, VMZinc Gallery 2016 Edition, VMZ Standing Seam Installation Guide January 2016 received 5 September 2016.

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

- (3) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes shall be fixed on the rear roof slope extension.

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

- (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

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

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