

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 19 JANUARY 2017 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**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, 10 January 2017**

**For further information please contact:
Andrew Harris Committee Co-ordinator
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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 19 January 2017

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 19 JANUARY 2017

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 20th October 2016.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in THE ACCESS POINT, LAURENCE HOUSE, CATFORD SE6 on 20th October 2016 at 7:30PM.

PRESENT: Councillors: Reid (Chair), Ogunbadewa (Vice-Chair), Ingleby, Mallory, Moore, Muldoon, Paschoud, Wise, McGeevor, Bourne.

OFFICERS: Michael Forrester - Planning Service, Kevin Chadd - Legal Services, Andrew Harris - Committee Co-ordinator.

1. DECLARATION OF INTERESTS

No initial declarations of Interests were recorded.

However following the clarification of case reference numbers during the meeting, Councillor Mallory noted an acquaintance with the objectors of item 3 on the agenda and asked that it be recorded within the minutes.

2. MINUTES

The minutes of the meeting of Planning Committee (B) held 20th October 2016 need amendments and will be agreed and signed at the next meeting subject to changes.

3. 18 GLENTON ROAD, LONDON, SE13 5RS

The Planning Officer Michael Forrester outlined the details of the case. He went on to clarify paragraph 6.11 in the report, stating that planning permission was currently required for the construction of the rear extension, as the property had been converted into flats and had therefore forfeited its permitted development rights. However if the property was converted back into a single family dwelling, the proposed extension could be completed under permitted development.

Councillor Paschoud followed, asking if the property's permitted development rights would not be fully reinstated until after the conversion back to a single family dwellinghouse was complete, to which the Planning Officer Michael Forrester confirmed they would not.

Councillor McGeevor noted that the application reference number listed in the report was for another application. The Planning Officer Michael Forrester confirmed that this was a typing error and that the correct case number for the application was DC/16/098659. He went on to state that the report itself was accurate, and that the only error was the incorrect case reference number which had been listed.

Following the clarification of the case reference number, Councillor Mallory noted a pre-existing acquaintance with the objectors from their childhood and asked that it be recorded within the minutes.

Councillor Reid (Chair) then confirmed with Members that they were all clear what the correct case reference number was, which Members confirmed they were. Kevin Chadd (Legal Services) then stated that the reference number error within the report would not affect the determination of the application at the meeting, and that the decision notice would have the correct reference number attached if the application were approved.

The committee then received verbal representation from Ms Michelle Shannon (Applicant), who presented the scheme and responded to Members questions. Ms Shannon relayed to Members that her desire was to convert the flats back into a single family dwelling in order to accommodate her family and that the property was in a poor state and required renovation to restore it. She noted that multiple revision had been made to the application to ensure it was in line with both council policy and the character of the surrounding area. She stated that she was happy for a condition to be attached restricting the use extension's roof as a balcony and noted that the extension could be built without permission following the conversion of the property back into a single family dwelling.

Councillor Paschoud inquired as to why Ms Shannon desired an extension in addition to the reuniting of the building. Ms Shannon responded by stating the additional space was required for their day to day family and work needs.

Councillor Ingleby sought clarity over the size and location of the proposed balcony. Ms Shannon confirmed that it would have the same size and area as the existing balcony, and would be located in the same position.

The committee then received verbal representation from an objector, Mr Brian Clover (Neighbour). Mr Clover outlined concerns regarding the design and visibility of the proposed extension, and how it would be out of keeping with the area. He stated that the construction of a roof terrace would have an adverse impact on the privacy of neighbouring properties and that future occupiers of the application dwelling may extend the balcony further onto the roof of the extension.

Councillor Reid (Chair) followed by asking Mr Clover if he was aware of permitted development rights. Mr Clover stated he was not, at which point Councillor Reid (Chair) proceeded to explain that the works could be carried out without planning permission following the conversion of the property back into a single family dwelling.

Councillor Paschoud asked if anything could be done to protect the future use of the balcony, to which the Planning Officer Michael Forrester confirmed a condition would be

attached to restrict the enlargement of the balcony further onto the roof of the proposed extension.

Councillors Ingleby and Paschoud then sought further clarification regarding the materials. The Planning Officer Michael Forrester stated that the roof would be in lead and that conditions could be attached to secure the materials and reveals.

Councillor Wise noted that it was nice to see the conversion of the property back into a family house.

Councillor Reid (Chair) asked the committee if further clarification was required to determine the application. Members stated this was not required and Councillor Muldoon moved a motion to accept the Officer's recommendation, subject to conditions. It was seconded by Councillor Ogunbadewa (Vice-Chair).

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), McGeevor, Muldoon, Ingleby, Wise, Paschoud, Moore

ABSTAINED: Mallory

RESOLVED: That planning permission be granted in respect of application No. DC/16/098659 subject to the conditions outlined in the report.

4. 134 PEPYS ROAD, LONDON, SE14 5SG

The Planning Officer Michael Forrester outlined the details of the case.

Councillor Reid (Chair) noted that local objections had highlighted the removal of Victorian features as an issue. She asked for justification as to why this was acceptable within the conservation area. The Planning Officer Michael Forrester indicated that the removal of windows and doors would not constitute development and could be replaced without the need for planning permission. He then stated that because of this, a refusal was not considered to be justified.

Councillor Paschoud queried the proposed materials. The Planning Officer Michael Forester confirmed that the materials would differ from those of the original dwellinghouse, but that this was done to achieve a contemporary design. He then confirmed that a condition could be attached to secure the materials.

The committee then received verbal representation from Mr Tom Hennessy (Applicant), Mrs Sophie Hennessy (Applicant) and Ms Coral Sellars (Agent). Mr Hennessy relayed to Members that the scheme was in line with council policy, would not result in any loss of daylight or sunlight to any adjoining property and would be constructed in high quality materials to materials. He went on to highlight that they had sought two pre-application meetings with the planning department and that multiple amendments had been adopted following these.

Councillor Wise noted that two objections had highlighted concerns regarding light pollution from the proposed rooflights and asked if this would be visible from Drakefield Road. Mrs Hennessey acknowledged that some light would be visible, but asserted that it would not be much worse than the light from the existing windows.

Councillor McGeevor then sought clarity over the longevity of the proposed timber cladding. Mrs Hennessey confirmed that the extension itself would be built in brick, with timber cladding and vegetation on top. She stated that annual maintenance would be required, but that it was in their interests as the owners to maintain it. Councillor Reid (Chair) highlighted that a condition had been recommended regarding the details of the timber cladding. Councillor McGeevor asked the applicant how the timber would be maintained with the presence of vegetation, and whether the vegetation would have to be removed to achieve this. Mrs Hennessey responded by stating the proposed extension would feature guttering between the brick and cladding which would aid the longevity of the cladding. She then added that the initial materials would be of a high quality and would be long lasting.

The committee received verbal representation from an objector, Mr Bacchus (Chair, Telegraph Hill Society). Mr Bacchus stated that the society's objections were based on the conservation of the property and the Telegraph Hill Conservation Area, and that the preservation of just the front elevation of such properties would lead to a sense of 'façadism'. He argued that an extension could be built which retained the bay window and noted that this had been proposed in a previous application, but had now been changed for a more modern design. He went on to raise concerns regarding the impact on the neighbouring property, the harmful precedent which would be set and the proposed materials would not complement the Victorian design, contrary to paragraph 6.19 in the Officers Report. Finally he noted a similar application at a different site had previously been refused at committee for the loss of a visible side bay window.

Councillor Ingleby asked Mr Bacchus to confirm the address of the previous refusal, to which Mr Bacchus stated he only knew the reference number to be DC/14/98277.

Councillor Moore sought clarification of the relevance of the previously refused application and asserted that a previous refusal did not constitute a binding precedent on the committee. Councillor Reid (Chair) added that the application should be determined on its own merits.

Councillor Mallory asked if the council's Conservation Officer had objected to the proposal, to which the Planning Officer Michael Forrester confirmed they had not. Councillor Mallory then outlined his concerns regarding the growing disfiguration of properties and reinforced the importance of sustaining the existing fabric of the conservation area. He then asked if the council's Conservation Officer specifically supported the development. The Planning Officer Michael Forrester stated that the Conservation Officer had raised no objections to the contemporary design in principle and that the proposal was considered acceptable in heritage terms, subject to conditions.

Councillor Reid (Chair) then asked at what point such a development would be considered unacceptable, and whether this undermined the principle of the conservation area. The Planning Officer Michael Forrester responded stating that the principle of the conservation area was not to restrict change, but instead to ensure it is managed in an acceptable manner. He stated that rear extensions within conservation areas were acceptable in principle with regard to council policy, subject to design, scale and appropriate materials. He then emphasised the existence of similar contemporary extensions within other conservation areas.

Councillor McGeevor asked Members if they would be content for all bay windows were lost within the conservation area. The Planning Officer Michael Forrester then reminded Members that the removal of the window did not require planning permission.

Councillor Reid (Chair) followed by asking if permission was required for windows within a conservation area, to which the Planning Officer Michael Forrester confirmed was not

required when not visible from the public realm. Councillor Ogunbadewa (Vice-Chair) then asked for legal clarification. Kevin Chadd (Legal Services) relayed to members that the applicant would not need permission to remove and brick up the window.

Councillor Paschoud then questioned whether just because development was not visible from the public realm, this constituted a 'free for all' to change the existing architecture. The Planning Officer Michael Forrester stated that this was not the case, and that the council required all developments to attain a high standard whether visible or not. However, he asserted that in this instance as the development would not be visible, change would be acceptable subject to it being of a high quality.

Councillor Mallory then outlined concerns regarding the nature of the proposed changes and their impacts on the nature and character of the property conservation area. Councillor Moore then asked if the application were refused and subsequently appealed, whether the decision was likely to be upheld, to which Kevin Chadd (Legal Services) stated it was not his place to say.

Councillor Reid (Chair) then asked Councillor Mallory to clarify his position. Councillor Mallory responded stating that he believed the proposal would adversely impact the character and appearance of the application dwelling, which would impact the Telegraph Hill Conservation Area. He also stated to members that while the committee had already approved a rear extension in a conservation area earlier that night, he had abstained from the vote.

Councillor McGeevor followed by stating she had serious concerns regarding the loss of the window and the original glass. She stated that she felt the proposal failed to protect the integrity of the building and would result in the loss of an original window and door. Councillor Paschoud then said she would second a motion to refuse based on the loss to the building. Kevin Chad (Legal Services) followed by asking members to clearly outline a motion if they intended to refuse the proposal based on its impact and character. Councillor Reid (Chair) asked if this was a legal reason for refusal, which Kevin Chad (Legal Services) confirmed it was.

Councillor Ingleby asked if it would be possible to defer the application to allow the applicant to re-work the design. Councillor Reid (Chair) confirmed that this was an option, but asserted to Members that they had sufficient information to form a decision.

Councillor Mallory then moved a motion moved to reject the application, contrary to the Officer's recommendation. The motion was seconded by Councillor Paschoud.

Members voted as follows:

FOR: Mallory, Paschoud, McGeevor, Muldoon.

AGAINST: Reid (Chair), Ogunbadewa (Vice-Chair), Moore, Wise, Ingleby.

Kevin Chad (Legal Services) informed members that another motion would need to be proposed in order to approve the application.

Councillor Ogunbadewa (Vice-Chair) then moved a motion to accept the Officer's recommendation, subject to conditions. It was seconded by Councillor Wise.

Members voted as follows:

FOR: Reid (Chair), Ogunbadewa (Vice-Chair), Moore, Wise, Ingleby.

AGAINST: Mallory, Paschoud, McGeevor, Muldoon.

RESOLVED: That planning permission be granted in respect of application No. DC/16/098361 subject to the conditions outlined in the report.

5. LAND TO THE REAR OF 13 CALMONT ROAD, BROMLEY, BR1 4BY

The Planning Officer Michael Forrester outlined the details of the case, which was recommended for refusal by Officers. Councillor Reid (Chair) queried whether there was an objection in principle to the proposed development, to which the Planning Officer Michael Forrester confirmed there was.

Councillor Paschoud raised the issue of fly tipping at the site and queried whether the development would help this. The Planning Officer Michael Forrester stated that the issue of fly tipping could be escalated and addressed via other council departments. Councillor Wise added that, while it was unfortunate that fly tipping was occurring at the site, that it was the owner's responsibility to dispose of the refuse.

Further questions from members followed including why the vehicle crossover to the property was in the rear garden and whether the garden was one site or common access. The Planning Officer Michael Forrester stated that the positioning of the vehicle crossover within the rear garden was common for corner properties and confirmed it was a single garden which had been divided into two residential gardens.

The committee then received verbal representation from Miheer Mehta (Agent) and Mr Sam Shah (Agent). Mr Mehta outlined to members that the scheme result in an additional family house for the borough and had received no objections from local residents. He went on to state that similar proposals had been either supported by the council or refusals overturned at appeal, highlighting applications in Lawrie Park Road and Stanstead Road. Finally he argued that the refusal was based solely on the Council's DM Policy 33, but argued that in this instance it would not be applicable as the development would leave an adequately sized rear garden for 13 Calmont Road.

Questions from members followed including clarification over the current use of the garden and why pre-application advice was not sought. Mr Shah answered, firstly stating that the garden had been sectioned off and sold as a separate parcel of land sometime in the past. He went on to state that pre-application advice had not been sought following feedback from a previous planning manager that the scheme would not be supported and that pre-application advice would therefore unproductive and costly.

Councillor Ingleby then sought clarification regarding the proposed cladding and the previously proposed green roof which had subsequently been removed from the scheme. Mr Shah confirmed that the building would be finished in a high quality self-drying/self-cleaning render, rather than cladding. He went on to confirm that the green roof had been removed following advice from Council Officers that it would be acceptable, but that the scheme would still meet and exceed sustainability standards.

The committee then received verbal representation from Councillor André Bourne who was speaking in favour of the application under standing orders. Councillor Bourne highlighted to members that a petition with 26 signatures had been received in support of the application, with not a single objection being received. He went on to assert that the site in its current

state was a nuisance to locals and an embarrassment for Lewisham. Councillor Bourne then stated that the application was in his opinion clearly an infill development rather than a back garden development and that it should be determined on its own merits. Finally he highlighted to members that if the refusal were to be overturned at appeal, the council could be liable to out of pocket costs.

Councillor Paschoud then asked whether local residents would be in support of the application if the gardens had not already been divided. Councillor Bourne responded, stating they were in support during the first application before the site had been split, and that the community were in support of the scheme and the creation of a new family dwelling.

Councillor Wise then stated that while she was strongly in support of increased housing within the borough, that in this instance at this site she did not feel the proposal was appropriate. She went on to state that while she had great sympathy for the residents who were affected by the fly tipping, the site was still a garden and that there were measures to tackle the fly tipping issued. Councillor Mallory then asserted that council policies were in place for a reason, while Councillor Ingleby stated that but for its location, the proposal would be acceptable.

Following further deliberation by Members, Councillor Ogunbadewa (Vice-Chair) moved a motion to reject the Officer's recommendation to refuse the application. It was seconded by Councillor Ingleby.

Members voted as follows:

FOR: Ogunbadewa (Vice-Chair), Ingleby.

AGAINST: Reid (Chair), McGeevor, Mallory, Wise, Paschoud, Moore

ABSTAINED: Muldoon

Councillor Wise then moved a motion to accept the Officer's recommendation to refuse the application. It was seconded by Councillor Moore.

Members voted as follows:

FOR: Reid (Chair), McGeevor, Mallory, Wise, Paschoud, Moore

AGAINST: Ogunbadewa (Vice-Chair), Ingleby.

ABSTAINED: Muldoon

RESOLVED: That planning permission be refused in respect of application No. DC/16/098248 in line with Officer's recommendation.

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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	19 th January 2017

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 2015)

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 Introduction

- 1.1 This application was presented at Planning Committee B on 20 October 2016, but it was resolved that the decision be deferred so that the Metropolitan Police could be consulted.
- 1.2 An appeal against non-determination of this application has been lodged with the Planning Inspectorate and that therefore no decision can be made by the Local Planning Authority. The purpose of the application being heard at Planning Committee is to determine what stance would have been taken had it been possible to make a decision on the application. This will determine the Council's approach to contesting the appeal.

2.0 Planning Considerations

- 2.1 The Metropolitan Police's Designing Out Crime Officer has been consulted and has stated that there have been five crimes in the period between 31st October 2016 and 31st October 2016 that compromised of two relating to criminal damage (directly related to losing money on Fixed Odds Bettering Terminals), two thefts and one attempted armed robbery of a commercial premises.
- 2.2 The applicant has submitted further information in the form of a map of all anti-social behaviour (ASB) incidents between June and October 2016. It categorises ASB into Environmental, Nuisance and Personal. The map indicates that there was one incident of ASB 'Nuisance' close to the betting shop, on the northern side of Hatcham Park Road where it meets New Cross Road. It also shows that there were two more ASB 'Nuisance' incidents close to the proposed location of the Coral shop at 197 New Cross Road. A spreadsheet of each of these incidents was also provided by the Met Police, which lists all the incidents shown on the map. However, it is difficult for Officers to determine which incident refers to which date on the spreadsheet. The spreadsheet does clarify that ASB 'Nuisance' can cover the following: harassment, robbery, sexual offences, bomb threat, concern for safety, drug offence, criminal damage, violence against the person, suspicious circumstances and animals – (pets/domesticated).
- 2.3 Officers consider that this data does not provide sufficient grounds to refuse planning permission 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 Coral branch.
- 2.4 Therefore, Officers are of the opinion that the proposal is acceptable as it would not result in an unreasonable impact on the amenity of neighbouring occupiers, in accordance with Core Strategy Policy 15 High quality design for Lewisham and DM Policy 31 Alterations/extensions to existing buildings and as set out in more detail on the original Committee Report (attached as an appendix).

7.0 RECOMMENDATION: That the Planning Committee resolves that, were it able to make a decision on this planning application, it would 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 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

1. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
2. 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.

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197 New Cross Road – Site Location Plan



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Appendix A
197 New Cross Road, London, SE14 5DQ
Committee Report
20th October 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

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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).

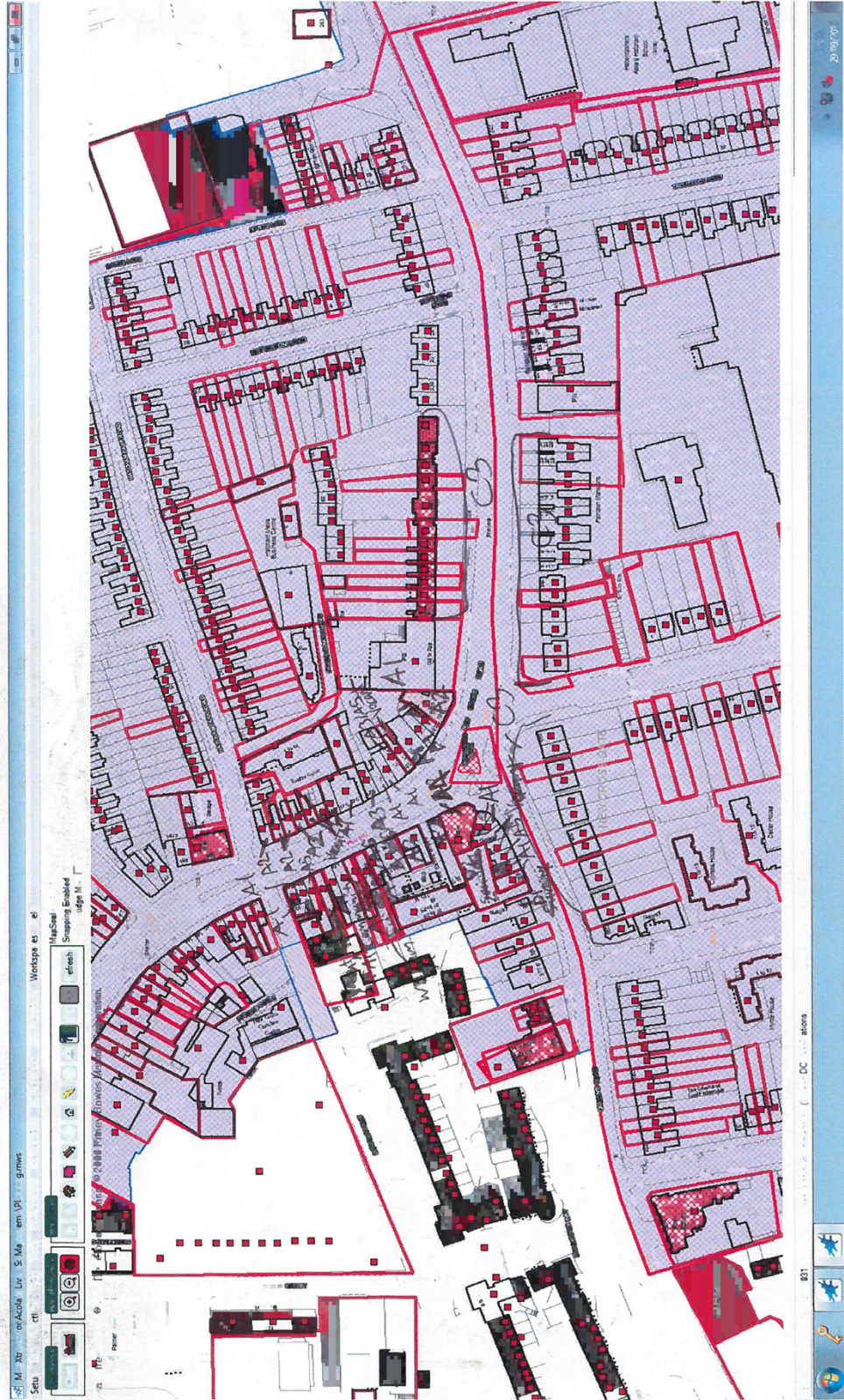
INFORMATIVES

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

Handwritten notes on the left margin: "D", "1", and "111 111 111".



Committee	PLANNING COMMITTEE B	
Report Title	44 Dartmouth Row, London SE10 8AW	
Ward	Blackheath	
Contributors	John Miller	
Class	PART 1	19 January 2017

<u>Reg. Nos.</u>	DC/16/99250
<u>Application dated</u>	24.11.2016
<u>Applicant</u>	Mr P Medley, Green Tea Architects
<u>Proposal</u>	Retrospective application for alterations to a raised garden terrace, including the replacement of a shared boundary fence and the demolition of a lean-to extension at the rear of 44 Dartmouth Row SE10.
<u>Applicant's Plan Nos.</u>	486-100 P01, 486-100-01 P01, 486-100-02 P02, 486-100-03 P02, 486-101 P02, 486-111 P02, 486-112 P02, 486-200-02 P02, 486-200-03 P02, 486-201 P02, 486-211 P02, 486-212 P03, Design and Access Statement, Heritage Statement
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/143/44/TP (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Blackheath Conservation Area

2.0 Property/Site Description

- 2.1 The application relates to a three storey detached dwelling house located on the western side of Dartmouth Row, between the junctions of Morden Hill and Dartmouth Grove. Dartmouth Row is predominantly comprised of other detached dwelling houses.
- 2.2 The majority of the dwellings retain sash windows to the front elevation in the style typical of other properties in this part of the Conservation Area. The front of the property looks out onto the eastern side of the road towards the Church of the Ascension Blackheath. The rear of the property has a steady downwards slope and looks out onto the rear garden and is not visible from the public realm.
- 2.3 The application site is located within the Blackheath Conservation Area but not subject to the Blackheath Article 4 Direction.

3.0 Planning History

- 3.1 DC/02/51469/X - The alteration of the existing outdoor lavatory to the rear of 44 Dartmouth Row SE10 to provide a plant house – **Granted**
- 3.2 DC/16/98191 - The construction of alterations to an existing raised garden terrace at the rear elevation of 44 Dartmouth Row SE10 – **Withdrawn**

4.0 Current Planning Applications

The Proposals

- 4.1 Permission is sought for alterations to the rear garden including a raised garden terrace at the rear of the property, a replacement boundary fence and the demolition of a lean-to extension at the rear of the property.
- 4.2 The proposals have been constructed, completed on 10 February 2016 and the application is therefore retrospective.

5.0 Consultation

- 5.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received.
- 5.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 5.3 Representations have been received from Spencer House 23 Dartmouth Row, 42 and 46 Dartmouth Row and the following objections are summarised below:
- The works are retrospective and undertaken without consultation
 - Terrace now adjoins the side boundaries
 - Proposal is in contravention of the Blackheath Conservation Area
 - Impacts upon privacy
 - Works are illegal
 - Inaccurate 'previous' plans
 - Loss of historic fabric

Copies of letters are available to Members to view.

6.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

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

Other National Guidance

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

London Plan (March 2016)

6.6 In 2016, the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

Core Strategy

- 6.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The following lists the relevant policies 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

- 6.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The following lists policies as they relate to this application:

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)

- 6.9 This document sets out guidance and standards relating to design and standards of residential accommodation.

7.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Impact on Adjoining Properties

Principle of Development

- 7.2 The works are retrospective, the building is not statutorily listed and the works therefore do not constitute unlawful development, but are currently unauthorised hence the application for retention.
- 7.3 There is no in-principle objection to alterations to the rear of this building including the garden where terraces are a feature of these properties, subject to works being of a high design standard and of an acceptable neighbourly impact.
- 7.4 Officers note the comments regarding the inaccuracy of the 'previous existing' plans however, as the application for the retention of the works as built, a recommendation is based upon the 'proposed as built' drawings.

Design

Raised Terrace

- 7.5 The proposal extends a further 0.25m from the existing raised garden terrace to create a total platform of 1.5m depth from the rear elevation, whilst removing the metal balustrades providing an open plan design. The proposal remains the same height as the previous terrace, but now extends out to the boundary with no 42 Dartmouth Row. The terrace itself is contemporary in design and raises no design objection where it remains clearly subservient to the host dwelling and is not visible from the public realm.

Demolition of Rear addition and installation of doors

- 7.6 The demolition of the rear lean-to extension, which was granted planning permission under application number DC/02/51469, is considered acceptable as it added little architectural value to the dwelling, represents a modern extension and is not of historic or value.

Boundary fence

- 7.7 A new wooden fence has been installed along the boundary wall with number 42 Dartmouth Row. The fence has a height of 2.6m from lower ground level and 1.5m at terrace level due to the slope of the land and is of high visual quality, appropriate for the garden setting.

Impact on Adjoining Properties

- 7.8 It is accepted that in established residential areas such as this, there is an element of mutual overlooking which is natural i.e. from rear windows. The new rear raised terrace platform is not considered to adversely add this this impact, given it is the same height as that previously in existence and is only marginally deeper by 250mm. Although objections have been received from the neighbouring properties regarding a loss of privacy, there remains a high boundary fence and natural vegetation along both boundaries, which provides sufficient screening. The applicant has installed raised planter boxes at the terrace along the boundary with no 42 Dartmouth Row, which provide additional screening. Although officers note planters are moveable, given their size, which contain trees, are likely to remain in situ, however, even without the planters the relationship between both properties is considered acceptable.
- 7.9 The installation of a new set of rear doors in place of the demolished extension raises no amenity concerns as it looks out onto the rear of the property only.

Community Infrastructure Levy

- 7.10 The above development is not CIL liable.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality. In this matter, there is no impacts upon equality.

9.0 Conclusion

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

9.2 In summary, the changes to the existing raised garden terrace, with the demolition of the lean-to extension at the rear of the property and new fencing are considered acceptable with regard to design and residential amenity and appear to preserve the character of the property and the conservation area.

10.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

1. Retain development in accordance with approved plans:

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

486-100 P01, 486-100-01 P01, 486-100-02 P02, 486-100-03 P02, 486-101 P02, 486-111 P02, 486-112 P02, 486-200-02 P02, 486-200-03 P02, 486-201 P02, 486-211 P02, 486-212 P03, Design and Access Statement, Heritage Statement

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

INFORMATIVES

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

44 Dartmouth Row – Site Location Plan



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Committee	PLANNING COMMITTEE B	
Report Title	49 Mount Ash Road, SE26 6LY	
Ward	Forest Hill	
Contributors	Amanda Ghani	
Class	PART 1	19 th January 2017

Reg. Nos.

DC/16/098571

Application dated

02/10/16

Applicant

Elizabeth Heyes

Proposal

The construction of a single storey extension to the rear of 49 Mount Ash Road SE26, together with the construction of a raised platform and hard surfaced steps in the rear garden and the partial excavation of back garden to provide a lowered garden area and the installation of a replacement window in the rear elevation.

Applicant's Plan Nos.

Site Location Plan; Block Plan; Dwg 1 A; DWG 2 A; DWG 3 A; DWG 4 A; DWG 5 A; DWG 6 A; Design and Access Statement), Heritage Statement (dated 1 October 2016).

Background Papers

This is Background Papers List
 Case File LE/91/49/TP
 Local Development Framework Documents
 The London Plan

Designation

Area of Stability and Managed Change

2.0 Property/Site Description

The application relates to a three-storey end of terrace residential property, which is situated on the western side of Mount Ash Road.

- 2.1 The property is located within the Sydenham/Kirkdale Conservation Area, which contains a mix of 19th century buildings and a 20th century housing estate, all of distinctive style and form. The property is subject to an Article 4 Direction, but is not listed.
- 2.2 The subject property features a brick built ground floor extension to the rear, with skylights in a mono-pitched roof, which accommodates the kitchen. There is an original outhouse projection, which extends beyond the shared boundary and is an original feature of this terrace.
- 2.3 Rear gardens are short and steeply sloping to the northeast. The rear of the houses are visible at first and second floor level from Mount Gardens, which is an adopted public highway. There are long views of the rear of the terrace from the rear of 30-34 Kirkdale.

3.0 Planning History

DC/09/71731 - The retention of two single storey extensions at the rear of 49 Mount Ash Road SE26. Granted 21/09/09

DC/13/82697 - Retention of the re-roofing of the existing roof at 49 Mount Ash Road SE26 with Contessa Spanish natural slate. Granted 15/05/13

DC/15/094430 - The construction of a single storey extension to the rear of 49 Mount Ash Road SE2, together with the construction of a raised platform and hard surfaced steps in the rear garden and the partial excavation of back garden to provide a lowered garden area. Withdrawn 25/02/16

4.0 Further relevant history

Thirteen properties in Mount Ash Road have been granted permission for single storey and one/two storey extensions; of which eight, form part of this terrace.

Two planning permissions have been granted at committee for the construction of two storey extensions in the application terrace. Number 27 (DC/15/094891) was granted on 19th May 2016 and number 32 (DC/14/90313) was granted on 2nd July 2015.

5.0 Current Planning Applications

This application seeks planning permission for the construction of a single storey extension to the rear of 49 Mount Ash Road SE26. The proposal includes French doors in the south-western elevation and floor to ceiling windows either side. The extension would have a mono pitched green roof, incorporating a roof light. The existing rear first floor window opening would be shortened to incorporate the angle of the roof and a replacement timber sash window would be installed. The proposal also includes the partial excavation of the back garden, some remodelling and a set of steps up to the existing raised rear garden.

The proposed extension would be sited on the northern boundary of the property, which adjoins number 32 Kirkdale. It would have a total depth of 5m and a width of 2.7m. The maximum height of the roof measured from ground level would be 3.5m, sloping to 2.7m.

The existing original water closet would be incorporated into the extension by raising its height by 0.2m to allow it to meet the angle of the pitched roof. The existing window and rear door in the rear elevation would be bricked up and replaced with a floor to ceiling fixed window measuring 0.7m wide.

The extension would be finished externally in brick to match existing. The proposed rear first floor window would be timber sash, double-glazed and would align with the window above. A set of timber French doors would be installed in the side elevation of the extension, opening out onto a small patio area with steps leading up to the garden.

The development would provide an enlarged kitchen/dining/living area.

Supporting Documents

Heritage Statement, Design and Access Statement

6.0 Consultation

- 6.1 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.
- 6.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Sydenham Society, Forest Hill Society, The Councils Highways Department and The Ecological Regeneration Manager were also consulted.

7.0 Written Responses received from Local Residents

- 7.1 Objections were received from two local residents citing the following issues which are relevant to the assessment of the planning application:
 - Works would have a disproportionate impact on 32 Kirkdale due to the proposed extension being close to this house.
 - Proposed extension too deep.

- Proposed extension to be built up to boundary wall, on the existing retaining wall, leaving no gap for construction or maintenance or water runoff.
- No height given for “raised platform”
- Possible undermining of neighbours foundations.
- Undermining Mount Gardens public highway
- Proposed extension will be built over drains
- Cannot see how original Victorian water closet will be incorporated in to the proposal

7.2 A written response received from The Sydenham Society is summarized below:

- The proposed extension is out of character and of inappropriate design with regards to the existing rear elevations on the north side of the road.
- An un-neighbourly form of development
- Loss of amenity and outlook from 32 Kirkdale due to size of extension and green roof
- Lack of detail submitted showing relationship between subject property and 32 & 34 Kirkdale.

Highways and Transportation

Council's Highways Officers have offered no objection to the proposed development

8.0 Policy Context

Introduction

8.1 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)

- 8.2 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

- 8.3 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)’.
- 8.4 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.

8.5 London Plan 2015 (amended 2016)

The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.18 Construction, excavation and demolition waste

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

8.6 London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

Sustainable Design and Construction (2006)

8.7 Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy

Core Strategy Policy 8 Sustainable design, construction, and energy efficiency

Core Strategy Policy 15 High quality design for Lewisham

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

Development Management Local Plan (2014)

8.8 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:

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 32 Housing design, layout and space standards

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

8.9 Residential Standards Supplementary Planning Document (2012)

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

9.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Impact on Adjoining Properties

9.1 Principle of Development

The application site is covered by an Article 4 Direction, which means planning permission needs to be obtained for any improvement, enlargement or alteration to the property, but does not preclude development. The Council assesses each application on its merits.

- 9.2 National, regional and local policies have identified a need to promote adequate standards of living accommodation and meet the needs of the housing market. This application relates to an extension to a residential property in a residential area and as such the principle of development is supported, subject to design considerations, the impact on adjoining properties and the conservation area and highways issues.

Design and Impact on the Conservation Area

- 10.0 London Plan Policy 7.6 Architecture, requires development to positively contribute to the surrounding environment, using the highest quality materials and design. Policy 7.8 Heritage assets and archaeology outlines that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate and should conserve their significance by being sympathetic to their scale, form and architectural detail.

- 10.1 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment states that new development should be of high quality design and should preserve the historic environment and sense of place. Development Management Policy 36 New Development, changes of use and alterations affecting designated heritage asset and their setting advises that planning permission will not be granted if the proposed development is deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

- 10.2 The subject property is at the end of a long terrace that is sited on the north-western side of Mount Ash Road, within the Sydenham Hill/Kirkdale Conservation Area. The garden level of the subject site is approximately 3.7 metres lower than the top of the fence of No. 32 Kirkdale. The boundary to Kirkdale is comprised of part retaining wall at approximately 2.8m and fence at 0.9m. The proposed extension would be built up to a maximum height of 3.5m and set back 200mm from the adjoining fence. It would cover 28.69% of the rear garden leaving ample amenity space in the form of a small patio area and an elevated garden. The extension would cover and enlarge the footprint of the existing single storey extension that measures (d) 2.1m x (w) 2.3m. This would require excavation i.e. cutting back into the raised garden area of the subject property, which has already begun.
- 10.3 The extension would have a mono-pitched green roof incorporating a large skylight. The roof would be planted with a mix of native, drought tolerant wildflower, sedum, herbs and perennials. The roof would be lined with a waterproof liner and incorporate edging stones around the outer edges to allow for drainage. The extension would be finished in London Stock brick to match existing. The proposed windows and doors would be timber framed to match existing on the rear elevation. The proposed extension would be subordinate to the main dwelling and its sloping roof would not detract from the character of the host property or that of the conservation area.
- 10.4 Given the nature of the site and that the development is confined to the rear of the property, it would only be visible at low-level position from the rear upper floors of adjacent properties in Kirkdale. In terms of scale, the proposed extension is similar in bulk and form to a number of neighbouring rear additions and its dimensions and siting would make little difference to the existing character of the rear of the terrace, particularly when viewed from the public domain.

11.0 Highways and Building Control

Mount Gardens is an adopted highway that borders the rear of the site. Although the Council's planning department does not hold any records of instability within the site, objectors have raised historic land slippage issues on Mount Ash Gardens. Accordingly and in consultation with the Highways Department, officers have considered the potential for the proposed works to cause harm to the structure of the Mount Gardens highway. The proposed works involve excavation within the garden, which has already begun. Officers have expressed concerns regarding the excavation of the land in proximity to this highway. Given these comments made by Highways and the objectors and to ensure site stability, it is therefore recommended that a condition be imposed requiring details of the construction methods measures to support the adjoining retaining walls design plans of a suitable retaining structure be submitted to the Council for approval. Through the imposition of a condition, it is considered that land stability can be managed. In addition, Highways have powers under the Highways Act should any damage result to the adjoining highway. Through these mechanisms, it is considered that any potential land stability issues can be mitigated.

Overall, given the temporary nature of construction activities and ability to manage land stability through specific engineering designs assessed by Building Control; it is considered that no significant impact on Mount Gardens would result.

12.0 Impact on Adjoining Properties

12.1 DM Policy 31 states that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity including loss of sunlight and daylight to adjoining properties and their back gardens.

12.2 Officers are mindful of objections raised regarding undermining of foundations, the size of the proposed extension and loss of amenity.

The proposed extension would extend the entire length of the boundary shared with 32 Kirkdale. Number 32 has a ground level approximately 1.5m higher than the subject property. The boundary is marked by a retaining wall topped with fence panels. The proposed extension would sit below the top of the fence panels and would not be visible from the ground floor of this neighbouring property or the adjacent properties on Kirkdale. The existing raised rear garden currently sits 1.8m below the top of the existing rear boundary treatments of the adjacent properties in Kirkdale and despite remodelling, the existing garden height would be maintained. As such, there would be no issues regarding loss of privacy and there are no implications in terms of loss of light or shadowing given the lower land the site occupies.

12.3 Adverse effects such as construction related activities and land stability issues can be addressed through recommended conditions therefore no significant effects on neighbouring properties are anticipated.

12.4 Due to the proposal being of a scale that does not adversely affect neighbouring properties and conditions recommended that would mitigate construction related effects; it is considered that an acceptable level of impact would result on adjoining properties.

13 Equalities Implications

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

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

14 Conclusion

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

Officers consider the proposed development to be of no significant harm to the character of the area or to residential amenity and is therefore considered acceptable.

RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

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

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

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

Site Location Plan; Block Plan; Dwg 1 A; DWG 2 A; DWG 3 A; DWG 4 A; DWG 5 A; DWG 6 A; Design and Access Statement), Heritage Statement

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

- (3) No development shall commence on site until such time as a Construction Structural Management Plan in respect of the excavation and remodelling of the rear garden has been submitted to and approved in writing by the local planning authority. The details included in the plan shall, upon approval, be implemented and permanently retained. The plan shall cover:-
 - (a) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (b) A structural method statement prepared by an appropriately qualified civil or structural engineer, demonstrating how the excavation, demolition and construction work (including temporary propping and other temporary works) are to be carried out whilst safeguarding the structural stability of the adjoining retaining walls both to Kirkdale Road properties and Mount Gardens.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to insure stability of land on site and on the Mount Gardens highway and to comply with Policy 5.3 Sustainable design and construction of the London Plan (2011).

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

(a) Rationalise travel and traffic routes to and from the site.

(b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.

(c) Measures to deal with safe pedestrian movement.

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

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan 2015 (as amended 2016).

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

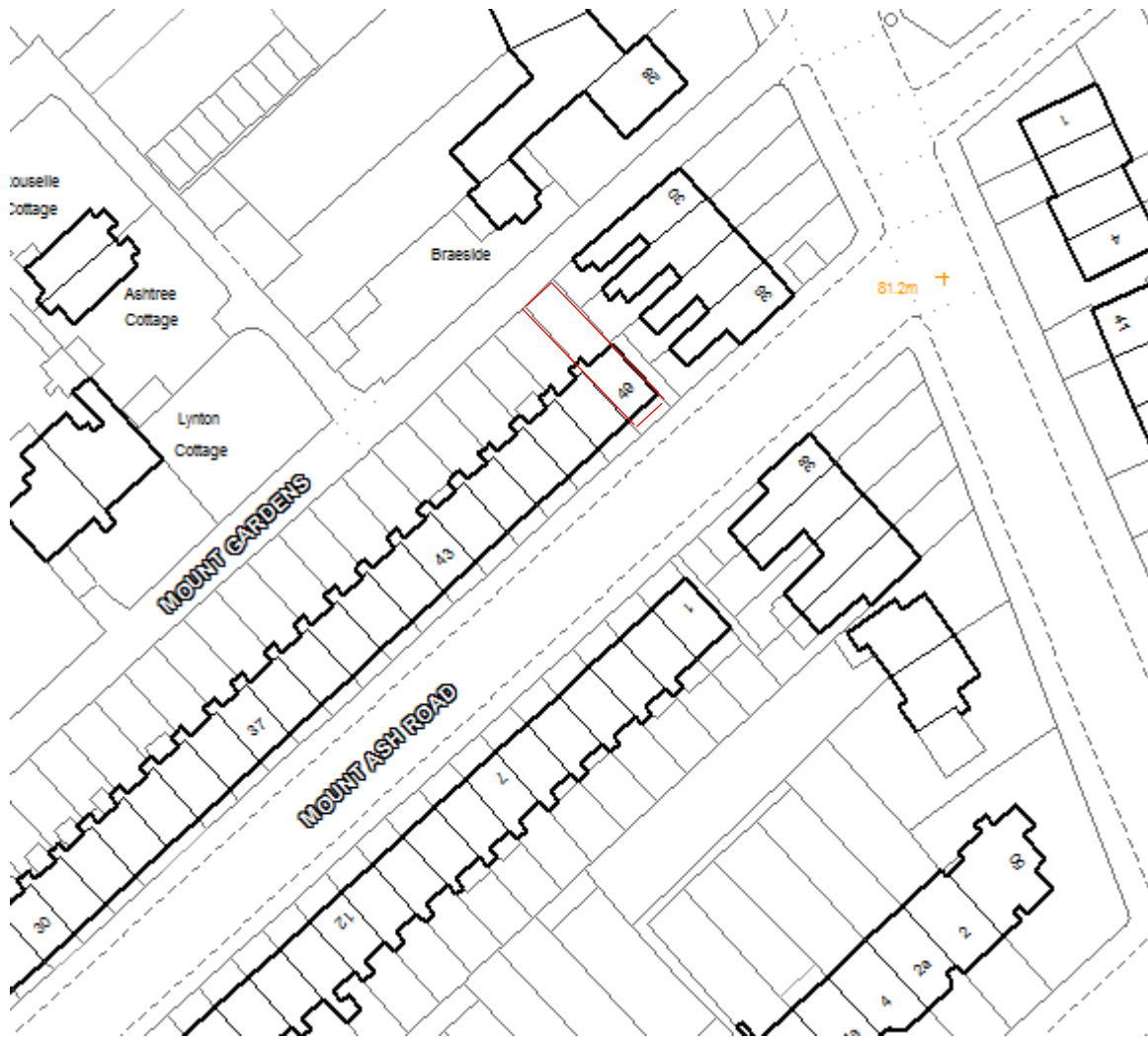
Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan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

INFORMATIVES

(1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-

application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. .

49 Mount Ash Road – Site Location Plan



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