

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 2 MARCH 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
Sophie McGeevor**

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, 21 February 2017**

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Committee	PLANNING COMMITTEE B	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 02 MARCH 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: 02 March 2017

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 19th January 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in THE ACCESS POINT, LAURENCE HOUSE, CATFORD SE6 on 19th January 2017 at 7:30PM.

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

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

APOLOGIES: Mallory, Wise

1. DECLARATION OF INTERESTS

None.

2. MINUTES

The minutes of the meeting of Planning Committee (B) held 01st December 2016 need amendments and will be agreed and signed at the next meeting subject to changes.

3. 197 NEW CROSS ROAD, LONDON, SE14 5DQ

The Planning Officer Michael Forrester outlined the details of the case. He outlined to members that the application had been appealed on the ground of non-determination and that member's decision was instead to inform Officers how the case would have been determined if it were not appealed.

Councillor McGeevor raised concerns regarding money laundering and complaints against coral by the gambling commission. She stated that these issues had not been addressed in the Officer's report. Kevin Chadd (Legal) followed by reminding members that the decision should be based on the suitability of the use proposed, and that allegations of other issues were not material to the that decision.

Councillor Ingleby sought clarification over the last informative attached to the report which stated that advertising consent would be required for any new signage and full planning

permission for any changes to the shop front. The Planning Officer Michael Forrester clarified with members that the change of use would not require any physical alterations and that changes to the shopfront and any signage would be a separate planning matter.

Councillor Paschoud stated that there had been recent past unease regarding the number of betting shops in the area and asked if this was pertinent to the determination of the application. The Planning Officer Michael Forrester responded stating that the application had been deferred so the Metropolitan Police could be consulted and this would be the factor which the case should be determined on.

The committee then received verbal representation from Ms Altine Topping (Agent), who presented the scheme and the findings from the consultation with the Metropolitan Police. Ms Topping then responded to objections raised at the last meeting, stating that the shop would not provide an additional shop as it would replace an existing unit at 141 New Cross Road. She stated that they had been granted a licence from the Licencing Committee and that Coral had social responsibility programs to prevent crime and antisocial behaviour. She went on to state that there was no evidence that the proposal would result in an increase in crime or criminal activity and that the proposal was in line with Council Policy.

Councillor McGeevor asked whether there was an opportunity for criminal activity to expand, to which Ms Topping stated there wasn't as the number of units would not be increasing.

The committee then received verbal representation from an objector, Ms Shereener Browne. Ms Browne outlined concerns regarding antisocial behaviour and crime and the findings of the police report. She stated that if permission were to be granted that a prominent beautiful building would become a forecourt for criminality and antisocial behaviour.

Councillor Ingleby asked about the response from the community to the safer neighbourhood panel. The applicant responded stated that locals did not report incidents anymore as nothing was done about it.

Councillor Reid (Chair) arrives.

Councillor McGeevor sought further clarification over the factors which members were able determine the application on. Kevin Chadd (Legal) stated that the location and how it related to other sites was a consideration, but that the decision if based on policy unless material considerations indicated otherwise. Members then clarified the matters which were relevant to the determination of the application with one another.

The committee then received verbal representation from Councillor Dacres Bourne who was speaking in opposition of the application under standing orders. Councillor Dacres outlined her concerns regarding the proposal including criminal and antisocial issues in the surround area, the prominence of the building and views of the local community.

Following further deliberation by members, Councillor Ingleby moved a motion to reject the Officer's recommendation to approve the application. It was seconded by Councillor McGeevor.

Members voted as follows:

FOR: Ingleby, McGeevor

Against: Siddorn, Moore, Paschoud, Muldoon

ABSTAINED: Ogunbadewa (Vice-Chair)

Kevin Chad (Legal) confirmed that the motion had been defeated. Councillor Paschoud then moved a motion to accept the Officer's recommendation to approve the application. It was seconded by Councillor Siddorn.

Members voted as follows:

FOR: Siddorn, Moore, Paschoud, Muldoon

Against: Ingleby, McGeevor

ABSTAINED: Ogunbadewa (Vice-Chair)

RESOLVED: That planning permission would have been granted in respect of application No. DC/16/096758 in line with Officer's recommendation. However, as the applicant appealed on grounds of non-determination, the application will be determined by the Planning Inspectorate.

4. 49 MOUNT ASH ROAD, LONDON, SE26 6LY

The Planning Officer Michael Forrester outlined the details of the case, which was recommended for approval by Officers. He also clarified with members that the structure required planning permission as the property was subject to an Article 4 Direction. Following a question from Councillor Paschoud, the Planning Officer Michael Forrester clarified that an existing water closet would be incorporated into the new extension by increasing the size of the existing structure.

The committee then received verbal representation from Mr Adam Humphries (Applicant). Mr Humphries relayed to Members that the purpose of the extension was to make better use of the existing small and awkward layout and to remove an existing dilapidated extension. He further clarified the new water closet arrangement, following Councillor Paschoud's previous question, and went on to outline that structure would be obscured from various roads, would maintain a single storey height with incorporated living roof and would be 3.3m away from 32 Kirkdale.

Questions from members followed, including clarification over works to a rear wall at the property, the vegetation to be used in the green roof and potential subsidence at the property. Mr Humphries explained that the works to the rear wall were to turn it into a retaining wall as it had been previously collapsing and that there had been no subsidence. He then clarified the types of plans which would and wouldn't be used in the green roof.

The committee received verbal representation from objectors, Mr Damian Falkowski (Neighbour) and Ms Mary McKernan (Neighbour and on behalf of the Sydenham Society). Mr Falkowski outlined concerns regarding previous subsidence at a neighbouring site. Ms McKernan outlined concerns regarding errors in the Officer's report, the validation of the application, the number of objectors listed in the report, missing elevations and the accessibility of a service gap should the structure be built.

Questions from members followed. Councillor Reid (Chair) asked Ms McKernan what address she lived at and whether she had appointed a party wall surveyor. Ms McKernan responded that she lived at 32 Kirkdale and that she had not employed a surveyor at that time.

Councillor Reid (Chair) then sought clarification over the alleged missing elevations, validation of the application and errors in the report. The Planning Officer Michael Forrester confirmed that information had been uploaded onto the Council's website and were all available to the public. He stated that the plans had the required information to be validated and that the materials were confirmed in the application form. With regard to the missing elevation, he stated that while there was not a side elevation, the relevant information could be seen on the proposed section plan.

Ms McKernan asserted that the plans were not clear and that the Case Officer stated that there should be an elevation. She went on to say that the plans had a lack of detail regarding the servicing gap and that the proposed gap which would be left was not practical. Councillor Siddorn asked for clarification over the surface gap from the Presenting Officer.

The Planning Officer Michael Forrester clarified the dimensions of the servicing gap. He then asserted to members that servicing is building control issues, and would not constitute a planning consideration. He went on to say that a construction management plan was included in the proposed conditions.

Councillor Paschoud asked the applicant if a manhole would be covered as a result of the works, which Mr Humphries confirmed there would not.

Councillor Muldoon sought clarification on what would be required for building control. The Planning Officer Michael Forrester stated that in addition to planning permission, permission from building control would also be required. He stated that drainage could not be conditioned, but that the application could be deferred for more information on this.

Following further deliberation by members, Councillor Muldoon moved a motion to defer the application to a future committee to allow for further information on drainage. It was seconded by Councillor Paschoud.

Members voted as follows:

FOR: Reid (Chair), McGeevor, Siddorn, Moore, Paschoud, Muldoon, Ingleby

ABSTAINED: Ogunbadewa (Vice-Chair)

RESOLVED: That in respect of the planning application No. DC/16/098571, the decision be deferred to allow time for further consideration.

5. 44 DARTMOUTH ROW, LONDON, SE10 8AW

The Planning Officer Michael Forrester outlined the details of the case, which was recommended for approval by Officers. He stated that an objection from the Blackheath Society had been omitted from the report and circulated it to members. He also stated that the current application was for retrospective planning permission, as the works had already been carried out.

Councillor Reid (Chair) sought asked for clarification over what was regarded as acceptable in terms of overlooking. The Planning Officer Michael Forrester clarified that general views were considered acceptable, while overly intrusive views, generally resulting in direct overlooking were unacceptable. Councillor Moore then sought clarification over the existing structure that had been removed. The Planning Officer Michael Forrester clarified this on the

plans for members and stated that there had been no objections from the Conservation Officer.

The committee then received verbal representation from Mr Mark Fletcher (Applicant). Mr Fletcher outlined to the members that the aim of the works was to improve the privacy and appearance of the property. He apologised that the application was made retrospectively, stating he had been unaware the works required permission. He went on to state that the works had been done in a high quality material, had improved the appearance and symmetry of the property and that planting had been incorporated to improve privacy. Finally he stated that screening had been also incorporated and that the proposal complied with council policy.

Councillor Paschoud then sought clarification over a previous application which had been withdrawn. The Planning Officer Michael Forrester confirmed that the earlier application made in the autumn of 2016 had been withdrawn due to inaccuracies in the plans and that this application had also been retrospective. Councillor Ingleby queried whether the depths of the area had changes, which the applicant confirmed they had not.

The committee received verbal representation from objectors, Mr Stephen Howlett and Mrs Jane Howlett (neighbours). They outlined their concerns regarding the application to members, specifically the privacy implication on their property. They also stated that there were inaccuracies in the existing plans and errors within the Officer's report. Finally they asserted that the planting and screening were not effective mitigation against the loss of privacy.

Questions followed by members, specifically regarding the height of the privacy screen, which were confirmed by the objectors. Following further deliberation by members, Councillor Reid (Chair) moved a motion to accept the Officer's recommendation to approve the application. It was seconded by Councillor Ogunbadewa (Vice-Chair).

Members voted as follows:

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

ABSTAINED: Siddorn, Moore

RESOLVED: That planning permission be granted in respect of application No. DC/16/99250 subject to the conditions outlined in the report.

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Committee	PLANNING COMMITTEE B	
Report Title	49 Mount Ash Road, SE26 6LY	Addendum
Ward	Forest Hill	
Contributors	Amanda Ghani	
Class	PART 1	2 nd March 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 6 A; Design and Access Statement), Heritage Statement (dated 1 October 2016).

DWG 2 B; DWG 3 B; DWG 4 B; DWG 5 B; DWG 7 A; DWG 8 A (dated 15 February 2017)

Background Papers

This is Background Papers List

Case File LE/91/49/TP

Local Development Framework Documents

The London Plan

Designation

[Core Strategy, Site Allocations Local Plan or Lewisham Town Centre Local Plan] - Existing Use

1.0 Addendum

Committee members deferred the application which was put before Planning committee A on 5th January 2016, due to the following:-

- a) Further details required regarding drainage and the service gap between the proposed side elevation of the extension and the rear retaining wall of No.32 Kirkdale.
- b) Further details regarding water run-off from the proposed living roof, and details regarding the upper roof edge.
- c) Submission of existing and proposed drawings of the north-eastern flank, showing the proposed side elevation of the extension from the view point of No.32 Kirkdale.

2.0 Property/Site Description

- 2.1 The application relates to a three-storey end of terrace residential property, which is situated on the western side of Mount Ash Road.
- 2.2 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.
- 2.3 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.
- 2.4 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

- 3.1 This is covered in the main report.

4.0 Further submitted details

4.1 The applicant has submitted revised Drawing 2B, 3B, 4B, 5B and additional drawings 7A and 8A, which show further details as requested by the Committee members.

5.0 Policy Context

5.1 This is covered in the main report.

6.0 Planning Considerations

6.1 This addendum addresses the following issues.

- Drainage details and the service gap.
- Roof details
- Flank elevation drawing

Drainage details and the service gap

6.2 There would be a gap of 30cm between the side elevation of the extension and the rear wall of No.32 Kirkdale. Officers consider the gap sufficient for any future maintenance to take place by the occupiers.

6.3 The soil pipe will remain in its current position and will connect to the sewer as existing. The soil pipe will pass through the zinc gutter which will sit on top of the proposed wall located between the extension and the rear boundary wall of No.32. The applicant proposes to fit a rodding hatch on the soil pipe which will be accessible from the living roof. A new downpipe for the main roof run off would be sited close to the shared boundary with No.48. Both Planning and Building Control Officers find the submitted details to be acceptable.

Roof details

6.4 The applicant has amended Drawing 2 (rear elevation) to include a parapet wall on the side elevation of the proposed single storey extension. The proposed parapet wall would measure 15cm above the upper eaves height of the mono pitched roof and be sited approximately 10cm below the top of the fence panel on the rear wall of No.32 Kirkdale. The parapet wall would be clad in zinc which is considered a high quality material. The zinc material would cap the whole of the parapet wall starting on the inside edge adjacent to the green roof, up over the top of the parapet and down the side elevation into a zinc gutter. The gutter would be attached to the host property's side of the boundary wall below number 32's fence panels. The zinc clad parapet/gutter would require minimal maintenance. The submitted roof details are considered acceptable.

Flank elevation drawing

6.5 The applicant has also submitted a revised proposed side elevation drawing showing the rear retaining wall and fence posts at No.32 (minus the fence panels), which now clearly shows this existing and proposed elevation.

7.0 Impact on Adjoining Properties

7.1 The impact on adjoining properties has been covered in the main report. The revised drawings and submitted details are not considered to have a detrimental effect on the amenities of those neighbouring properties.

8.0 Conclusion

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

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

9.0 RECOMMENDATION

9.1 **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 B; DWG 3 B; DWG 4 B; DWG 5 B; DWG 6 A; DWG 7 A; DWG 8 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).

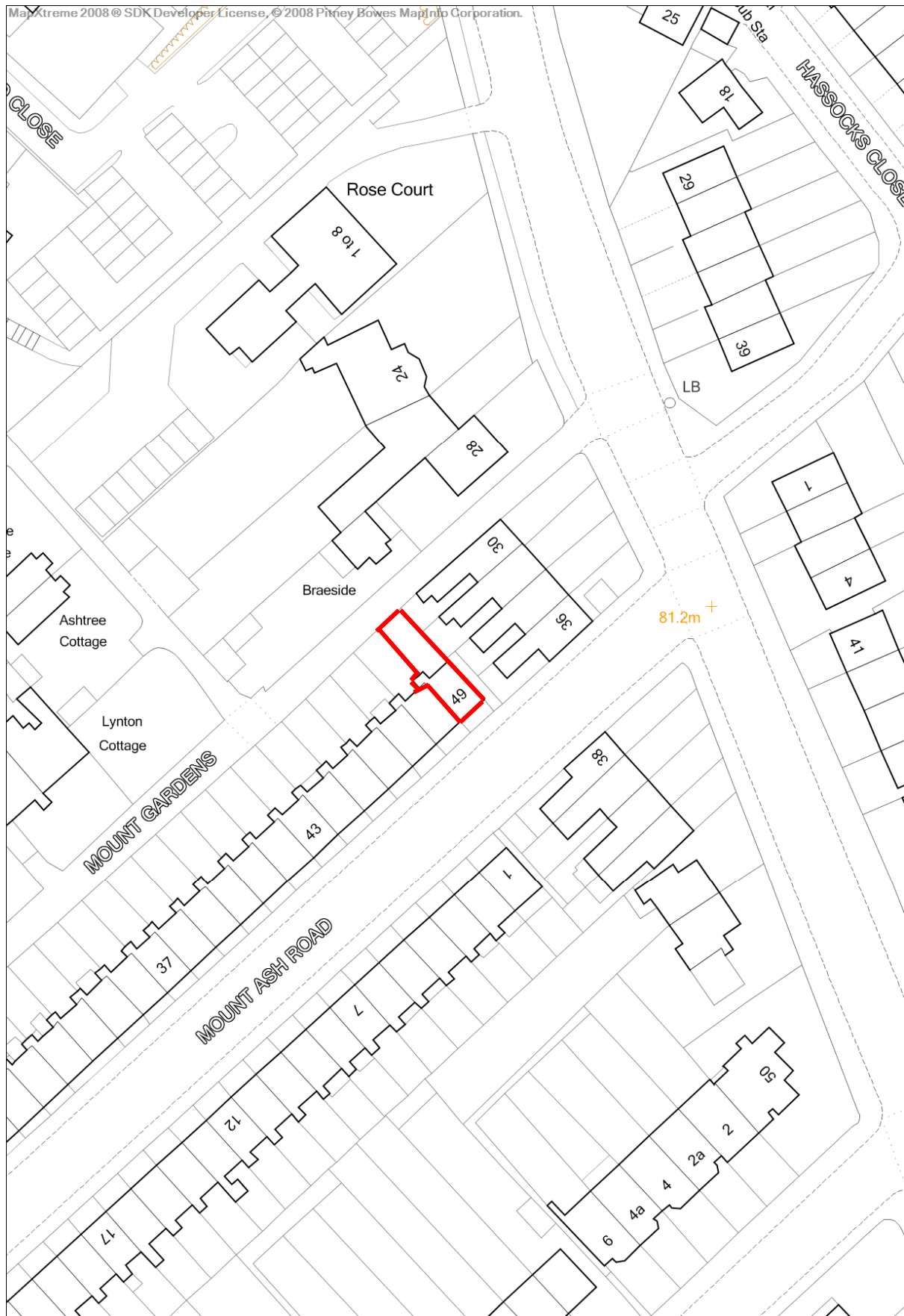
(6) No development shall commence on site until a detailed structural assessment (including calculations) has been submitted and approved by the Local Planning Authority with regards to any retaining walls proposed. Once approved and constructed, the retaining wall shall be maintained to a high standard.

Reason: To ensure that land stability issues do not arise and that the proposed retaining structure is of a standard that will ensure that the adjoining highway and adjoining properties are not affected by slippage in the future.

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, LONDON, SE26 6LY – Site Map



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Committee	PLANNING COMMITTEE B	
Report Title	PRINCESS OF WALES, 1A MONTPELIER ROW, LONDON, SE3 0RL	
Ward	BLACKHEATH	
Contributors	Russell Brown	
Class	PART 1	02 March 2017

<u>Reg. Nos.</u>	DC/14/89840
<u>Application dated</u>	13.11.2014
<u>Applicant</u>	Mitchells & Butler
<u>Proposal</u>	Retrospective application for advertisement consent for the display of a fascia sign, two A Boards and two LED back lit menu cases at the front of the Princess of Wales public house, 1A Montpelier Row, SE3.
<u>Applicant's Plan Nos.</u>	OS Map; Heritage Statement; Existing Front Elevation Photograph 107733 Rev C Received 29th January 2016 Block Plan; 1951/04 Rev E, 1951/05 Rev E Received 12th May 2016
<u>Background Papers</u>	(1) Case File LE/417/1A/ADV (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2015)
<u>Designation</u>	Blackheath Conservation Area
<u>Screening</u>	N/A

2.0 Property/Site Description

- 2.1 The application site is located on the south east side of Montpelier Row, at the junction with Paragon Place and opposite the heath. It is occupied by a three storey building of circa 1865 which is a public house. There are two entrances to the front and there is also a side entrance in Paragon Place.
- 2.2 The pre-existing signage is limited to a double sided pictorial hanging sign located opposite the pub on the heath and a large sign with raised letter advertising the pub's name on its front elevation.
- 2.3 There is a deep forecourt to the front which is used as an external seating area and there is further external seating at the rear.
- 2.4 The premises directly adjoins number 1 Montpelier Row, a single dwellinghouse, and backs onto 63 Paragon Place, which has been split into two flats. Both are

residential properties and the former is Grade II listed as part of a listed group that covers numbers 1-4 Montpelier Row.

2.5 The property is a locally listed building, with the following listing description:

“Public House. Façade c.1865 rebuild of original 1805 building. Stucco, brick and slate. Three storeys, three bays with further ‘canted’ element of two bays. Banded stucco to projecting ground floor level. Over stall-risers, multi-paned windows with ‘Gothick’ interlocking tracery to over-lights with cambered arches. On principal façade, with the main entrance door, these surmounted by a contemporary fascia/sign and flanked by pilasters further surmounted by decorative console brackets. At first floor level, fenestration is flat-arched with console bracketed cornicing. Over second floor profiled cill band, fenestration has pedimented cornicing. Upper level original fenestration is comprised of two or three-light two pane sashes, although several have been replaced with poor-quality casements. Bays divided by pilaster strips terminated by decorative brackets with pendant posts. These flank friezes enriched with roundel/flower motif. This surmounted by bracketed cornice to parapet. Formerly the “Prince of Wales” public house. May incorporate some fabric belonging to its predecessor, built c.50 years earlier. Aspects north-west over Heath from prominent corner site.”

2.6 The site is located within Blackheath Conservation Area, but is not subject to an Article 4 direction. The land lies within part of the Buffer Zone for the UNESCO World Heritage Site of Maritime Greenwich, an Area of Archaeological Priority, an Area of Special Character and has a PTAL rating of 4. The road is unclassified.

3.0 Planning History

3.1 DC/95/04649: The display of flood and trough lit fascia signs and lettering at the Princess of Wales PH, SE3. **Granted.**

3.2 DC/99/43943: The installation of ventilation equipment on the flat roof rear of Princess of Wales PH, 1a Montpelier Row, SE3. **Granted.**

3.3 DC/06/62090/X: The construction of a new decking area with canopy over in the rear garden of the Princess Of Wales, 1a Montpelier Row, SE3. **Refused as the proposed canopy would result in significant harm to the Sycamore tree to the detriment of the conservation area and the streetscene.**

3.4 DC/08/68567/FT: The installation of new French doors to the rear elevation of the Princess of Wales PH, 1A Montpelier Row SE3, together with internal alterations and alterations to the side elevation. **Granted.**

3.5 DC/14/89777: Listed Building Consent for internal minor refurbishment works, external lighting, a new hanging sign and external 'decoration' at the Princess of Wales, 1A Montpelier Row, SE3. **Withdrawn.**

3.6 DC/15/90686: There is a concurrent retrospective application for the installation of replacement lanterns on the front elevation at the Princess of Wales, 1A Montpelier Row, SE3, together with the refurbishment of the conservatory and the erection of two jumbrellas to the rear. **Approved.**

4.0 Current Planning Application

4.1 Retrospective advertisement consent is sought for various advertisements associated with the public house use as follows:

1) A timber fascia sign with aluminium lettering, measuring a height of 0.7m, 9m wide and projecting out 6cm. The sign is located 2.8m above ground level on the front elevation of the building.

2) Two A Boards measuring 1.2m high by 80cm wide on 10cm high legs advertising the pub located on the public footpath to the front.

3) Two internally illuminated (LED back lit) brass menu cases on timber posts, one measuring 52cm high, 39.5cm wide and 5cm deep, located 1.2m above ground level and the other measuring 40cm high, 31cm wide and 5cm deep, located on the front elevation, both with an illumination level of 180cd/m.

The repainting of the double sided hanging sign with pictorial graphics located on the heath opposite the pub and suspended from a timber post does not require advertisement consent.

5.0 Consultation

5.1 No pre-application advice was sought.

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

5.3 A site and a public notice were displayed, Blackheath Ward Councillors, the Blackheath Society and the Council's Conservation Officer were consulted and letters were sent to six neighbours.

Written Responses received from Local Residents and Organisations

5.4 Four letters of objection have been received from 1 Montpelier Row, raising the following issues:

- The pub already has sufficient levels of lighting and is too garish so therefore no illuminated adverts should be allowed.
- The advertisement signage fundamentally alters the character and nature of the Georgian terrace on which the pub is situated, which goes against the purpose of a Conservation Area. There are already too many signs and adverts.
- The large inverted advertisement boards block the pavement for passers-by, especially those with pushchairs or in wheelchairs.
- The works requiring Advertisement Consent, and indeed planning permission, have already been done before the granting of permission and therefore should be refused.
- The Design & Access Statement contains information for the new swing sign and is missing from the application and therefore the application should be refused until such information is provided.
- The addition of lighting is not environmentally friendly and for this reason, the pub should be reducing lighting, not increasing it.

Amenity Societies Panel

- 5.5 Insufficient information on the swing sign to comment (Design & Access Statement missing). Otherwise no objection to proposal, although proposals look different in some drawings than others. From the information available, it's unclear where the display panels are to be located on the building facade.

6.0 Policy Context

Introduction

- 6.1 Circular 03/2007: Town and Country Planning (Control of Advertisements) (England) Regulations 2007. In considering and determining this application the local planning authority shall exercise its powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2015). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 6.2 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)'.

6.3 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

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

London Plan (March 2015)

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

Policy 7.4 Local character

Policy 7.8 Heritage assets and archaeology

Core Strategy

- 6.6 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:

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

Development Management Plan

- 6.7 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the 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 19 Shopfronts, signs and hoardings

DM Policy 27 Lighting

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

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

Blackheath Conservation Area Character Appraisal and SPD (March 2007)

- 6.8 The Blackheath Conservation Area is one of the most important in the borough and is also part of the Buffer Zone for the UNESCO World Heritage Site of Maritime Greenwich. The settlement dates from at least the 12th century, many of the standing buildings date from the 1790s onwards. The significance of the area lies in the critical mass of well preserved historic housing and the intimate relationship with the famous open space.

7.0 Planning Considerations

- 7.1 The relevant planning considerations when determining an advertisement application are the impact of the proposal on public safety and on the amenities of the area plus, in this case, whether it preserves or enhances the character and appearance of the locally listed building and the Blackheath Conservation Area.

Principle of development

- 7.2 The principle of replacing and upgrading the signage for this pub is considered acceptable as the previous signage was rather tired in its appearance, but this is subject to its impact on public safety, the amenities of the area and on the Blackheath Conservation Area.

Amenity

- 7.3 The recently published NPPF sets out national policy for all advertisements and replaced PPG19. The NPPF states “poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.
- 7.4 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.
- 7.5 DM Policy 19 Shopfronts, signs and hoardings states that shopfronts should be designed to a high quality and reflect and improve the character and quality of their surroundings. For this to be achieved, new shop signs should relate successfully to the architectural features and detailing of the building so architectural features such as cornices, pilasters and columns are not obscured. Furthermore, permission should be refused for advertisements, banners, blinds, canopies and awnings that are considered to adversely affect the amenity and character of an area or that adversely impact on highway safety and operations.
- 7.6 DM Policy 27 Lighting states that the Council requires applicants to protect local character, residential amenity and the wider public, biodiversity and wildlife from light pollution and nuisance, by taking appropriate measures in lighting design and installation in line with the Institute of Lighting Professionals’ Guidance Notes for the Reduction of Obstructive Light (2011) to control the level of illumination, glare, spillage of light, angle and hours of operation as well as requiring them to prevent the adverse impact of light pollution at all stages of development, from building demolition and construction to occupation.
- 7.7 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. An adequate response to how the scheme relates to the existing street including its building frontages will be required including:
- The creation of a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas, taking all available opportunities for enhancement.
 - Height, scale and mass should relate to the urban typology of the area.
 - The quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice should be clearly justified in relation to the existing built context.

- A statement describing the significance of heritage asset, including its setting will be required for proposals that impact on such an asset.

- 7.8 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. new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials; and
 - 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.
- 7.9 DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest states that the council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets and development proposals affecting them should be accompanied by a heritage statement proportionate to the significance of the asset and which justifies the changes to the asset. In terms of locally listed buildings the Council will seek to retain and enhance them and may use its powers where appropriate to protect their character significance and contribution made by their setting.
- 7.10 This site is located within a conservation area and the building is locally listed. Therefore any signage must respect the historic significance of the building.
- (1) Fascia Sign
- 7.11 The fascia sign is located above the ground floor windows to the front (north west) elevation of the pub and projects a modest 6cm. It displays the name of the pub in gold coloured individual aluminium letters 20cm high on a timber fascia which is painted black. It should be noted that two lantern style lamps recently installed at fascia level are the subject of a separate application for planning permission.
- 7.12 Whilst this is a sensitive and highly visible location directly opposite the heath, it is considered that the sign is considered to be in keeping with the building and does not have an adverse impact upon the visual quality or character of the building and Blackheath Conservation Area. It is noted that there are a small number of signs in the immediate vicinity, including at the Clarendon Hotel.
- (2) A Boards
- 7.13 Two A Boards advertising the pub are located on the public footpath to the front. They are considered to be appropriate for a pub and, were they displayed on the forecourt area then they would have had deemed consent under the regulations.
- (3) Menu Display Signs
- 7.14 Two internally illuminated (LED back lit) brass menu cases have been installed at the front of the property on timber posts.

- 7.15 One menu case is located next to the main front entrance to the right hand side of the front elevation and measures 52cm high, 39.5cm wide and 5cm deep, and the other measures 40cm high, 31cm wide and 5cm deep, being positioned on the left hand side of the entrance.
- 7.16 While the former is 1.2m off ground level, it is considered to respect the visual amenity of the surrounding Conservation Area and is considered to be appropriate for its purpose.
- 7.17 It is considered reasonable to display two signs near to both front entrances to the pub in order to advertise the food offer available at the pub and they are considered to be small in scale and reasonably discreetly located. Although they are internally illuminated, the luminance level of 180 candelas is not considered to be excessive and it is felt that it does not result in undue disturbance for the neighbouring residential occupiers or to the surrounding Conservation Area. For comparison, a standard candle emits 1cd/m.

Public Safety

- 7.18 In considering advertisement applications, Local Planning Authorities are expected to have regard to the effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air. The vital consideration in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others safety.
- 7.19 The signs are located in such a position in relation to the nearest highway that, although they would be visible, they are considered unlikely to generate a material level of distraction to drivers of vehicles, even in the case of the fascia sign.
- 7.20 Apart from the A Boards, the signs would be displayed on or facing the front elevation of the building at sufficient height above the adjacent footway and therefore would cause no significant obstruction to passing pedestrians.

Issues raised by consultation

- 7.21 There were no objections on the grounds of public safety.
- 7.22 Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed. The objections to the change of name, design of the name sign and the nature and content of the mosaic are not material considerations in this application, as they are not considered to impact safety or amenity. The scale and location and nature of the advertisements are considered acceptable in terms of the impact on amenity of the building and area and the subject matter, content or design are not therefore considerations for this application.

Equalities Considerations

- 7.23 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.
- 7.24 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.
- 7.25 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.
- 7.26 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/>
- 7.27 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
- 7.28 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/>

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

Conclusion

- 8.0 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) London Plan (March 2015) and the National Planning Policy Framework (2012).
- 8.1 For the reasons set out in this report it is not considered that the advertisements for which retrospective consent is sought cause harm to public safety or the visual amenity of the Blackheath Conservation Area. As such, it is considered that the changes are acceptable regardless of the works being applied for retrospectively and it complies with the National Planning Policy Framework 2012, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 9.0 **RECOMMENDATION: GRANT PERMISSION** subject to the following conditions:

- 1)
 - (a) This consent is granted for a fixed period expiring 5 years from the date of consent.
 - (b) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - (c) No advertisement shall be sited or displayed so as to:-
 - (i) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).
 - (ii) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.
 - (iii) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - (d) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - (e) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - (f) Where an advertisement is required under these regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

- 2) The illuminated advertisements hereby granted consent shall not be displayed otherwise than in complete accordance with the approved plans, unless previously agreed in writing by the local planning authority.

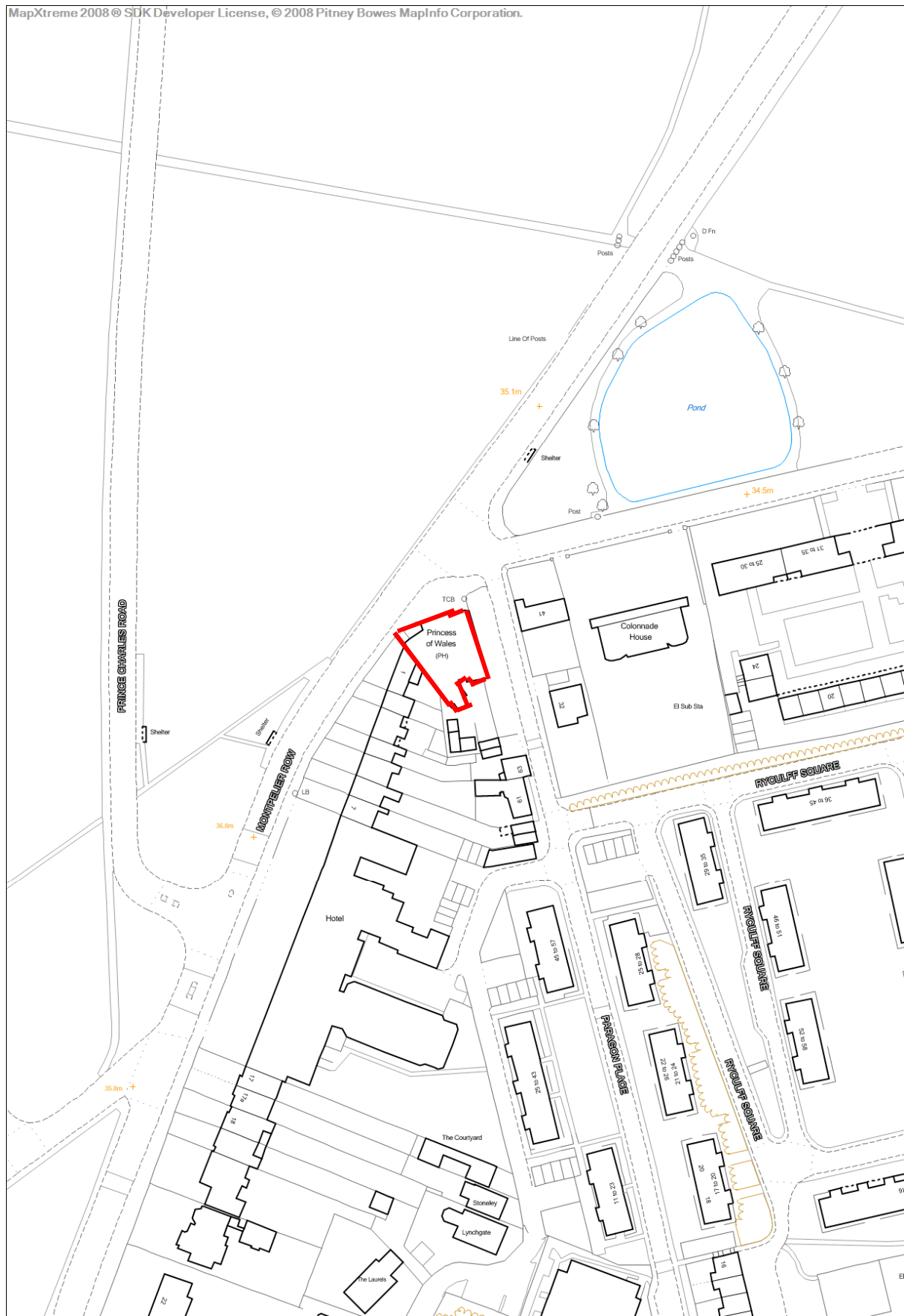
Reason: To protect the visual amenities of the area and to comply with the terms of the application and DM Policy 19 Shopfronts signs and hoardings of the Development Management Local Plan (November 2014).

INFORMATIVE

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, revised information being submitted.

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PRINCESS OF WALES, 1A MONTPELIER ROW, LONDON, SE3 0RL – Site Map



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Committee	PLANNING COMMITTEE B	
Report Title	72 Cambridge Drive SE12	
Ward	Lee Green Ward	
Contributors	Colm Harte	
Class	PART 1	02 March 2017

Reg. Nos. DC/16/098303

Application dated 11/10/2016

Applicant Apex Architecture

Proposal The demolition of the existing house at 72 Cambridge Drive SE12 and the construction of a single storey plus roofspace three bedroom dwelling house, together with the provision of cycle and bin stores.

Applicant's Plan Nos. 001; 002; 003; 100; 106; 108;110; Site Location Plan; Sustainability Statement (September 2016, Apex Architecture); Planning Statement (September 2016, Apex Architecture); CIL Form; Design and Access Statement (September 2016, Apex Architecture); Energy Statement (September 2016, Innervision Design) received 14 September 2016 102 Rev A; 103 Rev A; 104 Rev A; 105 Rev A; Arboricultural Report and Tree Survey (January 2017, Chartwell Tree Consulting) 11 January 2017

Background Papers

- (1) LE/378/40/TP
- (2) Local Development Framework Documents
- (3) The London Plan

1.0 Property/Site Description

- 1.1 The site is located on the eastern side of Cambridge Drive close to the intersection with Upwood Road. The surrounding area is primarily residential in character and is comprised of 1930's semi-detached and detached properties with generous front and rear garden areas. The existing topography of the property falls by approximately 375mm away from the street while the entire site is bounded by a 2 metre high fence which would be retained as part of the proposed development.
- 1.2 The site is currently occupied by a two bedroom bungalow that has a principle elevation facing Cambridge Drive and is located in what was part of the rear garden of 40 Upwood Road prior to redevelopment. The front elevation of the building, is positioned 5.5m from the back edge of the footway approximately 2m forward of the neighbouring property at No 70 Cambridge Drive.

- 1.3 There is a separation of approximately 16.9 metres between the existing bungalow and the rear elevation of No 40 Upwood Road and a separation distance of 1.5m to the side boundary with No 70 Cambridge Drive. The current height of the dwelling is 4.7m to the roof ridge and 2.4m to the eaves.
- 1.4 It is noted that the rear garden of 40 and 42 Upwood Road hosts a row of semi mature trees, as does the front garden of 70 Cambridge Drive, none of which are subject to Tree Preservation Orders. The site is not in a conservation area nor is the building listed.

2.0 Planning History

- 2.1 **LE/378/40/TP:** Erection of a single storey two roomed house with integral parking space on land at the rear of the 40 Upwood Road. Granted 27/01/1984
- 2.2 **DC/11/79035:** The raising of the roof and the construction of dormer extensions to the front and roof lights to the rear of 72 Cambridge Drive SE12, together with alterations to the elevations to create a three bedroom dwelling house.

Application refused under delegated authority on the 27/01/2012 for the following reasons:

Reason 1:

The proposed roof alteration and additional floor, by reason of its size, additional height, massing, design and external appearance would be an intrusive development, out of scale and character with the prevailing pattern of development in the locality as well as having a serious and adverse effect on the amenities enjoyed by occupants of neighbouring properties contrary to Policy 15 'High quality design for Lewisham' of the adopted Core Strategy (June 2011); URB 3 (Urban Design), URB 6 (Alterations and Extensions), HSG4 Residential Amenity, HSG 5 Layout and Design of New Residential Development, HSG 8 (Backland and In-fill Development) in the adopted Unitary Development Plan (July 2004).

Reason 2:

The proposed development, due to its poor quality of outlook for future occupants and poor standard of provision of outdoor amenity space would provide an unacceptably poor standard of living accommodation as a three bedroom single family dwellinghouse. The proposals are therefore contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policies HSG 5 Layout and Design of New Residential Development and HSG 7 Gardens in the adopted Unitary Development Plan (July 2004) and the Residential Development Standards Supplementary Planning Document (August 2006).

3.0 Current Planning Application

- 3.1 The subject application proposes the demolition of the existing property and the construction of a replacement 3 bedroomed (6 person) dwelling house. The proposed development would have a similar building footprint as the existing dwelling, in terms of site coverage, however additional living space would be created within the proposed curved roof.
- 3.2 The proposed development would have a staggered building footprint, with a front setback from Cambridge Drive of between 5.3 and 7.1 metres and a rear setback of between 2 - 4 metres. The proposed dwelling would have a northern side setback of 1.5 metres and a southern side setback of between 600 mm and 4.8 metres.
- 3.3 The development would have a maximum height of 5.7 metres, measured to the apex of the curved roof. At ground floor the property would provide a kitchen, lounge and dining area along with one double bedroom with ensuite bathroom. A further two double bedrooms and bathroom would be located at upper floor level. The development would be provided with one off-street car parking space in addition to dedicated private open space located to the front and rear of the property.

Supporting Documents

- 3.4 Planning Statement (September 2016, Apex Architecture): This document provides a policy compliance overview in support of the subject application.
- 3.5 Design and Access Statement (September 2016, Apex Architecture): This document outlines the design development of the proposed scheme.
- 3.6 Arboricultural Report and Tree Survey (January 2017, Chartwell Tree Consulting): The accompanying Arboricultural Report identifies the canopy and root protection zones of trees situated within neighbouring properties and details the methodology by which the proposed development could be carried out in order to protect them.
- 3.7 Sustainability Statement (September 2016, Apex Architecture): This document provides details of the proposed sustainability measures to be included as part of the subject application
- 3.8 Energy Statement (September 2016, Innervision Design): This document provides detail as to how the proposed development will comply with relevant policy requirement as detailed within the London Plan and Council Core Strategy.

4.0 Consultation

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

4.2 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors. Lewisham Tree Officer and the Council's Highways Officer were also consulted and their responses are detailed below.

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

Highways:

4.4 Council's Highway's Officer has not raised any objection to the proposed development.

4.5 Lewisham Tree Officer:

No objection raised subject to the inclusion of appropriate condition to protect the neighbouring trees, should the application be approved.

Written Responses received from Local Residents and Organisations

4.6 In response to the proposed development 4 letters of objection were received by the Council. Comments raised within the written submissions can be categorised into the following subsections;

Overshadowing/Loss of Outlook

4.7 Residents of the surrounding properties have commented that the proposed development would restrict the outlook for the adjoining properties. Furthermore it was considered that raising the roof height and the increase in overall size of the building would obstruct sunlight and cause shadow on the adjoining properties during the majority of the day;

Design of the proposed development

4.8 Concern is raised that the proposed development, in terms of its size and building setback would be obtrusive, overbearing and out of character with the surrounding developments. Specific objection was raised regarding the proposed use of Zinc roof tiles.

Impacts upon Highways/ Parking Stress

4.9 Objections have been raised that the proposed development would lead to parking congestion on the surrounding streets as a result of the reduction in the number of off street parking spaces from two spaces to one.

Provision of the Private Open Space

4.10 Concern is raised that the proposed open space provision would be insufficient for the proposed number of people expected to live in a family house of 3 bedrooms.

Overlooking

- 4.11 Residents of the adjoining properties have commented that the ground floor bathroom window would be located immediately adjacent to the front entrance to 70 Cambridge Drive thereby allowing sharing of views between properties.

Other Concerns

- 4.12 Concern was raised that the proposed development was an example of speculative development of infill sites to maximise profit and not to benefit the area, the neighbourhood or the future occupants. As this is not a valid planning objection officers have not considered this issue any further.

Errors and omissions with the proposed documentation

- 4.13 The following errors and omissions were raised as part of the submissions
- No Heritage Statement provided in support of the application;
 - The application form is incorrect as the proposal does reduce the available parking from covered carport plus open space for 1 car to open space for just one car;
 - The application form incorrectly states that there would be a reduction in non-residential area;
 - The Energy Statement calls for the use of PV solar panels but these are not shown in the submitted elevations and would further degrade the overall appearance;
 - Concern was raised that the description of the application was misleading as the application was described as "...single storey plus roofspace...".

In regard to errors and omission as mentioned above, officers note the following

- A Heritage Statement is not required as the proposed development is not located within Conservation Area and does not impact upon a heritage asset (either designated or undesignated);
- Officers have considered the changes to off street parking and residential floor area within the body of this report;
- Drawing no 104 Rev details the location of the proposed PV solar panels;
- Officers consider that the description of development accurately reflects the proposed development.

5.0 Policy Context

Introduction

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

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

Other National Guidance

- 5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.
- 5.6 In March 2015, the Technical housing standards – nationally described space standard was adopted and sets out the minimum space requirements for residential accommodation.

London Plan (March 2015)

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

Policy 3.4 Optimising housing potential
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.8 Innovative energy technologies
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.18 Construction, excavation and demolition waste
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.21 Trees and woodlands
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Housing (November 2012)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

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

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

- DM Policy 1 Presumption in favour of sustainable development
- DM Policy 22 Sustainable design and construction
- DM Policy 25 Landscaping and trees
- DM Policy 29 Car parking
- DM Policy 30 Urban design and local character
- DM Policy 31 Alterations/extensions to existing buildings
- DM Policy 32 Housing design, layout and space standards
- DM Policy 33 Infill, backland, back garden and amenity area development

Planning Obligations Supplementary Planning Document (February 2015)

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

6.0 Planning Considerations

6.1 The main issues to be considered in respect of the proposed applications are:

- a) Principle of Development
- b) Design
- c) Quality of Accommodation
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology and Landscaping

Principle of Development

6.2 DM Policy 33 of the Development Management Local Plan states that if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality, relates successfully and is sensitive to the existing design quality of the streetscape, and sensitive to the setting of heritage assets. This includes the importance of spaces between buildings which may be as important as the character of the buildings themselves.

- 6.3 DM Policy 33 defines Back gardens as “private amenity areas that were the entire back garden of a dwelling or dwellings as originally designed”. Gardens used to be considered previously developed land (PDL) with a presumption in favour of development. This would have been the policy position when the existing dwelling was consented by the Council.
- 6.4 Gardens are no longer considered to be PDL which means that there is no longer a presumption in favour of development. This policy further states that the development of back gardens for separate dwellings in perimeter form residential typologies will not be granted planning permission.
- 6.5 The application site is not considered to be back garden land as the subject site is already a separate planning unit, that has a self-contained dwelling house. Accordingly the principle of the provision of a single dwelling house is considered to be acceptable subject to high quality sustainable design and provision of a layout which responds to the site context, and which takes account of the amenities of neighbouring properties.

Design

- 6.6 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.7 Paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition to this, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 6.8 In relation to Lewisham, Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.9 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 6.10 Further to this, DM Policy 32 of the Development Management Local Plan seeks to apply the above design principles more specifically to individual proposals. It seeks to ensure that the siting and layout of all new-building

housing responds positively to the site specific constraints and opportunities as well as to the existing and emerging context of the site and surrounding area.

- 6.11 The proposed development would appear as a single storey development (3b6p) that includes an enlarged roof element, which would enable the provision of an upper floor area.
- 6.12 The proposed the development would have a staggered building footprint with a front setback from Cambridge Drive of between 5.3 and 7.1 metres, a rear setback of between 2 - 4 metres. The proposed dwelling would have a northern side setback of 1.5 metres and a southern side setback, from the rear boundary wall of 40 Upwood Road of between 600 mm and 4.8 metres.
- 6.13 In terms of height, scale and massing, the proposed development is considered to be suitable. The building footprint of the proposed development would increase by 4 sqm (from 80sqm to 84sqm) while the building dimensions in terms of length and width would be largely in keeping with existing dwelling. It is further considered the staggered footprint would serve to articulate the dwelling, further reduce the massing and adding architectural interest.
- 6.14 The proposed development would be approximately 1 metre taller than the existing dwelling. Officers consider that when account is taken of the lower site topography, tall boundary wall/ fence and the retained or increased side and rear setbacks, the proposed changes would not result in a substantial increase in the massing particularly when compared with the existing property.
- 6.15 The acceptability of the overall built form is further deemed acceptable when the character of the surrounding properties is considered. The surrounding dwellings which address Cambridge Drive and Upwood Road are typically large two storey properties. Accordingly the proposed development would be read as subordinate single storey building.
- 6.16 Officer's note that while the massing of the proposed development would be largely in keeping the existing property, the proposed architectural vernacular would be a step change to the existing development. The proposed development would include a visually striking doomed roof which would sit above a white rendered single story base element. The roof, which would be finished in Zinc tiles, would include two projecting dormer windows and two centrally located projecting skylights windows. The proposed development has a simple design approach that is considered to have strong merit but makes the detailing of the building and proposed use of materials of vital importance to support such an approach. It is therefore necessary for the applicant to demonstrate how high quality materials and detailing will be delivered. During the course of the application, Officers have sought additional information on the proposed materials and their detailing to support the application.
- 6.17 These details confirm the use of a good quality materials. The ground floor base element throughout would be coloured white render, while the south and north (gable) elevations aligning with the roof level would feature facing brick (Anglesey Weathered buff) arranged in bands of 2 brick layers that step in and

out alternately. The development would also utilise narrow profile Crittal style windows and doors in addition to metal rainwater goods.

- 6.18 In relation to the boundary treatments and landscaping plans, the existing close boarded wooden fences of the adjoining properties and 2 metre high brick built boundary wall to the front of the property would be retained. The applicant has submitted details of the proposed hard landscaping to the front and rear of the property which is also considered to be acceptable.
- 6.19 It is therefore considered that subject to securing the quality of the materials and detailing as set out above, it is considered that the scheme as designed would result in a high quality design response.

Quality of Accommodation

Standard of Residential Accommodation

- 6.20 London Plan Policy 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. It outlines that the design of all new dwellings should include adequately sized rooms, convenient and efficient room layouts and meet the changing needs of Londoners' over their lifetimes.
- 6.21 New residential development is no longer required to meet the Lifetime Homes Criteria at planning stage which is to be delivered through Building regulations, however this remains a matter to consider to ensure that a scheme is capable of meeting this standard. Lifetime Homes Criteria seeks to incorporate a set of principles that should be implicit in good housing design enabling housing that maximizes utility, independence and quality of life. The scheme has been designed to achieve compliance with the Lifetimes Homes Standard.
- 6.22 DM Policy 32 'Housing design, layout and space standards' and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan. In particular, it provides detail on how to carry forward the Mayor's view that "providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable neighbourhoods".
- 6.23 Nationally prescribed space standards were released in March 2015 to replace the existing different space standards used by local authorities. It is not a building regulation and remains solely within the planning system as a new form of technical planning standard.
- 6.24 The national housing standards are roughly in compliance with the space standards of the London Plan. However there are differences in the spacing of

individual rooms as well as floor to ceiling heights. In the instance of conflict, the national housing standards take precedent.

- 6.25 In addition to this, DM Policy 32 seeks to ensure that new residential development provides a satisfactory level of privacy, outlook, direct sunlight and daylight. It also states that new housing should be provided with a readily accessible, secure, private and usable external space and include space suitable for children’s play.
- 6.26 The Mayor of London published the Minor Alterations to the London Plan 2015 which states that reduces the minimum ceiling height from 2.5 metres to 2.3 meters for at least 75% of the gross internal area of the dwelling.

Table 1.1 : Residential Internal Floor Areas

Unit type	Policy requirement (GIA sq m) National Technical Standard	Proposed GIA (sq m)
3B6P (Two Storey)	102 sqm	111.1 sqm

- 6.27 The proposed development would have floor to ceiling heights of between 1.5 and 2.4 metres, with a portion of the living area being double height (4.3 metres). The applicant has detailed the 87.3 sqm (or 86%) of the minimum required floor area would have a floor to ceiling height of 2.3 meters or higher. The applicant has provided a detailed plan indicating where the floor to ceiling heights would be below the minimum of 2.3 metres. These areas would be predominantly located within the curved roof space and would be occupied by bedrooms, ensuites and storage area. Accordingly the proposed development, is considered to be acceptable and would provide a high standard of internal accommodation.
- 6.28 In terms of private open space, Standard 4.10.1 of the Housing SPG sets out the baseline requirements for private open space. The standard requires a minimum of 5 sqm to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. The proposed dwelling would be provided with a rear courtyard of 13 sqm while to the front there would be an additional 34 sqm front garden area. The amenity areas would have south eastern and south western aspects respectively.
- 6.29 Officers consider that the proposed property would be afforded a suitable level of outlook and amenity. Officers therefore consider that the proposed development would be provided with an acceptable standard of accommodation.

Highways and Traffic Issues

- 6.30 The London Plan (2015) states that in locations with good public transport accessibility, car-free developments should be promoted.
- 6.31 The subject site benefits from a PTAL rating of 2/3 (moderate). The proposed development would be provided with one off street parking space, thereby resulting in the loss of one parking space. The application has been reviewed by Council's Highways Officer who has not raised any objection to the proposed development, or the loss parking, subject the securing a construction management plan by way of condition.

Servicing and Refuse

- 6.32 In regard to refuse and servicing, officers consider that the development would be serviced in the same manner as the exiting property. The applicant has provided details of the waste and cycle storage areas which would be located along the northern site boundary, adjacent to the main entrance to the site. This is considered to be acceptable.

Impact on Adjoining Properties

- 6.33 Concern has been raised from adjoining property owners regarding the height and massing of the proposed development. The proposed dwelling would have a staggered building footprint with a front setback from Cambridge Drive of between 5.3 and 7.1 metres, a rear setback of between 2 - 4 metres. A minimum side (northern) setback of 1.5 metres would be maintained while a southern side setback, from the rear boundary of the property at no 40 Upwood Road, of between 600 mm and 4.8 metres would be provided.
- 6.34 Figure 1 as shown below, details the location of the proposed dwelling in relation to the existing building footprint. The overall building footprint would remain largely as existing, with the proposed development occupying 84 sqm of site area, an increase of approximately 4sqm.
- 6.35 The building would however have a stepped plan, with a portion of the building, adjacent to the rear garden of 40 Upwood road moving forward, toward Cambridge Drive. It is noted that the existing setback would be maintained and the proposed development would be located approximately 16.9 metres from the adjoining property to the south. A similar relationship would be retained with the adjoining property a no 42 Upwood Road, where the majority of the proposed building line match the existing setback of 2 metres, with a portion to be setback by 4 metres.
- 6.36 As with the building footprint, the overall height of the property would remain largely similar, with the proposed ridgeline being approximately 1 metre above the existing property (see Figure 2). It is further noted that the stepped building line would articulate the buildings massing thereby reducing the overall appearance. Additionally, the detailing of the façade itself includes generous openings would provide texture and visual interest which would further reduce the scale and bulk of the proposal.

6.37 As a result of the introduction of the curved roof profile, the size of the gable ends would increase. Officers are satisfied however that the design would be of a sufficient high quality, through the introduction of suitable articulation and use of a mixture of complementary materials and finishes, to sufficiently mitigate against the potential overbearing impact of the proposed development.

Figure 1.

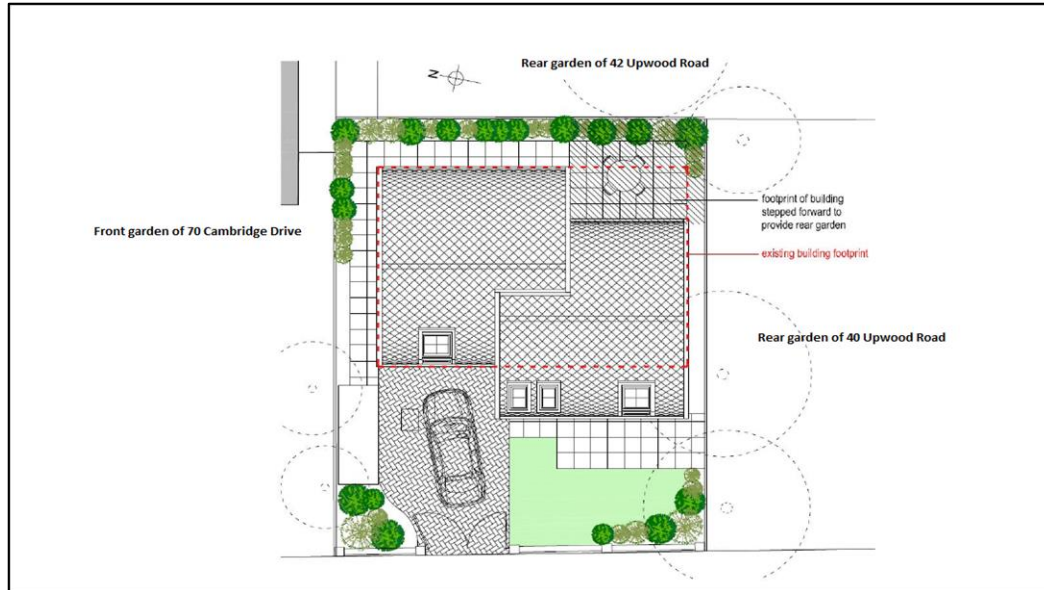
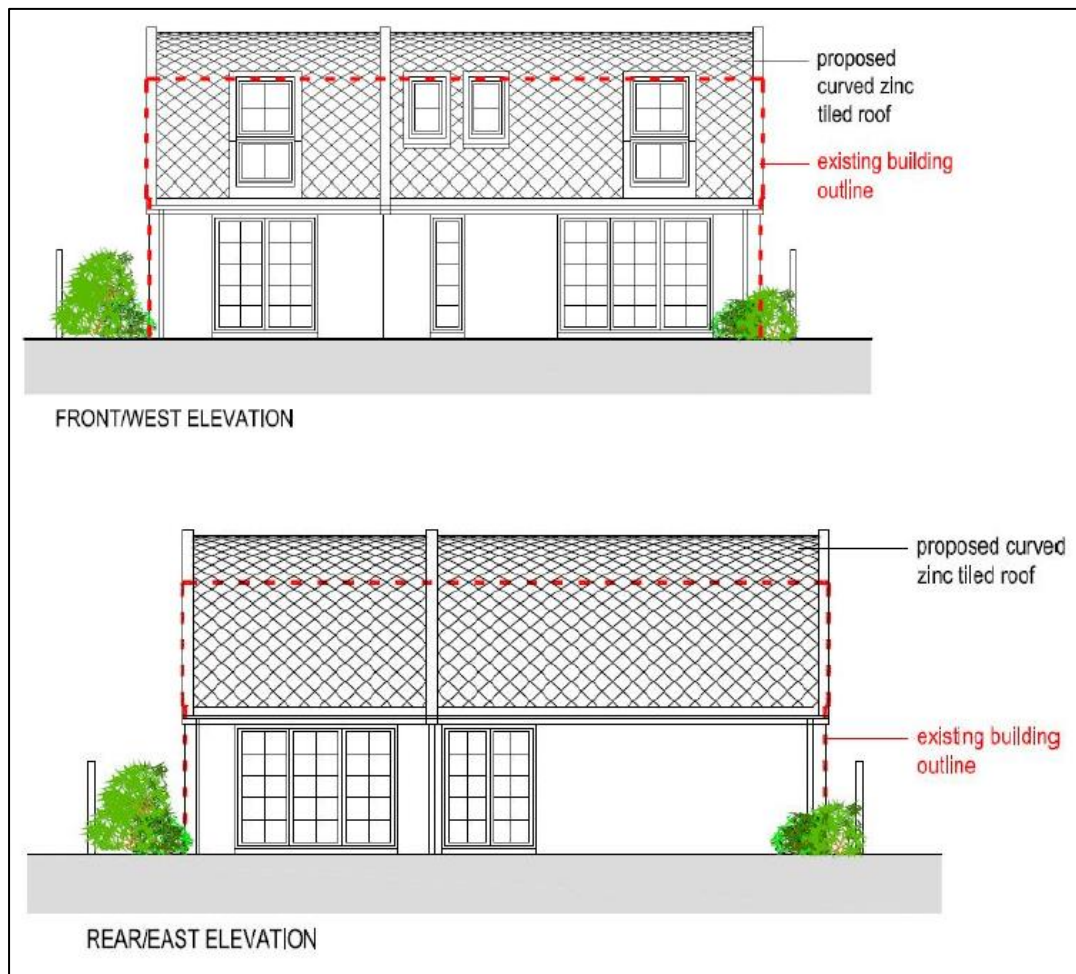


Figure 2



Daylight and Sunlight

- 6.38 Officers consider that based upon the relatively minor increase to the overall massing, the development would not result in significant overshadowing of the adjoining properties, particularly when compared to the existing conditions onsite. It is further noted that the windows located on the southern (side) elevation of the property located at 70 Cambridge Drive serve either secondary rooms such as bathrooms and hallways or serve primary habitable rooms which are served by other windows. It is therefore considered that any marginal increase in overshadowing would not significantly affect the daylight and sunlight levels received by the primary habitable rooms of the adjoining dwelling to the north.
- 6.39 With regard to the amenity spaces of the adjoining properties, it is noted that due to the orientation of the proposed development and the existing large verdant boundaries, the development would not result in a considerable negative impact upon the rear private amenity spaces of the adjoining properties at no 40 and 42 Upwood Road or 70 Cambridge Drive.

Overlooking

- 6.40 In regard to the creation of opportunities for overlooking into adjoining properties, it is noted that primary habitable rooms and associated windows would either be located at ground floor level or situated towards the front Cambridge Drive façade. It is noted however that an objection has been raised in relation to the proposed relationship between the window located within the northern façade, at ground floor level, which would serve an ensuite and the primary entrance to no 70 Cambridge Drive. In this regard officers have recommended that should the application be approved a condition be imposed requiring this window to be obscure glazed so as to mitigate any potential privacy issues.
- 6.41 It is therefore considered due to the layout of the proposed development, the separation distances between adjoining properties and the fact that the site is currently occupied by a development of similar size, the proposed development would not result in the creation of opportunities for overlooking nor would it unreasonable impact the residential amenity of the adjoining properties. The proposed development is therefore considered to be acceptable in terms of the impact upon the amenity of adjoining properties.

Sustainability and Energy

- 6.42 Core Strategy Policies 7 and 8 and Policy DM22 states that in addition to those policies in the London Plan and Core Strategy the Council will require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling. For non-major residential schemes this would now be dealt with by compliance with the building regulations. The application confirms the development would meet with energy and water requirements.

Arboriculture

- 6.43 An Arboricultural Report and Tree Survey prepared by Chartwell Tree Consulting has been submitted with the application. The report identifies the root protection zones for semi mature trees that adjoin the subject site and are located within the rear garden of the adjacent properties at 40 and 42 Upwood Road and the front garden no 70 Cambridge Drive. The submitted report concludes that provided an Arboricultural Method Statement (AMS) is provided and adhered to, the development will not impact the adjacent trees.
- 6.44 The assessment has been reviewed and is considered to be acceptable by the Council's Arboricultural Officer. Conditions are recommended to be imposed to ensure the recommendations contained within the report are carried out.

7.0 Local Finance Considerations

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

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

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

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

8.0 Equalities Considerations

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

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

8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

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

9.0 Conclusion

9.1 This report has considered the proposals in the light of adopted development plan policies and other material considerations including information or representations relevant to the environmental effects of the proposals.

9.2 It is considered that the scale of the development is acceptable, that the building has been designed to respond to the context, constraints and potential of the site and that the development will provide a high standard of accommodation.

9.3 The NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place the scheme accords with local and national policies.

- 9.4 The proposals are considered to accord with the development plan. Officers have also had regard to other material considerations, including guidance set out in adopted supplementary planning documents and in other policy and guidance documents and the responses from consultees, which lead to the conclusions that have been reached in this case. Such material considerations are not considered to outweigh a determination in accordance with the development plan and the application is accordingly recommended for approval.

RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

Full Planning Permission Time Limit

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

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

Develop in Accordance with Approved Plan

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

001; 002; 003; 100; 106; 108;110; Site Location Plan; Sustainability Statement (September 2016, Apex Architecture); Planning Statement (September 2016, Apex Architecture); CIL Form;; Design and Access Statement (September 2016, Apex Architecture); Energy Statement (September 2016, Innervision Design) received 14 September 2016 102 Rev A; 103 Rev A; 104 Rev A; 105 Rev A; Arboricultural Report and Tree Survey (January 2017, Chartwell Tree Consulting) 11 January 2017

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

Construction Management Plan

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities

- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements
- (g) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of plant and materials and similar demolition activities
- (h) Measures to ensure that debris, dust and equipment cannot fall or be blown onto the adjacent properties.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

Materials/Design Quality

- 4. No development shall commence on site until a detailed schedule of specifications and samples of all external materials and finishes including windows, external doors, roof coverings features to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

Cycle Parking

- 5. (a) A minimum of **2** secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved

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

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

Protection of Trees

- 6. No development shall commence on site until a Tree Protection Plan (TPP) AND Arboricultural Method Statement have been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

Landscaping

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy 12 Open space and environmental assets, and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

Plumbing or Pipes

- 8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that

Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external elevations of the development hereby approved.

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

Extensions

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

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

Windows and Openings

10. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in any elevation of the buildings other than those expressly authorised by this permission.

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

Hours of Construction

11. 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).

Retention of Trees

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

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

Energy and Water

13. (a) The residential units hereby approved shall be constructed in order to achieve the following requirements:
- a minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and
 - a reduction in potable water demand to a maximum of 110 litres per person per day
- (b) No development shall commence above ground level until a Design Stage Standard Assessment Procedure (SAP) Assessment and Water Efficiency calculations, prepared by suitably qualified assessors, shall have been submitted to and approved in writing by the local planning authority to demonstrate that the detailed design of each unit is in compliance with part (a).
- (c) Within 3 months of occupation of any of the residential units hereby approved, an As Built SAP Assessment and post-construction stage Water Efficiency Calculations, prepared by suitably qualified assessors, shall be submitted to the Local Planning Authority and approved in writing to demonstrate full compliance with part (a) for each unit.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

Wheelchair Housing

14. (a) The detailed design for the dwelling hereby approved shall meet the M4(2) standard of the Approved Document M of the Building Regulations (2015)

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

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

Obscure Glazing

- 15. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the proposed ground floor window to be installed in the northern elevation of the development hereby approved shall be fitted as obscure glazed and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

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72 CAMBRIDGE DRIVE, LONDON, SE12 8AJ – Site Map



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Committee	PLANNING COMMITTEE B	
Report Title	39 Inchmery Road, London, SE6 2NA	
Ward	Catford South	
Contributors	Alfie Williams	
Class	PART 1	02 March 2017

Reg. Nos. (A) DC/16/098768

Application dated 19.10.2016 revised 30.01.17

Applicant Mr Ossie Phipps

Proposal The installation of replacement double glazed uPVC windows on the front, side and rear elevations of 39 Inchmery Road, SE6.

Applicant's Plan Nos. Site Location Plan; Windows - Rear of House; Windows - Side of House; Design & Heritage Statement received 20th October 2016; Proposed Front Bay Window; Proposed Front Bedroom Window; and Existing & Proposed Front Elevation received 20th February 2017.

Background Papers

- (1) This is Background Papers List
- (2) Case File LE/704/39
- (3) Local Development Framework Documents
- (4) The London Plan

Designation [Core Strategy, Site Allocations Local Plan] - Existing Use, Culverley Green Conservation Area, Culverley Green Conservation Area Article 4 Direction

2.0 Property/Site Description

- 2.1 The application relates to a two storey semi-detached dwellinghouse on the north side of Inchmery Road. Inchmery Road is part of an Edwardian Development built 1902-1910. The Road is characterised by two storey villas with twin projecting gables and two storey bay windows with timber sliding sash windows in the openings.
- 2.2 39 Inchmery Road is one of a group eight properties (37-51 Inchmery Road), built as part of an infill development in approximately 1948. The property is built in red brick with a concrete tiled roof. The front elevation has a two storey bay window and there is a driveway to the front of the property. All of the windows on the property are uPVC casement. The front elevation of the property faces Inchmery Road. The rear of the property backs onto the rear gardens of properties in Bargery Road and is not visible from the public realm. The first floor windows on the side elevation can be viewed from Inchmery Road.

2.3 The property is located within the Culverley Green Conservation Area and is Subject to the Culverley Green Article 4 Direction. The property is not listed nor is it in the vicinity of a listed building.

3.0 Planning History

3.1 There is no planning history for this property.

4.0 Current Planning Applications

The Proposals

4.1 The proposal is to replace the existing uPVC casement window on the front, side and rear elevation. The replacement windows are to be uPVC casement windows with four panels in the larger openings and two panels in the smaller openings. Each panel is to have a toplight. This design is consistent with the form of the original windows and other properties within the row of 8.

Supporting Documents

4.2 Site Location Plan; Windows – Front of House; Windows – Side of House; Windows – Rear of House; Design & Heritage Statement; Inspiration - Window Brochure.

5.0 Consultation

5.1 This section outlines the consultation carried out by 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.

5.2 Site notices were displayed, a press notice issued in the local press and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Culverley Green Residents Association were also consulted.

5.3 One objection to the proposal was received from the Culverley Green Residents Association. The Association objected on the ground that uPVC windows on the front elevation do not enhance the character of the conservation area as the window frames are thicker and lack the details of the design of the original windows.

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 The policies relevant to this application are:

- Policy 7.4 Local character
- 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 Core Strategy, together with the Site Allocations, the Lewisham Town Centre

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

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

Development Management Local Plan

6.8 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:

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

- 6.10
- | | |
|--------------|--|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 30 | Urban design and local character |
| DM Policy 31 | Alterations/extensions to existing buildings |
| DM Policy 36 | New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens |

Residential Standards Supplementary Planning Document (Updated May 2012)

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

Culverley Green Conservation Area Character Appraisal (2001)

Refers to Inchmery Road without making reference to the application terrace being of a design or character which the appraisal seeks to protect.

7.0 Planning Considerations

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

- a) Design and impact on the conservation area
- b) Impact on Adjoining Properties

Design

- 7.2 The proposal is to replace the existing uPVC windows with uPVC casement windows in an amended design. In line with DM Policy 36 officers seek to secure window replacements in conservation areas that preserve or enhance the character of a property and the wider conservation area. In the majority of cases for conservation area's in the London Borough of Lewisham this means using timber sash windows to restore windows to the original design and material.
- 7.3 However, window replacements in an alternative material can be appropriate in instances where the character of the property can support such use of alternative materials, provided the material is considered to be of sufficient quality. Having reviewed the Culverley Green Conservation Area Character Appraisal officers note that the eight infill properties are highlighted as negative factors within the conservation area, being of a different character of the surrounding properties.
- 7.4 Section 3 of the Appraisal states that; 'Incremental changes such as the inappropriate replacement of original roof coverings, doors and windows, the loss of front walls or fences to allow forecourt parking, and the introduction of unsuitable facade finishes such as pebble-dashing and of satellite dishes in prominent locations, are all very damaging to the character and appearance of the area.'
- 7.5 Whilst officers acknowledge that the infill properties do not make a positive contribution to the conservation area it is not considered that this would be rectified by installing timber windows. Having undertaken a site visit it is noted that six of the other seven properties have got uPVC windows, five of which in the design of the original windows. Officers also note that the windows are very similar in form and profile to the remaining example of the original timber windows.
- 7.6 The proposed replacement windows are in keeping with the uPVC windows installed on five of the eight infill properties. Officers consider the windows to be representative of high quality design, making a positive contribution to the appearance of the infill development without causing harm to the character of the conservation area.

Impact on Adjoining Properties

- 7.7 The proposed development would not have an impact on adjoining properties as the proposal maintains the existing openings, is a similar glazing type and would repeat existing levels of outlook, maintaining the privacy of neighbours.

8.0 Conclusion

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 Officers consider that the proposal is in line with the stated policies and is therefore considered acceptable.

RECOMMENDATION (C)

GRANT PERMISSION subject to the following conditions:-

Conditions

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

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

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

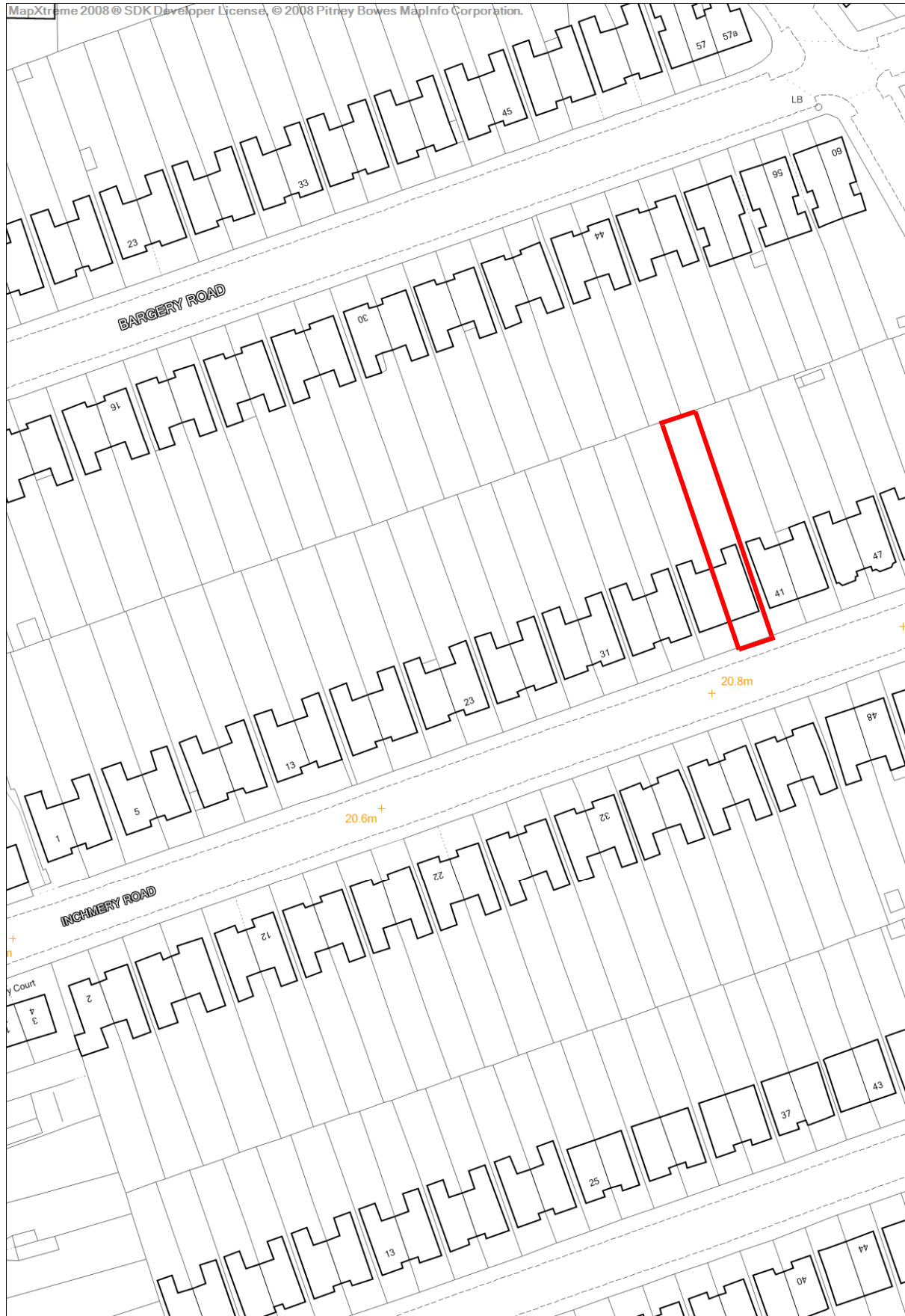
Site Location Plan; Windows - Rear of House; Windows - Side of House; Design & Heritage Statement received 20th October 2016; Proposed Front Bay Window; Proposed Front Bedroom Window; and Existing & Proposed Front Elevation received 20th February 2017.

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

Informatives

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

39 INCHMERY ROAD, LONDON, SE6 2NA – Site Map



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Committee	PLANNING COMMITTEE B	
Report Title	39 HAREFIELD ROAD, LONDON SE4 1LW	
Ward	BROCKLEY	
Contributors	JOSHUA OGUNLEYE	
Class	PART 1	02 MARCH 2017

<u>Reg. Nos.</u>	DC/16/99061
<u>Application dated</u>	09.11.2016
<u>Applicant</u>	Absolute Lofts SW London Ltd (on behalf of Ms Tambini)
<u>Proposal</u>	The construction of dormer extensions to the rear roof slope of 39 Harefield Road SE4, together with the installation of rooflight in the front roof slope.
<u>Applicant's Plan Nos.</u>	Site Plan; Heritage Statement (Received 09 November 2017) ALA_SEP16_39 HAR_001 Rev H2 (Received 20 February 2017)
<u>Background Papers</u>	(1) Case File LE/801/112/TP (2) Development Management Local Plan (November 2014) (3) London Plan (March 2015)
<u>Designation</u>	Brockley Conservation Area Article 4 Direction
<u>Screening</u>	N/A

2.0 Property/Site Description

- 2.1 The application relates to a two storey, mid-terrace Victorian dwellinghouse on the north side of Harefield Road. The property was constructed using London stock bricks with a pitched roof. The property's front elevation houses a canted bay windows at ground floor, and timber sash windows with no glazing bar. This is in keeping with the character of neighbouring properties, which have timber sash windows.
- 2.2 The property sits on a west sloping hill, which has resulted in variation in ground level on the property's rear. The property has an original two-storey rear projection a feature shared with other properties on the terrace.
- 2.3 The area is predominately mixed use on the boundary of Brockley's commercial hub, comprised of a mix of property types. The property is within the Brockley conservation area and subject to the Brockley Article 4 Direction.

3.0 Relevant Planning History

- 3.1 No relevant planning history to consider.

4.0 Current Planning Application

- 4.1 The construction of dormer extensions to the rear roof slope of 39 Harefield Road SE4, together with the installation of rooflights in the front roof slope
- 4.2 The proposal seeks to construct two dormer windows on the rear roof slope each measuring 1.7(w) x 3m (d) x 2.3m(h). The proposed dormer would be constructed of slate tiles matching existing and incorporate two timber windows each measuring 1.3m(w) x 1.65m(h).
- 4.3 The development seeks to install one conservation styled rooflight on the front roofslope measuring 0.8m(w) x 0.8m(h) and flushed within the roofslope.

5.0 Consultation

- 5.1 28 Local neighbours – raised no objection
- 5.2 Brockley Ward Councillors – raised no objection.
- 5.3 Brockley Society - objected to the provision of rooflights on the front roof slope.
- 5.4 Conservation Officer – requested alteration to the rear extension's bulk.

6.0 Policy Context

6.1 Introduction

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.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), the Development Management Local Plan (adopted November 2014) and policies in the London Plan (March 2015). The NPPF does not change the legal status of the development plan.

6.2 National Planning Policy Framework

The NPPF was published on 27th 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)'

- 6.3 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.4 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.
- 6.5 Other National Guidance
On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.
- 6.6 The London Plan (March 2015)
On 10 March 2015, the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage Assets and Archaeology
- 6.7 Core Strategy
The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:
Core Strategy Policy 15 High quality design for Lewisham
- 6.8 Development Management Local Plan
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 relevant 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.
- 6.9 Residential Standards Supplementary Planning Document (Updated 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.
- 6.10 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.

- 6.11 Paragraph 6.7 (Roof extensions) states that when considering applications for roof extensions the Council will look at these main issues:
- All roof alterations should be successfully integrated with and preserve the architectural character of the building, and be subordinate to the principal elevations.
 - Planning permission is always required for roof additions in Conservation Areas.
 - The type and style of windows used should be similar to those used in the main elevations and reflect their alignment.
 - The relevant planning considerations for the proposal are the impact on the character and appearance of the roofscape in terms of scale, design, and size of the proposed rooflights and dormer and the impact this would have on character of the conservation area together with the impact on neighbour amenities.

7.0 Brockley Conservation Area Character Appraisal Planning Document (August 2006)

Rooflights add visual clutter to plain roofslopes which were not historically pierced with openings. They introduce unsympathetic modern materials such as coated aluminium and double-glazing into traditional settings. The design of rooflights is often unsympathetic as they stand proud of the roofslope and have wide, bulky frames. When open their appearance is even more intrusive. Of houses in the conservation area, 9% have one or more rooflights on their front roofslopes. Hilly Fields Crescent and Crescent Way have the highest percentages (32% and 33%) and in Geoffrey Road, Cranfield Road and Montague Avenue, between 19–23% of houses have rooflights

8.0 Planning Considerations

The relevant planning considerations for the proposal are the impact on the character and appearance of the host property and the conservation area, in terms of scale, massing, and design of the proposed rooflight and dormers. Furthermore, consideration is given to the impact this development would have on neighbour amenities.

Rear Dormer

- 8.1 The proposed rear dormer windows would be of an acceptable scale in relation to the host property's roof structure as such they would remain subservient to the host property and neighbouring properties. The proposed rear dormers' design, positioning and alignment on the host property is considered to result in a proposal that would be proportionate and complementary of the features and character of the host building.
- 8.2 The proposed dormers, being located to the rear of the property and not visible from the public realm of the conservation area, are considered to have a limited impact on the character of the conservation area. Although visible from rear gardens of properties along Harefield Road, given that the design and scale of the dormers, it is considered that they are not incongruous or detrimental to the character of the property.
- 8.3 The proposed rear dormer would be constructed using zinc cladding and incorporate grey uPVC sash windows. The proposed use of contemporary materials is supported, as they are considered to be of high quality and would provide a development that uses a traditional design with contemporary materials, respecting both the heritage setting and modern nature of this development. Overall the proposed dormers are considered to be of an appropriate design, which would be a sympathetic addition to the host building.

Rooflight Installation

- 8.4 Officers note that Harefield Road's sloping topology greatly affects the visibility of the roofscapes from street level by breaking up the visual flow of the roofscape. The presence of roof parapets between properties on the terrace further contributes to breaking up the view of a continuous roofscapes by introducing oblique angles were

sections of the roof are not visible from street level. The proposed flushed rooflight would be positioned close to the parapet wall, reducing its visibility from the public realm. Officers consider the proposed rooflight fitted flush within the front roofslope would have an acceptable impact on the visual character and appearance of the conservation area and would not contribute to visual clutter of the roofscape.

8.5 The conservation styled rooflight on the front roof slope would have a suitable design and be made up of aluminium deemed acceptable within the context of the conservation area. The proposed front rooflight is not considered to result in unacceptable levels of harm to the host property or the surrounding area. The scale and positioning of the rooflight within the roofslope would not appear overly dominant and by being flush with the existing roofslope would not result in visual clutter, a key concern of the rooflights within the conservation area appraisal. The proposal is considered to preserve the character of the conservation, with much of the original front roof untouched, the proposal is not considered to appear incongruous.

8.6 Overall Officers consider that the proposed front rooflight will not harmfully impact on the roofscape of Harefield Road and due to the proposed scale and positioning of the rooflight it will not harm the character of the host property or the wider conservation area.

Conclusion

8.7 The proposed rear dormer windows and front rooflight are considered to be of an appropriate design and scale and would not be harmful to the character of the host property or character of the Brockley conservation area.

9.0 Residential Amenity

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

9.2 The proposed rear dormer windows and front rooflight do not permit any new views of overlooking into neighbouring properties as such there are no amenities consideration.

9.3 In light of the above, the proposed development is considered to be acceptable with regards to neighbouring amenity.

Equalities Considerations

9.4 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.5 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;

(c) Foster good relations between people who share a protected characteristic and persons who do not share it.

9.6 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

9.7 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

9.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

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

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

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

10.0 **Conclusion**

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

10.2 The proposed development is considered to be acceptable with regards to scale, massing, design and neighbouring amenity.

11.0 **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:

Site Plan; Heritage Statement (Received 09 November 2017)

ALA_SEP16_39 HAR_001 Rev H2 (Received 20 February 2017)

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

- 3 (a) The development shall be constructed in those materials as submitted namely Grey Zinc cladding for the proposed dormers and Grey uPVC for the proposed dormer windows and in full accordance with ALA_SEP16_39 HAR_001 Rev H.
- (b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens.

4. The proposed rooflight to be installed in the front roofslope of the host building hereby approved shall be conservation styled and fitted flushed in accordance with ALA_SEP16_39 HAR_001 Rev H2.

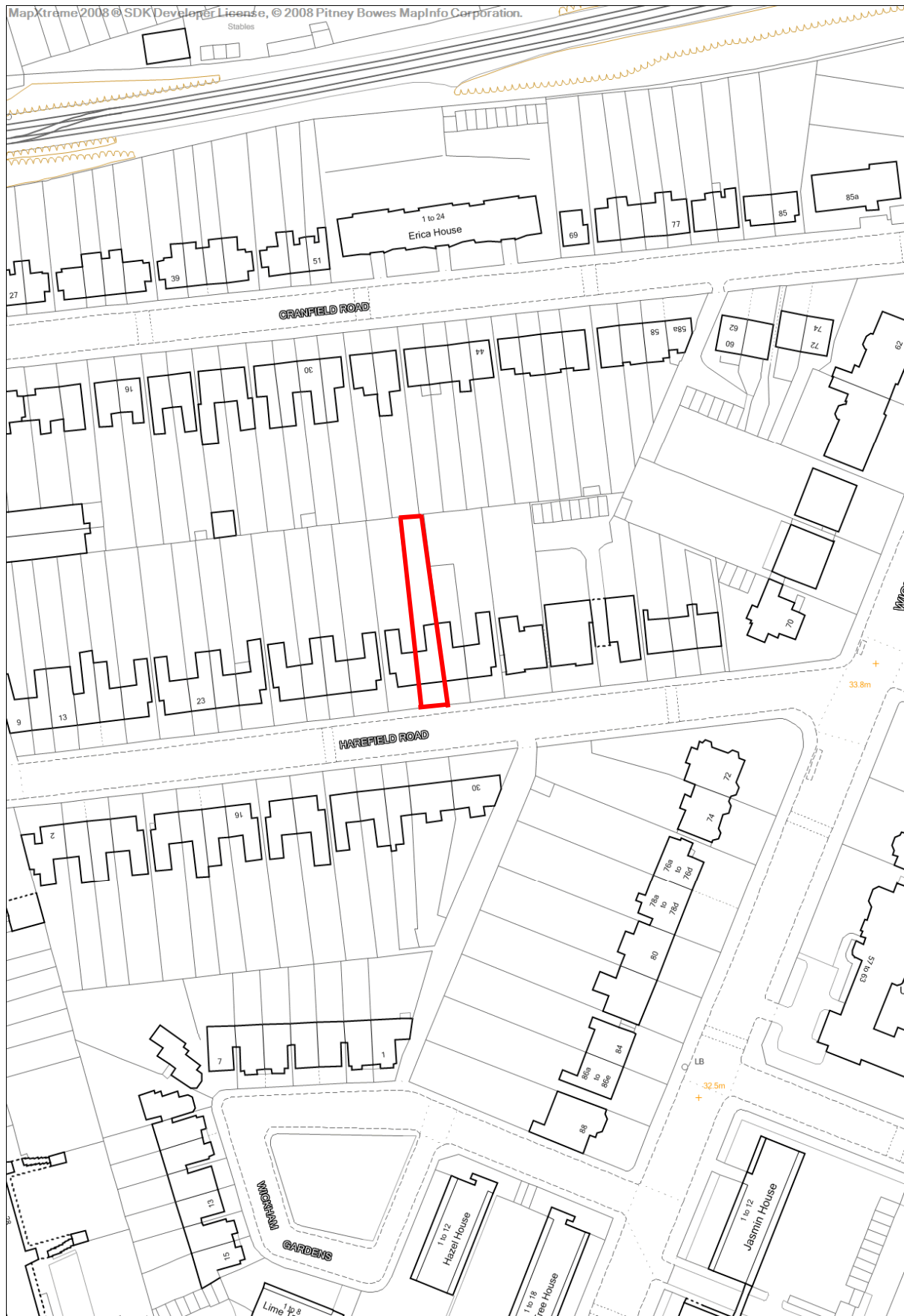
Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

Informatives

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

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39 HAREFIELD ROAD, LONDON, SE4 1LW – Site Map



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