

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 19 MAY 2016 TIME 7.30 PM**

PLACE: **COUNCIL CHAMBERS, CIVIC SUITE, CATFORD,
SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Paul Bell (Chair)
Simon Hooks (Vice-Chair)
Peter Bernards
Suzannah Clarke
Liam Curran
Brenda Dacres
Ami Ibitson
Helen Klier
Jamie Milne
John Paschoud**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Barry Quirk
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 10 May 2016**

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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 19 May 2016

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 19 May 2016

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 17th March 2016.

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Committee	PLANNING COMMITTEE C	
Report Title	Trophy House, Blackhorse Road, SE8	
Ward	Evelyn	
Contributors	Colm Harte	
Class	PART 1	19th May 2016

Reg. Nos. DC/16/095258

Application dated 25 January 2016

Applicant CgMs Ltd

Proposal The demolition of the existing buildings at Trophy House, Blackhorse Road, SE8 and the construction of a part single/ part double/ part triple height self storage warehouse (Use Class B8) with basement and business centre (Use B1) and reception area together with the provision of 7 car parking spaces, cycle parking, landscaping and boundary treatment works.

Applicant's Plan Nos. Figure 1 Rev 02 (Topographic Survey and Roof Heights); Figure 1 Rev 02 (Elevations); 300 Rev 2; 301 Rev \$; 500 Rev 2; 212 Rev \$; 215 Rev \$; 211 Rev \$; 210 Rev \$; 100 Rev \$; 111 Rev 1; Design & Access Statement; CIL Form; Geo-Environmental Desk Study Preliminary Risk Assessment; Daylight & Sunlight Assessment; Construction Managers Method Statement; Energy & Sustainability Statement; Transport Statement; Planning Statement; Preliminary Ecological Appraisal; Flood Risk Assessment; Tree Survey and Arboricultural Implications Assessment; Air Quality Report

Background Papers (1) Case File DE/151/148/TP
(2) Local Development Framework Documents
(3) The London Plan

Designation Area of Archaeological Priority, Public Transport Accessibility Level 2 (PTAL 2), Flood Risk Zone 2/3, Strategic Industrial Location

1.0 Property/Site Description

- 1.1 The site is an 'L' shape, has an area of around 0.39ha and is located to the west of Evelyn Street/Blackhorse Bridge, to the north of Blackhorse Road and to the south of Canal Approach. The site is currently occupied by two buildings, one of which is used as a 'cash and carry' while the second, located adjacent Blackhorse Road, is in use as a vehicle repair workshop. Both buildings are served by a parking area which take access from Blackhorse Road. There is a mature tree belt on part of the north-western property boundary of the site.
- 1.2 To the west, within the existing industrial estate, are a number of buildings in commercial uses. To the north are residential buildings accessed from Grinstead Road and a commercial building fronting Evelyn Street, while to the south, on the other side of Blackhorse Road are a 'fast-food' restaurant and gardens serving houses that are accessed from Gosterwood Street. On the opposite side of Evelyn Street are commercial buildings that form part of the Oxestalls Road Strategic site allocation.
- 1.3 Historically the subject site would have been used as a wharf (Blackhorse Wharf). The path of the Surrey Canal would have run along the northern site boundary adjacent to Canal Approach, which was the former canal tow path. Blackhorse Bridge, which adjoins the eastern site boundary would have transversed the former canal. The subject site does not however contain and buildings which have heritage interest or value.
- 1.4 It is noted that the majority of objections to the current application, which are discussed in detail below, related to a vacant strip of land that adjoins the northern site boundary know as Canal Approach which is currently in under private ownership. Officers understand that a limited Right of Way, across the eastern portion of Canal Approach currently exists but does not extend along the entire path.
- 1.5 The site is identified as falling within a Strategic Industrial Location, an Area of Archaeological Priority and is within Flood Zone 3 (high risk). It is also noted that a portion of the southern end of the site, currently occupied by the 'Cash and Carry' warehouse falls within the designated protected vista from Blackheath Point.
- 1.6 The application site has a Public Transport Accessibility Level (PTAL) of 2. Evelyn Street is a classified road, whilst Blackhorse Road is unclassified.

2.0 Planning History

- 2.1 DC/15/92693- Demolition of the existing buildings at Trophy House, Blackhorse Road SE8, and redevelopment of the site comprising the construction of a two storey building plus basement to provide

5,961sq.m GIA floorspace for self-storage use (Use Class B8) with ancillary office space and associated car and cycle parking and landscaping. The application was refused on the 16 September 2015 for the following reason:

The proposal, by virtue of its layout, scale, design and lack of acceptable landscaping would result in an incongruous and inappropriate form of development that would cause significant harm to the appearance of the site and the character of the area. As such, the development would be in conflict with policies 7.2, 7.4 and 7.6 of the London Plan (consolidated with alterations since 2011), policy CS15 of the Lewisham Core Strategy (2011) and policies DM25 and DM30 of the Lewisham Development Management Local Plan (2014) and the National Planning Policy Framework (2012).

- 2.2 This application is currently the subject of an appeal which is being considered by the Planning Inspectorate under Ref. APP/C5690/W/15/3140782.
- 2.3 DC/09/71568/FT – Display of an internally illuminated free standing hoarding – refused on 14th July 2009 – appeal subsequently dismissed.
- 2.4 DC/08/67921/X - The alteration and change of use of the buildings at Trophy House, Blackhorse Road SE8 from warehouses (Use Class B8) to provide a business centre, incorporating offices (Use Class B1) and a conference centre (Sui Generis), with use at weekends as a place of worship (Use Class D1), together with the construction of an extension to the rear of the building fronting Blackhorse Road, alterations to the elevations and provision of a refuse store, 11 cycle spaces, 5 motor cycle and 50 car parking spaces, with access onto Blackhorse Road – withdrawn on 4th June 2008.
- 2.5 DC/07/654455/X - The alteration and change of use of the buildings at Trophy House, Blackhorse Road SE8 from warehouses (Use Class B8) to provide a business centre, incorporating offices (Use Class B1) and a conference centre (Sui Generis), with use at weekends as a place of worship (Use Class D1), together with the construction of an extension to the rear of the building fronting Blackhorse Road, alterations to the elevations and provision of a refuse store, 11 cycle spaces, 5 motor cycle and 50 car parking spaces, with access onto Blackhorse. Refused on 18th June 2007.
- 2.6 04/57658/FT - The display of a 48 sheet, internally illuminated advertisement display hoarding at the south-eastern corner of Lester John Foods Ltd, Trophy House, Blackhorse Road SE8 – refused on 12th October 2004 – appeal subsequently dismissed.

Relevant planning history on adjoining sites:

- 2.7 DC/ 15/ 92295 – On 23 March 2016, the Council approved an application for outline planning permission (Phases 1-3) for the demolition of the majority of the existing buildings on the site for the provision of 10,413 square meters (GEA) non-residential floorspace and up to 1132 residential units in buildings ranging from 3 to 24 storeys in height, together with car and cycle parking, associated highway infrastructure, public realm works and provision of open space.
- 2.8 Detailed planning permission for Phase 1 for up to 562 residential units and up to 5,692 square metres (GEA) of non-residential floor space in buildings ranging from 3 to 24 storeys in height also form part of this application.
- 2.9 DC/09/73189- Outline planning permission was granted on 15th September 2011, for the comprehensive redevelopment of Oxestalls road allocated site over three phases. Detailed planning consent was also granted for redevelopment of land fronting onto Evelyn Street, Dragoon Road and Grove Street for 591 residential units and 9,424 sqm of non-residential floorspace in buildings ranging from 4 to 18 storeys in height.

3.0 Current Planning Application

- 3.1 The current application would seek full planning permission for the construction of a self-storage facility including an ancillary 'business centre'. The plan for the building would have a 'L' shape and would consist of a total floorspace of 4, 569 sqm.
- 3.2 The proposed building would be between 6.8 metres and 16.9 meters in height and comprise of three attached but distinct elements. At its deepest point, along the northern site boundary, the proposal would be around 106m deep. The elevation fronting Evelyn Street would be around 46.7m wide and would be designed to appear as three individual building elements, with pitched gable ends facing onto Evelyn Street. The proposed development would have a staggered setback from Evelyn Street, varying from 5.1 meters- 12.8 metres in depth, which is proposed to be landscaped.
- 3.3 Access and egress would be taken from Blackhorse Road. Seven car parking spaces (including one for disabled drivers) and 12 cycle spaces would be provided at the site.
- 3.4 The siting of the proposed building, in particular the front setback has been designed to facilitate a potential future pedestrian and cycle link under the heavily trafficked Evelyn Street via Blackhorse Bridge. As part of the Design and Access Statement, the applicant has demonstrated how this link could be provided from Blackhorse Road and would required the diversion of two water main pipes. This is detailed in the relevant section below

Pre-Application Consultation

- 3.5 Following the refusal of DC/15/92693, council officers and the applicant team, engaged in further pre application discussions which aimed at resolving concerns regarding the previous design, which was refused. Three meetings took place which has led to the current design being submitted.

Supporting Documents

3.6 Design & Access Statement

This document provides a comprehensive description of the site, outlines the site conditions that have influenced the scheme, sets out to describe the design principles behind the proposed development and explains the rationale for the scheme. The document covers site context, opportunities, design principles, connectivity, layout, scale, appearance, access, landscape and sustainability. The submitted D&A includes a detailed design for the front landscaped area which illustrates how a cycle path could be provided.

3.7 Air Quality Assessment

An Air Quality Assessment was undertaken to determine baseline conditions, consider site suitability for the proposed end-use and identify suitable mitigation measures as required.

Based on the assessment results, air quality issues are not considered a constraint to planning consent for the proposed development, subject to the inclusion of relevant mitigation measures.

3.8 Preliminary Ecological Appraisal

This report provides an initial assessment of the ecological importance of the habitats in the areas relevant to the redevelopment of the site, and the potential for these areas to support protected ecological features and species. The report concludes that the proposed development poses no significant risk to ecological receptors.

3.9 Construction Method Statement

The Construction Method Statement details the construction proposals for the redevelopment of the site.

The Construction Method Statement sets out logistics with regard to organisation of the site, such as site management, site hours, site establishment, fire procedures, notification of neighbours in relation to specific works, advance notification of road closures, pavement stopping-up, movement and hoisting of materials, delivery and

storage, waste disposal, scaffolding and hoardings. It also sets out the scope of works and methodologies for demolition and construction, including risk and resource management, as well as dust, noise and vibration mitigation measures.

3.10 Daylight and Sunlight Report

The accompanying Daylight and Sunlight Report has assessed the impact of the proposed development on the neighbouring residential properties. The main criteria used in this analysis to show compliance are the Annual Probable Sunlight Hours and Vertical Sky Component tests.

The report concludes that the proposed development would meet the recommend levels of change within the BRE guidance and is therefore considered acceptable in daylight and sunlight terms.

3.11 Energy and Sustainability Statement

This Energy and Sustainability Statement submitted in support of the application demonstrates that the proposed Shurgard Deptford self-storage unit details the proposed measures to bring about compliance with Policy 5.2 of the London Plan and the requirements of Core Strategy Policy 8 of the Lewisham Local Development Framework (June 2011). The report concludes that a 106.9% improvement on Part L2A 2013 compliance can be achieved and therefore the development could achieve Zero Carbon status.

3.12 Flood Risk Assessment

The report concluded that, whilst the proposed development will be located within Flood Zone 3, the site and immediate surrounding area is afforded protection from local flood defences. The actual risk of fluvial flooding to the proposed development will therefore be residual in nature, being restricted to a breach of the defences, so can therefore be considered to be low.

Overall, based on the information available, this Flood Risk Assessment found that the risk of flooding to the proposed development from all other sources is considered to be low.

3.13 Desk Study and Preliminary Investigation Report

This report assesses the ground conditions at the site for use in the design and construction of the proposed development, as well as to assess the potential risk to human health and the environment.

The report makes recommendations with regard to a deep ground investigation being required if piled foundations are proposed, the undertaking of further gas monitoring visits, and the development of a Remediation Method Statement to detail the proposed remediation

strategy to be submitted and approved by the Local Planning Authority.

3.14 Planning Statement

This statement describes the relevant planning policies and an assessment of planning considerations is provided

3.15 Transport Statement

The Transport Statement reviews the current and proposed sustainable travel options available for staff and customers.

The Transport Statement concludes that the forecast additional trips resulting from the proposed use are not anticipated to be detrimental to the safety or operation of the local highway network

3.16 Archeologically Desk Based Assessment:

The application was accompanied by an assessment of the archeological potential of the site. The report concludes that it is not anticipated that the site would have significant archaeological potential, it is recommended that suitable mitigation with programmes of relevant archaeological monitoring during relevant construction groundworks be implemented.

4.0 Consultation

4.1 Letters were sent to neighbours of the site and press notices were displayed because the proposal would constitute 'major' development by virtue of the amount of floorspace created. At the time of writing the report, a total of 67 responses were received by the Council, which included 65 objections. The objections related to the following relevant planning issues;

- The proposed development would prohibit the provision of a potential pedestrian and cycle path along Canal Approach and under Blackhorse Bridge and would not comply with the North Lewisham Links Study;
- The proposed development is unacceptable as it would involve the demolition of a historic building;
- The proposed development is unacceptable as it would not provide for sufficient job creation;
- The site should be reallocated from Strategic Industrial Location to a Mixed Use Employment Location (MEL) to provide for both residential and commercial development;
- Potential disturbance of the residential amenity of adjoining properties by way of late night use by customers.

4.2 Local Amenity Societies

The following local amenity societies objected to the proposed development;

Deptford Society

An objection to the current application has been received from the Deptford Society. This objection relates to the impact of the scheme on the potential future provision of a pedestrian and cycle path. An objection is also raised to the scale and massing of the development and the loss of the employment floor space.

Lewisham Cyclists

An objection to the proposed development, from Lewisham Cyclists, has been raised on the basis that the current application would prevent a “potential strategic, traffic-free cycling and walking route under Blackhorse Bridge and along Canal Approach to Folkestone Gardens”. The amenity society references the “North Lewisham Links (NLL) study” which identifies potential upgrades to pedestrian and cycling routes within the Deptford and New Cross areas. The objection from Lewisham Cyclists makes specific reference to a route from Surrey Canal through Folkestone Gardens and Deptford Park across Evelyn Street. This route is indicated as linking into the recently approved Oxestalls Road scheme. Officers note however that this route is identified as running along Grinstead Road, to the north of the subject site, not along Canal Approach as suggested by Lewisham Cyclists.

Deptford Folk

An objection to the current application has been received from the Deptford Folk community group. This objection is based on the following grounds:

- The proposal would prevent the reopening of canal approach as a cycle and pedestrian path and would further prevent wider improvements to sustainable movements within the area;
- The development would result in two self storage facilities in the area, for which there is not enough demand;
- The application site should be reallocated from Strategic Industrial Location to a Mixed Use Employment Location (MEL);
- The proposed scheme would involve negative impacts on daylight and sunlight to the wider public realm;

- The proposed development would not involve sufficient job creation;

4.3 Ecology

Condition to be attached to secure the provision of a bio diverse living roof that is plug planted and over seeded

4.4 Highways

No objection is raised to the proposed development. However, should the application be recommended for approval, officers would seek to secure the following:

A Construction Logistics Management Plan, to be submitted and approved in writing prior to the commencement of development;

Requirement to enter into a Section 278 agreement for the making good of redundant vehicle crossing

4.5 Environmental Health

The application has been reviewed by the Council's Environmental Health officer. The application is considered to be acceptable subject to the inclusion of conditions in relation to construction management and land contamination

4.6 Environment Agency

The Environment Agency did not raise any objection to the proposed development subject to condition being imposed in regard to Land Contamination .

4.7 Transport for London

TfL have no objections in principle to the development but there were some detailed matters which would should be secured via condition by LB Lewisham. These are as follows:

Construction Management/ Logistics

Deliveries and Servicing

Provision of Electric Vehicle charging points

4.8 Historic England

There is a discernible on-going archaeological potential with the site in respect of the former canal that can be addressed through a suitable programme of pro-active Observation and Recording and that it can therefore be secured by condition as follows:

- A) No development other than demolition to existing ground level shall take

place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological observation and recording in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing.

- B) Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of archaeological investigation in accordance with a Written Scheme of Investigation.

- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

National Planning Policy Framework

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

Other National Guidance

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

London Plan (March 2015) incorporating March 2016 Minor Alterations

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. In March 2016 the Minor Alterations to the

London Plan were adopted. The policies relevant to this application are:

- Policy 2.17 Strategic industrial locations
- Policy 4.1 Developing London's economy
- Policy 4.4 Managing industrial land and premises
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.18 Construction, excavation and demolition waste
- Policy 5.21 Contaminated land
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.4 Enhancing London's transport connectivity
- Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.1 London View Management Framework
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes
- Policy 7.19 Biodiversity and access to nature
- Policy 7.21 Trees and woodlands
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

- Accessible London: Achieving an Inclusive Environment (2004)
- Industrial Capacity (2008)
- Sustainable Design and Construction (2006)
- Planning for Equality and Diversity in London (2007)
- London Plan Supplementary Planning Guidance View Management Framework (March 2012)

London Plan Best Practice Guidance

- 5.8 The London Plan Best Practice Guidance's relevant to this application are:

Development Plan Policies for Biodiversity (2005)

Control of dust and emissions from construction and demolition (2006)

Core Strategy (2011)

- 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 3 Strategic Industrial Locations and Local Employment Locations
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 9 Improving local air quality
Core Strategy Policy 10 Managing and reducing the risk of flooding
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 17 The protected vistas, the London panorama and local views, landmarks and panoramas
Core Strategy Policy 21 Planning obligations
Strategic Site Allocation 4 Oxestalls Road

Development Management Local Plan (November 2014)

- 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:

DM Policy 1 Presumption in favour of sustainable development
DM Policy 10 Local Employment Locations
DM Policy 22 Sustainable design and construction
DM Policy 23 Air quality
DM Policy 24 Biodiversity, living roofs and artificial playing pitches
DM Policy 25 Landscaping and trees

DM Policy 26 Noise and vibration
DM Policy 27 Lighting
DM Policy 28 Contaminated land
DM Policy 29 Car parking
DM Policy 30 Urban design and local character
DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

Planning Obligations Supplementary Planning Document (2015)

5.11 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 this application are:

- a) Principle of development
- b) Layout, Scale and Design
- c) Impact on adjoining properties
- d) Highways and Traffic Issues
- e) Air Quality
- f) Land Quality
- g) Sustainability and Energy
- h) Ecology and flood risk
- i) Planning Obligations

Principle of Development

6.2 Paragraph 18 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

6.3 Paragraph 19 sets out that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

6.4 London Plan Policy 2.17 states that development proposals in Strategic Industrial Locations should be refused unless they fall within the broad industrial type activities outlined, which include storage and distribution uses.

- 6.5 Core Strategy Policy 3 states that the Council will protect the Strategic Industrial Locations (SILs) for uses within the B Use Class (B1c, B8 and where appropriate B2 industry), and also appropriate sui generis uses, to provide land for activities that support the continued functioning of London as a whole such as waste management, transport and utilities, and uses that require 24-hour functioning.
- 6.6 The proposed use for a self storage facility (use B8) and business centre for Small and Medium Enterprises (use B1) would be appropriate in this Strategic Industrial Location and the principle of the development would be acceptable.
- 6.7 Officers also note that while the subject site is not located within a Local Employment Location, DM Policy 10 provides useful guidance in the provision of space for SME's within self storage (B8 uses) facilities. The proposed use would generate 4 full time equivalent jobs while the existing site currently supports 1 full time and one part time job. The proposed scheme would further seek to support employment diversification through the introduction of a 'business centre' which would be provided at first floor within the proposed building. The proposed business centre would provide an area of approximately 107sqm which would facilitate B1 uses. The proposed business centre would provide 14 workstations and include WIFI, hot desking areas, breakout spaces and a meeting room.
- 6.8 The subject scheme has been reviewed by the manager of economic development who accepted that the proposed business centre could provide support for small and medium enterprises, however concern was raised as to how the proposed floor space would operate. In this regard, should the application be recommended for approval, conditions have been recommended to secure a plan of management and marketing strategy to ensure the proposed area is utilised effectively.
- 6.9 In regard to the protected vista from Blackheath Point to Central London, the proposed development would maintain the building height of the existing building located to the rear, eastern portion of the site. The development therefore would not interrupt the protected view which partially transverses the application site.

Design

- 6.10 Paragraph 56 of the NPPF states that the Government attaches great importance to 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.
- 6.11 Paragraph 57 sets out 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.

- 6.12 Paragraph 64 is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.13 London Plan Policy 7.4 B states that buildings, streets and open spaces should provide a high quality design response that (amongst other criteria):
- a. has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass
 - b. contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area
 - c. is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings
 - d. allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area
- 6.14 Policy 7.6 B sets out that buildings and structures should (amongst other criteria):
- a. be of the highest architectural quality
 - b. be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
- 6.15 Core Strategy Policy 15 states that for all development, the Council will (amongst other criteria) 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.
- 6.16 Policy DM30 sets out that the Council will require all development proposals to attain a high standard of design. This applies to new buildings and for alterations and extensions to existing buildings. The requirements of Core Strategy Policy 15 which sets out the aims for each Core Strategy spatial area will need to be met.
- 6.17 An adequate response to the following detailed matters will be required in planning applications to demonstrate the required site specific design response:

- a. 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 including those identified in the London Plan, taking all available opportunities for enhancement
 - b. height, scale and mass which should relate to the urban typology of the area
 - c. layout and access arrangements. Large areas of parking and servicing must be avoided
 - d. how the scheme relates to the scale and alignment of the existing street including its building frontages
 - e. the clear delineation of public routes by new building frontages, with convenient, safe and welcoming pedestrian routes to local facilities and the public transport network, including meeting the needs of less mobile people and people with young children
 - f. 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 of materials should be clearly justified in relation to the existing built context
 - g. details of the degree of ornamentation, use of materials, brick walls and fences, or other boundary treatment which should reflect the context by using high quality matching or complementary materials
 - h. how the development at ground floor level will provide activity and visual interest for the public including the pedestrian environment, and provide passive surveillance with the incorporation of doors and windows to provide physical and visual links between buildings and the public domain
 - i. new development must be sustainably designed and constructed in compliance with Core Strategy Policies 7 and 8
 - j. where there is an impact on a heritage asset a statement will be required that describes the significance of the asset, including its setting, and an assessment of the impact of the proposals upon that significance.
- 6.18 Officers acknowledge that, in order for a design response to be acceptable, a positive relationship between any new development and the primary frontages of Evelyn street/ Blackhorse bridge and Blackhorse Road are of the utmost importance. The proposed

principle of setting the building back from the front property boundary is supported, especially considering the difference in level between the subject site and Evelyn Street/ Blackhorse bridge. This is deemed to be vital in establishing a positive relationship between the proposed development and the adjoining street. Officers further welcome the proposed use of a setback area to enable the provision of an eventual connection under the vehicular dominated Blackhorse Bridge/ Evelyn Street for cyclists and pedestrians. Should this be implemented, the route would emerge directly opposite the subject site and could potentially connect to the approved open space and commercial areas at Deptford Wharves and to the wider area including to Convoy's Wharf and the River Thames.

- 6.19 The current scheme would propose a setback from the Evelyn Street/ Blackhorse bridge frontage between 5.1 meters- 12.8 metres, with deeper setbacks responding to the taller elements of the proposal. Officers considered that the site layout, as now proposed, would suitably respond to its context and would create a positive relationship with the adjoining streets.
- 6.20 As part of this proposal, the applicant would seek to provide a hard paved and landscaped area between the proposed development and the public highway. The proposed works would involve a paved front entrance which would create a circulation area to the corner of Blackhorse Road and Evelyn Street. Officers would also note that the proposed front landscaped setback would be gated to restrict unintended access until such time as the cycle and pedestrian link can be implemented. This design response is supported and the detailed design of this area would be secured via condition.
- 6.21 Both the pedestrian and vehicular entrances would be via the Blackhorse Road frontage with the main pedestrian entrance being accessed directly via the street. This building would have large areas of fenestration, and provide a clearly legible entrance. A secondary entrance would also be provided from the car park/loading bay area, set behind vehicular and pedestrian gates and perimeter fencing. The proposed fencing would be paladin fencing, would be 2.4 metres in height and would replace the existing Palisade fencing which has a similar height. It is noted that the applicant has proposed that the front setback area, adjoining Evelyn Street/ Blackhorse bridge, would also include fencing to prevent unintended access until such time as a pedestrian and cycleway could be implemented. Due to the prominent location of this area, officers would seek to impose a condition requiring the applicant submit details of the landscaping and fencing within this area prior to commencement of above ground works .

Scale and Massing

- 6.22 When considering the building's scale and massing, reference should be made to the existing commercial and industrial buildings that

adjoin the subject site, located along Blackhorse Road. The proposed scheme has been developed in association with council officers and would seek to break up the massing through the introduction of three similar, distinctive and attached building elements, that would vary in height, width and treatment to articulate the proposed massing.

- 6.23 The proposed introduction of three pitched roof forms upon the Evelyn Street frontage which run front to back along the site is considered to be acceptable and would create the appearance of a family of three building elements further reducing the massing of the proposed development. The apex of the proposed tallest building element, located adjacent to the northern boundary, would be between 4.9 and 7.4 metres above nearest adjoining buildings which are between 9.4 and 10.4 metres in height, located along the western site boundary, situated within the Blackhorse Business Park. Officers acknowledge that the height of the proposed development would involve a step change from the surrounding, largely continuous, roofscape. It is also noted however that the development which would be located directly opposite the subject site within the Oxestalls Road Strategic Site, would be of a similar height as that proposed as part of the this application.
- 6.24 It is considered however that the proposed building height, is in this instance acceptable as the proposed design would involve a distinct industrial vernacular that would relate to the immediate surroundings. Furthermore the tallest element would be set back from the street by 12.8 metres and its impact would be further mitigated due to the variation in site levels as the subject site is 2.7 metres below the level of the Evelyn Street/ Blackhorse bridge.

Materials and finishes

- 6.25 The proposed development would be clad in composite metal cladding, with each of the three proposed building elements being treated separately to further articulate and reduce the massing of the proposal.
- 6.26 The lowest building element, adjacent to Blackhorse Road, would be predominantly clad in standard 'Shurgard Red' and would include large areas of glazing which would serve to distinguish the primary pedestrian entrance. The second building would be finished in a mixture of white composite and grey profiled panels which would be repeated on the largest building adjacent to Canal Approach. Areas of fenestration would also be included on the front elevation of each façade which would add further visual interest to the development.
- 6.27 The design and finishing of the proposed development is considered to be appropriate to the function. Given the nature of the use of the site the design of the proposed building is considered to be acceptable and in accordance with CS Policy 15 High Quality for Lewisham and DM policy 30.

Impact on Adjoining Properties

- 6.28 One of the Core Planning Principles identified at paragraph 17 of the NPPF is that planning should always seek to secure...a good standard of amenity for all existing and future occupants of land and buildings.
- 6.29 London Plan Policy 7.6 requires that development does not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing.
- 6.30 The applicant has submitted a Sunlight/Daylight Assessment which satisfactorily demonstrates that those impacts on neighbours to the north on Grinstead Road and those on the other side of Evelyn Street would not be unacceptable impacted in the context of the BRE guidelines. The accompanying report details an assessment of the Vertical Sky Component for 18 adjoining residential windows under both current and proposed conditions. The report details that the windows associated with the adjoining residential development would continue to meet the relevant criteria for daylight and the scheme is therefore compliant with the BRE guidance for daylight.
- 6.31 While the primary outlook of the adjoining residential properties, located within Evelyn Court, is within the development itself and not across the application site a building of this scale, which would have a height of between 8.7 and 13.2 metres immediately adjoining the shared property boundary, would undoubtedly impact on outlook from nearby residential properties. It is noted that at the nearest point, the proposed development would be located between 8.7 and 9.3 metres from the nearest flank elevation of the adjoining residential building. It is considered however, that when compared with the existing impacts of buildings at the site and when taking into account the distance between the site and the neighbouring properties and the allocation of the site for industrial uses, the scale of those impacts would be acceptable.
- 6.32 Policy 7.15 B states that development proposals should seek to manage noise by avoiding significant adverse noise impacts on health and quality of life as a result of new development. It is considered that the proposed use would not involve intensive noise generating uses and would be considerably less intensive than both the current uses on site and the surrounding industrial uses.
- 6.33 It is noted that once operational the proposed development would be accessible, via controlled gated access, 24 hrs a day. This is typical of self storage facility uses however the number of movements as part of the proposed use, (5 per hour), would be considerably below the peak P.M . movements of the existing uses as detailed in the Transport Statement.

- 6.34 Officers note that Core Strategy Policy 3 states that the Council will protect the Strategic Industrial Locations (SILs) uses that require 24-hour functioning. The proposed development is not considered likely to involve a high intensity of use, especially when compared to the surrounding uses. It is further noted that the entrance and exit, where vehicle movement would be focused, is proposed to be located away from the nearest residential properties, situated at Evelyn Court, and accordingly is not considered likely to impact the residential amenity of the adjoining residential properties.

Highways and Traffic Issues

- 6.35 Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.36 Policy 6.3 sets out that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.
- 6.37 The accompanying Transport Statement details that the proposed development would result in a considerable reduction in the number of vehicle movements when compared to the existing land uses on site. In this regard, the Transport Statement details the proposed development would be expected to attract 89 vehicle movements per day compared to 466 movements associated with the existing uses on site.
- 6.38 In terms of deliveries to the proposed use, when operational, the applicant has detailed that the maximum likely delivery and servicing vehicle would be a 10 metre refuse vehicle which can enter and exit the site in a forward movement, via Blackhorse Road.
- 6.39 The application has been reviewed by both Councils' Highways Officer and Transport for London, both of whom have not raised any objection to the proposed development. The Council's Highways

Officer is satisfied that subject to conditions requiring the submission and approval of a Construction Logistics Plan, an undertaking to make good the redundant vehicle crossing, there would be no harm caused to the safe and free flow of traffic.

- 6.40 Core Strategy Policy 14 and Policy DM29 states that a managed and restrained approach to car parking provision will be adopted to contribute to the objectives of traffic reduction while protecting the operational needs of major public facilities, essential economic development and the needs of people with disabilities. The car parking standards contained within the London Plan will be used as a basis for assessment.
- 6.41 London Plan Policy 6.13 states that a maximum one car parking space should be provided for each 500m² of B8 floorspace at the site, while a maximum of 1 space per 600- 100 sqm for the proposed B1 use. Based upon a proposed floor area of 4,569sqm (including the proposed business centre use) there would be a requirement for 9 car parking spaces. It is noted that 7 car parking spaces are proposed (including one accessible space) which would be provided for both customers and staff. The accompanying Transport Statement however includes a parking accumulation assessment, which demonstrates that the level of parking is sufficient to meet the expected demand.
- 6.42 The application has been reviewed by the Council's Highways officer as well as Transport for London, neither of which have raised any objection to proposed development.
- 6.43 London Plan Policy 6.9 states that 1 long-stay cycle parking space should be provided for every 500m² of B8 floorspace at the site and 1 short-stay space should be provided for every 1000m² of floorspace.
- 6.44 Cycle parking would be provided in line with those standards and would be acceptable and would be secured by condition.

Air Quality

- 6.45 London Plan Policy 7.14 B states that development proposals should (amongst other criteria):
- a. minimise increased exposure to existing poor air quality and make provision to address local problems of air quality
 - b. promote sustainable design and construction to reduce emissions from the demolition and construction of buildings following best practice guidance
 - c. be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality

- 6.46 Core Strategy Policy 9 and Policy DM23 reinforce these objectives and the applicant has submitted an Air Quality Assessment that satisfactorily demonstrates that the impacts of the development would be acceptable in this regard.

Land Quality

- 6.47 London Plan Policy 5.21 sets out that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination.
- 6.48 Policy DM28 sets out the steps that should be taken to ensure that contaminated land is fully investigated and remediated, to minimise and mitigate any harmful effects to human health and the environment.
- 6.49 The Environment Agency has been consulted and has raised no objection, subject to the imposition of planning conditions. This opinion is reinforced by the Council's Environmental Health Officer. Officers have therefore recommended that, should the application be approved, a land contamination assessment and remediation strategy be provided to the Council, prior to the commencement of development.
- 6.50 The subject application is therefore considered to be acceptable, subject to suitable conditions being imposed.

Sustainability, Energy and Sustainable Construction

- 6.51 Paragraph 96 of the NPPF states that in determining planning applications, local planning authorities should expect new development to:
- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.52 London Plan Policy 5.2 requires that a development like that proposed achieves a minimum of a 40% reduction in carbon dioxide emissions against the 2010 Building Regulation standards. It is now established that a 35% reduction against 2013 standards should be sought.
- 6.53 Policy 5.7 requires that major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible.

- 6.54 Policy 5.3 states that development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.
- 6.55 Core Strategy Policies 7 and 8 reinforce these objectives 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.
- 6.56 The applicant has submitted an Energy and Sustainability Assessment that demonstrates that a 106% CO₂ emission reduction target beyond Part L 2013 of the Building Regulations could be achieved at this site. The proposed level of CO₂ reductions are welcomed and a condition is recommended to secure the energy improvements in line with relevant policies.

Ecology

- 6.57 NPPF paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.
- 6.58 London Plan Policy 7.19 sets out that development Proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 6.59 DM24 states that the Council will require all new development to take full account of biodiversity and geodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.
- 6.60 New living roofs are required to be designed and fitted by a qualified and accredited installer and include an extensive substrate base, except where it can be demonstrated that such a base is not feasible and achievable. Developers should enter into an agreement with an installer that guarantees 80% coverage in 5 years.
- 6.61 The Council's Ecologist has been consulted. Whilst no objection has been raised in principle, concerns have been raised as to the level of detail provided relating to the proposed green roof at the rear of the site. Accordingly, a planning condition has been recommended which would require additional green roof details to be provided prior to the commencement of above ground works.

Flood Risk and Sustainable Drainage

- 6.62 Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in

areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

6.63 This objective is reinforced by London Plan Policy 5.12 and Core Strategy Policy 10.

6.64 A storage and distribution use is considered less vulnerable by the NPPF and appropriate in high flood risk area, subject to an acceptable Flood Risk Assessment.

6.65 The applicant has submitted a Flood Risk Assessment to support the application. It demonstrates a range of construction and evacuation measures that could be introduced to mitigate the risk of flooding at the site. A condition to ensure that these measures were put in place could be used in the event of an approval.

6.66 London Plan Policy 5.13 states that development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

6.67 Very limited information has been provided to demonstrate that an acceptable SUDS and measures to reduce surface water run-off would be provided at the site. A condition has been recommended, requiring the provision of these details prior to commencement of development.

Heritage

6.68 It is noted that the subject site is located within an Area of Archaeological Priority. The subject application was supported by a desk based assessment of the presence of potential archaeological remains. This assessment was reviewed by Historic England who agree with recommendations contained within the submitted report that the potential for archaeological features of significance is low and can be appropriately mitigated by the implementation of a monitoring process throughout the excavation phase of the development. A condition to ensure that the proposed development is carried out in

accordance with the submitted desk based assessment has been proposed, should the application be approved.

- 6.69 It is noted that several objections make reference to the demolition of an unspecified 'historic building'. As previously stated, the subject site does not contain any historic buildings which would be demolished as part of this application. This has been confirmed by the Council's Conservation Officer.

Planning Obligations

- 6.86 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

- 6.87 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

- 6.88 The obligations sought are as follows:

- Securing the right to pass and re pass across the front setback area, to ensure the eventual implementation of a pedestrian and cycle connection.
- Contributions:
 - Employment & Training: £40,000 to be paid on commencement (including demolition)
 - Open Space Contribution: £12,000.00 to be paid on commencement (including demolition)
- Monitoring, legal and professional costs

- 6.89 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development

and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

7.0 Local Finance Considerations

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

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

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

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

8.0 Equalities Considerations

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

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

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

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

8.4 Equality issues have been duly considered as part of the assessment of this application. It is not considered that the application would have any direct or indirect impact on the protected characteristics.

9.0 Conclusion

9.1 This application has been considered in the light of policies set out in the Local Development Plan and other material considerations.

9.2 The assessment above has demonstrated that, with the imposition of appropriate conditions to mitigate any potential effects, there will be no significant impacts in relation to design, air quality, ecology, crime prevention, access to daylight, sustainability and energy, flood risk, land contamination, highways and traffic, waste and construction management.

9.3 Officers consider that, with the recommended mitigation and planning conditions in place, the proposed development is of sufficient quality and would deliver a much needed school space. As such the development should be approved.

10.0 RECOMMENDATIONS

10.1 RECOMMENDATION (A)

To agree the proposals and authorise the Head of Law to agree planning obligations under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters:-

- Securing the right to pass and re pass across the front setback area, to ensure the eventual implementation of a pedestrian and cycle connection.
- Contributions:
 - Employment & Training: £40,000 to be paid on commencement (including demolition)
 - Open Space Contribution: £12,000.00 to be paid on commencement (including demolition)
- Monitoring, legal and professional costs

10.2 RECOMMENDATION (B)

Upon completion of a deed securing planning obligations pursuant to S106 of the Town and Country Planning Act 1990, which in the opinion of the Head of Law satisfactorily secures the matters set out above, authorise the Head of Planning to 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:

Figure 1 Rev 02 (Topographic Survey and Roof Heights); Figure 1 Rev 02

(Elevations); 300 Rev 2; 301 Rev \$; 500 Rev 2; 212 Rev \$; 215 Rev \$; 211 Rev \$; 210 Rev \$; 100 Rev \$; 111 Rev 1; Design & Access Statement; Daylight & Sunlight Assessment; Construction Managers Method Statement; Energy & Sustainability Statement; Transport Statement; Preliminary Ecological Appraisal; Flood Risk Assessment; Tree Survey and Arboricultural Implications Assessment; Air Quality Report

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

- 3.(A) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological observation and recording in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing.
- B) Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of archaeological investigation in accordance with a Written Scheme of Investigation.
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (2015)

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).

- 5.(a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

Plan (November 2014).

- 6.(a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development shall commence until a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

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).

- 7.(a) Notwithstanding the details hereby approved, no above ground development shall commence until detailed plans at a scale of 1:10 showing the typical details of the guttering and roof eaves along with details of window reveals have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

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

- 8.(a) No development shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (2015) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011).

9.No development shall commence on site until a detailed schedule and specifications and samples of all external materials and finishes, windows and external doors, roof coverings to be used on the building 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 building 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.

10.(a) The use of the development hereby approved shall not commence until details of proposals for the storage of refuse and recycling facilities for the development, have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

11.(a) No development shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.

(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

12.(a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction

of the above ground works.

- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

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

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

- 14.(a) The development shall be constructed with a bio diverse living roof living roof that is plug planted and over seeded laid out across the flat roof area as identified in drawing no: 215 Rev \$
- (b) Details of the living roofs (including roof plans to a scale of 1:50, cross-sections to a scale of 1:20, specification and details of a substrate base and details of management) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development above ground level.
- (c) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (d) Evidence that the roof has been installed in accordance with (b) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved and maintained thereafter.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and

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

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

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

16. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building.

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).

- 17.(a) 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.
- (b) 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).

18 The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

(a) The plan shall demonstrate the following:

- expected number and time of delivery and servicing trips to the site (with the aim of reducing the impact of servicing activity.)
- measures to ensure larger HGV's do not attempt to access the site and create conflicts with vehicular traffic using the SRN.

(b) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

19 (a) Details of the number and/or location of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving air quality in the London Plan (2015), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014)

20 (a) Prior to occupation of the development a strategy for marketing and management for the Business Centre shall be submitted to and approved in writing by the local planning authority.

(b) The strategy for marketing and management shall include the following;

- the potential occupiers identified for the Commercial Units which the strategy relates to;

- the steps intended to be taken in marketing and letting the Commercial Units referred to in the strategy;
 - the timescale over which such marketing is intended to occur;
21. (a) A minimum of **12** secure cycle parking spaces shall be provided within the development
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

22. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the Business Centre located at first floor level and indicated on drawing 212 Rev \$ shall be used for **(B1 Use)** and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In order to protect the Business Centre falling within B1 Use Class in the interests of retaining the maximum amount of employment provision possible on the site, to reflect the policy designation of the site as a Strategic Industrial Location in accordance with Core Strategy Policy 3: Strategic Industrial Locations and Local Employment Locations.

23. Prior to the commencement of development an agreement pursuant to Section 278 of the Highways Act 1980 shall be entered into with the Highways Authority to secure the closure of the existing crossovers on Blackhorse Road and associated works.

Reason: In the interests of highway safety and to ensure a satisfactory standard of development, in accordance with Policies Objective 9 and Policy 15 High quality design for Lewisham in the adopted Core Strategy (June 2011) and Development Management Policy 26 (Noise and vibration) of the development Management Local Plan

24. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure foundation works, particularly piling, are carried out with due regard to potential impacts on groundwater quality in relation to historic contamination of soils.

25. 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 relates activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance

and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

26 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

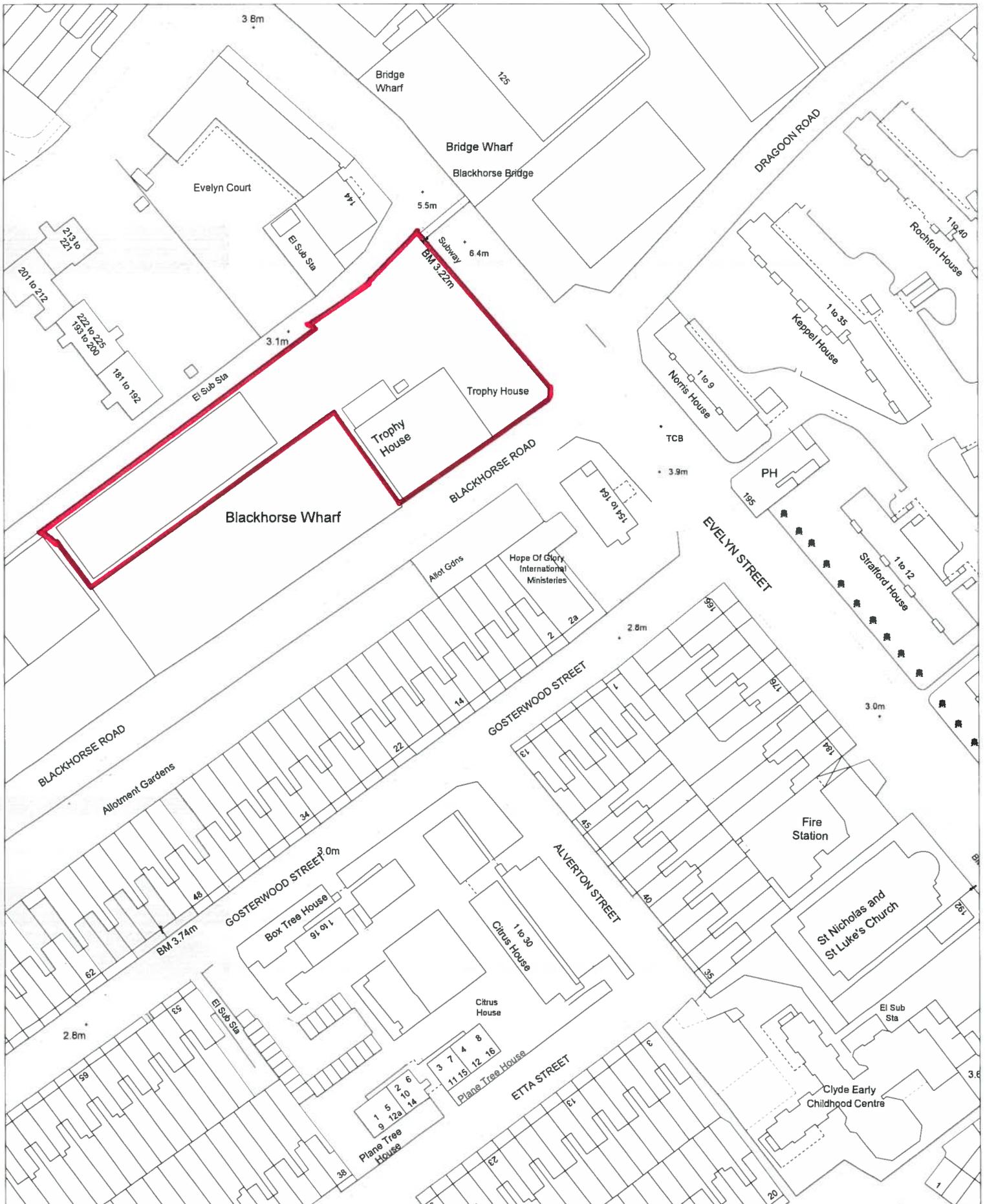
1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development is carried out in accordance with the aims of the National Planning Policy Framework with regard to sustainable development and historic contamination. To protect groundwater within the underlying Secondary Aquifers.

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Trophy House, Blackhorse Rd



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Committee	PLANNING COMMITTEE C	
Report Title	UNIT AT THE REAR OF 7, MUIRKIRK ROAD, LONDON, SE6 1BE	
Ward	CATFORD SOUTH	
Contributors	JOSHUA OGUNLEYE	
Class	PART 1	19 th May 2016

Reg. Nos. DC/16/95276

Application dated 25.01.2016

Applicant Mrs C Tyler

Proposal The construction of a gable end mansard roof with two Velux rooflights, one to the front roofslope and one to the rear, to the Unit at the rear of 7 Muirkirk Road, SE6, together with the replacement of the front doors with casement windows and rendered blockwork.

Applicant's Plan Nos. 1411/00-A; 1411/BP-A; 1411/OS-A; Planning Statement Received 26th January 2016

1411/30-A; 141131-A Received 7th March 2016

Background Papers (1) Case File LE/753/7/TP
(2) Local Development Framework Documents
(3) London Plan

Designation N/A

Screening N/A

1.0 Property/Site Description

1.1 The application site lies within a gated mews to the rear of 7 Muirkirk Road. The mews is only accessible from the west entrance of Braidwood Road on the north side of the road. The mews is comprised two rows of four buildings. The subject property is part of a row of single storey storage garages on the west side of the mews. The single storey properties directly look onto a row of two storey properties on the east side of the mews. These buildings are used for a variety of functions including residential, storage and craft workshop purposes. At the far end of the mews is a single storey vehicle mechanic's garage. The site does not fall within a designated employment area though there are some light industrial premises used for storage and craft work by local businesses.

1.2 The subject property referred to as Rear of (r/o) 7 Muirkirk road is a single storey structure used for storage (Use Class B8) purposes; it is accessed from Braidwood Road. At present, the property has a flat felt roof with black painted steel double doors, and concrete walls. The road leading to the mews is within a predominately-residential area. The application site was been separated from 7, Muirkirk Road some time ago and now forms a seprate planning unit.

- 1.3 The immediate surrounding area includes Braidwood Road to the south, Muirkirk Road to the west and Killearn Road to the north, which are predominantly residential in character, and are comprised of 2-storey terraced residential properties. The residential dwellings at numbers 5 & 7 Muirkirk Road adjoin the development site and have shallow rear gardens that measure only 4 metres deep beyond the original two storey additions.
- 1.4 The property is not within a Conservation Area, not subject to an Article 4 Direction nor within the vicinity of a listed building.

2.0 Relevant Planning History

The Site

- 2.1 **DC/11/78967/FT:** The change of use of the garage at the rear of 7 Muirkirk Road SE6, to offices (Use Class B1), together with alteration to the front elevation. **Granted and implemented**
- 2.2 **DC/14/88297:** The demolition of the existing building at the r/o 5 & 7 Muirkirk Road SE6 and the construction of a two storey building to provide storage (B8) with ancillary office to be used in connection with the existing storage building at 7 Muirkirk Road SE6. **Granted by appeal for non-determination, but not yet implemented. The appeal proposal comprised of two alternative schemes, (i) a two-storey building and (ii) a single storey building of 1.2m less height. Scheme (ii) was approved due to the Council's height concerns.**
- 2.3 **DC/15/094026:** An application for a non material amendment in connection with the planning permission granted on appeal by the Secretary of State on the 7 September 2015 (APP/C5690/W/15/3010119) for the demolition of storage building rear of Muirkirk Road; construction of a single storey office/storage building rear of 5 Muirkirk Road, combining the new building with the existing storage building rear of 7 Muirkirk Road, on land at the rear of 5 & 7 Muirkirk Road, Catford, London to add a gable end mansard roof with two roof lights to the single storey building at the rear of 7 Muirkirk Road, together with the replacement of the steel doors with casement windows and rendered blockwork to the front elevation. **Refused, as the proposed alterations were considered to represent a material amendment to the approved scheme and therefore require the benefit of further planning permission.**

Adjoining site

- 2.4 **DC/13/84684:** Prior Approval for the change of use of the office at the rear of 7 Muirkirk Road SE6, from offices (Use Class B1) to residential (Use Class C3) pursuant to Class J of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). **No Approval required and has been implemented. (Property not owned by the applicant)**

3.0 Current Planning Application

- 3.1 The application proposes the replacement of the existing flat roof with a gable end mansard roof on the unit at the rear of 7 Muirkirk Road. The height of the roof would increase by 1.5m so that the total height of the building would be 4m involving the increase in both the flank walls with rendered block work to match the existing. The mansard would span the entire width (4.45m) and depth (6.85m) of the unit and

would slope upwards at an angle to the front and the rear elevations. The sloped part of the new roof would be constructed in slate tiles and the flat roof in asphalt.

- 3.2 The application also includes the insertion of two Velux rooflights into the roof extension, one to the front roofslope and one to the rear. They would measure 90cm wide by 1.15m high and be inserted flush to the roofslope. Additionally the door to the front (east) elevation of the property would be moved to the side (north) elevation. The door would provide access to the property in the event of the unit at the r/o 5 & 7 Muirkirk Road not being built. Providing the unit at r/o 5 & 7 Muirkirk is built, the side door on r/o 7 Muirkirk would become an internal door accessed only from the unit at r/o 5 & 7 Muirkirk once completed. A casement window would be installed into the space occupied by the existing door with the rest of the opening infilled by rendered blockwork to match the existing.
- 3.3 The proposed alterations are for a property being used for commercial storage and office use (B8).

4.0 Consultation

- 4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 A site notice was displayed in the mews and letters were sent to 14 adjoining residents and the Catford South Ward Councillors

Written Responses received from Local Residents and Organisations

- 4.3 Three objections were received from neighbouring properties at :
11 Muirkirk Road, 9 Braidwood Road and 12 Braidwood Road regarding the following matters:
- The site has a two-year planning history and the previous application (DC/15/094026), which was refused, is similar to the current one.
 - Section 70(8) of the Town and Country Planning Act 1990 (as amended) allows Local Planning Authorities to decline to determine 'similar' applications if lodged within two years, which this has been, and if there has been no significant change in planning policy.
 - In the Inspector's appeal decision for the first application for this site (DC/14/88297) he stated that "a two storey building would be somewhat incongruous" and was concerned about the effect on the living conditions for neighbouring occupiers in terms of outlook.
 - The structure would appear more like a residence than a storage unit for business use.
 - The business use does not appear to be listed for council tax by the VOA and is listed as a garage in an alleyway by the Land Registry, which results in confusion between properties to the rear of 7 Muirkirk Road.
 - No amendments should be allowed or are required to the original planning permission and therefore planning permission should be refused.

5.0 Policy Context

Introduction

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

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

5.2 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.

National Planning Policy Framework

5.3 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.

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

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

Other National Guidance

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

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

5.7 On 10 March 2015, the London Plan (consolidated with alterations since 2011) was adopted. This has since been updated with minor alterations in March 2016 the relevant

- Policy 7.4 Local character
- Policy 7.6 Architecture

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

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

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

6.0 Planning Considerations

Principle

- 6.1 The principle of the proposal depends on the proposed use remaining as commercial. The proposed development is an extension of this use. The relevant planning considerations are the impact of the proposal's design on the character and appearance of the store building, the surrounding area and on the amenities of neighbouring properties.
- 6.2 Whilst Officers note that the proposal for this application is similar to the previous application (ref. DC/15/094026), this application is for full planning permission as opposed to a non-material amendment, which was refused as the changes to the original planning permission granted by appeal (APP/C5690/W/15/3010119) were considered to be material. As such, the LPA cannot decline to determine the current application.

Design

- 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 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles. 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)’.

- 6.5 DM Policy 30 supports the Core Strategy as it sets out detailed principles to support good urban design in the borough and the Council will require alterations to existing buildings to attain a high standard of design. The policy also addresses detailed design issues and states that planning applications must demonstrate the creation of a positive relationship to the existing townscape to preserve an urban form, which contributes to local distinctiveness, such as building features. Furthermore, building materials used should be of high quality and either match or complement the existing development.
- 6.6 DM Policy 31 sets out more specifically how to achieve good quality alterations to existing buildings and states that proposals for alterations will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features. It further states that replacement windows where controllable by the Council should closely match the pattern of the original windows. The repair of original windows will be encouraged.
- 6.7 DM Policy 33 relates to backland and infill development and states if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape, and is sensitive to the setting of heritage assets. This includes the spaces between buildings, which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings... no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens and appropriate amenity space.
- 6.8 The new mansard roof would be constructed in slate tiles that would enhance the appearance of the existing roof and integrate it with those on the surrounding properties. The use of asphalt is considered acceptable given that the flat, top part of the roof would not be visible from ground floor level. This alteration would match the designs that have been approved by the Planning Inspectorate on the roof of r/o 5 & 7 Muirkirk Road.
- 6.9 There are varieties of roof forms in the local area including, flat roofs on flats in the mews, shallow and part pitched roofs on properties on Muirkirk Road, and hip to gables on properties on Braidwood Road. The mansard roof would involve an increase in the height of the property’s existing roof. The scale of increase being proposed for the roof would not result in significant detracting from the area. The proposed mansard roof would be lower than surrounding properties as such would still be subservient. Furthermore, it would be set back from the Braidwood Road frontage. Officers note the decision of the Planning Inspectorate regarding the rear of 5 & 7 Muirkirk Road (ref. DC/14/88297), which was to approve a single storey building with a mansard roof. As such, this is a material consideration in the determination of this application.
- 6.10 The Inspector stated that *“the single storey building at 4m would [have] eaves [that] would line in with the roof of the existing building to be retained at the rear of no. 7. Above this height, the pitch of the roof would slope away from the boundaries from*

no. 5 and the properties in the mews". Both these statements are true of the current application next door at no. 7 and are material to the assessment of this application.

- 6.11 It is considered that a uniform roof form to the unit rear of 5 & 7 Muirkirk Road would improve the architectural appearance of the mews. As the building would not be immediately visible from Muirkirk Road, and it would be of limited visibility from Braidwood Road as it is set back from the main road and screened by other garages closer to Braidwood Road, it is considered that the proposal would have limited impact on the character of the area.
- 6.12 The proposed insertion of a uPVC casement window would replace a steel double door and since this is consistent with others in the surrounding area, it is considered acceptable. Officers support the use of rendered blockwork to infill the rest of the opening.
- 6.13 The proposed uPVC side door would be in a style matching other properties in the mews. The proposed side door would become an internal door upon the completion of the development at rear of 5&7 Muirkirk Road. The use of a uPVC door on the building can be supported and is considered acceptable.
- 6.14 Therefore, given the presence of permission for the adjacent site with similar design, this proposal is considered acceptable and it would not have significant detrimental effects on the character and appearance of the local area.

Residential Amenity

- 6.15 Core Strategy Policy 15 for Areas of Stability and Managed Change states that any adverse impact from small household extensions on neighbouring amenity will need to be addressed.
- 6.16 DM Policy 31 states that alterations to existing buildings should not result in significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.17 The proposed roof lights insertion on the front and rear slope of the mansard roof would not result in loss of privacy to the garage at r/o 7 Muirkirk Road which is a residential property. The distance between the floor level and the rooflight is 2.8 meters, too great to allow any significant overlooking. Consideration of potential impacts on amenities of surrounding occupiers is considered in turn below.

Garage at rear of 7 Muirkirk Road (east of the development site)

- The proposed roof lights would not permit overlooking into this property due to the distance between ground level and roof level and the angle of the rooflights. The proposed ground floor windows would not permit any significant overlooking, given the commercial nature of the proposal, the front-to-front relationship of the properties and the existing compact form of development which is characteristic of the mews.
- The new roof level would not cause significant overshadowing on the neighbouring property due to its easterly location.
- Any sense of enclosure from the raised roof would be minimal, as the new roof form would be sloped away from its original eaves.

7 Muirkirk Road (west of the development site)

- The proposed roof lights would not permit overlooking into this property due to the distance between ground level and roof level internally. There is no window on the rear elevation of the subject property at ground level and therefore no issue of overlooking arising.
- The new roof level would not be high enough to cause significant overshadowing on the neighbouring property.
- Any sense of enclosure resulting from the raised roof would be minimal, as the new roof would be sloped from its original eaves.

Unit rear of 9 Muirkirk Road (south of the development site)

- As the neighbouring property is used for storage and not habitation, It is not necessary to consider impact on amenities.

Unit rear 5 Muirkirk Road (north of the development site)

- The proposed roof height would match this neighbouring property's height (as approved on appeal) and, as such, no significant impact on amenities is expected.

6.18 It is noted that the increased roof height could lead to a minimal increase in overshadowing on surrounding properties. The proposed sloped roof on the front and rear elevations of the mansard would lessen overshadowing to such an extent that would not warrant refusal of this application. Residential properties on Muirkirk Road will not be significantly impacted as they are situated east of the application site and the increased height and shape of the roof will minimise the potential impact. Minimal impact would occur to the properties adjoined to the north of r/o 7 Muirkirk Road as they are not in regular use and are predominantly used as storage.

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

7.0 Equalities Considerations

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

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

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

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

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

8.0 Conclusion

8.1 The particular circumstances of the application have been considered against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) London Plan (March 2016) and the National Planning Policy Framework (2012).

8.2 It is considered that this particular proposal represents an acceptable development as its scale, design and materials are appropriate to the subject building and it would not have an unacceptable impact on the amenities of the neighbouring occupiers.

8.3 As such, the proposal is recommended for approval subject to conditions.

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:

1411/00-A; 1411/BP-A; 1411/OS-A; Planning Statement Received 26th January 2016

1411/30-A; 141131-A Received 7th March 2016

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

- 3 (a) The external materials to be used in the construction of the building shall be as specified on the application form.

(b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- 4 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).

- 5 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no mezzanine floor shall be constructed within the building without the prior written consent of the local planning authority.

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 of the Development Management Local Plan (November 2014).

Informatives

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

Unit R/O 7 Muirkirk Road



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Committee	PLANNING COMMITTEE C	
Report Title	3A Eliot Park, London, SE13	
Ward	Blackheath	
Contributors	Andrew Hartcher/Karl Fetterplace	
Class	PART 1	19 May 2016

Reg. Nos. DC/15/91686

Application dated 27 May 2015

Applicant Paul Simms

Proposal The alteration and conversion of the existing two-storey maisonette into two single-storey residential flats (lower ground floor and upper ground floor), together with the construction of a part one, part two storey rear extension at 3A Eliot Park, SE13.

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

Background Papers (1) LE/135/3/TP
(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)

Designation PTAL 6a
Local Open Space Deficiency
Blackheath Conservation area
Not a Listed Building
Areas of Special Character

Screening N/A

1.0 Introduction

- 1.1 This application was presented at Planning Committee C on 4 February 2016, but it was resolved that the decision be deferred pending discussions between the applicant, planning officers and neighbours regarding amenity and light impact. It is understood members were satisfied that there would not be an adverse impact on No.2 Eliot Park, however that potential impacts on No.4 should be further explored.

2.0 Planning Considerations

- 2.1 The applicant has submitted further information which indicates that further consultation has taken place with neighbouring occupiers. This information includes:
- Minutes of a meeting held between the applicant and the Lewisham/Blackheath Knoll Area Residents Group
 - Letter from the occupier of the ground floor flat (Flat D) at 4 Eliot Park following one-to-one consultation
 - Letter from the owner of the lower ground floor flat (Flat B) at 4 Eliot Park following one-to-one consultation
- 2.2 For the sake of clarity, the neighbour whose concerns were raised by members at the Committee Meeting on 4 February 2016 lives in the first floor flat at No.4 Eliot Park and therefore would not be significantly affected by the proposal.
- 2.3 The issues of amenity and light impact was raised in the meeting held between the applicant and the Lewisham/Blackheath Knoll Area Residents Group and therefore it was determined that the applicant would meet with the residents of the lower ground and ground floor flats at no.4 to discuss this. It is noted that the occupier of the ground floor flat was present at this Residents Group meeting.
- 2.4 The occupiers of the lower ground floor and ground floor flat at 4 Eliot Park have stated that they do believe that they will be significantly affected. It is noted that objections were not received from any person in relation to either of these properties during the consultation period. The authors of both letters state that they would be happy for the proposal to proceed as is. It is also considered that any reduction in floorspace would compromise the quality of living space provided.
- 2.5 As was stated in the original officers report, the single storey element of the extension has been designed in response to concerns raised with the previously refused proposal so that it is stepped back and so that garden vistas from adjoining properties towards the rear are maintained and the extension does not encroach into their line of sight.
- 2.6 For clarity, the furthest projection of the proposed extension (lower and upper ground floor levels) on the side of No. 4 Eliot Park would be set back 0.8m from the property boundary and 1.5m from the existing building itself on this site. This part of the extension would extend 0.7m beyond the existing rear building line at No. 4.
- 2.7 Given that the proposal would result in a minor extension beyond the existing rear building line at the adjoining property at No. 4, it is considered unlikely that the proposal would result in any unreasonable impact on the amenity of the occupiers in terms of loss of outlook or daylight and sunlight access.
- 2.8 As was stated in the original report, there are a number of windows in the side elevation of No. 4 Eliot Park and it is acknowledged that there would be a level of impact on these windows. However, these windows are located behind the existing rear building line of No. 3 Eliot Park and as such already have limited

light. Additionally, as these windows serve non-habitable rooms (kitchens and bathrooms) it is considered that whilst there will be a degree of impact, this would not be so significant as to warrant the refusal of this planning application.

- 2.9 Therefore, officers are of the opinion that the proposal is acceptable as it would not result in an unreasonable impact on the amenity of neighbouring occupiers, in accordance with Core Strategy Policy 15 High quality design for Lewisham and DM Policy 31 Alterations/extensions to existing buildings and that therefore, no modifications to the proposed design are necessary.

3.0 Conclusion

- 3.1 The additional consultation with neighbouring occupiers has been reviewed and officers are of the opinion that the proposal would not result in an unreasonable impact on the amenity of neighbouring occupiers. This application is therefore recommended for approval.

4.0 Recommendation

Grant Permission subject to the following conditions (unchanged from the original report dated 4th February 2016):-

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

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

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

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

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

3. a) The development shall be constructed using those materials specified, namely yellow stock brick, timber sliding sash windows, black coated aluminium conservatory doors and in accordance with the Design and Access Statement and Proposed Elevations (received 30th September 2015).
- b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for

Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

4. a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order to ensure that adequate provision for recycling facilities and refuse storage is made in the interest of safeguarding the amenities of neighbouring occupiers and the area in general to comply with DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014). In order to ensure that the citing, design and appearance of recycling facilities and refuse storage is appropriate and includes consideration of screening, landscaping and vegetation to minimise any visual impacts to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 36 New development, changes of use and alterations affecting designated heritage items and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

5. a) A minimum of 5 secure and dry cycle parking spaces shall be provided within the development.
- b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011) and in order to ensure that the citing, design and appearance of cycle parking facilities is appropriate and includes consideration of screening, landscaping and vegetation to minimise any visual impacts to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 36 New development, changes of use and alterations affecting designated heritage items and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

6. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door

providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

Appendix A- Committee Report 4th February 2016

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

Reg. Nos. DC/15/91686

Application dated 27 May 2015

Applicant Paul Simms

Proposal The alteration and conversion of the existing two-storey maisonette into two single-storey residential flats (lower ground floor and upper ground floor), together with the construction of a part one, part two storey rear extension at 3A Eliot Park, SE13.

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

Background Papers (1) LE/135/3/TP
(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)

Designation PTAL 4
Local Open Space Deficiency
Blackheath Conservation area
Not a listed Building

Screening N/A

1.0 Property/Site Description

- 1.1 The application site is occupied by a four storey (including semi-basement) semi-detached property on the south west side of Eliot Park, which is divided into three flats. This application relates to the upper ground and lower ground floor levels, which are currently in use as a single maisonette dwelling with a Gross Internal Floor area of 133.45m².
- 1.2 The property has an original part two, part three storey projection to the side, which at upper ground floor level includes the common entrance to the property. Within the hallway, there is a doorway into the existing maisonette and a staircase to the upstairs flats at first and second floor levels, Nos. 3B and 3C. Adjacent to the side projection are external steps leading to a path along the side of the

building at lower ground floor level, which leads to the rear garden area, which is at a lower level.

- 1.3 On the main front elevation of each of the semi-detached pair, there are two windows on each level, with a varying window design at each level. The front garden, which is densely planted, slopes down towards the semi-basement area, allowing light to the lower ground floor windows.
- 1.4 There is a change in levels between the front and rear of the property. The upper ground floor level to the front is at pavement level while the rear garden access is at lower ground floor level.
- 1.5 To the rear of the property the rear elevation has a stepped alignment, with an original two storey projection with a hipped roof that is set forward of the main elevation by 1m, adjoining which is a further projection, with a lean to roof against the main projection and this in turn steps forward of the main elevation by 0.5m. The side projection is set back from the main rear elevation by 0.5m
- 1.6 The rear garden is approximately 21m in length and to the rear the property boundary adjoins the rear gardens of Nos. 14 to 16 Walerand Road. To the west side is the adjoining semi-detached property (No. 2 Eliot Park) and beyond that a detached property (No. 1 Eliot Park). All three properties are divided into flats. To the east of the site is a block of four storey flats dating from the 1980s (No. 4 Eliot Park). To the rear the flats project forward of the rear building line of the semi-detached pair by 3m.
- 1.7 The site is within the designated Blackheath Conservation Area but is not adjacent to any locally or statutory listed buildings.

2.0 Planning History

- 2.1 **DC/14/88590** – Application for the construction of a part one, part two storey rear extension, alterations and conversion of the upper ground and lower ground floor maisonette to provide 1 two bedroom flat and 1 three bedroom flat. **Refused by Committee in December 2014.**
- 2.2 This was refused due to its incompatible design and excessive bulk which would detract from the architectural integrity of the building and the semi-detached pair of which it forms part, and fail to preserve or enhance the special character and appearance of the Blackheath Conservation Area.
- 2.3 **DC/14/86350** – Application for the construction of a part one, part two storey rear extension, alterations and the conversion of the upper ground and lower ground floor maisonette to provide 1 two bedroom flat and 1 three bedroom flat. **Withdrawn in August 2014.**
- 2.4 Withdrawn by the applicant when it became apparent that the incorrect certificate of ownership had been submitted in error.
- 2.5 **DC/99/45274** – The alteration of windows in the side and rear elevations and rear doors at 3A Eliot Park SE13. **Granted in December 1999.**

3.0 Current Planning Applications

The Proposal

- 3.1 The proposal is for alteration and conversion of the existing two-storey maisonette into two single-storey residential flats (lower ground floor and upper ground floor), together with the construction of a part one, part two storey rear extension at 3A Eliot Park, SE13.

Alterations to existing building

- 3.2 There are no alterations proposed to the front elevation. The front entrance is to be retained for the main entrance to the upper ground floor flat. A new entrance is proposed in the side elevation at lower ground level, to provide access to the lower ground floor property, with no further alterations to the side elevation at lower ground floor level. At the upper ground floor level there are currently three windows in the side elevation. It is proposed to remove one of these windows (the stair landing window) and brick it up, and retain the other two windows.

Proposed extension

Lower Ground Floor Level

- 3.3 To the rear, the proposed extension would project out from the existing lower ground floor building line (which is currently stepped back), by 3.3m to 5.1m at its shallowest and deepest points.
- 3.4 On the side adjoining No. 4 Eliot Park, the extension would extend across 6.1m towards No. 2 Eliot Park at which point the projection would step back by 1.5m for a distance of 2.6m until it meets the property boundary line of No. 2 Eliot Park.
- 3.5 In the rear elevation at lower ground floor it is proposed to install glazed black coated aluminium doors (7 panels) and framing extending across the full width of the proposed extension to match the neighbours (No.2 Eliot Park) approved rear extension (DC 14/89157). The flank walls would match the existing dwelling with rendered brickwork coated with white masonry paint while the rear wall would be reclaimed London Stock brick.
- 3.6 The single storey element of the extension would have a flat roof with glazed conservatory style panels to match the neighbours approved rear extension and a maximum height of 3.5m above ground level.

Upper Ground Floor Level

- 3.7 The second storey element of the extension at upper ground floor level would project out from the existing upper ground floor building line (which is currently stepped back) by 0.97m to 1.6m at its shallowest and deepest points for a width of 4.2m. The extension would therefore infill the small stepped back part of the second storey resulting in a building with the same alignment for the full width of the plot at upper ground floor level.
- 3.8 The second storey element of the extension would have a white timber sash window in the rear elevation and reclaimed London Stock bricks walls to match the existing dwelling.

- 3.9 The second storey element of the extension would have a low pitched slate roof to match existing second storey roof at a height to the eaves of approximately 6.3m above ground level.

Set Backs

- 3.10 The proposed extension would adjoin the boundary of No. 2 Eliot Park at the same alignment as its newly built rear extension at lower ground level. The secondary and furthest projection of the proposed extension would be set back 2.6m across from the boundary of No. 2 Eliot Park creating a stepped building line.
- 3.11 The secondary and furthest projection of the proposed extension (lower and upper ground floor levels) on the side of No. 4 Eliot Park would be set back 0.8m from the property boundary and 1.5m from the existing building itself on this site. This part of the extension would extend 0.7m beyond the existing rear building line at No. 4.

Refuse and cycle parking facilities

- 3.12 The Applicant proposes to provide refuse and recycling facilities and 5 cycle parking spaces at the front of the property at pavement level.

Proposed accommodation

Lower Ground Floor Level

- 3.13 The lower ground floor is proposed as a three bedroom unit, with each bedroom providing between 12.7m² to 16.3m² of floorspace.
- 3.14 The master bedroom would have an ensuite bathroom and an additional bathroom would also be provided in the flat.
- 3.15 A separate living area (15.9m²) would be provided in the centre of the flat connecting to kitchen (21m²) at the rear of the property. Glazed aluminium doors would provide access onto the existing patio from the kitchen and the master bedroom to the rear garden.

Upper Ground Floor Level

- 3.16 At upper ground floor level a two bedroom unit is proposed, with the bedrooms providing between 14.5m² to 21.5m² of floorspace.
- 3.17 A separate bathroom would be provided in the flat. A combined open plan kitchen, living and dining area would be provided at the front of the flat with a total of 27.8m² of floorspace. There would be no direct access from the upper ground floor flat to the rear garden.
- 3.18 The lower ground floor flat will, once extended provide 87.32m² of internal floorspace for a 3 bedroom flat and the upper ground floor flat will provide 69.32m² for a 2 bedroom flat.

Supporting Documents

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

4.0 Consultation

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

4.2 A site notice and conservation area notice were displayed and letters were sent to residents in the surrounding area. Local ward Councillors were consulted.

4.3 A total of 8 submissions were received from members of the public, 7 objecting to the proposal and 1 supporting the proposal.

Public Submissions

4.4 Objections to the scheme were received from 7 residents (including those at 1C, 2B, 8, 14 and 24 Eliot Park) on the following grounds:

- the proposal would result in a significant loss of garden space, a mature tree and a harmful effect on wildlife, particularly bats;
- the proposal intrudes into an area used by bats for foraging and warrants a bat survey;
- a large part of the rear garden of No.3 is owned by Lewisham Council;
- the extension will cause overshadowing of adjoining properties;
- the proposal would extend beyond established and graduated building lines at the rear of properties at Eliot Park, ruining rear garden vistas;
- concern that the building will disturb the foundations and damage surrounding properties;
- the design of the proposal is out of character with the area and adjacent properties and would have a negative impact on residential amenity;
- the proposal would set a dangerous cumulative precedent for garden development in the conservation area;
- the proposal would take away a good sized family residence to create two flats;
- the proposal would place additional load on the existing stormwater drainage system;
- insufficient consultation and timeline for making a submission, particularly given holiday period;
- the proposal would result in increased car parking demand;
- insufficient pre-application consultation by the Applicant;
- amended plans being provided to Council without reconsultation of residents; and
- errors on the planning application form.

4.5 A submission was received from the owner of the flat above No. 3A Eliot Park (No. 3B) supporting the proposal on the following grounds:

- the proposal would provide the type of extra accommodation needed in the street;
- the proposal is a smaller and improved scheme that cannot be considered overdevelopment;
- the proposal would maintain the façade and general condition of the street; and

- the proposal is sympathetic to the adjoining neighbour's new extension, matches the overall style of the extension and the conservation area.

Blackheath Society

- 4.6 The Blackheath Society was consulted on the subject application and did not make a submission.

Blackheath Village Residents Group

- 4.7 The Blackheath Village Residents Group was consulted on the subject application and did not make a submission.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in

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

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

Other National Guidance

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

London Plan (March 2015)

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

Policy 1.1 Delivering the strategic vision and objectives for London

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

- 5.8 The London Plan Best Practice Guidance’s relevant to this application are:

London Housing Design Guide (Interim Edition, 2010)

Core Strategy

- 5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the

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

Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 21 Planning obligations

Development Management Local Plan

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

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 3	Conversion of a single dwelling to two or more dwellings
DM Policy 22	Sustainable design and construction
DM Policy 26	Noise and vibration
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (amended 2012)

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

Blackheath Conservation Area Appraisal and Supplementary Planning Document (2007)

5.13 This document sets out the areas of distinct character in the Blackheath Conservation Area including the architectural character, materials and details of the buildings contained within. The document also sets out guidance in relation to

planning considerations for development proposed in the Blackheath Conservation Area.

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design and Impact on the Blackheath Conservation Area
- c) Standard of Residential Accommodation
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Other Matters

Principle of Development

- 6.2 Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.
- 6.3 Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context and states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 6.4 The existing building at No. 3 Eliot Park is a four storey semi-detached property that has been divided into three flats. The existing maisonette is large and has a gross internal floorspace of approximately 133.45m².
- 6.5 DM Policy 3 Conversion of a family house to two more dwellings does not apply to the subject application as it applies to the conversion of single family houses into two or more dwellings, rather than the conversion of existing flats.
- 6.6 The site has a PTAL rating of 6a which represents excellent public transport accessibility levels. Intensification of the existing residential use at this location would therefore be welcomed provided that the development is designed to complement the character of surrounding developments and the design and layout of the flats create a suitable standard of residential accommodation. It is considered that there would not be any significant negative parking implications arising from an intensification of residential land use on the site.
- 6.7 The evidence for Lewisham shows that the main need for housing is for family housing, which is defined in the London Plan as houses having three or more bedrooms. The proposal seeks to retain one three bedroom unit and to provide an additional two bedroom unit. Therefore, it is considered that the three bedroom lower ground floor unit with direct garden access would provide suitable family accommodation and meet the needs of the future occupiers. This accords with the NPPF, the London Plan and Council's relevant planning policies.
- 6.8 Given the above, the principle of the further conversion of the existing maisonette into two flats is considered to be acceptable in this instance.

Design and Impact on the Blackheath Conservation Area

- 6.9 Paragraph 63 of the NPPF states that ‘in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’. Paragraph 131 states that ‘in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 32 continues that great weight should be given to the asset's conservation. Paragraph 34 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.
- 6.10 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.11 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough’s heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.12 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.13 DM Policy 31 also states that rear extensions will generally not be permitted where any part is higher than the height of the ridge of the main roof, or where the extension is not set back into the roof slope. Roof extensions on the street frontage of a building, particularly in a residential street will be resisted in favour of extensions to the rear of the building. Residential extensions should retain an accessible and usable private garden that is appropriate in size in relation to the size of the property. Additional or enlarged windows, doors and other openings, should be in keeping with the original pattern, and in the case of a roof extension should reflect the existing alignment of the windows. Replacement windows where controllable by the Council should closely match the pattern of the original windows.
- 6.14 DM Policy 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.
- 6.15 DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens states that the

Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

- 6.16 The proposal constitutes a rear extension to the existing property.
- 6.17 The gross internal floor space of the existing maisonette is approximately 133.45m². The proposed extension would add 23.19 m² of internal floor space (total 156.64m²), an increase of 17.4% which is considered to be reasonable. This represents an approximate 50% reduction in floorspace when compared to the previously refused proposal (DC 14/88590). This has been achieved by removing second storey (upper ground floor) element of the proposed extension (except a small infill section to make the second storey flush with the rear wall) and significantly reducing the single storey (lower ground floor) footprint.
- 6.18 Further, the proposed extension would not increase the width of the host dwelling noting that the ground floor footprint already covers the full width of the plot. The proposal follows the existing flank building line and does not extend any closer to the boundary than the existing side addition.
- 6.19 The single storey element of the extension would have a flat roof and a maximum height of 3.5m above ground level. The second storey element would have a low pitched slate roof to match the design and height of the existing dwelling at a approximately 6.3m above ground level to the eaves. Therefore, no part of the extension would be higher than the height of the main roof, and in regards to the second-storey element of the proposal, the extension would be set back into the existing roof slope.
- 6.20 The existing site is of considerable size at around 345m² and has a large garden depth of approximately 21m to the rear boundary. The existing property at No. 3 is also of considerable size with a ground floor footprint of around 90m². Given the size of the existing site and property and the depth of the resulting garden (around 18m to the rear boundary), the scale of the proposed extension is considered to be appropriate, with the height and massing of the proposed extension relating well to the proportions of the existing building, the site and its surrounds.
- 6.21 Considering the above, Council officers are satisfied that the proposed extension would complement the form of the existing building and would be smaller and less bulky than the original building such that it would remain subservient to the host dwelling in accordance with DM Policy 31.
- 6.22 The single storey element of the proposed extension would extend across 6.1m from No. 4 Eliot Park towards No. 2 Eliot Park at which point the projection would step back by 1.5m for a distance of 2.6m until it meets the boundary of No. 2 Eliot Park at the same alignment as its newly built rear extension. The secondary projection of the single-storey element of the proposed extension would extend 0.7m beyond the existing rear building line at No. 4 Eliot Park compared to 1.25m with the previously refused scheme.
- 6.23 The single storey element of the extension has been designed in response to concerns raised with the previously refused proposal (DC 14/8915) so that it is stepped back and so that garden vistas from No. 2 Eliot Park (and the windows of

its new extension) and adjoining properties towards the rear are maintained and the extension does not encroach into their line of sight. This allows the maintenance of graduated building lines and green vistas at the rear of properties at Eliot Park towards the south-east which was an issue of concern raised in public submissions.

- 6.24 The second storey element of the extension would essentially infill the small stepped back part of the second storey resulting in a building with the same alignment for the full width of the plot at upper ground floor level. At upper ground floor level, this allows the second storey element of the proposed extension to be set back considerably at 4.2m from the existing rear building line at No. 4 Eliot Park.
- 6.25 The proposed extension also would be built using materials that match or complement the existing dwelling (e.g. London Stock brick, white timber sash windows etc) and the neighbours (No. 2 Eliot Park) approved extension (DC 14/89157). Further, a suitably sized rear garden (over 50% of the existing) would be retained at the property.
- 6.26 Given the above, while it is acknowledged that the size of the proposed extension is substantial, Council officer's are satisfied that the proposed extension:
- has been designed so that it complements the form of the existing building, the site and its surrounds;
 - is smaller and less bulky than the original building and would be subservient to the host dwelling;
 - has been designed using high quality or complementary materials which are appropriate for the site context and are sympathetic to the neighbours (No.2 Eliot Park) approved rear extension (DC 14/89157);
 - would retain an accessible and usable private garden that is appropriate in size for the property; and
 - has been designed (e.g. through the use of set backs) to minimise impacts on residential amenity.
- 6.27 The proposal would therefore considered to be compliant with the requirements of DM Policy 31 and the Residential Standards SPD.

Conservation Issues

- 6.28 An application for a rear extension at the subject site was previously refused (DC 14/88590) in 2014 because of its incompatible design and excessive bulk which was considered to detract from the architectural integrity of the building and the semi-detached pair of which it forms part, and fail to preserve or enhance the special character and appearance of the Blackheath Conservation Area.
- 6.29 As discussed in the previous section of this report, Council's officer's are satisfied that the design of the current proposal has significantly improved from the previous such that it is considered to be of a high quality because it is smaller and less bulky than the original building, would be subservient to the host dwelling and would be built using complementary materials in accordance with DM Policy 31.
- 6.30 In particular, the Applicant has sought to significantly reduce the bulk of the proposed extension by removing approximately 50% of internal floorspace by removing the second storey (ground floor) element of the proposed extension

(except a small infill section) and significantly reducing the single storey (lower ground floor) footprint.

- 6.31 Council officer's acknowledge that the size of the proposed extension is substantial but do not consider that it would unreasonably impact on the architectural integrity or symmetry of the subject semi-detached pair (Nos. 2 and 3). This is because these properties are already asymmetrical and are not a matching pair. The architectural integrity and symmetry of these buildings was lost when the neighbours extension at No. 2 Eliot Park was approved and constructed (DC 14/89157). The impact of the proposed extension on the architectural integrity of the building is therefore not considered significant enough to warrant refusal of the application, subject to the scale and design of the proposal being appropriate which has been demonstrated earlier in this report.
- 6.32 Further, the symmetry of the subject semi-detached pair (Nos. 2 and 3) in the context of a conservation area is most important at the front elevation where no changes are proposed. Whilst the extension would alter the appearance of the properties from the rear, these are not Listed buildings, a suitably sized (some 18m long) garden would be maintained, green outlooks to the rear of Eliot Park would be maintained, the proposal would not result in an unreasonable impact on the amenity of adjoining occupiers (see further discussion below) and the alterations would not be visible from the public realm.
- 6.33 Given the above, Officers are satisfied that the reasons for refusal of the previous application (DC 14/88590) have been addressed by the revised scheme such that the proposed extension would not cause harm to the special characteristics of the Blackheath Conservation Area and is in accordance with DM Policy 36.

Standard of Residential Accommodation

- 6.34 DM Policy 31 states that new rooms provided by extensions to residential buildings will be required to meet the space standards in DM Policy 32 Housing Design, layout and space standards.
- 6.35 DM Policy 32 states that the standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (SPG) will be used to assess whether new housing development including conversions provides an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. The standards and criteria in this policy, including those of the London Plan and the London Plan Housing SPG, will ensure a reasonable level of residential amenity and quality of accommodation, and that there is sufficient space, privacy and storage facilities in development to ensure the long term sustainability and usability of the homes.
- 6.36 In this regard, DM Policy 32 states that residential accommodation shall:
- meet the minimum space standards for new development which should conform with the standards in the London Plan and the London Plan SPG on Housing (as updated in 2012);
 - provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy; and

- have a minimum floor height of 2.5 metres between finished floor level and finished ceiling level. Space that does not meet this standard will not count towards meeting the internal floor area standards.

6.37 The lower ground floor flat will, once extended provide 69.32m² of internal floorspace for a 2 bedroom 3 person flat and the upper ground floor flat will provide 87.32m² for a 5 person 3 bedroom flat. The London Plan minimum space standards for a 2 bedroom 3 person flat is 61m² and a 5 person 3 bedroom flat is 86m², therefore both units would comply with this control. In addition, at lower ground floor level the proposed bedrooms are between 12.7m² and 16.3m² and would therefore comply with the standard of 12m² for a double bedroom in the London Plan. At upper ground floor level, the proposed bedrooms are between 14.5m² and 21.5m² and would also comply with the London Plan in this regard. The kitchen/living/dining space for each unit also exceeds the minimum space requirements of the London Plan with 36.9m² provided at lower ground floor and 27.8m² provided at upper ground floor level.

6.38 All rooms are considered to have acceptable outlook, adequate privacy and would receive adequate sunlight and daylight.

Amenity Space

6.39 The proposal will provide direct access to the rear garden for the lower ground unit, from the master bedroom and kitchen. Whilst the upper ground floor unit will have no direct access into the garden area, there is a side access door proposed to allow rear garden access for the upper flats.

6.40 Given the above, Officers conclude that the proposal would provide an appropriate level of residential quality and amenity for potential future occupiers of the flats and would comply with the relevant requirements of the London Plan, DM Policy 31 and DM Policy 32.

Highways, Traffic and Servicing Issues

Car Parking

6.41 As noted earlier in this report, the site has a PTAL rating of 6a which represents excellent public transport accessibility levels. Accordingly, it is not considered there would be any significant negative parking implications arising from the intensification of residential land use on the site.

Cycle Parking and Refuse Storage

6.42 Cycle parking is required to be provided at a rate of 2:1 for this type of dwelling as stipulated in the London Plan (as amended in March 2015). This equates to a total of two cycle parking spaces per flat. The Applicant proposes to provide a total of 5 cycle parking spaces at the front of the property which exceeds the requirements of the London Plan.

6.43 The Residential Development Standards SPD (amended 2012) seeks to ensure that all new developments have adequate facilities for refuse and recycling. The Applicant proposes to provide refuse and recycling facilities at the front of the property.

- 6.44 Council's Conservation Officer raised concern that there is a lack of detail in terms of elevations, material detail, and landscaping to the front elevation in respect to the bin and bike storage area. It was recommended that the final details of these facilities (citing materials and design) be secured by a condition.
- 6.45 Council officers have therefore recommended conditions that would require the Applicant to submit further details of the bin and bike stores to Council for approval prior to the commencement of any development on site. This is to ensure that the siting, design and appearance of these facilities is appropriate and includes consideration of screening, landscaping and vegetation to minimise any visual impacts as far as a reasonably practicable.

Impact on the Amenity of Adjoining Properties

- 6.46 For areas of stability and managed change, Core Strategy Policy 15 states that small household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity.
- 6.47 DM Policy 31 states that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.48 Given that the proposal would result in a minor 0.70m extension beyond the existing rear building line at the adjoining property at No. 4, it is considered unlikely that the proposal would result in any unreasonable impact on the amenity of the occupiers in terms of loss of outlook, overlooking or overshadowing.
- 6.49 There are a number of windows in the side elevation of No. 4 Eliot Park and it is acknowledged that there will be a level of impact to these windows. These windows are located behind the existing rear building line of No. 3 Eliot Park and as such already have limited light. Additionally, as these windows serve non-habitable rooms (kitchens and bathrooms) it is considered that whilst there will be a degree of impact, this is not so significant as to warrant the refusal of planning permission.
- 6.50 To the west side, the extension would be single storey and would be constructed up to the boundary with No. 2 Eliot Park. The single storey element of the extension would have a flat roof and a maximum height of 3.5m above ground level, just 0.20m higher than the adjacent property. As noted earlier in this report, the single storey element of the extension has been designed in response to concerns raised with the previously refused proposal (DC 14/8915) so that it is stepped back and garden vistas from No. 2 Eliot Park (and the windows of its new extension) to the south-east towards the rear are maintained and do not encroach into the 45 degree line of sight from this property. This also allows the maintenance of graduated building lines and green vistas towards the south-east at the rear of properties at Eliot Park which was also an issue of concern raised in public submissions (see further discussion below). In view of this, it is considered that the proposal would not result in a significant amenity impact on No. 2 Eliot Park in terms of loss of outlook, overlooking or overshadowing.
- 6.51 The rear of the property adjoins the rear gardens of numbers 14-16 Walerand Road. The distance to the nearest property at the rear on Walerand Road is

considerable at around 36m. The proposed extension is also separated by around 18m of garden land to the rear boundary and is screened by mature trees. As such, the proposal would not result in any amenity impacts to occupiers at the rear of the site.

- 6.52 Given the above, whilst the proposal will result in a change to the current site arrangements, the development is not considered to have an unreasonable impact on the amenity of neighbouring occupiers.

Other Matters

- 6.53 Concern was raised in public submissions that the proposal would extend beyond established rear building site lines running from No. 1 Eliot Park towards No. 6 Eliot Park. On the side adjoining No. 4 Eliot Park the extension will project beyond the rear building line of the adjacent flats by 0.70m. This encroachment is considered to be minor and would be well behind the rear building line of the next closest block of flats located further to the south-east which also form part of No. 4 Eliot Park. As such, it is considered that the proposal would have no discernable impacts on garden vistas towards the south-east at the rear of properties at Eliot Park. It is also noted that loss of views are not a relevant matter for planning consideration.
- 6.54 Concern was raised in public submissions that the building would disturb the foundations and damage surrounding properties and place additional load on the existing stormwater drainage system. However, Officers are satisfied that the construction impacts of the proposed extension would be minor and can be managed in accordance with standard building controls. Further, given the scale of the proposed extension relative to the existing property, Officers are satisfied that any additional load placed on the existing stormwater management system as a result of the extension would be inconsequential.
- 6.55 Objectors have drawn attention to the fact that the Council is the freehold owner of a significant part of the rear garden. The Council owns the freehold of the rear part of this and also parts of adjacent gardens in Eliot Park and Walerand Road. It is understood that there is a covenant limiting the use of the land to use as garden. The land owned by the Council is to remain as garden land in the current application.
- 6.56 Objectors raised concern about the effect of the loss of garden land on wildlife, including bats. Concern was also raised that the proposal intrudes into an area used by bats for foraging and warrants a bat survey.
- 6.57 However, the proposed extension would be constructed on an patio at the rear of the property and a small area of the garden closest to the house. The remainder of the garden (some 18m) would be retained as garden land. The extent of garden land affected is not excessive and it is not considered that the construction of the proposed extension would result in loss of wildlife habitat to the extent that permission should be withheld on grounds of loss of or damage to wildlife habitat.
- 6.58 Officers (including Council's Ecological Regeneration Manager) gave consideration to the characteristics of the development site in relation to the presence of bats and considered that the development does not meet the trigger requirements for a bat survey. The application site is an urban residential garden,

which is not known to the Council to contain bats, as a foraging/roosting site or within a designated protected area (Site of Nature Conservation Importance, Local Nature Reserve (LNR) or Green Corridor). The proposed development would not modify or disturb the eaves or roof space of the existing property nor is within the proximity to woodland or a watercourse. It is also noted that the location of the extension is not along or adjacent to a linear path, such as a railway embankment or park which are the favoured routes for foraging bats.

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

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

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

6.67 Concern was also raised that amended plans were provided to Council after the formal consultation period without reconsultation of residents. However, the revised plans removed elements of the original scheme (e.g. the summerhouse in the rear garden) and sought to fix minor errors on the plans (e.g. the omission of doors on the floor plans that were shown on the original elevations). As such, reconsultation was considered unnecessary albeit that the plans were made publically available. Officers advised residents that it would continue to accept submissions on the scheme until the date of determination.

7.0 Local Finance Considerations

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

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

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

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

8.0 Equalities Considerations

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

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

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

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

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

8.4 In this matter there is no impact on equality.

9.0 Conclusion

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

9.2 The sub-division of the lower maisonette is considered to be acceptable in principle.

9.3 Council officer’s acknowledge that while the size of the proposed extension is substantial, the design is of a high quality. The proposed extension would be smaller and less bulky than the original building, subservient to the host dwelling and built using complementary materials in accordance with DM Policy 31.

9.4 Further, for the reasons outlined in this report Council officers are satisfied that the reasons for refusal of the previous application (DC 14/88590) have been addressed by the revised scheme such that the proposed extension would not cause harm to the special characteristics of the Blackheath Conservation Area and is in accordance with DM Policy 36.

9.5 Finally, the proposal would provide an acceptable standard of residential accommodation for future occupiers and would not result in an unreasonable impact to the amenity of neighbouring occupiers.

9.6 As such, the proposal is recommended for approval, subject to conditions.

10.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:

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

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

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

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

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

3. a) The development shall be constructed using those materials specified, namely yellow stock brick, timber sliding sash windows, black coated aluminium conservatory doors and in accordance with the Design and Access Statement and Proposed Elevations (received 30th September 2015).
- b) The scheme shall be carried out in full accordance with those details, as approved.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

4. a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order to ensure that adequate provision for recycling facilities and refuse storage is made in the interest of safeguarding the amenities of neighbouring occupiers and the area in general to comply with DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014). In order to ensure that the citing, design and appearance of recycling facilities and refuse storage is appropriate and includes consideration of screening, landscaping and vegetation to minimise any visual impacts to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 36 New development, changes of use and alterations affecting designated heritage items and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

5. a) A minimum of 5 secure and dry cycle parking spaces shall be provided within the development.

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

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011) and in order to ensure that the citing, design and appearance of cycle parking facilities is appropriate and includes consideration of screening, landscaping and vegetation to minimise any visual impacts to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 36 New development, changes of use and alterations affecting designated heritage items and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014).

6. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 31 Alterations and extensions to existing buildings including residential extensions of the Development Management Local Plan (November 2014).

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3a Eliot Park



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Committee	PLANNING COMMITTEE C	
Report Title	27 Mount Ash Road, SE26	
Ward	Forest Hill	
Contributors	James Burton	
Class	PART 1	19th May 2016

Reg. Nos. (A) DC/15/094891

Application dated 14th Decemeber 2015

Applicant FDR Architects

Proposal Two storey rear extension including modifications to the existing single storey rear extension and projection at 27 Mount Ash Road SE26.

Applicant's Plan Nos. Heritage Statement, (FDR Architects, December 2015), Design and Access Statement (FDR Architects, December 2015) received 18th December 2015.
Site Location Plan received 14th of January 2016
15017 – 110 Revision A, 111 Revision B, 112 Revision A, 113 Revision A, 114 received 4th of April 2016

Background Papers (1) Case File LE/91/27/TP
(2) Core Strategy (2011)
(3) Development Management Local Plan (2014)
(4) The London Plan (2015, as amended)

Designation Sydenham Hill Conservation Area
Mount Ash Road Article 4 Direction
PTAL 2
Not a Listed Building

Screening NA

1.0 Property/Site Description

- 1.1 The application relates to a three-storey mid-terrace residential property which is situated on the western side of Mount Ash Road.
- 1.2 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 form and style and good quality. There is an Article 4 Direction. The building is not listed.
- 1.3 Numbers 24 to 49, despite their height, have a relatively shallow footprint. As such, two storey rear extensions are not uncommon along this terrace. Many of the houses at the south west end of the terrace (from Number 31 onwards) have some kind of extension. These vary in date and quality and many pre-date the designation as a Conservation Area and the subsequent introduction of the Mount Ash Road Article 4 Direction, which removes permitted development rights for rear extensions in this street.
- 1.4 The existing property features a brick built ground floor rear extension with skylights which accommodates for the kitchen. The original outhouse projection has been modified and also features an obscure glazed skylight to its roof.
- 1.5 Rear gardens are short and steeply sloping to the north east. The rear of the houses are visible at first and second floor level from Mount Gardens, which is an adopted public highway.

2.0 Planning History

- 2.1 2006 – Planning permission was granted subject to conditions on the 1st of December 2006 for the construction of a single storey extension to the rear of the property to provide additional living space (DC/06/63652/FT). This permission was implemented.
- 2.2 An application for a Lawful Development Certificate (DC/06/63229/FT) for the works had previously been withdrawn, following officer advice that the works would not constitute permitted development, and that a full application would be required.

3.0 Current Planning Applications

The Proposals

- 3.1 The current application seeks to erect a two storey rear extension which adjoins the existing single storey extensions. The proposal would include the provision of a new timber framed rear access door with stairs to the garden from the ground floor, as well as include relocation of skylights in the existing ground floor extensions.
- 3.2 The two storey extension would be sited along the south-western boundary of the property which adjoins Number 26 Mount Ash Road and would be characterised by a single pitched roof which slopes up to a parapet wall which runs along it's south-western flank. The extension would have a total depth of 3.1m and a maximum

height of 5.2m at the parapet flank wall. Due to the stepped nature of the garden, the extension would have a height of 3.7m at its eaves, relative to garden level adjacent.

- 3.3 The new two storey extension is proposed to be finished in brick and with roof tiles to match the existing. The rear proposed rear facing window at first floor level will be in the style of the original windows, and align with the window above.
- 3.4 The development proposal would provide an additional bathroom at first floor level, and result in an additional 1.5sqm of internal floor space to the kitchen.
- 3.5 It was considered by officers that the plans would benefit from the addition of further details regarding external materials, to ensure that the extensions would be in keeping with the existing property. A number of minor discrepancies between the plans and elevations were also raised. The applicant agreed to supply the further details as requested and as such they form part of the current proposal. The discrepancies between plans and elevations were also suitably addressed.

Supporting Documents

- 3.6 The application is supported by a Heritage Statement and a Design & Access Statement both prepared by FDR Architects.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors.
- 4.3 Three objection letters were received from neighbouring residents. The Forest Hill Society and Sydenham Society have also objected to the proposed development.

Written Responses received from Local Residents

- 4.4 Objections were received from 3 local residents citing the following issues which are relevant to the assessment of the planning application:
 - That the extension would be overdevelopment, and would fail to enhance or preserve the conservation area.
 - That the extension would be overdevelopment, and would fail to enhance or preserve the conservation area.
 - That the development would be harmful to the character of the rear of the building.
 - The proposed development does not respect the topography of the area.
 - That the development may cause highway safety issues.
 - Insufficient detail has been submitted with regards to materiality.
 - That the location plan does not show extensions on other properties.
 - Details have not been provided as to how the garden would be accessed from the extension.
 - Details have not been provided as to how the rear of the property would be accessed during construction stage.

- That the elevations do not show the conditions of the adjoining properties, such to assist with the assessment of potential impact from overshadowing.
- Potential for subsidence and land slippage.

Written Response received from the Sydenham Society

4.5 An objection was received from the Sydenham Society citing the following issues which are relevant to the assessment of the planning application:

- The cumulative impact of first floor extensions to the appearance of the terrace and historic importance of the conservation area.
- The addition of impervious surfaces is impacting on local ecology.
- That the extension is out scale with the original building, and that it would be overbearing when viewed from the neighbouring property, resulting in a loss of outlook.
- Potential impact from the use of the Mount Gardens road way for construction vehicles
- Potential impact from the demolition of the existing rear wall on the structure of the terrace, and stability of neighbouring properties.
- That due to the terrain and topography there has been a history of slippage in this area, and that consideration should be given to as to how the proposals will affect the potentially unstable ground.

Written Response received from the Forest Hill Society

4.6 The Forest Hill Society provided written endorsement for the Sydenham Society's objection detailed above. No additional issues were raised.

Other matters

4.7 Through public consultation a further matter was raised which is not a relevant planning consideration with respect to the proposal. This was the statement that another planning permission was granted nearby, and a condition which requires the submission of a construction management and logistics plan was not discharged prior to commencement.

4.8 This matter relates to number 32 Mount Ash Road and is the subject of a pending enforcement case DC/16/0030).

Highways & Transportation

4.9 Council's Highways Officers have offered no objection to proposed development, however, the following comments were offered should the Council be minded to approve the planning application:

- That given the constrained nature of the access to the site that a condition should be placed on the decision notice which requires, prior to commencement, the submission of a construction management plan for approval.

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.

London Plan (March 2015) incorporating March 2016 Minor Alterations

- 5.5 The policies relevant to this application are:

Policy 5.3 Sustainable design and construction
Policy 5.13 Sustainable drainage

Policy 5.18 Construction, excavation and demolition waste
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

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

The Housing SPG (GLA, March 2016)
Sustainable Design and Construction (GLA, April 2014)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic

Development Management Local Plan

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

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

DM Policy 22	Sustainable design and construction
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (August 2006)

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

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design & Impact on the Conservation Area
- c) Highways and Traffic Issues
- d) Impact on Adjoining Properties

Principle of Development

- 6.2 The application site is covered by an Article 4 direction which makes it necessary for planning permission to be obtained for enlargement, improvement or other alteration to the dwellinghouse, subject to limitations. While this direction makes it necessary for planning permission to be obtained for such works it does not preclude development. The direction rather enables the Council to assess each case on its merits.
- 6.3 Within national, regional and local policies there is an identified need to both meet the needs of the housing market, and to promote living accommodation of an adequate standard. The proposed development relates to an extension to a residential property within a residential area. As such the principle of the development is supported, subject to considerations such as the design and impact on the Conservation Area, impact on adjoining properties and highway and traffic issues.

Design & Impact on the Conservation Area

- 6.4 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. London Plan Policy 7.8 Heritage assets and archaeology outlines that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate, and that development should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Locally, Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment repeats the necessity to achieve high quality design and requires new developments to conserve and protect heritage assets (including Conservation Areas). Development Management Policy 36, New development, changes of use and alterations affecting designated heritage assets and their setting advises that planning permission will not be granted for developments or alterations and extensions to existing buildings that is deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

- 6.5 The subject dwelling forms part of a lengthy terrace enclosing the north-western side Mount Ash Road, in the Sydenham Hill/Kirkdale conservation area. The proposal is for an extension at ground and first floor level which adjoins the existing single storey extensions. The extension would result in an additional site coverage of less than 2sqm, leaving a generous garden space to the rear. This additional site coverage would relate to an area which is currently paved and would not require excavation of the garden. Therefore the works would have no impact with regards to ecology, surface water run-off or the stability of Mount Gardens.
- 6.6 The extensions would have a single pitched roof which meets a parapet flank wall, and would be finished in external materials which match the existing building. As a result of the proposed extension, the “jig-saw” single storey extension which accommodates a water closet would be retained, and existing skylights on the single storey elements would be relocated. At first floor level, the rear facing window would be in the same character as the original rear facing windows. A new timber framed glazed door would be installed at ground floor level, but it would not be a highly visible element from the street. The proposed extension would be subordinate to the main dwelling, and similar in bulk and scale to extensions on neighbouring properties.
- 6.7 The new work is discretely confined to the rear of the dwelling and while visible from a minor lane to the northwest of the terrace, it is not visible from any significant view point in the designated area. The proposed element is similar in bulk and form to a number of neighbouring rear additions and its modest presence will make little difference to the existing character of the row of terrace backs.
- 6.8 The importance of sustaining the significance of heritage assets is emphasised throughout section 12 of the NPPF and para. 132 requires great weight to be given to their conservation. The present proposal allows carefully managed change to occur while causing no harm to the significance of the conservation area and there is no objection in terms of Policy DM36.
- 6.9 While officers are mindful of objections from neighbouring properties regarding the level of detail shown on submission documents, it is noted that the planning application met the necessary statutory requirements for validity and sufficient detail was provided to make a full assessment. The applicant has worked with officers throughout the process of the planning application to clarify proposed materials as well as provide additional detail for information purposes, such as the height of existing (to be retained) boundary fencing.
- 6.10 The proposed extension is considered to positively respond to that listed in DM Policy 36 through its consistency in design through materials, window type and subordination with the parent building. While the first floor extension will be visible from Mount Gardens; the design and scale is acceptable in form and will not give rise to any significant impact on the conservation area.

Highways and Traffic Issues

- 6.11 Paragraph 32 of the NPPF states that plans and decisions should take account of whether safe and secure access to [and we can infer from] the site can be achieved for all people. London Plan Policy 6.3 Assessing effects of development on transport capacity sets out that planning decisions should ensure that impacts on transport capacity and the transport network are fully assessed, and that

developments should not adversely affect safety on the transport network. Lewisham Core Strategy Policy 14 states that the access and safety of pedestrians and cyclists throughout the borough will be promoted and prioritised.

- 6.12 Mount Gardens is an adopted highway and borders the site to the rear. Given the narrow width of the road, there is a recognised potential for conflict to arise during the construction phase from heavy vehicle movements, and stress on road way from unloading of deliveries to the site, as well as from storage and removal of waste. To mitigate any potential conflict it is recommended that a condition be imposed on any consent requiring a construction management plan be submitted and approved prior to the commencement of construction. This plan is to detail specifically how construction traffic will be managed and methods to be taken to mitigate adverse effects of construction activities on neighbouring properties and to ensure best practice in terms of highway safety.
- 6.13 Historic land slippage issues on Mount Ash Gardens were identified within the objection letters received. Accordingly, and in consultation with Council's Highways department, officers have considered the potential for the proposed works to cause harm to the structure of the highway. As the proposed works do not involve any excavation within the garden, Highways Officers are satisfied that there is no risk to Mound Gardens and mitigation is not required.
- 6.14 The Highways Officer has suggested the imposition of a condition requiring a construction management plan, which would include a requirement for the applicant to provide notice to users of Mount Gardens of any deliveries which may block access for a time. Through the imposition of this condition, it is considered that access and road safety issues which may arise from the development can be appropriately mitigated.
- 6.15 As such, the development is considered to be acceptable with regards to Highways and Transport considerations.

Impacts on Adjoining Properties

- 6.16 DM Policy 31 states that residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including in relation to sunlight and daylight) to adjoining houses and their back gardens.
- 6.17 The proposed extension would result in the addition of a single window which is rear facing and as such would not be considered to give rise to any harmful impacts from overlooking. Additionally, given that the proposed extension would have a lower height than the primary roofs of the terrace, and would have a depth of 3.1m it is not considered to have a significant impact on the neighbouring dwelling in terms of a reduction in daylight. In consideration of form and bulk of the extension and its relationship with matching extensions along this terrace, the addition would not have an overbearing or incongruous effect when viewed from adjoining properties.
- 6.18 Adverse impacts through the construction phase including highway safety issues are recommended to be addressed through conditions and as such, these impacts on neighbouring properties are able to be appropriately mitigated and controlled.
- 6.19 Officers are mindful of objections from neighbouring properties regarding the potential structural damage that could occur to other parts of terrace as a result of

the partial demolition of the first floor rear wall to accommodate for the proposed extension. As the structural implications of the undertaking of building work are controlled and mitigated through the building control process, officers would not consider it necessary or appropriate to refuse the application on these grounds, nor place any additional burden on the applicant by way of a planning condition.

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

7.0 Conclusion

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

7.2 The proposed development is considered to acceptable and of no significant harm to residential amenity or the character of the wider area.

8.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

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

15017; 112 Rev A, 113 Rev A, 114 received 4th of April 2016

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

- (3) No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include but not limited to the following:-

(a) Full details of the number, type and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.

(b) Measures to deal with safe pedestrian and vehicular movement

(c) Measures to mitigate effects on neighbours

(d) Dust mitigation measures

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).

- (4) 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).

- (5) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension/flat roof on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

INFORMATIVES

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

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27 Mount Ash Road



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Committee	PLANNING COMMITTEE C	
Report Title	157-159 LEWISHAM HIGH STREET, LONDON, SE13 6AA	
Ward	LewC	
Contributors	Kate Hayler	
Class	PART 1	19 th May 2016

Reg. Nos. DC/15/92843

Application dated 01.07.2016 [as revised on 28.01.16]

Applicant Robinson Escott Planning LLP on behalf of Victory Bible Church International

Proposal Application submitted under Section 73 of the Town and Country Planning Act 1990 for minor material amendments to allow for the variation of Conditions (2) and (5) of the planning permission reference DC/13/83275 dated 17 July 2013 for a minor material amendment in connection with the planning permission DC/09/72691 dated 1 February 2010 for the change of use of 157-159 Lewisham High Street SE13 to a non-residential education and training centre **to allow:**

- **to amend condition 2 to extend the temporary permission for a further period of 2 years**
- **to amend condition 5 to extend the operational hours from 10am to 3pm on Sundays to from 10am to 6pm on Sundays**

Applicant's Plan Nos. NLS/PA/001, NLS/PA/002, NLS/PA/004, NLS/PA/005a, NLS/PA/006, Noise Impact Assessment by KP Acoustics (Received 21/6/2013), Planning Design & Access Statement (Received 11/7/2013)

Site Location Plan, Management Plan (Prepared by Victory Bible Church International, Received 28/01/2016) and Acoustic Commissioning Report, (Prepared by KP Acoustics, Received 21/6/2013).

Background Papers

- (1) Case File LE/152/157/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation Area of Archaeological Priority
PTAL 6b
Major District Centre
Local Open Space Deficiency
Shopping Non-Core Area
Flood Risk Zone 2

1.0 Property/Site Description

- 1.1 The site is a three-storey building, set within a yard behind the shops along the eastern side of Lewisham High Street. The site is accessed from Lewisham High Street via Barnstable Lane. To the eastern boundary is a line of car parking spaces.
- 1.2 The site is bound by a terrace of houses (5-8 Bonfield Road) and their gardens (measuring approximately 16m) to the east, St Saviours RC Church and School to the south and commercial uses to the north and west. There are residential properties above the shops in Lewisham High Street, that are also accessed from Barstable Lane.
- 1.3 The site is not in a conservation area nor is the building listed.
- 1.4 The Applicant has supplied a summary of the activities that currently take place in the premises:
- Church Office – Open 11am to 5pm (Tuesdays to Fridays)
 - Tuesdays – Week-day Service 6:30pm – 9pm
 - Saturdays – Departmental & Ministry Meetings from 11am to 1pm
 - Community Outreach from 1pm to 5pm
 - Bright Candidates Initiatives (Saturday School) 3:30pm – 5:30pm
 - Sundays – Main service from 10am to 1pm
 - Youth Service from 3pm to 5pm

The Ministerial Rooms/Creche Facility, geared towards the children of Congregants, are only available from 10am to 1pm during the Sunday's main Church service.

2.0 Planning History

- 2.1 2010: Planning permission was granted for the change of use of 157-159 Lewisham High Street SE13 to a non-residential education and training centre (DC/09/72691). Three conditions were attached to this permission, two of which are relevant to this application:

Condition 1: *The premises shall be used for education and training for students aged 16 and over and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order)*

Reason: To ensure that any other use of the building would be suitable in view of the proximity of the premises to adjacent residential properties; the use for education purposes for younger age groups would be likely to require provision of outside play space; and to protect the amenities of the occupiers of adjoining premises and the area generally and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004)

Condition 2: *The premises shall not be open for use between the hours of 6.00 pm and 8 am on Mondays to Saturdays and not at all on Sundays and Public Holidays*

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004)

2.2 2013: An application (DC/13/83275) was granted under Section 73 of the Town & Country Planning Act 1990 for a minor material amendment in connection with the planning permission DC/09/72691 to amend Condition 1 to enable a new use as a centre for worship and associated community use to occupy the building for a temporary period of 2 years and to amend Condition 2 to enable the hours of operation to be amended to reflect the new use. A number of additional conditions were added to the permission as they were necessary to make the new use acceptable. The conditions that are relevant to this application are now as follows:

Condition 2: (a) *The use hereby permitted shall be carried on only by Victory Bible Church International and shall be for a limited period being the period of two years from the date of this decision or the period during which the premises are occupied by Victory Bible Church International, whichever is the shorter.*

(b) *When the premises cease to be occupied by Victory Bible Church International or at the end of two years whichever shall first occur, the use hereby permitted shall cease (and all materials and equipment brought on to the premises in connection with the use shall be removed).*

Reason: In granting this permission the local planning authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over any subsequent use, in the event of Victory Bible Church International vacating the premises, in the light of any material considerations existing at the time in accordance with Policy 5 Other employment locations of the Core Strategy (2011) and saved Policies ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

Condition 5: *The premises shall only be operational from 11am to 9pm Mondays to Fridays, 10am to 6pm on Saturdays and 10am to 3pm on Sundays.*

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

3.0 Current Planning Applications

The Proposals

3.1 The current application seeks a further amendment under Section 73 of the Town and Country Planning Act 1990 for minor material amendments to allow for the variation of Conditions (2) and (5) of the planning permission reference DC/13/83275 dated 17 July 2013 for a minor material amendment in connection with the planning permission DC/09/72691 dated 1 February 2010 for the change of use of 157-159 Lewisham High Street SE13 to a non-residential education and training centre:

- to amend condition 2 to extend the temporary permission for a further period of 2 years; and
- to amend condition 5 to extend the operational hours from 10am to 3pm on Sundays to 10am to 6pm on Sundays

3.2 The wording of condition 2 would remain the same (although the date from which the 2 years is measured would become the date any new permission was granted).

3.3 The wording of condition 5 would read:

The premises shall only be operational from 11am to 9pm Mondays to Fridays and 10am to 6pm on Saturdays and Sundays.

3.4 When the application was initially submitted, permission was sought to extend the permission for a further 4 years, however, following concerns raised by officers, this was amended to 2 to allow the impact of the extended Sunday operating hours to be monitored.

4.0 Consultation

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

4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. Highways England were also consulted.

Written Responses received from Local Residents and Organisations

4.3 4 letters of objection were received. The following matters were raised:

- Would welcome a visit from the environmental department of the council to take a noise reading one Sunday afternoon from the INSIDE neighbouring properties. The noise levels have increased and the amplified music and singing can be heard from inside even with the doors and windows closed;
- The church are clearly in breach of condition 6;
- Object to this level of intrusion during the week;
- This breach should be taken into consideration when assessing the new applications.
- Concern that the extended hours of use and daily opening times of the church will have a direct impact on neighbours quality of life and enjoyment of their properties;
- Object to premises being used 7 days a week not just for Sunday worship;
- Object to premises being in use until 9pm Monday – Friday
- Object to volume of traffic to the area and issues with parking
- We already have 3 places of worship within a 500 meter radius.
- The premises are used at times at the weekend and the noise is disruptive if you are trying to relax in the garden - I can tolerate it one day per week but I am worried if this were to increase
- The consultation letter refers to change of use to a non-residential education and training centre 7 days a week. This is a pretext to have it open as a church with services and noise 7 days a week. this planning application letter would imply that it is no longer a church on a Sunday but an education and training centre. I would not think this is likely.

It is worth noting that the application does not propose an extension of the opening hours during the week (the church is already operational from 11am to 9pm during the week), nor does it relate to a change of use, it seeks to extend the existing temporary permission. The above objections were received before the noise survey and management plan were received. No reconsultation was carried out as it was considered that this was unnecessary on the basis of the additional information received.

Environmental Protection

- 4.4 The Council's Environmental Protection Team were consulted on the application. Officers confirmed that there is no record of the Council having received any noise complaints regarding the existing use. Further information was requested from the applicant and subject to this being secured by condition, officers had no objection to the proposed amendments.

Highways England

- 4.5 No objection

5.0 Policy Context

Introduction

Section 73 of the Town and Country Planning Act 1990 (as amended) applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. In determining such an application, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

National Planning Policy Framework

- 5.1 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)'.
- 5.2 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

- 5.3 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.
- 5.4 Paragraph 015 states in relation to s73 applications:

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended... A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

London Plan (March 2015)

- 5.5 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. In addition, Minor Alterations to the London Plan were published on the 14th March 2016. The policies relevant to this application are:

Policy 3.16 Protection and enhancement of social infrastructure

Core Strategy

- 5.6 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 19 Provision and maintenance of community and recreational facilities

Development Management Local Plan

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

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

DM Policy 13	Location of main town centre uses
DM Policy 26	Noise and vibration
DM Policy 44	Places of worship

Lewisham Town Centre Local Plan

- 5.9 The Council adopted the Lewisham Town Centre Local Plan (LTCLP) on the 26th February 2014. The LTCLP, together with the Core Strategy, the Site Allocations Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan.

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

Policy LTC22 Social infrastructure

6.0 Planning Considerations

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

- a) Principle of Development
- b) Impact on Adjoining Properties
- c) Highways and Traffic Issues

Principle of Development

- 6.2 The NPPF (paragraph 70) requires planning authorities to plan positively for the provision and use of community facilities including places of worship. London Plan Policies 3.1 and 3.16 require local authorities to consider where provision should be made for community facilities, in particular in relation to growing populations. There is a significant shortage of suitable locations for places of worship in the borough due to population increases and a number of former industrial buildings that have been occupied by churches being lost due to the regeneration of the area.
- 6.3 DM Policy 44 confirms that the Council's preferred location for places of worship are major town centres and district centres. The policy sets out that this use will only be approved in locations that are highly accessible to users through public transport and cycling and walking routes and able to source an adequate level of parking for users, without negatively impacting on local street parking or the accessibility of other local services.
- 6.4 The church is therefore currently located in the Council's preferred location for a place of worship, Lewisham Town Centre, where the site is highly accessible via public transport. The current site accommodates 15 off street parking spaces and it is not considered that the use has an impact on local street parking.
- 6.5 DM Policy 44 states that all applications for places of worship will be required to:
- a) demonstrate they are not causing a detrimental effect to employment or future employment space;
 - b) demonstrate that there will be no detrimental effect on local amenity through noise, hours of operation or any other environmental impacts;
 - c) provide a travel plan to show that the points detailed in Point 1 of this policy and other transport issues can be mitigated; and
 - d) be delivered to the highest design standards.
- 6.6 In assessing the original application that has allowed the change of use from the original B1 office use, it was determined that the level of employment would be likely to be reduced, however it was concluded that there was still a sufficient level of employment remaining at the site for a training use. It was also envisaged that the number of students would also provide some benefit to the vitality and viability of the town centre.
- 6.7 In respect of the use of the site as a place of worship, it was considered that while there maybe a lesser employment use, some degree of employment would remain with 5 full time roles being undertaken on site and given the number of users of the site, the use as a place of worship would continue to provide benefit to the vitality and viability of the Town Centre. Therefore, on balance, the change of use to include a place of worship, which falls within the D1 Use Class, at this location within the Other Shopping Areas of the Town Centre, was considered to be acceptable in principle as it would be a community use serving the interests of the local community, in an accessible location, subject to compliance with other policies within the development plan. A condition was imposed requiring the building to revert back to its lawful use once it was no longer occupied by the applicant. This would prevent the permanent loss of the site as a potential future employment location.

- 6.8 The principle of the retention of this site in its current use is therefore supported, subject to the use of the same conditions protecting the future use of the site and provided that officers can be satisfied that the amenity of neighbouring residents is adequately protected (see assessment below).

Impact on adjoining premises

- 6.9 DM Policy 26 (Noise and vibration) states that noise generating uses should be directed to employment locations. However, this is considered to relate to industrial uses that require the use of heavy machinery or manufacturing not a community use that is specifically directed to the town centres where it will be accessible to its users. The policy goes on to state that the Council will require,

c) a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician. Where development is permitted, conditions may be attached to the planning permission to ensure effective noise insulation or other mitigation measures are undertaken.

- 6.10 The applicant submitted an acoustic assessment in support of the 2013 application prepared by KP Acoustics LTD (Ref: 9957.NIA.01, dated 16 April 2013). The Acoustic Survey submitted was reviewed by the Councils Environmental Health Officer and it was confirmed that the background noise levels chosen were likely to be representative (given the central location of the site). Therefore, officers accepted that the recommendations set out in the report (that were secured by condition) would allow the operation of the facility without detriment to the amenity of the area, particularly the nearby residential accommodation.
- 6.11 Officers have attended the site and have confirmed that the measures recommended in the report have been implemented, including the secondary glazing. The church have confirmed that this is kept shut during services along with windows and doors. The church have confirmed that they have only had one noise complaint from the neighbours two years ago and this was when a gathering was held in the external space. At this time the resident was given the Pastor's number and invited to get in contact if she had any further concerns. It is therefore unclear why there are outstanding issues relating to noise.
- 6.12 To address this, the applicant has been invited to submit additional information, on advice from the Council's Environmental Protection Team (EPT). This takes the form of a Management Plan and an updated Noise Assessment that assesses the noise from the premises following the implementation of the measures in the 2013 report and the measures set out in the Management Plan.
- 6.13 The proposed Management Plan confirms that the recommendations of the 2013 report have been implemented with secondary glazing installed, soundproof doors installed and air conditioning installed so that the doors and primary and secondary glazing can be kept shut during services. In addition, and as recommended by the EPT, the document confirms that the applicant has installed an Automatic Volume Limiter. All instruments are played through the sound mixer which is monitored by a microphone that controls the volume of the output. Singing from the congregation is also monitored by a separate microphone and the output from the sound system is controlled so that output from all sources are satisfactorily controlled. In addition, the applicant has confirmed that they have replaced its drum kit with an electric one which will also be controlled through the volume limiter. This arrangement was assessed as part of the revised acoustic assessment.

- 6.14 The document puts into place a complaints procedure and requires the Facilities Manager to keep a log of any complaints received. It also confirms that the external spaces will not be used for social activities to address the reason for the historic complaint to the church.
- 6.15 The revised Acoustic Report undertakes an assessment of the noise impact from the worship activity to the closest noise sensitive receiver. For the assessment, music was played at the upper limit of the Automatic Volume Limiter (91dB(A) Leq.) and measurements were undertaken in various locations including the nearest noise sensitive receiver, the window at 7 Bonfield Road. The assessment confirms that the noise from the service (when the Automatic Noise Limiter is in place) would not exceed 5dB below minimum background noise levels. The Council's EPT have assessed the additional acoustic report and confirmed that they have no objection to the proposals.
- 6.16 Subject to conditions securing the measures set out in the Management Plan, officers are satisfied that the use can operate in a way that will adequately protect neighbouring amenity. Officers are therefore satisfied that the operational hours can be extended on a Sunday to allow a later service to take place. Whilst some objections have been received about services during the week, the current application does not seek to amend the weekday operating hours.
- 6.17 If noise complaints arise, officers are satisfied that there is a complaints procedure in place and that any complaints will be logged to allow officers to assess any future application to extend the time limit on the application.

Highways and Traffic Issues

- 6.18 The site is situated in a highly accessible location that is considered to be appropriate to the place of worship use. Officers are not aware of any issues that are caused by the current operation of the site and the objection received relates to the change of use to an additional church use rather than to the existing one. However, the application seeks to intensify the current use and DM Policy 44 requires a Travel Plan to be submitted to mitigate any impacts of the use. A condition is therefore recommended requiring a travel plan to be submitted in support of the application which will monitor the modes of transport for those travelling to the site and seek to promote the use of more sustainable modes.
- 6.19 The original change of use to a place of worship was subject to conditions requiring details of cycle parking and refuse storage being submitted to and approved in writing by the Council. There is no record of these details being submitted and approved by the Council. As such, the wording of these conditions have been amended to require the details to be submitted within 3 months of the grant of any planning permission.

7.0 Community Infrastructure Levy

- 7.1 The above development is not CIL liable.

8.0 Equalities Considerations

- 8.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

- advance equality of opportunity between people who share a protected characteristic and those who do not;
- Foster good relations between people who share a protected characteristic and persons who do not share it.

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

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

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

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

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

8.7 The matters of the application are such that the applicant is a religious organisation and therefore there is potential for an impact on equality. However, the recommendation made relates wholly to the impact of the proposal on amenity and highways matters and planning considerations as set out in this report. The concerns raised have been carefully considered and weighed against the community benefit that would arise from the proposal and the use of planning conditions to make development acceptable, as required by national policy.

9.0 Conclusion

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

- 9.2 Officers consider that the site is highly appropriate for use as a place of worship and the retention of the current use will make a positive contribution to the current shortfall in suitable premises for places of worship in the Borough. The principle of extending the temporary use for a further two years and the operational hours are therefore accepted subject to suitable conditions to protect the amenity of neighbouring occupiers. The scheme is therefore considered acceptable.

10.0 **RECOMMENDATION**

GRANT PERMISSION subject to the following conditions:-

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

NLS/PA/001, NLS/PA/002, NLS/PA/004, NLS/PA/005a, NLS/PA/006, Noise Impact Assessment by KP Acoustics (Received 21/6/2013), Planning Design & Access Statement (Received 11/7/2013)

Site Location Plan, Management Plan (Prepared by Victory Bible Church International, Received 28/01/2016) and Acoustic Commissioning Report, (Prepared by KP Acoustics, Dated 22/01/2016).

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

- 2 (a) The use hereby permitted shall be carried on only by Victory Bible Church International and shall be for a limited period of two years from the date of this decision or the period during which the premises are occupied by Victory Bible Church International, whichever is the shorter.
- (b) When the premises cease to be occupied by Victory Bible Church International or at the end of two years whichever shall first occur, the use hereby permitted shall cease (and all materials and equipment brought on to the premises in connection with the use shall be removed).

Reason: In granting this permission the local planning authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over any subsequent use, in the event of Victory Bible Church International vacating the premises, in the light of any material considerations existing at the time in accordance with Policy 5 Other employment locations of the Core Strategy (2011) and DM Policy 26 Noise and vibration of the Development Management Local Plan (2014).

- 3 (a) Within 3 months of the grant of this planning permission, details of proposals for the storage of refuse and recycling facilities for the premises hereby approved, shall be submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

- 4 (a) A minimum of 15 secure and dry cycle parking spaces shall be provided within the development.
- (b) Within 3 months of the grant of this planning permission, full details of the cycle parking facilities shall be 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).

- 5 The premises shall only be operational from 11am to 9pm Mondays to Fridays and 10am to 6pm on Saturdays and Sundays.

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 44 Places of worship of the Development Management Local Plan (November 2014)

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

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 7 Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for education and training for students aged 16 and over, and/or for a place of worship and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To ensure that any other use of the building would be suitable in view of the proximity of the premises to adjacent residential properties and to protect the amenities of the occupiers of adjoining premises and the area generally and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- 8 The development shall not be carried out other than in Strict Accordance with the Management Plan (Prepared by Victory Bible Church International, Received on the 28/01/2016).

Reason: In order to safeguard the amenities of adjoining occupants and to comply with DM Policy 26 Noise and Vibration and DM Policy 44 Places of worship of the Development Management Local Plan (November 2014)

- 9 (a) Within 3 months of the grant of this planning permission, a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' shall be submitted to and approved in writing by the

local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.

- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

Informatives

- A. The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. The applicant is advised that this permission relates only to the proposed change of use and that any alterations to the exterior of the building or the provision of exterior ventilation equipment, or new advertisements relating to the proposed use, would require separate permission.
- C. The applicant is advised that the Noise Impact Assessments by KP Acoustics received 21/6/2013 and 28/01/2016 constitute application documents as detailed in Condition 1. The recommendations within these reports will be required to be carried out in full to allow operation of the facility without detriment to the amenity of the area. Some of these recommendations may also require further submissions for planning approval as necessary.

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157-159 Lewisham High Street



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