

## PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 16 MARCH 2017 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

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

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

**Barry Quirk  
Chief Executive  
Lewisham Town Hall  
London SE6 4RU  
Date: Tuesday, 7 March 2017**

**For further information please contact:  
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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 16 MARCH 2017

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

**(1) Personal interests**

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

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

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

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

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

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

### **(3) Other registerable interests**

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

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

### **(4) Non registerable interests**

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

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

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

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

**(6) Sensitive information**

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

**(7) Exempt categories**

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

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

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

## MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 15<sup>th</sup> December 2016 and the 2<sup>nd</sup> February 2017.

### LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (C) held in Council Chambers, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD SE6 on THURSDAY 15<sup>th</sup> December 2016 at 7.30pm.

PRESENT:	Paul Bell (Chair), Simon Hooks (Vice-Chair), Brenda Dacres, Sue Hordijkeno, Suzannah Clarke, Peter Bernards, Helen Klier, John Paschoud
OFFICERS:	Michael Johnson - Planning Service, Paula Young- Legal Services, Joshua Ogunleye - Committee Coordinator
APOLOGIES:	Jamie Milne, Liam Curran

#### 1. DECLARATION OF INTERESTS

There were no declarations of interest.

#### 2. MINUTES

The Minutes of the meeting of Planning Committee (C) held on 3rd November were agreed by Members to be a true and accurate record. The minutes were signed by the Chair at the end of the meeting.

#### 3. 129 BURNT ASH ROAD SE12 8RA (Item 3 on the agenda)

The Planning Manager Michael Johnson outlined details of the proposal and addressed questions from Councillors Clarke, Paschoud and Bell regarding the need for the development to be completed in 18months; the use of the rear road and Conservation policy on the use of bricks as opposed to render on the rear elevation. Council Klier ask for clarity that the noise impact from the chiller had reduced. Councillor Paschoud asked if other extensions on the rear elevation had planning permission. Members also enquired about the state of the bins to the rear of the commercial properties and whether this could be controlled. The planning manager stated that a condition could be attached to the recommendation to ensure bin storage was retained within the curtilage of the site and off the highway.

No representation in support of the proposed application was submitted.

No representation objection to the proposal was submitted.

Following deliberation by Members, Councillor Paschoud moved a motion to accept the officer's recommendation, including the additional condition, and grant planning permission. It was seconded by Councillor Clarke.

FOR: Councillors Bell, Hooks, Dacres, Bernards, Paschoud, Clarke, Hordijkeno, Klier.

Motion was passed unanimously.

4. WOODSTOCK COURT, BURNT ASH HILL, SE12 (Item 4 on the agenda)

This report followed a previous deferral for the applicant to submit further information on the existing amenity space that would be lost to the proposal. The applicants were to explore retaining more of the existing amenity space. Councillor Hooks made a declaration of interest concerning the development and relocated from the panel to join the audience.

The Planning Manager Michael Johnson outlined details of the proposal, specifically the additional space created by the current amendments to the previous scheme. He addressed questions from Councillors Clarke and Dacres regarding clarification of the percentage loss of amenity space. Members enquired about how the amenity space is used, the type of games played on the space and the age range of children using the space. Members were shown additional photographs of the amenity space. Councillors Paschoud and Klier enquired about the parking pressures in the area and the proportion of green space remaining. Councillor Clarke commented about the proximity of the play space to the roadway and safety issues.

The Council received verbal representation from the Architect John Tudor from HRFT Architect. Mr Tudor gave an overview of the proposal. He stated the amendments include removing four parking spaces in total to the sides of the communal amenity area to increase the amount of green space retained. The plans also indicate children's play equipment and benches within the communal area, as well as hard landscaped paths therefore creating a more diverse play environment.

The agent answered questions from Councillors Paschoud and Klier regarding the justification of the loss of amenity space and pressure on parking facilities.

The Committee received verbal representation from Richard Colport a local resident, objecting to the proposal on the basis that the development would mean a significant loss of an amenity space currently used by children and families in Woodstock Court. Mr Colport argued that the loss proposed was too great and would have a detrimental impact on the amenities of local residents. He further explained that the occupancy of Woodstock Court were dynamic, with families coming and going but it was consistent that there was a high family occupancy level.

Councillor Hooks spoke under standing orders to object to the development on the basis that it would result in a detrimental impact on the quality of life of local residents.

Following deliberation by Members, Councillor Klier moved a motion to accept the officer's recommendation and grant planning permission. It was seconded by Councillor Paschoud.

Members voted as follows:

FOR: Councillors Klier, Paschoud

AGAINST : Councillors Dacres, Clarke, Hordijenko

ABSTAINED: Councillors Bell, Bernards

RESOLVED: Motion was defeated.

Councillor Bell moved a motion to defer the case to another date, in order to allow the applicant submit revised plans which include an increased proportion of amenity space retained. It was seconded by Councillor Paschoud.

Members voted as follows:

FOR: Councillors Klier, Paschoud, Dacres, Klier, Hordijenko, Bell

ABSTAINED: Councillor Clarke

RESOLVED: Motion was passed

The meeting ended at 20:36pm. Chair

15 December 2016

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (C) held in Council Chambers, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD SE6 on THURSDAY 2nd February 2017 at 7.30pm.

PRESENT:	Paul Bell (Chair), Simon Hooks (Vice-Chair), Brenda Dacres, Sue Hordijkeno, Suzannah Clarke, Peter Bernards, John Paschoud
OFFICERS:	Michael Forrester - Planning Service, Paula Young - Legal Services, Joshua Ogunleye - Committee Coordinator
APOLOGIES:	Jamie Milne, Liam Curran, Hellen Klier

5. DECLARATION OF INTERESTS

There were no declarations of interest.

6. MINUTES

The Minutes of the meeting of Planning Committee (C) held on 15<sup>th</sup> December 2016 was not agreed as it contained errors. Members note the misspelling of Councillor Hooks' name and that Kevin Chadd represented the legal services at the meeting. The minutes are to be amended and resubmitted for approval at the next Committee C dated 16<sup>th</sup> March 2017.

7. SPRING GARDENS, ARLINGTON CLOSE, LONDON, SE13 6JQ (Item 3 on the agenda)

The presenting officer Michael Forrester outlined details of the proposal and addressed questions from Councillors Clarke and Paschoud regarding the comparative scale of the proposed development within the existing buildings. At what angles are loss of outlooks most significant?

The Committee received verbal representation from Dan Olney from St Mungo's and Ed Kemsley from Peacock and Smith. Both explained Full Planning Permission was sought for three main elements of work, the provision of a new reception space and initial Assessment Hub, a Staging Post for short term accommodation and a replacement hostel. The scheme Applicants answered questions from Councillors Clarke and Paschoud concerning the amount of additional staff that will be working on the premises and the charity's community outreach program in engaging the neighbouring public.

No objection representation to the proposal was submitted.

Following deliberation by Members, Councillor Bell moved a motion to accept the officer's recommendation to grant planning permission. It was seconded by Councillor Paschoud.

FOR: Councillors Bell, Hooks, Dacres, Bernards, Paschoud, Clarke, Hordijkeno, Bernards

Motion was passed unanimously.

8. WOODSTOCK COURT, BURNT ASH HILL, SE12 (Item 4 on the agenda)

This application was removed from the agenda due to the failure to include appendices referred to in the report.

9. 194 TRESSILLIAN ROAD, LONDON, SE4 1XY (Item 5 on the agenda)

The presenting officer Michael Forrester outlined details of the proposal and addressed questions from Councillors Clarke and Hooks, who enquired as to why the development required planning permission, what material would the dormer be built with and whether there were rooflights on neighbouring properties.

The Committee received verbal representation from the applicant Nick Bearman. The application proposes the construction of a roof extension, appearing as two dormers with a recessed 'infill mansard link' in - between, to the rear roofslope.

The Committee received verbal representation from the objector Clare Cowen from the Brockley Society. The application objection was based on the left hand rear dormer being too close to the chimney and parapet on the party wall with no. 196. This distance should be a minimum of 500mm. Furthermore, the lack of material clarity on the proposal is unsatisfactory.

Councillors asked the planning officer: What is the justification for the 500mm rule and why it was not being applied in this instance. The presenting officer explained in this instance it was necessary to establish symmetry with existing features on the rear elevation.

Following deliberation by Members, Councillor Bell moved a motion to accept the officer's recommendation, and grant planning permission. It was seconded by Councillor Paschoud.

FOR: Councillors Bell, Hooks, Dacres, Bernards, Paschoud, Clarke, Hordijkeno,  
Bernards

Motion was passed unanimously.

10. 37 CHASLEY ROAD, LONDON, SE4 1YN (Item 6 on the agenda)

The presenting officer Michael Forrester outlined details of the proposal.

The Committee received verbal representation from the applicant Nina Soar. The application proposes the construction of a roof extension, appearing as two dormers with a recessed 'infill mansard link' in - between, to the rear roofslope together with the insertion of a conservation style rooflight flush to the front roofslope.

The Committee received verbal representation from the objector Claire Cowen from the Brockley Society. The objection was based on the provision of rooflights on the front roofslope and the impact this would have on the character and appearance of the conservation area.

Councillors note the presence of rooflights on the neighbouring property.

Following deliberation by Members, Councillor Bell moved a motion to accept the officer's recommendation, and grant planning permission. It was seconded by Councillor Paschoud.

FOR: Councillors Bell, Hooks, Dacres, Bernards, Paschoud, Clarke, Hordijenko,  
Bernards

Motion was passed unanimously.

RESOLVED: Motion was passed

The meeting ended at 20:36pm. Chair

2<sup>nd</sup> February 2017 December 2016

Committee	Planning Committee C	Item No
Report Title	WOODSTOCK COURT, BURNT ASH HILL, LONDON, SE12 9HT	
Ward	Lee Green	
Contributors	Luke Mannix/Michael Johnson	
Class	PART 1	Date 16 March 2017

<u>Reg. No(s).</u>	DC/15/094702
<u>Application dated</u>	04/12/2015
<u>Applicant</u>	HFBT Architects Mr Burrell on behalf of Mr Martin
<u>Proposal</u>	The demolition of existing garages and stores and the construction of 8 three bedroom part two/part three storey dwellings on land to the rear of Woodstock Court, Burnt Ash Hill SE12, together with alterations to the internal vehicle access and the provision of on-site parking, communal and private landscaping, commercial and residential refuse storage and cycle parking
<u>Applicant's Plan Nos.</u>	PL-1000; EX 1001; EX 1002; EX 1003; PL-1102; PL-1103; PL-1104; PL-1110; PL-1111; PL-1112; PL-1113; PL-1114; Design and Access Statement; Planning Statement; Construction Method Statement/Logistics Plan; Transport Statement; Daylight and Sunlight Study (received 4th December 2015).  Arboricultural Method Statement ; 160524-1.2-WCL-TPP-MM (received 28th June 2016)  PL-1120 (received 14th July 2016) PL-1101 Rev D; PL-1001 Rev A; PL-1100 Rev D (received 12 <sup>th</sup> January 2017)
<u>Background Papers</u>	(1) Case File - LE/365/A/TP (2) Adopted Unitary Development Plan (3) The London Plan
<u>Designation</u>	None.

- 1.1. This application was considered by Members at the meeting of Planning Committee C held on 11th August 2016. Officers recommended approval of the scheme at that meeting on the grounds that it would provide family sized housing, of an acceptable scale and appearance and without a significant impact on neighbours. However, members resolved to defer the determination of the application for further information to be provided in relation to the amenity space for existing residents of Woodstock Court.
- 1.2. Following revised plans increasing the size of the communal amenity space available to the residents of the existing flats, the application was reported to Planning Committee C on the 15<sup>th</sup> December 2016 with a recommendation for approval. Members resolved to defer the application a second time so that further consideration could be given to the communal amenity space. The original Planning Committee report from the 11<sup>th</sup> August 2016 and the addendum report from the 15<sup>th</sup> December 2016 can be found at Appendix A & B.

## **2.0 Amended plans**

- 2.1. The applicant has submitted a fresh set of amended plans, further expanding the area of communal amenity space. This has been achieved through the loss of space intended as front gardens for the eight houses, with no further reduction in shared parking spaces.
- 2.2. The total area of the shared amenity space would now be 516sqm, a 40% increase compared to the previous amended plans. The amenity space would contain children's play equipment, a grassed area, trees and seating.
- 2.3. No other aspect of the application has been amended.

## **3.0 Consultation**

- 3.1. No further re-consultation has taken place and, given the minor nature of the changes made from the original scheme, officers consider that residents would not be prejudiced by the determination of the application based on the amended plans.

## **4.0 Policy Context**

- 4.1. The policy used in the assessment of the application has not changed from that outlined in the original committee report.

## **5.0 Planning Considerations**

- 5.1. It is considered that the latest amendments would further enhance the communal amenity space to be retained and improved for existing residents of the flats. These amendments have not resulted in any further loss of parking compared to the previous amendments and there are no further highways implications arising that were not considered in the previous report and addendum (see Appendix A&B).
- 5.2. The applicant has further demonstrated that disabled access would be retained to the proposed 8 houses despite the reconfiguration of their parking areas and front gardens.
- 5.3. Concern was also raised with respect to highway safety, particularly for children

crossing the internal road to and from the play area. This can be achieved by applying an appropriately worded condition (see condition 16 below) that would require the submission of details demonstrating traffic calming measures integrated into the highway design to manage vehicle speeds, together with appropriate signage, such details to be submitted before the commencement of works.

## 6.0 **Conclusion**

- 6.1. This application has been considered in the light of policies set out in the development plan and other material considerations. Whilst officers recommended approval for the scheme as originally submitted, the concerns of existing residents expressed at the committee meeting are acknowledged. The further expansion of the communal amenity space is a welcome improvement to the scheme, which would not result in appreciable harm to the standard of accommodation of the proposed houses or the availability of parking. Approval is therefore recommended.

## 7.0 **Recommendation: GRANT PERMISSION subject to the following conditions**

### **Conditions**

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

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

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

PL-1000; EX 1001; EX 1002; EX 1003; PL-1102; PL-1103; PL-1104; PL-1110; PL-1111; PL-1112; PL-1113; PL-1114; Design and Access Statement; Transport Statement; Daylight and Sunlight Study (received 4th December 2015); Arboricultural Method Statement and 160524-1.2-WCL-TPP-MM (received 28th June 2016); PL-1120 (received 14th July 2016); PL-1101 Rev D PL-1001 Rev A; PL-1100 Rev D (received 12th January 2017).

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

3. 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 (2016).

- 4. (a) The development shall be constructed in those materials as submitted namely: Danehill Yellow brick, natural slate tiles, aluminium windows, timber doors and PPC metal railings.
- (b) Prior to the commencement of development, a sample panel of the brick and natural slate tiles shall be constructed on site and photographic evidence submitted to and approved in writing by the Local Planning Authority.
- (c) 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.

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

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

- 6. (a) A minimum of 16 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

7. (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 children's play equipment and 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 (2016), 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.

8. (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).

9. (a) 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).

10. (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 (2016), and DM Policy 29 Car parking of the Development Management Local Plan (November

2014).

12. (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).

13. The development hereby approved shall not be occupied until the vehicular access and the whole of the car parking accommodation as shown on plans PL-1001 Rev A and PL-1101 Rev B has been constructed and shall be retained permanently thereafter.

**Reason:** In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan (November 2014) and Table 6.2 of the London Plan (2016).

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

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

15. None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority. The development shall be undertaken in accordance with the Tree Protection Plan (TPP) hereby approved within the Arboricultural Method Statement.

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

16. (a) No development shall commence on site until a traffic calming and Parking Management Plan, which includes (but is not limited to):-
  - (i) signage and details of how parking areas are defined;
  - (ii) measures to deter informal parking; and,
  - (iii) monitoring and review systems

- (iv) Highway design incorporating speed restricting measures through physical design, safe crossing points, materials and signage, and demonstrating how minimum speeds can be reasonably controlled

has been submitted to and approved in writing by the local planning authority.

- (b) The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to in perpetuity.

**Reason:** To ensure satisfactory parking management and reduce the impact of parking activity in accordance with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction and Policy 6.3 Assessing effects of development on transport capacity of the London Plan (2016).

17. No vehicles, including construction vehicles, shall enter the site from Burnt Ash Hill. The access road hereby approved shall not be used for the servicing of the ground floor commercial units of Woodstock Court.

**Reason:** To ensure the proposed development does not result in any adverse movements on the site which may endanger residential users or cause adverse impacts on the surrounding highway network in compliance with DM Policy 33 Development of infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

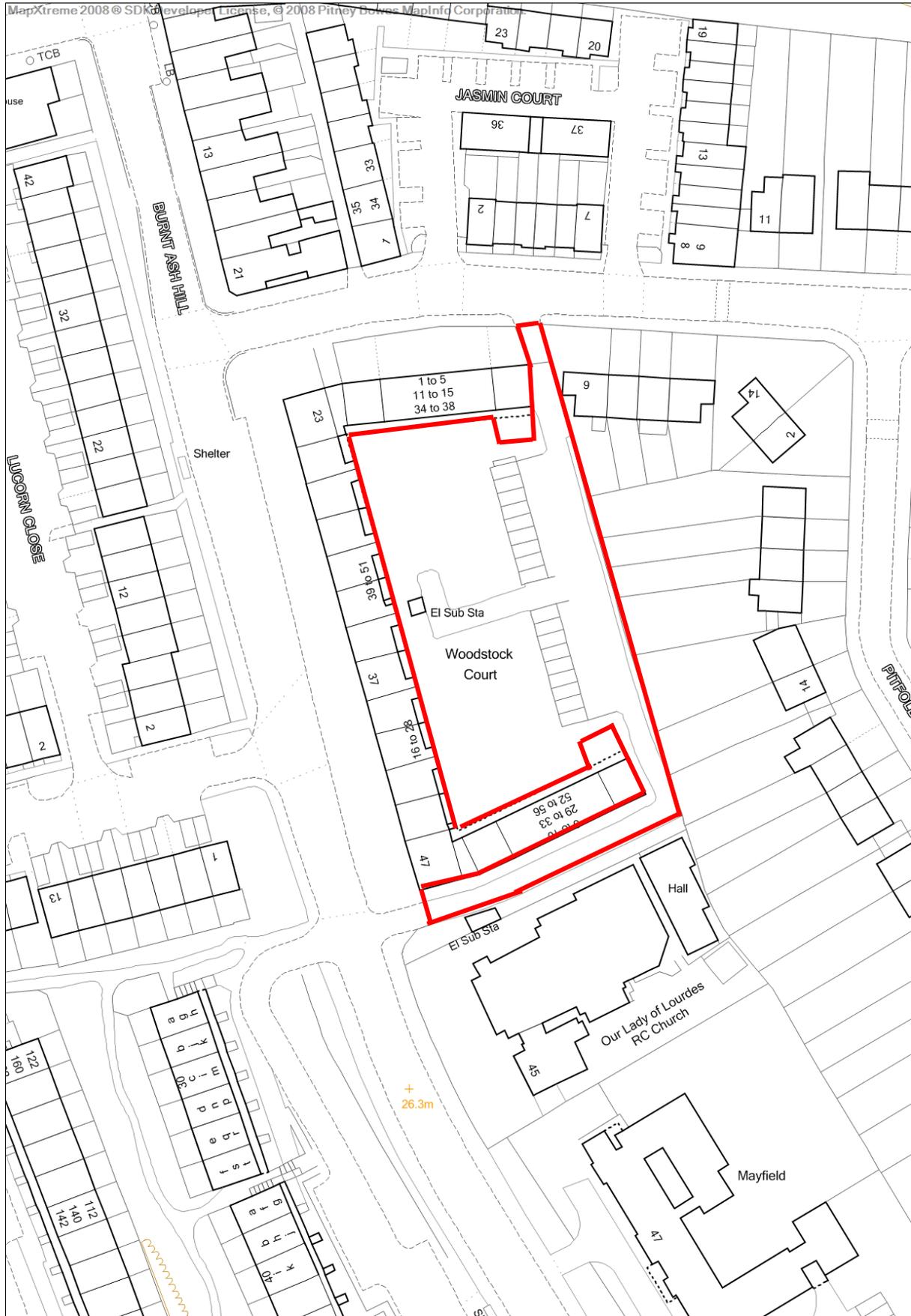
### **Informatives**

1. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
2. The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
3. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
4. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
5. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
6. The applicant is advised that Conditions 3 (Construction Management Plan), 4 (Materials), 5 (Refuse Storage), 6 (Hard Landscaping ~~Plans~~) and 7 (Parking Management Plan) require details

to be submitted to the Council prior to the commencement of development, which includes demolition of the on site structures.

7. These details are required to ensure the design is of the highest quality and amenity and the surrounding highway network are not adversely effected as a result of the development prior to the commencement of development.

Woodstock Court, Burnt Ash Hill, SE23 Site Map



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**Appendix A**

**WOODSTOCK COURT, BURNT ASH HILL,  
LONDON, SE12 9HT**

**Committee Report**

**11 August 2016**

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Committee	PLANNING COMMITTEE C	
Report Title	WOODSTOCK COURT, BURNT ASH HILL, LONDON, SE12 9HT	
Ward	LEE GREEN	
Contributors	LUKE MANNIX	
Class	PART 1	11 AUGUST 2016

Reg. Nos. DC/15/94702

Application dated 04.12.2015

Applicant HFBT Architects [on behalf of Mr Martin]

Proposal The demolition of existing garages and stores and the construction of 8 three bedroom part two/part three storey dwellings on land to the rear of Woodstock Court, Burnt Ash Hill SE12, together with alterations to the internal vehicle access and the provision of on-site parking, communal and private landscaping, commercial and residential refuse storage and cycle parking

Applicant's Plan Nos. PL-1000; EX 1001; EX 1002; EX 1003; PL-1102; PL-1103; PL-1104; PL-1110; PL-1111; PL-1112; PL-1113; PL-1114; Design and Access Statement; Transport Statement; Daylight and Sunlight Study (received 4th December 2015); PL-1001; PL-1100; PL-1101 (received 20th June 2016); Arboricultural Method Statement (received 28th June 2016); PL-1120 (received 14th July 2016)

Background Papers (1) Case File LE/365/A/TP  
(2) Local Development Framework Documents  
(3) The London Plan

Designation None

Screening N/A

## **1.0 Property/Site Description**

- 1.1 The application relates to an area of land to the rear of Woodstock Court, Burnt Ash Hill. The land contains garages for vehicle and private storage ancillary to the residential units, vehicle manoeuvring area and open amenity space.
- 1.2 Woodstock Court is a mixed use inter war building consisting of ground floor commercial units with residential above. The surrounding area has a mixed typology, including the shopping parade along Burnt Ash Hill, Our Lady of Lourdes Roman Catholic Church to the south and suburban semi-detached dwellings to the east.
- 1.3 The site is not located in a Conservation Area and is not a listed building.

- 1.4 The site, as well as containing garages and hard landscaping for vehicle movement, also contains a number of mature lime trees along the eastern boundary, as well as along the access roads. These trees are considered to be of moderate value providing beneficial amenity and screening. The site also contains smaller trees which are of low to no value. The site's topography slopes gently up from north to south.
- 1.5 The site has a PTAL value of 3, based on a scale of 0-6b with 6b being highest. The site has access from both Woodyates Road and Burnt Ash Hill and in the past has been used for informal parking, however it is understood that this has been reduced as the owner has clamped down on unauthorised parking.

## **2.0 Planning History**

- 2.1 No relevant history.

## **3.0 Current Planning Applications**

### The Proposal

- 3.1 Planning permission is sought for the demolition of the existing garages and storage units at land to the rear of Woodstock Court and the construction of 8 three bedroom dwellings.
- 3.2 The dwellings would be three storeys in height with pitched roofs which follows the topography of the site (i.e. the northern dwellings are lower than the southern dwellings). The height of the buildings would be 9.7m in total and 8.4m high at the eaves. The building lines and upper floor massing would be staggered to provide entrances and amenity space.
- 3.3 The proposed materials would include Danehill Yellow brick plinth on the ground floor with natural slate tiles at the upper floors. The windows would be double glazed with aluminium PPC frame finished with RAL 7005. The ground and upper floor amenity would be bordered with PPC black metal railings and timber board fencing.
- 3.4 The scheme would utilise the existing access points from Woodyates Road and Burnt Ash Hill. Re-landscaping of the site would include a new internal road to allow vehicle movement and provide car parking. Areas of soft amenity space would be provided to the rear of the buildings as private amenity for the new dwellings as well as to the rear of Woodstock Court for communal amenity. Private amenity space would also be provided for the ground floor units at Woodstock Court.
- 3.5 Bin and bicycle stores would be located to the front of the proposed buildings. In addition, two new stores for the commercial and residential units would be provided to the rear of Woodstock Court. The refuse would be collected by refuse vehicles who would enter and exit the site from the Woodyates Road entrance.

### Supporting Documents

- a) *Design and Access Statement*

3.6 Prepared by HFBT Architects dated November 2015. The document details the site context and the design approach following pre-application meetings and consultation with the nearby properties.

*b) Daylight and Sunlight Study*

3.7 Prepared by Right of Light Consulting dated 12 December 2014. The study assesses the impact of the proposed development on neighbouring properties using the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice'

*c) Transport Statement*

3.8 Prepared by ttp consulting dated December 2015. The statement assesses the impact of the development on the highway, including parking and refuse collection, and advises the design of the internal road to comply with relevant vehicle movements.

*d) Construction Method Statement/Logistics Plan*

3.9 Dated November 2015, the document details the safety and amenity protection measures implemented on site during demolition and construction.

*e) Arboricultural Method Statement*

3.10 Prepared by Treework & Environmental Practice dated 23<sup>rd</sup> May 2016. It includes a tree survey with an assessment of tree quality and tree protection measures.

#### **4.0 Pre-Application Discussions**

4.1 The applicant approached the Council for pre-application advice regarding a proposal on the site in 2014. A response was issued within a letter dated 6<sup>th</sup> August 2014.

4.2 This proposal involved the construction of 9 three bedroom houses within a terrace row. The layout of the buildings was different in that the dwelling entrances faced away from Woodstock Court with private amenity space backing towards the ground floor retail units. The access road remain essentially as existing, running along the eastern edge of the site.

4.3 Officers considered that the principle of the development was acceptable. However, it was considered to create an awkward relationship with the existing units given they back onto the existing amenity space, creating poor frontage for the existing units. It was also considered that the layout adversely impacted on the amenities of the nearest units. Finally concerns were raised over the safety of pedestrians given the likely conflict between pedestrians and vehicles.

#### **5.0 Consultation**

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

5.2 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors.

#### Written Responses received from Local Residents and Organisations

5.3 Five letters of objection were received and one raising comments from residents along Pitfold Road and Woodstock Court. The following concerns were raised:-

- The garages are not redundant and therefore impacts on the benefit they provide;
- The density is too great, which adversely impacts on the amenity space and reduces the amenity for existing residents in Woodstock Court;
- Design is out of keeping with the character of the area;
- There is no benefit from affordable housing;
- The proposed development would have an adverse impact on the adjoining highway network through the need for parking;
- The internal access does not allow refuse or emergency vehicle movement;
- Negative impact on the adjoining properties along Pitfold Road in terms of loss of privacy, loss of light, loss of views, visually overbearing and noise and pollution together with construction impacts;
- Loss of greenspace with negative impacts on the biodiversity of the area and on the existing mature trees on site.

5.4 Letters are available for members to view.

#### Tree Officer

5.5 The site contains a number of important trees along the eastern boundary and the access roads. There are significant concerns that the proposed building works, including vehicle movement along Burnt Ash Hill, would adversely impact on the root system of these trees and therefore an arboricultural study should be undertaken.

5.6 Following these comments, an Arboricultural Method Statement was prepared and submitted to officers. The tree officer has seen the statement and raised no objections.

#### Highways and Transportation

5.7 No objections were received. Should planning permission be approved, relevant conditions should be added in relation to parking management plan, construction management plan, refuse and details of the internal road access.

### **6.0 Policy Context**

#### Introduction

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

A local finance consideration means:

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

#### National Planning Policy Framework

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

#### Other National Guidance

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

### London Plan (March 2016)

- 6.6 On 14 March 2016 the London Plan with updates to incorporate the Housing Standards and Parking Standards Minor Alterations was adopted. The policies relevant to this application are:

Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking  
Policy 7.6 Architecture

### London Plan Supplementary Planning Guidance (SPG)

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

Housing (2016)

#### Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 5 Areas of Stability and Managed Change  
Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

#### Development Management Local Plan

- 6.9 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:

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

DM Policy 25	Landscaping and trees
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

## **7.0 Planning Considerations**

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

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

### Principle of Development

- 7.2 Housing is a priority within London, as recognised within the Borough housing targets of Policy 3.3 of the London Plan.
- 7.3 Lewisham has an annual target of 1,385 new homes per year. Spatial Policy 1 of the Core Strategy highlights that the majority of the new housing will be located within areas of regeneration such as Lewisham, Catford, Deptford and New Cross. However it is also considered that Areas of Stability and Managed Change will deliver approximately 14% of the Borough's housing requirement, including through infill development were appropriate.
- 7.4 The Council will also aim to meet the housing need of the Borough through the encouraging the provision of specific unit mixes and types. The Lewisham Strategic Housing Market Assessment (SHMA), which is used as an evidence base for the Core Strategy, highlights a need for family housing, which is defined as units with three or more bedrooms.
- 7.5 Taking into account the provision of family housing and the location, it is considered that the proposed development is in general consistent with the strategic vision of the Council's LDF.
- 7.6 It is noted that an objection raised the lack of benefit to the Borough in terms of affordable housing. Officers note that the proposal does not constitute more than 10 new dwellings, nor is it considered that the site is capable of providing 10 dwellings on the site. Therefore it is not considered to trigger the requirement for affordable housing as per Policy 1 of the Core Strategy. In any sense, this does not reduce the benefits of the provision of larger housing to the Borough.
- 7.7 The site is currently used as a mixture of garages, hard landscaping for vehicle movement, parking, servicing and refuse collection as well as communal amenity space. Under Part D of DM Policy 33, new development should retain adequate amenity space for the existing development.
- 7.8 The existing amenity space consists of 1880 sqm of lawn, as well as small planting. It is separated by an access road to a small brick building, which is presumed to be a substation, and bordered by the garages and vehicle movement space littered with refuse bins. It should also be taken into consideration the location of three parks which would be more suitable as amenity space within 15 minutes walk of the site. Therefore, whilst the amenity space is large in area, it is not considered to be of significant amenity value to the existing residents.

- 7.9 As a result of the proposed development, the amenity space would be reduced to 234 sqm of communal amenity space. It is also noted the private amenity space is also provided to the existing ground floor units. Officers acknowledge that there would be a reduction in amenity space available, however the development has the opportunity to improve the communal amenity space through appropriate landscaping, which is discussed later in the report.
- 7.10 Therefore, given the current nature of the area as well as improvements through landscaping, together with the benefits of providing family housing, it is considered that the development of the amenity space for the purposes of residential is acceptable.
- 7.11 Notwithstanding this, it is considered that development on infill, backland, back garden and amenity sites should meet the general and detailed design principles of DM Policy 33. This is in addition to the other design implications assessed against DM Policy 30 and 32 as well as an assessment of the development's impact on highways, neighbouring properties and ecology. These are detailed further below.

### Design

- 7.12 Good design is listed as a core planning principle within the NPPF and therefore Core Strategy Policy 15, DM Policy 30 and DM Policy 33 requires all new development to meet the highest quality design standard.
- 7.13 DM Policy 30 goes on to outline detailed design issues under Part 5 and states that an adequate response to these matters will be required in planning applications to demonstrate the required site specific design response, including:-
- the creation of a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement;
  - 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;
  - 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
- 7.14 DM Policy 33 defines infill, backland, back garden and amenity sites under paragraph 2.251, however it goes on to state that in certain instances a site will not fit squarely into one of these definitions. In these circumstances, principles will be taken from the appropriate parts of the policy.
- 7.15 The subject site is not directly accessible by a publicly maintained highway, however access is gained from existing private roads from Woodyates Road and

Burnt Ash Hill. The site is occupied by garages and vehicle movement area, which is also used to store refuse bins and communal garden space for the residents of Woodstock Court. The amenity space is not considered to be for private use and therefore is not a backgarden.

- 7.16 Taking into account the above, the site is considered to be either a backland or amenity site as defined under paragraph 2.251. Therefore the development should be assessed against the principles of Part B and D of DM Policy 33. This includes how proposed development would repair or re-provide active street frontages and increase natural surveillance.
- 7.17 It should also be noted that under Part B of DM Policy 33, gated development would be resisted in order to promote the permeability of development and allow the integration of the site within the neighbourhood. Therefore security should be maintained through design. New development should also not result in a loss of security to adjacent dwellings.
- 7.18 The site is to the rear of Woodstock Court, which is a the three storey building with a pitched roof. To the rear of the site are two storey semi-detached dwellings fronting Pitfold Road, which also have pitched roofs. These dwellings are separated from the site by 27m-34m deep rear gardens. The site has limited visibility from the public realm, with small views between the semi-detached dwellings and from the Woodyates Road entrance.
- 7.19 The proposed development would be a mix of two and three storeys, with the two storey elements having a flat roof with terraces and the three storey element having pitched roofs. The building would be 9.7m high at its highest point and 8.4m high at the eaves. However it should be noted that the buildings, at their highest point, would not be higher than the eaves of Woodstock Court.
- 7.20 The proposed materials would include Danehill Yellow brick on the ground floor with natural slate to the upper floors and roof. The windows would be made of aluminium and, on the eastern elevation, would be spread over the ground and first floors and, on the western elevation, would be spread over all the floors. Windows would also be located on the northern elevation overlooking the Woodyates Road entrance.
- 7.21 Taking into account the low visibility of the site from the public realm, it is unlikely that the scale of the proposed development would have an adverse impact on the character of the area. In addition, the development would be subservient to the existing development at Woodstock Court. Therefore the scale of the development is considered to be appropriate within the context of the existing development.
- 7.22 The proposed use of brick on the lower ground level and tiles above is considered to be appropriate in principle given these are predominate materials in the area. It is noted that there are a limited number of windows in the front and rear elevation and this is considered to impact on the visual interest of the building. However, given the addition of further windows would adversely effect privacy of the backland site, coupled with the site's low visibility, this is considered to be acceptable.
- 7.23 Overall, the materials and contemporary design is considered to be appropriate. Notwithstanding this, materials should be submitted to ensure they are of the

highest quality before the commencement of development. This should be secured through condition.

- 7.24 The building layout shows the proposed development facing onto the communal amenity space and the internal road. It is also noted that there are some windows in the northern elevation to overlook the Woodyates Road entrance. Taking this into account, it is considered that the proposal provides suitable surveillance of the communal and publicly accessible spaces as outlined in DM Policy 33.
- 7.25 It should be noted that the proposal originally included security gates in the entrances from Woodyates Road and Burnt Ash Hill. Considering gated development would not be appropriate these were removed from the proposed development. In order to ensure these routes remain open, a condition securing this should be added.
- 7.26 In summary, officers consider that the design of the scheme is acceptable within the context of the backland/amenity site whilst not adversely impacting on the provision of amenity for existing residents.

### Housing

- 7.27 DM Policy 33 states that new development should provide appropriate internal amenities for future residents in line with DM Policy 32, which in turn utilises the standards of the London Plan. The Council also utilises the technical housing standards which is in line with the London Plan Housing SPG.
- 7.28 The scheme proposes eight 3b5p units set over three storeys. According to the technical housing standards, the minimum internal floorspace should be 99 sqm. In addition to this, built in storage should be 2.5 sqm. Finally, double bedrooms should be 11.5 sqm in area and 2.75m wide and single bedrooms should be 7.5 sqm in area and 2.15m wide.
- 7.29 The proposed floorplan of each residential unit follows a single template. Officers calculate the internal floor area to be 107 sqm, which meets the minimum requirement. In addition, the individual rooms meets the requirements of the housing standards.
- 7.30 The technical housing standards also state that the floor to ceiling heights should be a minimum 2.3m over 75% of the internal floor area. However, the London Plan strongly recommends a floor to ceiling height of 2.5m to account for London's heat island effect and provide appropriate amenities.
- 7.31 The applicant has provided proposed sections which show compliance with the London Plan and Technical Housing Standards.
- 7.32 DM Policy 32 and the London Plan expects new residential development to be dual aspect with appropriate room layout to provide adequate sunlight/daylight, privacy, outlook and ventilation.
- 7.33 The living rooms of the proposed dwellings are located on the ground floor, with windows located in the east elevation leading to the rear yards. Given the staggered nature of the floorplans, half of the units also have windows in the west elevation opening onto front gardens. The first floors contains bedrooms, with

windows in the east and west elevation, whilst the top floor has the main bedroom with openings onto the side terrace.

- 7.34 The proposed development would be dual aspect, as well as providing adequate natural ventilation through the openings. Furthermore, given the distance from other habitable windows, the privacy into the proposed rooms is considered to be acceptable. Finally, given the opening aspect and the distance from large structures, the units are considered to have suitable daylight/sunlight.
- 7.35 However, it is noted that half the living room windows in the east elevation are 4m from the boundary wall and the other half are enclosed either side by the three storey side elevation 4m deep. This is considered to affect the outlook and create a sense of enclosure from these rooms.
- 7.36 Whilst the outlook from these rooms are not ideal, when considered in connection with the remaining openings the level of outlook from the dwellings is deemed to be acceptable.
- 7.37 It is also noted that the main bedroom openings on the top floor look onto the terraces, which in some cases are 3.1m from the adjoining wall, and are north facing. Whilst this would impact on outlook and light, given the nature of the rooms as bedrooms, it is not considered to be unacceptable.
- 7.38 DM Policy 32 states new residential development should be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play.
- 7.39 The proposed units would have private gardens provided to the rear. In addition, half of the units would be provided with gardens to the front as well. Finally, on the upper floor, the proposed development would include terraces to the side.
- 7.40 Officers consider that the amount of private open space is acceptable for future residents. In addition, it is considered to be appropriate in terms of light and privacy and suitable for family units.
- 7.41 Overall officers consider the standard of accommodation for the proposed units to be acceptable.

### Highways and Traffic Issues

#### a) Access

- 7.42 DM Policy 33 states that new development in backland sites will only be permitted where a proper means of access and servicing which is convenient and safe both for drivers and pedestrians.
- 7.43 The proposed development would utilise the existing access points from Woodyates Road and Burnt Ash Hill. However, the current internal road would be removed and the surface upgraded to include shared surfacing for both pedestrian and vehicle use. The proposed road would be one-way, with the exception of emergency vehicles and refuse vehicles which could not exit using the Burnt Ash Hill egress point.

- 7.44 No details of the landscaping have been proposed showing the shared scheme. However, the Transport Statement included swept paths in Appendix E which showed access points could safely incorporate vehicle movement with space for pedestrian access.
- 7.45 Therefore, whilst the details have not been provided, it is considered that the principle of the access is acceptable. This shared surface should be included in a hard landscaping scheme which can be secured through condition. Any landscaping should include measures to ensure safe vehicle speeds and pedestrian movements, including speed humps and pedestrian crossings.
- 7.46 Refuse is intended to be collected by Council waste contractors utilising the internal road. The transport statement shows swept paths which outlines that refuse vehicles can utilise the access point and the internal road without issue. However, the vehicle would have to turn and leave via the access point, which would be against the one way system, which may impact on vehicle movement.
- 7.47 Officers have encouraged the applicant to find other means of refuse collection, including a management system of temporarily locating the refuse to Woodyates Road or Burnt Ash Hill however it is acknowledged that this would not be possible for a scheme of this size. In addition, without provision of refuse for existing residents and commercial units to the rear, it is likely that refuse could be stored along Burnt Ash Hill, which would not be acceptable.
- 7.48 Therefore, officers acknowledge that the system of refuse vehicles entering and exiting from Woodyates Road is the appropriate option. Moreover, it is considered that, taking into account the infrequent vehicle trips of refuse collection vehicles, this would not have a significant impact on other vehicle movements in the development. Signage would be secured as part of the Parking Management Plan regarding refuse vehicle movement to ensure that there would not be any conflict with other vehicle movements. Overall, therefore the refuse scheme is considered acceptable.
- 7.49 It is understood that the current road is not used for servicing of the ground floor commercial units. Notwithstanding this, a condition should be added restricting the use of the internal road from use by commercial servicing vehicles.
- 7.50 Therefore officers consider that the access and egress points proposed provide an appropriate means of access which is safe for pedestrians and vehicles.

*b) Car Parking*

- 7.51 The NPPF states that transport policies play an important role in meeting sustainable development through the promotion of sustainable modes of transporting.
- 7.52 In line with this, the London Plan seeks to find a balance between promoting sustainable modes of transport and preventing the provision of excessive vehicle parking which can undermine cycling, walking and public transport. With this in mind, new development should provide parking in line with the maximum standards in Table 6.2 of the Addendum to Chapter 6.
- 7.53 The Council also takes a restricted approach to car parking, with Core Strategy Policy 14 referencing the standards of the London Plan.

- 7.54 Under Table 6.2, new residential development formed of three bedroom dwellings should provide 1.5 parking spaces per dwelling. Therefore, for the eight proposed dwellings, a maximum of 12 parking spaces should be provided.
- 7.55 The proposed development would include one parking space to the front of each new dwelling. In addition, 17 parking spaces are provided around the edge of the access road. However these spaces are to be re-provided for the existing residents of Woodstock Court and not for any new dwelling.
- 7.56 Whilst 25 car parking spaces are proposed, only 8 would be allocated to the new dwellings. This is considered to be in line with the London Plan.
- 7.57 Officers consider that, in order to ensure the parking provided is appropriately allocated, a parking management plan should be submitted for assessment. This should also look at improving the existing informal parking along the access road from Burnt Ash Hill. This should be secured through condition.
- 7.58 The London Plan states that 20% of all spaces must be for electric vehicles with an additional 20% passive provision for electric vehicles in the future. This is to ensure the scheme incorporates sustainable private vehicles and reduce air quality impacts from the development.
- 7.59 No details of this has been shown, however officers consider that this should be conditioned to ensure compliance.
- 7.60 Overall, the level of car parking is considered to be in line with the transport policy.

*c) Cycle Parking*

- 7.61 In order to promote sustainable transport modes, the new dwellings should be provided with cycle parking in line with the London Plan. For 3 bedroom units, 2 cycle parking spaces should be provided.
- 7.62 Each proposed unit has two cycle parking sheds provided to the front of the dwellings. Therefore the level of cycle parking is considered to be acceptable.

*d) Refuse and Servicing*

- 7.63 Refuse storage is located to the front of each dwelling. Each storage unit has capacity shown for two wheelie bins. In addition to this, two storage units are shown for the residents and commercial units of Woodstock Court which are 25 sqm and 30 sqm respectively. In terms of capacity and location, officers consider that the refuse scheme is acceptable. Access by refuse vehicles is discussed above.

*e) Other*

- 7.64 The proposed development, given its proximity to existing residential units and the constrained nature of the site, has the ability to result in adverse impacts from construction works.
- 7.65 The application includes a Construction Method Statement/Logistics Plan, however this is not considered to cover matters such as dust suppression, noise

reduction measures, vehicle movement plans or number and type of vehicles for instance.

- 7.66 Therefore officers consider that the plan is not acceptable in mitigating any adverse impact. However, officers consider that a condition can adequately address these issues.

#### Impact on Adjoining Properties

- 7.67 DM Policy 33 states that development of both backland and amenity sites will only be permitted where they provide no significant loss of privacy and amenity, and no loss of security for adjoining residential development and private back gardens.
- 7.68 The proposed development would be part two/part three storeys in height. It would be situated 12m-13m from the northern arm of Woodstock Court, 13m-14m from the southern arm of Woodstock Court and 23m from the main building of Woodstock Court. In addition, the building would be 12m from the rear elevation of 6 Woodyates Road and between 28-38m from the rear elevation of 4-12 Pitfold Road. The building would be four metres from the boundary of 6 Woodyates Road and 4-12 Pitfold Road.
- 7.69 Objections have been received in relation to loss of light to the residents of Pitfold Road. There is also the possibility that the development could adversely impact on light into the windows of Woodstock Court and 6-14 Woodyates Road.
- 7.70 The applicant has submitted a daylight/sunlight study which takes into consideration the main habitable windows and garden areas in the area. This is assessed against the BRE guide standards, including tests of daylight through Visible Sky Component (VSC) and daylight distribution, sunlight availability to windows and overshadowing to gardens and amenity space. The findings are shown in the appendices of the study.
- 7.71 The study finds that in terms of daylight, the only windows that would be affected are along the ground and first floor of Woodstock Court, in particular the northern and southern section of the building. The study then asserts that the VSC to the windows are already limited given the design of the building with balconies above. In line with the BRE guide, the windows are then assessed if the balconies are not in place. The results show that the windows would otherwise meet the standards and therefore it is concluded that the impact is acceptable. No adverse impact to daylight is shown for residents along Pitfold and Woodyates Road.
- 7.72 In terms of sunlight, the study again shows that the windows most impacted are the nearest windows in Woodstock Court. These windows are noted as being significantly impacted to an extent that the level of direct sunlight is already below the recommended standard shown in the BRE guide. The reduction shown as a result of the proposed development is not significant to completely remove sunlight from these windows. The study also shows that there would be some reduction to 6 Woodyates Road, however this would not reduce the level below the recommended standards. Again, there is no adverse reduction shown to the windows along Pitfold Road in terms of sunlight.
- 7.73 The study shows that the proposed development would not result in a reduction of sunlight to the private gardens of dwellings along Pitfold Road and Woodyates

Road, nor significant reductions of sunlight to the amenity space of Woodstock Court beyond the established level.

- 7.74 Officers have given regard to the findings of the report and consider them to be accurate. Taking into account the established impact on the windows of the lower floors of Woodstock Court, the proposed development would not result in a significant increase in loss of daylight. Furthermore, taking into account the distance of the development from the nearest windows at Pitfold Road and Woodyates Road, together with the significant depth of the garden, the amount of daylight and sunlight into dwellings and gardens is considered to be acceptable.
- 7.75 Therefore officers consider that there is no significant adverse impact in terms of loss of light to neighbouring properties.
- 7.76 In terms of privacy, the policy justification of DM Policy 32 recommends a distance of 21m between habitable windows as a general rule.
- 7.77 Habitable windows would be located primarily in the east and west elevation, which is more than 21m from the nearest habitable window. Windows would also be located in the north elevation, however this would overlook the entrance from Woodyates Road and not any habitable window. Therefore officers do not consider that the proposed development would adversely impact the privacy of nearby dwellings.
- 7.78 It is noted that the proposed windows, as well as the proposed terraces, would overlook the rear gardens of 2-12 Pitfold Road which is only 4m away. Officers consider that this reduces the privacy of these gardens; however, given the nature of the garden use compared to private dwellings, it is considered that the impact is not significant enough to warrant a refusal.
- 7.79 Overall, officers consider that the level of overlooking from the proposed development would not have a significant adverse impact on the amenities of the residents.
- 7.80 In terms of impacts upon views, there are no protected views or vistas in the area and right to a view is not considered a planning matter. In terms of loss of outlook, officers consider that the separation between the proposed development and the nearest habitable windows is sufficient to not result in any significant impact.
- 7.81 Objections have been raised in relation to the visual impact on the neighbouring properties. Officers consider that the design of the building is of suitable quality, with the use of natural slate on the first and second floors to be appropriate in softening the building's appearance. In addition, the distance of separation from the main habitable windows is sufficient to ensure any impact on the visual amenities in terms of overbearing development is satisfactorily mitigated. Finally, a scheme of external lighting should be secured through condition and submitted for approval prior to the occupation of the units to ensure no adverse amenity impacts from lightspill.
- 7.82 Therefore there would be no adverse impact on the visual amenities of neighbouring residents.
- 7.83 In summary, officers consider that the impact of the proposed development on neighbouring properties is acceptable.

## Sustainability and Energy

- 7.84 Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes from planning to be absorbed into Building Regulation requirements which will be introduced following an amendment to the Planning and Energy Act 2008. This is expected to take place later in 2016.
- 7.85 However, as an interim measure to require sustainability improvements on small scale schemes, Local Government Authority has the benefit of enforcing a Code for Sustainable Homes equivalent in terms of water and energy reduction. Specifically, these are:-
- a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and,
  - water efficiency measures to achieve a target of maximum 110 litres per person per day which includes a 5 litre allowance for external water use.
- 7.86 It is recommended that a condition be included securing this within the development.

## Ecology and Landscaping

- 7.87 The site consists of communal amenity space, garages and areas of tarmac for vehicle movement. The site is not designated for any ecological or biodiversity purposes. Furthermore, the site is located in a highly built up area. Therefore the likelihood for wildlife habitats is considered to be low.
- 7.88 Taking this into account, together with the minor nature of the scheme, it is not considered necessary to undertake any ecological survey or assessment of the developments impact on endangered species.
- 7.89 Notwithstanding this, the site does have a number of mature trees on site. An Arboricultural Method Statement has been prepared and includes a tree survey which identifies 40 trees on or near the site, 34 of which could potentially be impacted as a result of the proposed development. Of the 40 trees surveyed, 23 were classified as being of moderate value. These are located along the eastern boundary of the site, along the access road from Burnt Ash Hill and along Woodyates Road.
- 7.90 As a result of the proposed development, 10 trees would be removed. These trees are either of low value due to age or location or are unclassified as they are dead and decaying. Therefore the proposed development is not considered to adversely impact on any existing trees of significant amenity or landscape value.
- 7.91 Taking into account the importance of these trees to the amenity of the area, together with screening along the eastern boundary, officers consider it appropriate to place appropriate protection measures during the construction works.
- 7.92 The supporting statement also includes tree protection measures under Appendix D. Officers consider it appropriate to condition the document to secure the measures.

- 7.93 DM Policy 25 outlines that, where appropriate, development will be required to submit a Landscape Scheme, proportionate to the size of the development. Taking into account the proposal intends to reduce the existing communal amenity space as a result of the development, officers consider that this should be offset with appropriate landscaping for the amenity of existing and future residents. In addition, considering the appropriate delineation of routes for vehicle and pedestrian movement, hard landscaping would also need to be appropriate for the safety of users.
- 7.94 The scheme outlines the general layout of hard and soft landscaping, including the internal road, indicative location of trees, shrubs and lawn and boundary treatment. Whilst officers consider the principle of the landscaping, including the layout, acceptable, detailed information of tree locations, species, measurements or pit depths, hard landscaping materials, or maintenance and management strategies have not been submitted for assessment. Therefore officers cannot guarantee that the landscaping would be of appropriate quality or suitably maintained for the lifetime of the scheme.
- 7.95 However, officers consider that a condition which requires the submission of these details could appropriately deal with this matter. In addition, officers consider that other improvements can be added to the landscaping of the communal space, such as seating.
- 7.96 Overall, officers consider that the development would have an acceptable impact on ecology, trees and, with the submission of appropriate details, would provide appropriate amenity.

## **8.0 Local Finance Considerations**

- 8.1 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).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 8.3 The Mayor of London's CIL, as well as the Lewisham local CIL, is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## **9.0 Equalities Considerations**

- 9.1 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.

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

9.3 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.

9.4 In this matter there is no impact on equality.

## **10.0 Conclusion**

10.1 Officers consider that the principle of development of the part backland site/part amenity site for residential is acceptable. It is considered that the provision of family housing would be beneficial to the housing need of the Borough.

10.2 The site has limited views from the public realm, and officers consider that the modern appearance of the building and the proposed materials are appropriate in the context of the scheme. The proposed landscaping is appropriate in principle, however detailed matters would need to be agreed through condition to ensure it is successfully implemented.

10.3 The proposed standard of accommodation is considered to be in compliance with the relevant policy guidance.

10.4 The scheme would include a new access road within the development. Swept paths have been submitted with the application and show that the access points and internal road can incorporate safe vehicle movement and therefore it is considered to be sufficient to provide safe pedestrian and vehicle access.

10.5 The level of car and cycle parking is considered to be within the London Plan standards. Furthermore, through appropriate conditions, it is considered that the development would not have any adverse impact on the surrounding highway network.

10.6 Whilst there will be some impacts on the amenities of neighbouring properties, these are not considered to be so significant to be unacceptable.

10.7 The application has submitted evidence to ensure the scheme would be compliant in terms of sustainability as well as no adverse impacts on existing trees.

10.8 Therefore, officers have assessed the proposed development in light of the relevant policies and other material matters and consider it to be acceptable.

## **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:

PL-1000; EX 1001; EX 1002; EX 1003; PL-1102; PL-1103; PL-1104; PL-1110; PL-1111; PL-1112; PL-1113; PL-1114; Design and Access Statement; Transport Statement; Daylight and Sunlight Study (received 4th December 2015); PL-1001; PL-1100; PL-1101 (received 20th June 2016); Arboricultural Method Statement (received 28th June 2016); PL-1120 (received 14th July 2016)

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

- (3) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements 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 (2016).

- (4) (a) The development shall be constructed in those materials as submitted namely: Danehill Yellow brick, natural slate tiles, aluminium windows, timber doors and PPC metal railings.
- (b) Prior to the commencement of development, a sample panel of the brick and natural slate tiles shall be constructed on site and photographic evidence submitted to and approved in writing by the Local Planning Authority.
- (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 DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

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

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

- (6) (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 (2016), 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.

- (7) (a) No development shall commence on site until a Parking Management Plan, which includes (but is not limited to):-
- (i) signage and details of how parking areas are defined;
  - (ii) measures to deter informal parking; and,
  - (iii) monitoring and review systems.

has been submitted to and approved in writing by the local planning authority.

- (b) The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to in perpetuity.

**Reason:** To ensure satisfactory parking management and reduce the impact of parking activity in accordance with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction and Policy 6.3 Assessing effects of development on transport capacity of the London Plan (2016).

- (8) (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).

- (9) (a) 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).

- (10) (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 (2016), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

- (11) (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).

- (12) The development hereby approved shall not be occupied until the vehicular access and the whole of the car parking accommodation as shown on plans PL-1001 Rev A and PL-1101 Rev B has been constructed and shall be retained permanently thereafter.

**Reason:** In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan (November 2014) and Table 6.2 of the London Plan (2016).

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

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

- (14) None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority. The development shall be undertaken in accordance with the Tree Protection Plan (TPP) hereby approved within the Arboricultural Method Statement.

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

- (15) (a) A minimum of 16 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- (16) The buildings hereby approved shall be constructed in accordance with the approved Sustainability Statement in order to achieve the following requirements:
- a minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and
  - a reduction in potable water demand to a maximum of 110 litres per person per day

**Reason:** To comply with Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- (17) No vehicles, including construction vehicles, shall enter the site from Burnt Ash Hill. The access road hereby approved shall not be used for the servicing of the ground floor commercial units of Woodstock Court.

**Reason:** To ensure the proposed development does not result in any adverse movements on the site which may endanger residential users or cause adverse impacts on the surrounding highway network in compliance with DM Policy 33 Development of infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

## **INFORMATIVES**

- (A) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (B) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- (C) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: -
- <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- (D) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (E) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- (F) The applicant is advised that Conditions 3 (Construction Management Plan), 4 (Materials), 5 (Refuse Storage), 6 (Hard Landscaping Scheme) and 7 (Parking Management Plan) require details to be submitted to the Council prior to the commencement of development, which includes demolition of the on site structures.

These details are required to ensure the design is of the highest quality and amenity and the surrounding highway network are not adversely effected as a result of the development prior to the commencement of development.

**Appendix B**

**WOODSTOCK COURT, BURNT ASH HILL,  
LONDON, SE12 9HT**

**Committee Report**

**15 December 2016**

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Committee	PLANNING COMMITTEE C	
Report Title	WOODSTOCK COURT, BURNT ASH HILL, LONDON SE12 9HT	
Ward	LEE GREEN	
Contributors	LUKE MANNIX	
Class	PART 1	15 <sup>th</sup> DECEMBER 2016

Reg. Nos. DC/15/094702

Application dated 04.12.15

Applicant HFBT Architects [on behalf of Mr Martin]

Proposal The demolition of existing garages and stores and the construction of 8 three bedroom part two/part three storey dwellings on land to the rear of Woodstock Court, Burnt Ash Hill SE12, together with alterations to the internal vehicle access and the provision of on-site parking, communal and private landscaping, commercial and residential refuse storage and cycle parking

Applicant's Plan Nos. PL-1000; EX 1001; EX 1002; EX 1003; PL-1102; PL-1103; PL-1104; PL-1110; PL-1111; PL-1112; PL-1113; PL-1114; Design and Access Statement; Transport Statement; Daylight and Sunlight Study (received 4th December 2015)

Arboricultural Method Statement (received 28th June 2016)

PL-1120 (received 14th July 2016)

PL-1101 Rev C (received 12<sup>th</sup> October 2016)

PL-1001 Rev A; PL-1100 Rev C (received 21<sup>st</sup> November 2016)

Background Papers (1) Case File LE/365/A/TP  
(2) Local Development Framework Documents  
(3) The London Plan

Designation None

Screening N/A

## **2.0 Introduction**

2.1 This application was considered by Members at the meeting of Planning Committee C held on 11<sup>th</sup> August 2016. The report considered at that meeting which is included as an appendix to this report.

2.2 Officers recommended approval of the scheme at the previous meeting on the grounds that it would provide family sized housing, of an acceptable scale and appearance and without a significant impact on neighbours.

2.3 However, members resolved to defer the determination of the application for further information to be provided in relation to the amenity space for residents of Woodstock Court.

### **3.0 Current Planning Application**

3.1 Following the previous meeting, the applicant has submitted amended plans and further information in relation to the proposed amenity space.

3.2 The amendments include removing four parking spaces to the side of the communal amenity area to increase the amount of space proposed. The plans also indicate children's play equipment and benches within the communal area, as well as hard landscaped paths.

3.3 These plans have been added to the application for member's consideration.

### **4.0 Consultation**

4.1 No further re-consultation has taken place and, given the minor nature of the changes made from the original scheme, officers consider that residents would not be prejudiced in determining the application based on the amended plans.

4.2 Nonetheless, one written response was received from residents on Pitfold Road who had previously objected to the application. The response raised further concerns regarding the adverse impact the loss of amenity space would cause to existing residents at Woodstock Court, particularly impact to children living in the accommodation.

4.3 This is available for members viewing.

### **5.0 Policy Context**

5.1 The policy used in the assessment of the application has not changed from that outlined in the original committee report.

### **6.0 Planning Considerations**

6.1 DM Policy 33 states that:

*proposals for new residential development on amenity areas of landscaped open space attached to existing residential development will only be permitted where they:*

- a) *repair or re-provide active street frontages*
- b) *increase natural surveillance*
- c) *retain existing private rear gardens where they are provided*
- d) *retain adequate amenity space for the existing development according to the requirements of DM Policy 32 (Housing design, layout and space standards)*

- e) *provide no significant loss of privacy and amenity, and no loss of security for adjoining residential development and private back gardens and*
- f) *provide adequate privacy for the new development.*

- 6.2 As outlined in the original committee report, the proposed development would increase natural surveillance to the common amenity space. Given there are no existing private rear gardens for existing residents of Woodstock Court, there would be no loss of private amenity space and there are considered to be no adverse impacts in terms of amenity to either existing occupiers or future occupiers.
- 6.3 Therefore, the main issue to be considered is the acceptability of the loss of the communal amenity and the impact this would have on existing residents.
- 6.4 The existing building currently accommodates 56 residential units over the floors above the shops and all three floors of the side returns. Officers are unaware of the actual unit configuration of the flats within the development in terms of numbers of bedrooms and the applicant has not provided this information. However, a check on line reveals that a number of the units comprise 2 bedrooms flats and are described as spacious accommodation within well-kept communal gardens. It would appear that the flats are a mixture of leasehold occupiers and private rented accommodation. However, officers consider that it is more than likely that family types live within Woodstock Court.
- 6.5 The existing area of common amenity area in the form of green space is 1880 sqm and extends up to the edges of the side wings of Woodstock Court, which at ground floor comprises residential frontages, and almost up to the rear of the central block. It is separated by a road used to access the substation to the rear and areas of informal refuse storage and parking. The grounds appear well kept, although there is no dedicated equipment for younger children's play.
- 6.6 The applicant has made alterations to the proposed plans to increase the area of communal amenity space available within the proposed scheme from 234 sqm to 350 sqm and between 6-10m in width. It should also be noted that private amenity space would be introduced for the ground floor units along both sides of the existing building.
- 6.7 In addition to the extra space, further information such as children's play equipment has been provided. This includes a 'Rota Roka', 'Gora Swing' and 'Bob Springer' with photographic details of the equipment also sent through.
- 6.8 It is acknowledged that, given the scale of reduction in green area over what currently exists, there would be an overall impact on the amenity space available for the existing residents, particularly as it has been confirmed that the amenity space is well kept, and on-line information appears to suggest that this has been the case for a number of years and indeed even a selling point for some of the flats. However, officers remain of the opinion, particularly so since the applicant has increased the size of the available amenity by 116m<sup>2</sup>, that the amount of amenity space provided is sufficient to meet the needs of the existing residents. Furthermore, with the proposed children's play equipment, it is considered that any harm to existing family units through the reduction in existing amenity space would be offset by the improvement proposed.

6.9 It is recommended that the condition relating to landscaping considered under the previous committee report be updated to include children's play equipment in the wording. This would ensure that the play equipment, including its location and management, is appropriately secured prior to the construction of above ground works.

## **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. Officers consider that the level of external amenity space provided for existing residents is sufficient under the proposed development. Furthermore, with the added play equipment, the impact on children's playspace is considered appropriate.

7.2 Therefore, officers consider that the scheme is acceptable, subject to conditions.

## **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:

PL-1000; EX 1001; EX 1002; EX 1003; PL-1102; PL-1103; PL-1104; PL-1110; PL-1111; PL-1112; PL-1113; PL-1114; Design and Access Statement; Transport Statement; Daylight and Sunlight Study (received 4th December 2015)

Arboricultural Method Statement (received 28th June 2016)

PL-1120 (received 14th July 2016)

PL-1101 Rev C (received 12th October 2016)

PL-1001 Rev A; PL-1100 Rev C (received 21st November 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 such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

- (a) Dust mitigation measures.

- (b) The location and operation of plant and wheel washing facilities

- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements 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 (2016).

- (4) (a) The development shall be constructed in those materials as submitted namely: Danehill Yellow brick, natural slate tiles, aluminium windows, timber doors and PPC metal railings.
- (b) Prior to the commencement of development, a sample panel of the brick and natural slate tiles shall be constructed on site and photographic evidence submitted to and approved in writing by the Local Planning Authority.
- (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 DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- (5) (a) No development shall commence on site until details of proposals for the storage and collection of refuse and recycling facilities for scheme hereby approved, have been submitted to and approved in writing by the local planning authority.

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

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

- (6) (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 (2016), 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.

- (7) (a) No development shall commence on site until a Parking Management Plan, which includes (but is not limited to):-
  - (i) signage and details of how parking areas are defined;
  - (ii) measures to deter informal parking; and,
  - (iii) monitoring and review systems.

has been submitted to and approved in writing by the local planning authority.

- (b) The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to in perpetuity.

**Reason:** To ensure satisfactory parking management and reduce the impact of parking activity in accordance with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction and Policy 6.3 Assessing effects of development on transport capacity of the London Plan (2016).

- (8) (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, as well as children's play equipment) 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. All children's play equipment in connection with the central communal area shall be retained and maintained in perpetuity.

**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).

- (9) (a) 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).

- (10) (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 (2016), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

- (11) (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).

- (12) The development hereby approved shall not be occupied until the vehicular access and the whole of the car parking accommodation as shown on plans PL-1001 Rev A and PL-1101 Rev B has been constructed and shall be retained permanently thereafter.

**Reason:** In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan (November 2014) and Table 6.2 of the London Plan (2016).

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

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

- (14) None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority. The development shall be undertaken in accordance with the Tree Protection Plan (TPP) hereby approved within the Arboricultural Method Statement.

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

- (15) (a) A minimum of 16 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

(16) The buildings hereby approved shall be constructed in accordance with the approved Sustainability Statement in order to achieve the following requirements:

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

**Reason:** To comply with Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

(17) No vehicles, including construction vehicles, shall enter the site from Burnt Ash Hill. The access road hereby approved shall not be used for the servicing of the ground floor commercial units of Woodstock Court.

**Reason:** To ensure the proposed development does not result in any adverse movements on the site which may endanger residential users or cause adverse impacts on the surrounding highway network in compliance with DM Policy 33 Development of infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

## **INFORMATIVES**

- (A) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (B) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- (C) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL

payment process may result in penalties. More information on CIL is available at: -

<http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

- (D) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (E) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- (F) The applicant is advised that Conditions 3 (Construction Management Plan), 4 (Materials), 5 (Refuse Storage), 6 (Hard Landscaping Scheme) and 7 (Parking Management Plan) require details to be submitted to the Council prior to the commencement of development, which includes demolition of the on site structures.

These details are required to ensure the design is of the highest quality and amenity and the surrounding highway network are not adversely effected as a result of the development prior to the commencement of development.

Committee	PLANNING COMMITTEE C	
Report Title	7 FIRS CLOSE, LONDON, SE23 1BB	
Ward	Crofton Park	
Contributors	Andrew Harris	
Q21	PART 1	16 March 2017

<u>Reg. Nos.</u>	DC/16/098073
<u>Application dated</u>	31/08/2016
<u>Applicant</u>	Mr Selter (Agent) on behalf of Mr Narvilas (Applicant)
<u>Proposal</u>	The construction of an extension at first floor level to the rear of 7 Firs Close SE23.
<u>Applicant's Plan Nos.</u>	101; Block Plan; Site Plan; Design & Access Statement Received 24/08/16; 201 Received 15/09/16; Daylight and Sunlight Drawings Received on 02/11/16; Additional Daylight and Sunlight Drawings Received 04/01/17
<u>Background Papers</u>	(1) Case File LE/1055/7/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	N/A.
<u>Screening</u>	N/A.

## 1.2 Property/Site Description

- 1.3 This application relates to a two storey detached single family dwellinghouse located on the southern side of Firs Close. The building is constructed from fairfaced yellow London Stock brick and features uPVC fixtures.
- 1.4 The property features two single storey rear extensions within the rear garden, along the western side boundary. The first extends 2.5m from the rear wall of the main house, with a width of 3.35m. This extension features a pitched roof which slopes down from the main dwelling, with a maximum height of 3.5m and an eaves height of 2.9m. The second extension adjoins the first extension at its rear wall, extending an additional 3.55m up to the property's rear boundary. This extension has a pitched roof sloping down from the rear boundary towards the rear wall of the first extension. The second structure has a maximum height of 2.9m, eaves height of 2.5m and a width of 3.7m. However, the eastern side elevation of the second section has been built up to a uniform height of 3.0m along the boundary, giving the appearance of a flat roof when viewed from the side.
- 1.5 The western side elevation of the existing extensions have been finished in wooden timber cladding, while the rear and western side elevations have been finished in fairfaced yellow London stock brick.

1.6 The surrounding area is primarily residential in nature, comprising of terraced properties and blocks of flats. To the rear of the property is a builder's yard, which has recently been granted permission for the construction of a part one/two storey building consisting of 2, four bedroom houses, together with associated landscaping, refuse store and cycle parking (DC/16/098821). The directly adjoining property to the west at 9 Firs close is in use as a nursery.

1.7 The property is not located within a conservation area and is not subject to an Article 4 direction. It is not a listed building.

### 1.8 **Planning History**

1.9 **DC/02/52501** - The construction of a two storey extension to the rear of 7 Firs Close. **Withdrawn**, 21/11/2002.

1.10 **DC/04/57657** - The retention of a 1.8 m high fence to the front boundary at 7 Firs Close SE23. **Refused**, 17/08/2004.

1.11 **DC/02/52849** - The alteration and conversion of 7 Firs Close SE23 to provide 2 two-bedroom self-contained maisonettes, together with the construction of a front porch, a two-storey rear extension and alterations to the rear elevation. **Withdrawn**, 31/03/2003.

1.12 **DC/14/86233** - The change of use of the existing dwelling house at 7 Firs Close SE23 into a Children's Day Nursery (Use Class D1) non-residential institutions, together with the construction of an extension at first floor level to the rear and a new entrance porch to the front. **Withdrawn**, 03/04/2014.

### 1.13 **Current Planning Applications**

#### The Proposals

1.14 The application proposes the construction of an extension at first floor level to the rear of 7 Firs Close, on top of the first existing ground floor single storey rear extension. The proposal would include modifications to the lower extension involving the removal of the wooden cladding, and its replacement with fairfaced London stock to match the main dwelling. The roof of the second single storey rear extension would also be altered slightly to replace the existing pitch with a flat roof.

1.15 The first floor extension would feature a dual pitched roof, which would maintain the existing ridge and eaves height of the main roof. This would measure 5.15m for the eaves and 6.9m for the ridge. It would have an overall depth of 3.5m. The proposed materials would be fairfaced yellow London stock brick and pitched Redland 49 tiles to match those of the main house.

1.16 The proposed extension would feature two new windows at first floor level, one within the rear elevation and one within the western side elevation. The windows would be white uPVC to match the existing fixtures.

### 1.17 **Consultation**

1.18 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.

- 1.19 Four neighbouring addresses and local Catford South Ward Councillors were consulted. A site notice was also displayed.
- 1.20 Objections were received from the occupiers of 5 and 5a Firs Close and 48 Rayford Avenue. Their objections outlined the following relevant planning concerns:
- Disproportionate addition;
  - Poor standard of accommodation;
  - Overlooking into neighbouring properties;
  - Impact on the development at 5a Firs close within the builder's yard;
  - No lawful permission was obtained for the existing extensions;
  - Loss of sunlight and privacy to adjoining properties;
  - Financial impact for adjoining properties;
  - Development would be too big for the area;
  - Stress on local parking
  - Loss of sunlight and privacy to adjoining properties.
- 1.21 Further notification took place following the submission of a daylight/sunlight assessment. Further objections were received stating that the additional information was not in line with BRE guidelines or the right of light criteria.

## 1.22 **Policy Context**

### Introduction

- 1.23 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)

1.24 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

- 1.25 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)'.  
1.26 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

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

#### London Plan (July 2015) (as amended 2016)

- 1.27 The London Plan policies relevant to this application are:  
Policy 7.4 Local character  
Policy 7.6 Architecture

#### Core Strategy

- 1.28 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:

Development Management Local Plan

1.29 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:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings

Residential Standards Supplementary Planning Document (May 2012)

1.31 Paragraph 6.2 (Rear Extensions) states that when considering applications for extensions the Council will look at these main issues:

- *How the extension relates to the house;*
- *The effect on the character of the area – the street scene and wider area;*
- *The effect on the character of the area – the street scene and the wider area;*
- *The physical impact on the host building, and the amenity of occupiers of neighbouring properties;*
- *A suitably sized garden should be maintained.*

**1.32 Planning Considerations**

1.33 The relevant planning considerations for the proposal are the impact on the character and appearance of the existing property, surrounding area and on the amenities of neighbouring occupiers.

Design

1.34 The principle of a first floor rear extension is considered acceptable. It is noted that the neighbouring property at No.5 Firs Close features a similar extension at first floor level to the rear of the property. That extension was granted permission in 2013 (DC/13/84535), and while the Unitary Development Plan has since been superseded by the current Development Management Plan, the core principles of the policies relevant to both applications remain the same.

1.35 The proposed extension would be constructed from matching materials, as set out in paragraph 3.2 above, and would incorporate pitched roofslopes replicating the design and materiality of the subject property. In this regard, the proposed materials are considered to be acceptable.

- 1.36 In terms of massing, the proposed extension is considered to be of an appropriate size in relation to the subject property and would retain the height of the existing eaves of the property. While the extension would not be set down from the existing ridge line, given that the proposal is for a rear extension, this is considered acceptable as it would give the appearance of a standard two storey rear addition when viewed from the side elevation.
- 1.37 The associated alterations to the existing single storey rear extension, which adjoins the rear wall of the main house, are considered to positively contribute to the appearance of the dwelling, by removing the existing run down wooden cladding. The proposed London stock would therefore be a marked improvement on the existing finish.
- 1.38 While the extension would be visible from the public realm, as it would be in matching materials it would appear as a coherent addition to the host dwelling. It would also be set back from the public realm by approximately 16m, and as previously highlighted, would appear as a standard two storey rear addition from the side elevation. Furthermore, it is noted that other properties within the area feature similar extensions, such as that to the rear of 5 Firs Close. As such the proposed extension is not considered to have any significant impact on the local street scene.
- 1.39 The proposed extension is therefore considered to be acceptable at this property due to its scale, form and materials proposed. It would not have a significant impact on the character and appearance of the property itself or surrounding area in accordance with Core Strategy Policy 15, DM Policies 30 and 31 and paragraph 6.2 of the Residential Standards SPD.

#### Impact on the amenity of neighbouring occupiers

- 1.40 The adjoining site to the west, 9 Firs Close, is a nursery and as such there is no residential amenity that would be affected by the development. Furthermore, as the proposed extension would be approximately 4.5m from the shared boundary and 8.5m from the neighbouring building, it is not considered that the proposal would result in any significant overshadowing or loss of light to No.9.
- 1.41 The extension would feature a window at first floor level facing toward the shared boundary with No.9. However, given the nature of the neighbouring property, coupled with the large setback from the shared boundary, the impact on privacy is considered to be negligible.
- 1.42 The daylight and sunlight study shows that the proposal would result in some additional overshadowing to the side garden of 5 Firs Close during the mid-afternoon. However, the study shows that no light would be lost from either the ground floor or first floor windows, nor would the proposal result in a significant amount of additional overshadowing of the neighbouring garden, in comparison to what already occurs. As such, Officers do not consider that the proposed extension would result in any detrimental loss of light to the adjoining property. Officers also note that No.5 benefits from a similar first floor extension to the rear of their property, approved in 2013, which does not appear to have caused any substantial loss of light along the application site's boundary.
- 1.43 The extension itself would be located 5.6m from the boundary with No.5 and 9.8m from the west facing elevation of the neighbouring dwelling. As such, the proposal

would not result in any overdominance or create a sense of enclosure to the habitable rooms or the garden of No.5. Moreover, this is considered minimal and unlikely to detract from the amenity of the property.

- 1.44 With regard to privacy, as the eastern side elevation would not feature any windows, there would be no implication on the privacy of the neighbouring occupiers.
- 1.45 As the approved dwellings within 5a would be located to the south of the application property, there would be no impact with regard to loss of light or overshadowing.
- 1.46 The main impact of the proposed development on the neighbouring plot would be one of privacy, arising from the inclusion of the window within the rear elevation of the proposed extension. Given the presence of the existing window at first floor level, the inclusion of the proposed window, which would be 3.5m closer to the boundary than the existing, is not considered to result in any significant increase in overlooking in comparison to what may already occur at the site. The proposed window would be located 3.6m from the shared rear boundary and 9.6m from neighbouring property, whose first floor windows would include louvered screens to aid in the privacy of that development.
- 1.47 It is also noted that the extension at No.5 contains a window in the same location as that which is proposed, 3.1m from the rear boundary. In the same way that window was not considered to give rise to any detrimental privacy issues for the approved development at 5A when it was determined, Officers have no reason to think that the currently proposed window would have any more of an impact.

#### *Other properties*

- 1.48 As the proposed extension would be contained totally to the rear of the application site, it would have no impact on the neighbouring properties on the north side of Firs Close.
- 1.49 The proposal is therefore considered to have an acceptable impact on neighbouring amenity.

#### *Parking*

- 1.50 With regard to residential extensions, parking stress does form one of the planning considerations when determining applications of this type. Nevertheless, the property features a large area of existing hardstanding to the front of the site which can facilitate at least two vehicles. As such, Officers consider the amount of parking currently available at the site to be appropriate for a property of this size. Moreover, Officers again refer back to the similar extension approved at No.5, which did not include provision for additional parking. Given that this property features no off street parking, Officers consider that it unreasonable to expect this for the current proposal.

#### *Legality of existing structures*

- 1.51 The objections also raised concerns regarding the unauthorised construction of the existing rear extensions at the application property. The first extension would fall within permitted development parameters and is therefore lawful. The second

extension would require planning permission, however it was apparent to Officers on site that the structure had been in place for some time and would likely be immune from enforcement action.

#### 1.52 **Conclusion**

1.53 It is considered that, at this particular site, the proposal represents an acceptable development as its scale is appropriate to the size of the property, the proposed materials would match those of the host dwelling and its impact on the amenities of the neighbouring occupiers would not be significant.

1.54 **RECOMMENDATION: GRANT PERMISSION** subject to the following conditions:

#### 1.55 **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:

101; Block Plan; Site Plan; Design & Access Statement Received 24/08/16; 201 Received 15/09/16; Daylight and Sunlight Drawings Received on 02/11/16; Additional Daylight and Sunlight Drawings Received 02/11/16

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

3. Notwithstanding the Town and Country Planning (General Permitted Development) Order 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, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).



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Committee	PLANNING COMMITTEE C	
Report Title	Bird In Hand, 35 Dartmouth Road, SE23 3HN	
Ward	Forest Hill	
Contributors	Ann McCormick	
Q21	PART 1	16 March 2017

<u>Reg. Nos.</u>	DC/16/097997
<u>Application dated</u>	18/08/2016
<u>Applicant</u>	Stonegate Pub Company
<u>Proposal</u>	Construction of a case iron/aluminium and glass shelter over the side patio at Bird In Hand, 35 Dartmouth Road, SE23.
<u>Applicant's Plan Nos.</u>	Site Location Plan; Block Plan; MC666-110; MC666-210; MC666-211; Existing Site Photographs; Design and Access Statement; Heritage Statement
<u>Background Papers</u>	(1) Case File LE/458/G/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Forest Hill Conservation Area Major District Centre Shopping non-core area PTAL 4
<u>Screening</u>	N/A.

## **1.0 Property/Site Description**

- 1.1 The application relates to a side patio situated on Bird in Hand Passage near its junction with Dartmouth Road. The application property is a two storey plus basement, 19<sup>th</sup> century end-terrace building. The ground floor accommodates a public house with a residential unit on the first floor. The basement is used for ancillary storage.
- 1.2 Bird in Hand Passage slopes down from Dartmouth Road. The adjoining section of the property, labelled No. 35a on the site plan, steps down from the main building. From Council Tax records, it is acknowledged that No. 35a is no longer a separate unit.
- 1.3 The property is constructed from brickwork with black textured paint finish to the original ground floor tiling and painted on the first floor. A 4.6m long awning is attached to the side of the property, situated above the external drinking area. There is facing brickwork on the adjoining rear flat roof section of the property.
- 1.4 Access into the unit is directly off the highway to the front, with secondary access through a single door from the patio to the side.

- 1.5 The patio has a 900mm high metal fence along Bird-In-Hand Passage, with tables and chairs on a tarmac surface.
- 1.6 The application site is located within the Forest Hill Conservation Area and falls within Character Area 1 of the character appraisal which relates to the commercial core and the railway station. The Forest Hill Article 4 Direction does not apply to this property.
- 1.7 The building is not listed nor is it adjacent to a listed building. It is located in a District Centre and has a PTAI rating of 4.

## **2.0 Planning History**

- 2.1 1960 – Planning permission granted for the formation of a car park at the rear of the 'Bird-In-Hand' public house, No 35 Dartmouth Road, Lewisham.
- 2.2 DC/15/094390: Construction of a timber pergola and metal fence to the side elevation at Bird in hand, Dartmouth Road, SE23. Refused on 12/02/2016 for the following reasons:
  - The proposed pergola would fail to respect the character and setting and surrounding conservation area by virtue of use of incompatible facing materials
  - The application failed to demonstrate the stability of the lightweight structure and how it would not compromise pedestrian and vehicular safety.

## **3.0 Current Planning Application**

- 3.1 The application is for the construction of a cast iron/aluminium and glass shelter over the side patio at the side elevation at Bird in Hand, 35 Dartmouth Road SE23.
- 3.2 The existing side awning would be removed.
- 3.3 The shelter would cover the 20.3sqm external patio area and would be in the form of a colonnade, open on three sides. It would be set in 500mm from the front elevation of the building. It would be constructed of four cast iron columns to be set onto concrete pad foundations, with cast aluminium spandrels. It would have a pitched roof with a maximum height of 3.2m and an eaves height of 2.75m, sitting just below the existing timber fascia to the building. The roof would comprise of toughened safety glass to provide a covered area for the 2.55m wide patio.
- 3.4 The existing metal railings to the patio would be retained, but extended and a gated added to the rear of the area to remove a trip hazard. The materials and decoration would match the existing railings.

## **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed, a Press Notice was advertised on 14 September 2016 and letters were sent to 31 neighbouring properties and the relevant Ward

Councillors. The Council's Highways Officer was notified, together with the Forest Hill Society.

4.3 Objections were received from the Forest Hill Society and two neighbouring residents.

4.4 The following concerns were raised:

- Concerns raised that the proposal would result in further noise and nuisance as it would encourage patrons to sit outdoors;
- Potential for antisocial behaviour due to access to shelter area directly from Dartmouth Road which may attract antisocial behaviour during daytime and night time hours. No details have been provided regarding how this will be managed;
- Adverse impact on amenity of local residents. If the application is granted, restrictions on hours of use are suggested to be imposed;
- Potential impact on the Conservation Area. The Heritage Statement is not deemed to provide adequate information on the issue;
- Unsafe design of the proposed gate that opens outwards over the steps;
- Query whether it would affect existing pedestrian access on the highway.

4.5 The Forest Hill Society notes that their objection is not in relation to the principle of the development but instead relates to design, management measures regarding the hours of use and the provision of a suitable heritage assessment.

4.6 Comment was sought from Lewisham's Highways Officer. The Highways Officer confirmed that the site does not form part of the public highway and is private property. As such highways have raised no objections.

## **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

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

#### London Plan 2015 (amended 2016)

5.5 The London Plan policies relevant to this application are:

Policy 4.7 Retail and town centre development

Policy 7.4 Local character

Policy 7.8 Heritage Assets and Archaeology

#### 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 15 High quality design for Lewisham

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

#### 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 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

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

#### **6.0 Planning Considerations**

6.1 The main considerations for this application are the impact of the proposed development on the character of the subject property, streetscene and Forest Hill Conservation Area, Residential Amenity and Highways Safety.

#### Design and Impact on Conservation Area

6.2 In respect of determining planning applications relating to heritage assets, NPPF paragraph 131 advises that:

*“local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.”*

6.3 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, seek to apply these principles.

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

6.5 The Core Strategy refers to heritage assets and states that the complex historical development of the borough has left a legacy of distinctive neighbourhoods which

needs to be understood and used to inform future development, in order to ensure that positive contributions of the historic and local character are appropriately protected and enhanced. In line with this, Core Strategy Policy 16 seeks to ensure that the value and significance of the borough's heritage assets and their settings are enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies and local policy.

- 6.6 DM Policy 36 sets out the general principles for development proposals that affect heritage assets and in relation to Conservation Areas states that the Council will not grant planning permission where:
- a. New development or alterations and extensions to existing buildings are incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials;*
  - b. Development, which in isolation would lead to less than substantial harm to the building area, but cumulatively would adversely affect the character and appearance of the conservation area.*
- 6.7 It should also be noted that the Council will encourage the reinstatement or require the retention of architectural features important to an area's character or appearance. This policy also notes that development which in isolation would lead to less than substantial harm but which would cumulatively affect the character and appearance of the conservation area will not be approved.
- 6.8 The applicant seeks planning permission for the construction of a cast iron, aluminium and glass shelter to the side elevation of the existing public house at 35 Dartmouth Road. The proposal is described in further detail in Section 3 of this report above.
- 6.9 The proposed design, including the aluminium and glass roof is considered to be a suitable and complementary design solution to the host building, and would not negatively impact upon the Forest Hill Conservation Area.
- 6.10 The proposed materials are suitable in the context of the host building and indeed in response to the Conservation Area. As a result, the Council's Conservation Officer held no objections to the proposed design.
- 6.11 It is considered that the shelter would not detrimentally impact upon the character and appearance of the Forest Hill Conservation Area. As such, the proposed development complies with Core Strategy Policy 15 'High Quality Design for Lewisham' and Core Strategy Policy 16 'Conservation areas, heritage assets and the historic environment' (2011) and DM Policy 36 'New development, changes of use and alterations affecting designated heritage assets and their settings: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens' of the Development Management Local Plan (2014).

#### Residential Amenity

- 6.12 It is stated in DM Policy 31 that non-residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity to adjoining houses.

- 6.13 The proposed shelter would occupy the existing external drinking area. The introduction of a permanent cover may increase the use of the space, however it is an existing use and its operating hours would continue to be regulated through the licensing process.
- 6.14 The applicant has provided a copy of the property's license, which states that 'There will be no use of the outside premises after 11.00pm'. It has been agreed with the agent that the same time restriction will be placed as a planning condition for this application in order to restrict the use of the outdoor area to control the impact on neighbouring amenity.

### Highway Safety

- 6.15 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on the transport network, at both corridor level and local level, are fully assessed. Furthermore, development should not adversely affect the safety of the transport network. The Core Strategy, including Policy 14 'Sustainable movement and transport' supports the London Plan policies.
- 6.16 Core Strategy 14 'Sustainable Movement and Transport' states that 'the access and safety of pedestrians and cyclists through the borough will be protected'.
- 6.17 The proposed structure would be set back 500mm from the front elevation of the property. Concerns have been raised in consultation responses in regards to the impact on the existing use of the footway and the safety of the design of the proposed gate that opens outwards over the steps to the rear. The Council's Highways Officer has confirmed that the proposed area currently used for external drinking does not form part of the public highway and as such, Highways have raised no objection to the proposal.
- 6.18 To retain transport visibility on this corner, Highways support a scheme that maintains the sightline and are satisfied with the proposed set back of the structure.
- 6.19 The proposed materiality is considered robust and could withstand windy conditions, resolving a concern which was raised in the previous application (DC/15/094390) in relation to the timber structure then proposed. As such, the proposed materials are considered to be acceptable.

## **7.0 Conclusion**

- 7.1 For the reasons set out in this report, the proposal is considered to provide an appropriate addition to the side elevation of the host property to serve the existing external drinking area.
- 7.2 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.3 The proposed alterations to the building would not adversely impact upon the Conservation Area or amenity of existing neighbours. As a result, it is recommended that planning permission is granted.

**8.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

**Conditions**

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

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

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

Site Location Plan; Block Plan; MC666-110; MC666-210; MC666-211

**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.

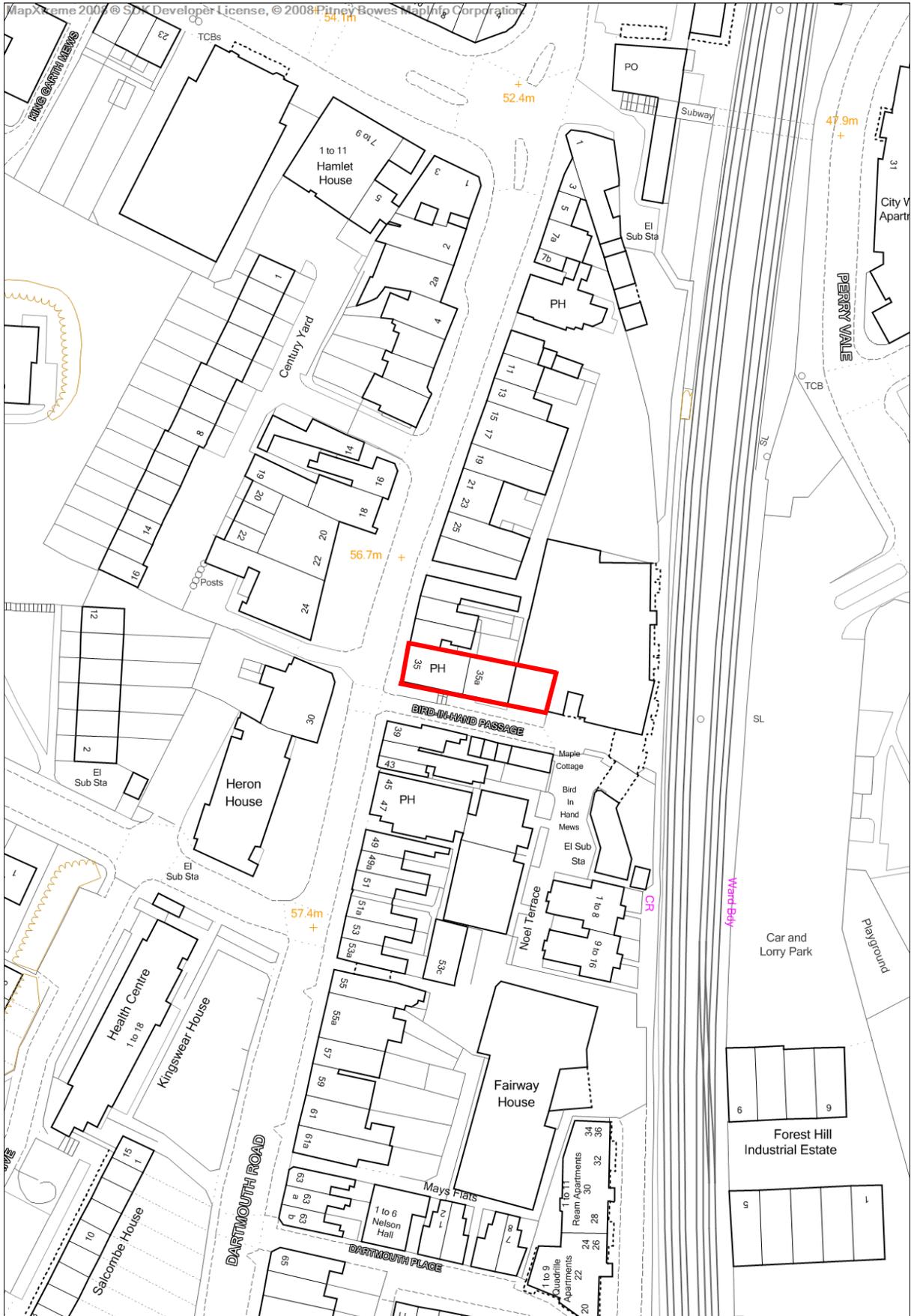
3. No development shall commence on site until a detailed schedule and specification/samples of all external materials and finishes/roof coverings/railings to be used on the structure have been submitted to and approved in writing by the local planning authority. The development shall be carried out 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(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

4. The outdoor drinking area shall not be used between the hours of 11.00pm and 8am on any day of the week and any door providing access from the public house to the outdoor drinking area shall remain closed between these times.

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

BIRD IN HAND, 35 DARTMOUTH ROAD, LONDON, SE23 3HN Site Map



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