

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 6 APRIL 2017 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Joan Reid (Chair)
Olurotimi Ogunbadewa (Vice-Chair)
Mark Ingleby
Jim Mallory
Hilary Moore
John Muldoon
Gareth Siddorn
Susan Wise
Sophie McGeevor
Maja Hilton**

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, 28 March 2017**

**For further information please contact:
Andrew Harris Committee Co-ordinator
3rd Floor Laurence House
Catford Road SE6 4RU**

**Telephone No: 0208 314 2566
Email: planning@lewisham.gov.uk**



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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 06 APRIL 2017

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 06 APRIL 2017

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 02ND March 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (C) held in Room 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD SE6 on THURSDAY 2 March 2017 at 7.30pm.

PRESENT:	Joan Reid (Chair), Olurotimi Ogunbadewa (Vice Chair), Mark Ingleby; Hillary Moore; John Muldoon; Jacq Paschoud, Susan Wise, Gareth Siddorn; Sophie McGeevor; Jim Mallory
OFFICERS:	Helen Milner - Planning Service, Paula Young - Legal Services, Joshua Ogunleye - Committee Coordinator
APOLOGIES:	

1. DECLARATION OF INTERESTS

There were no declarations of interest.

2. MINUTES

The Minutes of the meeting of Planning Committee (B) held on 19th January 2017 was Accepted. Councillors noted inaccurate spellings and grammar in the minutes of the previous meeting and meeting's agenda.

3. PRINCESS OF WALES, 1A MONTPELIER ROW, LONDON SE3 0RL (Item 4 on the agenda)

The Planning Officer Helen Milner outlined details of the proposal which includes retrospective permission for advertisement consent for the display of a fascia sign, two A Boards and two LED back lit menu cases at the front of the Princess of Wales public house, 1A Montpelier Row, SE3. The presentation was followed by questions from Councillors Muldoon, Wise, Ingleby, Reid and Paschoud.

What is the grade of the listed building? Who owns the street furniture? Who is the owner of the footpath? When are the lights on? What are the materials?

There was no representation from the applicant.

There was no representation from objectors.

Following deliberation, Councillor Reid 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 Reid, Ogunbadewa, Ingleby, Mallory, Siddorn, Wise, Muldoon, McGeevor, Moore, Paschoud

Motion was passed unanimously

RESOLVED: That planning permission be granted in respect of application No. DC/14/089840 subject to the conditions outlined in the report.

4. 72 CAMBRIDGE DRIVE SEYMOUR GARDENS, SE12 8AJ (Item 5 on the agenda)

The Planning Officer Helen Milner outlined details of the proposal which includes 'the demolition of the existing property and the construction of a replacement 3 bedroomed (6 person) dwelling house'. It was also outlined that following the advice of the Highways department that an additional condition was recommended, should the application be approved, regarding visibility splays within the front boundary treatment. The presentation was followed by questions from Councillors Mallory, Reid and Paschoud, What is the size difference between the existing and the proposed? What are the material considerations for the character and design of the scheme? What is the reason for the work?

The Committee received verbal representation from David Hurcombe of Apex Architecture, who gave a detailed description of the development. This was followed by questions from Councillors Reid, Mallory, Ingleby and Paschoud regarding, would the gutters and downpipes be on visible elevations? How many people can live in the proposed space? What materials will be used in the development? What considerations have been given for reducing noise generated from materials proposed?

The Committee received verbal representation from Anthony James Partridge an objector from one of the neighbouring properties. Mr Partridge argued that the proposal would be out of character with the area, because it appears as an ultra-modern design that would not be suitable within the context of the surrounding 1930 dwellinghouses. The development would also raise some issues regarding impact on quality of life issues for residents and neighbouring properties.

Councillors invited the Architect David Hurcombe back for further questions.

Following deliberations, Councillor Wise moved a motion to accept the officer's recommendation. It was seconded by Councillor Ogunbadewa.

FOR: Councillors Reid, Ogunbadewa, Ingleby, Mallory, Siddorn, and Wise

AGAINST: Councillors Muldoon, McGeevor, Moore, and Paschoud

RESOLVED: That planning permission be granted in respect of application DC/16/98303 subject to the conditions outlined in the report and additional condition regarding visibility splays.

5. 39 INCHMERRY ROAD, SE23 (Item 6 on the agenda)

The Planning Officer Helen Milner outlined details of the proposal which includes the installation of replacement white double glazed uPVC windows on the front, side and rear elevations of 39 Inchmerry Road, SE6.

The Committee received verbal representation from Mr Phipps the applicant who explained that he wanted grey double glazed uPVC windows at the front, although proposed white uPVC on the side and rear elevations.

Councillor Reid asked for clarity on the colour of the proposed uPVC windows. The presenting officer explained the case officer had already discussed the proposed colour with the applicant. The applicant was advised that white would be the most suitable colour for the conservation area.

The committee was advised by legal that the committee would only discuss details raised in the report. As the colour stated in the officer's report differs from what is being presented by the applicant, it would be advised that the application is differed and the report amended with full consideration given to the applicant's proposed grey.

There was no representation from the objector.

Following deliberation by Members, Councillor Mallory moved a motion to differ the application. It was seconded by Councillor Moore

Members voted as follows:

FOR: Councillors Reid, Ogunbadewa, Ingleby, Mallory, Siddorn, Wise, Muldoon, McGeevor, Moore, Paschoud

RESOLVED: That planning permission be granted in respect of application No. DC/16/098768 subject to the conditions outlined in the report.

Subject to the conditions outlined in the report.

6. 39 HAREFIELD, LONDON SE4 1LW (Item 7 on the agenda)

The Planning Officer Helen Milner outlined details of the proposal which includes the construction of dormer extensions to the rear roof slope of 39 Harefield Road SE4, together with the installation of rooflight in the front roof slope. Following the presentation there were no questions from Councillors.

There was no representation from the applicant.

The Committee received verbal representation from Clare Cowan of the Brockley Society who argued that the proposed roof lights would have a detrimental impact on the character of the conservation area. The representations from the Brockley Society was followed by questions from Councillors, Ingleby, McGeevor and Paschoud. Why have planners ignored the Brokcley Society's comments concerning front rooflights? What are

the consideration with regards to the conservation's policy on rooflights? What room would the rooflights be providing light to?

Following deliberation by Members, Councillor McGeevor moved a motion to accept the officer's recommendation and grant planning permission notwithstanding the proposed front rooflight. It was seconded by Councillor Ingleby.

Members voted as follows:

FOR: Councillors Reid, Ogunbadewa, Ingleby, Mallory, Siddorn, Wise, Muldoon, McGeevor, Moore, Paschoud

Motion was passed unanimously

RESOLVED: That planning permission be granted in respect of application No. DC/14/089840 subject to the conditions outlined in the report, but without the inclusion of the front rooflight.

Councillors were concerned about the inconsistent approach being taken with rooflights and wanted clarity on the issue.

The meeting ended at 21:35pm. Chair

2 March 2017

Committee	PLANNING COMMITTEE B	
Report Title	UNIT E (GROUND FLOOR), WILLOW HOUSE, DRAGONFLY PLACE, LONDON, SE4 3FJ	
Ward	TELEGRAPH HILL	
Contributors	Russell Brown	
Class	PART 1	6 th April 2017

<u>Reg. Nos.</u>	DC/16/095899
<u>Application dated</u>	15.03.2016
<u>Applicant</u>	Gmax Trackstars Athletics
<u>Proposal</u>	The continued use of Unit E, Willow House, Dragonfly Place, SE4 as a Yoga Studio (Use Class D2).
<u>Applicant's Plan Nos.</u>	LP-MY-03-GFA5 Rev A - Lease Plan Received 6th May 2016 LP-MY-03-GFA5 Rev A - Fire Escape Plan; Planning Statement Received 10th May 2016
<u>Background Papers</u>	(1) Case File DE/54/84/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2015, further altered in March 2016)
<u>Designation</u>	PTAL 3 Local Open Space Deficiency Local Employment Location Not in a Conservation Area Not a Listed Building
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site is located within the wider Dragonfly Place development on the west side of Endwell Road (B2142) where it curves northwards, close to the junctions with Drakefell Road and Mantle Road. The 4,600m² site is long and narrow in shape and extends westwards towards a vehicular access off Drakefell Road. Directly to the north are the rear gardens of residential Victorian properties on Drakefell Road and to the south is the Brockley Cross Business Centre and a railway embankment beyond that.
- 1.2 Planning permission for the redevelopment of the site has now been fully implemented and all blocks have been constructed. The application unit is within Block A, called Willow House, and the application relates to the ground floor of Unit 5, which is four storeys high, the lower two of which are designated for

commercial uses (Use Class B1) with residential (Use Class C3) above. The ground floor of Unit 5 is currently in an unauthorised use as a yoga studio (Use Class D2), and has been since 1st September 2015.

- 1.3 The application site is within a wider Defined Employment Area, which includes the adjacent Brockley Cross Business Centre and employment land beyond the vehicular access off Drakefell Road.
- 1.4 The property is not within a Conservation Area, not subject to an Article 4 direction, nor is a listed building or within the vicinity of one. The railway embankments to the south of the Brockley Cross Business Centre are designated as a Green Corridor and the site has a PTAL rating of 3.

2.0 Relevant Planning History

- 2.1 DC/10/75997/X: The demolition of the existing buildings at Martins Yard, Endwell Road SE4 and the construction of 4 blocks of three and four storeys, incorporating balconies, comprising 20 commercial units (3,000 square metres floorspace for Use Class B1) at ground and first floor and 12 one bedroom, 31 two bedroom and 4 three bedroom self-contained residential units at second and third floor, together with associated landscaping, provision of an electricity sub-station, amenity areas, bin stores, 47 cycle spaces and 35 car parking spaces. **Granted and implemented.**
- 2.2 DC/11/78896/X: An application for minor material amendments, namely a variation of Standard Condition (2) of the planning permission dated 18 March 2011 (DC/10/75997/X) for the demolition of the existing buildings at Martins Yard, Endwell Road SE4 and the construction of 4 blocks of three and four storeys, incorporating balconies, comprising 20 commercial units (3,000 square metres floorspace for Use Class B1) at ground and first floor and 12 one bedroom, 31 two bedroom and 4 three bedroom self-contained residential units at second and third floor, together with associated landscaping, provision of an electricity sub-station, amenity areas, bin stores, 47 cycle spaces and 35 car parking spaces). In order to allow 'the demolition of the existing buildings at Martins Yard, Endwell Road SE4 and the construction of 4 blocks of three and four storeys, incorporating balconies, comprising 20 commercial units (2,883 square metres floorspace for Use Class B1) at ground and first floor and 15 one bedroom, 28 two bedroom and 4 three bedroom self-contained residential units at second and third floor, together with associated landscaping, provision of an electricity sub-station, amenity areas, bin stores, 44 cycle spaces and 34 car parking spaces.' **Granted and implemented.**

3.0 Current Planning Application

- 3.1 Planning permission is sought on a retrospective basis for the change of use from office (Use Class B1) to a yoga studio (Use Class D2) of only the ground floor of Unit 5 within Block A, called Willow House. No external changes are proposed.
- 3.2 The proposed opening hours are from 07:00-21:00 Mondays to Fridays, 08:00-17:00 on Saturdays and 09:00-18:00 on Sundays including Bank Holidays. The use employs one full-time and one part-time employee.

4.0 Consultation

- 4.1 No formal pre-application advice was sought.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A site notice was displayed and letters were sent to 211 local residents, Brockley Ward Councillors and the Council's Highways Officer.
- 4.4 Furthermore, a drop in session was held at the application unit on 28th June 2016 at 17:30. It was attended by six local residents and the applicant.

Written Responses received from Local Residents and Ward Councillors

- 4.5 11 objections were received from local residents and ward councillors, raising the following concerns:
- The applicant is in violation of current planning requirements and Condition (7) of DC/11/78896.
 - A change of building use and classification from B1 to D2 would have significant consequences for the other units in the development and could lead to a loss of amenity for residents who live above.
 - Impact on highways because currently the public have to book appointments to come and visit the businesses and the majority of them do not receive many visitors. If approved people will be able to walk in off the street, which will have safety / security implications.
 - The road is very narrow and there may be more traffic as people pick up from and drop off at the classes. This will create both noise and traffic congestion and will completely change the use and feel of the road.
 - The road is not owned or maintained by the Council and increasing the amount of traffic and thoroughfare will decrease its lifespan and increase the need for repairs that would affect residents' services charges, which is unfair, especially on an affordable housing scheme.
 - Changing one unit will set a precedent for the other commercial units currently with B1 use in the development.
 - The proposed opening times are too late for a residential area which may disturb the peace and quiet of the flats in the evening; especially considering D2 uses also includes cinemas and concert venues, which could bring loud music and many people into the small cull-de-sac.
 - The yoga studio should not be classed in the same way as other use types in the same category when it does not contribute any noise, smell, late night business or large volume of traffic. If the yoga studio must be classed as a different category then there are concerns about other businesses also applying for a change of use.
 - There are parking implications as the housing association for the residential units has recently adopted a parking enforcement solution where the owners of car parking spaces are unable to use them. Any customers of the yoga studio will be forced to park on already congested surrounding roads.
 - When Dragonfly Place was built, residential premises accounted for at least 70-75% of total occupancy. Business and creative units were meant for the occupiers and not intended for onward public use or use via a membership.
 - The yoga studio does not benefit the residents or other businesses especially as no concessions are offered.

- There has been increased litter as a result of the use and the 'clean up' bill is paid for by residents through the service charge.
- Changing the use to suit one person's needs will needlessly affect a wide number of current and future residents.
- A change of use class as this could potentially affect residents' ability to sell and re-mortgage their properties as all the flats are shared ownership, which also restricts which mortgage companies will lend.

4.6 Five letters of support were received from local residents, raising the following points:

- Satisfaction with the current tenants.
- The yoga studio really contributes to Brockley as a community by bringing people together to meet and to perform an exercise that is beneficial to both the physical and mental well being of the local people.
- A resident within the development has apparently recently re-mortgaged their property and the presence of the yoga studio was not an issue that came up.
- Any costs or changes to licensing would have a severe impact on this small, worthwhile business, which could be devastating to them.
- There is nowhere that offers yoga classes in Brockley, which do not cause any disturbances or anti-social behaviour. The use is totally beneficial to the community and the physical and mental well-being of those who practice it.
- The yoga studio is a positive presence in Dragonfly Place, but there should be conditions set in place to ensure it is only the yoga studio that has the right to operate, not any other type of Commercial usage.
- Should this go to Planning Committee stage it would be highly inappropriate for the councillors who have been involved in objecting to sit on the hearing.

5.0 **Policy Context**

Introduction

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

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

A local finance consideration means:

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

5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

Other National Guidance

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

London Plan (March 2015)

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

Policy 3.1 Ensuring equal life chances for all

Policy 3.19 Sports facilities

Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision

Policy 6.9 Cycling

Policy 7.1 Lifetime neighbourhoods

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 3 Strategic Industrial Locations and Local Employment Locations

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 19 Provision and maintenance of community and recreational facilities

Development Management Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development
DM Policy 10 Local Employment Locations (LEL)

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the loss of the existing lawful use, the acceptability of the proposed use, the impact on the unit on highways and the amenities of neighbouring residents.

Principle of development

- 6.2 The application unit is within the Endwell Road Local Employment Location (LEL). LELs are often associated with a District Hub or Local Hub (in this case, Brockley Cross is a Local Hub) and provide small, well defined and valuable space in good quality buildings for businesses that provide local goods and services, and support the vitality and viability of these centres that are usually within walking distance.

Core Strategy Policy 3 states that the Council will protect the Local Employment Locations (LELs) for a range of uses within the B Use Class (B1, B8 and where appropriate B2 industry) and also appropriate sui generis uses, to support the functioning of the local economy. This is further supported by DM Policy 10, which states that the Council will support uses within the B Use Class and appropriate sui generis uses within an LEL, subject to the use being appropriate in the location in relation to the surrounding built context, the intensity of the use and the new use meeting the aims in the Core Strategy Policy 3.

- 6.3 Yoga studios fall within the D2 use class. However, officers consider that the use is appropriate given that it meets the policy objectives as set out below:

- It is appropriate in the location in relation to the surrounding built context;
- It is of an intensity of use that will be sufficiently small scale as to not impact negatively on neighbouring businesses.
- It would help to support the functioning of the local economy, in line with the aims of Core Strategy Policy 3.
- It is not amongst the list of uses that will not be granted within LELs (i.e. residential, day nurseries, churches and other community facilities).
- It would not have a negative effect on the continued commercial functioning of the area as a whole. The number of people employed in the business is comparable to that of a light industrial unit of equivalent size.
- There are three vacant B1 units in Dragonfly Place and so the use is not displacing an alternative business.

- 6.4 Furthermore, Core Strategy Policy 19 supports creation of leisure and recreational facilities in areas that are easily accessible and located within close proximity of

public transport and town and local centres. Given the site's proximity to the Brockley local centre and Brockley Station, this policy further supports the principle of the change of use.

- 6.5 As such, officers consider on balance the principle of the change of use acceptable. Officers recommend that a condition be added to restrict the use to a yoga studio within the D2 use class, as other uses within that class would have the potential to cause disturbance to residents and undermine the functioning of the LEL.

Highways

- 6.7 This site has a good PTAL rating of 3/4, with Brockley Overground station a three minute walk away and there are bus stops on Endwell Road (for bus route 484) and on Brockley Road (for bus routes 171, 172 and N171). It is therefore considered that the majority of patrons would be likely to visit the premises by foot or public transport.
- 6.8 Objections have been raised about patrons of the yoga studio using car parking pertaining to residential and office units, despite a controlled Parking Zone (CPZ) being in place. Dragonfly Place is a private road, and the enforcement of parking within it is an operational matter for its owners. The enforcement of parking restrictions within the street may cause some overspill parking to adjacent streets. However, in the context of Brockley station and the various shops and services available in the centre of Brockley, patrons of the yoga studio would only be likely to form a very small proportion of parking pressure from visitors from outside the area. Officers note that clients can book online if an account is created on their website so would not need to visit the unit just to book a class. Furthermore, the use requires only minimal servicing.
- 6.9 Table 6.3 of London Plan Policy 6.9 requires two cycle spaces, one long and one short stay, and these are recommended to be secured by condition.
- 6.10 As such, the impact on highways from the use is considered to be acceptable.

Impact on the amenity of neighbouring occupiers

- 6.11 The nature of the yoga use is such that any music would not be played at high volume. However, a condition is recommended preventing any music, amplified sound system or otherwise to be used or generated which is audible outside the premises or within adjoining buildings. Officers note that there are noise sensitive properties above the unit in the form of residential flats.
- 6.12 Officers consider the opening hours put forward by the applicant to be unacceptable. The hours should be similar to those that are typical for a B1 office use so that no significant disturbance is caused to the flats above. Therefore, Officers propose the following opening hours:
07:00-19:00 from Monday to Fridays
09:00-17:00 on Saturdays, Sundays and Bank Holidays
Therefore, subject to a condition controlling the hours and music, the proposal is considered to have an acceptable impact on neighbouring amenity.

7.0 Equalities Considerations

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

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

8.0 Conclusion

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

8.2 It is considered that the change of use would be acceptable in principle and would not result in significant harm being caused to highways or to the amenity of neighbouring occupiers.

8.3 A legal agreement, attached to planning permission DC/10/75997/X prevents the change of use of B1 units within Dragonfly Place. This would need to be amended to allow the proposal, and this is set out as recommendation A.

9.0 **RECOMMENDATION (A)**: Authorise Officers to amend the legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters as considered appropriate to ensure the acceptable implementation of the development:

- Not to apply for a change of use of the Commercial Units for a period of ten (10) years commencing from the date of the occupation of the first Affordable Commercial Units.

10.0 **RECOMMENDATION (B)**: **Subject to completion of a satisfactory legal agreement, GRANT PLANNING PERMISSION subject to the following conditions:**

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

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

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

LP-MY-03-GFA5 Rev A Lease Plan; LP-MY-03-GFA5 Rev A Floor Plan Received 9th May 2016

Planning Statement Received 9th May 2016

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

3) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used as a yoga studio and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and

Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In order to safeguard the amenities of adjoining occupants, and of the local area generally, and to comply with Policies 3.19 Sports facilities and 4.6 Support for and enhancement of arts, culture, sport and entertainment provision of the London Plan (March 2015, further altered in March 2016) and Policy 19 Provision and maintenance of community and recreational facilities of the Core Strategy (June 2011).

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

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

- 5) The premises shall only be open for customer business between the hours of 07:00 and 19:00 from Monday to Fridays and between 09:00-17:00 on Saturdays, Sundays and Bank Holidays.

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

- 6) (a) A minimum of two secure and dry cycle parking spaces shall be provided within the development.

(b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

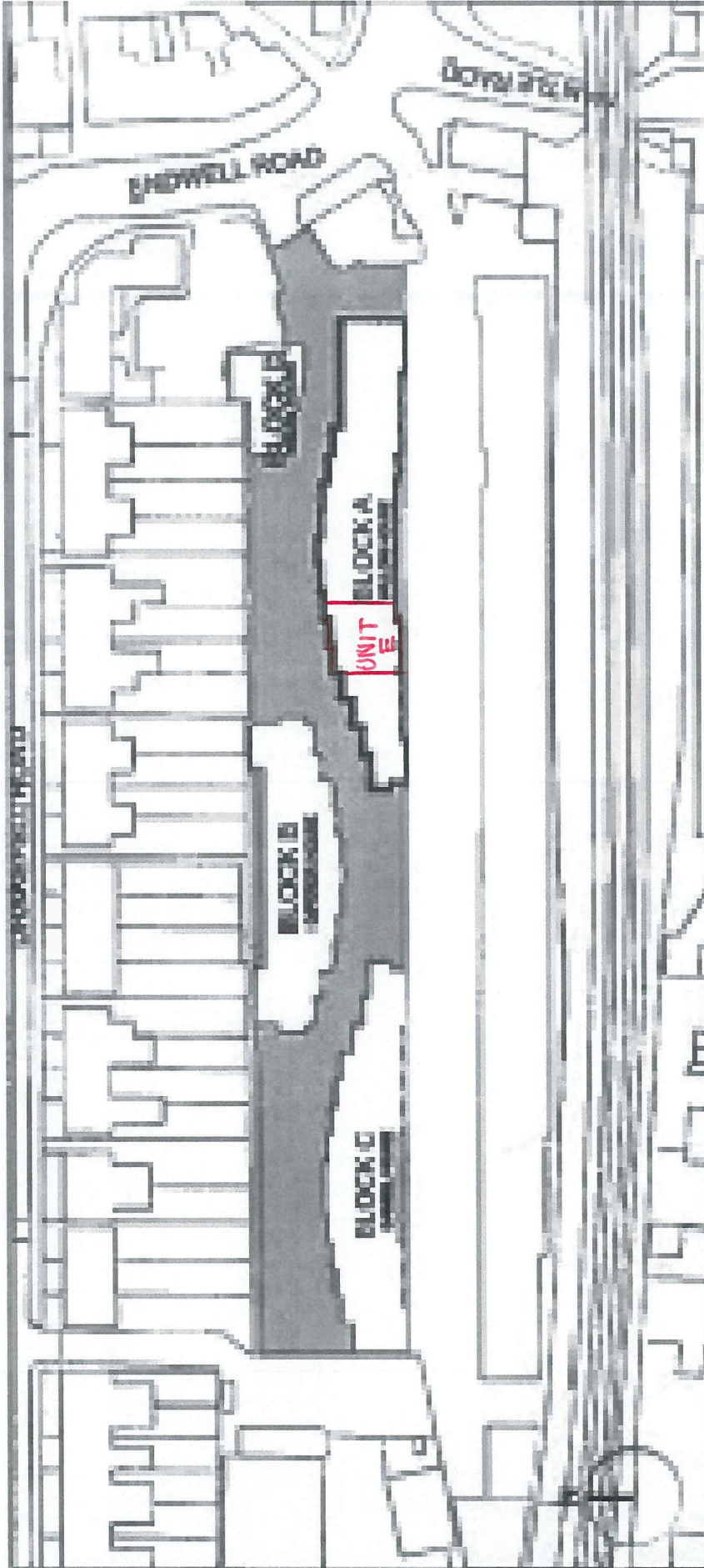
(c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

INFORMATIVES

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

Unit E (Ground Floor), Willow House, Dragonfly Place, SE4 3FJ



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

Reg. Nos.

DC/16/098571

Application dated

02/10/16

Applicant

Elizabeth Heyes

Proposal

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

Applicant's Plan Nos.

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

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

Background Papers

This is Background Papers List

Case File LE/91/49/TP

Local Development Framework Documents

The London Plan

Designation

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

2.0 Addendum

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

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

3.0 Property/Site Description

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

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

4.0 Planning History

This is covered in the main report.

5.0 Further submitted details

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

6.0 Policy Context

This is covered in the main report.

7.0 Planning Considerations

7.1 This addendum addresses the following issues.

Drainage details and the service gap.

Roof details

Flank elevation drawing

7.2 Drainage details and the service gap

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

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

7.4 Roof details

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

The submitted roof details are considered acceptable

7.5 Flank elevation drawing

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

8.0 Impact on Adjoining Properties

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

9.0 Conclusion

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

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

10.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

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

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

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

Site Location Plan; Block Plan; DWG 1 A; DWG 2 B; DWG 3 B; DWG 4 B; DWG 5 B; DWG 6 A; DWG 7 A; DWG 8 A; Design and Access Statement), Heritage Statement

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

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

other temporary works) are to be carried out whilst safeguarding the structural stability of the adjoining retaining walls both to Kirkdale Road properties and Mount Gardens.

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

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

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

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

(c) Measures to deal with safe pedestrian movement.

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

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

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

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

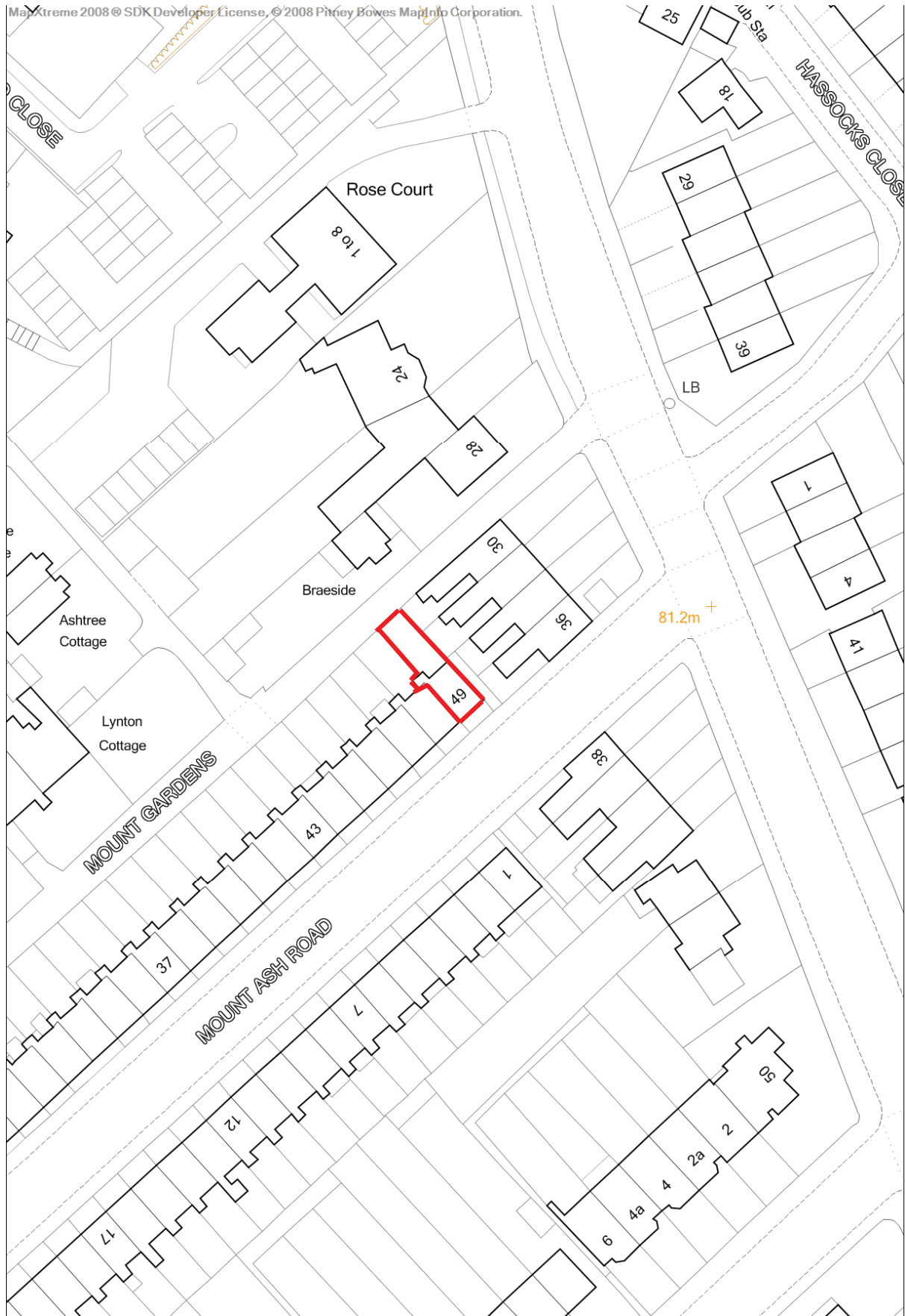
- (6) No development shall commence on site until a detailed structural assessment (including calculations) has been submitted and approved by the Local Planning Authority with regards to any retaining walls proposed. Once approved and constructed, the retaining wall shall be maintained to a high standard.

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

INFORMATIVES

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. .

49 MOUNT ASH ROAD, LONDON, SE26 6LY – Site Map



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Appendix 1

**49 MOUNT ASH ROAD, LONDON, SE26 6LY
Committee Report**

19 January 2017

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

Reg. Nos.

DC/16/098571

Application dated

02/10/16

Applicant

Elizabeth Heyes

Proposal

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

Applicant's Plan Nos.

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

Background Papers

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

Designation

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

2.0 Property/Site Description

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

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

3.0 Planning History

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

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

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

4.0 Further relevant history

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

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

5.0 Current Planning Applications

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

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

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

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

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

Supporting Documents

Heritage Statement, Design and Access Statement

6.0 Consultation

- 6.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 6.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Sydenham Society, Forest Hill Society, The Councils Highways Department and The Ecological Regeneration Manager were also consulted.

7.0 Written Responses received from Local Residents

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

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

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

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

Highways and Transportation

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

8.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

8.5 London Plan 2015 (amended 2016)

The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.18 Construction, excavation and demolition waste

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

8.6 London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

Sustainable Design and Construction (2006)

8.7 Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy

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

Core Strategy Policy 15 High quality design for Lewisham

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

Development Management Local Plan (2014)

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

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 32 Housing design, layout and space standards

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

8.9 Residential Standards Supplementary Planning Document (2012)

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

9.0 Planning Considerations

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

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

9.1 Principle of Development

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

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

10.0 Design and Impact on the Conservation Area

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

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

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

11.0 Highways and Building Control

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

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

12.0 Impact on Adjoining Properties

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

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

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

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

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

13.0 Equalities Implications

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

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

14.0 **Conclusion**

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

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

15.0 **RECOMMENDATION**

GRANT PERMISSION subject to the following conditions:-

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

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

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

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

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

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

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

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

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

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

(c) Measures to deal with safe pedestrian movement.

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

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

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

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

INFORMATIVES

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

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

Committee	PLANNING COMMITTEE B	
Report Title	39 Inchmery Road, London, SE6 2NA	
Ward	Catford South	
Contributors	Alfie Williams	
Class	PART 1	06 April 2017

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

Application dated 19.10.2016 revised 20.02.17

Applicant Mr Ossie Phipps

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

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

Background Papers

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

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

1.0 Introduction

1.1 This application was presented at Planning Committee B on 02 March 2017. It was resolved that the decision be deferred by Members, following the applicant presenting details at the meeting contrary to those on which officers based their recommendation. The applicant stated that they wished to install grey windows rather than the white coloured windows in the amended drawings.

2.0 Planning Considerations

2.1 Following discussions with officers, the applicant has agreed to install white windows as indicated in the drawings. Therefore, officers maintain the recommendation presented to the Committee on 02 March 2017 (set out in appendix A).

Conclusion

- 2.2 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 2.3 Officers are satisfied that the proposal is in line with the stated policies and would not cause harm to the character of the Culverley Green Conservation Area. Therefore, the application is considered to be acceptable.

3.0 RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions (as per the original committee report):

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

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

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

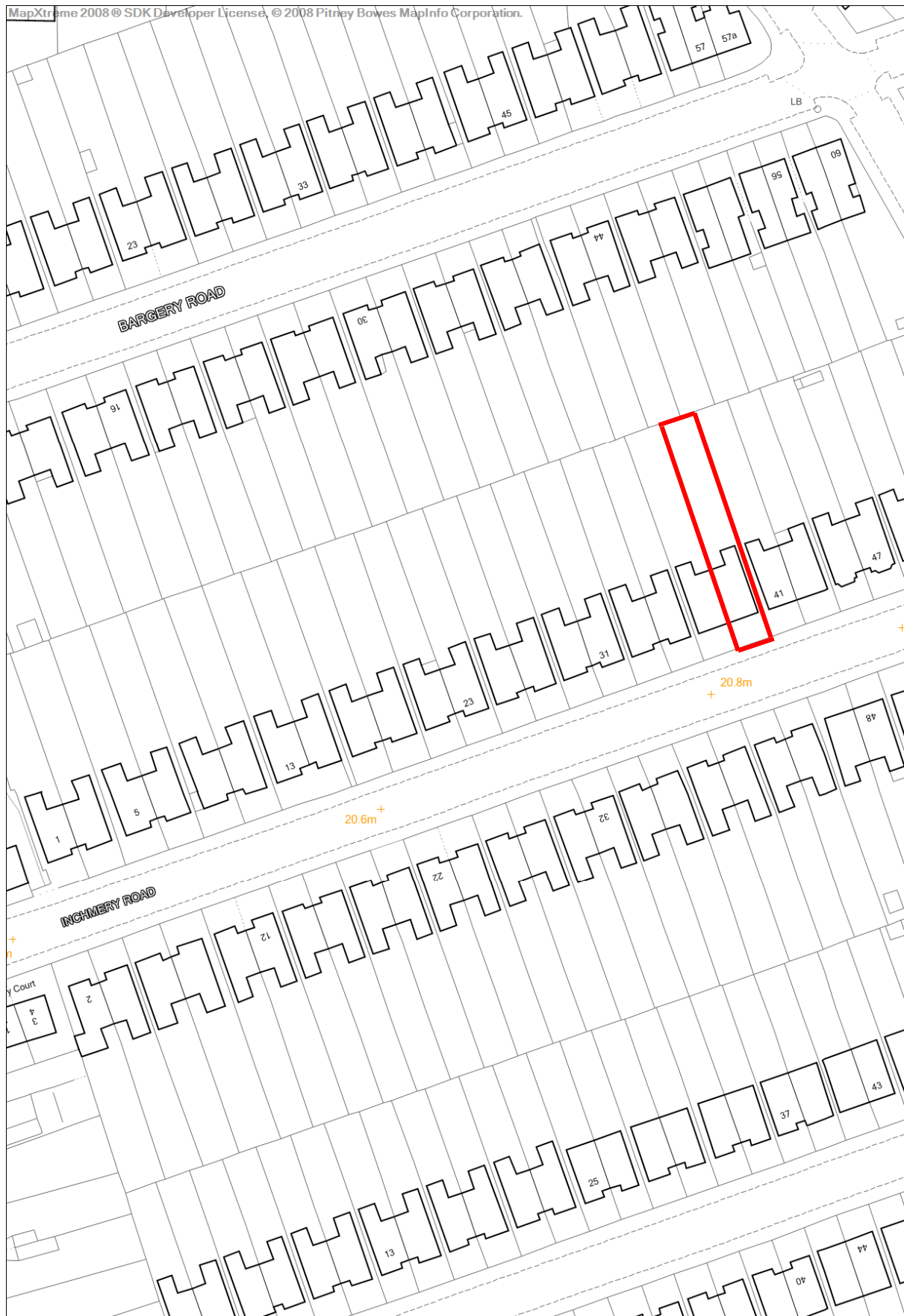
Site Location Plan; Windows - Rear of House; Windows - Side of House; Design & Heritage Statement received 20th October 2016; Proposed Front Bay Window; Proposed Front Bedroom Window; and Existing & Proposed Front Elevation received 20th February 2017.

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

INFORMATIVES

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

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



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Appendix 1

**39 INCHMERY ROAD, LONDON, SE6 2NA
Committee Report**

02 March 2017

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

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

Application dated 19.10.2016 revised 30.01.17

Applicant Mr Ossie Phipps

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

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

Background Papers

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

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

2.0 Property/Site Description

2.1 The application relates to a two storey semi-detached dwellinghouse on the north side of Inchmery Road. Inchmery Road is part of an Edwardian Development built 1902-1910. The Road is characterised by two storey villas with twin projecting gables and two storey bay windows with timber sliding sash windows in the openings.

2.2 39 Inchmery Road is one of a group eight properties (37-51 Inchmery Road), built as part of an infill development in approximately 1948. The property is built in red brick with a concrete tiled roof. The front elevation has a two storey bay window and there is a driveway to the front of the property. All of the windows on the property are uPVC casement. The front elevation of the property faces Inchmery Road. The rear of the property backs onto the rear gardens of properties in Bargery Road and is not visible from the public realm. The first floor windows on the side elevation can be viewed from Inchmery Road.

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

3.0 Planning History

3.1 There is no planning history for this property.

4.0 Current Planning Applications

The Proposals

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

Supporting Documents

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

5.0 Consultation

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

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

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

6.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

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

Other National Guidance

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

London Plan (March 2016)

6.6 The policies relevant to this application are:

- Policy 7.4 Local character
- Policy 7.8 Heritage assets and archaeology

Core Strategy

6.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre

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

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

Development Management Local Plan

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

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

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

Residential Standards Supplementary Planning Document (Updated May 2012)

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

Culverley Green Conservation Area Character Appraisal (2001)

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

7.0 Planning Considerations

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

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

Design

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

Impact on Adjoining Properties

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

8.0 Conclusion

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

RECOMMENDATION (C)

GRANT PERMISSION subject to the following conditions:-

Conditions

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

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

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

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

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

Informatives

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