

PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 3 AUGUST 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:**

**Abdeslam Amrani (Chair)
Jacq Paschoud (Vice-Chair)
Andre Bourne
Obajimi Adefiranye
Amanda De Ryk
Stella Jeffrey
Roy Kennedy
Pat Raven
Alan Till
James-J Walsh**

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, 25 July 2017

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

Telephone No: 0208 314 9417
Email: planning@lewisham.gov.uk



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	PLANNING COMMITTEE (A)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 03 AUGUST 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 not 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 (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 03 AUGUST 2017

MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 22ND June 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (A) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 22nd June 2017 at 19:30.

PRESENT: Councillors Amrani (Chair), Jacq Paschoud (Vice Chair), De Ryk, Till , Bourne, Adefiranye

OFFICERS: Suzanne White – Planning Service, Paula Young – Legal Services, Lorraine Clarke – Legal Services, AThiru Moolan – Building Control and Amanda Ghani – Committee Co-ordinator

APOLOGIES: Councillors Walsh, Jeffrey, Kennedy, Raven.

1. DECLARATION OF INTERESTS

Councillor De Ryk absented herself for Item 3 on the agenda so that she could speak under standing orders.

2. MINUTES

Members approved minutes for 11th May 2017.

Item 6 – Our Lady and St Philip Neri RC Primary School, 208 Sydenham Road, was withdrawn from the agenda.

3. Sergison Cottage, Goffers Road, SE3 (Item 3 on the agenda)

The planning officer outlined details of the application. The site has two planning permissions; one for the construction of a new house (DC/14/89117) and one for the construction of the same house including basement (DC/15/094940) submitted under S.73 as a minor material amendment to DC/14/89117.

The planning officer stated that discharge of condition 3 (CMP) in respect of the earlier permission has already been approved and is now sought for the basement scheme, following refusal of an earlier application.

The officer reminded members that there is no requirement for formal consultation to be undertaken with regards to discharging conditions. However, due to public interest the school and ward councillors were notified. Forty objections were received. The Planning Officer outlined the details of the Construction management plan (CMP) and recommended the approval of details to the members.

Mr Moolan, a chartered surveyor and Head of the Council's Building Control Service, stated that he had reviewed the CMP and found it acceptable. He stated that the Council's structural engineer had also reviewed the document without prior briefing on the matter and found it to be acceptable. The officer spoke about key points within the document regarding proposed times of any excavation, health and safety issues and legislation, monitoring and the use of props to prevent the boundary wall collapsing.

Discussions took place between the building control officer and members regarding possible issues if work is not completed within the 6 week school holiday period and how the props would work.

The Committee received verbal representation from Mr Patel (applicant) who briefly outlined the history of visits from Council officers to the site and how the applicant's structural engineer's 500 page report addressed the issues flagged up from the previous committee meeting.

Next the Committee received verbal and written representation from Debbie Tompkins (Headmistress of All Saints School) who spoke on behalf of the objectors. Ms Tompkins highlighted a number of issues including, the time taken to demolish the cottage, restricting children in the playground and not having high levels of assurance over safety, in amended document. Ms Tompkins was unhappy due to the short time the document had been publicly available and as a consequence her independent structural engineer had insufficient time to review it. She concluded that the risk of the project over running was high and there was no contingency in place to move the school to another building.

Members questioned Ms Tompkins regarding contingency planning. Members then questioned Mr Moolan regarding moving forward, party wall agreements and possible issues underground once excavation begins.

The committee received verbal representation from Councillor De Ryk who spoke under standing orders. The Councillor stated that the revised CMP asserts the work can be undertaken within 6 weeks and that conditions are in place to mitigate against the risks of the work overrunning. The work would be monitored constantly and she reminded members that the basement was given permission by members of this committee and as such members should assume work would be undertaken responsibly. Condition 16 is in place to stop work if deemed necessary.

Paula Young (Legal) spoke to members regarding party wall agreements and that no works can commence until an agreement is signed.

Councillor Amrani summed up what members needed to consider.

Cllr Till moved a motion to accept the officer's recommendation. It was seconded by Councillor Amrani.

Members voted as follows:

FOR: Councillor Paschoud, Amrani and Till

AGAINST: Councillors Bourne and Adefiranye

RESOLVED: That approval of the submitted details for condition 3 of planning permission DC/15/094940 be granted.

The Building Control Officer (Mr Moolan) left the meeting.

4. 153 New Cross Road, SE14 (Item 4 on the agenda)

The planning officer outlined details of the application for the demolition of the existing building and construction of a new three storey building plus basement, comprising 8 residential units with associated amenity space.

The application came to committee due to four objections received, regarding design and materials; the sites relationship with the Five Bells Public House which sits adjacent; overdevelopment of site; loss of parking; lack of amenity space and drainage.

Members and the planning officer spoke about issues of distance between properties and noise transfer.

The committee received verbal representation from Peter Swain (architect) and Anthony Frendo. Mr Frendo pointed out that the proposal included a surplus of 2 cycle spaces giving a total of 16. The architect was asked questions by members about the quality and detailing of the proposed materials, the construction of the property, sound insulation and parking issues.

The planning officer confirmed that the number of cycle spaces in the Condition would be amended.

Councillor Till moved a motion to accept officer's recommendation to approve recommendation A and B, it was seconded by Councillor Adefiranye

Members voted as follows:

FOR: Councillors Amrani (Chair), Bourne, De Ryk, Till and Paschoud

AGAINST None.

RESOLVED: That planning permission be granted in respect of application No. DC/17/099960

5. Garages to rear of 54-88 Castleton Road, SE9 (Item 5 on the agenda)

The planning officer outlined details of the application for the demolition of the existing garages and the construction of 5, three-bedroom, two-storey terrace houses, together with associated car parking and cycle and refuse storage. The officer stated that site is considered backland under DM policy 33. The policy states that development on a backland site can be acceptable subject to proper access and servicing of the site, no significant loss of privacy or amenity and attaining adequate levels of design and space standards.

Members discussed issues of vehicle access and vehicle/pedestrian conflict.

The committee received verbal and written/pictorial representation from Simon Frazer (architect) along with a representative from London and Quadrant (Land owner). The present proposal being the culmination of two years of discussion and amendment sees a reduction in the number of proposed houses, all of which would be affordable housing.

Discussions between the architect and members took place around issues of design and materials.

The committee next received verbal representation from Jan Fowler who spoke on behalf of the local community. She explained that Grove Park is a deprived area and the site is ideal for use as a local business hub.

Members questioned Ms Fowler over how long the site had been unused/derelict and over plans to use the site as a business hub.

The committee received verbal representation from Councillor Clarke who spoke under standing orders. The Councillor stated that she was an employee of the Chinbrook Action Residents Team and explained that they have just begun talks with L & Q regarding the emerging Neighbourhood Plan which has designated the site for micro employment. The Councillor said that there was limited employment opportunity in the area and that the forum in conjunction with the GLA were now looking at this site with a view to piloting the GLA scheme 'Lock up start up' which targets disused garage sites, turning them into affordable studios and workshops for start-up businesses. The Councillor requested members either refuse or defer the application.

Paula Young (Legal) advised members that although the emerging plan is a material consideration; the plan is at an early stage and has not been publically scrutinised and so holds little weight. She also explained that to defer an application, you must have a robust reason. If members were inclined to defer, the applicant could appeal on grounds of non-determination which would take the decision out of the Council's hands. The planning officer added that Neighbourhood Plans must be in conformity with the adopted Local Plan. She also confirmed that the site is owned by L and Q, is undesignated and as such, it is up to the applicant to bring forward a proposal of their choice, in line with the policies of the adopted Local Plan.

Further discussions between officers and members took place over what qualifies high quality design and assurances were sought on the quality of the proposed cladding and access for emergency vehicles.

Councillor Paschoud moved a motion to accept officer's recommendation to approve the application, it was seconded by Councillor Till.

Members voted as follows:

FOR: Councillors Amrani (Chair), Till, Pashcoud and De Ryk

AGAINST Councillors Adefiranye and Bourne.

RESOLVED: That planning permission be granted in respect of application No. DC/16/098887

The meeting ended at 9:45pm.

Chair

22nd June 2017

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Committee	PLANNING COMMITTEE A	
Report Title	LAND ADJACENT TO 51 MARISCHAL ROAD, LONDON, SE13 5LE	
Ward	LEWISHAM CENTRAL	
Contributors	Russell Brown	
Class	PART 1	3 rd August 2017

<u>Reg. Nos.</u>	DC/16/098512
<u>Application dated</u>	16.09.2016
<u>Applicant</u>	Mr I Copping
<u>Proposal</u>	The retrospective change of use from a workshop (Use Class B1c) to a tyre changing and selling business (Sui Generis) at land adjacent to 51 Marischal Road, SE13.
<u>Applicant's Plan Nos.</u>	Statement Regarding the Previous Usage of the Yard before Top Shop Tyres; Delivery & Servicing Plan & Noise & Vibration Assessment; H.M. Land Registry Map; Existing & Proposed Floor Plan; Block Plan Received 31st October
	Delivery & Servicing Statement Received 22nd May 2017
<u>Background Papers</u>	(1) Case File LE/745/51/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2015, furthered altered in March 2016)
<u>Designation</u>	PTAL 6a Local Open Space Deficiency Major District Centre
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application site is on the north side of the part of Marischal Road running parallel to Lee High Road (A20) and is close to the junction with Saxton Close. The entrance to the site is directly to the east of 51 Marischal Road and leads up a slope to a hard paved yard on top of which there are mounds of tyres, some on racks and some piled up ready for fitting to vehicles. The site also contains a large wooden shed to the west side behind no. 51 and an outbuilding housing the workshop, the tyre fitting machines and an office. Behind that, the site is bounded on the south side by a tall London stock brick wall and wooden gates painted yellow. Advertising for 'AK Tyres and Wheels' can be seen on the side of the outbuilding by the entrance and in the form of an A Board on the street.

- 1.2 The currently unlawful use of the site began on 8th April 2014. Before then it was a tree surgery business, which comes under Use Class B1, and which operated from 1993 up to 2014. The industrial element of the use regarding the bailing of tyres for collection by lorries ceased by 24th March, and therefore the current use is Sui Generis.
- 1.3 The properties on this street are largely in residential use, but there are other commercial businesses, including Use Classes A1, A3 and Sui Generis, along the western stretch where the road becomes one way and close to Lee High Road south of the application site.
- 1.4 The property is not within a Conservation Area, not subject to an Article 4 direction nor is it a listed building or within the vicinity of one. However, it does fall within a Major District Centre (Lewisham) and has a PTAL rating of 6b.

2.0 Relevant Planning History

- 2.1 Planning permission was **granted** on 15th October 1957 for the conversion of the dwelling-house at No.51 Marischal Road, Lewisham, into three self-contained flats.
- 2.2 DC/92/35756: Certificate of Lawfulness in respect of the use of the land on the east side of 51 Marischal Road SE13 for storage with a workshop in connection with the Tree Surgeon business. **Granted**.
- 2.3 DC/93/35956: The erection of a 1.9 metre high front boundary wall at 51 Marischal Road SE13. **Granted**.
- 2.4 DC/97/41667/FT: The alteration and conversion of the basement at 51 Marischal Road SE13 to provide 1 three-bedroom self-contained flat together with the installation of a new door and window and the provision of new steps down to the entrance at basement level. **Granted**.
- 2.5 DC/00/47179: The alteration and conversion of part of the ground floor of 51 Marischal Road SE13 to provide 1, two bedroom and 1, one bedroom self-contained flats. **Granted**.
- 2.6 EN/15/00270: Alleged unauthorised change of use of yard from tree surgeon and garden landscaping to tyre yard in addition to unauthorised advertising. **Awaiting outcome of the planning application**.

3.0 Current Planning Application

- 3.1 The application is for the retrospective change of use of the site from workshop (Use Class B1c) to a tyre changing and selling business (Use Class B2 / Sui Generis). The current business operates a booking system for the fitting of tyres, although they do accept customers turning up without prior notice. The proposal does not involve any external, cosmetic changes to the buildings on site.
- 3.2 The opening times are proposed to be 09:00-18:30 Monday-Saturday and 10:00-16:00 on Sunday and Bank Holidays. It would be staffed by two full-time employees.

3.3 Officers note that, whilst the applicant has applied for Use Class B2, the tyre fitting and selling use is considered to fall within the Sui Generis Use Class.

4.0 Consultation

4.1 No 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 27 adjoining residents, Councillor Jeffrey, Lewisham Central Ward Councillors and the Council's Highways and Environmental Health Officers.

4.4 A local meeting was also held on 18th April at 18:30 in a church close to the application site chaired by Councillor Jeffrey. It was well attended and concerns were raised by residents about the current planning use on site and its impact on highways safety, primarily of Marischal Road. The owner of the site attended and responded to those comments, as did the Planning Officer Russell Brown and the Highways Officer Andrew Rawlingson.

Written Responses received from Local Residents

4.5 13 replies were received, two of which were from neighbours directly consulted, which were made up of 12 objections and one letter of support. The latter stated that the tyre yard has been operating for some time, has caused no problems whatsoever and they did not see any reason why it should not be allowed to continue. The objections raised the following concerns:

- The change of use would be inappropriate for this residential street and this industrial use should be located next to similar uses.
- The lorries have been damaging the road surface and causing noise disturbance.
- The use of the site and the coming and going of lorries in 1987 does not have any relevance to the site's usage now.
- There would be many customers in motor vehicles coming and going from the premises on what is a very crowded road. Customers frequently illegally park on the road and sometimes work is carried out to cars waiting on the street.
- The lorries would have a negative visual impact on this road.
- The change of use would be contrary to Council's planning policies.
- Enforcement action should be taken to turn the land back to its original use.
- Tyres are not delivered to the site every 2-3 weeks by a 3.5m transit, but have been arriving by lorry in large quantities.
- The storage of a vast amount of tyres could lead to arson, accidental ignition or spontaneous combustion.
- The heavy metals present in the tyres are dangerous and pollute the street.
- The site's location on a busy junction causes traffic, mainly HGVs, to block the road and damage to parked cars when the HGVs turn around. The road is unsuitable for HGVs given its narrow, winding and cobbled nature.
- The parking and movement of vehicles raises concerns about pedestrian safety, especially that of children who use the street on the way to and from school.

- If approved, this could pave the way for further industrial expansion and loss of environmental quality.
- The business opens and closes when it suits the employees, including seven days of the week and as early as 07:00.
- The application form states that there is no on-site parking, which is false and four spaces are shown on the floor plan.
- Two very bright arc lights have been installed in the yard, which illuminate houses across the street in a very intrusive way.

5.0 Policy Context

Introduction

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given

to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

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

London Plan (March 2016)

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

Policy 2.7 Outer London: Economy
Policy 2.13 Opportunity areas and intensification areas
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.4 Local character
Policy 7.15 Reducing noise and enhancing soundscapes

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 5 Other employment locations
Core Strategy Policy 14 Sustainable movement and transport

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 26 Noise and vibration
DM Policy 11 Other employment locations

6.0 Planning Considerations

- 6.1 The relevant planning considerations relate to the principle of development, the loss of a site for B1 usage and the proposal's impact on the surrounding area, neighbouring properties and on highways / traffic.

Principle of change of use and loss of B1 unit

- 6.2 London Plan Policy 2.7 states that Boroughs should seek to address constraints and opportunities in the economic growth of outer London so that it can rise above its long term economic trends by managing and improving the stock of industrial capacity to meet both strategic and local needs, including those of small and medium sized enterprises (SMEs)
- 6.3 London Plan Policy 7.1 states that development should contribute to people's sense of place, safety and security.
- 6.4 Core Strategy Policy 5 states that the Council will protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations. Employment land within town centres, which has the potential to contribute to a Major town centre should be recommended for retention in employment use.
- 6.5 DM Policy 11 states that the Council will seek to retain employment uses (B Use Class) on sites and buildings in Town Centres where they are considered capable of continuing to contribute to and support clusters of business and retail uses, and where the use is compatible with the surrounding built context. A number of site characteristics and factors will be taken into account when reaching this assessment. This will include whether sites:
- a. are well located in relation to the highway network;
 - b. are well located in relation to town centres and public transport;
 - c. offer the potential for the expansion of existing in-situ businesses;
 - d. offer the potential for the provision of workshop/industrial units for small and medium sized enterprises (SMEs) serving local residential and commercial areas, particularly where there is little alternative provision in the local area; or
 - e. provide lower cost accommodation suitable for small, start-up businesses.
- 6.6 The application site is designated as an 'other employment location' and is therefore protected by the above policies. The site was not vacant in-between its use as a tree surgery business and the current tyre fitting and selling business, which also used to involve the disposal of used tyres, specifically the storage of them until collection. Local policies support the retention of an employment use on site, specifically B Use Classes. The B1(c) use class covers light industry businesses that are appropriate in a residential area.
- 6.7 The site is close to both Lee High Road, an A Road, and Belmont Hill, a B Road, as well as being very close to Lewisham town centre. Employees arrive by private motor vehicles, but the closest bus stops are 2 minutes' walk away with Lewisham and Blackheath train stations 0.5 and 0.8 miles away respectively.
- 6.8 The site is relatively constrained, but it does allow for an intensification of the use subject to impact on highways, traffic levels and on neighbouring residential properties, which will be addressed later on in this report. Also due to its size, the site does not offer the potential for the provision of workshop / industrial units for Small and Medium Sized Enterprises (SMEs) nor would it be able to provide lower cost accommodation suitable for small, start-up businesses. This is considered to be acceptable in the circumstances.
- 6.9 Although Officers have regard to the way the business was run prior to this report being written, this application will be assessed on the basis of the current use as

observed on the Officer's site visit and on how the applicant wants to run the business going forward. To that end, the bailing up of tyres and their storage on the site has ceased. It is understood that this activity ceased in March. The bailing machine was removed previously.

- 6.10 Officers have reviewed the security of the site and consider it to be as safe as can reasonably be expected for an open yard with a locked front gate. Movement sensitive security lights have been installed to the east elevation of no. 51 and the control of the luminance levels of these can be secured by condition.
- 6.11 The current use would fall under Sui Generis, but would be similar in nature to the previous tree surgery business use, including providing employment, such that the loss of a B1(a) site would be acceptable. The change of use back to B1, while requiring planning permission, could also be easily reversed. It is recommended that a condition be added restricting the use to the selling and fitting of tyres.
- 6.12 As such, the principle of the change of use has been found to be acceptable.

Impact on the amenity of neighbouring occupiers

- 6.13 London Plan Policy 7.15 states that development proposals should seek to manage noise by:
- a. avoiding significant adverse noise impacts on health and quality of life as a result of new development; and
 - b. mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses.
- 6.14 DM Policy 26 Noise and vibration states that the Council will require a Noise and Vibration Assessment for noise generating equipment, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician. Where development is permitted, conditions may be attached to the planning permission to ensure noise insulation or other mitigation measures are undertaken.
- 6.15 A noise and vibration statement submitted with the application stated that the tyre-fitting machine and balancer are vibration-free and silent. The piston air compressor used to inflate tyres is contained within a shed that has the effect of suppressing noise levels and it only runs for approximately two minutes every four hours when air is low in the tank.
- 6.16 The machines that were on site were located within the workshop to the front of the site. During a site visit, Officers observed and heard the tyre-fitting machine and the piston air compressor, neither of which made any noise that would be audible much outside the workshop and certainly not outside the site itself.
- 6.17 It is noted that the applicant owns the property at no. 51, but the use is not considered to have any impact on their amenities given the low noise emitted by the machines and the site being largely used during typical working hours.
- 6.18 Any other noise relates to lorries and other vehicles entering and exiting the site, which shall be addressed in the next section of this report.

- 6.19 Given the opening hours, which can be secured by condition, the use is not considered to be detrimental to neighbouring occupiers.

Highways

- 6.20 London Plan Policy 6.3 Development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.
- 6.21 London Plan Policy 6.9 states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards.
- 6.22 London Plan Policy 6.13 states that the maximum standards set out in Table 6.2 should be the basis for considering planning applications, informed by policy. In addition, developments in all parts of London must:
- ensure that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles;
 - provide parking for disabled people in line with Table 6.2;
 - meet the minimum cycle parking standards set out in Table 6.3;
 - provide for the needs of businesses for delivery and servicing.
- 6.23 Officers acknowledge that there has been an increase in general comings and goings compared with the previous use, albeit the site has been accessed by cars and vans rather than trucks and pick-ups. However, Officers consider that, with the exception of the lorries that picked up the tyres, this does not cause a detrimental impact on highways. The applicant has stated that any used tyres will be removed from the site by a van with a 'Luton body', weighing approximately 32.5 tonnes, in the future. This is the type of vehicle that the business owner would also use for deliveries, of which there are two per week, and between one and two collections. Officers recommend these be secured by the use of an appropriate condition.
- 6.24 A Delivery and Servicing Statement has been submitted covering the following matters:
- capacity of the site for 12 motor vehicles (three in the fitting bays, nine waiting)
 - number of deliveries (two) and collections (one-two) between 09:00-18:30
 - entry into and exit from the site with space to turn around
 - noise, with car engines turned off during tyre fittings, delivery and collections
 - date of review (May 2018 at the latest).
- 6.25 Whilst requiring the use of a banksman during deliveries and the entry and exit of vehicles in forward gear by condition would not be enforceable, the applicant will have to comply with the Delivery and Servicing Statement. Officers acknowledge that the existing access arrangements are far from ideal, providing little vehicle-to-pedestrian visibility from inside the site, but they are to remain as existing, which is the same as they were when the tree surgery business use was in operation. Therefore, no objection is raised to this.

- 6.26 The application site has a very high PTAL level of 6b (where 0 is poor and 6b is excellent) and is therefore well served by public transport. Since the nature of use requires customers to drive their cars to the site, the use would lead to increased traffic in the vicinity. Notwithstanding section 10 (vehicle parking) of the application form, there are three fitting bays and nine parking bays on site, as mentioned in the Delivery and Servicing Statement. This therefore limits the extent of the use.
- 6.27 London Plan Policy 6.13 requires one commercial vehicle parking space per 500m² of gross B2 (the site is 533m²), which shall be secured by condition along with one short-stay and one long-stay cycle parking space.
- 6.28 As such, this application would be acceptable in highways terms subject to suitable conditions being imposed.

7.0 Equalities Considerations

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

3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 7.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 7.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8.0 Conclusion

- 8.1 Officers have considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).
- 8.2 It is considered that the principle of the change of use and the loss of the B1 unit is acceptable given the similar characteristics of the existing business, with the current use not having any significant impacts on the surrounding area, neighbouring properties and on highways / traffic that cannot be addressed by the imposition of suitable conditions.

9.0 RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

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

Statement Regarding the Previous Usage of the Yard before Top Shop Tyres; Delivery & Servicing Plan & Noise & Vibration Assessment; H.M. Land Registry Map; Existing & Proposed Floor Plan; Block Plan Received 31st October

Delivery & Servicing Statement Received 22nd May 2017

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

- 2) No deliveries shall be taken at or despatched from the site other than between the hours of 08:00 and 20:00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays, or at any time on Sundays or Public Holidays. The site shall only be serviced by a van with a 'Luton body'.

Reason: To safeguard the amenities of the adjoining residential occupiers and the safety of the public highways in compliance with Paragraph 120 of the National

Planning Policy Framework, Policy 6.3 Assessing effects of development on transport capacity of the London Plan (March 2015, as furthered altered in March 2016), Policy 14 Sustainable movement and transport of the adopted Core Strategy (June 2011) and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

- 3) The site shall only be open for customer business between the hours of 09:00 and 18:30 on Mondays to Saturdays and between 10:00 and 16:00 on 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).

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

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

- 5) (a) A minimum of one short-stay and one long-stay cycle parking spaces that are secure and dry shall be provided within the development.
- (b) All cycle parking spaces shall be provided 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 2015, as further amended in March 2016) and Policy 14 Sustainable movement and transport of the Core Strategy (2011).

- 6) A minimum of one commercial vehicle parking space shall be provided within the development.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 6.13 Parking of the London Plan (March 2015, as further amended in March 2016) and Policy 14 Sustainable movement and transport of the Core Strategy (2011).

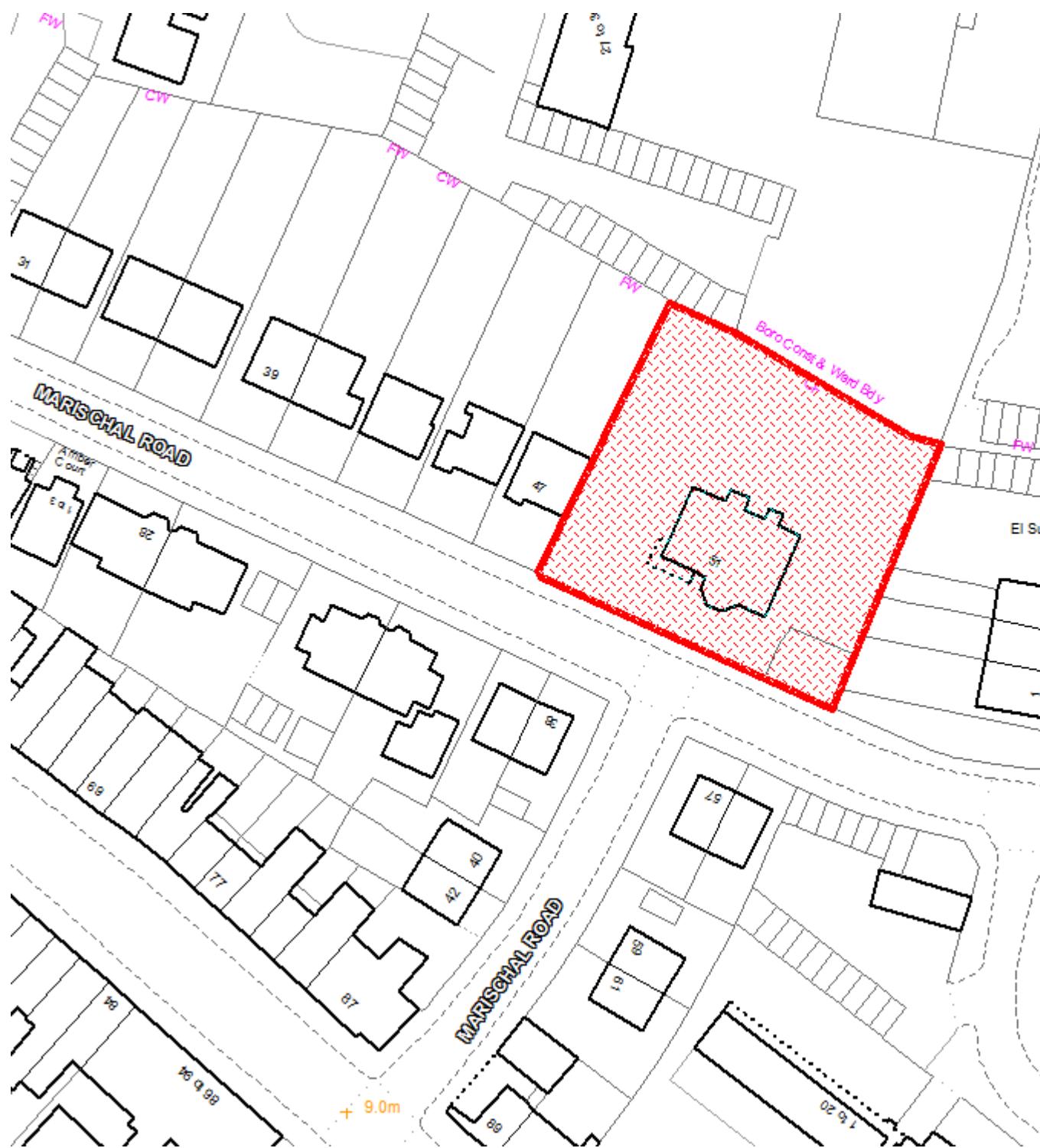
- 7) The site shall only be used for the selling and fitting / changing of tyres to motor vehicles and for no other purpose (including any other purpose in Use Class Sui Generis of the Schedule to the Town and Country Planning (Use Classes) Order

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

Reason: To safeguard the amenities of the adjoining residential occupiers and the safety of the public highways in compliance with Policy 6.3 Assessing effects of development on transport capacity of the London Plan (March 2015, as furthered altered in March 2016) and Policy 14 Sustainable movement and transport of the adopted Core Strategy (June 2011).

INFORMATIVE

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



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Committee	PLANNING COMMITTEE A	
Report Title	8 ELIOT PLACE SE3 0QL	
Ward	Blackheath	
Contributors	Russell Brown, Max Smith	
Class	PART 1	3 rd August 2017

<u>Reg. Nos.</u>	DC/13/85586
<u>Application dated</u>	02.12.2013
<u>Applicant</u>	Mrs M Nisse
<u>Proposal</u>	The retention of an unauthorised garden trellis and a single-storey garden structure in the rear garden of 8 Eliot Place, SE3.
<u>Applicant's Plan Nos.</u>	1, 2, 3, 4, 5, 6, 7, Location Plan, Photographs, Design Access & Heritage Statement and Impact Assessment (received 31 July 2014)
<u>Background Papers</u>	<ul style="list-style-type: none"> (1) Case File LE/680/8/TP (2) Local Development Framework Documents <ul style="list-style-type: none"> • Core Strategy (2011) • Development Management Local Plan (2014) (3) The London Plan (2016 as amended) (4) E-mail from Mr Lock to Planning Services dated 6th November 2014. (5) E-mail from Legal Services to Planning Services dated 3rd December 2014. (6) E-mail from Mr Lock to Planning Services dated 14th December 2014. (7) E-mail from Planning Services to Mr Lock dated 23rd December 2014. (8) Letter from Mr Lock to Planning Services undated.

1.0 Property/Site Description

- 1.1 The property is a four-storey semi-detached Georgian Grade II listed dwelling with a four storey Victorian side addition, situated on the southern side of Eliot Place. The property is located within the Blackheath Conservation Area.
- 1.2 The dwelling is provided with a generous (110m long) garden to its rear (south). The garden is enclosed with a high brick wall nearer to the main house and

fencing further to the south. To its eastern side is No.9 Eliot Place a large semi-detached Edwardian era house set back approx 5m further from the road than the subject property. To the west is the adjoining property at No.7, built in the same style as 8 Eliot Place. To the front of the property is a low brick wall with black metal railings overlooking the public open space of the Heath.

2.0 Planning History

- 2.1 Listed Building Consent was granted in 2001 for the removal of the small balcony including a door and fanlight at the rear of 8 Eliot Place SE3 and the installation of a new window.
- 2.2 **DC/04/56762:** The construction of a brick wall with columns and railings at the front of 8 Eliot Place SE3, together with new steps to the ground floor front entrance and a stepped ramp to the basement area. Approved 8/7/2004.
- 2.3 **DC/11/76341:** Reformation of the external front steps and entrance to basement level, including a new gate and raising of the front garden area to allow for a basement level plant room at 8 Eliot Place SE3. Approved 10/5/2011
- 2.4 **DC/11/76342:** Listed Building Consent in respect of alterations, including a new front door, together with reformation of the external front steps and entrance to basement level, including a new gate and raising of the front garden area to allow for a basement level plant room at 8 Eliot Place SE3. Approved 10/5/2011.
- 2.5 **DC/12/80559:** Construction of a two storey extension to the side at ground and first levels at 8 Eliot Place SE3, restatement of steps to the front together with external and internal alterations including the raising of the roof of the single storey extension to the side, the construction of a dormer window in the rear and the installation of a roof light in side of the mansard roof, new doors and glass bricks in the rear elevation, installation of glass roofing to the single storey extension at the rear and sliding doors, and associated landscaping to the front. Withdrawn 7/8/12.
- 2.6 Listed Building Consent - **DC/12/80723** Withdrawn 7/8/12
- 2.7 **DC/12/81977:** The construction of a two storey extension to the side at ground and first floor levels at 8 Eliot Place SE3 and the reinstatement of steps to the front, together with external and internal alterations including the raising of the roof of the single storey extension to the side, the construction of a dormer window in the rear, installation of glass roofing to the single storey extension at the rear, new door, sliding doors, relocation of spiral stairs, and associated landscaping to the front. Approved 17/1/2013.
- 2.8 **DC/12/81978** Listed Building Consent –Approved 17/1/2013.
- 2.9 **DC/13/85396:** Details of Facing Materials, Sample Panel, External and Internal Joinery, New Coping, New Roundel, New Railings, New Covered Walkway, New Doorway, External Walls and Deliveries submitted in compliance to Conditions (1), (2), (3), (4), (5) & (6) for planning permission DC/12/81978 dated 17 January 2013 for Listed Building Consent for the construction of a two storey extension to the side at ground and first levels at 8 Eliot Place SE3, and the restatement of

steps to the front, together with external and internal alterations including the raising of the roof of the single storey extension to the side, the construction of a dormer window in the rear, installation of glass roofing to the single storey extension at the rear, new door, sliding doors, relocation of spire stairs, and associated landscaping to the front. Withdrawn 12/12/2013.

- 2.10 **DC/13/85586:** The current application was originally submitted in November 2013. A decision letter granting permission was issued in January 2014. However, because of the failure of the Council to consult an adjoining neighbour at No.7 Eliot Place, the decision was quashed after a Judicial Review. The application is now therefore being re-determined and has been brought before the committee because 4 letters of objection have been received from neighbouring properties.
- 2.11 This application was due to be heard at committee on 18 December 2014. It was withdrawn from the committee in order to allow all parties additional time to consider the representations made and the Council's assessment of the proposal. Since that time a new Case Officer has assessed the application and undertaken visits to both the application property and No .7 Eliot Place.

3.0 The Proposals

- 3.1 Retrospective planning permission is sought for the retention of a trellis and single-storey garden structure in the rear garden of No.8 Eliot Place SE3.
- 3.2 The structure is located approximately 65m south of the main rear elevation of the dwelling house within a garden which is 110m in depth. The structure is constructed in wood and has a 4m x 4m footprint (including a 1m decked area). The roof is completed in black rubberised Permaroof. Access is via bi-fold double glazed aluminium doors. It is located centrally on the plot and setback approximately 3m from side boundaries. The height of the structure is 3m with a flat roof incorporating a minor drainage gradient. Full height patio windows face to the south away from the main house. A trellis is linked to the design traversing the full width of the property to the north side of the garden structure.

Supporting Documents

- 3.3 The application is accompanied by the following documents:

- Design and Access Statement
- Impact Assessment by Cambridge Architectural Research Limited (received 31 July 2014)
- Heritage Statement.

4.0 Consultation

- 4.1 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.
- 4.2 10/12/13 – Letters sent to three neighbouring properties, and a site notice was displayed on site. As noted above, the council failed to notify the adjoining

neighbour at No.7 Eliot Place, and consequently the decision to grant permission was quashed at judicial review.

- 4.3 10/7/2014 – Following the judicial review, the application was then re-consulted on with four letters sent to neighbouring properties and a site notice being displayed on site.
- 4.4 7/8/2014 – As a result of further information being submitted by the applicant in the form of an Impact Assessment prepared by Cambridge Architectural Research Limited, objectors were re-consulted with four letters sent to neighbouring properties (including No.7) as well as a further site notice being displayed on site.

Written Responses received from Local Residents and Organisations

- 4.5 Objections have been received from four neighbouring properties being Nos. 7, 9 and 9A Eliot Place and 8 Eliot Vale. The immediate neighbour at No. 7 submitted Further Representations (26th August 2014) which responded to the Impact Assessment dated July 2014 submitted on behalf of the applicant. Further representations were received from No.7 again on 27th April 2017, with photographs from the rear windows of No.7 in support of the objection received on 24th July 2017. All representations are available for Members. Letters have been received which relate to the conduct of the Council in dealing with this matter. These are included as background papers to the report. Members are referred to these letters.
- 4.6 The grounds for these objections are considered in more detail throughout this report but can be summarised as follows;
- Materials (timber, permaroof and aluminium bi fold doors) are not high quality or are poor quality;
 - The structure is wrongly described as a garden pavilion;
 - The development fails to protect the heritage setting of the garden and curtilage of the 18th century Listed Building;
 - It is contrary to policy as it would not constitute the highest quality design.
 - The location within the garden is inappropriate because of its prominence;
 - The structure will be a focus for noisy activity harming the amenities of neighbours;
 - The height of the external platform will give rise to overlooking;
 - It will set an undesirable precedent within the context of the listed buildings and wider vicinity;
 - The Council's previous assessment of the application was an incomplete consideration of the relevant policies;
 - The assessment did not fully consider the visual impacts of the development;

- The conclusions of the applicant's Impact Assessment appear to be based on an inadequate consideration of the relevant facts and issues and upon professional value judgements which do not appear to be soundly based;
- The type of trellis used is entirely undistinguished and inappropriate in the garden of an eighteenth century listed dwelling.
- It is inappropriate to use the trellis to distinguish different sections of the garden, in stark contrast to the reclaimed brick walls used at No.7.
- A pavilion in the garden of an eighteenth century dwelling was intended to be a structure enhancing the appearance and enjoyment of the garden. The pavilion erected at No. 7 is an example of such a structure. The structure at No. 8 is the antithesis of such a structure;
- The Impact Assessment claims that the designs of the pavilion and the trellis are unobjectionable but those judgements are based on a false premise - that there is no requirement to aspire to producing designs which are good in themselves;
- The Impact Assessment fails to assess the impact on the setting of the Listed Buildings. The setting has value in itself;
- The Impact Assessment has failed to understand that the Conservation Area Appraisal identifies the rear of the houses as being of importance also to the character of the Area. Paragraph 10.4 refers to the "retention of garden: spaces" as being vital to retaining the essential character of the area and as such the judgement of the impact of the erection of the structures on the character and appearance of that part of the Conservation Area is flawed;
- English Heritage sets out its guiding principles for the management of the historic environment but he does not appear to have applied those principles coherently in the Impact Assessment;
- The Impact Assessment appears to have disaggregated the surroundings of 7 and 8 Eliot Place and its neighbours into a collection of parts in relation to which impact can be considered separately and overlooked that the definition of conservation 'includes the objective of sustaining heritage value' and that "to preserve... is only one aspect of what it is needed to sustain heritage values;
- The long rear gardens which are a characteristic of all of the Eliot Place dwellings have such communal value, having been used for two hundred years or more, partly for enjoyment and partly for growing produce for the owner of each garden;
- What is permitted in the garden of No. 8 is capable of serving as a precedent for such development in other gardens to the rear of Eliot Place with the likely result that it will diminish their collective value as they become characterised by an unsuitable collection of shed-like structures;

- Guidance by English Heritage has not been understood and applied correctly. A clear demonstration of that relates to the principle set out at paragraph 62 of the Guidance which requires that “Every reasonable effort should be made to eliminate adverse impacts on significant places”.
- The Blackheath Conservation Area Appraisal describes Eliot Place as ‘very high quality’ and ‘very sensitive to change’.
- The impact on No.9 Eliot Place, as a non-designated heritage asset, must also be considered. The courts have recognised that a pattern of private gardens is capable of being a feature of a conservation area to be taken into account when considering whether development will preserve or enhance the area.
- The owner of No.8 Eliot Place states that he has been advised by one of the country’s leading experts in conservation, Dr Miele, that the structures are unacceptable with regard to their location, design and materials and that they do not accord with the Borough’s adopted planning policies. It is established that in decision making about development proposals, expert evidence is a vital aid and therefore his judgment should be accorded great weight.
- The owner of 8 Eliot place has also received legal advice that, based on previous reports to committee regarding this case and the expert evidence of Dr Miele, a decision to approve this application would be perverse and open to judicial review.

Amenity Societies' Panel

4.7 The Panel is underwhelmed by the design but in terms of impact on the setting of the listed building raises no objections.

5.0 Policy Context

Introduction

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

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

5.2 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).

5.3. 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 as the starting point for determining a planning application.

National Planning Policy Framework

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

National Planning Practice Guidance

- 5.6. On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the NPPG web-based resource. This was accompanied by a Written Ministerial Statement that includes a list of the previous planning practice guidance documents cancelled when the NPPG was launched.
- 5.7. This web-based resource was developed following the recommendations of the External Review of Planning Practice Guidance, its purpose is to expand upon the National Planning Policy Framework. The document is subject based and includes much of the guidance previously contained in Circulars and other policy based guidance documents.

London Plan Consolidated with Alterations since 2011 (2016)

- 5.8. On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:
- Policy 5.3 Sustainable design and construction
 - Policy 7.1 Building London's neighbourhoods and communities
 - Policy 7.2 An inclusive environment
 - Policy 7.4 Local character

- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology

London Plan Supplementary Planning Guidance (SPG)

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

- Housing (2016)
- Sustainable Design and Construction (2014)
- Character and Context (2014)

Core Strategy

5.10. The Core Strategy was adopted by the Council at its meeting on 29 June 2011. 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 3 District Hubs
- Spatial Policy 5 Areas of Stability and Managed Change
- Core Strategy Policy 15 High quality design for Lewisham
- Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
- Core Strategy Objective 10: Protect and Enhance Lewisham's Character

Development Management Local Plan

5.11. The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:-

- | | |
|--------------|---|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 22 | Sustainable design and construction |
| DM Policy 25 | Landscaping and trees |
| 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 (2012)

5.12. This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of

developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

- 5.13. Members should note that this Report does not quote from all of the above relevant policies. The text of all policies are available for review and Members are advised to have regard to them in full.

Blackheath Conservation Area Character Appraisal and Supplementary Planning Document (March 2007)

- 5.14. This document advises on the character and era of the differing building typologies in the Blackheath Conservation Area and on the content of planning applications and alterations to properties.

6.0 Planning Considerations

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

- Principle of Development
- Appearance and impact on the Conservation Area and the setting of the Grade II Listed Buildings.
 - i. Location and activity;
 - ii. Design.
- Impact on the amenity of Adjoining Properties

Principle of Development

- 6.2 The principle of having an ancillary garden structure and garden feature such as a trellis fence or indeed any other similar structure incidental to the enjoyment of the main dwelling house is accepted subject to acceptability of details concerning their design, size and location. In this case, as the application property and its immediate neighbours are Listed Buildings and fall within the Blackheath Conservation Area, the garden structures would (subject to the aforementioned details) be acceptable in principle so long as the LPA has had special regard to the desirability of preserving the listed buildings or their settings and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Appearance and impact on the Conservation Area and the setting of the Grade II Listed Buildings

- 6.3 The conservation considerations are the effect of the development on the setting of the Listed Building and its listed neighbour, and its impact on the character and appearance of the Blackheath Conservation Area.

Listed Buildings

- 6.4 There are two listed buildings in respect of which it is considered there is the potential for the development to affect their settings. There is no effect on any listed building itself. These are Nos. 7 and 8 Eliot Place.

- 6.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “special regard” must be had “to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. In section 12 of the NPPF it states that: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to *or loss of a grade II listed building, park or garden should be exceptional*. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.
- 6.6 DM Policy 36 states that the Council, in order to ensure the conservation of Listed Buildings, will have special regard to the desirability of preserving the setting of Listed Buildings in considering any application in their vicinity, and consider opportunities for new development within the setting to enhance or better reveal the significance of the asset.
- 6.7 In relation to the Blackheath Conservation Area, s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that: “special attention” must be paid “to the desirability of preserving or enhancing character or appearance” of the Conservation Area.
- 6.8 The qualities of the Blackheath Conservation Area are set out in the adopted character appraisal and supplementary planning document. No.8 Eliot Place forms part of character area 1f, where the appraisal notes the grand scale of the Eliot Vale group of individual houses and the important role they play in enclosing the Heath. This is the essence of their significance.
- 6.9 The very long gardens characteristic of most Eliot Vale houses are not specifically referred to in the appraisal but the general section on boundary walls and gardens notes the importance of retaining garden spaces, particularly where large houses (such as Eliot Place) retain the spatial quality of their original Arcadian and high status suburban settings. The construction of a modest sized garden building is not considered to affect those spatial qualities, because the layout and size of the garden space is maintained. Otherwise the impact on the character and appearance of the conservation area of a structure such as this is considered minimal in the context of the surrounding large and extensively planted gardens.
- 6.10 The appraisal makes a generic statement in regard to the retention of garden spaces, in paragraph 10.4, as being of importance to the character of the area and refers to the retention of garden spaces as being vital to retaining the essential character of the area. The presence of this structure is not considered harmful to affect the retention of garden spaces given its relatively minor scale, the fact that it takes up only a small portion of a large garden and its appropriate design, which is discussed in more detail below.

Effect on the Setting of No. 7 Eliot Place

- 6.11 Objection has been raised to the location of the structure within the garden, and specifically that because of its location, it results in visual impact which damages the setting of No. 7's leafy aspect as perceived from No.7's private open space.
- 6.12 The site has been viewed by officers from the neighbouring property at No.7 Eliot Place. This revealed that the neighbour's rear garden (approx 104m in length) had been designed to uphold the landscape features typical of traditional eighteenth century properties. This includes dividing the space into sections via the incorporation of exposed brick walls and single wooden gates. The structure within the garden of No. 8 adjoins the central section of the garden at no. 7, which accommodates the summer house, swimming pool, surrounding terrace and formal garden. It is only the central section of the garden from which the structure is visible.
- 6.13 In assessing the effect of the structure's visible impact, the following considerations were made; a) the *extent* to which the structure is visible from the neighbouring property; b) from *where* it can be viewed; and c) *reasonableness* of the proposal.
- 6.14 The length of the central section of No.7 Eliot Place's garden, to which the structure adjoins is approximately 40m. Approximately 27m of the northern half of this section is occupied by the swimming pool. To the rear (south) of this is approximately 13m of formal garden, at the bottom of which is a single bench.
- 6.15 The height of the structure in the garden of No. 8 is considered to be modest, being approximately 3m high overall.
- 6.16 It is estimated that between 80cm and 1m of the upper part of the structure is visible above the fence when standing in the garden. The maximum height of the structure visible to an observer once they pass beyond its southern edge until the wall at the bottom of the gardens central section is approximately 1m; at which point both the timber and glazing would be visible when looking back at the house. It is noted that planting on both sides of the boundary partially obscure views.
- 6.17 As previously noted, the top of the structure is primarily visible from the central section of the No. 7's garden. The impact of the structure from standing in the garden of No. 7 has been referred to in the above paragraph. The structure has also been viewed by officers from a seated position on the north facing bench at the bottom of the lawn. Only a small part of the structure's south western corner can be seen from this seated position.
- 6.18 Officers have viewed the site from the upper storeys at the rear of No.7. It was not possible to see either the trellis or the structure from this vantage due to the extent of foliage. The occupant of No.7 has provided photographs of winter views from the rear of No.7 that show partial views when the trees are not in leaf, particularly of the trellis. Given the distance involved and the extent of screening however it is considered that the setting would be preserved.

Effect on the Setting of No. 8 Eliot Place

- 6.19 The structures are located approximately 65m to the south of the No. 8 and is well screened from by a number of (mostly deciduous) mature trees. The rearward part of the very lengthy garden of No.8 is considered to be the most appropriate location for an ancillary garden structure. It should be noted that ancillary structures in the garden of the adjoining No.7 Eliot Place are positioned closer to the listed building.
- 6.20 Given this position, the distance between the structure and the main building, the extent of screening, the structure's modest dimensions, and the fact that the Arcadian character of the garden of No.8 would be maintained, it is considered that the setting of the listed building would be preserved.

Effect on the Character and Appearance of the Conservation Area

- 6.21 The site forms part of Character Area 1f of the Blackheath Conservation Area, described in the Conservation Area Appraisal as a long group of houses on a grand scale, forming part of the distinctive and unique part of the character of the Heath enclosure. It further states that the houses are very sensitive to change but their individuality provides interest and richness to the character of this part of the conservation area. Although the rear gardens are not referenced in the description of the Character Area, the importance of gardens in providing an appropriate scaled setting for larger villas and houses is set out elsewhere in the Appraisal. In particular, garden spaces are considered vital to retaining the essential historic character of the 'high status suburb'.
- 6.22 Given the very modest dimensions and position of the structure and trellis in relation to the scale of the garden of No.8 and the wider context of the Eliot Place gardens, the spacious and Arcadian setting of the houses, as described in the Appraisal, is unaffected by the development. As such it is considered that the character and appearance of the conservation area is preserved.
- 6.23 Owing to the minimal visibility of this structure into views towards the listed buildings or from them, the structure and trellis fence are considered to preserve the setting of the listed building at No. 8 and also preserve the setting of the listed building at No. 7.
- 6.24 In respect of the Conservation Area, the structure and the trellis fence are considered to preserve the character and appearance of the Conservation Area, including views to and from the garden of No. 9 Eliot Place which is also a relevant consideration.
- 6.25 In making these judgements, officers have taken account the views on the design of the structure and fence set out below.

Design

- 6.26 Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.'

- 6.27 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.28 DM Policy 30 ‘Urban design and local character’ states that the Council will require all development proposals to attain a high standard of design. DM Policy 36 ‘New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens’ states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving and or enhancing their character and or appearance, will not grant planning permission where new development is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.29 The application structure is simple and unpretentious, modest in scale compared to the large garden in which it is situated and well set in from the site’s boundaries.
- 6.30 The design of the structure comprises ‘redwood shiplatthe vertical boarding’ finishing. Objections have been raised over the quality of these materials, one stating that they are ‘understood to be of cheap and poor quality’. Another objection draws attention to the use of a ‘black rubberised permaroof’ and bi-fold aluminium doors. It is acknowledged that these materials and the overall design of the structure are different to those of the listed property, however it is considered that contemporary materials do not automatically result in harm to listed buildings. In this case, the timber cladding is considered to be a good quality finish, appropriate for its garden setting. The large proportion of glazing to the front of the structure would give it a somewhat lightweight appearance, with the aluminium frames also comprising a quality finish.
- 6.31 The design of the structure at No. 8 is contemporary unlike the traditional structures with the ornate features and detailing within the gardens belonging to No.7 Eliot Place. The garden building in the garden of No. 7 is a fine and historically inkeeping example of a pavilion but that does not mean that the structure within the garden of No. 8 does not preserve or enhance the character or appearance of the Conservation Area. Paragraph 60 of the NPPF states that planning decisions “should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”.
- 6.32 Officers consider that the simple design of this contemporary structure is a virtue in this location, as it neither attempts to draw attention away from the listed buildings and garden setting, or ape the appearance of a genuine historic building. As such it is a successful design that does not cause harm to the character or appearance of the conservation area and therefore preserves it.
- 6.33 An objection has been raised to the type of trellis used, in that it is undistinguished and inappropriate in the garden of an eighteenth century listed dwelling. Officers appreciate that the neighbouring garden at No. 7 and the features within it closely

represent those which would have been present when the property was built. However, such a level of historic accuracy is not expected or sought in all applications regarding Listed Buildings.

- 6.34 The trellis to be retained is a simple, vertical structure spanning the width of the garden, and it divides the different sections of the garden both physically and visually. The purpose of a trellis is to accommodate climbing plants, with the structure itself partially or fully concealed by them. Officers consider that it would be onerous and disproportionate to require such a commonplace garden structure to be constructed in a facsimile of a historic design, given that such differences would not be easily discernible once the planting it supports has matured. In any case, the trellis design is consistent with the contemporary approach taken to the garden building.
- 6.35 For these reasons it is considered that the garden structure and trellis are acceptable in design terms and preserve the setting of the listed buildings and the character and appearance of the Conservation Area.

Impact on the amenity of Adjoining Properties

- 6.36 DM Policy 31 states that development proposals for alterations and extensions should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. Whilst this policy refers to alterations and extensions, it is also relevant to the impact of garden structures.
- 6.37 It is acknowledged that the structure could lend itself to use for gatherings and noise associated activities. However these would be associated with the use of the property as a dwelling and therefore appropriate in planning terms. It is not considered that any noise would be materially different from noise from the garden of No. 8 itself.
- 6.38 Any opportunity for overlooking onto the adjoining property is considered to be limited given the restricted dimensions of the elevated terrace and the height of the boundary treatment between it and adjoining properties. The structure is set back from the boundaries sufficiently to avoid any significant loss of light or overshadowing to neighbouring gardens.
- 6.39 Taking the above factors into account, it is considered that there would be no significant impact on the amenities of neighbouring residents from overshadowing overlooking, or from noise associated with the use of the structure. Outlook from the structure is to the south, away from the buildings fronting Eliot Place and remains a substantial distance from residential flatted block to the rear on Baizdon Road.

Precedent Effect

- 6.40 An objector has raised the issue that the development would form an unacceptable precedent in relation to other garden development in the Conservation Area. All applications are considered on their individual merits and it is not considered that, and it is not considered that this would set any kind of unacceptable precedent.

7.0 Equalities Considerations

- 7.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
 - (d) The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
 - (e) The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

8.0 Conclusion

- 8.1 This application has been considered in light of policies set out in the development plan and other material considerations.
- 8.2 The development is considered to preserve the character and appearance of Blackheath Conservation Area and preserve the setting of the Listed Buildings of No. 7 and No. 8 Eliot Place. The overall design is considered to be of sufficiently high quality to warrant the grant of permission. The impacts on neighbouring properties in terms of loss of light and noise are not considered to be significant or harmful and the scheme is therefore considered to be acceptable.

RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

- (1) The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:
1, 2, 3, 4, 5, 6, 7, Location Plan, Photographs, Design Access & Heritage Statement, and Impact Assessment (received 31 July 2014).
Reason To ensure that the development is retained in accordance with the approved documents, plans and drawings.
- (2) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the outbuilding accommodation hereby approved shall only be used for purposes ancillary to the residential use of the dwelling house known as 8 Eliot Place, SE3 0QL and shall not be occupied as any form of self contained residential accommodation without the prior benefit of planning permission.

Reason The application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to relevant Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

INFORMATIVE

The Council engages with all applicants in a positive and proactive way through detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was in accordance with the Development Plan, permission could be granted.

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Committee	PLANNING COMMITTEE A	
Report Title	58 PEPYS ROAD, LONDON SE14	
Ward	TELEGRAPH HILL	
Contributors	JOSHUA OGUNLEYE	
Class	PART 1	03 August 2017

<u>Reg. Nos.</u>	DC/16/098786
<u>Application dated</u>	18.10.2016
<u>Applicant</u>	Hasim Riza
<u>Proposal</u>	The construction of a single storey extension on the rear elevation of 58 Pepys Road SE14
<u>Applicant's Plan Nos.</u>	Site Location Plan; Site Block Plan; Heritage Statement; Design and Access Statement (Received 18 October 2016) 02 Rev A (Received 14 February 2017)
<u>Background Papers</u>	(1) DE/48/58/TP (2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)
<u>Designation</u>	PTAL 6a Telegraph Hill Article 4(2) Direction Telegraph Hill Conservation Area
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application relates to a semi-detached Victorian property situated on the west side of Pepys Road at the south junction with Sherwin Road. The property has two storeys and a basement floor, is built of yellow stock brick and has sash timber windows. The property is comprised of multiple self-contained flats. This application is concerned with the lower ground floor flat. The property has a front sloping pitched roof and canted bay window on the left side of its fenestration. The lower ground floor flat has uPVC windows and French doors to its rear and artificial slate tiles on the roof of an outbuilding in the rear garden area. The property's rear elevation is visible to the public realm from Sherwin Road exposing rear elevation bay windows, the top of ground floor French doors and timber sash windows.
- 1.2 The host property shares similar architectural details with other properties on the street mostly comprised of properties of the same appearance and age, giving a consistent symmetry to the area.
- 1.3 The property is in the Telegraph Hill Conservation Area, and is subject to an Article 4(2) direction. It is not within the vicinity of a listed building.

2.0 Relevant Planning History

- 2.1 **DC/04/57201** Certificate of Lawfulness in respect of the use of 58 Pepys Road SE14 as five self-contained flats. **Approved**
- 2.2 **DC/07/67799/X** The current application is for the demolition of the existing garage in the rear garden at 58 Pepys Road SE14 and the construction of a two storey, two-bedroom dwelling house with an off-street parking space onto Sherwin Road. **Refused due to its impact on the garden space in a conservation area.**
- 2.3 **DC/14/88103:** The demolition of the existing garage to the rear of 58 Pepys Road SE14 and the construction of a single storey building to provide a garden studio. **Refused considered to be an unduly dominant feature to the views of adjoining property.**
- 2.4 **DC/16/096350:** The construction of a single storey extension on the rear elevation of 58 Pepys Road SE14. Refused due to its unacceptable siting, scale, and visibility from the public realm. The proposed single storey ground floor rear extension would project 2.5m from the rear wall on the north elevation and 3m from the rear south elevation. The proposed extension would have a monopitch roof with a height of 3.75m and a eaves height of 2.7m. **The applicant subsequently appealed this decision. The Appeal was dismissed.**

3.0 Current Planning Application

- 3.1 The construction of a single storey extension on the rear elevation of 58 Pepys Road SE14.
- 3.2 As the rear elevation is stepped, the proposed single storey ground floor rear extension would project between 2.5m and 3m from the rear elevation. The extension would have a dept of 3m on its boundary with No60 and 2.5m on its boundary with Sherwin Road. The proposed extension would have a flat roof with a height of 2.42m from the existing ground level and 2.92 from the proposed ground level.
- 3.3 The proposed extension would be constructed in matching stock bricks and incorporate a double glazed window and uPVC rear door. The roof material is not stated. The existing side gate from Sherwin Road would be infilled. It is not stated what material would be used.
- 3.4 The development would excavate part of the rear garden to a depth of 0.5m
- 3.5 Three Velux rooflights would be installed into the proposed extension's roof each measuring 1.6m x 1.6m and having a profile in line with that of the flat roof.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed, the application was advertised in the local newspaper, and letters were sent to residents in the surrounding area and the relevant ward Councillors. The Culverley Green Residents Association, and The Councils Conservation Officer were also consulted.

Written Responses received from Local Residents

- 4.3 An objection was received from one local resident citing the following issues which are relevant to the assessment of the planning application:
- 1] *The proposed development conflicts with the Victorian style of the back of houses already in existence in the area.*
- 2) *The proposal would create a precedent for the alterations and creation of similar structures in other rear gardens.*

4.4 **An objection was also received from The Telegraph Hill Society, summarised below:**

Even if the proposed extension cannot, and will never, be seen from the public realm we are concerned by the number of proposals coming forward regarding the addition of poor quality modern extensions. The Telegraph Hill Conservation Area Character appraisal makes particular reference to the rear of properties in the Conservation Area being as uniform as the front and, although inappropriate development has, in part, eroded this feature, the increase in applications for such rear extensions is of increasing concern.

5.0 Policy Context

5.1 Introduction

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

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

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

5.2 National Planning Policy Framework

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

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

5.4 Other National Guidance

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

5.5 The London Plan 2015 (amended 2016)

On 10 March 2016, the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage Assets and Archaeology

5.6 Core Strategy

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

Core Strategy Policy 15 High quality design for Lewisham

5.7 Development Management Local Plan

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

The following policies are considered relevant to this application:

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

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

5.8 Residential Standards Supplementary Planning Document (Updated 2012)

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

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

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

5.10 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.

5.11 Telegraph Hill Conservation Area character Appraisal and Supplementary Planning Document (March 2008)

Rear gardens are long especially those in Waller, Erlanger and Pepys Road – a reflection of the high status of the dwellings. Unusually there are no ‘back lanes’ or service roads to provide access to the rear of properties. This has prevented the building of rear garages and other modern accretions that sometimes mar the character of similar developments. The large areas of open space created by rows of back-to-back rear gardens add to the local distinctiveness of the area. There are good views of the backs of houses, as uniform in design as the fronts, and across green back gardens from where the east-west side roads (e.g. Arbuthnot, Ommaney and Sherwin Roads) cut between the primary north-south roads.

6.0 Planning Considerations

- 6.1** The relevant planning considerations for the proposal are the impact on the character and appearance of the host building and rear garden area in terms of scale and design of the proposed rear extension and the impact this would have on the character and appearance of the conservation area together with the impact on neighbouring amenities.

Design and Conservation

- 6.2** The refusal of the previous scheme identified that the proposed extension by virtue of its, scale, design and visibility from the public realm, would constitute an incongruous form of development contrary to DM Policy 30 and 36. This view was also shared by the inspector who explained that, *'in this corner location, the proposed single storey rear extension would be visible to public view from Sherwin Road, with a maximum height of around 1.2m above the garden wall. The extension's siting, design and scale would disrupt the rear garden's symmetry and appear at odds with its prevailing form. Thus detracting from its distinctive form and its contribution to the architectural interest of the CA.'*
- 6.3** The proposed single storey rear extension in this scheme would be proportionally subservient to the host property and neighbouring properties by virtue of its design and scale within the context of its rear garden area. The proposed extension would have a reduced scale, achieved through 500mm ground excavation, which would bring the highest part of the proposed extension 100mm lower than the existing boundary wall on Sherwin Road. In addition to this, the proposed extension would be set in from the boundary wall with No60 by 500mm, preventing it from overwhelming the host property's character.
- 6.4** Officers consider the development's form would have a limited and acceptable impact on the character and appearance of the conservation area. The present application would appear as a compact development what would not adversely unsettle the character of the Conservation Area.
- 6.5** The proposed rear extension would be constructed with yellow London stock bricks matching those of the host property, uPVC frames, and three conservation style rooflights. These materials would match the appearance of materials already used on the property and would not be visible from the public realm. Details of the roof covering and treatment of the infilled side gate have not been submitted, however this can be controlled by condition to ensure compatibility with the existing dwelling and boundary wall.
- 6.2** In conclusion, officers consider that the proposed extension would be compatible with the host dwelling and would preserve the character and appearance of the Conservation Area.

Residential Amenity

- 6.6 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, overshadowing, and loss of light, loss of outlook or general noise and disturbance.
- 6.7 The proposed extension would have a height of 2.42m (from existing ground level), would be set back 500mm from the boundary wall with No60 and would have a depth of 3m on this boundary. Given these dimensions, it is not considered that the proposed extension would impact negatively on neighbouring properties in terms of either sense of enclosure or an overbearing impact.
- 6.8 Given the residential use of the extension, officers consider the proposed rooflights would not result in unacceptable levels of light spill into neighbouring properties.
- 6.9 The proposed rooflights would not permit direct overlooking onto neighbouring properties and as such there is no concern in terms of loss of privacy.
- 6.10 In light of the above, the proposed development is considered to be acceptable with regards to neighbouring amenity.

Equalities Considerations

- 6.11 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.
- 6.12 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.
- 6.13 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.
- 6.14 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/>

- 6.15 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
- 6.16 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/>
- 6.17 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.

7.0 Conclusion

- 7.1 The application's proposal have been considered against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) London Plan (March 2016) and the National Planning Policy Framework (2012).
- 7.2 The proposed development is considered to be acceptable with regards to its design and would not cause harm to the character and appearance of the conservation area or neighbouring amenity.

8.0 RECOMMENDATION: GRANT PLANNING 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; Site Block Plan (Received 18 October 2016)

02 Rev A (Received 14 February 2017)

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

- 3 No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

Reason: To ensure that the high design quality demonstrated in the plans and

submission is delivered so that local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting.

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

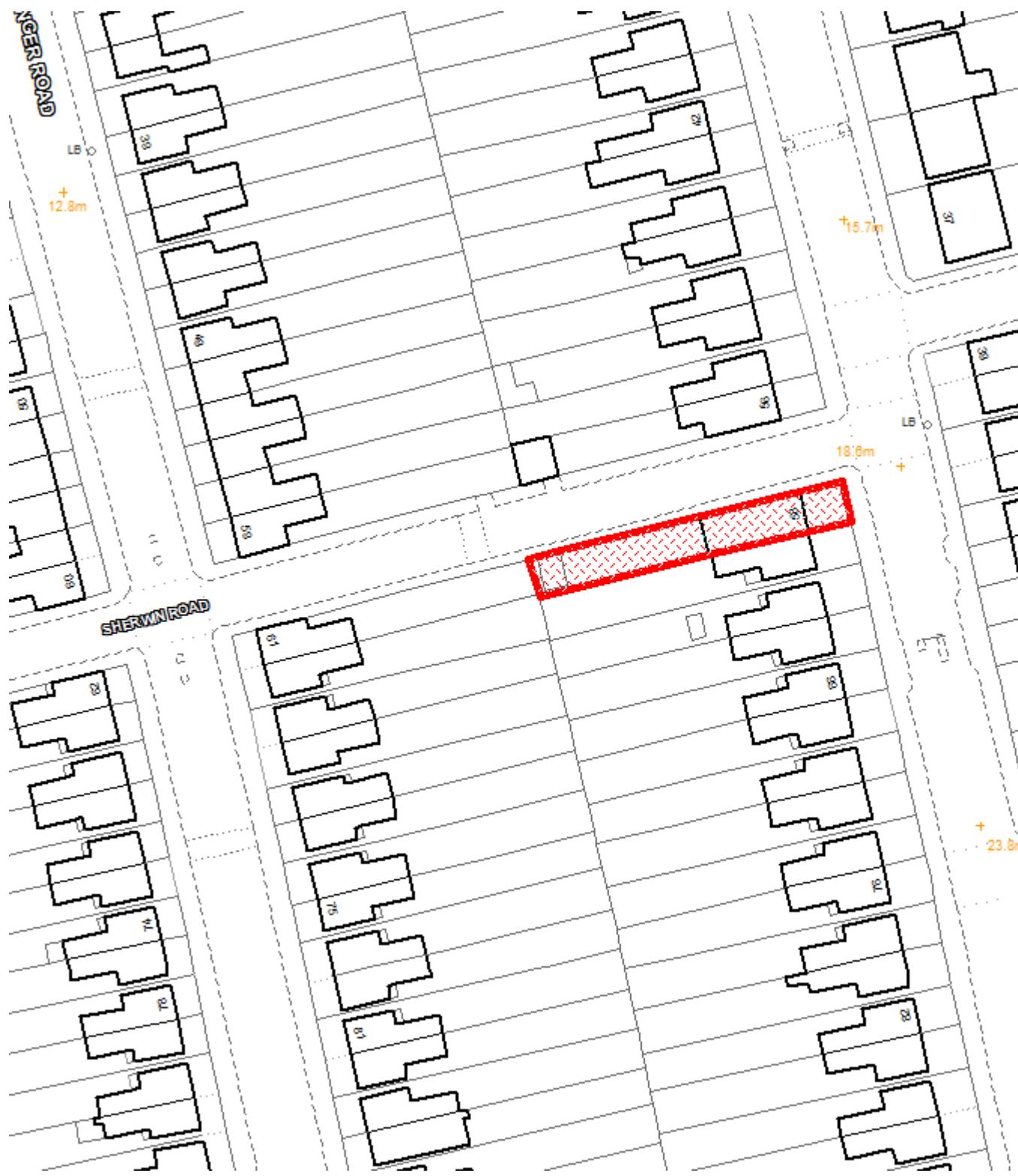
Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions,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

5. No development shall commence above ground level on site until full details of the proposed roof covering to be used on the extension as well as reclaimed bricks for the infilling of the boundary wall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting.

Informatics

- A **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.



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Committee	PLANNING COMMITTEE A	
Report Title	50 Bargery Road, SE6 2LN	
Ward	Catford South	
Contributors	Rachel Stephenson	
Class	PART 1	3 rd August 2017

Reg. Nos. DC/17/100931

Application dated 29/03/2017

Applicant Ella Morgan

Proposal The construction of a single storey extension to the rear of 50 Bargery Road, SE6 together with the installation of two replacement side windows.

Applicant's Plan Nos. 2 Rev D; Heritage Statement; Site Location Plan received 13 June 2017; 1 Rev C; 3 Rev D; 4 Rev D; 5 Rev C; 6; Block Plan received 6 July 2017.

Background Papers Case File LE/702/50/TP
Development Management Local Plan
Core Strategy
The London Plan

Designation PTAL 3
Culverley Green Article 4 Direction
Culverley Green Conservation Area
Not a Listed Building
Local Open Space Deficiency
Area of Archaeological Priority

1.0 Property/Site Description

- 1.1 The application relates to a two-storey semi-detached residential property comprising two self-contained flats. This application refers only to the ground floor flat. The property is situated on the southern side of Bargery Road.
- 1.2 The property is located within the Culverley Green Conservation Area, which contains mainly housing from the early twentieth century. The property is subject to an Article 4 Direction, but is not listed. Within the character area, these streets are characterised by semi-detached villas of similar size and plan form. However, No. 48 and No.50 (application site) both mark the start of a variation in property and site shape within Bargery Road. The main relevant variations include the presence of a rear two storey bay window and a greater property depth at the application site. The rear wall of the application site's bay window is set 3m deeper from the rear wall of No.48.
- 1.3 The footprint of the building has a distinctive C-shape due to the presence of a two storey rear projection with a single storey side projection. This side projection has a pitched roof, two side doors and is 1.6m from the boundary shared with No.48.
- 1.4 The semi-detached pair, No. 52 + 50, have rendered rear elevations. The building has a replaced slate roof with Terra cotta ridge tiles. Due to neighbouring rear garden tree planting and 37m distance, the rear of the property is obscured from side views on the public highway along Penerley Road.
- 1.5 The rear garden extends approximately 28m from the rear wall of the rear projection and is 6.5m wide.

2.0 Planning History

1958: The carrying out of alterations and improvements so as to form two self-contained flats. Granted 13/11/58.

DC/13/086002: The retention of a replacement roof covering with Spanish natural slate to the front and Eternit Rivendale Artificial slate to the rear at 50 Bargery Road SE6. Granted 15/05/2014.

3.0 Current Planning Application

- 3.1 This application seeks planning permission for the construction of a single storey extension to the rear of 50 Bargery Road SE6 and the installation of two replacement side windows.
- 3.2 The proposed extension would be sited beside the eastern boundary fence of the property, shared with 52 Bargery Road. It would have a depth of 3.5m from the main rear wall, a depth of 2.6m from the bay projection, and a width of 4.095m. The maximum height of the roof measured from ground level would be 3.2m, sloping down to 2.576m.

- 3.3 The proposal includes timber sash windows and patio door in the rear elevation. The extension would have a dark grey tiled, pitched roof. The extension would be constructed in blockwork and finished in render.
- 3.4 The development would provide a new kitchen/dining area. Internal alterations would change an existing store into a playroom and the existing kitchen would become a computer room.
- 3.5 On the side projection the two existing doors would be replaced with two timber sash windows.
- 3.6 The scheme has been revised following initial amenity concerns. The rear extension depth has been reduced from 5m to 3.5m. The roof pitch has changed from a flat to a pitched roof with an increased maximum height from 3m to 3.2m and a reduced eaves height from 3m to 2.576m.

Supporting Documents

Heritage Statement

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed, the application was advertised in the local newspaper, and letters were sent to residents in the surrounding area and the relevant ward Councillors. The Culverley Green Residents Association, and The Councils Conservation Officer were also consulted.

Written Responses received from Local Residents

- 4.3 Objections were received from two local residents citing the following issues which are relevant to the assessment of the planning application:
 - Severely reduce sunlight, daylight, outlook to lounge and garden area at No 52
 - Very poor materials being proposed as would not match original materials of the property
 - Tiles should be artificial slate to match existing main roof. If so, may need a steeper pitch adding greater height

- Would require removal of fence and impact garden and garden features at No 52 during construction
- Ongoing access and maintenance issues
- The eaves dimension of 2576 mm is unclear. It is not the dimension to ground level. If it is floor level, it would add another 150-300mm from ground level.
- Due to a change of building type between No 48 and No 50 the rear wall at No 48 set back from application site's rear wall, the extension would extend 5.05m from this adjoining property
- No extensions into rear gardens along Bargery and between Bargery and Inchmery Roads. This would set a precedent and erode the character of the conservation area
- Internal space standards should be maintained in 'Living Room' of property

4.4 A written response received from Culverley Green Residents Association is summarised below:

- Impact on sunlight, daylighting and visual amenity of the adjoining residents at 52 Bargery Road due to living rooms close together
- Extension and internal arrangements will create a 3 bedroom flat
- Worsen the lack of adequate daylighting in the living room of the application site
- Excessive length and appearance to harm the character of the conservation area
- It should be pulled back from the boundary fence between 50 and 52 by at least 30cm to be level with the bay.
- Strong reservations whether a rear extension on the end of a long back is acceptable in a conservation area, where one house type changes to another. The new extension will have a very adverse effect on the residents of 48 Bargery, as it would extend over 5 metres beyond the rear wall of 48.
- Concerned of poor materials not matching original Edwardian property.
- Roof should be artificial slate rather than concrete to be in keeping with the rest of the property.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

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

5.5 London Plan 2015 (amended 2016)

The London Plan policies relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 5.13 Sustainable drainage

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

5.6 London Plan Supplementary Planning Guidance (SPG)

The London Plan SPGs relevant to this application are:

Housing (2016)

Sustainable Design and Construction (2006)

5.7 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)

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

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

5.9 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.

5.10 Culverley Green Conservation Area Character Appraisal (2006)

Bargery Road is referred to in the Appraisal as part of Character area 2, the heart of the conservation area. Particular reference is made to these streets being characterised by semi-detached villas of similar size and plan form, consistent building line, spacing and substantial private gardens to the rear.

Common elements include two-storey bay windows and a limited palette of materials used, including brick, slate, timber sash windows and part-glazed timber doors.

6.0 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

6.1 Principle of Development

The application site is a flat, which means there are no permitted development rights.

- 6.2 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, and the impact on adjoining properties and the conservation area.

Design and Impact on the Conservation Area

- 6.3 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.
- 6.4 DM 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.

Rear Extension

- 6.5 The proposed single storey rear extension is to be constructed of blockwork with a rendered finish to match the existing rear elevation. It would be located to the rear of the two storey rear projection and would measure 4.095m wide and 3.5m deep. The proposed extension would have a pitched roof, sloping down towards the garden, with a maximum height of 3.2m and an eaves height of 2.576m. Access to the garden will be through timber patio doors to match existing doors and a dark grey tiled roof to match the existing would cover the rear extension.
- 6.6 Concern was raised in public submissions that the extension would impact the daylight and space standards in the application property. Although there would be more door access within the living room, there would be no reduction in space. There would be an impact on daylight to the living room, however there would be no door separation from the kitchen/dining area to prevent light from entering. In addition, DM Policy 31 and DM Policy 32 Housing design, layout and space standards are concerned with the space standards for new rooms provided. It is considered that the windows provided on the rear elevation would provide sufficient daylight within the new kitchen/dining space, particularly given the southerly aspect.
- 6.7 Given the nature of the site and that the development is confined to the rear of the property, it would mainly be visible from neighbouring properties in Bargery Road. The rear garden of the subject property is situated approximately 37m from Penerley Road. Due to the vegetation which is located to the rear and in neighbouring gardens, to the side, the rear extension would be tucked away from public view. In addition to the above, a suitably sized rear garden (over 90% of the existing) would be retained at the property and all materials used to construct the proposed extension have been chosen to complement or match the quality of the existing property (e.g. matching render, windows, doors and roof tiles).

- 6.8 Following the amendment of the scheme, the Council's Conservation Officer has confirmed that they have no concerns with regard to the proposal on the basis of its design and due to the limited visibility of the development from the public realm. The extension would have a modest presence and would not harm the character of the conservation area.
- 6.9 The roof form is considered to be one that pays homage to the traditional pitched roof form present on the single storey side projection and the main roof, whilst it also seeks to reduce its impact on the host property in terms of its bulk. The maximum height would sit sufficiently beneath the first floor window sill to be subordinate to the host dwelling. The height would therefore be considerate to the existing form of the host building.
- 6.10 When considering the scale of the application property and the rear garden to be retained (at least 25.5m deep), Officers are satisfied that the proposed 3.5m deep, 3.2m high (maximum) rear extension would be of a modest size that is of an appropriate scale and proportion. Officers recognise that the proposed extension would have some impact on the appearance of the host dwelling, however the extension is entirely contained to the rear of the property and subordinate to the main dwellinghouse. The single storey extension would not therefore have a material impact on the conservation area.

Side windows

- 6.11 The proposal seeks to replace the existing timber doors with timber framed, sash windows. The proposed windows would be inserted into the existing door openings and the remaining area infilled with blockwork and finished in render.
- 6.12 The windows would be inserted within existing openings and would be similar to the original timber windows in terms of their design, style and material. The infilling material would match the existing side projection finish. The proposed windows are therefore considered to be acceptable in this regard.
- 6.13 Given the above, it is concluded that the proposed extension and side projection windows would not result in any adverse design impact to the subject building and will not adversely impact the character and appearance of the Conservation Area in accordance with Core Strategy Policy 15, 16, DM Policies 30, 31 and 36 paragraph 6.2 of the Residential Standards SPD.

Impact on Adjoining Properties

- 6.14 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.

Rear Extension

- 6.15 Officers are mindful of objections raised regarding the size of the proposed extension and loss of amenity.

- 6.16 The proposed single storey extension would extend the full 4.095m width of the original rear projection. It would extend 3.5m deep from the main rear wall and 2.6m deep from the bay projection. It would have a maximum height of 3.2m and an eaves height of 2.57m.
- 6.17 The existing two storey rear bay window projection at the nearest property no.52 Bargery Road is 0.93m deep. The extension would be constructed next to the boundary and boundary fence shared with No.52 Bargery Road. As the ground floor rear bay window is located close to the boundary, there would be a change in the outlook experienced from the rear windows and the garden area. Whilst there would be a more noticeable change from the bay window facing the proposed extension, the two other windows would not be significantly impacted.
- 6.18 Since the original submission, the proposed extension has reduced in depth from 5m to 3.5m. A pitched roof is now proposed resulting in a reduction in the eaves height by 424mm. As a result of the reduced height and depth the proposal is considered to be modest in scale and would not give rise to an unacceptable impact. It is acknowledged that the extension would result in some loss of daylight, however, the level of change would be limited given the south facing orientation of the host dwelling and adjoining properties. In addition, the roof pitch would allow more light to enter and, together with the reduction in depth, would alleviate overbearing concerns.
- 6.19 Due to the presence of the rear bay window, the proposal would create an approximate 2.6m - 3.5m increase in depth relative to the other neighbouring property, No. 48 Bargery. Including the existing set back distance, there would be a total depth difference of 4.7m - 5.6m. As there would be a 2.5m distance from the boundary and this neighbouring property is set approximately 1m away from the boundary itself, the increased depth is mitigated and no significant impact on amenity would occur. At this distance and given the modest scale of the proposal, it is not considered that there would be any significant impact on daylight or outlook.
- 6.20 In addition, due to the long plots, the level of change would not affect the majority of the large gardens.

Side windows

- 6.21 The proposed side projection windows to the property would replace existing door openings. The windows would face neighbouring property No 48. Due to the side projection's eaves height, the windows would reach a maximum height of 2m. Since the windows do not face any windows at No.48 and they do not project significantly above the height of existing boundary fence, there would be no increase in overlooking or loss of privacy.

6.22 In conclusion, the proposal is considered to be of a scale and design that would not materially affect neighbouring properties.

7.0 Community Infrastructure Levy

7.1 The above development is not CIL liable.

8.0 Equalities Considerations

- 8.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- 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.
- 8.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 8.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 8.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty

2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 8.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 8.7 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.

9.0 Conclusion

- 9.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 9.2 Officers consider the proposed development to be acceptable in principle, of no significant harm to the character of the Conservation Area or to residential amenity. It 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:

2 Rev D; Heritage Statement; Site Location Plan received 13 June 2017;
1 Rev C; 3 Rev D; 4 Rev D; 5 Rev C; 6; Block Plan received 6 July 2017.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings

submitted with the application and is acceptable to the local planning authority.

- (3) The development shall be constructed in those materials as submitted namely: walls – blockwork with rendered finish to match existing, roof – dark grey tiles to match existing, windows and doors - timber frame to match existing and in full accordance with 2 Rev D; Heritage Statement; received 13 June 2017; 1 Rev C; 3 Rev D; 4 Rev D; 5 Rev C; 6; received 6 July 2017

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

INFORMATIVES

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Good Practice Guide: Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

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Committee	PLANNING COMMITTEE A	
Report Title	Land Behind 26-32 George Lane, SE13	
Ward	Rushey Green	
Contributors	Geoff Whittington	
Class	Part 1	03 August 2017

<u>Reg. Nos.</u>	DC/17/100485
<u>Application dated</u>	3 March 2017
<u>Applicant</u>	Mrs Coombes
<u>Proposal</u>	Details submitted in respect of Condition (5)(b) External Detailing of planning permission DC/15/090510 dated 7 April 2016, for the demolition of the existing buildings on land to the rear of 26-32 George Lane SE13 and the construction of 4 part single/ part two-storey three bedroom houses and a single-storey three bedroom house with courtyard gardens, and a single storey, one bedroom dwelling with courtyard fronting George Lane, together with associated landscaping, car parking, cycle store, refuse collection point and communal garden.
<u>Applicant's Plan Nos.</u>	GA-04 Rev PL1; GA-05 Rev PL3; GA-06 Rev PL1; GA-22 Rev PL1; DD-01 Rev PL1; Computer Generated Images.
<u>Background Papers</u>	(1) Case File LE/904/G/TP (2) Local Development Framework Documents (3) The London Plan (2015 as amended) (4) The NPPF
<u>Designation</u>	(1) Local Open Space Deficiency (2) Area of Archaeological Priority (3) PTAL 3 (4) Locally Listed Building

1.0 Property/ Site Description

- 1.1 The application site is located on the south side of George Lane, which runs east from its junction with Rushey Green/ Lewisham High Street. The L-shaped site lies on the south side of George Lane and comprises two elements.
- 1.2 The first is the commercial yard between 32 and 34 George Lane fronting George Lane. The yard contains former workshop buildings that are mainly single-storey, with a two-storey section located directly on the eastern boundary, behind the rear building line of the adjoining residential property at 34 George Lane.

- 1.3 The second part of the site is ‘land-locked’ garden land, located behind 26-30 George Lane, which was formerly a densely overgrown plot that included vegetation and a number of trees, until it was largely cleared in March 2015.
- 1.4 The workshop buildings once formed part of the curtilage with nos. 30-32 George Lane, which is a locally listed semi-detached pair of residential properties. At the time of the local listing, the workshop buildings were part of number 32 and are therefore also considered as locally listed buildings. In 2004, the land was subdivided due to a change of ownership.
- 1.5 George Lane and Davenport Road are generally residential, characterised by terraced dwelling-houses. There is some commercial activity at the western end of George Lane.
- 1.6 Immediately to the west of the application site is the rear garden of 26a George Lane, whilst adjoining that to the west is the Calabash Centre, which is a single-storey community building of substantial depth that lies some 6.7 metres away from the western-side site boundary.
- 1.7 The application site is located within an Area of Archaeological Priority. The site is not within a conservation area, and there are no Article 4(2) Directions.
- 1.8 The immediate area is a designated CPZ. The site has a PTAL rating of 3 on a scale of 1-6, where 6 is excellent.

2.0 Planning History

- 2.1 On 31 March 2016, Planning Committee A granted permission for the demolition of the existing buildings on land to the rear of 26-32 George Lane, and the construction of 4, part single/ part two-storey three bedroom houses and a single-storey three bedroom house with courtyard gardens, and a single storey, one bedroom dwelling with courtyard fronting George Lane. The application also included associated landscaping, car parking for four vehicles, a cycle store accommodating 12 bicycles, a refuse collection point to the front of the site, and a communal allotment garden.
- 2.2 The permission included a number of pre-commencement conditions. Condition (5)(b) External Detailing, which is subject to this application, stated:
 - (a) Within 3 months of the date of this planning permission, plans identifying those areas of the scheme where detailed plans at a scale of at least 1:10 will be provided to show the detailing of the buildings hereby approved shall be submitted to and approved in writing by the local planning authority.
 - (b) Prior to the commencement of development, elevation and section plans at a scale of at least 1:10 of those areas approved under (a) shall be submitted to and approved in writing by the Local Planning Authority.
 - (c) The development shall be carried out in full accordance with the details approved under part (b).

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the buildings and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development

2.3 Part (a) of Condition (5) was discharged by officers on 7 March 2017, and focussed upon agreeing the level of information that would eventually form part of section (b) of the same condition.

2.4 To date, no on-site works relating to the permission have been undertaken.

3.0 Background of Approved Scheme

3.1 The approved redevelopment of the site proposed the demolition of the existing buildings and the construction of four part single/ part-two storey mews style houses (Units 2-5) and a single-storey dwelling (Unit 1) to the rear of 26-32 George Lane.

3.2 A single-storey one bedroom dwelling (Unit 6) would front George Lane. Each dwelling would be afforded private external amenity space.

3.3 Access into the application site would be via a 3.4 metre wide passageway from George Lane, adjacent to Unit 6.

3.4 Units 2-5 would have an initial 7 metre deep 2-storey element, with the upper floors located within the pitched roofs. The dwellings would then fall to a single-storey height, extending approximately 11 metres to the existing rear boundary. The central areas of each dwelling would provide external private gardens, varying in size between 8.8sq.m for the one bedroom dwelling, and between 44 - 63 sq.m for the family units.

3.5 These units would be family sized dwellings, each accommodating 3 bedrooms for up to 5 persons.

3.6 Unit 1 would be entirely single-storey, located at the western end of the site. Access would be via a gate into the private garden, with entry into the building at the far end of a pathway. The dwelling would provide 3 bedrooms (a double and 2 single beds) for up to 4 persons.

3.7 Unit 6 would also be single-storey, located to the western side of the site, adjacent to 34 George Lane. The 1 bedroom, 2 person dwelling would be afforded a small courtyard area.

3.8 Four car parking spaces are proposed to the area in front of Units 4 and 5, whilst a secure, dry store for up to 12 bicycles would be provided adjacent to the parking bays.

3.9 Each dwelling would have sufficient space for individual bin storage, with a bin collection area located to the front of Unit 6.

3.10 The remainder of the site would comprise hard and soft landscaping measures, including a designated 'allotment area' for future occupiers.

3.11 All dwellings would be market properties for sale or rent.

- 3.12 The planning application was presented to Planning Committee (A) on 31 March 2016.
- 3.13 In regard to the demolition of the existing buildings, whilst the historic use of the workshop buildings and yard were acknowledged, it was important to consider their poor structural condition and shallow foundations, and the subsequent difficulty to convert them to provide residential accommodation. For these reasons, no objections were raised toward the principle of demolishing the existing workshop buildings.
- 3.14 The approved dwellings were considered to be well designed, incorporating a contemporary approach influenced by the traditional pitched roof housing that is prevalent within the immediate area.
- 3.15 In regard to standard of accommodation, it was considered that the development overall would comply with the London Plan accommodation standards, and by way of layout, circulation space and design, would provide a high quality living environment for future occupiers.
- 3.16 In respect of visual impact upon neighbouring amenity, it was considered the proposed height and massing would be appropriate, relating well with neighbouring dwellings, and resulting in no significant visual harm.
- 3.17 Subsequently, Members motioned to grant permission, subject to compliance with planning conditions.

4.0 Policy Context

Introduction

- 4.1 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).

- 4.2 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

- 4.3 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)'.
- 4.4 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

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

The London Plan (2015 as amended)

- 4.6 The London Plan policies relevant to this application are:

Policy 7.4 Local Character
Policy 7.6 Architecture

Core Strategy

- 4.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the Development Management Local Plan (2014), 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:

CS Policy 15 High quality design for Lewisham

Development Management Local Plan

- 4.8 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:-

DM Policy 30 Urban design and local character

5.0 Planning Considerations

5.1 The application relates to details submitted in compliance with Condition (5)(b) External Detailing of the planning permission dated 7 April 2016, which stated;

- (a) Within 3 months of the date of this planning permission, plans identifying those areas of the scheme where detailed plans at a scale of at least 1:10 will be provided to show the detailing of the buildings hereby approved shall be submitted to and approved in writing by the local planning authority.
- (b) Prior to the commencement of development, elevation and section plans at a scale of at least 1:10 of those areas approved under (a) shall be submitted to and approved in writing by the Local Planning Authority.**
- (c) The development shall be carried out in full accordance with the details approved under part (b).

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

5.2 The applicant has provided a set of CGIs as requested by Committee Members, which illustrates the appearance of the approved part single/ part 2-storey dwelling-houses (Units 2 - 5) to the south of the application site, including their scale, facing materials, internal images, and courtyard.

5.3 The proposed external materials would include:

- Hathaway Brindled Brick (Red multi traditional stock brick);
- Redland Slate (dark grey);
- Grey aluminium windows; sliding doors to courtyard; and rooflights;
- Red Cedar cladding and glazing to the central link;
- Red Cedar composite timber external front doors;
- Green living roofs constructed to the flat roof single-storey elements of each dwelling.

5.4 Officers consider that the proposed facing materials would be appropriate, contributing positively to the contemporary appearance of the development, whilst relating well with the wider setting.

- 5.5 The single-storey dwelling (Unit 1) to the west of the site is not depicted on the CGIs, however the proposed facing materials would be the same as Units 2-5, whilst also incorporating a green living roof.
- 5.6 Unit 6, fronting George Lane, would incorporate a mix of the Hathaway Brindled brick and reclaimed Red Stock brickwork from the existing 2-storey workshop building that will be demolished. Details were formally submitted in conjunction with Condition (22) of the approved scheme, including the condition of existing brickwork and where they will be re-used; and the method of removal of existing brickwork. Officers were satisfied with the proposal, and subsequently granted the discharge of Condition (22) on 7 March 2017.
- 5.7 Scaled 1:10 plans also form part of the current submission, including details of the construction of the green living roofs, which were formally assessed by the Council's Ecology officer, and subsequently approved on 7 March 2017.
- 5.8 Section plans also show the concealing of gutters; the composition of front and rear elevation windows; and a plan view of the front entrance doors.

6.0 Conclusion

- 6.1 In summary, it is considered that the plans submitted as part of this Approval of Details application demonstrate the approved scheme would be of a high quality, modern design, that would respect the character of the surrounding area. The proposed facing materials are considered to be appropriate, reflective of the intentions of the approved scheme.
- 6.2 For these reasons, it is recommended Condition (5)(b) is formally discharged.

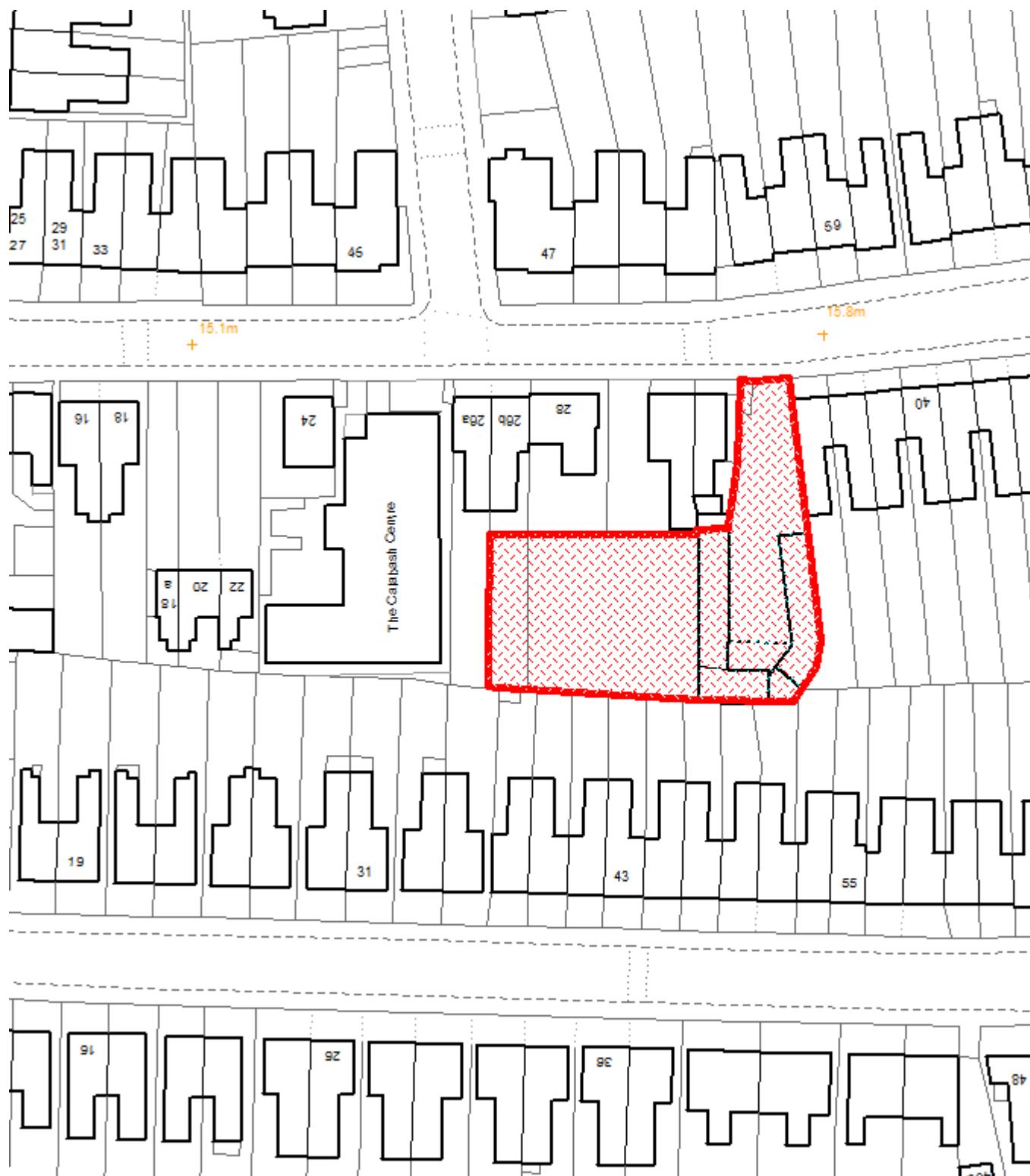
7.0 RECOMMENDATION

7.1 Discharge Condition (5)(b)

INFORMATIVE

- (A) Please be advised that the drawings submitted for this application, namely GA-04 Rev PL1; GA-05 Rev PL3; GA-06 Rev PL1; GA-22 Rev PL1; DD-01 Rev PL1; Computer Generated Images have been assessed only in relation to the conditions as referred to on this application and do not provide acceptance or otherwise pertaining to any other outstanding conditions or subsequent applications.

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Committee	PLANNING COMMITTEE A	
Report Title	OUR LADY AND ST PHILIP NERI RC PRIMARY SCHOOL, 208 SYDENHAM ROAD, LONDON, SE26 5SE	
Ward	Sydenham	
Contributors	Andrew Harris	
Class	PART 1	03 rd August 2017

<u>Reg. Nos.</u>	DC/16/099556
<u>Application dated</u>	20/12/2016
<u>Applicant</u>	Build Offsite on behalf of OLSPN Catholic Primary School
<u>Proposal</u>	Details submitted in respect of Condition (12a) Boundary Treatment, of planning permission DC/16/96041 dated 7 October 2016, for the demolition of the existing buildings at Our Lady and St Philip Neri Primary School, 208 Sydenham Road SE26 and the construction of a three storey school building including a nursery, a multi-function sports court and a running track, together with the creation of a formal pedestrian access from Home Park, the provision of cycle and scooter spaces, refuse storage and associated landscaping works to provide the amalgamation of the Infant and Junior Schools.
<u>Applicant's Plan Nos.</u>	Boundary Colour Details Received 14/07/17; 01/1413 Rev G Received 19/07/17
<u>Background Papers</u>	(1) Case File LE/180/J/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 3 Area of Archaeological Priority – Sydenham Not in a Conservation Area Not a Listed Building

1.0 Property/Site Description

1.1 The application relates to Our Lady and St Philip Neri primary school, which is located on the eastern intersection of Sydenham Road and Fairlawn Park.

2.0 Planning History

2.1 **DC/16/096041** - The demolition of the existing buildings at Our Lady and St Philip Neri Primary School, 208 Sydenham Road SE26 and the construction of a three storey school building including a nursery, a multi-function sports court and a running track, together with the creation of a formal pedestrian access from Home Park, the provision of cycle and scooter spaces, refuse storage and associated

landscaping works to provide the amalgamation of the Infant and Junior Schools.
Approved, 07/10/2016.

3.0 Background

- 3.1 Planning permission was granted by Committee A on the 6th October 2016 for the demolition of the existing buildings at Our Lady and St Philip Neri Primary School, and the construction of a three storey school building including a nursery.
- 3.2 Members requested that details of boundary treatments, travel plan and improvements to Home Park be brought before them for determination.
- 3.3 This application relates to boundary treatments (Condition 12). Details of the travel plan and works to Home Park will be brought before the Committee in due course.

4.0 Current Planning Applications

The Proposals

- 4.1 The present application is for the discharge of conditions relating to the permission approved on the 7th October 2016 (ref. DC/16/096041) The demolition of the existing buildings at Our Lady and St Philip Neri Primary School, 208 Sydenham Road SE26 and the construction of a three storey school building including a nursery, a multi-function sports court and a running track, together with the creation of a formal pedestrian access from Home Park, the provision of cycle and scooter spaces, refuse storage and associated landscaping works to provide the amalgamation of the Infant and Junior Schools.

- 4.2 The application seeks to discharge Condition (12a) – Boundary Treatments

12. (a) Notwithstanding the approved plans, details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

5.0 Policy Context

Introduction

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

(c) any other material considerations.

A local finance consideration means:

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

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

National Planning Policy Framework

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

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

Other National Guidance

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

The London Plan (2015 as amended)

5.6 The London Plan policies relevant to this application are:

Policy 7.4 Local Character
Policy 7.6 Architecture

Core Strategy

5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the Development Management Local Plan (2014), 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:

CS Policy 15 High quality design for Lewisham

Development Management Local Plan

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

DM Policy 30 Urban design and local character

6.0 Planning Considerations

6.1 In order to discharge this condition, the applicant submitted the following documents:

- 01-1413 Rev G – Boundary Treatment Plan
- Boundary Colour Details

6.2 The application proposes the following:

6.3 North elevation (boundary treatment 01) – Metal vertical bar railing, measuring 2.4m in height, Gentian Blue in colour.

6.4 North elevation (boundary treatment 02) – Brick wall and cementitious board cladding. This elevation would form the principle elevation of the building. The brick element would measure 1.9m in height.

6.5 West elevation (boundary treatment 03) – Double skin brick wall with metal vertical bar railing. The boundary would have a maximum height of 2.4m, with the lower 1.4m being solid fairface brick. The upper 1m of the wall would be vertical bar railings, finished in Gentian Blue. Boundary 03 would also include a vertical bar double leaf gate, measuring 2.4m in height, finished in Gentian Blue.

6.6 West elevation (boundary treatment 04) – Metal vertical bar railing fence, measuring 2.4m in height, finished in Gentian Blue.

6.7 West elevation (boundary treatment 05) – Brick boundary wall from new building. The side elevation of the building which is to form part of the boundary would be constructed from fairface red brick to match the boundary wall. It would have a height of 3.9m and a width of 10.4m.

- 6.8 South and south-western elevations (bordering properties on Fairlawn Park) – Boundary to be retained or replaced to match existing. The existing boundary consists of a mixture of wooden fences and concrete walls. New trees are proposed along the south-western elevation to aid in the privacy of the properties on Fairlawn Park (this forms part of a separate application - DC/16/099557).
- 6.9 South and east elevations – Metal vertical bar fencing at a height of 2.4m, painted Gentian Blue. New climbing species are to be placed at the base of the fence are proposed as part of a separate application - DC/16/099557.
- 6.10 The materials, designs and layouts proposed by the applicant are considered to be acceptable and in keeping with the existing streetscene and local area. It is noted that the original scheme sought a green finish to the proposed fences and railings; however, the applicant has requested this be changed to Gentian Blue to link the school's new colour brand. Officers consider the new colour acceptable.

7.0 Conclusion

- 7.1 The details submitted are considered sufficient to discharge Condition (12a) Boundary Treatments.

8.0 Recommendation: Discharge condition (12a) - Boundary Treatments

INFORMATIVE

- (A) Please be advised that the drawings submitted for this application, namely Boundary Colour Details Received 14/07/17; 01/1413 Rev G Received 19/07/17 have been assessed only in relation to the conditions as referred to on this application and do not provide acceptance or otherwise pertaining to any other outstanding conditions or subsequent applications.

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