

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 25 MAY 2017 TIME 7.30 PM**

PLACE: **ACCESS POINT, GROUND FLOOR, LAURENCE HOUSE, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

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

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

**Barry Quirk
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 16 May 2017**

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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 25 May 2017

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

(1) Personal interests

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

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

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

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

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

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

(3) Other registerable interests

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

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

(4) Non registerable interests

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

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

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

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

(6) Sensitive information

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

(7) Exempt categories

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

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

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Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 25 May 2017

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 06 April 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in THE COUNCIL CHAMBERS, LEWISHAM TOWN HALL, CATFORD SE6 on 6th April 2017 at 7:30PM.

PRESENT: Councillors: Reid (Chair), Ogunbadewa (Vice-Chair), Ingleby, Moore, Muldoon, Hilton, Millbank

APOLOGIES: Wise, Siddorn, McGeevor

OFFICERS: Max Smith - Planning Service, Suki Montague - Legal Services, Andrew Harris - Committee Co-ordinator.

1. MINUTES

Councillor Reid (Chair), asked if Members agreed that the Minutes of the Planning Committee (B) meeting held on 2nd March 2017 were a true and accurate record. Members agreed.

2. DECLARATION OF INTERESTS

There were no Declaration of Interests.

3. UNIT E (GROUND FLOOR), WILLOW HOUSE, DRAGONFLY PLACE

The Planning Officer Max Smith outlined the details of the case and highlighted to Members that the application was for retrospective planning permission. Members then sought clarity on the use of the building, ability to enforce restrictions on hours of use and the status of the building as a live/work development.

The committee received verbal representation from Mark Lancaster (applicant). Mr Lancaster addressed points raised in objections including traffic, noise, litter and hours of use. He went on to assert that the business was a charity which worked with students and young people, provided local jobs and brought in passing trade to the surrounding area.

Councillor Ingleby asked the applicant if the site was the only private space which the business used/owned, which Mr Lancaster confirmed it was.

No objectors were present at the meeting.

The committee then heard from Councillor Millbank. She complimented the officer's report on its fairness and balance in setting out the issues. She went on to state that she was surprised the applicant had not known that planning permission had been required and clarified the business as being a social business rather than a charity. Councillor Millbank relayed to Members that there had been mixed views within the community and that the proposal had both benefits and disadvantages. She outlined concerns including setting a harmful precedent for similar changes of use and implications on parking stress.

Councillor Ingleby sought clarification on the conditions which could be attached, including the possibility of a condition requiring a noise meter.

Councillor Reid (Chair) then read a letter from a local resident to Members.

Further discussion between Members took place regarding acceptable hours of use of the site, the resultant noise from the yoga studio and the ability to approve a temporary permission. Councillor Muldoon also noted that as the property was on a private road, parking issues should be handled by the managing agent.

Councillor Ingleby moved a motion to accept the Officer's recommendation but to extend the opening hours to 7am to 9pm. It was seconded by Councillor Hilton.

Members voted as follows:

FOR: Councillors Reid (Chair), Ogunbadewa (Vice-Chair), Ingleby, Hilton, Muldoon and Moore.

RESOLVED: That planning permission be granted in respect of application No. DC/16/095899, but with a variation to hours of use condition from that recommended in the report. The condition was varied to the following:

The premises shall only be open for customer business between the hours of 07:00 and 21:00 from Monday to Fridays and between 09:00-17:00 on Saturdays, Sundays and Bank Holidays.

4. 49 Mount Ash Road

Councillor Reid (Chair) reminded Members that the application had been deferred from a previous committee for additional details on drainage, roof details and sections. The Planning Officer Max Smith then outlined the details of the case.

The committee received verbal representation from Adam Humphries (applicant), who presented the scheme and clarified works to the rear boundary wall. No questions were raised by Members.

The committee received verbal representation from an objector, Mary McKernan. She raised multiple concerns including errors in the validation of the application, inaccuracies in the Officer's report and minutes from the previous meeting, errors in the registration of objections, the reduction in the size of the application site's rear garden, issues contacting building control and increased overbearing impact.

Further deliberation took place between members including discussion regarding the logistics of building control. The Planning Officer Max Smith also noted that one of the proposed conditions required a construction management plan to be submitted by the applicant.

Councillor Ogunbadewa (Vice-Chair) then moved a motion to accept the Officer's recommendation, subject to conditions. It was seconded by Councillor Muldoon.

Members voted as follows:

FOR: Councillors Reid (Chair), Ogunbadewa (Vice-Chair), Ingleby, Muldoon.

ABSTAINED: Hilton, Moore.

RESOLVED: That planning permission be granted in respect of application No. DC/16/098571, subject to the conditions outlined in the report.

5. 49 Mount Ash Road

The Planning Officer Max Smith outlined the details of the case to Members and highlighted that the application had been deferred from a previous committee due to the proposed window colour. He then brought to Member's attention that subsequently the applicant had agreed to change the proposed colour from grey to white.

The committee received verbal representation from Ossie Phipps (applicant), who reiterated the point that the proposed window colour had been changed to address previous concerns. No questions were raised by Members.

No objectors were present at the meeting.

Councillor Muldoon then moved a motion to accept the Officer's recommendation, subject to conditions. It was seconded by Councillor Moore.

Members voted as follows:

FOR: Councillors Reid (Chair), Ogunbadewa (Vice-Chair), Ingleby, Hilton, Muldoon and Moore.

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

The meeting ended at 8:35pm.

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Committee	PLANNING COMMITTEE (B)	
Report Title	Garages behind, 41-55 Corona Road, London, SE12	
Ward	Grove Park	
Contributors	Joe Roberts	
Class	PART 1	Date: 25 May 2017

<u>Req. Nos.</u>	DC/16/095629
<u>Application dated</u>	23/02/2016
<u>Applicant</u>	Fraser Brown Mckenna Architects on behalf of L & Q Group.
<u>Proposal</u>	The redevelopment of the demolished garage site at the rear of 41-55 Corona Road SE12, to provide 2 three bedroom semi-detached houses, together with the provision of 4 cycle spaces and private amenity areas.
<u>Applicant's Plan Nos.</u>	821-P-0001-A, 821-P-0301, 821-P-0302, 821-P-1001-C, 821-P-1002-C, 821-P-1003-C, 821-P-2001-B, 821-P-2002-C, 821-P-2003-C, 821-P-2004-B, 821-P-9400 Received 3 rd March 2017.
<u>Background Papers</u>	(1) Case File LE/264/13/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 1a PTAL 1b Local Open Space Deficiency Not in a Conservation Area Not a Listed Building Unclassified

1. Property/Site Description

- 1.1. This application relates to a back land site, which previously contained private garages that have since been demolished. It is located to the rear of 41-55 Corona Road.
- 1.2. The north western part of the site shares a boundary with Numbers 44 to 50 Kingshurst Road. Number 57 Corona Road adjoins the eastern part of the site. The south eastern part of the site borders a block of flats numbered 29-55 Corona Road, which is currently owned by L and Q housing.
- 1.3. The site consisted of garages which were derelict and have now been demolished. The site is overgrown and unsightly.

- 1.4. Other than the entrance which provides a view into the site, the main part of the site is not visible from the public highway.
- 1.5. The site has a PTAL rating of 1b, which is considered poor. The site is not located in a conservation area, nor is it subject to an article 4 direction.

2. Relevant Planning History

Application Site

- 2.1. In 2011 prior notification was submitted for the demolition of the garages. The council raised no objection to the demolition of the garages
- 2.2. The garages were demolished by the owner, L and Q housing, due to their limited use, dereliction and the garages being used for anti-social purposes.
- 2.3. The applicant applied to the council for pre-application advice on .6th March 2015 for two x 4 bedroom houses or six x 2 bedroom flats at a height of three stories. The planning officers considered that flats within this location would be unacceptable and single dwelling houses could be acceptable subject to their impact on neighbouring amenity and provision of suitable accommodation.

3. Current Planning Application

- 3.1. The redevelopment of the garages at the rear of 41-55 Corona Road SE12, to provide 2 three bedroom houses, together with the provision of 4 cycle spaces and private amenity areas.
- 3.2. Each of the two houses would be two storey in height with pitched roofs and would extend from east to west, as shown in Figure 1 below. The two houses would be connected which creates an L-shape on the eastern side and enables the provision of a small communal courtyard area. Both houses will be recessed at the first floor level towards the western boundary of the site leaving a small flat roofed area. The application has been revised so this area would not be accessible by residents.
- 3.3. A mix of materials is proposed for the elevational treatments of the proposed dwellings. London Stock brick is proposed for the main treatment together with timber panelling on the façade. Copper tone zinc cladding is proposed for the pitched roofs.



Figure 1: Proposed layout plan

3.4. Internally the house along the northern boundary (Unit 1), would have a GIA of 98sqm with living room, bedroom and kitchen/dining room located on the ground floor. On the upper floor two bedrooms and a bathroom would be located. Unit 2 would have a GIA of 103 sqm and identical room layout.

3.5. Both properties would be afforded with private amenity space to the rear and a communal courtyard to the front. Soft landscaping would be provided to the front of each property.

4. Consultation

4.1. A site notice was displayed. Local neighbours and ward councillors have been notified. A total of 11 letters of objection were received from 6 separate residents and a petition signed by 5 residents.

4.2. The main points raised in the letters of objections are outlined below:

- Height, bulk and massing out of context with the area
- The location close to the boundary would increase overlooking into rear gardens
- Use of the flat roofs as terraces could further increase the overlooking into rear gardens
- The original 3m high boundary fence should be re-instated.
- Loss of off-street parking
- Impact on daylight/sunlight into neighbouring properties
- Loss of natural habitat located for wildlife in the area
- Loss of community amenity space
- Out of scale with the area.
- Unattractive, overbearing and out of character for the area

- Potential impact on the trees to neighbouring properties.

Officers consider the site to not be a community amenity space or a community use. Further to this, the due to the scale of the development (2 units) there is not a requirement to provide green or communal space such as the area to the front of the adjoining block of flats.

With regard to the loss of wildlife the area is almost completely covered in hardstanding and no evidence of protected species or other wildlife has been found on the site.

No trees are located on the site but concerns have been raised with regards to damage to trees surrounding the site. As the proposal is contained within the site, officers consider there to be low risk to the trees in surrounding properties.

Internal Consultations

- 4.3. Highways and Environmental Sustainability have been consulted. Discussions took place regarding parking on site, however officers were satisfied that the existing arrangement is acceptable. Highways raised no objection to the scheme subject to securing the following conditions:
- Construction Method Statement.
 - Provide low level lighting to front.

4.4. Drop-in Session

- 4.5. Following objections from more than 10 residents and the grove park neighbourhood forum, in line with the council's Statement of Community Involvement (SCI) an informal drop in session was held on the evening of 20th February 2017.
- 4.6. 4 people who attended signed the register of attendance and highlights they opposed the proposed development.
- 4.7. During the session, a number of the concerns focused on the impacts of the proposed dwellings on the amenity of residents through overlooking and overbearing impact.
- 4.8. Following the drop-in session, a further response was received from a resident. A number of previously listed concerns were raised regarding overlooking and size and scale of the proposed development.

5. **Policy Context**

Introduction

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

A local finance consideration means:-

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

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

National Planning Policy Framework

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

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

Other National Guidance

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

London Plan (March 2015)

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

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.4 Local character
- Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

5.7. The London Plan SPGs relevant to this application are:-
Housing (2016)

Sustainable Design and Construction (2006)

Core Strategy

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

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

Development Management Local Plan

- 5.9. The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant 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 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

Residential Standards Supplementary Planning Document (2012)

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

6. Planning Considerations

- 6.1. The relevant planning considerations for this application are as follows:
- Principle of Development
 - Design
 - Standard of Accommodation
 - Residential Amenity
 - Highways and Traffic
 - Sustainability

Principle of Development

- 6.2. The site has no specific allocations under the up to date development plan and is currently derelict.
- 6.3. The National Planning Policy Framework through its core planning principles encourages the effective re-use and development of previously developed (brownfield) land. The NPPF also speak of the need for delivering a wide choice of high quality homes which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 6.4. Both the London Plan and Lewisham's Core Strategy promote the provision of a range of different tenured and sized new homes, with the Core Strategy specifically welcoming small scale infill development subject to the development complementing the character of the area.
- 6.5. DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas states that depending on the character of the area and the urban design function a space fulfils in the streetscene, some sites will not be considered suitable for development and planning permission will not be granted. The policy goes on to state that "if a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design, quality and relates successfully and is sensitive to the existing design quality of the streetscape.
- 6.6. The site has the characteristics of a backland site which are defined as "landlocked sites to the rear of street frontages not historically in garden use such as builders yards, small workshops, warehouses and garages. As such officers consider the site to be backland, in line with the definitions of the DMLP.
- 6.7. The policy justification for DM Policy 33 goes on to explain that for these sites to be suitable to come forward for development they must be sensitively designed and provide safe access. The site has the potential to overcome these issues. Firstly, as the site was previously used for garages it has an existing access arrangement which allows for the safe access into the site by motor vehicle and pedestrian. Further to this, the scale and design of the development is considered to contribute to the character of the streetscene by bringing back a derelict site, in line with the NPPF, which promotes the re-use of Brownfield/ previously developed land.
- 6.8. Whilst in this case the principle of developing upon such land may be acceptable, this would be subject to a range of criteria such as the site providing the following; a proper means of access, no significant loss of privacy or security of adjoining houses and the provision of appropriate amenity space. Each of these issues will be dealt with in the following sections.

Design

- 6.9. Paragraphs 56-57 of NPPF state that *Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people and that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings etc.*

- 6.10. The relevant policy is guided by the London Plan, London Plan Housing SPG and the Development Management Local Plan as well as the Lewisham Council Housing SPD. Policy 3.4 of the London Plan 2015 sets the high level policy direction for this proposal. It states that boroughs should take into account local context and character, the design principles and public transport capacity; but that development should also optimise housing output for different types of location within the relevant density range.
- 6.11. DM Policy 30 requires all development proposals to attain a high standard of design where applications must demonstrate the required site specific design response to create a positive relationship to the existing surroundings, taking all available opportunities for enhancement.
- 6.12. DM Policy 32 sets Council's expectations for all residential development, where they are:
- a) *attractive and neighbourly*
 - b) *provide satisfactory level of privacy, outlook and natural lighting for both its future residents and neighbours; and*
 - c) *meet the functional requirements of future residents.*
- 6.13. DM Policy 33 paragraph 2 states that [even] if a site is considered to be suitable for development, permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape. This includes spaces between buildings and the size and proportion of the buildings.
- 6.14. Given the siting of the proposed development on a backland site, its visibility from the public realm would be limited. From Corona Road, the proposed development would be partially visible when looking down into the site entrance.
- 6.15. The proposed dwellings would be constructed up to two stories with pitched roofs. The height at the eaves would be 5.2m with a maximum height of 7m. The building would be located closer to the block of flats at 29-55 Corona Road, which is a two storey block with a pitched roof. The surrounding properties are characterised by their two storey height and pitched roofs. The proposed height, scale and design of the proposed dwellings are considered to be in keeping with the urban typology.
- 6.16. Objections were raised regarding the visual impact of the proposed dwellings. It is considered that the scale and design of the two storey building is in keeping with the surrounding two storey block of flats adjoining and the two storey dwellings to the north along Kingshurst Road. Furthermore, the existing garages and parking space is not considered to be visually attractive and the proposed building would be an improvement to the visual appeal of the area. As mentioned above, the NPPF supports the re-use of previously developed land subject to the highest quality of design.
- 6.17. There are a range of architectural styles within the immediate area. The scheme proposed would introduce a contemporary style of dwelling that is appropriate to the modern era. Fenestration would be inserted on all elevations creating high levels of visual interest and reducing the amount of blank frontages. While the development is of a different design to the surrounding properties it still appreciates the character of the area which allows it blend in, with the use of pitched roofs with similar eaves height of the neighbouring properties and the use of London stock brick. Overall the materiality and detailing of the proposed dwelling would be of a high quality and would be an attractive addition to the area.

- 6.18. On the southern elevation the application has been revised to locate to high level windows to create some visual interest and breaks up the large blank wall that was originally submitted.
- 6.19. Areas of soft landscaping have been provided in front of the properties within the communal courtyard. Not only does this break up the area of hardstanding to the front but it adds some form of defensible space. The area of hardstanding to the front in principle is acceptable subject to further details regarding permeability and design. As such both the details of the soft landscaping and hard landscaping can be secured by condition.
- 6.20. Many buildings within these urban forms, utilise a mixture and variety of materials with rendered elements. There is no dominant material in the area. However, the block of flats along Corona Road which is a significant part of the streetscene is constructed in yellow stock brick.
- 6.21. The proposed London stock brick is considered to be a suitable matching brick to the surrounding development, and the copper tone cladding and timber panelling on the façade are considered to be of a high quality and bring a contemporary feel to the dwelling.
- 6.22. Objections have been raised stating that a 3m high fence should be installed. Officers consider this to be excessive and could potentially impact the amenity space provided to the new dwellings. A 2.1m high fence is considered appropriate and further details of the boundary treatments can be secured by condition.
- 6.23. Overall the proposed materials are considered to be of a high quality to ensure the proposed buildings would be in keeping with the existing development and provide visual interest.
- 6.24. Details were listed in the Design and Access Statement, however a sample panel was not provided. Therefore a condition is proposed for the submission of samples to be submitted before the commencement of development to secure the high quality of the design. This is also applicable to the public realm as detailed further in the report.

Standard of Accommodation

- 6.25. The NPPF states that, as a core principle, planning should seek to provide a high quality of amenity for future residents.
- 6.26. In line with this, DM Policy 32 states that the standards of the London Plan, contained within the Housing SPG, will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. In addition to this, the nationally prescribed technical housing standards are also applicable to the scheme.
- 6.27. The Nationally Described Space Standards (2015) sets out the internal space standards required for new dwellings. The internal floor area for a 3b5p dwelling is 92 sqm. The proposed dwellings would be 98sqm and 103sqm respectively and therefore meet this standard. The proposed dwelling would also meet the requirements for built in storage, bedroom size and width and floor to ceiling heights.

- 6.28. DM Policy 32 (4c) states that residential development should provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect.
- 6.29. In addition to this, the Council will utilise the standards of the Housing SPG on daylight sunlight and an assessment against the BRE guide to good practice measures will be undertaken where relevant.
- 6.30. Both of the units would dual aspect and provided with good levels of outlook. Although the application has been revised to restrict the use of the flat roof as roof terraces both units provide adequate private amenity space in line with the London Plan.
- 6.31. In light of the above officers consider the proposal would provide an adequate standard of accommodation in line with relevant policies and standards.

Neighbouring Amenity

- 6.32. DM Policy 32 requires residential development to provide a satisfactory level of privacy, outlook and natural lighting for both its future residents and its neighbours. 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 32 and 33 seek to ensure that new residential development should not result in significant loss of privacy and amenity to adjoining houses and their back gardens. The Council's residential Standards SPD advises that as a general rule 'unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations.' It goes further to state that habitable rooms within new dwellings should be a minimum of 9m from the rear boundary or the flank wall of any adjoining plot. The policy allows for deviation from the minimum distances where the design of the buildings can mitigate overlooking issues.
- 6.33. The main part of the application site is rectangular in shape with a depth of approximately 12m and a width at its widest point of 28.3m. The application dwelling would be built up to two stories close to the boundary with properties on three sides of the site.
- 6.34. On the southern boundary the two storey flank wall would be only 9.5m from the rear of the block of flats at number 29-55 Corona Road. Objections have been raised to the impact of the proposed development on these properties. Although under normal circumstances, this height so close to the rear of residential properties would be of concern, given the arrangement on site this results in the proposed two storey flank wall being located directly opposite a largely blank elevation at the block of flats, except for one window which does not seem to be in use as a habitable room. As the dwelling along this boundary moves across towards the habitable windows located in the block of flats the proposed dwelling drops down to single storey in height. In light of this officers consider there would be an acceptable impact on the residents located at number 29-55 Corona Road.
- 6.35. With regards to the properties the northern boundary numbers 44-50 Kingshurst Road, again objections have been received regarding the impact of the development on the amenity of the neighbouring residents. Although officers understand the residents' concerns of having two stories being built close to their

boundaries, these properties have relatively large gardens and the flank wall would be over 28m from the nearest rear window. As such officers consider the proposal would not have an impact with regards to overbearingness or increased sense of enclosure, with distances detailed on Figure 2 below. In light of this, the proposal meets the requirements of the SPD with regards to separation distances. The above arrangements are shown on the image below:



Figure 2: Privacy distances

- 6.36. Notwithstanding the above, the adherence to the SPD requirements in itself does not fully address the requirements of CS15 and DM 32 & 33 which require the protection of neighbour amenity.
- 6.37. Further objections were received in regards to the loss of privacy due to windows being located in the north elevation. Although these windows are to habitable room they are not the primary source of light or ventilation and therefore can be fixed shut and glazed without impacting on the standard of accommodation provided. These windows have been revised to be obscure glazed and the roof terraces above the flat roof would be inaccessible. Officers consider by securing these details by condition, then the impact on the privacy of the neighbouring residents would be acceptable.
- 6.38. There is also potential for overlooking into the rear of the adjoining block of flats on Corona Road from the first floor rear windows. However, these would only be from oblique views and within the context of a London borough development there would always be some slight overlooking. Officers consider the level of this overlooking to be minimal and would not have a detrimental impact on the privacy

of neighbouring residents. This potentially would be exacerbated by the use of the flat roofs as roof terraces. However officers consider a condition restricting their use would be sufficient to overcome this issue.

- 6.39. Objections have also been raised regarding the loss of outlook. Officers consider that outlook, especially from the properties on Kinghurst, would be altered but the quality of the outlook would not be impacted due to the separation distances. The two storey flank wall would be over 25m from the rear of these properties, which within suburban setting in a London Borough is adequate outlook for residents. Impacts on outlook of the rear windows from the block of flats has been mitigated by dropping the height to single store as mentioned above.
- 6.40. With regards to the property at number 57 Corona Road the two storey flank wall would be built flush against the boundary. However this would be towards the bottom of their garden which measures over 25m. Due to the orientation of the site any overshadowing would be contained to the very rear of the garden. Officers consider due to the size of the garden and the siting of the proposal it is not consider that the development would impact on the amenity of the residents or their enjoyment of their private amenity space.
- 6.41. The council's highways department were consulted and raised no objections subject to the implementation of a condition requiring a Construction Method Statement. Officers consider that on a backland site there is potential for construction to have an impact on the highway and neighbouring residents. Therefore a condition requiring a construction method statement, which seeks to mitigate these impacts is considered appropriate and acceptable.
- 6.42. In light of the above officers consider the application would comply with all of the relevant polices relating to the impact on neighbouring amenity within the Development Plan.

Highways and Traffic Issues

- 6.43. One of the main constraints with backland sites is providing safe access for pedestrians and vehicles. The site was previously used as garages with its own access and this access arrangement is not being altered as part of this application. As such, officers consider that the access onto the site is acceptable and would not impact on pedestrian or vehicular safety. The council's highways department were consulted and raised no objections subject to the implementation of conditions.
- 6.44. For the access to be safer for pedestrians, the highways team have requested low level lighting be provided to the front. Officers consider that details of the proposed lighting can be secured as part of the landscaping condition.
- 6.45. The proposed development would provide 2 x 3 bed units. As outlined previously, the majority of the site has a PTAL rating of 1b, and as the development proposes 3 bedroom units, concerns are raised in relation to the availability of on-street parking on Corona Road. The applicant has provided a transport statement prepare by TTP Consulting.
- 6.46. The report states that a parking survey was carried out under the Lambeth methodology and a average parking stress of 57.6% was calculated for the area. An area with a 90% level would be classes as having parking stress. As such, officers consider the quantum of development proposed is unlikely to generate enough levels of on-street parking to be detrimental the parking stress of the area.

- 6.47. Further to this, access is considered to be acceptable for the nature and scale of the development proposed.

Cycle Parking

- 6.43 Cycle storage Policy 6.9 of the London Plan maintains that development should provide secure, integrated and accessible cycle parking facilities. In accordance with the London Plan, the proposed development would provide 2 cycle storage spaces towards the front of the units. The amount and location of proposed cycle storage is considered to be acceptable. Nevertheless, due to a lack of detail, a condition will be added to ensure that the proposed cycle storage is safe, secure and usable.
- 6.44 Further to this, the proposed plans show a refuse storage located in the communal area to the front of the properties. Within the Transport Note it was stated that the refuse would be brought out on collection days and collected on-street. Whilst the location of the refuse storage is considered to be acceptable, a condition will be added to ensure that the strategy is delivered and maintained.
- 6.45 In light of the above, the proposed development is not expected to give rise to negative highways or transport implications. As a car-free development with the safe and secure provision of cycle storage, the proposed development is considered to promote sustainable transport modes.

7. 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.
- 7.2. The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.3. The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality. In this matter there is no impact on equality.

8. Conclusion

- 8.1. The Council supports the principle of providing family dwellings in the Borough. Officers consider the application would provide adequate living accommodation, without having a detrimental impact on the amenity of neighbouring residents or the character of the area.

- 8.2. Overall, the proposed development is considered to comply with all of the relevant policies contained within the Development Plan.

9. **RECOMMENDATION: GRANT PLANNING PERMISSION, subject to the following conditions:**

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

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

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

821-P-0001-A, 821-P-0301, 821-P-0302, 821-P-1001-C, 821-P-1002-C, 821-P-1003-C, 821-P-2001-B, 821-P-2002-C, 821-P-2003-C, 821-P-2004-B, 821-P-9400. Received 3rd March 2017

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

3. No development shall commence on site until a detailed schedule and specification/samples of all external materials, finishes, windows, external doors and roof coverings to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

5. (a) A minimum of **4** secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.

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

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

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

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

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

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

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

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

8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the **Side elevations at first floor level** of the dwellings hereby approved shall be fitted as obscure glazed and fixed shut and retained in perpetuity.

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

9. 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 roof on the building(s) hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

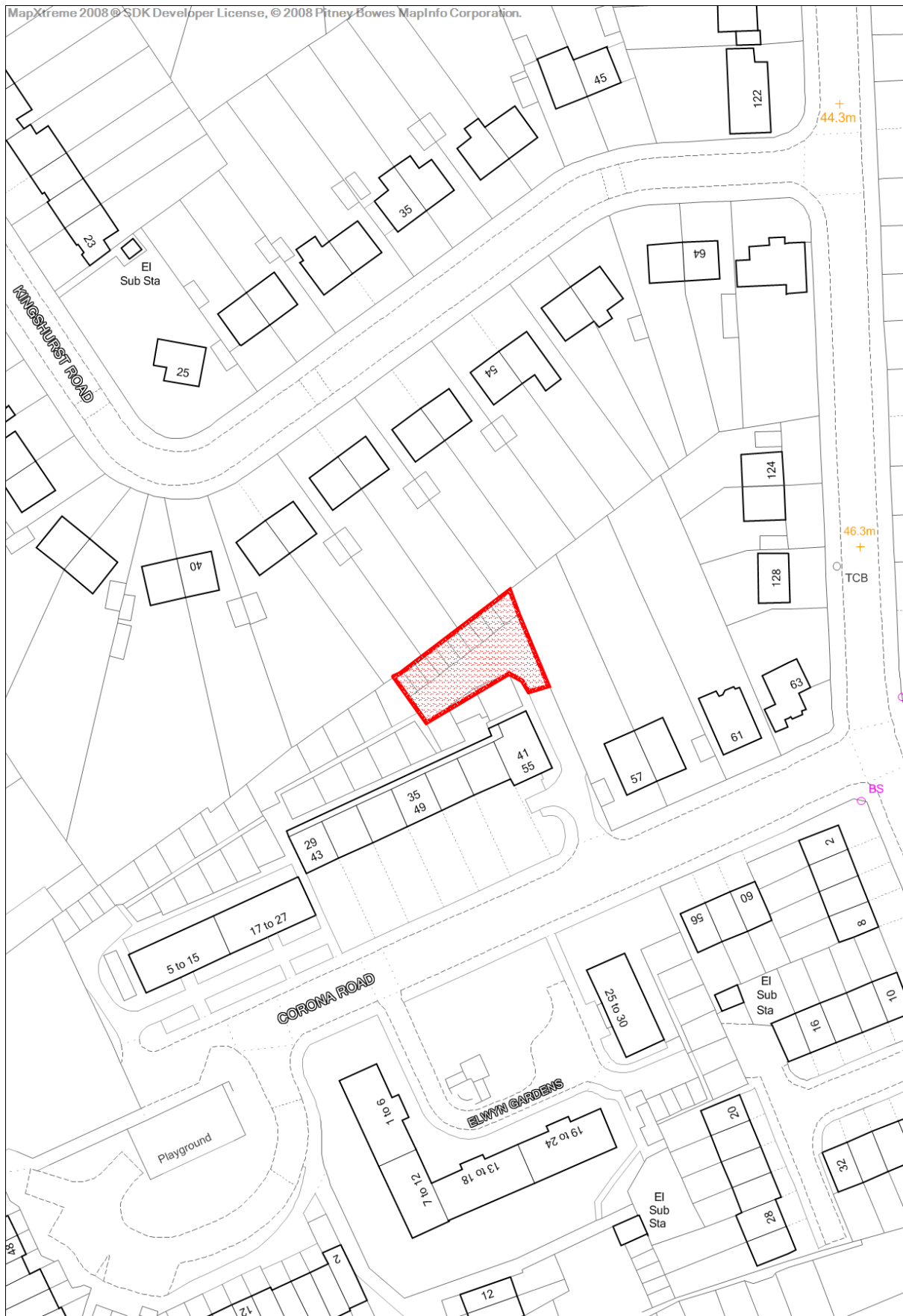
Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

10. No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-
 - (a) Rationalise travel and traffic routes to and from the site.
 - (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
 - (c) Measures to deal with safe pedestrian movement.

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

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

GARAGES BEHIND 41-55, CORONA ROAD, LONDON, SE12 Site Map



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Committee	PLANNING COMMITTEE B	
Report Title	15 Pond Road, LONDON, SE3 0SL	
Ward	Blackheath	
Contributors	Monique Wallace	
Class	PART 1	25 MAY 2017

<u>Reg. Nos.</u>	DC/16/97256
<u>Application dated</u>	28.06.2016 as revised on 18.04.2017, 03.05.2017 and 09.05.2017
<u>Applicant</u>	Suzanne Brewer of Suzanne Brewer Architects on behalf of Mr & Mrs Houben.
<u>Proposal</u>	The demolition of 15 Pond Road SE3 and the construction of 2, two storey plus roof space detached four bedroom dwelling houses, together with 2 off-street parking spaces and the provision of cycle/bin stores and new vehicular crossover.
<u>Applicant's Plan Nos.</u>	DE002, EX.004, EX.005, Heritage Statement, Design & Access Statement, Daylight & Sunlight Assessment, Part L1 Compliance Report, Part G Compliance Report received 28/6/16; OS.001 rev A, EX.000 Rev D, EX.003 Rev B, DE001 Rev A, Received 18/4/17; EX.001 Rev C, EX.002 Rev C, EX.006 Rev A, PL.000 Rev L, PL.001 Rev L, PL.002 rev K, PL.003 rev L, PL.004 Rev L, EL000 Rev D, EL001 Rev F, EL002 Rev H, EL003 Rev J, EL004 Rev C, SE.001 Rev E Received 3/5/17; Arboricultural Appraisal, Implications Assessment and Preliminary Method Statement (8 th May 2017) received 9/5/17.
<u>Background Papers</u>	(1) Case File LE/432/15/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Core Strategy – Existing use

1.0 Property/Site Description

- 1.1 The application site comprises a part single/part two storey single-family detached dwelling house located on the western side of Pond Road.
- 1.2 The existing dwelling is situated to the south of the plot with side access to the relatively shallow, but wide rear garden to the west and a garage to the south. It is relatively modern in the context of its Victorian neighbours.
- 1.3 Neighbouring plots either side of the proposal site comprise 2 storey detached Victorian villas, with habitable roofspace. Immediately in front of the site is a circular open space, which is framed by the application site and neighbouring properties.

- 1.4 Established trees surround the site, but of particular note is a Copper Beach tree to the rear of the plot which can also be clearly viewed from the public footpath towards Paragon Place to the west.
- 1.5 The site is within the Cator Estate, which is within the Blackheath Conservation Area. This part of the Conservation area is not subject to the Article 4 Direction, but is within Character Area 9b: Blackheath Grove and Wemyss Road, noted for its grand scale houses.
- 1.6 Pond Road has a Public Transport Accessibility Level (PTAL) of 3, which is midway between 6, for excellent, and 1 for poor access.
- 1.7 Pond Road is also within an Area of Special Character and an Area of Archaeological Priority. The application site is not a Listed Building.
- 1.8 Wemyss Cottage which has a frontage onto Wemyss Road is at the rear of the application site and is noted in the Blackheath character appraisal as a building 'making a positive contribution'. The cottage including its elements within its curtilage is Grade II Listed.

2.0 Planning History

- 2.1 Apart from applications to carry out tree works, and permission for a dormer in 1991, there are no planning entries for the application site, which are relevant to the current proposals.
- 2.2 A pre-application enquiry was submitted in May 2016 proposing a replacement dwelling but after a site meeting with officers and follow-up letter; the proposal was revised proposing two, three storey houses.
- 2.3 The Council's response from Officers concluded that 'a residential development of this site could be supported by the Council subject to justification surrounding the demolition of the existing building, and design quality of the proposed redevelopment.'

3.0 Current Planning Applications

The Proposals

- 3.1 The current proposal is to demolish the existing house and to create two, three storey, 4 bedroom houses in its place.
- 3.2 The existing plot would be split to form two independent plots, with front and rear gardens. The new houses would be set away from their side boundaries allowing for a side access to rear gardens.

15A (left and larger footprint)	15B (right)
4 beds (all double)	4 beds (1 single, 3 double)

Table 1



- 3.3 The houses would be up to three storeys in height and 9.4m wide; 15a would measure 11.5m in depth while 15b would measure 7.8m in depth. Both would be a reflection of each other in appearance, comprising a contemporary design.
- 3.4 15b would have a smaller footprint than 15a in order to avoid the root protection area and canopy zone of the Copper Beach tree to the North West (rear) corner of the existing plot.
- 3.5 Both houses would have a kitchen/living/dining area at ground floor level, but the larger footprint of 15a affords it a bedroom to the front. At first floor level, both houses would have a family bathroom but 15b would have 3 double bedrooms, while 15a would comprise two double bedrooms and a large landing. At roof level, 15a would have a further double bedroom and 15b would have a single bedroom.
- 3.6 Both dwellings would have landscaped rear and front gardens, with off street parking for one car. A new crossover is proposed for 15b to create a vehicular access; 15a would use the existing cross over.
- 3.7 Four trees are to be removed as a result of the proposals all within the front/side garden of the existing dwelling. 10 trees are to be planted in the rear gardens; six within 15a and four within 15b.
- 3.8 Both houses would include a minimum of 13m² of living roofs.

Supporting Documents

- 3.9 The application was submitted with a Heritage Statement, Arboricultural report (amended and updated), Design and Access Statement, Part L (Conservation of fuel and power) and Part G (Sanitation, hot water safety and water efficiency) compliance reports (Building control requirements) and a Daylight and Sunlight assessment.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The

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

- 4.2 Site notices were displayed and letters were sent to addresses in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 4.3 After the revisions, the Blackheath Cator Estate Residents maintained objections regarding the design of the front elevation, and the excessive amount of apertures in the flanks.
- 4.4 After the revisions, the Blackheath Society withdrew their objections to the proposals.
- 4.5 A representation from the Blackheath Park Conservation Group objected to the proposal on the grounds of poor design, large scale and the loss of trees which would neither preserve or enhance the Blackheath conservation area.
- 4.6 The owners of 2 Paragon Place (Wemyss Cottage) who share a common boundary with the proposal site at the rear, objected to the proposals as did the owners of 13 Pond Road situated but one house south of the proposal site, and the owners of 13a Pond Road who share a common boundary with the proposal site to the south. An objection received from the occupier from 38 Foxes Dale which is 750m south of the proposal site, was also received.
- 4.7 The objections received are summarised below:
- The design employs large expanses of brickwork and office like windows
 - The application plot is too small for two houses
 - 4-6 flats or one big house would be better than two large houses
 - The proposed development in no way reflects the building typologies in the vicinity
 - The proposal would result in the loss of trees for the proposal and then in the future through over-pruning/felling through nuisance complaints
 - The new houses would necessitate the removal and disturbance of natural habitat
 - The density of development is inappropriate for the plot
 - The new dwellings would be too close to 13a and 17 Pond Road
 - The spaces between the existing dwellings forms the character of this section of Pond Road
 - The scale and mass is inappropriate for the size of the plot
 - The proposed new dwellings would not be subservient to the neighbouring Victorian houses

- The proposal is of a poor design
- 15a would result in a loss of privacy, light and outlook and amenity
- The proposal would result in a loss of established landscaping
- The proposals would be contrary to Core Strategy and Development Management Local Plan policies and should be refused planning permission
- Houses should not be constructed in gardens in the Blackheath conservation area
- The development would neither enhance nor improve the conservation area.

Highways and Transportation

4.8 No objection.

Ecology

4.9 There is scope for the provision of living roofs on the flat roof section of each of the dwellings and the species list should reflect what is on the Council's Local list. The necessary information in both instances can be secured by condition.

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

Other National Guidance

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

London Plan (March 2016)

- 5.6 The policies relevant to this application are:

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 5.3 Sustainable design and construction
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.13 Sustainable drainage
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.19 Biodiversity and access to nature
Policy 7.21 Trees and woodlands
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG's relevant to this application are:
Housing (2016)

Character and context (2014)

Core Strategy

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

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 12 Open space and environmental assets

Core Strategy Policy 15 High quality design for Lewisham

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

Development Management Local Plan

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

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 2 Prevention of loss of existing housing

DM Policy 22 Sustainable design and construction

DM Policy 24 Biodiversity, living roofs and artificial playing pitches

DM Policy 25 Landscaping and trees

DM Policy 26 Noise and vibration

DM Policy 27 Lighting

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 32 Housing design, layout and space standards

DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas

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

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

Residential Standards Supplementary Planning Document (August 2006)

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

Blackheath Conservation Area character appraisal

- 5.12 This document characterises differing building typologies in the Conservation area. The proposal site is within Character Area 9b which focuses on Blackheath Grove and Wemyss Road but includes Pond Road and the application site within the area boundary. No particular mention is made of the application site or its neighbours, save Wemyss Cottage which is noted as a building making a positive contribution.

6.0 Planning Considerations

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

- a) Principle of Development
- b) Layout, scale and design
- c) Housing
- d) Highways and Traffic Issues
- e) Noise
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Trees
- j) Planning Obligations

Principle of Development

- 6.2 The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment. Policy 7.8 Heritage assets and archaeology sets out that development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate.
- 6.3 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment requires new developments to achieve high quality design and conserve and protect heritage assets (including Conservation Areas). Development Management Policy 36, New development, changes of use and alterations affecting designated heritage assets and their setting sets out that planning permission will not be granted where new development is incompatible

with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

- 6.4 Development Management Policy 33 Development on infill sites, backland sites, back gardens and amenity areas sets out that development within street frontages and on street corners will only be permitted where they provide a site specific response to the character and issues of the street frontage typology, respect the character, proportions and spacing of existing houses.
- 6.5 In this case, officers consider that while the site would comprise garden land associated with 15 Pond Road, the contextual function of the proposal site would be of in-fill development given its Pond Road frontage and therefore DM 33 is directly applicable to this case.
- 6.6 The existing building is not listed, nor is it considered a non-designated heritage asset. The Council's Conservation Officer has advised that given it's discordant form and siting, the existing building on the site makes little contribution to the special qualities of the Blackheath Conservation Area.
- 6.7 In consideration of the above, the principle of redevelopment is acceptable, subject to the requirements of DM Policy 33 being achieved.

Layout, scale and design

Layout

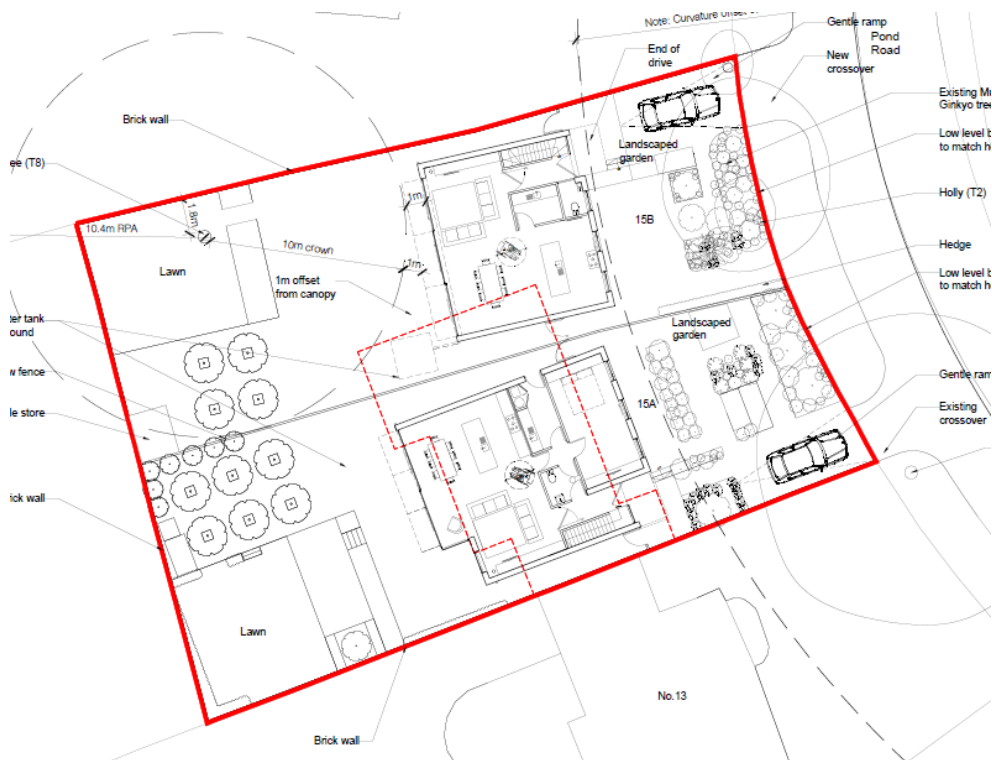


Figure 2

- 6.8 The footprint of the existing property is outlined by the red dotted line on the proposed floor plan above [Figure 2].
- 6.9 The proposed 2 new dwellings would be located closer to the front of the plot, with frontages respecting the curvature of this section of Pond Road. To the rear, 15b is pulled away from the root protection and canopy area of the Copper Beach tree

within the north western corner of the plot, but is forward of 15a to maintain the curvature of Pond Road and to respect the building line of 13a Pond Road resulting in a smaller footprint in comparison to 15a.

- 6.10 The proposed properties would be set back a minimum of 1.2m from their side boundaries, and a minimum 1.9m from each other.
- 6.11 The proposal would change the current arrangement of a relatively low level building surrounded by space and grounds, to a closer layout between the two new proposed buildings and the neighbours either side of the plot. However, the properties either side are not listed buildings; Wemyss Cottage is in excess of 45m west (rear) and officers are satisfied that this distance is sufficient to negate any impact to the Listed building, including its garden terrace.
- 6.12 Officers are of the view that the spatial typology of the area can support the proposed dwelling's plot size and physical arrangement (scale and massing) and are satisfied that the spatial relationship between their neighbours and each other would not compromise either the setting of the neighbouring dwellings, nor the street scene of Pond Road or the Conservation area. Officers therefore consider that the proposals would align with the policy requirements of DM Policy 33, DM Policy 36 and also DM Policy 37 which requires developments to 'sustain and enhance the characteristics that contribute to the special local spatial, architectural, townscape, landscape or archaeological distinctiveness of these areas.'
- 6.13 Further, Figure 1 also shows that sufficient space has been left between the proposed new dwellings and the existing established trees, which are to be retained. This point is discussed later on in this report.

Scale

- 6.14 The existing building is a part single, part two storey house. The single storey garage to the south and the catslide roof, with projecting dormer results in a horizontal emphasis and a greater mass to the centre of the site, which tapers towards the side boundaries.
- 6.15 The new dwellings would have a massing strategy in contrast to the existing arrangement, by proposing two vertically emphasised, three storey houses, which are to be constructed to two storey, with projecting dormers maintaining an eaves line to match that of 13a Pond Road.
- 6.16 Officers consider that the proposed scale and mass would be a contemporary addition to the streetscene, responding to the scale of the two adjacent dwellings which are also up to three storeys in height with projecting dormers and therefore acceptable. Again, officers are satisfied that the distance between the proposed new dwellings and the existing Listed Building is sufficient as not to compromise the setting of the Wemyss Cottage, its wall or terrace.

Design

- 6.17 Paragraph 56 of the National Policy Framework states that the government attaches great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 137 sets out that local planning authorities should look for opportunities for new development

within Conservation Areas within the setting of heritage assets to enhance or better reveal their significance.

- 6.18 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure the highest quality design, this is echoed in DM Policy 30, 36 and 37 and with consideration to Conservation Areas in Core Strategy Policy 16.
- 6.19 As discussed above, the existing building is not considered to contribute to the special qualities of the conservation area, and therefore the demolition is supported in the context of a high quality replacement development on the site.
- 6.20 The proposed buildings would have Dutch gabled roofs covered in slate, with Danish brick clad gable walls to the front, rear and sides. Two storey projections to the sides of the houses would appear as contemporary wings to the main body of the houses. Large windows would punctuate through elevations, with section drawings confirming deep reveals, which create a quality and depth to the buildings, a feature similar to the two neighbouring traditionally build buildings.
- 6.21 The overall visual vertical emphasis of the two dwellings would contrast the existing dwelling which has a horizontal emphasis derived from the width of the house and its catslide roof design. Officers consider that the vertical emphasis would be more in keeping with the adjacent traditional buildings and would form an elegant finish to the overall development.
- 6.22 The new dwellings would reference the pair of heritage detached houses on either side. Similarly, officers are satisfied that the design would be subordinate to the neighbouring properties in terms of scale and massing and that their form would compliment, without replicating architectural elements.
- 6.23 Officers are satisfied that the proposal in its current form sets the foundation for the quality necessary for the proposals to be in accordance with policies. However, the detailed design would form an integral part of the delivery of the final quality of the scheme and given its location in an area of special character and conservation area, the overall acceptability of the scheme is intrinsically linked to the quality of the materials used.
- 6.24 Both the Urban Design Officer and Conservation Officer consider the proposed design and in particular the fenestration treatment to be an acceptable contemporary addition within the immediate traditional townscape and therefore acceptable.
- 6.25 Notwithstanding the above, the site is located within a Conservation Area and an area of Special Character and for this reason, in alignment with more general design policies, a condition should be added to the decision notice requesting the submission of samples of the materials to be used.
- 6.26 In light of the above, officers are satisfied that, subject to conditions, the proposed layout, scale and design are acceptable in the context of the Listed Building and structures to the west, the street scene of Pond Road and the Blackheath Conservation Area generally.

- 6.27 The layout, scale and mass of the proposed new dwellings has been assessed in the context of what is proposed only and any alterations and extensions to the property, without review by the Council could significantly compromise the appearance of the buildings proposed, the area of special character and the conservation area. For this reason, officers consider it pertinent to add a condition withdrawing all permitted development rights to alter or extend the buildings.

Housing

- 6.28 London Plan policy 3.5 'Quality and Design of Housing Developments' as supported by Policy DM32 of the Lewisham Development Management Local Plan, sets out minimum standards which should be applied to all new housing developments. London Plan Policy 3.5 also addresses the importance of the 'arrival' at a building and the 'home as a place of retreat' as indicators of housing quality.
- 6.29 Guidance on the implementation of London Plan Policy 3.5 has been produced in the form of the Housing SPG (2016), which responds to the Department for Communities and Local Government's publication Technical housing standards – nationally described space standard (in March 2015). Further detail about what is necessary in order to create the high standards of accommodation are found in the Technical housing standards - nationally described space standard, the London Plan Housing SPG and Lewisham's Residential Standards SPD.
- 6.30 The proposal is for 2, three storey 4 bedroom dwellings which would be for private sale. 15b would have a gross floor area of 165m² while 15a would have a floor area of 228m² which are both generously in excess of the Technical Housing standards minimum floor area requirements of 121m² and 130m² respectively.
- 6.31 All rooms within the new dwellings also exceed the required space standards. Essential furniture layouts have been annotated on the drawings which show an acceptable layout. Adequate storage has also been provided. All floor to ceiling heights exceed 2.5m.
- 6.32 London Plan Housing SPG baseline Standard 4.10.1 requires a minimum of 5m² of private amenity space per dwelling, with an extra 1m² per additional occupier. The amenity space afforded to the proposed dwellings comfortably exceeds this requirement.
- 6.33 Outlook from the new dwellings would be similar to the existing and neighbouring dwellings which is typical of a residential environment and acceptable; the main outlook from the habitable rooms would be towards the front and rear of the properties. For windows serving bathrooms, these are to be obscured glazed to maintain privacy for the new dwellings. A condition should be added to ensure that obscured glazing in these locations is maintained in perpetuity.
- 6.34 Subject to conditions, officers are satisfied that the proposed new dwellings would afford future occupiers acceptable standards of accommodation.

Highways and Traffic Issues

- 6.35 London Plan Policy 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well considered travel plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that

all residential developments in areas of good public transport accessibility should aim for less than 1 space per unit, and that dwellings of four or more bedrooms may have a maximum of two spaces per unit.

- 6.36 The proposed development would have two car parking spaces for the two dwellings (1 each) within a site which has a PTAL rating of 3, which indicates a moderate to good access to public transport. The provision of 1 space per dwelling is in accordance with Policy 6.13 of the London Plan and therefore is acceptable.
- 6.37 London Plan Policy 6.9 as reinforced by the Housing SPG requires that all residential developments should provide dedicated storage space for cycles 2 per unit for all units larger than 1 bed. Cycle parking would be located in the front gardens of the properties, although it is noted that cycle parking is missing from the front garden of 15b. If the storage facilities for 15a were replicated for 15b, they would be safe, secure and dry and therefore in accordance with policies. Given that there is sufficient space in both plots to provide cycle parking facilities, their provision can be secured by condition.
- 6.38 Refuse storage would be stored at the front of each dwelling as per the existing arrangement and would be screened by landscaping which is also acceptable.
- 6.39 Officers do not consider that the uplift in one dwelling, 4 bedrooms, would result in any appreciable increase in visitor parking or deliveries and therefore would not have any impact upon the highway generally.

Impact on Adjoining Properties

- 6.40 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 32 and 33 seek to ensure that new residential development should not result in significant loss of privacy and amenity to adjoining houses and their back gardens. The Council's residential Standards SPD advises that as a general rule 'unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations.' It goes further to state that habitable rooms within new dwellings should be a minimum of 9m from the rear boundary or the flank wall of any adjoining plot. The policy allows for deviation from the minimum distances where the design of the buildings can mitigate overlooking issues.
- 6.41 Objections have been raised to the proposals on the grounds of a loss of privacy, outlook and a sense of enclosure.

Loss of privacy

- 6.42 In direct response to the SPD requirements, the 15b would be 13m from its rear boundary, while the 15a would be 17.5m from its rear boundary, both being comfortably in excess of the 9m requirement. The proposed habitable rooms would face west, towards the rear elevations of Wemyss Cottage and 4 Paragon Place which are both in excess of 30m away from the proposed development. Officers are therefore satisfied that the distances between the existing and proposed dwellings would be comfortably in excess of the policy requirement of 21m and are therefore acceptable to this regard.

- 6.43 Notwithstanding the above, the adherence to the SPD requirements in itself does not fully address the requirements of CS15 and DM 32 & 33 which require the protection of neighbour amenity.
- 6.44 Windows are proposed on the flanks of both properties; 15b would have windows facing the flank of 17 Pond Road, but being 14m away, and all windows above ground are either/and obscured glazed and serving non-habitable rooms. The distance between the 15a and 13a Pond Road is 6m, but no habitable rooms would face onto this property and the windows would again be obscure glazed.
- 6.45 Outlook from first and second floor windows from the proposed dwellings into neighbouring plots would be minimal due to the angles, distances and established trees and foliage within the immediate surrounds. For this reason, officers do not raise objections to any loss of privacy to neighbouring occupiers on these grounds.

Loss of outlook

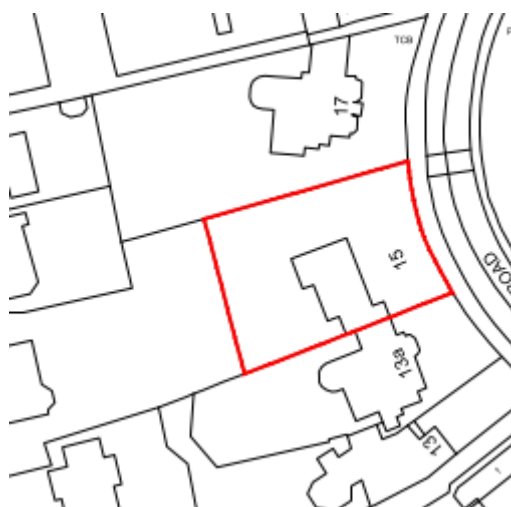


Figure 3

- 6.46 Figure 3 above shows an outline of the existing building in the context of the surrounding plots.
- 6.47 The existing building is 2 storeys in height with a pitched roof. The proposed buildings would scale at 3 storeys in height, although like its neighbours, would be two storeys in height, plus habitable roof space.
- 6.48 The 14m distance between the 15b house and 17 Pond Road would mitigate any sense of enclosure. However, the increase in height to two storeys adjacent to 13a would form a closer visual relationship between the existing dwelling and 15a.
- 6.49 Habitable windows on both the existing and proposed dwellings face to either the front or rear of the properties as mentioned in earlier paragraphs.
- 6.50 15a is set 1.2m away from the common boundary and its flank is set back as to align with the rear boundary of 13a. This proposed arrangement, together with the separation from the common boundary by the presence of the garage to the side would minimise any sense of enclosure derived from 15a to an acceptable level.
- 6.51 Further to the above, the planning application was accompanied by a sunlight and daylight report. The assessment was carried out using the British Research

Establishment (BRE) guidelines which is the industry standard. The levels of sunlight and access to views of the sky (VSC - Vertical sky component) were measured from the relevant windows on 13a and 17 Pond Road. Page 9 of the report shows annotations of which windows were measured and which were not.

- 6.52 The lowest values were recorded at the northernmost first floor window at 13a Pond Road which would retain 81% of existing levels of views of the sky. The minimum should be 80% retention. With regard to access to direct sunlight, windows should retain 80% of its current value or in excess of 25% of annual sunlight hours and 5% of winter hours. The lowest results to this regard would be to the flank window of 17 Pond Road which would see a retention of 82.53% for the whole year and 61.57% for the winter months. The proposals would therefore be in compliance with BRE guidelines.
- 6.53 Officers are satisfied that the sunlight and daylight assessment was carried out by an independent, qualified and competent professional and consider the conclusions to be valid.
- 6.54 Officers consider that the design features and layout of the proposed new dwellings would satisfactorily minimise any sense of enclosure and loss of sunlight and outlook and therefore is acceptable.
- 6.55 To ensure that the amenities of neighbouring properties is maintained, the condition withdrawing permitted development rights and a further condition ensuring that all relevant windows are obscured and maintained as such in perpetuity would ensure that no alterations or extensions to either property can take place without prior permission from the Council.

Sustainability and Energy

- 6.56 Point 3 of Core Strategy Policy 8 Sustainable design and construction and energy efficiency requires all new residential development to achieve a minimum of Level 4, Code for Sustainable Homes, while point 2 requires all major developments to adhere to the London Plan energy policy, but to also (c) connect to an existing or approved decentralised energy network, safeguard potential network routes, and make provision to allow future connection to a network or contribute to its development. However, following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes, though residential development is still expected to meet code level concerning energy performance and water efficiency.
- 6.57 The application was submitted with a statement of compliance with Building regulations which confirms that the proposed new dwellings would be capable of achieving the necessary energy savings and water management which are to be confirmed at building regulations stage. Solar panels are proposed at roof level on both houses in order to achieve the requirements. In accordance with the ambition of the updated Technical guidance relieving the planning authority from assessing such technical requirements, from a planning perspective, the information provided is sufficient.

Ecology and Landscaping

- 6.58 London Plan policy 5.10 Urban Greening states that new developments should integrate forms of urban greening into proposals, such as soft landscaping. London

Plan Policy 5.11 requires all major development to include green roofs where feasible. Core Strategy Policy 7 requires developments to be in accordance with the London Plan requirements with regard to green roofs. Development Management Local Plan Policy 24 states that the Council will require all new development to take full account of biodiversity during the design of proposals. Policy 25 requires a landscaping strategy to be submitted with schemes where appropriate.

Ecology

- 6.59 The Council's Ecological manager has not objected to ecology or to the living roof details submitted. However, given the verdant surroundings of the site, the loss of established planting and the policy ambition to take account of biodiversity and to enhance it where feasible, officers would request that bat, bird and beetle habitats is provided around the site. The provision of the latter should be secured by condition.

Sustainable Urban Drainage Systems

- 6.60 The proposed landscaping strategy proposes soft landscaping in the front and rear gardens, typical of the existing arrangement
- 6.61 The proposed soft landscaping and living roof would help to mitigate the loss of soft landscaping because of the new dwelling. The landscaping strategy shows limited hard landscaping encouraging rainwater to be retained within the site which is acceptable. A living roof is proposed and the details of which can be secured by condition to ensure that the plug and plan mix achieve longevity.
- 6.62 Officers consider proposed measures to encourage biodiversity and the landscaping strategy to be acceptable.

Trees

- 6.63 DM Policy 25 Landscaping and trees requires proposals where Tree Preservation Orders are in place and where appropriate, such as Conservation areas to retain trees where possible and to be submitted with an arboriculture report.
- 6.64 The proposal was initially submitted with an Arboricultural report, to which significant objections were raised to inaccuracies within it. In response, the Council's Tree officer visited the site and measured tree distances in relation to their crown spreads and their distances from the boundary and the existing building. The measurements agreed have been reflected in the revised scheme. The revisions include the repositioning of 15b away from both the root protection area and the canopy spread of the Copper Beech Tree to the rear.

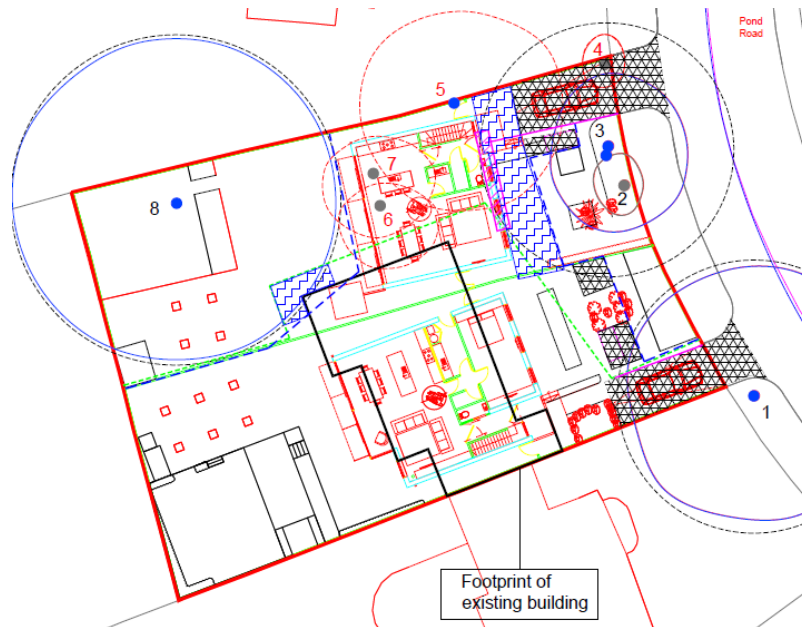


Figure 4

Tree number	Tree name	Visual contribution	Removed/ Retained
1	Sycamore	High	Retained
2	Holly	Low	Retained
3	Ginko	Medium	Retained
4	Holly	Low	Removed
5	Sycamore	High	Removed
6	Magnolia	Low	Removed
7	Acer/Elder box	Low	Removed
8	Copper Beech	High	Retained

Table 2

- 6.65 Trees 4, 5, 6 and 7 are to be removed to facilitate the proposed development.
- 6.66 The Tree Officer concluded that the Sycamore on the boundary (5) would be acceptable to remove due to the significant cavity intrusion (brick wall and ivy) subject to suitable replacement with at least one semi mature tree. The other three trees are considered to be of low visual amenity value and therefore their removal is acceptable, subject to appropriate mitigation of their biodiversity contributions; their maturity results in greater biodiverse values than would new trees/seedlings and this should be reflected in the re-provision of at least one further semi-mature tree in addition to the replacement Sycamore tree.
- 6.67 For the trees to be retained, tree protection measures are also proposed which the Tree officer considered to be acceptable and therefore will be secured via condition.
- 6.68 The landscaping proposals cover the front and rear of the properties as shown on the block plan [Figure 2]. The proposed planting has been designed to mitigate against the loss of the four trees as mentioned above, together with screening of the refuse, car and cycle parking spaces. A further 10 trees are proposed in the rear gardens of the proposed dwellings, but no further information has been provided regarding their species or level of maturity.

- 6.69 Officers are satisfied that the principle of the landscaping strategy including the retention, protection and replacement the trees as set out above is acceptable. However, officers are not convinced that the planting strategy would be fit for purpose; particular reference is made to the four proposed trees in the garden of 15b and how this could result in overcrowding and reductions of sunlight into the garden. Officers also note the omission of cycle parking within the front garden of 15b which should be incorporated into the landscaping strategy. Further, officers are not clear about the appearance of the low level brick wall and would seek to secure material samples to ensure the quality necessary. However, there is sufficient space on site to provide the quality of landscaping required and for this reason, details thereof can be secured by condition.
- 6.70 The Arboricultural report makes reference to the foundation strategy proposed for the new dwellings. Given that clay is present, the Council's Tree Officer raised concerns regarding any long-term movement/settling of the dwellings and any implications this could have on the Copper Beech tree. For this reason, the Tree officer recommended that the foundation strategy be revised and was satisfied that this is a matter could be agreed post decision. Officers are satisfied with this approach and consider it prudent for the foundation strategy to be re-visited, with the details and agreement thereof with the Council to be secured by condition.
- 6.71 With the above in mind, officers are satisfied planning permission should be granted, subject to conditions notwithstanding the landscaping strategy, boundary treatments and foundation strategy submitted.

7.0 Local Finance Considerations

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Equalities Considerations [delete if not relevant]

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

8.4 Officers do not consider the current proposal to have any equal opportunities implications.

9.0 Conclusion

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

9.2 Officers consider that demolition of the existing dwelling and the construction of two, single-family dwelling houses would be in accordance with local and regional policies and the scheme is therefore considered acceptable.

10.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

Conditions

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

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

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

DE002, EX.004, EX.005, Heritage Statement, Design & Access Statement, Daylight & Sunlight Assessment, Part L1 Compliance Report, Part G Compliance Report received 28/6/16; OS.001 rev A, EX.000 Rev D, EX.003 Rev B, DE001 Rev A, Received 18/4/17; EX.001 Rev C, EX.002 Rev C, EX.006 Rev A, PL.000 Rev L, PL.001 Rev L, PL.002 rev K, PL.003 rev L, PL.004 Rev L, EL000 Rev D, EL001 Rev F, EL002 Rev H, EL003 Rev J, EL004 Rev C, SE.001 Rev E Received 3/5/17; Arboricultural Appraisal, Implications Assessment and Preliminary Method Statement (8th May 2017) received 9/5/17.

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

3. No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

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

4. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
- (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements

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

5. No above ground works shall commence on site until a detailed schedule and specification including samples of all external materials and finishes/windows and external doors to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the buildings and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, 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 and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest.

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

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities

of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, 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 and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

7. (a) A minimum of 4 (2 for house 15a and 2 for house 15b) secure and dry cycle parking spaces shall be provided within the development hereby approved.
- (b) No development shall commence on site until the full details of the appearance of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011) and DM Policy 30 Urban design and local character, DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (2014).

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

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character, 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 and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (November 2014).

9. Details of the number and location of the bird, bat and beetle boxes/habitat to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

10. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with drawing number PL004 Rev L hereby approved and maintained thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

11. The development hereby approved shall not be occupied until the vehicular access as shown on plan PL001 Rev L has been constructed in full accordance with the said plan.

Reason: In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

12. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the east elevations or the roof of the buildings hereby approved.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character, 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 and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (November 2014).

13. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no flues, plumbing or pipes, other than rainwater pipes, shall be fixed on the front elevation of the buildings hereby approved.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character, 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 and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (November 2014).

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

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character, DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (2014).

15. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in the south elevation of House 15b or the north or south elevation of House 15a other than those expressly authorised by this permission.

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

16. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the south elevation of House 15b or the north or south elevation of House 15a hereby approved shall be fitted as obscure glazed and retained as such in perpetuity.

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

17. 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 roofs on the buildings hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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

18. The whole of the car parking accommodation shown on drawing PL001 Rev L hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

Reason: To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (July 2011).

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

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and DM Policy 30 Urban design and local character, DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest of the Development Management Local Plan (November 2014).

20

(a) Notwithstanding the drawings and documents hereby approved, a scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and which shall include a minimum of 2 semi-mature trees, and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

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

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

- 21 Notwithstanding the foundation strategy as proposed in the Arboricultural Appraisal, Implications Assessment and Preliminary Method Statement (8/5/17) details of the foundation strategy shall be submitted to and approved in writing by the local planning authority prior to commencement of works.

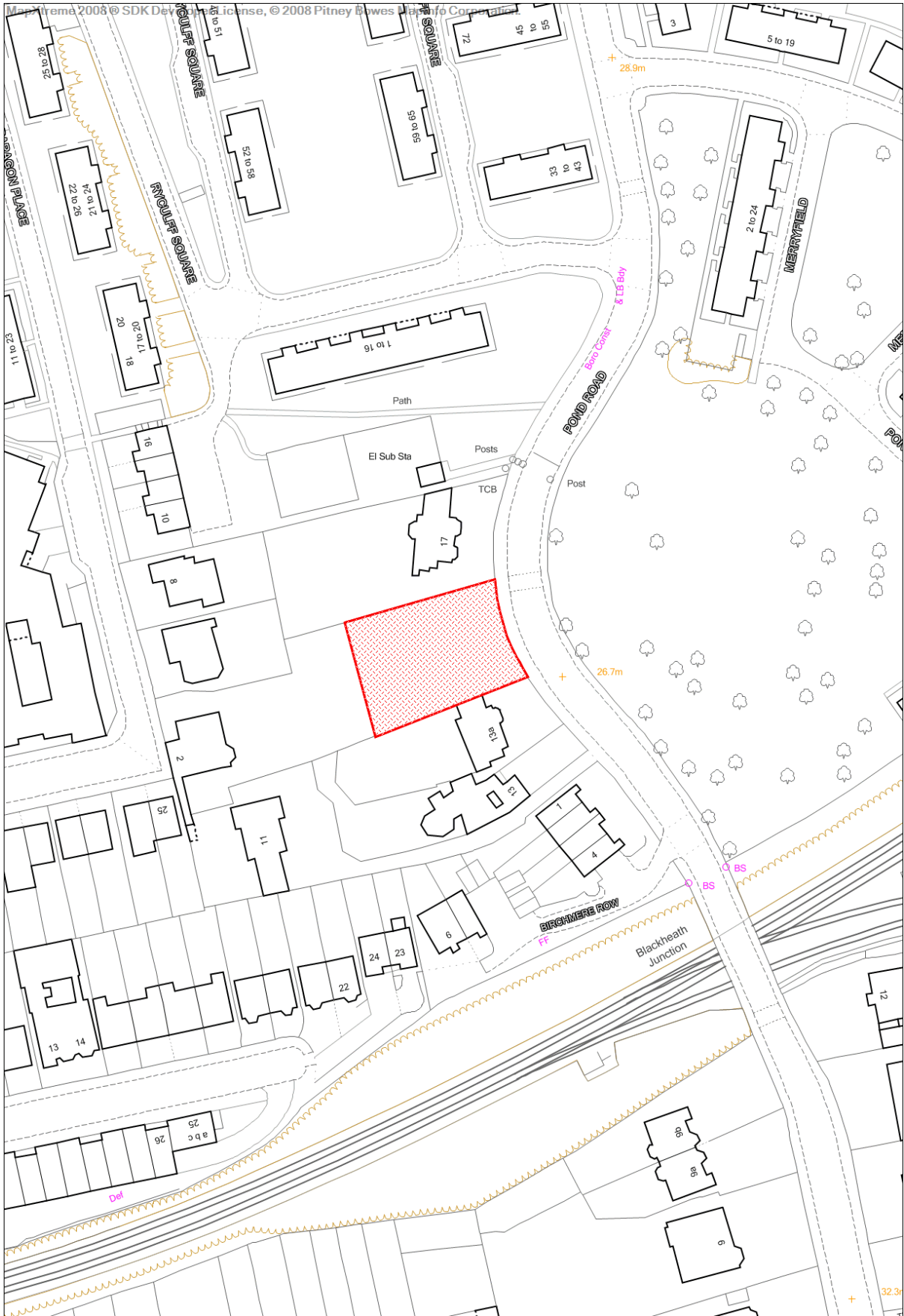
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Informatives

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. 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.
- C. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

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15 POND ROAD, LONDON, SE3 OSL Site Map



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Committee	PLANNING COMMITTEE B	
Report Title	Lewisham Medical Centre, 308 Lee High Road, London, SE13 5PJ	
Ward	Lee Green	
Contributors	Alfie Williams	
Class	PART 1	25 May 2017

Reg. Nos. (A) DC/16/099194

Application dated 18/11/2016 revised 29/03/2017

Applicant Lewisham Medical Centre

Proposal The Installation of two outdoor condenser units on the first floor flat roof of Lewisham Medical Centre, 308 Lee High Road, SE13.

Applicant's Plan Nos. PL-001; PL-100; Report 14479.PCR.01.Rev.A (KP Acoustics, November 2016); Fujitsu Air Conditioning Product Catalogue 2016/17 received 21st November 2016; PL-110 received 29th March 2017.

Background Papers

- (1) This is Background Papers List
- (2) Case File LE/451/308/TP
- (3) Local Development Framework Documents
- (4) The London Plan

Designation [N/A]

2.0 Property/Site Description

- 2.1 The application relates to a four storey mixed use building divided between a Medical Centre (use class D1) at ground floor and residential units (use class C3), known as the Zinc Building, on the floors above. The site is located on the southern side of Lee High Road (A20), on a corner plot at the junction with Bankwell Road. The division between commercial uses on the ground floor with residential units above is typical of this section of Lee High Road. Bankwell Road is residential in character.
- 2.2 The Medical Centre fronts Lee High Road and has a flat roof at first floor level to the rear. The flat roof is overlooked, from the north and east, by the residential units above. The building is adjoined to the rear by a commercial yard. Views of the rear of the building are possible from Hamlet Close. Officers note that a parapet wall obscures the flat roof.
- 2.3 The property is not located within a conservation area nor is it a listed building.

3.0 Planning History

- 3.1 **DC/03/55636** - The demolition of the existing building at 306-310a Lee High Road SE13 and the construction of a part three/part four storey building

comprising 2 retail units on the ground floor and 6 one bedroom and 5 two bedroom self-contained flats, together with the provision of a bicycle and bin store and loading bay. **Granted 17/05/05**

- 3.2 **DC/095/61022** - Deed of variation of the Section 106 Agreement to permit up to two commercial parking permits for the surgery premises in connection with the draft planning permission granted in principle on 16 February 2006 for the construction of a part three/part four storey building on the site of 306-310A Lee High Road SE13, comprising 2 retail units/doctors surgery (Use Classes A1/D1) on the ground floor, 6 one bedroom and 5 two bedroom, self-contained flats on the upper floors, together with the provision of a bicycle store, bin stores and loading bay. **Granted 12/11/07**

4.0 Current Planning Applications

The Proposals

- 4.1 The application is for the installation of two condenser units on the flat roof of the medical centre, to allow for mechanical ventilation within the medical centre. The two units are to be located along the western boundary of the building and will be installed within an acoustic enclosure. Originally, the units were to be located in the centre of the roof. However, the location was amended as a response to objections from the residents of the Zinc Building.

Supporting Documents

- 4.2 PL-001; PL-100; PL-110; Report 14479.PCR.01.Rev.A (KP Acoustics, November 2016) and Fujitsu Air Conditioning Product Catalogue 2016/17.

5.0 Consultation

- 5.1 This section outlines the consultation carried out by Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 5.2 A site notice was displayed and letters were sent to residents and business in the surrounding area. The relevant ward councillors and the Council's Environmental Protection Officer were also consulted.
- 5.3 The consultation resulted in three letters of objection and a petition against the proposed development signed by eight residents of the Zinc Building.
- 5.4 The main concern raised by residents concerned the noise generated by the units. In particular, on the effect the daytime operating hours will have on residents who work nights or work from home.
- 5.5 The objections also included concerns regarding effects on visual amenity from the flats, the impartiality of the acoustic report, effects on the resale value of the flats and the greenhouse gas emissions associated with air conditioning units.
- 5.6 Reference was also made to the limitations imposed on leaseholders with regard to external installations, for example satellite dishes. Officers note that this is a

legal matter for leaseholders and the freeholder and is not a planning consideration.

6.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

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

Other National Guidance

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

London Plan (March 2016)

- 6.6 The policies relevant to this application are:

Policy 7.4 Local character

Policy 7.15 Reducing noise and enhancing soundscapes

Core Strategy

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

Core Strategy Policy 12 Open space and environmental assets

Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

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

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

6.10 DM Policy 1 Presumption in favour of sustainable development

6.11 DM Policy 26 Noise and vibration

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

Residential Standards Supplementary Planning Document (Updated May 2012)

- 6.12 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.

7.0 Planning Considerations

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

- a) Design
- b) Impact on Adjoining Properties

Design

7.2 The two condenser units would be located on the flat roof to the rear of the building and would be encased within an acoustic enclosure. The Zinc Building overlooks the flat roof and a works yard. It is noted that residents of the Zinc Building have raised concerns regarding the impact of the units on visual amenity from the flats. Officers also note that the flat roof can be seen from Hamlet Close.

7.3 Given that the acoustic enclosure would not be visible from a public highway officers recommend that a condition is imposed requiring the applicant to submit drawings of the acoustic enclosure to be approved by the council is appropriate. This is to ensure that the acoustic enclosure does not cause harm to the character of the surrounding area and is in accordance with DM policies 30 and 31.

Impact on Adjoining Properties

7.4 The main impact on the amenity of the neighbouring properties would be from the noise generated by the condenser units. An acoustic report was submitted with the application. The acoustic report states that the dB level at the nearest residential window, located 4m away, would be 26dB, subject to the mitigation measures highlighted within the report being adopted. The volume of 26dB is the equivalent noise level of a quiet rural area. As a comparison, British Standards identify conversation in a restaurant as having a noise level of 60dB and a birdcall 40dB.

7.5 The Council's Environmental Health Officer reviewed the acoustic report, along with the other documents submitted with the application, and concluded that the acoustic report made reasonable conclusions regarding noise levels. Officers note that having assessed all of the submitted information, the Environmental Health Officer did not raise concerns regarding gas emissions or the environmental performance of the units

7.6 The AC units would only operate during working hours and would therefore not operate at night. It is noted that concerns were raised regarding compatibility with the sleep patterns of night-time workers or those that work from home. However, as the units comply with council guidelines on noise, officers do not consider this to be a reason to refuse the application.

7.7 Therefore, officers are satisfied that subject to relevant conditions regarding the mitigation measures that the proposed condenser units would have an acceptable impact on the amenity of neighbouring properties in accordance with DM Policies 26 and 31.

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 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 proposal to be in line with the stated policies and is therefore considered acceptable.

10.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

Conditions

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

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

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

PL-001; PL-100; Report 14479.PCR.01.Rev.A (KP Acoustics, November 2016) & Fujitsu Air Conditioning Product Catalogue 2016/17 received 21st November 2016;
PL-110 received 29th March 2017.

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

- 3 (a) No development shall commence on site until an elevation and section drawing at scale 1:50 showing the appearance and interior of the proposed acoustic enclosure, which surround the hereby approved condenser units, have been submitted to and approved in writing by the local planning authority, to show compliance with the recommendations of the acoustic report.

- (b) The development shall be carried out in accordance with the approved details.

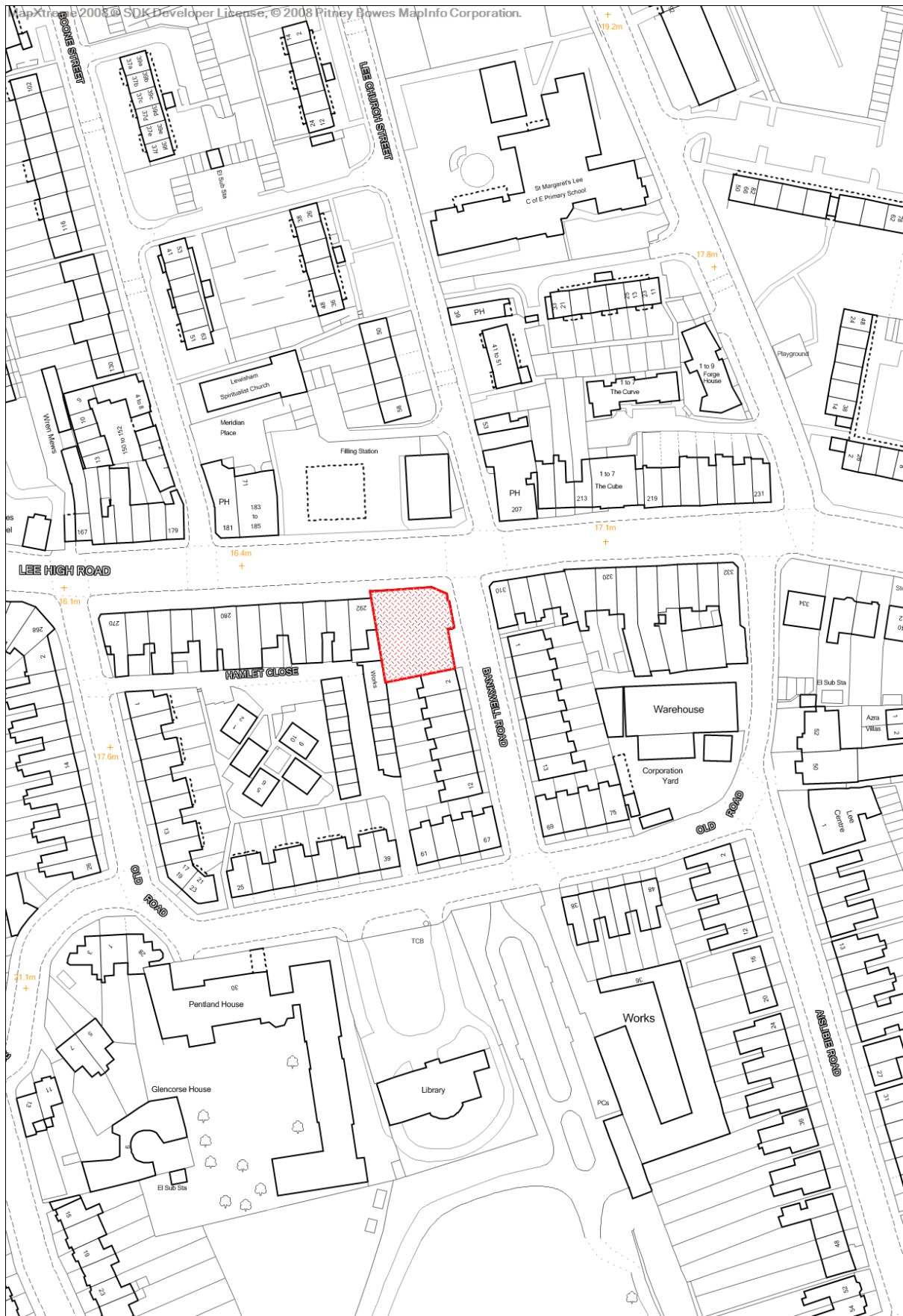
Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local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

Informatives

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

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LEWISHAM MEDICAL CENTRE, 308 LEE HIGH ROAD, LONDON, SE13 5PJ Site Map



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