

## PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 29 MARCH 2018 TIME 7.30 PM**

PLACE: **COMMITTEE ROOMS 1 & 2 - CIVIC SUITE**

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Suzannah Clarke (Chair)  
Simon Hooks (Vice-Chair)  
Peter Bernards  
Liam Curran  
Brenda Dacres  
Helen Klier  
John Paschoud  
Sue Hordijkeno  
Luke Sorba  
Councillor Joyce Jacca**

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.

**Janet Senior  
Acting Chief Executive  
Lewisham Town Hall  
London SE6 4RU  
Date: Tuesday, 20 March 2018**

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

**Telephone No: 0208 314 7118  
Email: [planning@lewisham.gov.uk](mailto:planning@lewisham.gov.uk)**



## **RECORDING AND USE OF SOCIAL MEDIA**

You are welcome to record any part of any Council meeting that is open to the public.

The Council cannot guarantee that anyone present at a meeting will not be filmed or recorded by anyone who may then use your image or sound recording.

If you are intending to audio record or film this meeting, you must :

- tell the clerk to the meeting before the meeting starts
- only focus cameras / recordings on councillors, Council officers, and those members of the public who are participating in the conduct of the meeting and avoid other areas of the room, particularly where non-participating members of the public may be sitting.
- ensure that you never leave your recording equipment unattended in the meeting room.

If recording causes a disturbance or undermines the proper conduct of the meeting, then the Chair of the meeting may decide to stop the recording. In such circumstances, the decision of the Chair shall be final.

| <b>Order Of Business</b> |  |                |                 |
|--------------------------|--|----------------|-----------------|
| <b>Item No</b>           | <b>Title of Report</b>   | <b>Ward</b>    | <b>Page No.</b> |
| 1.                       | Declarations of Interests  |                | 1 - 4           |
| 2.                       | Minutes  |                | 5 - 10          |
| 3.                       | THE ARCHES, CHILDERS STREET, LONDON, SE8 5PL                           | Evelyn         | 11 - 40         |
| 4.                       | BASEMENT FLAT, 89 ARBUTHNOT ROAD, LONDON, SE14 5NP                     | Telegraph Hill | 41 - 50         |
| 5.                       | GARAGES AT CROSSWAY COURT, ENDWELL ROAD, LONDON, SE4                   | Telegraph Hill | 51 - 78         |
| 6.                       | PEPYS HOUSING OFFICE, EDDYSTONE TOWER, OXESTALLS ROAD, LONDON, SE8 3QU | Evelyn         | 79 - 92         |
| 7.                       | 14 MANOR LANE, LONDON, SE13 5QP  | Lee Green      | 93 - 104        |
| 8.                       | 58 EFFINGHAM ROAD, LONDON, SE12 8NU                                    | Lee Green      | 105 - 114       |

This page is intentionally left blank

|              |                           |                     |
|--------------|---------------------------|---------------------|
| Committee    | PLANNING COMMITTEE (C)    |                     |
| Report Title | DECLARATIONS OF INTERESTS |                     |
| Class        | PART 1                    | Date: 29 MARCH 2018 |

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).

This page is intentionally left blank

|              |                        |                     |
|--------------|------------------------|---------------------|
| Committee    | PLANNING COMMITTEE (C) |                     |
| Report Title | MINUTES                |                     |
| Ward         |                        |                     |
| Contributors |                        |                     |
| Class        | PART 1                 | Date: 29 MARCH 2018 |

## MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 22<sup>nd</sup> February 2018.

### LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (C) held in ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 22<sup>nd</sup> February 2018 at 19:30.

PRESENT: Councillors Clarke (Chair), Hooks (Vice Chair), Bernards, Hordijenko, Sorba, John Paschoud, Jacca.

OFFICERS: Helen Milner (Presenting Officer) and Richard McEllistrum – Planning Service, Paula Young- Legal Services and Georgia McBirney – Committee Co-ordinator

APOLOGIES: Councillor Dacres

#### 1. DECLARATION OF INTERESTS

There were no declaration on interests.

#### 2. MINUTES

Members approved the minutes for Planning Committee (C) held on 23<sup>rd</sup> November 2017.

#### 3. 165, Upper Brockley Road, SE4 1TG (Item 3 on the agenda)

The Presenting Officer outlined the details of the proposal and that the application was originally presented at Planning Committee C on the 23 November 2017, members resolved that the decision be deferred pending the submission of further information. The further information supplied was in regards to the non-opening blank opaque recesses on the south elevation facing towards the garden of 161 Upper Brockley Road. Specifically information regarding the definition of opaqueness, whether an opening mechanism is in place or not and whether the previous proposal allowed for an opening window in the third bedroom and whether it would comply with building regulations.

A new condition relating to the glazed panels/windows was also proposed by the Presenting Officer to be attached to a permission if approved.

The Presenting Officer answered questions from Councillors Clarke and Hooks in regards whether the proposed condition can be amended to include levels 4-5 of opaqueness, the presenting officer explained that the proposed condition could be amended.

The Committee received verbal representation from David Alabi from AATP on behalf of the applicants and highlighted that he believes the application now addresses the concerns raised.

The Committee received verbal representations from James Titley a resident and Chris Johnson from the Brockley Society who handed out a print out to members containing his objection and fire safety documentation. James Titley outlined the history of the application site and states the south elevation should be as approved on the original application. Chris Johnson raised concerns over whether the proposed glazing would pass building regulations.

Members asked for clarification on whether the proposal would comply with building regulations. The Presenting Officer stated the passing of planning permission does not overcome the requirement for building regulations consent.

Members asked Mr Titley about the building not being built to plan and difficulties with Thames Water. Councillor Clarke explained that these questions do not relate to the current application and that there are other courses of action available to Mr Titley if the application has been built in accordance with the plans.

Councillor Sophie McGeevor spoke under standing orders, questioning that if the building had not already been built she doubts that it would be approved. Councillor McGeevor also explained the impact of the building on the Brockley Conservation Area and that the south elevation is contrary to what was originally approved. Councillor McGeevor asked for the condition to be strengthened.

Councillor Hooks moved a motion to accept the officer's recommendation with the additional condition being amended, it was seconded by Councillor Jacca. Members voted as follows:

FOR: Councillors Hooks, Jacca, Clarke, Bernards, Paschoud, Hordijenko and Sorba.

RESOLVED: That the application DC/17/103945 be accepted with the additional condition to be amended to include level of glazing.

Planning Officer Richard McEllistrum left the committee.

#### 4. 34 Southbrook Road, SE12 (Item 5 on the agenda)

The Presenting Officer outlined the application for the construction of a two storey infill extension to the rear of 34 Southbrook Road. It was explained that the ground floor extension already has planning permission and that the proposal would not be visible from the street scene. It was explained that an objection was received from the Lee Manor Society.

No questions were put to the Presenting Officer by members.

The Committee received verbal representations from Lee Turner of LJT Architects Ltd on behalf of the applicants. Lee Turner outlined that the owners are conscious of preserving the existing building but wish to extend the property to serve growing family. It was also stated the proposal is modest and sensitive to the existing building.

No questions were put to Lee Turner by members.

Councillor Paschoud asked what triggered the application to committee and the Presenting Officer stated that the Statement of Community Involvement detailed that if an objection is

received from a registered amenity society then the application is required to be determined by a Committee.

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

Members voted as follows:

FOR: Councillors Paschoud, Sorba, Clarke, Hooks, Bernards, Hordijenko and Jacca.

RESOLVED: That the application DC/17/104679 be approved.

#### 5. The Arches, Childers Street, SE8

The Presenting Officer outlined the details of the proposal for the alteration and conversion of six vacant commercial units (Use Class B1) into 1 x one bedroom, 6 x two bedroom and 1 x three bedroom self-contained flats, together with the provision of 4 car parking spaces and 17 cycle spaces. It was highlighted that there is no policy site designation, although noted that previously as part of the UDP there was a designation as an employment site, but the site has since been de-designated.

The Presenting Officer detailed the consultation that had been undertaken and that this had resulted in four objections being received. The objections were outlined to members. The Planning Officer also detailed the comments received as outlined in section 4.5 of the report. The Presenting Officer noted that they received correspondence from an individual on the 22nd February 2018 stating that they were seeking to buy the units. It was explained by the Presenting Officer that as this email was only received on the 22nd February no consideration of these comments had been given in the report, but that the submitted marketing report had been used in the assessment of the application. The Presenting Officer also highlighted that alternative commercial uses for the units cannot be considered as they do not form part of the application proposal.

The Planning Officer stated that as documentation has been submitted to address specific conditions proposed and as such pre-commencement conditions would be amended to compliance conditions if permission were to be granted.

The Presenting Officer answered questions from Councillors Sorba and Jacca in regards to the de-designation of the site and whether the site can be re-designated and how long the process would take. The Planning Officer stated that it can take several years and that the application must be considered against current policy.

The Presenting Officer answered questions from Councillor Paschoud in regards to why the scheme was approved with B1 units in the first place, and whether the proposed accommodation would be of an acceptable standard and also raised concern about units fronting the street and the amenity space. It was stated by the planning officer the proposed units would exceed floor to ceiling height standards, some units are 10-20sqm larger than the requirements and that proposed additional openings would improve light and outlook. The Planning Officer explained that as the street is residential in nature so is not a hostile environment and the appropriate materials can soften the façade.

Councillor Hooks asked if the units can only be marketed as B1. The Presenting Officer stated that the units have only be marketed as B1 as that is what they have consent for and there is no requirement to market them for none B1 uses.

The Presenting Officer answered questions from Councillor Clarke in regards to whether residential units are proposed in block two and whether a plan of the proposed frontage is available. It was confirmed by the Planning Officer that residential units are not proposed in block two and an elevation of the frontage was displayed.

The Committee received verbal representations from Simon Fowler of Bilfinger GVA and from Paul Hensher, the owner of the units. Simon Fowler clarified that a daylight and sunlight assessment was submitted and describes the proportion of glazing on the front elevation and the marketing of the units. Paul Hensher explained that the intention was to use the units as offices but highlighted that the size of the units and distance from the station has contributed to the unsuccessful letting of the units. Paul Hensher expanded on the objection received from a potential buyer and stated that he contacted the potential buyer by email in March 2016 and has not had a response.

Councillor Hooks asked why the units had only been marketed as offices and why haven't other commercial uses been proposed. Paul Hensher stated he did not believe other commercial uses would be suitable in relation to the existing residential units in the floors above and that the units are too large for retail units. Paul Hensher and Simon Fowler clarified that the marketing was in line with policy. Councillor Hooks asked what engagement was done with Deptford Folk prior to the submission of the application, Simon Fowler stated that none was taken as the purpose of the planning process is for the Council to undertake consultation.

Councillor Paschoud asked Paul Hensher if he owned the whole building, Paul Hensher stated he has a 900 year lease for the ground floor units and car parking area. Councillor Sorba asked whether Paul Hensher was involved in the original planning application and why were the units purchased if he was aware of difficulties with marketing. Paul Hensher stated he owns other offices in the immediate area and had misinterpreted the demand in the area. Councillor Clarke (Chair) said questions should be specific to the application in hand.

Councillor Clarke asked about the proposed windows on front elevation, Simon Fowler passed around coloured copies of the proposed front elevation and window details. Councillor Clarke asked for clarification on the flood risk concern and the Planning Officer stated the Environment Agency agrees with evidence submitted by the applicant.

The Committee received verbal representations from Trina Lynskey of DeptfordFolk, a handout was provided outlining the objections from DeptfordFolk. Trina Lynskey outlined that local residents do not support the change from B1 and that the map in the handout shows the new residential units that have been approved with a five minute walk of the application site and outlines the types of new businesses that are moving into the area. Concerns were raised in regards to who is responsible for maintaining the public realm and that there was no engagement with local people.

Councillor Jacca asked Trina Lynskey if she believed the units have been advertised and whether she would object to a planning application for a different use. Trina Lynskey stated she does not believe the units have been advertised correctly. Councillor Clarke stated that questions need to be relevant to what is under consideration.

Members asked the Presenting Officer a series of questions in relation to the affordable housing provision reduction of the original scheme for providing B1 units. The Presenting Officer and Legal Services stated that reduction would have been in relation to old policy and the previous site designation.

Members deliberated the recommendation. Councillor Sorba proposed a motion to reject the officer's recommendation, it was seconded by Councillor Jacca. Planning and legal Officers

sought clarification on the reason for refusal, which was given as insufficient marketing. However this motion was not carried forwards.

Members voted as follows:

FOR: Councillors Sorba and Jacca

AGAINST: Councillors Clarke, Hooks, Bernarnds, Paschoud and Hordijenko.

Members deliberated the recommendation further. Councillor John Paschoud proposed a motion to accept the officer's recommendation, it was seconded by Councillor Hooks.

Members voted as follows:

FOR: Councillors Hooks, Paschoud, Clarke and Hordijenko

AGAINST: Councillors Sorba and Jacca

ABSATINED: Councillor Bernards

RESOLVED: That planning permission be granted in respect of application DC/17/103827 with amended conditions.

It should be noted that during the motion Councillor Sorba asked if the application could be deferred before the motion was seconded. Legal Services had to check the constitution for clarification on process as to whether a new motion could be proposed before a motion could be seconded.

The meeting ended at 9.40pm.  
22<sup>nd</sup> February 2018

Chair

This page is intentionally left blank

|              |   |                             |
|--------------|---|-----------------------------|
| Committee    | PLANNING COMMITTEE C  |                             |
| Report Title | <b>ADDENDUM REPORT - THE ARCHES, CHILDERS STREET, LONDON, SE8 5PL</b> |                             |
| Ward         | EVELYN  |                             |
| Contributors | Russell Brown   |                             |
| Class        | PART 1  | 29 <sup>th</sup> March 2018 |

|                              |   |
|------------------------------|---|
| <u>Reg. Nos.</u>             | DC/17/103827  |
| <u>Application dated</u>     | 28.09.2017  |
| <u>Applicant</u>             | Evelyn Court LLP  |
| <u>Proposal</u>              | The alteration and conversion of six vacant commercial units (Use Class B1a) into 1 x one bedroom, 6 x two bedroom and 1 x three bedroom self-contained flats, together with the provision of 4 car parking and 17 cycle spaces   |
| <u>Applicant's Plan Nos.</u> | <p>TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Design &amp; Access Statement rev. v. 6; Flood Risk Assessment; Revised Daylighting Report; Revised Sustainability &amp; Energy Statement; Transport Statement Received 28th September 2017</p> <p>TP/118 Rev D; TP/119 Rev D; TP/120 Rev D; Schedule of External Facing Materials Received 16th January 2018</p> <p>TP/106 Rev F; TP/123 Rev A; TP/124; TP/125; TP/126 Received 1st February 2018</p> <p>TP/103 Rev L Received 2nd February 2018</p> <p>Marketing Report &amp; Appraisal (with Appendices) Received 1st March 2018</p> |
| <u>Background Papers</u>     | <p>(1) Case File DE/134/D/TP</p> <p>(2) Core Strategy (June 2011)</p> <p>(3) Development Management Local Plan (November 2014)</p> <p>(4) London Plan (March 2016)</p>  |
| <u>Designation</u>           | None  |
| <u>Screening</u>             | N/A   |

## **1.0 Introduction**

- 1.1 On Thursday 22<sup>nd</sup> February 2018 the current application was presented to Planning Committee B with an Officer's recommendation for approval. As part of the deliberation of the application by Members the extent and quality of the marketing of the units for commercial B1 purposes was a main area of discussion. Objections received in writing during the application and verbally in the committee by Deptford Folk further questioned the quality of the marketing and the findings of the marketing report. Following discussion Members resolved to approve the application and grant planning permission for the change of use to residential.
- 1.2 Following the committee meeting Deptford Folk wrote to Council Officers and Members to explain that the marketing appraisal as referenced in the committee meeting was not available to view on the Council's website. Once alerted to this Officer's confirmed that due to a technical issue the report had not been visible for the public to view.
- 1.3 Planning Officers took the view, following legal advice, that given the recommendation of Officers was based on a document that the public and Members had been unable to review that no formal decision should be issued. It was therefore decided to carry out reconsultation with local residents so they could have the time to view and comment of the submitted marketing information document before taking the application back to Committee B for formal determination.
- 1.4 This addendum report addresses further consultation responses following the publication of the marketing information.

## **2.0 Consultation**

- 2.1 On Friday the 23<sup>rd</sup> February, the date after the original committee meeting, the marketing appraisal was made public, on the 1<sup>st</sup> March 2018, the marketing appraisal and appendices were made available on the Council's website for the public to view and consultation letters were resent to local residents giving 21 days for comment. The marketing appraisal and appendices is same document that was submitted for the previously withdrawn application (DC/16/096613).
- 2.2 Two further objections have been received to the application raising issues around the proposed standard of accommodation, principally outlook and also about the demand for commercial units given tenants have been found for nearby units. The objections question the effort that has been made to market the units and raises concern about how lettable they are in their current condition. It is also stated that the negligible benefit of new homes would be outweighed by the economic effect of providing new workspaces, which would improve the visual amenity and vibrancy of Childers Street.
- 2.3 The consultation period extends until the 22<sup>nd</sup> March, which is after this report goes to print; therefore any further comments will be reported to Members at the committee meeting both verbally and through a further addendum to the main report.

### **3.0 Planning Considerations**

- 3.1 Full consideration of the application is provided within section 6 of the main report, which is appended to this report. The main report provides full consideration to both the loss of the currently approved B1 commercial use and proposed residential use.
- 3.2 In relation to the further objections received, Officers do not consider that these raise any new planning considerations, which are not covered in the main report. In relation to the standard of accommodation for the proposed units, assessment of this is within paragraphs 6.25- 6.34 of the original report and here it was found to be acceptable. The units would provide all habitable rooms with direct outlook and all units would be dual aspect, therefore Officers still consider that the units would be provided with an acceptable level of outlook.
- 3.3 In respect to the marketing evidence, this is considered within paragraphs 6.2 – 6.16 of the main report. Whilst the appraisal on which this assessment was made was not available to the public, Officers made their assessment in full consideration of the marketing appraisal. Therefore the assessment by Officers remains the same as that detailed in the main report.
- 3.4 The submitted marketing evidence demonstrates that over a number of years measures have been taken to advertise the units for rent at competitive rates without successfully securing a tenant. Whilst concern has been raised regarding the current condition of the units, Officers cannot control this and must look at the evidence provided to the marketing of the units. The submitted marketing appraisal outlines the steps taken to attract prospective tenants and reasons why the units are not suitable for offices.
- 3.5 Although objections received throughout the application process question the quality of the marketing, Officers have no evidence to dispute the information as detailed within the marketing appraisal. Officers are aware that since completion of the units, as part of a wider mixed-use development none of these commercial units have been occupied even though marketed by two different commercial agents. In addition, objections received have suggested that alternative commercial uses for the units could be found, however the application is not to consider alternative uses but to assess the acceptability of the proposed use, which is for residential units.
- 3.6 The consideration by Officers to the proposed change of use remains based on the information submitted in support of the proposal, which has not materially changed since the application was first presented to committee. Therefore, the recommendation to approve the proposed development remains unchanged.
- 3.7 During the committee on 22<sup>nd</sup> February the Presenting Officer noted that a number of the conditions proposed requested further information be submitted, should the application be approved. However following the printing of the previous report it was determined that further information received satisfied the requirements of the these conditions and therefore the information relating to materials, boundary treatment, ground levels and electric charging points were no longer requested by condition. As such this report has removed these conditions.
- 3.8

**4.0 RECOMMENDATION A: To agree the proposals and authorise Officers to negotiate and complete a legal agreement to secure a financial contribution of £4,240 to mitigate against the loss of employment floorspace.**

**5.0 RECOMMENDATION B: Subject to the completion of a satisfactory legal agreement, authorise the Head of Planning to GRANT PLANNING PERMISSION subject to the conditions set out in the main committee report and those listed below.**

- 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:

TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Flood Risk Assessment; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Received 28th September 2017

TP/118 Rev D; TP/119 Rev D; TP/120 Rev D; Schedule of External Facing Materials Received 16th January 2018

TP/106 Rev F; TP/123 Rev A; TP/124; TP/125; TP/126 Received 1st February 2018

TP/103 Rev L Received 2nd February 2018

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

- 3) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new side elevation windows for bedroom 2 of Flat 1, bedroom 1 of Flat 5 and bedroom 1 of Flat 6 hereby approved shall be fitted as obscure glazed and retained in perpetuity.

Reason: To avoid the privacy of the new residential units being compromised and to comply with DM Policies 31 Alterations/extensions to existing buildings and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 4) The units shall be designed and fitted out so as to provide sound insulation against external and internal noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm<sub>ax</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided. The evaluation of human exposure to vibration within the

building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policies 26 Noise and vibration, 31 Alterations and extensions to existing buildings including residential extensions and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 5) (a) A minimum of 15 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.

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

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

- 6) The refuse facilities shall be provided within the development prior to occupation of the development as indicated on the plans hereby approved, and shall thereafter be permanently retained and maintained.

Reason: In order that the Local Planning Authority is 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 Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 7) a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified in the schedule below:

| Unit reference number | Approved Document M (2015) Access Requirement | Dwelling type               |
|-----------------------|---|-----------------------------|
| Unit 6                | M4(3)(2)(a)                                   | Wheelchair user (adaptable) |
| All other units       | M4(2)   | Accessible and adaptable    |

- b) The development shall be carried out in accordance with drawing no. TP/103 Rev L hereby approved prior to their first occupation of the development.

Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policies 1 Housing provision, mix and affordability and 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

This page is intentionally left blank

Appendix 1

THE ARCHES, CHILDERS STREET, LONDON, SE8 5PL  
**Committee Report**  
22<sup>nd</sup> February 2018



|              |  |                    |
|--------------|--|--------------------|
| Committee    | PLANNING COMMITTEE C                         |                    |
| Report Title | THE ARCHES, CHILDERS STREET, LONDON, SE8 5PT |                    |
| Ward         | EVELYN                                       |                    |
| Contributors | Russell Brown                                |                    |
| Class        | PART 1                                       | 22nd February 2018 |

Reg. Nos. DC/17/103827

Application dated 28.09.2017

Applicant Evelyn Court LLP

Proposal The alteration and conversion of six vacant commercial units (Use Class B1a) into 1 x one bedroom, 6 x two bedroom and 1 x three bedroom self-contained flats, together with the provision of 4 car parking and 17 cycle spaces.

Applicant's Plan Nos. TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/106 Rev E; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/118 Rev C; TP/119 Rev C; TP/120 Rev C; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Design & Access Statement rev. v. 6; Flood Risk Assessment; Marketing Report & Appraisal; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Recived 28th September 2017

TP/103 Rev J Received 22nd November 2017

Background Papers

- (1) Case File DE/134/D/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2016)

Designation None

Screening N/A

## **1.0 Property/Site Description**

1.1 The application site lies on the south west side of the western section of Childers Street between the junctions with Gosterwood Street and Etta Street. The site is approximately 0.49 hectares and is occupied by a six storey high block of commercial and residential units, which rises to nine storeys high on the junction with Rolt Street.

1.2 This application specifically refers to commercial units 1-6 within Blocks 1 and 3, which are at either end of the building and separated by Block 2 and the hard

landscaped area providing vehicular and cycle parking. Cycle Quietway 1 runs to the north west of the site underneath the bridge of the railway viaduct, which houses commercial units in its arches. Adjacent to Donovan House to the north-west is a recently built development on the site of the former William House comprising 70 residential units and 1,300m<sup>2</sup> of B1 floor space. The, now vacant, Lord Palmerston Pub and SR House are to the south east of the site.

- 1.3 The property is not located within a Conservation Area, nor subject to an Article 4 direction, but is in the vicinity of a listed building in the form of the railway viaduct from Abinger Grove to Rolt Street, which runs from Greenwich to London Bridge. The site is an 'other employment location', it has a PTAL rating of 1/2 and is within Flood Risk Zones 2 and 3.

## **2.0 Relevant Planning History**

- 2.1 DC/04/57406/X: The construction of 3 six-eight storey buildings on the site of William House and the former public car park adjacent, Childers Street SE8, comprising 18 live/work units, 8 one bedroom flats, 50 two bedroom self-contained flats and 8 commercial units (Use Class B1) with access off Childers Street. **Granted.**
- 2.2 DC/07/66538/X: The demolition of existing buildings on the site of William House and former car park, Childers Street SE8 and the construction of 3 single to eight storey buildings, incorporating terraces and balconies, comprising commercial units (1,304 m<sup>2</sup>) (Use Class B1) at ground and part of the first floor levels, 15 one bedroom, 68 two bedroom and 6 three bedroom, self-contained flats, together with associated landscaping and provision of an electricity sub-station, refuse stores, cycle stores and 33 car parking spaces. **Granted and implemented.**
- 2.3 Pre-application advice (PRE/15/02018) was sought in October 2015 and Officers stated that the principle of conversion of the commercial units to residential use cannot be established without thorough marketing evidence and a flood risk assessment, but if these issues can be overcome then residential use would be a suitable alternative use. Significant concerns were raised to the quality of the residential units, requiring a fundamental redesign.
- 2.4 DC/16/099613: The alterations and conversion of vacant commercial units at The Arches Childers Street SE8 into 2 one bedroom and 7 two bedroom self-contained flats, together with the provision of 4 car parking and 18 cycle spaces. **Withdrawn.**

## **3.0 Current Planning Application**

- 3.1 The current application proposes the alteration and conversion of six vacant commercial units (Use Class B1a) into 1 x one bedroom, 6 x two bedroom and 1 x three bedroom self-contained flats.
- 3.2 Flats 1-5 would be located within Block 1 with Flats 6-8 in Block 3. All would have frontage onto Childers Street and their own external amenity space to the rear. The total internal floor space of each unit is as follows:

Flat 1 (2b4p): 138.375m<sup>2</sup>

Flat 2 (3b6p): 136.32m<sup>2</sup>

Flat 3 (2b4p): 100.28m<sup>2</sup>  
Flat 4 (2b4p): 81.3m<sup>2</sup>  
Flat 5 (2b3p): 65.865m<sup>2</sup>  
Flat 6 (2b3p): 65.34m<sup>2</sup>  
Flat 7 (2b4p): 84.685m<sup>2</sup>  
Flat 8 (1b2p): 100.155m<sup>2</sup>

- 3.3 This application also includes the provision of new entrances to the front elevation of each unit comprising aluminium doors and windows, a rendered panel, cedar panelling and steel fences and gates for access to the rear for the future residents. Replacement rear doors leading out onto private external amenity areas and rear windows facing onto the commercial units within the arches would also be installed. Brick walls would form the boundaries between amenity spaces.
- 3.4 Four car parking spaces within the wider development are to be allocated for the proposed flats and 17 cycle parking spaces would also be provided.

#### **4.0 Consultation**

- 4.1 No pre-application advice was sought prior to this particular application.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A site notice was displayed and letters were sent to 130 local addresses (including those who submitted comments on the previous scheme), Evelyn Ward Councillors, the London Fire and Emergency Authority, Thames Water, the Environment Agency and the Council's Environmental Protection and Highways Officers were consulted.

#### **Written Responses received from Local Residents**

- 4.4 Four objections were received, raising the following concerns:
- The original planning application described the units as "not for habitation whose lack of interface with the street will contribute to an increased lack of safety in the area".
  - The units have never properly marketed and local residents' enquires were either rejected or they received no response.
  - There has been little commitment to maintaining the units to present viable business opportunities, but fitted-out office space would be viable.
  - The application would not increase social / affordable housing stock while the original developer was compensated for providing business units.
  - There has been a lack of consultation with neighbours as no-one was aware of purported consultation until 10th October.
  - The residential use would receive low quality natural light.
  - It would result in the erosion of SIL/DEA in the area, which provides employment opportunities for local people.
  - The reclassification of these units to A1 / A3 (shops or cafes) usage would be supported as they reflect the changing demographics, population increase and use of the Cycle Quietway.
  - The conversion of these units to residential would result in an unpleasant, dark and crowded environment for any future residents close to the road and Cycle Quietway.

- The current owner has failed to care for the building there have been issues, like rough sleepers in the units due to broken locks.
- The Council should purchase these units and put Council departments in there or let them to businesses.
- The residential units proposed would have a negative impact on the local area while business use would lead to positive local regeneration including increased safety, amenity and employment.

### Responses received from External Consultees

- 4.5 The Environment Agency had no objection, but offered the following advice:
- There may be other sources of flooding which affect this site, such as surface water and groundwater flooding, which could be important considerations for managing flood risk for the proposed development.
  - 'More vulnerable' residential accommodation, particularly sleeping accommodation, is strongly recommended to be set at the first floor level and above or above the modelled breach flood level, which is between 3.21m and 3.29m above Ordnance Datum (mAOD).
  - Flood resistant and resilient measures should be incorporated in to the design of the proposed development.
  - Occupants of the proposed development should register with their Floodline Warnings Direct service, in order that they may prepare themselves in the case of a flood event.
  - Please note that any flood response plan (or flood warning and evacuation plan) should set out suitable access and egress from the site.

## **5.0 Policy Context**

### Introduction

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

A local finance consideration means:

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

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

### National Planning Policy Framework

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

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

#### Other National Guidance

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

#### London Plan Supplementary Planning Guidance

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

Character and Context (June 2014)  
Housing (March 2016)  
Sustainable Design and Construction (April 2014)

#### London Plan (March 2016)

5.7 The London Plan was adopted on 14th March 2016. The policies relevant to this application are:

Policy 2.13 Opportunity areas and intensification areas  
Policy 3.3 Increasing housing supply  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 5.3 Sustainable design and construction  
Policy 5.12 Flood Risk Management  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 8.3 Community infrastructure levy

#### Core Strategy

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

Spatial Policy 2 Regeneration and Growth Areas  
Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 5 Other employment locations  
Core Strategy Policy 8 Sustainable design & constructions and energy efficiency  
Core Strategy Policy 10 Managing and reducing the risk of flooding  
Core Strategy Policy 13 Addressing Lewisham's waste management requirements  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

#### Development Management 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 Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 4 Conversions of office space and other B Use Class space into flats  
DM Policy 11 Other employment locations  
DM Policy 22 Sustainable design and construction  
DM Policy 29 Car parking  
DM Policy 30 Urban design and local character  
DM Policy 31 Alterations/extensions to existing buildings  
DM Policy 32 Housing design, layout and space standards

#### Residential Standards Supplementary Planning Document (updated May 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.

### **6.0 Planning Considerations**

- 6.1 The relevant planning considerations are:

a) Principle of development  
b) Design  
c) Impact on the amenities of adjoining properties  
d) Proposed standard of residential accommodation  
e) Highways issues  
f) Flood risk  
g) Sustainability and energy

### *Principle of development*

- 6.2 Spatial Policy 2 states that the Deptford, Deptford Creekside, New Cross/New Cross Gate area will accommodate up to 2,300 additional new homes by 2016 and a further additional 8,325 new homes by 2026.
- 6.3 Housing is a priority use for all London boroughs and the Core Strategy welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation and it provides garden and amenity space.
- 6.4 The National Planning Policy Framework (NPPF) sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted. Furthermore, the document also encourages the effective use of land by reusing land that has been previously developed (brownfield land).
- 6.5 The site is undesignated, though it was formerly part of the Childers Street Mixed Employment Area. It is noted that the redevelopment of this former industrial site to provide the existing blocks was considered acceptable in planning terms on account of the re-provision of a proportion of employment space. However, where there is no reasonable prospect of an employment space being used for that purpose, alternative uses may be considered. Core Strategy Policy 5 identifies that alternative uses may be acceptable in these locations, "if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use".
- 6.6 This approach is expanded upon by DM Policy 11, which states that:
- "Where uses are proposed for a site or building in employment or retail use that do not involve any job creation or retention, the Council will require evidence that a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent, that reflects the market value has been undertaken."
- and:
- "The Council will seek contributions to training and/or local employment schemes where there is loss of local employment as a result of redevelopment or change of use."
- 6.7 The applicant has submitted a Marketing Report and Appraisal, as well as a letter from the applicant, who are an operator of offices in Lewisham and Southwark. The letter states that the Childers Street units have been empty for six years and have been marketed via their website and several other companies (Officers

noticed marketing boards from Kalmars at the site), but that no interest has been forthcoming for the following reasons:

- The transport links are very poor with the nearest station more than 15 minutes' walk away.
- The area is not an office location and there are no shops or restaurants close by. People like to work among other people and Childers Street is just too remote.
- The unit sizes are too large at typically around 1,300sq feet each and it is not possible to divide them up.
- The car parking ratio of just one space per office is very low especially as there is poor access to public transport.
- There is no commercial fibre optic broadband available.

6.8 In terms of compliance with Core Strategy 5, the above deals with site accessibility and business viability. Officers do not consider that the use of the upper floors or of nearby properties as residential would restrict an office use and clearly, these are new units so the age of the building is not a factor, although it is noted that the units are 'shell and core'.

6.9 The Marketing Report and Appraisal was produced by Kalmars and gives the following reasons for not being able to fill the units with offices:

- Businesses have already moved away from this area.
- Public transport is pretty poor and inadequate for office use in what is predominantly a residential area with lots of social housing.
- The layout of the spaces is not conducive to an office use and they are irregularly shaped with limited ceiling heights and with large plate glass windows, which are more appropriate for shop uses and cause privacy, security and ventilation problems.
- Toilets and kitchens would have to be fitted as well as security measures like roller shutters and burglar alarms to the front and rear.
- They are in shell condition, requiring costly and expensive fitting out, which is not economically viable for office occupiers.
- There are other large developments in construction within competing areas, including in better located positions along the River Thames, and there are 99 available units in a four-mile radius south of the River Thames (excluding the SE1 postcode).
- There has been a slowdown in the market, perhaps due to Brexit and world trade.
- There are extensive and restrictive restrictions within the lease likely to deter occupiers.
- There are hardly any other office occupiers in the area and therefore it lacks the cluster effect of a central business district location.
- There are no facilities for office staff such as sandwich bars, shops and restaurants.
- Walking to the property is likely to be considered a security hazard by many office occupiers, particularly if working hours are outside 09:00-17:00.
- The ceiling heights are too low given that air conditioning would have to be installed.
- The units would be unsuitable for other uses. Hotels and gyms are again very unlikely to be attracted to a backstreet location and there is insufficient space for the former to operate. Light industrial uses are likely to create conflict with the floorspace up above, mainly due to lorry deliveries and general noise.

- 6.10 The property has been marketed by Kalmars since 2015 on competitive terms, including all appropriate modern marketing techniques (comprising five boards on site and it appearing on Kalmars and the most popular aggregate websites). The marketing response has been poor, consisting of only four responses from nursery (Use Class D1) operators. Before then, the units were marketed by Lamberts Chartered Surveyors from July 2010 until September 2014 and boards were displayed in January 2011 with amended signage in June 2012.
- 6.11 Officers consider that sufficient information is provided to demonstrate that there is no prospect of the units being let to commercial occupiers and therefore, in this instance, accept that residential use would be appropriate in this location.
- 6.12 However, given the proposal results in employment land being replaced by residential dwellings, a financial contribution is due under DM Policy 11 in order to support the current training and operation costs of running the Local Labour and Business Scheme. Based upon the estimated number of new dwellings (1,385) to be created annually as required by the London Plan (FALP 2014) and the number of new jobs (500) required annually as estimated by the Lewisham Business Growth Strategy, each new job and dwelling will require a contribution of £530 towards employment training. Therefore, this application is subject to a £4,240 contribution, which shall be subject to a S106 obligation.
- 6.13 Therefore, the revised proposals would be compliant with Core Strategy Policy 5 and DM Policy 11.
- 6.14 With regard to the proposed use, housing is a priority use for all London boroughs with the need for family-sized dwellings being particularly acute in Lewisham, and the Core Strategy Spatial Policy 2 welcomes the provision of additional new homes by 2026.
- 6.15 The evidence for Lewisham shows an overwhelming housing need, which is spread across the borough and for a mix of housing tenures as well as housing size. Officers recognise that housing is a priority use in the borough and change of use proposals in appropriate locations are a sustainable use of land to help meet housing targets.
- 6.16 As such, the principle of development is considered to be acceptable. Issues of design, impact on neighbouring properties, highways and the proposed standard of accommodation will be fully considered in the relevant sections of the report.

### *Design*

- 6.17 Officers consider that sufficient detail drawings and information about the proposed materials have been submitted for the new entrances such that it is deemed that they constitute high quality design and relate well to the design of the existing residential units on upper floors. The gates would help to provide sufficient security for each residential occupier and the top-hung casement windows would allow for sufficient ventilation and penetration of natural light. It is considered reasonable to request further details of the cedar panelling to ensure that it is durable and would be treated so as not to weather, or if so, how it would look in future years.

- 6.18 The proposed design of the alterations to the ground floor units are otherwise appropriate for the proposed use, removing the large plate glass shopfronts more suitable for commercial uses, and would be congruous with the surrounds. As such, the proposals are compliant with London Plan Policies 7.4 and 7.6, Core Strategy Policy 15 and DM Policies 30 and 31.

*Impact on the amenity of neighbouring occupiers*

- 6.19 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.20 DM Policy 32 states that the Council expects all new residential development to:
- a. be attractive and neighbourly; and
  - b. provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.
- 6.21 Given the location of the proposed residential units at ground floor level, it is not considered that there would be an impact on neighbouring amenity.
- 6.22 However, it is important that an adequate level of privacy would be afforded to the new units. None of the primary bedroom windows would be located directly onto frontages facing the car park or the main pedestrian routes because the area to the rear is not considered to be such a route, being that it is mainly used by vehicles, and the windows to the front would be set back from the pavement by 82cm. The secondary bedroom windows to bedroom 2 of Flat 1, bedroom 1 of Flat 5 and bedroom 1 of Flat 6 would be obscure glazed and this is recommended to be secured by condition. Bedroom 2 of Flats 5 and 6 would have a single set of windows, but these would look out onto a resident-only access behind locked gates rather than a busy pedestrian thoroughfare.
- 6.23 The introduction of a residential use must not prejudice the functioning of the adjacent commercial space so sound insulation must be installed or upgraded, which is recommended to be secured by a compliance condition.
- 6.24 Therefore, the scheme is deemed acceptable in terms of neighbouring amenity in accordance with DM Policies 31 and 32.

*Standard of accommodation for proposed occupiers*

- 6.25 London Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context. It also states that the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 6.26 DM Policy 22 states that for conversions to residential from other uses, the Council will encourage cost effective and proportional energy efficiency measures to be carried out where feasible to a value not exceeding 10% of the overall construction costs.
- 6.27 DM Policy 32 states that all new residential development should be attractive and neighbourly, provide a satisfactory level of privacy, outlook and natural lighting

both for its future residents and its neighbours as well as meet the functional requirements of future residents.

- 6.28 Having assessed all of the residential units against the Technical Housing Standards - Nationally Described Space Standard, they all comply with regards to the requirements for GIAs, bedroom sizes and widths, storage space and internal floor to ceiling heights. In terms of outlook, all units are dual aspect, which would provide the units with adequate outlook, ventilation and daylight through the window, as well as the doors, which provide access into the external terraces, which each unit benefits from.
- 6.29 The amenity space provided for each dwelling would be in excess of the size requirements set out in Standard 26 of the London Plan Housing SPG, and is therefore acceptable in terms of area of space provided. However, as these amenity areas will be adjacent to car parking the row of commercial railway arches, boundary treatment for these areas is vital to ensure that the environment created is satisfactory and also that the operation of the commercial units is not compromised.
- 6.30 Officers have reviewed the submitted Daylighting Report, which has been revised since the previous application. It is now clear that all rooms in the units, particularly the kitchen / living / dining areas of Flats 2, 4 and 7 that failed previously, meet daylight standards.
- 6.31 Furthermore, regarding the access to the flats, none of them would be accessed from the carpark with all primary entrances located on Childers Street, which is considered to be a positive arrival experience compliant with Standard 8 of the London Plan Housing SPG (March 2016).
- 6.32 Officers have no objection to the proposed unit mix of 6 x two bed properties, a three bed property and a one bed property, which would be a welcome addition of a family-sized unit.
- 6.33 Core Strategy Policy 1 requires that 10% of all housing is to be wheelchair accessible or easily adapted for those using a wheelchair. Therefore, for this scheme, the requirement would be rounded up to one dwelling. Flat 8 is wheelchair unit adaptable and therefore this is considered sufficient.
- 6.34 Therefore, the proposed standard of accommodation is considered to be acceptable.

### *Highways*

- 6.35 London Plan Policy 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions).
- 6.36 London Plan Policy 6.13 Parking states that the maximum standards set out in Table 6.2 in the Parking Addendum should be the basis for considering planning applications. Developments must ensure that 1 in 5 spaces provide an electrical charging point to encourage the uptake of electric vehicles and provide parking for disabled people.

- 6.37 Core Strategy Policy 14 Sustainable movement and transport states that car free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street, and cycle parking will be required for new development and TfL guidelines will be used to assess provision. Design will need to incorporate safe and secure cycle storage and parking as well as other facilities including showers and lockers, where appropriate.
- 6.38 This site has a PTAL rating of 2, which rates as poor public transport access. However, it is noted that New Cross Gate and Deptford rail stations are both approximately 15 minutes' walk from the site and are served by frequent services.
- 6.39 One car parking space has been provided per two flats, which meets London Plan standards, and is therefore acceptable. There is a requirement that 20% of the spaces (rounded up to one) must provide an electrical charging point to encourage the uptake of electric vehicles, which shall be secured by condition. Details are required of where the car parking spaces would be located I also to be secured.
- 6.40 The results of the submitted parking survey demonstrates that there is sufficient space to accommodate an increase in parking demand, should the demand for parking for the eight residential units exceed anticipated levels.
- 6.41 The proposal is for 17 cycle parking spaces are to be provided, which is compliant with Table 6.3 of London Plan 6.9. With the exception of flats 5 and 6 all of these are to be located in cupboards within the units, which makes them secure and dry. A condition is proposed to secure the details for flats 5 and 6 to ensure that the storage provide is safe and dry.
- 6.42 Residential Development Standards SPD seeks to ensure that all new developments have adequate facilities for refuse and recycling. All units are proposed to have the same existing servicing arrangements as the flats above where refuse is collected from existing waste stores, which are considered to have sufficient capacity and shall be conditioned.
- 6.43 Officers therefore have no objection to raise on highways grounds.

#### *Flood risk*

- 6.44 The Environment Agency did not raise an objection to the scheme, subject to the residential accommodation being set above the modelled breach flood level, which is between 3.21m and 3.29m. A condition is recommended to be added requiring section drawings to demonstrate that there would be an increase in internal floor heights of 0.25m in Block 1, the north west block, as set out in the Flood Risk Assessment.
- 6.45 An informative shall be added requesting that the applicant informs future occupiers to register with their Floodline Warnings Direct service so that they may prepare themselves in the case of a flood event.

#### *Sustainability and energy*

- 6.46 Paras. 94 and 95 of the NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change, which must be consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
- 6.47 Core Strategy Policy 8 Sustainable design, construction, and energy efficiency states that the Council is committed to prioritising the reduction of the environmental impact of all new developments, with a focus on minimising the overall carbon dioxide emissions of the development while improving sustainability aspects through sustainable design and construction. All minor and major non-residential development will be required to achieve a minimum of B REEAM 'Excellent' standard, or any future national equivalent.
- 6.48 DM Policy 22 Sustainable design and construction states that, in addition to those policies in the London Plan and Lewisham's Core Strategy Policies 7 and 8, the Council will require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling.
- 6.49 For conversions to residential from other uses, the Council will encourage cost effective and proportional energy efficiency measures to be carried out where feasible to a value not exceeding 10% of the overall construction costs.
- 6.50 The Council considers that the measures proposed in regards to energy and water efficiency measures by the Revised Sustainability & Energy Statement to be acceptable.

*Prevention of crime and disorder*

- 6.51 Section 17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:
- a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local community);
  - b) the misuse of drugs, alcohol and other substances in its area; and
  - c) re-offending in its area.
- 6.52 Issues of flytipping, litter and graffiti were raised as a consequence of the public consultation undertaken in respect of this application. Neglect of the units was also cited, although there was no major signs of this during the site visit, but is to be expected of empty premises. Once these units are occupied and become active frontages with comings and goings, it is likely that the issues would cease to be problems.
- 6.53 As such, Officers consider that the scheme would not add to crime or general anti-social behaviour in the immediate vicinity.

*Community Infrastructure Levy (CIL)*

- 6.54 On 1st April 2015 the Council introduced its Local CIL to be implemented along with the existing Mayoral CIL. The charge will replace a number of financial contributions currently required through Section 106 Agreements.

- 6.55 CIL is chargeable on the net additional floorspace (gross internal area) of all new development. However under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended) affordable housing is exempt from CIL. However, it should be noted that the applicant is required to apply for the exemption.
- 6.56 Under the CIL charging schedule, the amount of CIL payable for the SE8 postcode for new residential development is £100 per sqm. The Mayor CIL is charged at £35 per sqm of new development.
- 6.57 It is the Local Planning Authority's responsibility to collect CIL payments from new development.

#### *Issues raised by consultation*

- 6.58 Further concerns from local residents were raised regarding the absence of consultation from the developer and the developer not engaging with local residents interested in the units. Whilst the Council encourages applicants to engage with local communities prior to submitting applications, given the scale of this proposal it is not a requirement that the local authority can insist on and therefore the application has been processed and assessed by Officers.

#### **Human Rights Act**

- 6.59 Under the Human Rights Act 1998, the Council must not act in a way which is incompatible with the rights referred to in the Act. There is an exception to this, in that the Council will not be acting unlawfully if Acts of Parliament mean that it cannot act in any other way. The relevant human rights in this instance are the:
- Right to respect for the home, under Article 8; and
  - Right to peace enjoyment of possessions, under Article 1 of Protocol 1.
- 6.60 However, these rights are not absolute, and may lawfully be infringed in certain defined circumstances. Where infringement is permissible, it must occur in accordance with, or subject to, the conditions provided for by the law. It must also be proportionate; i.e. it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involve.
- 6.61 On balance, it is considered that the interference with the owners' human rights described in paragraph 6.76 are proportionate. As such, the application is not considered to raise any Human Rights Act implications.

#### **Equalities Considerations**

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

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

- 6.64 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.65 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.66 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 6.67 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 6.68 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.

### **Planning Obligations**

- 6.69 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over

time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NFFP also sets out that planning obligations should only be secured when they meet the following three tests:

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

- 6.70 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 6.71 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.
- 6.72 London Plan Policy 8.2 (Planning obligations), and Core Strategy Policy 21 (Planning Obligations) together with the Councils Adopted Planning Obligations SPD (2015) sets out the policy context for considering planning obligations. Whether a development makes appropriate provision for, or contribution towards, requirements that are made necessary by, and are related to, the proposed development would be a material consideration relevant to the planning application being considered. Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area. Planning obligations should reflect strategic and local needs. In accordance with the statutory and policy context, and as a result of the assessment of the impacts of the proposed development the agreed Heads of Terms for a Unilateral Undertaking are set out below:
- Financial contribution of £4,240 in respect mitigating against the loss of employment floorspace. The funding would be used towards Council initiatives towards local employment schemes across the borough.

### **Local Finance Considerations**

- 6.73 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 would or could be, provided to a relevant authority by a Minister of the Crown; or
  - (b) sums that a relevant authority has received, or would or could receive, in payment of Community Infrastructure Levy (CIL).
- 6.74 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 6.75 CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.
- 6.76 The above development is liable for both the Mayor's CIL and the Council's CIL. The completed CIL form was submitted with the application documents. An informative would be added to the decision notice advising the applicant to notify the Council when works commence.

## **Conclusion**

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

6.78 The principle of development has been found to be acceptable and Officers consider that the proposed development, by reason of the design of the alterations, impact on neighbouring properties, on highways and on flood risk, standard of accommodation and sustainability, would represent the provision of high quality residential units, subject to the imposition of suitable conditions.

**7.0 RECOMMENDATION A:** To agree the proposals and authorise Officers to negotiate and complete a S106 Planning Obligation to secure a financial contribution of £4,240 to mitigate against the loss of employment floorspace.

**8.0 RECOMMENDATION B:** Subject to the completion of a satisfactory legal agreement or Unilateral Undertaking, authorise the Head of Planning to GRANT PLANNING PERMISSION subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development.

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:

TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/106 Rev E; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/118 Rev C; TP/119 Rev C; TP/120 Rev C; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Flood Risk Assessment; Marketing Report & Appraisal; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Received 28th September 2017

TP/103 Rev J Received 22nd November 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 details of the cedar panelling for the front entrance to the residential units, including how it would be treated and / or how it would weather, 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 units and to comply with London Plan Policies 7.4 Local character and 7.6 Architecture of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new side elevation windows for bedroom 2 of Flat 1, bedroom 1 of Flat 5 and bedroom 1 of Flat 6 hereby approved shall be fitted as obscure glazed and retained in perpetuity.

Reason: To avoid the privacy of the new residential units being compromised and to comply with DM Policies 31 Alterations/extensions to existing buildings and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 5) The units shall be designed and fitted out so as to provide sound insulation against external and internal noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided. The evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policies 26 Noise and vibration, 31 Alterations and extensions to existing buildings including residential extensions and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 6) (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 occupation of the hereby approved residential units.

(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 7.4 Local character of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 7) (a) A minimum of 17 secure and dry cycle parking spaces shall be provided within the development.

(b) No occupation of the residential units shall commence on site until the full details of the cycle parking facilities, including how the cycle spaces for Flats 5 and 6 would be secure and dry and how the cycle spaces would be divided

between each residential unit, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 8) The refuse facilities shall be provided within the development prior to occupation of the development as indicated on the plans hereby approved, and shall thereafter be permanently retained and maintained.

Reason: In order that the Local Planning Authority is 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 Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 9) A) No development shall commence on site until the following information has been submitted to and approved in writing by the Local Planning Authority: Sections at 1:20 scale through the ground floor of Block 1 showing the internal floor level of these residential units being increased by 0.25m. The residential accommodation must be set above the modelled breach flood level, which is between 3.21m and 3.29m.  
B) The development shall be completed in accordance with the approved drawings and retained in perpetuity thereafter.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage of the London Plan (March 2016) and Objective 6 Flood risk reduction and water management and Policy 10 Managing and reducing the risk of flooding of the Core Strategy (2011).

- C) (a) Details of the electric vehicle charging point to be provided and a programme for its installation and maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.

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

Reason: To encourage the uptake of electric vehicles and to comply with Policy 6.13 Parking of the London Plan (March 2016) and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

- D) The wheelchair dwelling hereby approved shall be constructed to be easily adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) as shown on drawing no. TP/103 Rev J hereby approved prior to their first occupation.

Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policies 1 Housing provision, mix and affordability and 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## **INFORMATIVES**

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

The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Furthermore, all pre-commencement conditions attached to this permission must be discharged by way of a written approval in the form of an application to the Local Planning Authority, before any such works of demolition take place.

As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/my services/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

The applicant is 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.

The applicant is requested to inform future occupiers to register with their Floodline Warnings Direct service so that they may prepare themselves in the case of a flood event.

This page is intentionally left blank



This page is intentionally left blank

|              |  |               |
|--------------|--|---------------|
| Committee    | PLANNING COMMITTEE C                   |               |
| Report Title | Basement Flat, 89 Arbuthnot Road, SE14 |               |
| Ward         | Telegraph Hill                         |               |
| Contributors | TASS AMLAK                             |               |
| Class        | PART 1                                 | 29 March 2018 |

|                              |   |
|------------------------------|---|
| <u>Reg. Nos.</u>             | DC/17/104373  |
| <u>Application dated</u>     | 3.11.2017   |
| <u>Applicant</u>             | Mr Broome   |
| <u>Proposal</u>              | The construction of a single storey rear extension containing 2 bedrooms and 1 bathroom at basement flat 89 Arbuthnot Road. |
| <u>Applicant's Plan Nos.</u> | SB34.01, SB34.02, Block Plan, SB29.02, SB29.01, Location Plan and Shared Garden Area received on 3 November 2017            |
| <u>Background Papers</u>     | (1) LE/447/58/TP<br>(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)     |
| <u>Designation</u>           | Telegraph Hill Article 4(2) Direction<br>Telegraph Hill Conservation Area   |

## 1.0 Property/Site Description

- 1.1 The application site relates to the basement flat of No. 89 Arbuthnot Road, SE14 which is a two storey end of terrace property on the north-eastern side of Arbuthnot Road.
- 1.2 The application property is located within the Telegraph Hill Conservation Area, and is subject to an Article 4 direction which removes permitted development rights.

## 2.0 Relevant Planning History

- 2.1 DC/09/07885: Planning permission was granted on 17 September 2009 for the construction of a pair of replica Victorian houses comprising two storeys, basement and attic at the front and three storeys, basement and attic at the rear, to the side of No 85 Arbuthnot Road and rear of Nos 78 & 80 Jerningham Road. The development as approved comprised 1, four bedroom dwelling house and 2, two bedroom self-contained maisonettes and 1 two bedroom flat, together with modifications to the roof of 85 Arbuthnot Road, associated landscaping and provision of bin and bicycle stores.

2.2 DC/17/103036 - Certificate of Lawful Development (Existing) in respect of the use of the Basement/lower ground floor maisonette at 89 Arbuthnot Road, SE14 as 2 two bedroom self-contained flats - Granted

### 3.0 Current Planning Application

3.1 The application seeks permission for a single storey rear extension, which would provide two bedrooms and a bathroom with access onto the garden.

3.2 The proposed extension is roughly triangular in shape, projecting off the rear elevation into the garden and would have a depth of 5.6 metres, a width of 8.2 metres and a height of 3.1 metres (2.5 metres to the eaves) with a flat Wildflower green roof.

### 4.0 Consultation

4.1 This sections outline the consultation carried out by the Council following the submission of the application and summarises the responses received.

4.2 13 neighbouring properties and local ward councillors were notified and the development was advertised in the local newspaper and by site notice – 1 objection was received raising concern with the sites development history, loss of garden space and overdevelopment of the site, projection towards neighbouring boundaries and change in views.

4.3 Telegraph Hill Society – Raised an objection: “the extension does not respect the form or materials of the existing building. The cumulative impact of extension in the conservation area will be harmful to the character”.

4.4 Conservation Officer – *No comment*

### 5.0 Policy Context

#### 5.1 Introduction

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

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

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

#### 5.2 National Planning Policy Framework

The NPPF was published on 27th March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a ‘presumption in favour of sustainable development’. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states that (paragraph 211); policies in the

development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs, 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months, old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

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

#### 5.4 Other National Guidance

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

#### 5.5 The London Plan 2016

The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:-

Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage Assets and Archaeology

#### 5.6 Core Strategy

The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

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

#### 5.7 Development Management Local Plan

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

The following policies are considered relevant to this application:

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

## 5.9 Residential Standards Supplementary Planning Document (Updated 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.
- 5.11 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.
- 5.12 Paragraph 6.7 (Roof extensions) states that when considering applications for roof extensions the Council will look at these main issues:
- All roof alterations should be successfully integrated with and preserve the architectural character of the building, and be subordinate to the principal elevations.
  - Planning permission is always required for roof additions in Conservation Areas.
  - The type and style of windows used should be similar to those used in the main elevations and reflect their alignment.
  - The relevant planning considerations for the proposal are the impact on the character and appearance of the roofscape in terms of scale, design, and size of the proposed rooflights and dormer and the impact this would have on character of the conservation area together with the impact on neighbour amenities.

## 6.0 Planning Considerations

- 6.1 The relevant planning considerations for the proposal are the impact on the character and appearance of the host property and the conservation area, in terms of scale, massing, and design of the proposed extension. Furthermore, consideration would be given to the impact this would have on neighbour amenities.

## 7.0 Design

- 7.1 The proposed extension would have an acceptable size and scale in relation to the existing property and as such would remain subservient to the host property and neighbouring properties. The proposed extension will be proportionate and cohesive with the host building and the conservation area in which it sits. Although unconventional in shape, the extension is considered to be of a modest footprint and would provide additional living space for the unit.
- 7.2 The proposed extension would be finished in Seared larch timber cladding and will have a Wildflower green roof, which is considered acceptable and a high quality addition, appearing as a contemporary intervention. The proposed design would be viewed as a sympathetic addition to the host building, not being pastiche in design and complementary to the garden setting. Given that the proposed extension would be sited to the rear, the proposal would not be visible from public views and as such is not considered to alter the property's identity and would not cause harm to the character of the Telegraph Hill conservation area.
- 7.4 Concerns have been raised in relation to the proposed materials and whilst it is acknowledged that the proposed materials are not typical of the locality, the proposed single storey extension would not be seen from the public realm and would therefore not detract from the appearance of the Telegraph Hill conservation area. Therefore, the

proposed materials are considered acceptable and would have a neutral impact on the Telegraph Hill conservation area.

7.5 The proposed extension would be acceptable, as it would not be visible from the public realm, as such it would not cause undue harm to the property's character or the streets identity. The proposed alterations would be in character with other properties in the neighbourhood and therefore, acceptable.

7.6 The Council has a duty under the Planning (Listed buildings and Conservations Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. The proposal is located within the rear garden of the property and as such is considered to have a neutral impact on the conservation area.

## 8.0 Residential Amenity

8.1 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, overshadowing, and loss of light, loss of outlook or general noise and disturbance.

8.2 The proposed extension will be sited within the basement flats private garden space, the occupiers of this property will still have use of the private lawn area and access to shared garden at the rear of the site, which access to is retained. Therefore, officers consider that the new garden arrangements are considered acceptable.

8.3 Concerns have been raised on the basis that the extension will be closer to the boundary of the neighbouring properties, however ,the extension will be sited more than 3 metres away from the boundary. Therefore, given the distance of the proposed extension from the neighbouring properties and the single storey nature of development, the proposed siting of the extension is acceptable and is not considered harmful to the residential amenities of the neighbouring properties.

8.4 The proposed extension will not permit the direct overlooking of the neighbouring properties and a condition that restricts the use of the roof of the extension as a balcony or amenity area is recommended.

8.5 In light of the above, the proposed development is considered acceptable and would not be harmful to the neighbouring amenity

## 9.0 Equalities and Human Rights Considerations

9.1 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.

9.2 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

- 9.2 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.
- 9.3 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 9.4 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 9.5 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and whom they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 9.6 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.
- 9.7 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term ‘engage’ simply means that human rights may be affected or relevant.
- 9.8 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

## 10.0 Conclusion

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

11.0 **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:

SB34.01, SB34.02, SB34.03, Block Plan, SB29.02, SB29.01, Location Plan and Shared Garden Area received on 3 November 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 Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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

#### Informatives

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

This page is intentionally left blank

89 Arbutnot Road – site plan



This page is intentionally left blank

|              |  |                             |
|--------------|--|-----------------------------|
| Committee    | PLANNING COMMITTEE C   |                             |
| Report Title | Endwell Road – Garages at Crossway Court, Endwell Road, London SE4 2NE |                             |
| Ward         | Telegraph Hill   |                             |
| Contributors | Holly Lucas  |                             |
| Class        | PART 1   | 29 <sup>th</sup> March 2018 |

|                             |   |
|-----------------------------|---|
| <u>Reg. Nos</u>             | (A) DC/17/105055  |
| <u>Application Dated</u>    | 18 December 2017  |
| <u>Applicant</u>            | Ms Denise Lindsay for Lewisham Homes on behalf of Lewisham Council  |
| <u>Proposal</u>             | The demolition of one (1) existing single storey garage block comprised of eleven (11) garages and a screen wall at Crossway Court, Endwell Road SE4 2NE and the construction of a part three/part four storey building to provide nine (9) residential units comprised of 5 x 3 bed, 2 x 2 bed and 2 x 1 bed self contained units, together with the landscaping, refuse, sixteen (16) secure cycle parks, eight (8) external cycle stands and nine (9) car parks. |
| <u>Applicant's Plan Nos</u> | 1540_PL_020 (Rev A): 1540_PL_021 (Rev /):<br>1540_PL_022 (Rev A): 1540_PL_120 (Rev D):<br>1540_PL_121 (Rev C): 1540_PL_122 (Rev B):<br>1540_PL_123 (Rev B): 1540_PL_124 (Rev A):<br>1540_PL_220 (Rev C): 1540_PL_300 (Rev A): Design<br>And Access Statement: Planning Statement:<br>Arboricultural Survey: Daylight and Sunlight Report:<br>Environmental Desk Study and Preliminary Risk<br>Assessment: Transport Statement.                                      |
| <u>Background Papers</u>    | (1) Case File DE/54/18/TP<br>(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)  |
| <u>Designation</u>          | PTAL 4<br>Local Open Space Deficiency<br>Adjacent/Affecting Conservation Area<br>Not a Listed Building<br>C Road  |

## **2.0 Property/Site Description**

- 2.1 This is an application by Lewisham Homes on behalf of Lewisham Council. The site is a 2700m<sup>2</sup> site located in Brockley. The site is bound by Vesta Road to the north and Telegraph Hill Conservation Area beyond, Endwell Road to the east, an existing five (5) storey residential development (Crossway Court) to the south and existing semi-detached houses to the west, which are within the Telegraph Hill Conservation Area.
- 2.2 The site slopes downward from west to east and more gradually from north to south. It is currently occupied by an existing single storey garage block comprised of eleven (11) garages and a screen brick wall framing the northern and eastern boundaries.

- 2.3 Endwell Road consists of predominately two (2) storey semi-detached houses and Crossway Court, which is an existing part three/part five storey residential development. Vesta Road supports three (3) storey Victorian terraced style residential housing, which form part of the Telegraph Hill Conservation Area and are comprised of primarily tile and brick cladding external facades.
- 2.4 The Telegraph Hill Park, Nunhead Cemetery, Hilly Fields Park, Peckham Rye Park and Brockley and Ladywell Cemeteries are all located within 2 miles of the subject site.
- 2.5 The site does not lie within a protected viewing corridor and is not within the setting of a listed building. It is not located within a Conservation Area; however, it is adjoining the Telegraph Hill Conservation area.
- 2.6 The site and surrounding area has a Public Transport Accessibility Level (PTAL) rating of 4, where 0 is worst and 6b is best. It is close proximity to Brockley Overground Station, New Cross Gate Overground Station and Nunhead Overground Station and it is serviced by a number of bus routes.

### **3.0 Relevant Planning History**

No relevant planning history.

### **4.0 Background**

- 4.1 Lewisham Homes is acting as the development agent of Lewisham Council as part of the Council's strategy to deliver as much new affordable housing as possible. In 2012 the Council agreed its New Homes, Better Places programme to deliver 2,000 new affordable homes for Lewisham residents in housing need, including 500 new Council homes at social rent.
- 4.2 This programme responds to the on-going housing in crisis in London that is felt most acutely by those with the lowest incomes and the least recourse to access market products. In Lewisham this is expressed most clearly in the fact that 1,900 Lewisham households are homeless and housed in temporary housing of varying kinds. This number has doubled since 2010/11 and has been driven principally by the withdrawal of Government capital funding for new affordable homes, leading to a drop in supply and fewer homes for the Council to use to meet its duties to homeless households.
- 4.3 It was in that context the Lewisham Council initiated its own housebuilding programme to deliver the first new Council homes in the borough for a generation. It is backed by £100m of Council investment, with the new homes being delivered on the Council's behalf principally by Lewisham Homes on a number of small "infill" sites around the borough.
- 4.4 This application is one of the schemes that contribute to this programme, and if approved will contribute nine (9) new homes as part of the 500 Council home target for social rent.

### **5.0 Current Planning Application**

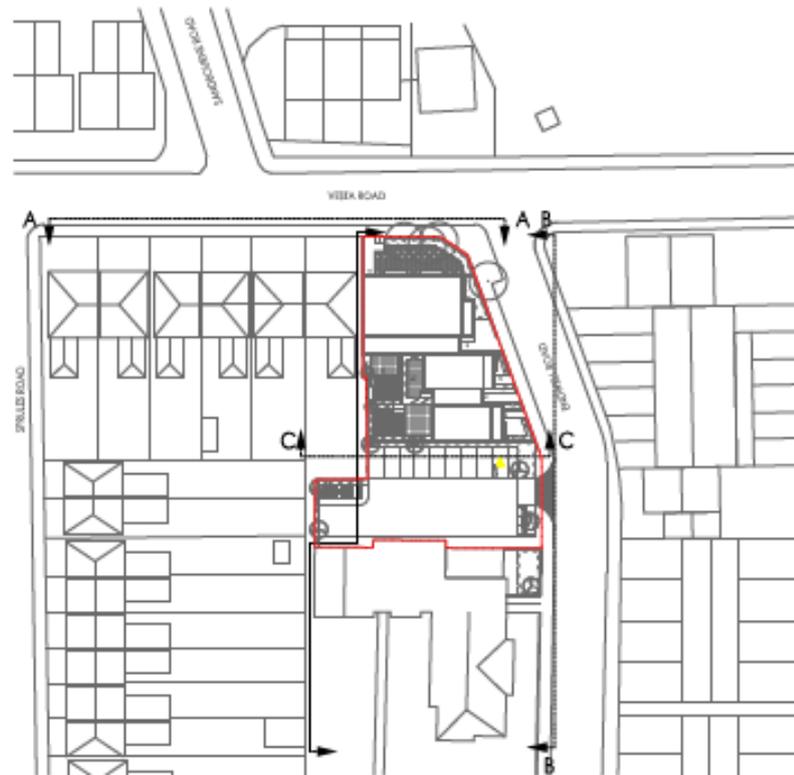
#### **The Proposal**

- 5.1 Planning permission is sought for the development of the garage site on the corner of Endwell Road and Vesta Road for residential purposes. The proposal includes the demolition of an existing single storey garage block comprised of eleven (11) garages and a screen brick wall framing the northern and eastern boundaries, to allow for the redevelopment of a part three/part four storey residential building comprising nine (9) new

(100% affordable, social rent) residential units, together with landscaping, refuse, sixteen (16) secure cycle parks, eight (8) external cycle stands and nine (9) car parking spaces.

- 5.2 The residential accommodation proposed will provide a mix of 5 x 3 bed, 2 x 2 bed and 2 x 1 bed self-contained units, landscaping, refuse, sixteen (16) secure cycle parks, eight (8) external cycle stands and nine (9) car parking spaces.
- 5.3 The proposed residential dwellings will be owned and managed by Lewisham Homes on behalf of Lewisham Council.

**Figure 1: Proposed Site Plan**



### Building

- 5.4 One (1) part three/part four storey building is proposed on the subject site, which will address Endwell Road with a four (4) storey height and Vesta Road with a three (3) storey height. The height of the building has been reduced throughout pre-application discussions and subsequently agreed on with Officers. The proposal includes nine (9) affordable, residential units.
- 5.5 The proposed building incorporates a flat roof design. A number of pitched roof designs were explored throughout the design and pre-application process, however were deemed inappropriate due to the over complication of the Vesta Road elevation and unsuccessful relationship to the dwellings within the Telegraph Hill Conservation Area. The flat roof across the entire building is supported from a design perspective as it helps to reduce the overall height and creates a coherent form. The flat roof design also supports sustainability requirements such as water attenuation, SUDS and Living Roof.
- 5.6 The proposed building will be constructed using a mixture of materials including London stock brick, light brick for bays and hinge elements, glass canopies over entrances, glass balustrades to balconies and terraces, stone lintels and full height windows.

- 5.7 No wheelchair units are proposed within the development due to the slope of the site meaning that a wheelchair could not successfully access their unit from Vesta Road. Wheelchair parking on Vesta Road was also deemed unachievable. Throughout pre-application discussions, Officers agreed a split-level family unit as opposed to a wheelchair unit was appropriate.
- 5.8 The proposal includes 5 x 3 bed, 2 x 2 bed and 2 x 1 bed self-contained units.
- 5.9 Due to the level change across the site and the requirement for step free access from the street, the Ground Floor includes split-level and duplex two storey flats. The Ground Floor includes the first storey of Unit 3 (3 bed/6 person) and its associated amenity space, first storey of Unit 1 (3 bed/5 person) and its associated amenity space and first floor of Unit 2 (3 bed/5 person) and its associated amenity space. The remainder of the Ground Floor includes the provision of communal refuse and secure cycle storage for sixteen (16) cycles.
- 5.10 The proposed First Floor will accommodate the second storey of Unit 1, Unit 2 and Unit 3.
- 5.11 The Second Floor includes the first storey of Unit 4 (3 bed/5 person), first storey of Unit 5 (3 bed/5 person), Unit 6 (1 bed/2 person) and its associated amenity space and Unit 7 (2 bed/4 person), which does not propose any amenity space.
- 5.12 The Third Floor includes the second storey of Unit 4 (3 bed/5 person), second storey of Unit 5 (3 bed/5 person), Unit 8 (1 bed/2 person) and its associated amenity space and Unit 9 (2 bed/4 person), which does not propose any amenity space.
- 5.13 Throughout pre-application and design discussions it was agreed with Officers that balconies on the rear elevation would give rise to overlooking of the private gardens that serve the below units and existing nearby rear gardens. Options for balconies to both of these flats were presented to Officers, however these options were rejected on overlooking, loss of privacy to the rear and design and conservation concerns. Balconies on the Vesta Road elevation were also considered to be objectionable. Officers therefore suggested the internalisation of the required amenity space be explored where it is not possible to provide elsewhere. Refer to Table 1 below for residential tenure and space and amenity standards.

**Table 1: Residential Tenure and Space and Amenity Standards**

| <b>Proposed Unit</b> | <b>No of Beds/Persons</b> | <b>GIA (m2)</b> | <b>London Plan Min (m2)</b> | <b>Amenity (m2)</b> | <b>Housing SPG (m2)</b> |
|----------------------|---------------------------|-----------------|-----------------------------|---------------------|-------------------------|
| Unit 1               | 3b/5p (duplex)            | 102.6           | 93.0                        | 53.0                | 8.0                     |
| Unit 2               | 3b/5p (duplex)            | 102.6           | 93.0                        | 27.0                | 8.0                     |
| Unit 3               | 3b/6p (split level)       | 121.9           | 102.0                       | 41.0                | 9.0                     |
| Unit 4               | 3b/5p (unit)              | 104.0           | 93.0                        | 8.2                 | 8.0                     |
| Unit 5               | 3b/5p (unit)              | 104.0           | 93.0                        | 8.0                 | 8.0                     |
| Unit 6               | 1b/2p (unit)              | 52.5            | 50.0                        | 8.7                 | 5.0                     |
| Unit 7               | 2b/4p (unit)              | 86.7            | 70.0                        | NIL                 | 7.0                     |
| Unit 8               | 1b/2p (unit)              | 52.5            | 50.0                        | 8.0                 | 5.0                     |

|        |              |      |    |     |     |
|--------|--------------|------|----|-----|-----|
| Unit 9 | 2b/4p (unit) | 86.7 | 70 | NIL | 7.0 |
|--------|--------------|------|----|-----|-----|

- 5.14 A total of sixteen (16) cycle spaces are proposed, which will be contained within one main secure storage area on the Ground Floor. Eight (8) additional Sheffield cycle racks are proposed externally within the car park, which will provide an additional sixteen (16) cycle stores for the existing residents.
- 5.15 Nine (9) car parking spaces are proposed, which includes the provision of one (1) enlarged family parking space with the possibility for future-use as a wheelchair parking space.
- 5.16 Proposed Unit 3 will gain access directly from Vesta Road, which was requested by Officers throughout pre-application and design discussions as it helps the building address the street frontage and successfully integrate with the adjacent semi-detached properties. Proposed Units 1 and 2 will gain direct access from Endwell Road and all other proposed dwellings will gain access from either one of the two proposed internal stairwells, both of which gain access from Endwell Road.

#### Landscape and Courtyard

- 5.17 There are a linear group of five (5) mature lime trees along the northern boundary (Vesta Road) which provide screening and are a prominent feature of the site. There is also a mature London Plane tree located within close proximity to the site and has significant arboricultural value.
- 5.18 There are no Tree Protection Orders (TPO) over the site.
- 5.19 Two (2) of the lime trees are required to be removed to facilitate the development of the site and create new street level access from Vesta Road. All other existing trees will be retained.
- 5.20 The proposed landscaping strategy for the site includes new permeable paving within the Root Protection Zone, grass lawn, garden wall, robust planting and hardscape leading into private front gardens, clearly defined access to communal entrance, new planting and trees to entrance boundary treatment and feature trees to highlight the entrance, shared surface paving, feature trees within the parking area to mark the entrance and robust boundary planting.

### **6.0 Supporting Documents**

#### *Arboricultural Survey – Prepared by PJC Consultancy (October 2015)*

- 6.1 The Arboricultural Survey Report identifies that a survey was undertaken to record the value of all significant trees on the proposed development site.
- 6.2 Four (4) trees (or tree groups) on (or within close proximity to) the proposed development site were identified as having significant value. These are outlined as follows:
- Five (5) Lime (*Tilia x europaea*) trees (referred to as G2) are located along Vesta Road (northern boundary) and identified as Category B2. Two (2) of these trees are required to be removed to facilitate the development and create new street level access from Vesta Road.
  - One (1) Cherry Plum (*Prunus cerasifera*) tree (referred to as G1) is located along Endwell Road and identified as Category C1. Removal of this tree is not proposed.

- One (1) London Plane (*Platanus x acerifolia*) tree (referred to as T1) is located along Endwell Road (outside of the site extent) and identified as Category B1+2. Removal of this tree is not proposed.
- A group of sycamore (*Acer platanus*) and (*Fraxinus excelsior*) trees (referred to as G3) are located along the south-western boundary, however are located on the adjoining property behind a retaining wall. Inspection of these trees was therefore not possible.

*Planning Statement – Prepared by Rolfe Judd Planning (December 2017, revised January 2018)*

- 6.3 This statement outlines the proposal of a high quality residential development, which intends to contribute to housing targets by providing nine (9), 100% affordable dwellings for social rent.

*Design & Access Statement – Prepared by PCKO Architects (December 2017)*

- 6.4 This statement provides a comprehensive description of the subject site. It outlines the design approach, development, precedent and proposal, identifies the proposed external materials and landscaping and addresses the design standards, house design, accessibility, refuse strategy, secured by design considerations and construction method statement. The statement is suitably supported by massing information, indicative visualisation images and Computer Generated Images (CGI) of the completed development within the context of the existing surrounds.

*Transport Statement – Prepared by MC Traffic Engineering (October 2017)*

- 6.5 This statement identifies the background and existing transport conditions of the site, public transport connectivity and car sharing, existing parking conditions and consideration to traffic impacts caused by the proposed development. It also references the statutory parking requirements where necessary.

*Daylight and Sunlight Assessment – Prepared by CPMC Chartered Surveying (November 2017)*

- 6.6 A daylight/sunlight study has been undertaken based on daylight (Vertical Sky Component (VSC) and Daylight Distribution (DD)), sunlight (Annual Probable Sunlight Hours (APSH)) and Overshadowing of amenity spaces for properties located at 2, 4, 6, 8, 11 & 13 Vesta Road, 1-12 Shandon Court, 9 Endwell Road and Crossway Court. The impacted properties are identified as follows:

- 2 Vesta Road
  - VSC - One marginal transgression (hallway), which is lit from multiple sources.
- 11 Vesta Road
  - VSC – One ground floor transgression (glazed), lit from additional sources and two flank wall transgressions, which are non-habitable.
  - DD – Transgression on first and second floors, which are non-habitable and ground floor, which is lit from multiple sources.
- 6 Shandon Court
  - VSC – Two ground floor transgressions, which are non-habitable
  - DD – Two transgressions, which are considered to be appropriate (kitchen & hallway)
  - APSH – One (winter) transgression to kitchen and hallway.
- 7 Shandon Court
  - VSC – One transgression (non-habitable)
  - DD – One transgression (non-habitable)
  - APSH – One transgression (non-habitable)

- 8 Shandon Court
  - VSC – One transgression (non-habitable)
  - DD – One transgression (non-habitable)
  - APSH – One (winter) transgression (kitchen)
- 9 Shandon Court
  - VSC – One transgression (non-habitable)
  - DD – One transgression (non-habitable)
  - APSH – One (winter) transgression (hallway)
- 10 Shandon Court
  - VSC – One transgression (non-habitable)
  - APSH – One transgression (non-habitable)
- 11 Shandon Court
  - VSC – Two transgressions (unlikely to be habitable)
  - APSH – One transgression (non-habitable)
- Crossway Court
  - VSC – Five first floor transgressions (one habitable), nine second floor transgressions (one habitable), two third floor transgressions (unlikely to be habitable).

*Environmental Desk Study and Preliminary Risk Assessment – Prepared by Apple Environmental (March 2017)*

6.7 This report has identified a potential residual contamination concern due to on-site features, including the demolition (and/or bombing) of former building structures, the presumed presence of made-ground, and the more recent vehicle garaging. However, the report suggested it is unlikely for any off-site features to have had an adverse effect on the site.

## **7.0 Consultation**

7.1 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.

### ***Pre Application Consultation***

7.2 The submission of this application follows extensive, formal and informal, pre application discussions (14 July 2016, 9 August 2016 and 6 December 2016) held between the applicant and London Borough of Lewisham Officers.

7.3 Pre-application reference (PRE/16/002418) for the demolition of one (1) existing single storey garage block comprised of eleven (11) garages and a screen wall at Crossway Court, Endwell Road SE4 2NE and the construction of a part three/part four storey building to provide nine (9) residential units comprised of 5 x 3 bed, 2 x 2 bed and 2 x 1 bed self contained units, together with the landscaping, refuse, sixteen (16) secure cycle parks and nine (9) car parks.

### ***Planning Application Consultation***

7.4 Four (4) site notices were displayed and letters were sent to one hundred and thirty one (131) residents and businesses in the surrounding areas. The relevant Telegraph Hill Councillors (Councillor Paul Bell, Councillor Joan Millbank and Councillor Luke Sorba), Telegraph Hill Society and Thames Water were consulted.

- 7.5 London Borough of Lewisham's Urban Design, Environmental Protection, Highways, Housing, Ecological Regeneration, Drainage, Conservation and Tree Officer were also consulted.

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

- 7.6 A total of three (3) submissions were received in relation to the proposal from local residents and the Telegraph Hill Society who objected to the proposals on the following summarised grounds:

- Bulky and dominant design on the corner of Vesta and Endwell Road.
- The design fails to appropriately address the street frontages and sensitively consider the adjacent houses along Vesta Road, which form part of the Telegraph Hill Conservation Area.
- An increase in soft landscape should be included.
- The proposed vehicle access should better replicate the existing arrangement.
- Flat roof is inappropriate.
- Lack of ornamentation to elevations.
- The proposed rear elevation is not in keeping with the remainder of the design.
- The cycle store layout, access and size is not appropriate.

Copies of representations are available for Members to view.

Comments received from statutory agencies are summarised below.

#### Ecological Regeneration & Open Space

- 7.7 Ecological Regeneration and Open Space consider the application to be unobjectionable.
- 7.8 Ecological Regeneration are supportive of the commitment to provide a living roof, however no details regarding to specification and establishment/maintenance methodology or species composition were included within the submission. These will be Conditioned.

#### Conservation

- 7.9 London Borough of Lewisham Conservation Officers consider the application to unobjectionable and consider that the proposal will preserve the setting of the adjoining Telegraph Hill Conservation Area.

#### Thames Water

Thames Water have no objection to the proposed development.

#### Highways and Transportation

- 7.10 Highways Officers have raised no objections, however they have requested further detail to be submitted, which include:
- Construction Management Plan
  - Waste Management Plan
    - The planning statement states that the 3 bed unit on Vesta Road will have refuse storage within the front garden. The applicant is requested to confirm if refuse will be collected from both Vesta Road and Endwell Road, in addition

they are requested to show where bins will be stored on collection day and confirm that bins will not be left out on the highway after collection.

- Cycle Parking
  - Cycle parking should be revised to accommodate Sheffield stands, which should be at least 1 metre apart from each other.

7.11 The issues raised by Highways and Transportation can be dealt with by Condition.

## **8.0 Policy Context**

### Introduction

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

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

A local finance consideration means:

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

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

### National Planning Policy Framework

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

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

### Other National Guidance

- 8.5 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)

- 8.6 The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:-

Policy 2.9 Inner London

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 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

Policy 3.13 Affordable housing thresholds

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.11 Green roofs and development site environs

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.19 Biodiversity and access to nature

Policy 7.20 Geological conservation

Policy 7.21 Trees and woodlands

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2016)

Sustainable Design and Construction (2006)

Core Strategy

- 8.8 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

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

#### Development Management Local Plan

8.9 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:

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 7 Affordable rented 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 27 Lighting

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 32 Housing design, layout and space standards

#### Residential Standards Supplementary Planning Document (August 2006, updated 2012)

8.11 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.

#### Planning Obligations Supplementary Planning Document (2015)

8.12 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

### **9.0 Planning Considerations**

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

- a) Principle of Development
- b) Design
- c) Housing

- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology and Landscaping

#### Principle of Development

- 9.2 The proposed development includes the demolition of one (1) existing single storey garage block comprised of eleven (11) garages and a screen wall at Crossway Court, Endwell Road SE4 2NE and the construction of a part three/part four storey building to provide nine (9) residential units comprised of 5 x 3 bed, 2 x 2 bed and 2 x 1 bed self contained units, together with the landscaping, refuse, sixteen (16) secure cycle parks and nine (9) car parking spaces.
- 9.3 The London Plan, London Plan Supplementary Planning Guidance (SPG), Core Strategy, Development Management Local Plan, Residential Standards Supplementary Planning Document and other national planning guidance emphasise the importance of high quality design that complements the existing development and establishes suitable character. The proposal will be assessed in relation to housing and accommodation standards in the following sections of this report.
- 9.4 Currently the site supports a single storey garage block comprised of eleven (11) garages and a screen wall at Crossway Court. The applicant has confirmed that of the eleven (11) existing garages; six (6) are tenanted, one (1) is used by Lewisham Homes for temporary storage and four (4) are vacant. Of the six (6) tenanted garages, only two (2) are used by residents of the Crossway Court block and another two (2) by residents along Endwell Road. The remaining two (2) are rented by residents who do not live locally. Lewisham Homes are working with their garages team to relocate the four (4) local garage tenants into the remaining garages at Crossway Court as there are a number of garage tenants within Crossway Court who do not live locally.
- 9.5 Providing housing, particularly affordable housing, is a priority in the Borough and wider London. It is considered that this site will make a valuable contribution towards meeting housing needs as identified in the London Plan Policies 3.3 and 3.4 to increase housing supply and optimise housing potential. Furthermore, the London Plan Policy 3.8 identifies the need for Londoners to have a genuine choice of high quality affordable housing, which is considered to be in line with this proposal. The proposals would make use of previously developed land and Officers therefore do not raise an objection to the principle of development, subject to securing a development of the highest quality.

#### Design

- 9.6 Urban design is a key consideration for new developments. National and regional policies place emphasis on high quality, sustainable design of the built environment. DM Policy 30, Core Strategy 15 and London Plan Policy 3.5 identify that all new development should achieve a high standard of internal and external design, while also protecting and enhancing the surrounding environment and being sensitive to the local context and character as outlined in London Plan Policy 7.4.

#### *Demolition of existing garages*

- 9.7 The existing garages are not of historic nor architectural merit and therefore, subject to a high quality residential development, there is no objection to the proposed demolition.

#### *Scale and layout*

- 9.8 Permission is sought for a part three/part four storey building. The scale, massing and articulation of the proposed building have been the subject of extensive discussion between officers and the applicant during pre-application stage.. The proposed redevelopment of the site is considered to be of a comparable proportion, composition, scale and orientation of the existing adjoining buildings and is considered to successfully transition between the scale of the proposed development and the neighbouring properties.
- 9.9 The development has carefully considered designing out crime in accordance with DM Policy 32, Policy 7.3 and Core Strategy 15 and fear of crime also identified within paragraph 58 of the NPPF. The entrance of the building will be safe as it is clearly defined and visible from the street through the use of glazing and includes lighting in accordance with DM Policy 27.

*Architecture*

- 9.10 The proposed building will be comprised of ‘soft’ domestic materials, which will reduce the visual impact on the public realm and adjoining Conservation Area. All facades will incorporate a mixture of materials including London stock brick, light brick for bays and hinge elements, glass canopies over entrances, glass balustrades to balconies and terraces, stone lintels and full height aluminium, which is considered to appropriately correspond and compliment the neighbouring properties in accordance with London Plan Policy 7.6. The articulated layout of the development is considered to successfully break up the massing of the building.
- 9.11 All new development within Lewisham is expected to be neighbourly, attractive, private and functional as outlined in DM Policy 32. The proposed development will be suitably landscaped with areas of soft landscaping and trees in accordance with London Plan Policy 7.6.
- 9.12 The scheme has the potential to be robust and elegant and is therefore considered to be acceptable in principle. However, the success of the design and therefore the acceptability of the scheme will depend entirely on securing high quality materials and detailing to ensure that the simplicity of the proposal does not lead to a scheme that is bland and fails to respond to the surrounding context. This is why it has been considered necessary for the applicant to demonstrate key junctions (through bay details) of the building to detail window reveals and fixing of balconies and why many details have be agreed up front, however, these details should be secured by condition. The details provided upfront however, provide officers with suitable assurance that the design is high quality and deliverable without amendment.

Housing

*a) Size and Tenure of Residential Accommodation*

- 9.13 The provision of housing has been identified by the Lewisham Mayor as a key priority and for London and the borough. Policy 1 of the Core Strategy seeks to provide a mix of dwellings and provide affordable housing.

**Table 2: Residential Tenure and Size Mix\***

|                    | <b>1 Bed</b> | <b>2 Bed</b> | <b>3 Bed</b> | <b>4 Bed +</b> | <b>Total</b> |
|--------------------|--------------|--------------|--------------|----------------|--------------|
| <b>Social Rent</b> | 2 (0)        | 2 (0)        | 5 (0)        | 0 (0)          | 9 (0)        |
| <b>Total</b>       | 2 (0)        | 2 (0)        | 5 (0)        | 0 (0)          | 9 (0)        |

\*Wheelchair accessible units shown in brackets (-)

- 9.14 The proposal includes nine (9) new dwellings, 100% of which are affordable for social rent. The dwellings will be comprised of a mix of 5 x 3 bed, 2 x 2 bed, 2 x 1 bed units.
- 9.15 No wheelchair units are proposed within the development due to the change in land level across the site and wheelchair parking on Vesta Road is not achievable. Throughout pre-application discussions, Officers agreed a split-level family unit as opposed to a wheelchair unit was appropriate.
- 9.16 One (1) enlarged family parking space is proposed, which is allocated as the closest one to the building to ensure ease of access.

*b) Standard of Residential Accommodation*

- 9.17 The Technical Housing Standards (2015), London Plan's Housing Supplementary Planning Guidance (SPG) and London Plan Policy 3.1 of the London Plan set out the minimum space standards required for dwelling types and amenity space. Policy 3.1 refers to the garden and amenity space required for residential dwellings.
- 9.18 The proposal includes 5 x 3 bed, 2 x 2 bed and 2 x 1 bed self-contained units.
- 9.19 Due to the severity of the level change across the site and the requirement for step free access from the street, the Ground Floor includes split-level and duplex two storey flats. The Ground Floor includes the first storey of Unit 3 (3 bed/6 person) and its associated amenity space, first storey of Unit 1 (3 bed/5 person) and its associated amenity space and first floor of Unit 2 (3 bed/5 person) and its associated amenity space. The remainder of the Ground Floor includes the provision of communal refuse and cycle storage for sixteen (16) cycles.
- 9.20 The proposed First Floor will accommodate the second storey of Unit 1, Unit 2 and Unit 3.
- 9.21 The Second Floor includes the first storey of Unit 4 (3 bed/5 person), first storey of Unit 5 (3 bed/5 person), Unit 6 (1 bed/2 person) and its associated amenity space and Unit 7 (2 bed/4 person), which does not propose an amenity space as previously agreed with Officers.
- 9.22 The Third Floor includes the second storey of Unit 4 (3 bed/5 person), second storey of Unit 5 (3 bed/5 person), Unit 8 (1 bed/2 person) and its associated amenity space and Unit 9 (2 bed/4 person), which does not propose any amenity as previously agreed with Officers.
- 9.23 The proposed 1 bed/2 person units have a GIA of 52.5m<sup>2</sup>, 2 bed/4 person units have a GIA of 86.7m<sup>2</sup>, 3 bed/5 person units have a GIA range between 102.6m<sup>2</sup> to 104m<sup>2</sup> and the 3 bed/6 person unit has a GIA of 121.9m<sup>2</sup>.
- 9.24 All proposed amenity areas comply with the requirements of the London Plan, however due to design constraints and previous agreement with Officers, no amenity space is proposed for Unit 7 and Unit 9, however these dwellings are more than 20% bigger than the minimum space requirements stipulated in the London Plan and Lewisham Development Management Local Plan. On balance, this is considered to be acceptable as it would offer alternative flexible accommodation and is accepted in this instance given the site constraints. Communal amenity space is available in the Telegraph Hill Park 450m away from the site and includes children's playground and play club, tennis and basketball courts, dog-free zone, pond and ornamental garden. Nunhead Cemetery, Hilly Fields Park, Peckham Rye Park and Brockley and Ladywell Cemeteries are all also located within 2 miles of the subject site.

- 9.25 The proposals meet, and exceed in places, the minimum internal housing standards as set out in the National Standards, London Plan, Core Strategy and DM Policy 32 and are therefore considered acceptable in this regard.
- 9.26 The proposal is 100% affordable social rented housing in accordance with DM Policy 7 and 32, and London Plan Policies 3.10, 3.11 and 3.13.

#### Highways and Traffic Issues

- 9.27 The applicant has submitted a Transport Statement, which identifies the provision of car parking is acceptable and could be lower given the results of the parking survey, which was undertaken on Thursday 22nd September 2016. No major development has been constructed nearby and these results are therefore still considered to be current. The survey identified a minimum of 57 vacant car parking spaces out of 232 between 1 am and 5 am on a weekday within 200m of the site. This is considered to be the most critical time for residential parking. It is therefore concluded that the low level of additional traffic generated by the development can be accommodated within the surrounding streets.

##### *a) Access and Servicing*

- 9.28 The current access arrangement includes pedestrian and vehicle access from Endwell Road, which will be maintained. It should be noted that this is also pedestrian access into the individual flats from Vesta Road and the communal core from Endwell Road.
- 9.29 The site has a PTAL rating of 4, which identifies a good level of accessibility to public transport. The site is within close proximity to Brockley Overground Station, New Cross Gate Overground Station and Nunhead Overground Station and is serviced by a number of bus routes and is therefore considered to be well connected to surrounding public transport routes.
- 9.30 The proposed development is not considered to adversely affect the safety of the surrounding transport network in accordance with London Plan Policy 6.3.

##### *b) Cycle Parking*

- 9.31 London Plan standards and DM Policy 29 require secure cycle parking provision at the rate of 1 cycle space per 1 bed unit and 2 spaces for all other dwellings. The required provision for this scheme would therefore be 16 spaces.
- 9.32 The proposed cycle store will be contained within one main secure storage area on the Ground Floor, accessed from the communal core. The cycle store has been amended since the scheme was submitted. Where it previously required entrance through two doors, this has been reduced to one and is therefore considered to be an easier access for cycles. The cycle store is secure and the size of the stores are considered to be appropriate.
- 9.33 An additional eight (8) Sheffield cycle stands are proposed externally within the car park, providing sixteen (16) cycle stores for the use of existing residents.
- 9.34 There is adequate cycle parking proposed in accordance with the London Plan Policy 6.9 and DM Policy 29.

##### *c) Car Parking*

- 9.35 Nine (9) car parking spaces are proposed within the southern portion of the development site between the proposed building and existing Crossway Court. Throughout pre-application and design discussions, the applicant advised nine (9) of the existing

garages were occupied but local residents. Officers therefore requested these be incorporated in the redevelopment of the site.

- 9.36 One (1) car parking space will be provided for the purpose of an enlarged family parking and future-use for possible wheelchair accessible parking, which is considered to be in accordance with Core Strategy 14 and DM Policy 29. All other vehicles will be permitted to park in the allocated on-site parking or on the surrounding unrestricted kerbside, which is supported by London Plan Policy 6.13.
- 9.37 The parking strategy is considered to be in accordance with Core Strategy 14, DM Policy 29 and London Plan Policy 6.13.

*d) Refuse*

- 9.38 Refuse stores will be provided within the Ground Floor, which will service all proposed dwellings with the exception of Unit 3, which has its own independent refuse storage within the front garden on Vesta Road. The refuse store has capacity for three (3) 1100L refuse bins.
- 9.39 The design includes the sheltered storage (timber enclosure) for refuse and recycling bins along Vesta Road, however no specific details have been submitted as part of the application. No screening of bins within Crossway Court have been provided. The design specifics of the refuse enclosures have been conditioned.

Impact on Adjoining Properties

- 9.40 The impact of the proposal on adjoining properties considers the siting, bulk and height with consideration to Core Strategy 15, which states that adverse impact on neighbouring amenity need to be addressed. The Council's Residential Development Standards, also outlines the expectation of developers in an effort to mitigate impact on adjoining properties.

*a) Privacy*

- 9.41 The elevation addressing Vesta Road will be four (4) storeys and ranges in height from 9.2m at the corner of Vesta Road and Endwell Road, stepping up to 11.9m in the centre of the elevation sloping up towards the adjoining property (11 Vesta Road) with a height of 10.50m.
- 9.42 The elevation addressing Endwell Road will be four (4) storeys and ranges in height from 12.15m to 13.25m (south to north).
- 9.43 All the proposed units are dual aspect and majority of main living areas and balconies face away from the directly adjoining properties.
- 9.44 There are no adjoining properties along the northern or eastern boundaries.
- 9.45 The living brown roof is provided for the purpose of sustainability and ecology and will only be accessed for the purpose of maintenance. It will add visual appeal to the skyline as it matures, which will improve the outlook for the adjoining residents. It would not form a roof terrace or raised amenity deck.
- 9.46 The removal of the existing garages on the site will improve the safety and overall amenity of the area.
- 9.47 The Council's Residential Development Standards requires a flexible, minimum separation distance of 21 metres between directly facing habitable room windows on

main rear elevations. The building will be setback from adjoining properties as follows, which Officers consider to be acceptable.

- The proposed development is separated by 1.1m to the adjoining property at 11 Vesta Road, which is considered appropriate due to both external walls being flanked with four small windows.
- 15.5m from the existing dwellings at Crossway Court.

9.48 A degree of overlooking of rear gardens is not out of character or unusual in a developed area such as this. The provided landscaping, together with bespoke design will soften the overall appearance of the proposed development. On this basis, the proposed scheme is considered appropriate to the context of the site in accordance with London Plan Policy 7.6 is not considered to cause unacceptable harm to the amenity of the surrounding neighbouring residential buildings.

#### *b) Daylight and Sunlight Assessment*

9.49 The outcome of the daylight and sunlight assessment (prepared by CPMC Chartered Surveying) are considered to be acceptable due to the dense urban location, and site constraints. The results have been provided in section 6.6 of this report.

#### Sustainability and Energy

9.50 London Plan Policy 5.3 requires sustainable design and construction, which should be achieved in London to improve the environmental performance of new developments. London Plan Policy 5.2 further outlines the desire to minimise the emissions of carbon dioxide by using less energy, supplying energy efficiently and using renewable energy in line with the London Mayors 'Be Lean, Be Clean, Be Green' strategy for London. These have been achieved by considering the building form and construction through reducing the need for mechanical and electrical services, investigating potential district heating networks and using appropriate renewable/low carbon energy technologies.

#### *a) Living Roofs*

9.51 In accordance with DM Policy 24 the borough requires all new development to take account, and minimise impacts on biodiversity, commonly in the form of a living roof or wall, which are both elements of the proposed design. Living roofs and walls are required to be designed in accordance with DM Policy 24 and London Plan Policy 5.11 and are essential for sustainable design. London Plan Policy 7.19 states that, where possible, developments should make a positive contribution to the protection, enhancement, creation and management of biodiversity.

9.52 A living roof (207m<sup>2</sup>) is proposed to be incorporated and will include as much planting as possible and will be attractive and robust and will provide enhanced levels of insulation. It will include vegetation comprising of wildflowers and sedums, logs, water, sand for burrowing invertebrates, gravel drainage, drainage mat for roof drainage and to attenuate water flow. It will incorporate a substrate comprised of sub-soil mixed with 50mm of dust crushed aggregate, 100-300mm rocks and overall substrate depth of 100-400mm.

9.53 London Borough of Lewisham Ecological Regeneration are supportive of the proposed living roof.

#### *b) Sustainable Urban Drainage Systems*

9.54 Sustainable Urban Drainage Systems aid in alleviating local flood risk, managing water quality and enhancing biodiversity. The living roof will contribute to the green

infrastructure of the site and enhance biodiversity. Porous surfaces, such as permeable landscaping will be used to contribute to infiltration.

### Ecology and Landscaping

- 9.55 There are a linear group of five (5) mature lime trees along the northern boundary (Vesta Road) which provide screening and are a prominent feature of the site. There is also a mature London Plane tree located within close proximity to the site, which has significant arboricultural value. A hedgerow of Cherry Plum trees are also located along Endwell Road and a group of Sycamore trees located in the adjoining property, however are considered to add arboricultural value to the site.
- 9.56 There are no Tree Protection Orders (TPO) over the site.
- 9.57 Two (2) of the lime trees are required to be removed to facilitate the development of the site and create new street level access from Vesta Road. All other existing trees will be retained.
- 9.58 The proposed landscaping strategy for the site includes new permeable paving within the Root Protection Zone, grass lawn, garden wall, robust planting and hardscape leading into private front gardens, clearly defined access to communal entrance, new planting and trees to entrance boundary treatment and feature trees to highlight the entrance, shared surface paving, feature trees within the parking area to mark the entrance and robust boundary planting.
- 9.59 The proposal is therefore considered to be in line with London Plan Policies 7.19, 7.20 and 7.21, DM Policy 25 and Core Strategy 12.

### Local Finance Considerations

- 9.60 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).
- 9.61 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 9.62 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.

### **10.0 Community Infrastructure Levy**

- 10.1 On 1st April 2015 the Council introduced its Local CIL to be implemented along with the existing Mayoral CIL. The charge will replace a number of financial contributions currently required through Section 106 Agreements.
- 10.2 CIL is chargeable on the net additional floorspace (gross internal area) of all new development.
- 10.3 Under the CIL charging schedule, the amount of CIL payable for the SE26 postcode for new residential development is £70 per sqm. The Mayor CIL is charged at £35 per sqm of new development.

- 10.4 It is the Local Planning Authority's responsibility to collect CIL payments from new development.
- 10.5 Under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended) affordable housing is exempt from CIL. However, it should be noted that the applicant is required to apply for the exemption.

## **11.0 Equalities Considerations**

### Removal of certain permitted development rights

- 11.1 Officers recommend that if this application is approved conditions are imposed to remove certain permitted development rights in respect of the site. Paragraph 017 of that part of the Planning Practice Guidance that is concerned with the use of planning conditions states that "conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances". Officers in this case consider that exceptional circumstances exist to justify the limited removal of certain permitted development rights as set out in proposed conditions for the reasons stated therein.

### Prevention of crime and disorder

- 11.2 S.17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).
- 11.3 Officers do not consider the layout would give rise to crime based on its open layout and natural surveillance.

### Human Rights Act

- 11.4 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 11.5 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### Equalities Considerations

- 11.6 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.
- 11.7 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11.8 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.

## **12.0 Conclusion**

12.1 This application has been considered in the light of policies set out in the London Plan, core strategies, development plan and other material considerations.

12.2 The proposed units will meet a defined need, contributing to addressing the shortage of affordable housing in the borough.

12.3 The proposed development is considered to be satisfactory in principle and subject to the imposition of suitable conditions regarding the matters set out below, it is recommended that permission is granted.

## **13.0 RECOMMENDATION**

**GRANT PERMISSION** subject to the following conditions:-

### **1. Full Planning Permission Time Limit**

The development to which this permission relates must be begun not later than the expiration of three (3) 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. Develop in Accordance with Approved Plan**

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

1540\_PL\_020 (Rev A): 1540\_PL\_021 (Rev /): 1540\_PL\_022 (Rev A): 1540\_PL\_120 (Rev D): 1540\_PL\_121 (Rev C): 1540\_PL\_122 (Rev B): 1540\_PL\_123 (Rev B): 1540\_PL\_124 (Rev A): 1540\_PL\_220 (Rev C): 1540\_PL\_300 (Rev A): Design And Access Statement: Planning Statement: Arboricultural Survey: Daylight and Sunlight Report: Environmental Desk Study and Preliminary Risk Assessment: Transport Statement.

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

### **3. Affordable Housing**

All of the nine (9) residential units hereby granted permission shall be provided and maintained in perpetuity as 100% affordable, social housing (for social rent) to meet the needs of householders whose incomes are not sufficient to permit them to access and afford to rent on the open market. The affordable housing shall be provided in accordance with the Planning Statement and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

**Reason:** In order to meet the housing needs of the Borough and comply with Core Strategy Policy 1 of the Lewisham Core Strategy (2011).

### **4. Hard Landscaping Details**

a) No development above ground shall commence on site until such time as drawings showing hard landscaping or any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted to 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.

## 5. Construction Management Plan

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) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process.
- c) 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.

**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).

## 6. Arboricultural Impact Assessment

a) No development shall commence on site until such time as a full Arboricultural Impact Assessment (AIA) has been submitted to and approved in writing by the Local Planning Authority. Such study shall consider the exact relationship between the proposed development and any existing trees on the site, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones.
- The location and type of protective fencing.
- The location of the main sewerage and water services in relation to trees.
- The location of all other underground services, i.e. gas, electricity and telecommunications.
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones.
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread.
- Suggested locations for the site compound, office, parking and site access.
- The replacement planting necessary to compensate for any necessary losses.

b) Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works, which would apply to the site.

c) The development shall be implemented in accordance with the approved AIS.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

## **7. Protection of Trees During Construction**

No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open Space and Environmental Assets 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).

## **8. Waste Management Plan**

No development shall commence above ground level until such time as a Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority confirming the arrangement for refuse collection from both Vesta Road and Endwell Road. This must include the arrangement of pulling bins out to Endwell Road and Vesta Road for collection and back into the development to ensure bins are not left out on the highway after collection. It should also identify where the bins will be stored on collection day.

**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).

## **9. Window Reveals**

All window and door openings shall be high quality metal to ensure that the building and its external appearance is sympathetic to the conservation area. Window and door reveal plans must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be constructed in accordance with the approved details.

**Reason:** To ensure that the Local Planning Authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban Design and Local Character of the Development Management Local Plan (November 2014).

## **10. Piling**

- a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the Local Planning Authority in consultation with Thames Water.
- b) No development shall commence on site until such time as details of any such operations (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential damage to subsurface sewerage infrastructure, and the programme for the works) are submitted to and approved in writing by the Local Planning Authority accompanied by details of the relevant penetrative methods.
- c) Any such work shall be carried out only in accordance with the details approved under part b).

**Reason:** To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and Waterways Network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated Land.

### 11. Soft Landscaping

- a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five (5) years shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.
- b) No trees shown as being retained on the permitted plans shall be lopped or felled without prior written consent of the Local Planning Authority.
- c) 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).

### 12. Boundary Treatment

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

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

### 13. Cycle Parking Provision

- a) A minimum of sixteen (16) secure dry cycle parking spaces shall be provided within the development as indicated on the plan no 1540\_PL\_120 (Rev D) hereby approved.
- b) A minimum of eight (8) sheffield cycle stands shall be provided within the landscape as indicated within s3.7 on page 33 and s4.3 on page 40 of the Design and Access Statement, however the stands should be revised to width of 1.0 metre (minimum) from each other.
- c) No development shall commence above ground level until the full details of the cycle parking facilities outlined in b) have been submitted to and approved in writing by the Local Planning Authority.
- d) All cycle parking spaces shall be provided and made available for use prior to the first 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).

#### **14. Refuse Store**

- a) The storage of refuse and recycling facilities as approved shall be provided in full prior to the first occupation of the development in accordance with plan nos. 1540\_PL\_022 (Rev A) and 1540\_PL\_120 (Rev D) and s4.4 on page 41 of the Design and Access Statement hereby approved, and shall thereafter be permanently retained and maintained in perpetuity.
- b) The applicant must submit details (elevations) of the proposed sheltered timber storage housing for the refuse and recycling bins on Vesta Road and Crossway Court prior to occupation.

**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).

#### **15. Living Roof**

- a) The development shall be constructed with a (207m<sup>2</sup>) living roof laid out in accordance with plan no 1540\_PL\_124 (Rev A) and s3.7 on page 32 of the Design and Access Statement 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) A Living Roof section (to scale), access and watering provision arrangements for the proposed green roof along with details for management/establishment guarantees for a minimum of two growing seasons shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved and maintained in perpetuity.
- d) 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 and maintained in perpetuity.

**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).

## **16. Plumbing and Pipes**

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

**Reason:** In order that the Local Planning Authority may be satisfied with the details of the proposal and to accord with Policy 15 High Quality Design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban Design and Local Character of the Development Management Local Plan (November 2014).

## **17. Construction Deliveries and Hours**

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

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

## **18. Materials/Design Quality**

- a) The development shall be constructed in those materials as submitted namely: London stock brick, light brick, glass canopies, glass balustrades and stone lintels in general accordance with s3.5 on page 29 of the Design and Access Statement, unless otherwise agreed in writing by the local planning authority.
- b) The scheme shall be carried out in full accordance with those details, as approved.

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

## **INFORMATIVES**

### **1. Crossover**

The applicant will be expected to pay for the removal of the redundant crossover and the formation of the new crossover.

### **2. 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.

Endwell Road site plan



This page is intentionally left blank

|              |                                       |               |
|--------------|---------------------------------------|---------------|
| Committee    | PLANNING COMMITTEE C                  |               |
| Report Title | Pepys Housing Office, Eddystone Tower |               |
| Ward         | Evelyn                                |               |
| Contributors | Alfie Williams                        |               |
| Class        | PART 1                                | 29 March 2018 |

|                              |  |
|------------------------------|--|
| <u>Reg. Nos.</u>             | DC/17/104445   |
| <u>Application dated</u>     | 08/11/2017   |
| <u>Applicant</u>             | Lewisham Homes   |
| <u>Proposal</u>              | The change of use, alteration and conversion of the Class B1 office space at ground and first floor levels of Eddystone Tower, Oxestalls Road SE8 together with the demolition of the existing rear extension, the construction of a two storey rear extension and alterations to the elevations to provide 2 three bedroom maisonettes, 1 two bedroom, 1 three bedroom and 1 four bedroom self-contained flats and a community facility (Use Class D1). |
| <u>Applicant's Plan Nos.</u> | PL109; PL110; PL111; PL112; PL113; PL114; PL115; PL117; PL118; PL119; PL120; PL121; 16/202/100 rev A received 24 November 2017; Flood Risk Assessment (UNDA, January 2018) received 18 January 2018; PL116 rev B; Design & Access Statement received 25 January 2018;  |
| <u>Background Papers</u>     | (1) This is Background Papers List<br>(2) Case File DE/155/A/TP<br>(3) Local Development Framework Documents<br>(4) The London Plan  |
| <u>Designation</u>           | Area of Archaeological Priority<br>PTAL 2<br>Thameside Policy Area<br>Flood Risk Zone 2/3<br>Deptford Neighbourhood Forum  |

## **2.0 Property/Site Description**

- 2.1 The site is located on the north side of Oxstalls Road and comprises a 26 storey residential tower block built in the 1960's known as Eddystone Tower. To the east are two similar towers – Daubeney Tower (150m east) and Aragon Tower (300m east) both of similar height. The lower rise Argosy House and Lanyard House are located approximately 90m to the north with Bambridge House 140m to the north east.
- 2.2 This application relates to the vacant ground and first floors of the tower. The bottom floors of the tower are B1 office uses and were previously the Pepys Estate Housing Office. Eddystone tower has an existing two storey extension to the western elevation of the building. The eastern elevation has an existing balcony at first floor level. Access to the tower is provided via entrances on the eastern and western elevations.

- 2.3 Eddystone Tower is located within the Thameside Policy Area and Flood Risk Zone 3. The site is not located within a conservation area and has a PTAL of 2.

### **3.0 Planning History**

- 3.1 The applicant received detailed pre-application advice before the submission of the application in November 2017. In the pre-application meetings, officers raised concerns regarding the proposed external materials and expressed a preference for brick. Officers also requested alterations to the size of the proposed units and the associated amenity space, in order to meet London Plan Requirements.
- 3.2 The proposal was amended in accordance with the Council's recommendations and officers confirmed that the proposal was satisfactory in September 2017.

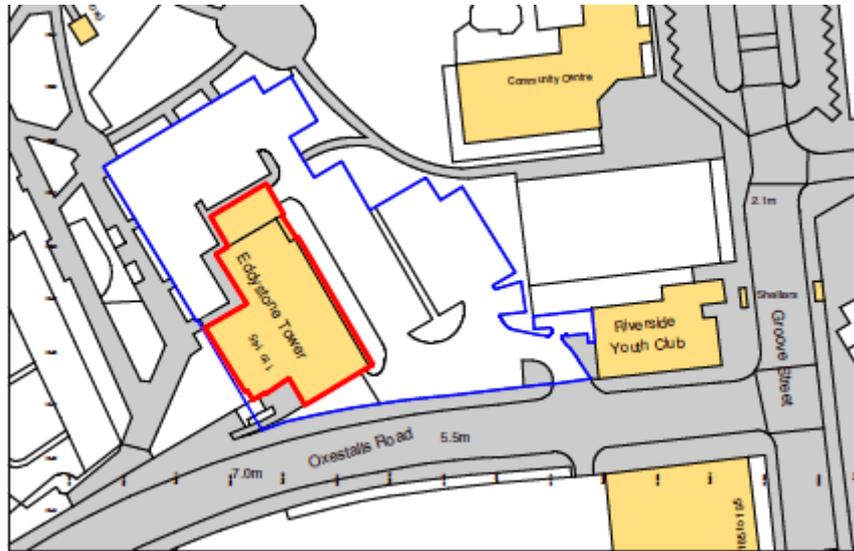
### **4.0 Background**

- 4.1 Lewisham Homes is acting as the development agent of Lewisham Council as part of the Council's strategy to deliver as much new affordable housing as possible. In 2012, the Council agreed its New Homes; Better Places programme to deliver 2,000 new affordable homes for Lewisham residents in housing need, including 500 new Council homes at social rent.
- 4.2 This programme responds to the on-going housing in crisis in London that is felt most acutely by those with the lowest incomes and the least recourse to access market products. In Lewisham, this is expressed most clearly in the fact that 1,900 Lewisham households are homeless and housed in temporary housing of varying kinds. This number has doubled since 2010/11 and has been driven principally by the withdrawal of Government capital funding for new affordable homes, leading to a drop in supply and fewer homes for the Council to use to meet its duties to homeless households.
- 4.3 It was in that context the Lewisham Council initiated its own housebuilding programme to deliver the first new Council homes in the borough for a generation. It is backed by £100m of Council investment, with the new homes being delivered on the Council's behalf principally by Lewisham Homes on a number of small "infill" sites around the borough.
- 4.4 This application is one of the schemes that contribute to this programme, and if approved will contribute 5 new affordable Socially Rented homes as part of the 500 Council home target.

### **5.0 Current Planning Applications**

#### The Proposals

- 5.1 The proposed development would see the conversion and change of use of the ground and first floors of Eddystone Tower from B1 office to provide five residential units and a D1 Community facility.



5.2 To facilitate the conversion the existing two storey extension to the western elevation would be demolished and a replacement built on the existing footprint. The extension would measure 17.1m wide with a height of 6.7m and a depth of 8.5m and would house two maisonettes. The maisonettes would be split over two floors and would provide 3 bedroom living accommodation for 5 persons. The extension would be constructed from brick with a flat roof and would accommodate aluminium composite windows and doors. Private amenity space would be provided at ground floor and first floor level on the western elevation. The maisonettes would be accessed via the communal corridor on the ground floor of Eddystone Tower. The unextended area of the western elevation would be refurbished in keeping with the appearance of the extension.

5.3 The first floor of Eddystone tower would be divided between the three proposed flats. Flat 03 would be accessed via the communal entrance on the eastern elevation with access to Flats 04 and 05 via a communal entrance on western elevation. Each flat would benefit from private amenity space provided by alterations to the existing balcony on the eastern elevation. The existing fenestration would be replaced with aluminium composite windows and doors.

5.4 **Table 1: Development Summary**

| Dwelling      | Layout         | GIA m <sup>2</sup> | Amenity Area m <sup>2</sup> | Floor        |
|---------------|----------------|--------------------|-----------------------------|--------------|
| Maisonette 01 | 3 bed/5 person | 113                | 26.8                        | Ground/First |
| Maisonette 02 | 3 bed/5 person | 119                | 31.5                        | Ground/First |
| Flat 03       | 4 bed/6 person | 129                | 9.3                         | First        |
| Flat 04       | 2 bed/3 person | 92                 | 15                          | First        |
| Flat 05       | 3 bed/4 person | 99                 | 16                          | First        |

5.5 The ground floor level of Eddystone Tower would be divided between existing services and the proposed community facility. The community facility would provide two community rooms accommodating up to 60 people and kitchen and toilet facilities. The facility would be managed by Lewisham Homes and is intended to be used by residents of the estate.

- 5.6 No additional vehicle parking would be provided for the new residential units. However, ten cycle spaces would be allocated to the new residential units housed within a cycle store on the eastern elevation at ground floor level. Two Metrostor bin units are proposed adjacent to the eastern elevation providing four Eurobins for existing and new residents.

#### Supporting Documents

##### **Design & Access Statement prepared by Bailey Garner**

- 5.7 This statement provides a comprehensive description of the subject site. It outlines the contextual analysis, community consultation, design, schedule of accommodation, parking strategy, refuse strategy, flood risk, ecology and transport impact.

##### **Flood Risk Assessment prepared by UNDA (January 2018)**

- 5.8 The report analyses the flood risk to the development in accordance with the National Planning Policy Framework (NPPF 2012). The report documents details of the proposal and local flood defences and concludes that the proposed development is suitable in flood risk terms.

#### **6.0 Consultation**

- 6.1 This section outlines the consultation carried out by the applicant prior to submission and the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 6.2 Lewisham Homes held several meetings with residents prior to the submission of the application. The two most recent meetings were held in July and September 2017 as documented within the Design & Access Statement.
- 6.3 Following the submission of the application, site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Environment Agency and Deptford Action were also consulted in addition to the Council's Highways Departments.
- 6.4 The Tenants Action Group (TAG) objected to the proposal for the following reasons:
- The proposed flats would add to the population density in the area, which had been augmented by 8,000 new properties being built on 7 large sites in Deptford, North Lewisham. It was also noted that Eddystone Tower currently provided 145 residential flats.
  - The Housing Office has been moved to the Albany Building off Deptford High Street and is not easily accessible via public transport from Pepys Estate. The long walk also puts off some residents.
  - The cost of telephoning the Housing Office is prohibitive.
  - The Housing Officer should therefore be relocated back to Eddystone Tower.

#### **7.0 Policy Context**

##### Introduction

7.1 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)

7.2 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

7.3 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)'.

7.4 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

7.5 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)

7.6 The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this

report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:

Policy 2.9 Inner London  
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 5.3 Sustainable design and construction  
Policy 5.4 Retrofitting  
Policy 6.9 Cycling  
Policy 7.4 Local character  
Policy 7.6 Architecture

#### London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)  
Sustainable Design and Construction (2006)

#### London Plan Best Practice Guidance

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

London Housing Design Guide (Interim Edition, 2010)

#### Core Strategy

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

Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 10 Managing and reducing the risk of flooding  
Core Strategy Policy 13 Addressing Lewisham's waste management requirements  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

#### Development Management Local Plan

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

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

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 4 Conversions of office space and other B Use Class space into flats  
DM Policy 22 Sustainable design and construction

|              |  |
|--------------|--|
| DM Policy 30 | Urban design and local character             |
| DM Policy 31 | Alterations/extensions to existing buildings |
| DM Policy 32 | Housing design, layout and space standards   |
| DM Policy 41 | Innovative community facility provision      |

Residential Standards Supplementary Planning Document (August 2006)

7.12 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.

**8.0 Planning Considerations**

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

- a) Principle of Development
- b) Design
- c) Housing
- d) Residential Amenity
- e) Highways and Transport Impacts
- f) Flood Risk
- g) Refuse and Recycling

Principle of Development

8.2 The ground and first floors of Eddystone Tower presently contains disused B1 offices and services for existing units within Rawlinson House. The area of the building to which the application relates is the vacant housing office.

8.3 National and local planning policies place considerable emphasis on the importance of achieving high quality design that complements existing development, and establishes townscape and character. The Residential Standards Supplementary Planning Document sets out guidance for all residential properties.

8.4 The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. Further, the Council has a target to provide 500 homes for social rent to which this development would contribute five.

8.5 Officers acknowledge the concern raised by local residents to the relocation of the Housing Office. However, the housing office has been provided in a different location and therefore the application site is considered to be vacant. DM Policy 4 states that the Council supports the conversion of office space to flats in circumstances in which the conversion does not conflict with policies that protect employment floor space. Officers note that the site is not within a Town or District Centre and therefore the conversion would not conflict with any employment policies.

8.6 Officers therefore support the conversion of the vacant office into residential units where the proposal meets the relevant housing standards, and the proposal achieves a high quality living environment with access, parking and safety standards, and refuse storage and collection arrangements.

- 8.7 DM Policy 41 states that the Council will encourage, where appropriate, the use of innovative solutions to the provision of community meeting space. Officers consider that the proposed community facility is compliant with the specifications of the policy and will provide positive impacts for the local community and increase social cohesion.
- 8.8 The design elements of the scheme are discussed in detail in following sections of this report. The proposal will also be assessed in relation to housing standards and standard of accommodation in following sections of this report.

### Design

- 8.9 The external changes proposed to the east and west elevations of the property are considered to have an acceptable impact on the character and appearance of the area. Specifically, the changes to the eastern façade will result in windows that are a similar pattern to, and more in keeping with, the residential windows on the upper floors of the building.
- 8.10 The proposed two storey extension would be subservient in the context of the principal 26-storey tower. The brick cladding and aluminium fenestration are considered high quality contemporary designs and materials. The proposed boundary treatments would be sufficient to offer an appropriate level of defensible space and security at the property.
- 8.11 Overall, the development would represent a minor change to the external appearance of Eddystone Tower that would be in keeping with the scale of the existing extension and complement the fenestration on the upper floors of the building. The alterations would provide natural surveillance, and make a high quality positive contribution to the area, activating a currently vacant unit which is considered to detract from the outward appearance of the building and view from the recently completed section of the Canal Park which extends past the site. As such, the proposal would accord with the objectives of DM Policy 30 in respect of high quality urban design and local character, and Core Strategy Policy 15, which promotes high quality design for Lewisham.

### Housing

#### *a) Tenure of Residential Accommodation*

- 8.12 The proposed residential units would be available for social rent and would contribute to the Council's target to provide 500 new homes for social rent. Officers therefore considered the proposed tenure to be acceptable.

#### *b) Standard of Residential Accommodation*

- 8.13 DM Policy 32 states that the standards in the London Plan will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. This will involve an assessment of whether the proposals provide accommodation that meets criteria relating to minimum space standards, floor to ceiling heights and storage space.
- 8.14 The minimum GIA required for 3 bedroom 5 person units with two storey is 93m<sup>2</sup> and is comfortably exceeded by the maisonettes 01 and 02. The London Plan requires that Flat 03 should have a GIA of 99m<sup>2</sup>, Flat 04 a GIA of 61m<sup>2</sup> and Flat 05 are GIA of 74m<sup>2</sup>. All three of the proposed first floor flats exceed the minimum GIA requirement.
- 8.15 Floor to ceiling heights are in excess of 2.3m (as measured from the plans provided with the application). Four of proposed units will be provided with dual aspect by way of windows facing two direction to enable an acceptable amount of daylight and sunlight into habitable rooms. Flat 04 is single aspect however, as the flat faces, east it is not

considered reason to refuse the application and would continue to provide high quality accommodation.

- 8.16 The London Plan recognises the importance of private amenity space as a means of retreat. For that reason, all new development should have private open space. The London Plan Housing SPG states that for 1-2 person dwellings, a minimum 5m<sup>2</sup> is required and an additional 1m<sup>2</sup> per person thereafter. The SPG also states that the minimum depth and width should be 1.5m. The private amenity space provided would comply with the specifications of the London Plan.
- 8.17 Given the above, officers are satisfied that overall, the design and layout of the new flat created would be suitable and the proposal would provide an appropriate standard of residential accommodation in accordance with the NPPF, the London Plan, the London Plan Housing SPG, the technical housing standards – nationally described standards, and the Council's DMLP. Therefore, the development is considered to provide adequate amenities for future residents.

#### Residential Amenity

- 8.18 Core Strategy Policy 15 states that development should be designed in a way that is sensitive to the local context. It must therefore be demonstrated that proposals are neighbourly and that significant harm will not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light or general noise and disturbance.
- 8.19 The proposed conversion would not have an adverse impact on the amenity of the occupiers of the subject building or nearby buildings, as many of the changes are internal.
- 8.20 The proposed extension is to be built on the footprint of the existing extension. The neighbouring residential properties are located above the level of the first floor and therefore there would not be any issues relating to daylight and sunlight or overshadowing in relation to neighbouring properties. Eddystone Tower is approximately 30m from the nearest residential buildings at Crandley Court. Officers consider that the additional windows are sufficiently removed from neighbouring residential properties such that no overlooking or privacy issues are anticipated to arise.
- 8.21 Overall, the impact on the amenity of neighbouring properties is considered acceptable.

#### Highways and Traffic Issues

- 8.22 Table 6.3 of the London Plan requires that two Cycle Spaces should be provided per residential unit. Further to the London Plan requirements, Transport for London's (TFL's) 'London Cycling Design Standards' sets out that cycle parking should be fit-for-purpose, secure, dry and well-located.
- 8.23 A cycle store containing 10 cycle spaces has been proposed in accordance with the requirements of the London Plan. The area is considered secure and dry, as well as fit-for-purpose (given it will provide cycle parking for residents of the unit). The cycle store was amended to contain Sheffield Stands and have ramp access in accordance with comments from the Council's Highways Officer.
- 8.24 As discussed above, the principle of providing residential accommodation on the application site is accepted; therefore it is acknowledged that there may be some additional traffic associated with the conversion of Housing Office to residential use on the site. However, the amount of additional traffic generated is not likely to be significant and therefore the effect is not considered to be of significant harm. As a result, effects in terms of traffic safety on the highway network will be minor.

- 8.25 Deliveries and servicing will be accommodated within the existing arrangements for Eddystone Tower and is therefore considered acceptable. The site is located in close proximity to a school and therefore it is recommended that a condition is imposed requiring that a Construction Management Plan is submitted to be approved by the Council.

#### Flood Risk

- 8.26 A Flood Risk Assessment (FRA) was submitted with the application due to the sites location within Flood Zone 3. The FRA was reviewed by the Environment Agency and the recommendations of the report were accepted. It was noted in the report that no sleeping accommodation is proposed for the ground level in accordance with guidance.

#### Refuse & Recycling

- 8.27 The proposed waste management plan is considered an improvement on the existing arrangement. The proposal provides enclosures for the existing bins as well as providing sufficient extra capacity for the additional units. The Metrostor enclosures would also improve the visual appearance of the site.

### **9.0 Local Finance Considerations**

- 9.1 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).

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

- 9.3 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.

### **10.0 Community Infrastructure Levy**

- 10.1 The above development is CIL liable.

### **11.0 Equalities Considerations**

- 11.1 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.

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

- 11.3 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 minimal/no impact on equality.
- 11.4 Equality issues have been duly considered as part of the assessment of this application. It is not considered that the application would have any direct or indirect impact on the protected characteristics.
- 11.5 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term ‘engage’ simply means that human rights may be affected or relevant.
- 11.6 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

## **12.0 Conclusion**

- 12.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 12.2 Officers consider that principle of the change of use is acceptable and that the scheme meets the relevant design and housing standards whilst having an acceptable impact on residential amenity and the local highway network. The scheme is therefore considered acceptable.

## **13.0 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:

PL109; PL110; PL111; PL112; PL113; PL114; PL115; PL117; PL118; PL119; PL120; PL121; 16/202/100 rev A received 24 November 2017; Flood Risk Assessment (UNDA, January 2018) received 18 January 2018; PL116 rev B received 25 January 2018;

**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. All of the five (5) residential units hereby granted permission shall be provided and maintained in perpetuity as 100% affordable, social housing (for social rent) to meet the needs of householders whose incomes are not sufficient to permit them to access and afford to rent on the open market. The affordable housing shall be provided in accordance with the Planning Statement and shall meet the definition of

affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

**Reason:** In order to meet the housing needs of the Borough and comply with Core Strategy Policy 1 of the Lewisham Core Strategy (2011).

### **Informatives**

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

Eddystone Tower – site plan



This page is intentionally left blank

|              |                         |               |
|--------------|-------------------------|---------------|
| Committee    | PLANNING COMMITTEE C    |               |
| Report Title | 14 Manor Lane, SE13 5QP |               |
| Ward         | Lee Green               |               |
| Contributors | Simon Vivers            |               |
| Class        | PART 1                  | 29 March 2018 |

|                              |  |
|------------------------------|--|
| <u>Reg. Nos.</u>             | DC/17/105022   |
| <u>Application dated</u>     | 15/12/2017   |
| <u>Applicant</u>             | Mr & Mrs Parker-Nidecker   |
| <u>Proposal</u>              | Construction of a hip-to-gable roof extension and rear roof extension together with installation of two replacement front rooflights at 14 Manor Lane, SE13  |
| <u>Applicant's Plan Nos.</u> | EX01; EX02; EX03; EX04; EX05; EX06; EX07; EX08; EX09; EX10; EX11; PL01; PL02; PL03; PL04; PL05; PL06; PL07; PL10; PL11; 1719 Design and Access Statement (received 15 December 2017); PL08 Rev A; PL09 Rev A (received 28 February 2018) |
| <u>Background Papers</u>     | (1) Case File LE/393/14/TP<br>(2) Local Development Framework Documents<br>(3) The London Plan   |
| <u>Designation</u>           | (1) PTAL 3<br>(2) Lee Manor Article 4(2) Direction<br>(3) Lee Manor Conservation Area<br>(4) Not a Listed Building<br>(5) Unclassified Road  |

## 1.0 Property / Site Description

- 1.1 The subject site is situated on the western side of Manor Lane, SE13. The property is a two-storey end of terrace dwelling, sitting at the northern end of a run of 6 terraces.
- 1.2 The property has a hipped roof to the northern side and has an existing rear roof extension (dormer) which extends over the main rear roofslope, and has two rooflights inserted into the front roofslope. The property has been extended at ground floor level, with a side infill and rear extension.
- 1.3 The surrounding area is residential in nature. The property to the north (12 Manor Lane) and properties to the south (16, 18, 20 and 22 Manor Lane) have been extended at roof level with full width rear dormers. In the case of 12 Manor Lane, this has also included construction of a hip-to-gable roof extension.
- 1.4 Planning permission has also been granted (at appeal) for a hip-to-gable roof extension and rear dormer at 26 Manor Lane, which forms the northern end of the next run of terrace properties to the south. This permission has not been implemented. The roof of 24 Manor Lane (southern end of the terrace which the property is part of) has not been subject to any roof extensions, maintaining its hipped end.

- 1.5 The site is located within the Lee Manor Conservation Area, and covered by an 4 direction removing permitted development rights in relation to a number of extensions and alterations and hard surfacing, painting and boundary wall and fencing works, where visible a public space. The property is not listed, or in vicinity of any listed buildings.
- 1.6 The Lee Manor Conservation Area was designated in 1975, however the western side of Manor Lane was designated part of the Conservation Area in 2008. Manor Lane falls under area 1(c), which covers Southbrook Road, Manor Lane, western Effingham Road and Taunton Road. The subject property and adjacent properties listed above are identified as making a positive contribution to the Conservation Area.
- 1.7 Prior to designation, the western side of Manor Lane enjoyed permitted development rights, which allowed roof extensions.

## **2.0 Planning History**

### Subject site

- 2.1 DC/03/053389 - Lawful Development Certificate in respect of the construction of dormer extension in the rear roof slope at 14 Manor Lane SE13, in connection with alterations to the roof space to provide additional living space – granted 20 March 2003.
- 2.2 DC/12/087316 - The construction of a single storey extension to the side and rear of 14 Manor Lane SE13 – granted 29 June 2014
- 2.3 There is no enforcement history for the subject site.

### 12 Manor Lane

- 2.4 DC/05/059691 - The construction of a single storey extension to the rear of 12 Manor Lane SE13, together with a roof extension at the rear in connection with alterations to the existing roofspace to provide additional living accommodation – granted 8 August 2005.
- 2.5 DC/07/064663 - The construction of a hip to gable roof extension at 12 Manor Lane SE13, together with an extension to the rear roof slope with Juliette balcony, and two roof lights to the front roof slope – granted 13 March 2007

### 16 Manor Lane & 18 Manor Lane

- 2.6 No planning history for rear roof extensions

### 20 Manor Lane

- 2.7 DC/07/067067 - Lawful Development Certificate in respect of the construction of an extension to the rear roofslope at 20 Manor Lane SE13, together with the installation of rooflights in the front roofslope, in connection with the conversion of the loft space to provide additional living accommodation – granted 28 November 2007

### 22 Manor Lane

- 2.8 DC/16/097720 - Proposed construction of a dormer extension to the rear slope of 22 Manor Lane, SE13 together with the insertion of three roof lights to the front roof slope – refused 19 October 2016
- 2.9 DC/17/101480 - Proposed construction of a dormer extension to the rear slope of 22 Manor Lane, SE13 together with the insertion of two roof lights to the front roof slope – approved 24 June 2017

## 26 Manor Lane

- 2.10 DC/16/097610 - The construction of a hip to gable roof extension and roof extension to the rear roof slope at 26 Manor Lane SE13, together with the installation of roof lights in the front roof slope – refused 13 September 2016.
- 2.11 DC/16/097610 was allowed on appeal 8 February 2017 (reference: APP/C5690/D/16/3162228).

### **3.0 Current Planning Application**

- 3.1 The hip-to-gable extension would form a gable wall 2.5m higher than the existing northern eave, and create a single slope to the front roof. The raised gable wall would retain the existing chimneys, but increase their heights in a similar arrangement the gable end and chimneys at 12 Manor Lane.
- 3.2 The proposed rear dormer would replace the existing dormer, and would be 5.9m wide, 2.6m high and 3.9m deep. The dormer would occupy the entire rear roof slope, but would retain the chimney within the northern side, with the rear elevation of the dormer wrapping around it.
- 3.3 The dormer would extend from the roof ridge of the property, and would not be setback to the rear eaves, however the windows would be inset 200mm centrally through a concave rear façade provided by chamfering of the dormer cheeks. The rear elevation would have two windows, a larger window serving a bedroom and smaller window serving a bathroom. A glass balustrade would be located internally servicing the larger window thus not requiring a Juliet balcony.
- 3.4 Materials would consist of Rheinzink standing seam zinc in Graphite Grey, aluminium framed windows and with brick material associated with the hip-to-gable matching the existing dwelling.
- 3.5 As part of works to the front roof slope, two existing rooflights would be replaced with two new conservation style rooflights. The front roof slope is shown to be slate tiled to match the existing roof.
- 3.6 The design is in accordance with the contemporary design refused by Council and allowed by appeal at 26 Manor Lane (DC/16/097610), which has also driven the design of the approved development at 22 Manor Lane (DC/17/101480).

### **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 Adjoining occupiers, Lee Green Ward Councillors, Lee Manor Society and Lee Neighbourhood Forum were consulted as part of the application. In addition, a site notice was displayed and a press notice was run.

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

- 4.3 A combined objection was received from two occupiers to the rear of the site, on the following grounds:

- Lack of planning rules has resulted in an ugly and intrusive form of development across the run of terraces, with no sense of form, integration of symmetry (the objection has included a photograph, which is included the presentation).
- Non-compliance with Council's Draft Residential Standards Supplementary Planning Guidance.

4.4 An objection was received from Lee Manor Society, on the following grounds:

- Full width, square character and dominance of the dormer damaging to the character of the house and conservation area more generally.
- Non-compliance with Council's Draft Residential Standards Supplementary Planning Guidance.
- Concern for cumulative impact and further erosion of character of the conservation area, arising from 26 Manor Lane appeal decision.

4.5 Copies of all representations are available to Members to view.

## 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:-

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

A local finance consideration means:

- 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
- 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 London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:-

- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology

#### Core Strategy

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

- 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

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

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

- DM Policy 1 Presumption in favour of sustainable development
- DM Policy 30 Urban design and local character

- DM Policy 31 Alterations and extensions to existing buildings including residential extensions
- 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

Supplementary Planning Document (August 2006, Updated 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.

Draft Residential Standards Supplementary Planning Document

- 5.11 The new, draft Residential Standards Supplementary Planning Document is its early consultation stages. As such, this document has very limited weight as a material consideration when determining planning applications, and does not warrant a departure from the existing Residential Standard Supplementary Planning Document in this instance and is therefore not referred to further in this report.

Lee Manor Conservation Area Character Appraisal (2008)

- 5.12 As outlined, the property is within Character Area 1c, and is part of a wider area which has been included in the Conservation Area as a result of extensions to its boundaries in 2008.

**6.0 Planning Considerations**

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

- Design and scale (including impact on the Lee Manor Conservation Area)
- Impact on adjoining properties

Design and scale

- 6.2 Paragraph 63 of the National Planning Policy Framework states that ‘in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’. Paragraph 64 states that ‘permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions’.
- 6.3 Urban design is a key consideration in the planning process. Part 7 of the NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.4 London Plan Policies 7.1-7.7 (inclusive) and Core Strategy Policy 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 6.5 DM Policy 30 supports the Core Strategy as it requires planning applications to demonstrate a site-specific response which creates a positive relationship which relates

to the urban typology of the area and requires developments to be of a high design quality.

- 6.6 In addition to the above, DM Policy 31 requires that development proposals for alterations and extensions, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, and detailing of the original buildings. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.7 Relevant to a proposal of this type, DM Policy 36 requires that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where:
- New development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
  - Development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the conservation area.
- 6.8 The Residential Standards SPD supports achievement of the above DM Policies, and also states:
- All roof alterations should be successfully integrated with and preserve the architectural character of the building, and be subordinate to the principal elevations.
  - The type and style of windows used should be similar to those used in the main elevations and reflect their alignment.
  - For Victorian and Edwardian buildings, particularly in Conservation Areas box dormers occupying a whole roof slope are unlikely to be permitted.
  - Rear roof extensions should be set back a minimum of one metre behind the lines of eaves and a minimum of 500mm from the gable, flank or party wall boundary.
  - Roof extensions will not be permitted where any part of the extension will be above the height of the ridge of the main roof.
  - Roof extensions should be set back into the roof slope and not be formed by building up external walls. The materials used for roof extensions and dormers should be compatible with the existing roof material in order to be unobtrusive and blend into the roof slope. Preferred materials are natural or simulated slates, clay tiles, zinc, lead or copper as appropriate with fascia boards in painted timber or hardwood.
  - In Conservation Areas appropriate materials should be used which preserve or enhance the character of the Conservation Area. Consideration should be given to reinstating the original type of roof covering wherever possible.

*Hip-to-gable and front elevation works*

- 6.9 The hipped roof is characteristic of its end of terrace location. However, the loss of this element to a gable end would not be harmful to the overall character of the property or wider streetscene, given the building would maintain its general form, would match the

gable end which has been formed at 12 Manor Lane, and would not be highly visible from the streetscene by virtue of the narrow 1.0m gap between the site and the next run of terraces to the north. It is also noted that the retention of the chimneys (albeit raised in height) would maintain an important architectural detail, and would assist the hip-to-gable element to not appear incongruous.

- 6.10 While acceptable in its own right, the recent appeal decision at 26 Manor Lane has also permitted the construction of an equivalent hip-to-gable extension.
- 6.11 The associated front elevation works would include the formation of a new roof in matching slate material to infill to the gable end, and replace the existing two roof lights with flat conservation style rooflights (NEO rooflights, manufactured by the Rooflight Company). No objection is raised to these elements, which are considered a visual improvement over the existing rooflights.

*Rear dormer roof extension*

- 6.12 The western side of Manor Lane is a more recently designated part of the Lee Manor Conservation Area, therefore prior to 2008 roof extensions have been able to occur to this area within the limits of Class B of Schedule 2, Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order. The existing rear roof extension at the subject site as well as those visible on 16, 18 and 20 Manor Lane are established under permitted development, which has inherently impacted on the character of the area.
- 6.13 The proposal seeks for a higher quality design than those developments completed under Permitted Development and would have a contemporary and high quality design, established through the deeply chamfered cheeks providing articulation and relief to the rear elevation combined with the use of high quality Rheinzink standing seam zinc in graphite grey and aluminium framed windows, with internal balustrading.
- 6.14 The proposal would sit within a run of terraces which at their rear elevations are characteristic by full width rear roof extensions. While Councils Development Management Policies and supporting guidance are resistant to full width and insubordinate roof extensions, the proposals size, detailed design and materials are in context with the surrounding form of development. Additionally, the proposal would replace the existing rear dormer which is of little architectural merit and has awkward and contrived proportions through following the lines of the hipped roof.
- 6.15 The recent appeal decision at 26 Manor Lane (reference: APP/C5690/D/16/3162228, which matches the design, scale and materials of the subject proposal) acknowledges the large size of the proposal, but does not consider it to be incongruous addition due to the existing features on nearby properties together with the high quality material finished proposed. The appeal decision concludes that the proposal would not have an unacceptable adverse impact on the host property and would preserve the character and appearance of the Conservation Area.
- 6.16 Noting the surrounding pattern of development, works to the front roofslope and hip-to-gable being accept in their own right together with the effect and direction provided by the relevant appeal, the overall proposal is considered acceptable in terms of its design and scale, and would not be harmful to the character and appearance of the host building, neighbouring buildings and the Lee Manor Conservation Area.
- 6.17 No further details or samples of materials are required, given officers are satisfied by the level of detail provided in the application, and similar well designed roof extensions have used dark grey zinc cladding.

### Impact on Adjoining Properties

- 6.18 Core Strategy Policy 15 states that household extensions and adaptations to existing housing will need to be designed to protect neighbour amenity. In addition, DM Policy 31 states that residential extensions should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.19 The proposal is acceptable in terms of neighbours amenity, given the dormer would not extend beyond the rear building line and would not be in a position which would harm the outlook or cause overshadowing to neighbouring properties. The dormer may cause an increase in perceived overlooking to occupiers to the rear, however as such views already occur from the subject site and adjoining sites, there would be no material increase in harm.
- 6.20 The hip-to-gable and front roofslope works would not cause harm to the amenity of adjoining occupiers, by virtue of their siting towards the street and flank wall of the neighbouring property.

### **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 not payable on this application.

### **8.0 Community Infrastructure Levy**

- 8.1 The proposed development is not CIL liable.

### **9.0 Equalities Considerations and Human Rights**

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

- 9.4 Equality issues have been duly considered as part of the assessment of this application. It is not considered that the application would have any direct or indirect impact on the protected characteristics.
- 9.5 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 9.6 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.
- 10.0 Conclusion**
- 10.1 This report has considered the proposals in the light of adopted development plan policies and other material considerations including information or representations relevant to impact of the proposal.
- 10.2 As outlined in this report, the proposal is overall considered acceptable in its design, scale and materials, and accords with the pattern of development in the immediate area.
- 11.0 **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.

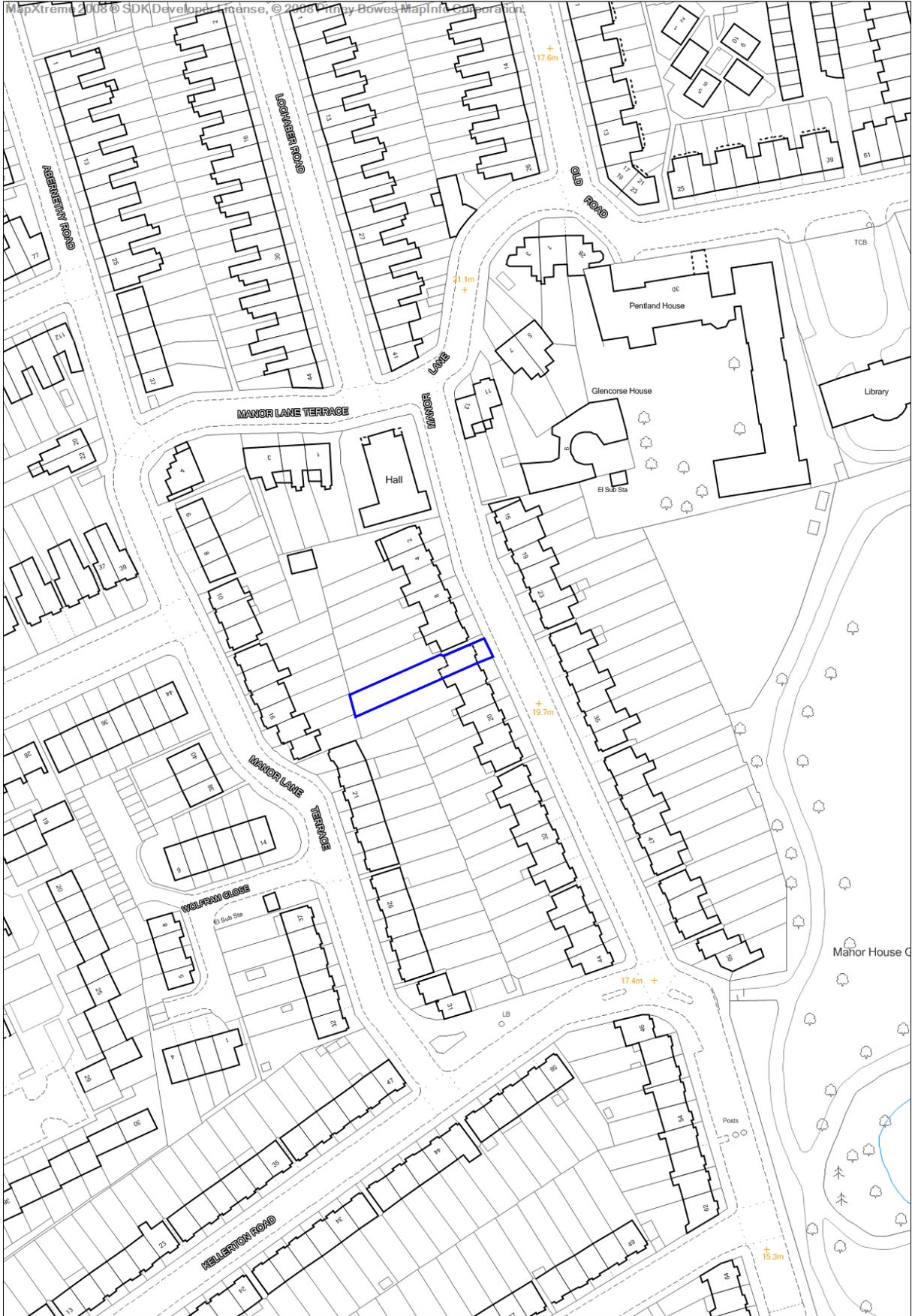
2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

EX01; EX02; EX03; EX04; EX05; EX06; EX07; EX08; EX09; EX10; EX11; PL01; PL02; PL03; PL04; PL05; PL06; PL07; PL10; PL11 (received 15 December 2017); PL08 Rev A; PL09 Rev A (received 28 February 2018)

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

### **Informatives**

- **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was in accordance with the Development Plan and other material considerations, permission could be granted without any further discussion.



This page is intentionally left blank

|              |                                |               |
|--------------|--------------------------------|---------------|
| Committee    | PLANNING COMMITTEE C           |               |
| Report Title | 58 EFFINGHAM ROAD, LONDON SE12 |               |
| Ward         | LEE MANOR WARD                 |               |
| Contributors | JOSHUA OGUNLEYE                |               |
| Class        | PART 1                         | 29 MARCH 2018 |

|                              |  |
|------------------------------|--|
| <u>Reg. Nos.</u>             | DC/17/104114   |
| <u>Application dated</u>     | 16.10.2017   |
| <u>Applicant</u>             | Mr Swarbreck   |
| <u>Proposal</u>              | The construction of a dormer extension to the rear roofslope together with the installation of two rooflights to the front roofslope at 58 Effingham Road SE12.  |
| <u>Applicant's Plan Nos.</u> | PP-00; PP-01; PP-02; PP-03; PP-04; PP-05; PP-06; Design, Access and Heritage Statement (Received 12 December 2017)<br><br>PP-11; PP-12; PP-13 Rev C, PP-14 Rev C; PP-15 Rev C; PP-16 REV C (Received 28 February 2018) |
| <u>Background Papers</u>     | (1) LE/447/58/TP<br>(2) Development Management Local Plan (adopted November 2014) and Core Strategy (adopted June 2011)  |
| <u>Designation</u>           | PTAL 2<br>Lee Manor Article 4(2) Direction<br>Lee Manor Conservation Area<br>Lee Neighbourhood Forum   |
| <u>Screening</u>             | N/A  |

## 1.0 **Property/Site Description**

- 1.1 The application relates to a two-storey mid-terrace dwelling house situated on the northern side of Effingham Road.
- 1.2 The dwelling includes an original two-storey rear projection with rear bay window. The side return of the projection is on the property's east side. Neighbouring properties have similar layouts.
- 1.3 The site is located within the Lee Manor Conservation Area, which is covered by an Article 4 direction, that removes permitted development rights relating to householder development. The site is also categorised as a Flood Risk Zone 2 area.

## 2.0 **Relevant Planning History**

2.1 **DC/15/093747:** The construction of a single-storey rear extension and dormer extensions to the rear roof slope at 56 Effingham Road SE12, together with the installation of roof lights in the front roof slope and replacement roof covering. **Granted**

2.2 **DC/16/099357:** The construction of a single-storey rear extension and dormer extensions to the rear roof slope at 56 Effingham Road SE12, together with the installation of roof lights in the front roof slope, replacement roof covering, remedial works to the chimneystack. **Granted**

## 3.0 **Current Planning Application**

3.1 The construction of a dormer extension to the rear roof slope together with the installation of two rooflights to the front roof slope at 58 Effingham Road SE12.

3.2 The proposal seeks to construct two dormer windows with a mansard link on the rear roof slope each measuring 3.7(w) x 2m(d) x 1.4m(h). The proposed dormer would be constructed of slate tiles matching existing roof and incorporate two timber sash windows each measuring 1.1m(w) x 1.4m(h).

3.3 The development seeks to install two conservation styled rooflight on the front roof slope measuring 0.54m(w) x 0.97m(h) and flushed within the roof slope.

## 4.0 **Consultation**

4.1 **10 Neighbours – No comments were submitted**

4.2 **The Lee Manor Society – Raised an objection**

*This application includes two front velux windows. We object to their inclusion and urge you to remove from the scheme. We have no objection to other elements of the application.*

4.3 The application has been deferred to committee for determination as an objection has been received from an amenity society.

4.4 Copies of all letters are available to Members to view.

## 5.0 **Policy Context**

### 5.1 **Introduction**

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

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

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

## 5.2 National Planning Policy Framework

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

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

## 5.4 Other National Guidance

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

### The London Plan 2016

On 14 March 2016, the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage Assets and Archaeology

## 5.5 Core Strategy

The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Core Strategy Policy 15 High quality design for Lewisham

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

## 5.6 Development Management Local Plan

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

The following policies are considered relevant to this application:

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

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

## 5.7 Residential Standards Supplementary Planning Document (Updated 2012)

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

- 5.8 Paragraph 6.3 (Materials) states that bricks and roofing material used to construct an extension should match those in the original building. However, the use of modern materials is supported where appropriate.
- 5.9 Paragraph 6.7 (Roof extensions) states that when considering applications for roof extensions the Council will look at these main issues:
- All roof alterations should be successfully integrated with and preserve the architectural character of the building, and be subordinate to the principal elevations.
  - Planning permission is always required for roof additions in Conservation Areas.
  - The type and style of windows used should be similar to those used in the main elevations and reflect their alignment.
  - The relevant planning considerations for the proposal are the impact on the character and appearance of the roofscape in terms of scale, design, and size of the proposed rooflights and dormer and the impact this would have on character of the conservation area together with the impact on neighbour amenities.

## 6.0 **Planning Considerations**

- 6.1 The relevant planning considerations for the proposal are the impact on the character and appearance of the host property and the conservation area, in terms of scale, massing, and design of the proposed rooflight and dormers. Furthermore, consideration would be given to the impact this would have on neighbour amenities.
- 6.2 Paragraph 131 of the NPPF states that, in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
  - and the desirability of new development making a positive contribution to local character and distinctiveness
- 6.3 DM Policy 36 states that the Council will require a statement that describes the significance of the asset and its setting and an assessment of the impact on that significance for development proposals affecting heritage assets. Also required is clear and convincing justification if the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting. The Council encourages the retention and thermal upgrading of historic windows. The Council will not grant planning permission where:
- new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials; and
  - development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the conservation area.

### Rear Dormer

- 6.4 The proposed rear dormer windows would be of an acceptable scale in relation to the host property's rear roof slope. Officers note the dormer's form would be contained entirely on the main rear roof, with sufficient set back provided from the party wall, the eaves and the ridgeline. Furthermore, by setting the dormer windows apart by 1.5m, with a mansard link the structure appears as two smaller additions to the roof, rather than one larger addition. In addition due to the proposed positioning of the two dormer windows they would be in alignment with the existing rear elevation windows on the lower floors and as such would be consistent with the host property's character as well as distributing the proposed visual massing proportionately across the roof slope.
- 6.5 The proposed rear dormer would be constructed with natural slates tiles and incorporate timber sash windows. Officers consider the proposed materials to be in character with the materials of the host property and as such would be contribute to preserving the character of the property.
- 6.6 Officers also note that the design of the proposed rear dormer windows, with mansard link, would match that of a number of other approved schemes along Effingham Road which take the same form. Specifically the proposed mansard roof design would be similar to an approved roof extension at No.66 Effingham Road and its massing would be similar to a recently approved scheme at No.56 Effingham Road. The proposed dormer's design would be considered an acceptable addition to the host property's roofslope as it is considered to not harm the character and appearance of the conservation area.

### Rooflight Installation

- 6.7 Officers note the front roofslopes of properties on Effingham Road are highly visible from the public realm. There are a number of rooflights visible on the front roofslopes along Effingham Road, with over 10 planning approvals for rooflights over the last 10 years most recently at Nos 56, 65, 66, 76, and 79. The Lee Manor Society has raised an objection in relation to the front rooflights. Officers consider that rooflights that are of an appropriate style, material and siting can be an acceptable addition within the Conservation Area. The character appraisal notes that small changes can erode the character of the area, noting 'obtrusive rooflights' as one such change. However, officers are satisfied that following a revision to relocate the position of the rooflights to the middle third of the roofslope, that the conservation style rooflights proposed, which are considered to be of an appropriate scale and which sit flush with the roofslope, would not appear obtrusive.
- 6.8 Officers note that the proposed rooflights would sit alongside other properties with two rooflights on their front roofslopes. Furthermore, as the proposed rooflights would appear in alignment with the front elevation first floor windows and as such Officers consider them to be a sensitive addition to the roofscape and streetscene.
- 6.9 Officers consider the proposed works would have an acceptable impact on the property's front roofslope in terms of proportion, size, position and alignment within the property's front fenestration and preserve the character of the property and wider conservation area.

### 7.0 Residential Amenity

- 7.1 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must, therefore, be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, overshadowing, and loss of light, loss of outlook or general noise and disturbance.

- 7.2 The proposed dormers windows on the rear elevation provide the same view as the windows on the lower floor. Therefore, Officers do not consider this element to introduce any harmful levels of overlooking. In addition, the proposed rooflights would not permit direct overlooking onto neighbouring properties, as such there would be no loss of privacy.
- 7.3 In light of the above, the proposed development is considered to be acceptable with regards to neighbouring amenity.

### **Equalities Considerations and Human Rights Implications**

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

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

7.1 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

7.2 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

## 8.0 **Conclusion**

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

8.2 The proposed development is considered to be acceptable with regards to its design and would not cause harm to the character and appearance of the conservation area or neighbouring amenity.

## 9.0 **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:

PP-00; PP-01; PP-02; PP-03; PP-04; PP-05; PP-06 (Received 12 December 2017)

PP-11; PP-12; PP-13 Rev C, PP-14 Rev C; PP-15 Rev C; PP-16 REV C (Received 28 February 2018)

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

3 (a) The development shall be constructed in those materials as submitted namely: timber sash windows, natural slate tiles and metal framed conservation style rooflights and in full accordance with Drg PP-15 Rev C.

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

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

### **Informatives**

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

58 Effingham Road – site plan



This page is intentionally left blank