

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 22 FEBRUARY 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
John Paschoud
Sue Hordijenko
Luke Sorba
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, 13 February 2018**

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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 22 FEBRUARY 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).

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Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 22 FEBRUARY 2018

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 23RD November 2017.

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (C) held in Rooms 1 and 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD SE6 on THURSDAY 23rd November 2017 at 7.30pm.

PRESENT:	Suzannah Clarke (Chair), Simon Hooks (Vice-Chair), Luke Sorba, Sue Hordijenko, Peter Bernards, John Paschoud, Brenda Dacres, Liam Curran
OFFICERS:	Michael Forrester- Planning Service, Paul Clough - Legal Services, Joshua Ogunleye - Committee Coordinator, Geoff Whittington – Planning Service, Catherine Patterson - Highways Service,
APOLOGIES:	Helen Klier, Joyce Jacca,

1. DECLARATION OF INTERESTS

There were no declarations of interest.

2. MINUTES

The Minutes of the meeting of Planning Committee (C) held on 12th October 2017 were discussed. Councillors raised the following amendments need to be made.

It should be noted that in Item 5 Councillor Clarke questioned why the original roof design and height would not be retained to avoid disruption to the streetscene.

It should be corrected, in Item 3 Councillor Hordijenko was recorded as seconding the motion but her vote was not recorded.

It should be corrected in Item 5 it was recorded that Councillor Bell moved a motion this was not the case as Councillor Bell no longer sits on Planning Committee C. The minutes should be amended to reflect the correct mover.

It was agreed that corrections should be made to accurately reflect the committee's proceeding.

3. SYDENHAM GAS HOLDER STATION, BELL GREEN, LONDON, SE26 4PX (Item 3 on the agenda)

The presenting officer Michael Forrester outlined the details of the scheme. The application seeks consent for the demolition of the existing gasholders and associated equipment, and a comprehensive redevelopment that would include the construction of retail and commercial units, together with the construction of a 2-storey depot and compound area for Southern Gas Network (SGN).

The largest unit (A) would be centrally located directly to the rear of Livesey Hall (a Grade II Listed Building.) The A1 retail unit is currently planned to be operated by Aldi, and would deliver up to 50 jobs. A loading bay area would be sited to the rear, with 100 car-parking spaces to the south. Two smaller single-storey commercial units (B and C) would lie to the southern edge of the site fronting Alan Pegg Place, set within a hard and soft landscaped area that would provide outdoor seating for customers. The two units would be capable of providing employment for 25-33 full and part-time jobs. At the time of writing this report, there were no proposed end users for either unit.

The presenting officer answered questions from Councillors Paschoud, Dacres and Sorba, Curran, Clarke and Hooks in relation to the intended users of the retail units, traffic movement, job creation and amount of retail space in relation to the limit set within the Core Strategy.

The Council's highways officer Catherine Patterson answered questions from Councillors Paschoud, Curran and Sorba in relation to traffic levels from 2001 and change to date and the impact on neighbouring streets. Following the Highway officer's comment that there has been a decline in traffic levels Councillors asked for clarity on how the trend in this data presented itself. Councillors note proposed SGN site has more than 12 parking spaces and made enquiries as to why a B1 unit would exceed the maximum parking space of 12 outlined in the London Plan.

The highways officer explained the road network in this area is not a TFL road as such does not take priority on the road network.

The Committee received verbal representation from the applicant's agent Alister Henderson and the transport consultant Chris Eliot. Mr Henderson gave details of the development the development and how the site would be managed in terms of traffic management and vehicle access. How the site is significantly constrained by an existing Benzene wall that cuts through the site and how the proposed Scoot traffic system would help manage traffic movement. Mr Henderson explained parking would be designed into the site and suggest the access road where cycle friendly and are close to local transport networks.

The applicant's teams received questions from Councillors Dacres, Paschoud, Clarke, Hooks, Curran, and Sorba with regard to the constraints that have dictated the site layout, factors in managing traffic movement and impact on neighbouring streets, how the SCOOT system works and job creation.

The Committee received verbal representation from the objectors Alice Evans a Perry Vale residents and a member These Streets Belong To Us and Barry Milton of the Sydenham Society. Objectors raised concern to the loss of the gasholders that forms part of the street historical character. The proposed retail unit would be inappropriate for the site and would the proposed scale would breach the Core Strategy limits for retail floorspace. The proposed retail development would give rise to increased air pollution concerns arising from greater levels of vehicle movement and stopping within

the area. The proposed scheme has no architectural merit that is complementary to the character of the grade two listed building and should be refused.

The objectors received question from Councillors Hooks, and Curran in reference to traffic and air pollution and whether they would support alternative forms of development.

Barry Milton explained the objectors would like to see a positive development on the site and would welcome housing development that complement the existing gas stores.

At 21:15 the chair advised members of the public in the audience that the Items 6 and 7 on the agenda would not be heard due to the meeting overrunning.

Councillor Allan Hall addressed committee under standing orders and explained the proposed development should be refused for the following reasons. The development would be inappropriate for the context due to its close proximity to the existing grade two listed building. The listed building has a high architectural merit and quality and the proposed development would compromise this.

Following deliberation by Councillors, Councillor Paschoud moved a motion to reject the officer's recommendation to grant planning permission, for the following reasons.

1. The proposed development by reason of its mass, siting and design would result in a detrimental impact on the setting of the nearby Grade II listed Livesey Hall.
2. The proposed development's traffic output impact would result in a detrimental form of development that would result in harmful impact on highways
3. The proposal would be considered as overdevelopment of the proposed site and would be contrary to the Core Strategy and would adversely impact the neighbouring town centre
4. The increased vehicle movement would adversely harm air quality and compromise the air quality for nearby residents.

It was seconded by Councillor Dacres.

FOR: Councillors Clarke, Bernards, Curran, Paschoud, Dacres, Hordijkenko, Hooks and Sorba

Motion was passed unanimously.

4. LAND ADJACENT TO 26 MARNOCK ROAD, LONDON, SE4 1EU (Item 4 on the agenda)

The presenting officer Michael Forrester outlined details of the proposal as the demolition of the two existing garage blocks (for 11 vehicles) on land to the west of 26 Marnock Road to facilitate the construction of six, three storey, four-bedroomed terraced houses.

The presenting officer answered questions from Councillors Paschoud, Hooks and Curran with regard to separation distances, overshadowing impacts, and access into the existing flats.

The Committee received verbal representation from the project's Architect Phillip Hanley and the Lewisham Homes project Manager Kelvin Barker. Mr Hanley gave details of the development the development and how the site would be managed. The application was made by Lewisham Homes on behalf of the Council. The application site is located on the south side of Marnock Road, and also south of the railway line running from Crofton Park to Catford stations and North West of the junction with Brockley Grove and Crofton Park Road. Marnock Road is one-way with traffic travelling in a north-western direction.

The site is to the rear of a three storey block of flats fronting Brockley Road (Flats 1-27 Brockley Grove) and comprises an outdoor laundry drying enclosure and two garage blocks (for 11 vehicles) which are accessed via a central access road leading from Marnock Road. There are also small grassed areas and semi-mature trees.

The applicant received answered questions from Councillors Paschoud, Hooks, Sorba and Curran with regard to existing occupants for the garages and why parking surveys were carried out at night.

The highways officer explained the night time parking survey gives the most accurate account of how residential vehicles are parked on the nearby street as it is unlikely to include commuter vehicle.

The Committee received verbal representation from the objectors Sandy Averell a local resident. Objectors raised the following concern on the loss of secure design as the development would block their views of the street. The development would be overbearing based on its height and would result in increased overshadowing on the existing properties.

At 21:55 the Chair informed committee that the ongoing meeting would overrun past 22:00 before the remaining applications can be consider and moved a motion to suspend standing orders. The motion was passed unanimously

Councillor Chris Barnham addressed committee under standing orders and explained the proposed development should be refused for the following reasons. The development would be inappropriate for the context due to its close proximity to the existing building. It would does not fit in with the character of the existing street scene.

The presenting officer was questioned Councillors Paschoud, Sobra with regard to the removal of permitted development rights. This was answered by the presenting officer as to control the layout and amenity relationship of the development to neighbouring occupiers.

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

FOR: Councillors Clarke, Bernards, Jacca, Bernards, Paschoud, Hordijenko, Dacres and Sorba

Motion was passed unanimously.

5. 165 UPPER BROCKLEY ROAD, LONDON, SE4 1TG (Item 5 on the agenda)

The presenting officer Michael Forrester outlined details of the proposal as the application is the second minor material amendment to the originally approved planning permission from 2014. The first amendment (2015) altered the internal layout, massing and window locations. The current proposal intends to increase the massing of the building but the internal layout, and window locations

remain the same as the first amended proposal. The design has remained consistent throughout in terms of materials.

The presenting officer answered questions from Councillors Paschoud, Hooks, Sorba and Curran.

The Committee received verbal representation from the application's agent Mr Andrew Blades. Mr Blades gave details of the site's history, and an overview as to what the scheme hope to achieve.

The applicant received answered questions from Councillors Sorba, Paschoud and Curran with regard to the need to increase the height of the building and which alterations had been carried out to the windows.

The Committee received verbal representation from the objector James Tilly a neighbour and Chris Johnson of the Brockley Society. Objectors raised the following concern of increased overlooking from the revised window arrangements. The objector requested conditions to secure the south side windows to be obscured glazed fixed shut and retained in perpetuity.

Members sought clarity on the interpretation of previous condition which required a window to be opaque glazed to establish is a translucent glazed windows would be acceptable.

Following deliberation by Councillors Paschoud moved a motion to accept the officer's recommendation with addition of the proposed condition, and grant planning permission. It was seconded by Councillor Hooks.

FOR: Councillors Dacres, Paschoud, Hooks

AGAINST: Councillor Clarke, Bernards, Hordijenko, Curran, Sorba

RESOLVED: The motion was defeated

The legal service officer Paul Clough, noted it might not be possible to add a condition to the proposed windows as it was not certain when the south elevation windows were approved.

Following deliberation by Councillors, Councillor Curran moved a motion to defer the application until more information concerning the windows in question had been submitted to officers. It was seconded by Councillor Hordijenko.

FOR: Councillors Bernards, Clarke; Paschoud, Dacres, Hordijenko, Sorba and Curran

AGAINST: Councillor Hooks

RESOLVED: The motion was passed

The meeting ended at 22:50pm. Chair Suzannah Clarke

23rd November 2017

Committee	PLANNING COMMITTEE C	
Report Title	165 UPPER BROCKLEY ROAD SE4 1TG	
Ward	Brockley	
Contributors	John Miller	
Class	PART 1	22 February 2018

<u>Reg. Nos.</u>	DC/17/103945
<u>Application dated</u>	06.10.2017
<u>Applicant</u>	Bolans Architects on behalf of Klear Limited.
<u>Proposal</u>	An application submitted under section 73A of the Town & Country Planning Act 1990 for a minor-material amendment to application reference DC/14/88637 (as amended by DC/15/91814) for the construction of a part single, part two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road). In order to allow for: A. Increased massing of the building
<u>Applicant's Plan Nos.</u>	Statement in support of amendments to approved scheme received 6 September 2017; BA16546AE101 Rev A; BA16546AP102; BA16546AP103; BA16546AP104; BA16546AE102 Rev B
<u>Background Papers</u>	(1) Case File DC/104/161/TP (2) Core Strategy (2011) Development Management Local Plan (2014) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Brownfield Site Brockley Conservation Area Article 4
<u>Screening</u>	N/A

1.0 Introduction

- 1.1 The application was presented at Planning Committee C on 23 November 2017, were Members resolved that the decision be deferred pending further details. Members requested that additional information be supplied regarding the non-opening blank opaque recesses on the south elevation facing Geoffrey Road with specific regards to;
- The definition of opaqueness;
 - Whether or not an opening mechanism is in place and;

- c) Whether previous proposals allowed for an opening window in the third bedroom and if the third bedroom had non-opening windows, would it comply with Building Regulations

1.2 A copy of the original committee report is provided in Appendix A.

2.0 Planning Considerations

Provided below is further site history regarding the windows and responses on each of the three deferral reasons and responses from the applicant.

- 2.1 The original permission (DC/14/88637) approved December 2014 contained blank and opaque recesses on the south elevation of the building facing towards 161 Upper Brockley Road. The Minor Material Amendment (DC/15/091814) application was approved in September 2015 with the same 'blank and opaque recesses' albeit in a different location concentrated to the eastern side of the building to accommodate a third single bedroom. These were conditioned to be obscure glazed and fixed shut. A condition removing the Permitted Development rights on the windows was also added.
- 2.2 The recesses in question were subject to enforcement action (EN/16/00277) for which a case was opened in September 2016. The subject of enforcement was that the recesses on the south elevation were in fact opening, whereas the previously amended permission allowed for non-opening opaque recesses. Officers went on site and noted that the recesses were operating as openable glazed panels, although opaque glazed. Following discussions with the applicant the opaque panels were replaced with fixed shut opaque panels as approved, which was confirmed by Council Planning and Enforcement Officers at a site visit in July 2017.
- 2.3 In response to a) opaque glazing constitutes glazing that allows light to pass through, but is not transparent so that objects can be clearly seen through the glazing. For the purpose of planning opaque and obscure glazed are one and the same. The applicant has advised that the opaque windows in question allow 40 percent of light to penetrate the glass compared to a clear glazed window of a similar size.
- 2.4 In relation to b) the applicant has confirmed and provided photographs to demonstrate that there are no mechanism levers or handles that would allow the windows to be opened in accordance with the approved minor amendment application.
- 2.5 For the reasons above officers are satisfied that the recesses would not permit any overlooking, as they are appropriately opaque, and that there is no opening mechanism. Notwithstanding this, a condition relating to the above is provided on the consent, which if not accorded with would warrant enforcement action.
- 2.6 Also for the avoidance of doubt, the opaque non-opening recesses remain the same as previously approved under DC/15/91814.
- 2.7 As noted above the both the original application and minor material amendment application approved opaque glazed recesses, with the minor material amendment providing the third bedroom with no openable windows. This was

considered under planning legislation and not building control, however the applicant has confirmed that the property has received building control approval.

Conclusion

- 2.8 Officers have considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).
- 2.9 After further assessment following the deferral of the determination of the application it is considered that proposed non-opening opaque recesses on the south elevation of the building would not cause unacceptable levels of harm to the amenity of nearby occupiers in terms of overlooking, consistent with previous approvals. It is considered that as with the previous enforcement action there are conditions, which could reasonably be imposed to mitigate the issues arising. However an additional condition is proposed to protect the amenity of adjoining properties and avoid changes to openable windows in the future.
- 3.0 **RECOMMENDATION:** APPROVE PLANNING PERMISSION. in accordance with the conditions as set out in appendix 1 of this report and add the following conditions;

17)The recessed panels installed in the south elevation (facing the rear garden of 161 Upper Brockley Road) at first floor level hereby approved shall be fitted as opaque panels, sealed shut and retained as such in perpetuity.

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.

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Appendix 1

165 UPPER BROCKLEY ROAD, LONDON, SE4 1TG
Committee Report
23rd November 2017



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Committee	PLANNING COMMITTEE C	
Report Title	165 UPPER BROCKLEY ROAD SE4 1TG	
Ward	Brockley	
Contributors	John Miller	
Class	PART 1	23 November 2017

Reg. Nos. DC/17/103945

Application dated 05.06.2017

Applicant Bolans Architects on behalf of Klear Limited.

Proposal An application submitted under section 73A of the Town & Country Planning Act 1990 for planning permission for the retention of a built part single, part two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road). in order to allow for the increased massing of the built building at 165 Upper Brockley Road

Applicant's Plan Nos. Statement in support of amendments to approved scheme received 6 September 2017;
BA16546AE101 Rev A; BA16546AP102;
BA16546AP103; BA16546AP104;
BA16546AE102 Rev B

Background Papers

- (1) Case File DC/104/161/TP
- (2) Core Strategy (2011) Development Management Local Plan (2014)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation Brownfield Site
Brockley Conservation Area
Article 4

2.0 Property/Site Description

2.1 The application site comprises a recently constructed two storey 3 - bedroom dwellinghouse on the south side of Upper Brockley Road currently known as 165 Upper Brockley Road. The site forms part of the 'island' bounded by Upper Brockley Road and Geoffrey Road that contains both dwellings and commercial premises.

2.2 Historically, the site formed part of the rear garden to 163 Upper Brockley Road (as shown on historic maps of the area). The site has a frontage of approximately 16m to Upper Brockley Road; on the opposite side of Upper Brockley Road is a single storey building and two storey terraced houses. To the east is the

remaining rear garden of 163 Upper Brockley Road. To the south is the rear garden of 161 Upper Brockley Road and to the west is 1 Geoffrey Road, which is a two storey, detached house. The site is situated within the Brockley Conservation Area, and is subject to an Article 4 Direction. The dwellinghouse is neither a statutory nor a locally listed building, nor is it within the setting of any statutory or locally listed buildings.

3.0 Planning History

- 3.1 2012: DC/12/81710 - Planning permission was refused for the construction of a two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road).

The reasons for refusal are as follows:

1. The proposed development, as a result of its height, bulk, massing, siting and layout would fail to establish an acceptable relationship with the surrounding context and would result in harm to the character and appearance of the conservation area, contrary to Objective 10 Protect and enhance Lewisham's character and Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policies URB 3 Urban Design, URB 6 Extensions and Alterations and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas of the adopted UDP (July 2004).
2. The proposed development, as a result of inadequate daylighting, outlook and lack of amenity space, would fail to provide a suitable standard of accommodation for future occupiers, contrary to policies HSG 5 Layout and Design of New Residential Development, HSG 7 Gardens of the adopted UDP (July 2004) and the Residential Standards SPD (August 2006).
3. The proposed development, as a result of its height, bulk and siting would result in an un-neighbourly development and an unacceptable sense of enclosure when viewed from the neighbouring properties and their gardens, contrary to Policies HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 8 Backland and In-fill Development of the adopted UDP (July 2004).

An appeal against this refusal was dismissed on the basis that the design of the building would not promote or reinforce local distinctiveness and the proposed new development would not successfully integrate into the historic environment. The scale of the dwelling was also considered to be oppressive and that it would result in an excessive sense of enclosure for surrounding occupiers.

- 3.2 2014: DC/14/88637 – Planning permission was granted in December 2014 for the construction of a part single, part two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road).
- 3.3 DC/15/91814 – Planning permission was granted in September 2015 for an application submitted under Section 73 of the Town and Country Planning Act

1990 for minor material amendments to allow the variation of Condition (2) of the planning permission referenced DC/14/88637 dated 29 December 2014 for the construction of a part single, part two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road), in order to allow the revision to massing and internal layout changes outlined below:

- Internal alterations to the layout of the ground and first floor.
- Increasing the width of the first floor to 7.85m.
- Increasing the depth of the first floor to 8m.
- Increasing the height of the building to 5.85m.
- Repositioning of windows on the North elevation.
- Repositioning and re-sizing of roof light panel on the east elevation.
- Repositioning of windows on the south elevation.
- The proposed house would fill the depth of the site and would be up to 5.85m high, a maximum of 8.5m deep (narrowing to 7.2m) due to the tapering shape of the site and up to 11m wide

3.4 2016: EN/16/00277: In 2016 an Enforcement enquiry was opened regarding the windows on the South elevation facing 163 Upper Brockley Road. On 10/07/17 enforcement, action was closed stating, “no further action needed as windows are now non-opening and opaque”.

3.5 DC/17/101922: An application was withdrawn in October 2017 for: An application submitted under section 73 of the Town & Country Planning Act 1990 for a minor-material amendment to application reference DC/14/88637 for the construction of a part single, part two-storey three bedroom house with associated landscaping and provision of bins and bicycle stores on land south of Upper Brockley Road SE4 (sited to the rear of 163 Upper Brockley Road) in order to allow for the increased massing of the built building.

4.0 Current Planning Applications

The Proposal

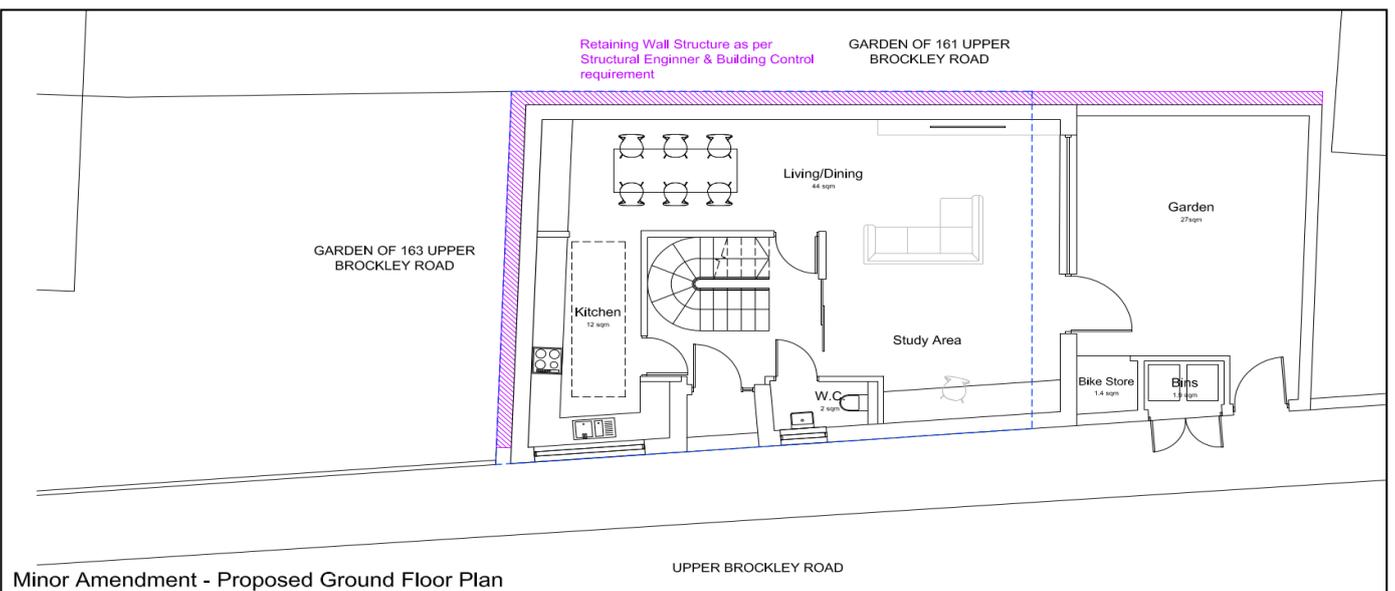
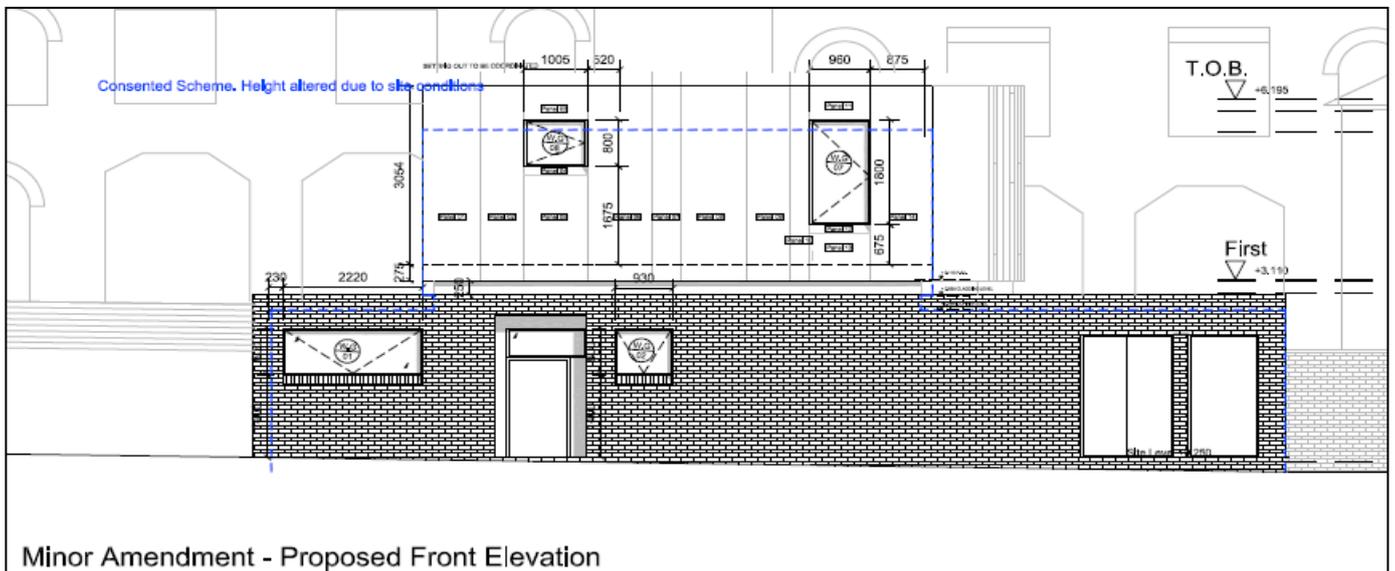
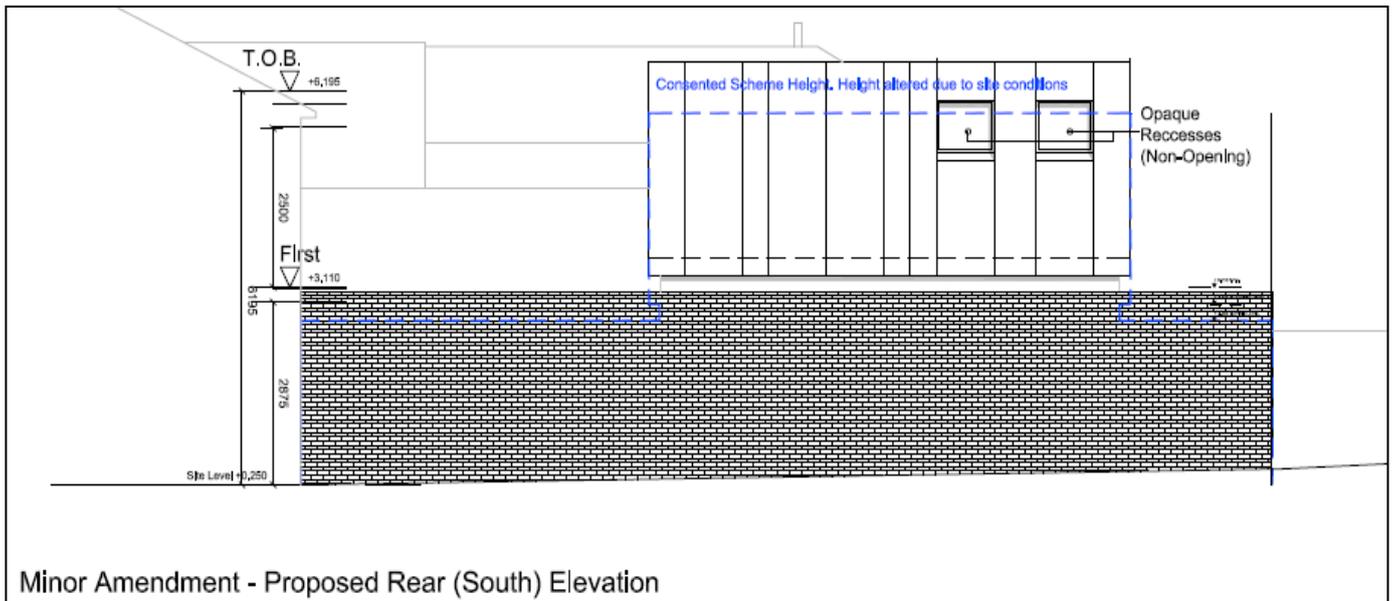
4.1 This would be (if granted) the third permission on this application site. The originally approved scheme was amended and approved (as referenced above) but was not implemented. The applicant has constructed a variation of the originally approved scheme for which this application seeks retrospective permission for the dwelling as a whole.

4.2 Planning permission is therefore sought for the building as built. The first amendment (2015) altered the internal layout, massing and window locations. The current proposal intends to authorise the increased massing of the building, whilst

the internal layout, and window locations remain the same as the first amended proposal. The design has remained consistent throughout in terms of materials.

- 4.3 The ground floor is set behind a 2.8m-3m boundary wall fronting Upper Brockley Road and the dwelling would be accessed directly from Upper Brockley Road. The ground floor comprises a kitchen/ living room and a bedroom. The first floor with two bedrooms is designed as a 'pop up' box, clad in copper finished cladding designed to fit over the brick base.
- 4.4 The dwelling as constructed measures 6.45m high a maximum of 8.5m deep (narrowing to 7.2m) due to the tapering shape of the site and up to 11.9m wide
- 4.5 The rear garden area measures 27 sqm and would be directly adjacent to the rear gardens of No. 1 Geoffrey Road and 161 Upper Brockley Road. A refuse store is located within the garden with an access door opening onto the footway of Upper Brockley Road. There is a further opening in the boundary wall fronting Upper Brockley Road which provides a secondary access to the rear garden. No off-street parking is proposed.
- 4.6 This is the third proposal (although retrospective in this case) for a dwelling on this site. The as built changes to the scheme from the approved (but not implemented) first minor material amendment (2015) are as follows:
- Maximum height of the ground floor level increased 0.3m (to 2.8-3m)
 - Maximum width of ground floor increased 0.9m (to 10.5m)
 - Maximum height at first floor level increased 0.6m (to 6.4m)
 - Maximum width of first floor level increased 0.9m (to 9m)
 - Maximum depth of first floor level reduced 0.3m (to 7.9m)
 - Reduction in garden size of 5sqm as a result of massing changes
 - A 16.2m wide (3m high) retaining wall built along the boundaries with 161 and 163 Upper Brockley Road

Drawings of the proposed changes are shown below (the dotted outline represents the layout of the originally amended drawings):



Supporting Documents

- 4.7 Supporting Statement – this provides a supporting response to the revised scheme and seeks to address why the proposal has changed further. It states that the revised proposals have no adverse impact upon heritage assets.
- 4.8 Massing Views – Drawings providing a series of views of the dwelling from surrounding view points and is accompanied by a series of detailed drawings showing key building junctions.

5.0 Consultation

- 5.1 This section outlines the consultation carried out the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 5.2 Site and public notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 5.3 Notification letters were sent to neighbouring properties and to local ward councillors. 20 representations were received from different addresses, 11 in support and 9 in objection. These are summarised below:

5.4 Objections:

- The property does not enhance the character or appearance of the Brockley Conservation Area.
- Windows are not blank opaque recesses as stated in plans
- Dishonest approach and disregard to neighbouring concerns which goes in direct contrast to the previously refused and appealed decision
- Increase in length and height has turned the development into one that dominates the street and surrounding houses.
- Dwelling now blocks amenity of surrounding properties.

5.5 Support

- This house positively contributes to the street scene.
- Amendments to do not cause additional harm.

Brockley Society

- 5.6 The Brockley Society have objected on the basis that not enough information has been provided to fully address the changes with specific mention of the building height, window changes, fire safety compliance and building control regulations.

6.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

National Planning Policy Framework

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

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

Other National Guidance

6.5 The other relevant national guidance is:

Climate change
Conserving and enhancing the historic environment
Design
Renewable and low carbon energy
Tree Preservation Orders and trees in conservation areas
Use of Planning Conditions

London Plan (2016)

6.6 The London Plan policies relevant to this application are:

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.8 Innovative energy technologies
Policy 6.9 Cycling
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 7.8 Heritage assets and archaeology
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)
Sustainable Design and Construction (2006)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

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

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable Design and Construction
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
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Residential Standards Supplementary Planning Document (updated May 2012)

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

Brockley Conservation Area Supplementary Planning Document (December 2005)

6.12 This document advises on the content of planning applications, and gives advice on external alterations to properties. It lays out advice on repairs and maintenance and specifically advises on windows, roof extensions, satellite dishes, chimneystacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details. It also sets out detailed guidance on the limited development that will be accepted within Brockley Mews - mainly within Harefield Mews.

7.0 Planning Considerations

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

a) Principle of Development

- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy

Principle of Development

- 7.2 The power to grant a planning application retrospectively is found (subject to limitations) in s.73A. of the 1990 Act.
- 7.3 An application under s73A is effectively a planning application in all respects, other than the development for which planning permission is being sought has already been carried out.
- 7.4 The differences between the planning permission DC/15/91814 and what has been built relate to the massing and scale of the built building. The differences are considered minor when judged against the scheme in its entirety and does not change the nature of the approved scheme (one single dwelling) and are therefore considered acceptable.

Design and Conservation

- 7.5 Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'.
- 7.6 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.
- 7.7 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character. Policy DM 30 of the Development Management Local Plan that the Council will require all developments to attain a high standard of design.
- 7.8 Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment states that new development should be of high quality design and should preserve the historic environment and sense of place. Development Management Policy 36 New Development, changes of use and alterations affecting designated heritage asset and their setting advises that planning permission will not be granted if the proposed development is deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 7.9 Planning permission has been granted and amended for a two storey 3 bedroom building on the site in contemporary design, arranged as a ground floor brick wall with metal box at first floor. The dwelling as constructed retains these principles and is considered to be acceptable and not visually dissimilar from what was originally approved.

- 7.10 The building as constructed is now wider, and taller but shallower at first floor level than previously amended, but retains the same design contemporary design principles were and are considered acceptable.
- 7.11 The increased massing is not considered to negatively affect the design of the building and is considered to remain high quality design. The first floor element remains a similar distance to no. 1 Geoffrey Road as approved by planning permission DC/15/91814 with views through the plot across to Geoffrey Road maintained as previously approved.
- 7.12 The applicant's reasoning behind the retrospective changes in massing were that during construction it was found that existing infrastructure such as pipework had to be built over requiring deeper foundations thereby raising the finished floor levels and overall height of the building.
- 7.13 The length of the building was slightly increased because the structural engineer and private building control Inspector's specified the need for retaining walls with 161 and 163 Upper Brockley Road. This was due to the differences in ground levels between 161 and 163 Upper Brockley Road, and the application site.
- 7.14 Although retrospective in nature, officers consider the development as built from a design perspective are acceptable and of a high quality, suitable for the Brockley Conservation Area.
- 7.15 As the application site is situated in the Brockley Conservation Area, s72 of the Town and Country Planning Act 1990 has to be considered by the Council, which requires the Council to pay with respect to any buildings or other land in a conservation area, special attention to the desirability of preserving or enhancing the character or appearance of that Conservation Area.
- 7.16 Paragraph 132 of the National Planning Policy Framework (NPPF) states: "*When considering the impact on a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.*"
- 7.17 Paragraph 134 of the NPPF states: "*Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*"
- 7.18 As such, the change of use that has occurred is not considered to have caused a material change in the contribution of the site property to the character and appearance of the Brockley Conservation Area, and the built development is therefore considered not negatively effect the preservation or enhancement of the character or appearance of the Brockley Conservation Area
- 7.19 The principle of the constructed dwelling is therefore considered acceptable in this instance, as is the impact of the scheme upon the Brockley Conservation Area.

Standard of Accommodation

- 7.20 The dwelling as constructed provides a GIA of 120 sqm, which exceeds the minimum standards set out in the London Plan. Furthermore, it is considered that the internal layout is practical, with all rooms being of an acceptable size, which therefore raises no objections.

- 7.21 The constructed dwelling would have a garden depth of approximately 5.3m, covering an area of 27 sqm. This represents a reduction from the 32 sqm on the previously approved proposal. However, no objection to a smaller garden is given due to the urban location as officers consider the shape and size practical for recreational purposes with adequate privacy for occupants.

Highways and Traffic Issues

a) Access and car parking

- 7.22 The dwelling as constructed does not propose alterations to the access, which remains via Upper Brockley Road. No car parking is proposed as before which remains unobjectionable given the PTAL of 4 and good access to public transport.

b) Cycle Parking

- 7.23 The proposal will still provide secure, covered cycle parking in accordance with Table 6.3 of the London Plan. These are located in a store within the garden, accessible via a gate from the street.

c) Refuse

- 7.24 The proposal provides storage for two refuse bins that will be accessed from the street. This arrangement will provide for recyclable and non-recyclable waste and is considered to be acceptable.

Impact on Adjoining Properties

- 7.25 Core Strategy Policy 15 requires that any adverse impact on neighbouring amenity arising from development proposals will need to be addressed. DM Policy 32 states that development proposals will be required to be attractive and neighbourly, provide a satisfactory standard of privacy, outlook and natural lighting for its future residents and neighbours and meet the functional requirements of its future residents.
- 7.26 The first refused scheme proposed a building built up hard to the boundary with the rear garden of no. 163 Upper Brockley Road at a height of two storeys. This was considered to be visually overbearing and therefore detrimental to residential amenity. The amended 2014 approved scheme removed the first floor mass from the boundary, retained in the first 2015 amended scheme.
- 7.27 The further revised now built dwelling has positioned the eastern ground floor against the boundary with no. 163 Upper Brockley Road with the first floor element positioned at the west side of the building, closer to no. 1 Geoffrey Road, consistent with the previous approved schemes. The revisions to the massing are not significantly different from originally approved therefore the changes are acceptable.
- 7.28 Objections have been made regarding the 'non-opening blank opaque recesses.' It is submitted, that the two windows in the rear, southern elevation of the building are opaque and non-opening and the windows do not have any adverse impact in terms of loss of privacy through overlooking. This issue has therefore been fully addressed and the relationship is considered to be acceptable.
- 7.29 The proposal remains to have an acceptable 'back to back' distance to No.163 Upper Brockley Road, which as the previously approved application states no longer results in an unacceptable degree of enclosure. The proposals are not

considered to have a significant detrimental impact on No. 161 Upper Brockley Road, which has a larger rear garden. Although the first floor element would be visible, from no. 161 Upper Brockley Road this is not considered to be materially harmful or to warrant refusal on grounds of excessive enclosure in what is a developed urban location.

- 7.30 It is considered that the amendments would not result in an unacceptable impact to amenity for neighbouring occupiers. It is noted that the majority of objections relate to the nature of the development and not the increased massing.
- 7.31 Concern has been raised regarding the ownership of boundary walls, however, land ownership is not a planning issue and where necessary, the developer would need to enter into party wall agreements with the owners of neighbouring properties.
- 7.32 With regard to the removal of certain permitted development rights, the National Planning Practice Guidance advises 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*”. For the reasons set out in draft conditions 11 -14, it is considered appropriate to remove the permitted development rights in this case.

8.0 Local Finance Considerations

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

9.0 Equalities Considerations

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

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 considered to be minimal/no impact on equality.

10.0 Conclusion

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

10.2 It is considered that the increased massing does not negatively affect the design or have an unacceptable impact on neighbouring amenity, and any harm to the Brockley Conservation Area will be compensated by the public benefit gained of an additional dwelling house. It is recommended that planning permission be granted. It is recommended that planning permission be granted.

11.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:

1. Time Limit:

The development to which this permission relates must be begun not later than 29/12/2017.

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

2 Accordance with Plans

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

Still relevant drawings/documents previously approved under reference DC/14/88637:

Heritage Statement, Sustainability Statement

Still relevant drawings/documents previously approved under reference DC/15/91814:

Design and Access Statement received 11/6/15

Drawings/documents submitted under reference DC/17/101922

Statement in support of amendments to approved scheme received 6 September 2017; BA16546AE101 Rev A; BA16546AP102; BA16546AP103; BA16546AP104; BA16546AE102 Rev B received 14 September 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.

4. Code for Sustainable Homes

- (a) The buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
- (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of the house, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

6. Refuse

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

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

7. Boundary Treatments

- (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 Saved Policies URB 3 Urban Design and URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

8. Closure of vehicular access

The development hereby approved shall not be occupied until the existing vehicular access has been closed and the highway reinstated.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

9. Lifetime Homes

The dwelling shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document).

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

10. Plumbing and Pipes

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (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(s).

Reason: It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

11. Removal of permitted development rights

No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing

the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

12. Removal of permitted development rights

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in the elevations of the building other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

13. Obscure glazing

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the window to be installed in the rear (eastern) elevation at first floor level serving the staircase of the building hereby approved shall be fitted as obscure glazed and fixed shut and retained as such in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with Saved Policy HSG4 Residential Amenity in the Unitary Development Plan (July 2004).

14. Use of Flat Roofs

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofs on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof areas shall be carried out, nor shall the roof areas 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 Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

16. Living Roof

The development shall be constructed with a biodiversity living roof details of which shall be submitted to and approved in writing by the local planning authority before development commences.

The living roof 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.

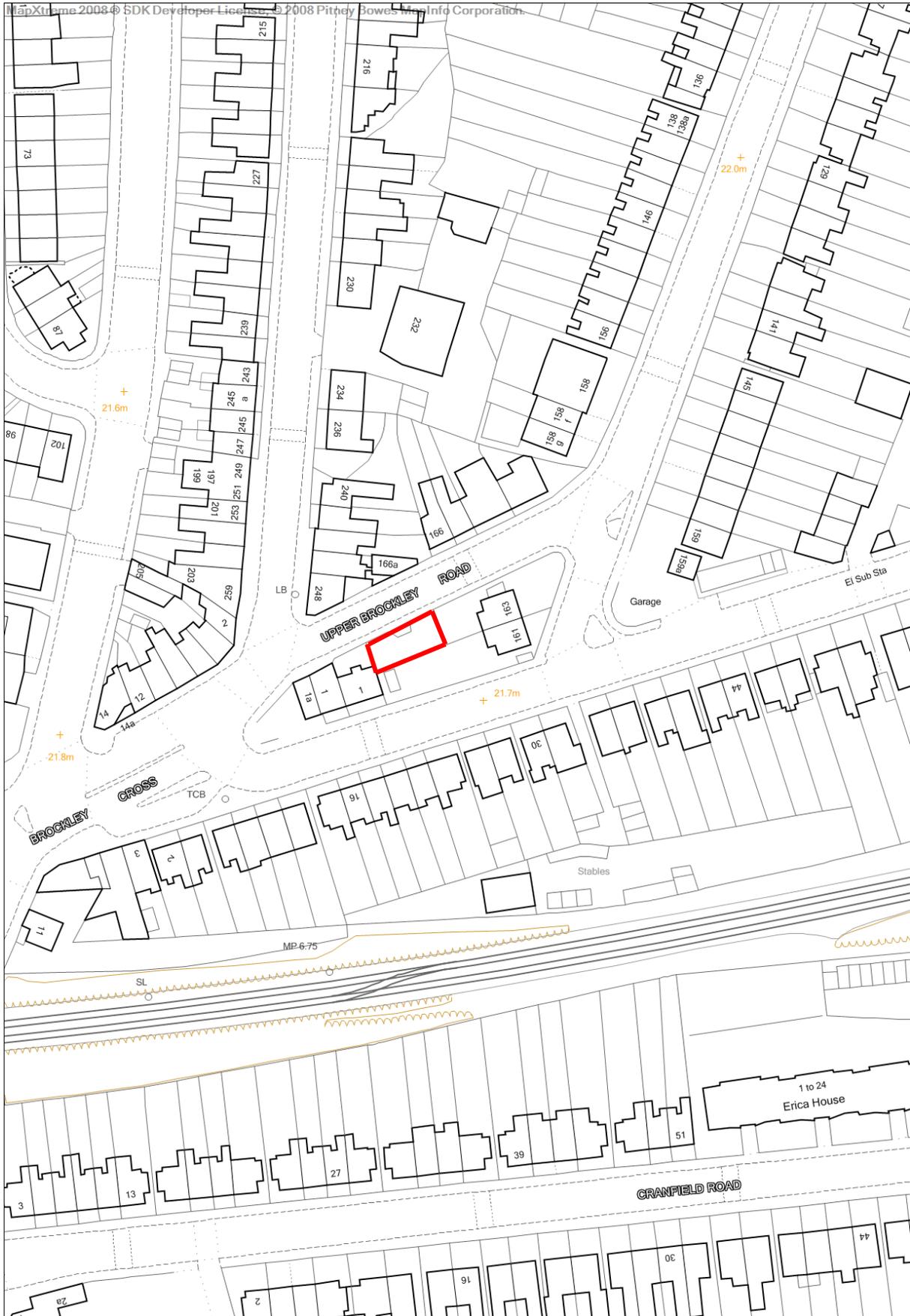
Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011), 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).

INFORMATIVES

1. Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. Further information was submitted during the course of the application to clearly explain how the proposal as built differs from the previously granted.
2. Condition 5 was discharged under application reference DC/15/91816
3. Conditions 4, 6, 7, 8, and 16 remain outstanding and are overdue.

165 UPPER BROCKLEY ROAD, LONDON, SE14 1TG Site Map



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Committee	PLANNING COMMITTEE C	
Report Title	THE ARCHES, CHILDERS STREET, LONDON, SE8 5PT	
Ward	EVELYN	
Contributors	Russell Brown	
Class	PART 1	22nd February 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>	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
<u>Background Papers</u>	(1) Case File DE/134/D/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) London Plan (March 2016)
<u>Designation</u>	None
<u>Screening</u>	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 1,300m² 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 m²) (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): 138.375m²

Flat 2 (3b6p): 136.32m²

Flat 3 (2b4p): 100.28m²
Flat 4 (2b4p): 81.3m²
Flat 5 (2b3p): 65.865m²
Flat 6 (2b3p): 65.34m²
Flat 7 (2b4p): 84.685m²
Flat 8 (1b2p): 100.155m²

- 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:
- be attractive and neighbourly; and
 - 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.

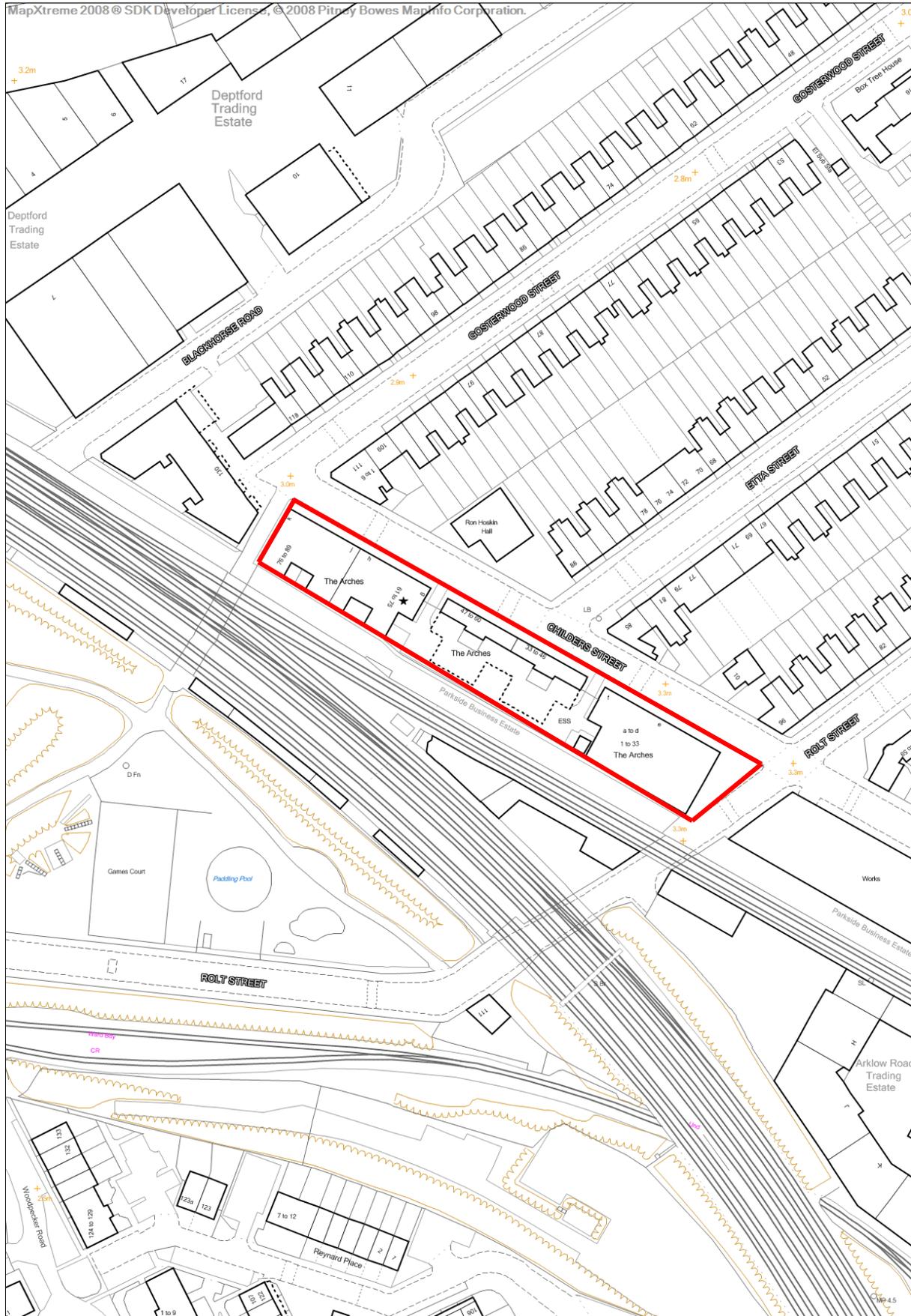
The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Furthermore, all pre-commencement conditions attached to this permission must be discharged by 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.

THE ARCHES, CHILDERS STREET, LONDON, SE8 5PL Site Map



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Committee	PLANNING COMMITTEE C	
Report Title	34 Southbrook Road, London, SE12 8LL	
Ward	Lee Green	
Contributors	Alfie Williams	
Class	PART 1	22 FEBRUARY 2018

<u>Reg. Nos.</u>	(A) DC/17/104697
<u>Application dated</u>	22 November 2017
<u>Applicant</u>	Julie Morrison
<u>Proposal</u>	The construction of a two storey infill extension to the rear of 34 Southbrook Road SE12
<u>Applicant's Plan Nos.</u>	244_P2_001; 244_P2_002; 244_P2_003; 244_P2_004; 244_P2_100; 244_P2_101; 244_P2_102; 244_P2_103; 244_P2_104; 244_P2_105; 244_P2_106; Site Location Plan & Heritage Statement
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File LE/400/34/TP (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	[Core Strategy, Site Allocations Local Plan] - Existing Use

2.0 Property/Site Description

- 2.1 The application site is a two storey detached Victorian dwelling house. The property is located on the northern side of Southbrook Road in a predominantly residential area. The building is constructed from London stock bricks with timber windows and a slate roof. To the rear, the property has an existing conservatory infilling the side return and a small rear projection.
- 2.2 The property is located within the Lee Manor Conservation Area and was built in the late Victorian era. Southbrook Road is characterised by similar buildings to the application site with large double fronted building with a pair of canted bay windows on the front elevation and wide deep front gardens.
- 2.3 The property is subject to an Article 4 Direction but is not listed.

3.0 Planning History

- 3.1 DC/06/62665 - Lawful Development Certificate issued in respect of the construction of a conservatory to the rear of the property.

- 3.2 DC/08/69603 – Planning permission granted for the replacement of the existing roof tiles to two bay windows to the front elevation of 34 Southbrook Road SE12, together with a reduction in the gradient.
- 3.3 DC/17/103029 – Planning permission granted for the construction of a single storey extension to the rear of 34 Southbrook Road SE12, together with the construction of a chimney and the installation of a replacement double glazed Crittal window in the side elevation.
- 3.4 Applications for similar developments on Southbrook Road are also of relevance to this application. In 2011, planning permission (DC/11/76925) was granted for the construction of an extension at first floor level to the rear of 29 Southbrook Road. In 2017, planning permission (DC/17/99901) was granted for the construction of an infill double storey extension to the rear of 25 Southbrook Road.

4.0 Current Planning Applications

The Proposals

- 4.1 The construction of a two storey infill extension to the rear elevation. The ground floor element of the extension would be built on the footprint of the existing conservatory and would measure 5.46m in depth with a width of 4.36m. Officers note that the ground floor infill extension was granted permission as part of application DC/17/103029.
- 4.2 The first floor extension would be set back slightly from the ground floor extension measuring 4.87m in depth with a width of 3.86m. The extension would have a monopitched roof with a projecting gable to the rear. The roof would have a maximum height of 6.21m from ground level sloping to eaves 5.15m above the ground.
- 4.3 The extension would be constructed from London stock bricks to match the existing property with an Eternit artificial slate roof covering. At ground floor level the extension would accommodate a Crittal door. One timber sash window would be installed in the first floor gable.

Supporting Documents

- 4.4 244_P2_001; 244_P2_002; 244_P2_003; 244_P2_004; 244_P2_100; 244_P2_101; 244_P2_102; 244_P2_103; 244_P2_104; 244_P2_105; 244_P2_106; Site Location Plan & Heritage Statement

5.0 Consultation

- 5.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation meet the requirements of the Council's adopted Statement of Community Involvement.
- 5.2 Site notices were displayed, a press notice issued and letters were sent to residents in the surrounding area and the relevant ward Councillors. The Lee Manor Society were also consulted.

- 5.3 One neighbouring resident responded to state that they had no objection to the application.
- 5.4 The Lee Manor Society objected to the first floor extension, noting that historically council planners have opposed first floor extensions to houses in the conservation area on the grounds they represented an excessive development of the original house and frequently impacted negatively on neighbours. We believe this approach should be maintained and therefore object to this proposal

6.0 Policy Context

Introduction

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

A local finance consideration means:

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

National Planning Policy Framework

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

framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

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

Other National Guidance

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

London Plan (March 2015)

- 6.6 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

Core Strategy

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

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

Development Management Local Plan

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

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

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

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

6.10 Lee Manor Conservation Area Character Appraisal (2008)

7.0 Planning Considerations

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

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

Principle of Development

7.2 The objection from the Lee Manor Society states that the council have historically resisted first floor extensions in conservation areas. However, as noted above, the council have previously granted two storey extensions on Southbrook Road, most recently at 25 Southbrook Road in 2017. Officers do not have an in principle objection to a residential extension, however the merits of the scheme with regards to scale, design and impact on the locality will be assessed in order for Officers to determine if such a proposal can be supported.

Design & Conservation

7.3 DM Policy 36 requires all extensions to be compatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials. Southbrook Road is located within Character Area 1 of the Lee Manor Conservation Area as identified within the Character Appraisal. The character appraisal highlights the combination of standardised symmetrical form and double frontages together with the highly varied architectural detailing as the defining feature of the road.

7.4 The proposed extension is confined to the rear and would not have an impact on the architecturally significant frontage of the property. The extension is considered to be proportionally subservient to the host property and neighbouring properties by virtue of its size and scale within the context of large double fronted buildings and the large rear garden.

7.5 As previously noted two-storey rear extensions have been granted planning permission on Southbrook Road. Most recently, planning permission was granted at committee for the construction of a two-storey extension to the rear of 25 Southbrook Road. The extension infilled the rear side return at ground and first floor levels. Officers consider the scale and siting of the proposed extension to be similar to the extension granted approval no.25 and note that both properties share a similar architectural form. 25 Southbrook Road was also granted planning permission for the construction of a single storey rear extension (reference DC/17/100203) similar to the extension granted permission at the application site in 2017.

7.6 DM Policy 30 states that materials used should be high quality and either match or complement existing development, and the reasons for the choice of materials

should be clearly justified in relation to the existing built context. At ground floor the extension is proposed to be constricted from stock bricks with crittal patio doors. At first floor the walls will again be London stock bricks with a timber sash window in the gable elevation and eternite slate roof tiles. It is therefore considered that the choice of proposed materials are appropriate for the domestic nature of the extension, sensitive to character of the property, whilst also providing an individual design element with the use of Crittal.

- 7.7 The proposed extension is considered to accord with the principles of DM Policy 36 by virtue of the combination of historically appropriate and high quality complementary materials and proportionate scale.

Impact on Adjoining Properties

- 7.8 DM Policy 31 states that residential extensions should not result in a significant loss of amenity or privacy to adjoining houses and gardens. The proposed development should therefore demonstrate that significant harm will not arise with respect to overbearing impact, loss of light, loss of outlook or general noise and disturbance.
- 7.9 The proposed development is contained to the western side of the rear elevation and as such the impact is limited to the western boundary with 36 Southbrook Road. No.36 benefits from a single storey garage located on the boundary with the application site. The garage measures 3m in width and separates the two properties. At first floor level, no.36 has a bedroom window in the side elevation that currently looks out over the garage and the existing conservatory at the application site.
- 7.10 Drawing 244_P2_102 demonstrates the relationship between the window and the proposed extension. The drawing shows that the rear of the extension would be approximately 45° from the edge of the window at a distance of approximately 3m. Officers are satisfied that the combination of the 3m distance and pitched roof design of the extension would prevent a sense of enclosure at the window and allow an acceptable level of outlook.
- 7.11 The proposed extension would introduce an additional opening that would overlook the rear gardens of neighbouring properties to the side and rear. However, these views are already in place and is not unreasonable for there be a level of overlooking in an urban environment such as this.

8.0 Local Finance Considerations

- 8.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - (b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.

8.3 The Mayor of London's CIL is therefore a material consideration. CIL is not applicable on this application.

9.0 Community Infrastructure Levy

9.1 The above development is not CIL liable.

10.0 Equalities Considerations

10.1 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.

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

10.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality. In this matter there is no impact on equality

11.0 Conclusion

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

11.2 The proposed extension would preserve the character of the Lee Manor Conservation Area and would have an acceptable impact on residential amenity in accordance with DM Policies 30, 31 and 36. The scheme is therefore considered acceptable and planning permission should be approved.

12.0 RECOMMENDATION

12.1 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:

244_P2_001; 244_P2_002; 244_P2_003; 244_P2_004; 244_P2_100;
244_P2_101; 244_P2_102; 244_P2_103; 244_P2_104; 244_P2_105;
244_P2_106; Site Location Plan;

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

Informatives

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

34 SOUTHBROOK ROAD, LONDON, SE12 8LL Site Map



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