

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 11 NOVEMBER 2021 TIME 7.30 PM**

PLACE: **To be held via Microsoft Teams, and in the Council Chamber, Civic Suite, London SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Suzannah Clarke (Chair)
Jacq Paschoud (Vice-Chair)
Tauseef Anwar
Aisling Gallagher
Liz Johnston-Franklin
Jack Lavery
Jim Mallory
John Muldoon
Lionel Openshaw
Alan Smith**

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.

**Kim Wright
Chief Executive
Laurence House
London SE6 4RU
Date: Tuesday, 2 November 2021**

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Planning Committee (B)

Declarations of Interest

Date: 28 October 2021

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

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

1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. There are three types of personal interest referred to in the Council's Member Code of Conduct:

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests.

1.2. Further information on these is provided in the body of this report.

2. Recommendation

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

3. Disclosable pecuniary interests

3.1 These 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.

4. Other registerable interests

4.1 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.

5. Non registerable interests

- 5.1. 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).

6. Declaration and impact of interest on members' participation

- 6.1. Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- 6.2. 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 6.3 below applies.
- 6.3. 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.
- 6.4. 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.
- 6.5. 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.

7. Sensitive information

- 7.1. 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.

8. Exempt categories

- 8.1. 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).



Planning Committee (B)

Minutes

Date: 11 November 2021

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive

Outline and recommendations

Members are asked to consider the Minutes of the meetings of Planning Committee (B), held on 14 September 2021.

Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 14 September 2021 be confirmed and signed.

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MINUTES OF THE PLANNING COMMITTEE B

Tuesday 14 September 2021 at 7.30pm

Present: Councillor Paschoud, Lavery, Muldoon Openshaw

Present remotely: Councillor Johnston-Franklin and Councillor Mallory

Apologies: Councillor Penfold, Councillor Gallagher, Councillor Anwar

1. Minutes

The minutes of the last meeting held on 1 July 2021 were agreed as an accurate record.

2. Declarations of Interest

Councillor Muldoon was lobbied by friends of Honor Oak regarding Item 3. However, believed that his consideration of this application would be impartial.

3. 97 Honor Oak Park, SE23 DC/19/111021

The Planning Officer presented this application. This application was submitted under Section 73a of the Town and Country Planning Act 1990 for a Minor Material Amendment to allow for an amendment of Condition (2) relating to the construction of 2, two-storey, two bedroom houses at the rear of 97 Honor Oak Park, SE23. The application had received 8 objections.

The proposed amendment was to allow siting of House B closer to the western boundary; repositioning of two dormers to 'House A'; the addition of front door canopies; insertion of a ground floor flank window to 'House A'; formation of circular opening at first floor; installation of automated sliding gate to the rear; erection of fence between new dwellings and main building; resiting of parking bays; relocation of bin store and cycle store; and additional paving measures. The houses were unoccupied at this time.

The committee report of 2011 advised that the footprint of both house would be the same- 9.3m in length and 5.2m in width. In comparison, the house A footprint had been measured as 9.4m in length and 5.4m wide. House B measured at 9.57m in length and 5.4m wide, both houses being larger than the approved measurements. The houses were also built slightly closer to the boundary.

The key planning considerations are the design and appearance of works undertaken, and those proposed; whether the works represent a significant change from the approved scheme; residential amenity; standard of accommodation; landscaping proposals.

The development was considered to be acceptable in its merits. The changes to the construction are not considered significantly different to those proposed. Therefore it

was recommended by officers to grant permission, subject to the appropriate planning conditions.

Councillor Paschoud asked about the previous appeal of this application. The planning officer clarified that the application went to Committee in 2011 with the recommendation to approve. It was refused for design and scale reasons. The applicants appealed and the appeal was upheld in 201 with conditions attached to the planning consent.

The applicant then spoke on the proposed amendments. He stated the following: His parents bought the house as a family home in 1971 as an already dilapidated building with the intention of restoring the Victorian structure back to its original form and enhancing the accommodation. His parents worked hard to restore the home for future generations. The applicant undertook the task of restoring the house and converting it to 6 apartments and building the two new house at the rear of the garden.

The siting of House B is closer to the western boundary because it was discovered that an ancient sewer had been directed across the development, cutting across the proposed position of House B. the decision was taken to move the site of House B a distance away from the sewer but still far enough away from the western boundary so as not to disturb the sewer.

The dormer windows on the ground floor and the flank window of House A are positioned exactly as they were in the original but refused planning application as discussed by the Committee in 2011. The architect at the time was sick so this may have affected the slight changes in outcomes. In the 2011 report, the planning officer stated that both dwellings would be positioned so as not to compromise the privacy of the neighbouring residents. The proposed dormers would also be positioned to not overlook neighbouring occupiers.

When asked why the houses' footprints were larger than intended, the applicant said he was not sure and was not made aware at the time and assumed that the footprints were created as agreed.

The objector then spoke on the application. The following was discussed in his objection:

He disputed the fact that the reports description of "minor" material amendment was not. The houses originally designed were described as modest in nature but what was built was at least 25% bigger than what was initially proposed and permitted, along with many other unpermitted changes. There were 3 grounds of refusal the objector said members should consider: procedural impropriety, application of planning law and each change in the application. On these grounds, the objector stated that the application has failed and should therefore be refused.

He continued that the frosted film suggested as a condition is easily taken off, and if there was a condition applied it should be frosted glass instead.

The Chair asked the Presiding Planning Officer for clarification on the access agreements. The Officer stated that the issue of land ownership is not material to the planning decision so to his knowledge there is no reason to why Members could not

grant planning permission whether or not the Council does have an interest in the land adjoining- it would not be relevant to Members.

The Chair also asked for clarification on the objectors claims that the building was 25% bigger than the permitted plan. The Officer stated that during the course of the application which did go on for years, there were many amendments to the plans. The committee report from 2011 stated the footprint size of both houses and the dimensions mentioned earlier in the officer's presentation are accurate to the officer's knowledge.

Councillor Muldoon, referring to the objector's allegations of improper application of planning law, stated that the Committee is not empowered to interpret law but rather rely on the legal advice given. The Presiding Officer stated that the comments from the objector were put to the legal team who confirmed it is acceptable for the local planning authority to vary the amendments to the plans via section 73 or section 73(a) of the Town and Country Planning Act 1990.

The Presiding Officer also stated that the applicant building outside of compliance has done that at their own risk, and while it is not good or encouraged practice to build an unauthorised development, it is for the consideration for the Council to enforce, if they think that the variations are harmful. He advised that Members make a planning judgement, not considering what the intention was, but is what had been built on the site along with the additional changes (both retrospective and proposed) are suitable on planning terms and do they conform with the development plan.

Councillor Muldoon moved the motion to approve the application. The Committee added the condition that the glass window discussed be frosted/obscured in place of the film.

A vote was taken and the Committee voted in favour of the application.

4. Inglemere Domus, 27 Inglemere Road, SE23 2BB (A) DC/20/117864

The Planning Officer presented the report for this application.

The planning application was for the demolition of the existing building and the construction of a part-3 and part-4 storey building to accommodate 20 residential units with basement plant room and associated works at Inglemere Domus, 27 Inglemere Road.

There were verbal corrections to the written report as follows: paragraph 11, mention of the 6 parking spaces where 5 are being proposed; paragraph 98 states that Flat 19 is not dual-aspect when in fact it is.

The officer stated that the application site is not in the conservation area, nor is it in close proximity to a listed building, it is within a PTAL 3 area and the surrounding area is residential in character. The building was last used in 2015 as a residential care home. The applicant successfully demonstrated that a care home is no longer needed at the site. The materials and design of the proposed development had been considered high quality. Parking, bin storage and a communal garden to the rear had been included in the site plans. The proposed development had been set to exceed the floor space according to London Plan minimum standards. The application

followed the viability tested route and will deliver 3 units for London affordable rent, which will be secured by section 106. 2 wheelchair accessible unit were also proposed.

The key material planning considerations were as follows: principle of development (loss of care home and provision of residential accommodation); affordable housing; urban design (scale and massing); impact on neighbour amenity; transport and Highway (car parking, refuse, construction); sustainability. Planning officers consider all of these justified.

Permission was recommended subject to conditions and the section 106 agreement.

Councillor Lavery asked for context as to why only 3 of 20 of the properties were under London affordable rent. The officer stated that initially, no affordable housing was proposed and the applicants liability assessment was reviewed by a third party viability consultant and it was indicated that a nominal quantity of affordable housing was deliverable, so negotiations took place. This resulted in the above affordable housing proposal. It was felt that this was the maximum that can be achieved through the viability route.

Councillor Johnston-Franklin stated that the spaces which are for affordable rent, are not suitable for families and why it wasn't considered that one of the larger units be used for affordable rent. She also raised concern about the potential lack of light in flat 3 which has been made accessible for a wheelchair user. The Presiding Officer stated that a judgement had to be made for affordable housing as choosing one of the larger properties for this would result in fewer units being rented out affordably, potentially just 1. Regarding the sunlight levels, it was said that flat falls marginally below the 2% recommendation- all of the other flats meet or exceed the percentage. This is because Flat 3 is mostly north-facing. It is not considered to be significantly below the recommendation to warrant a reason for refusal.

The agent of behalf of the applicant then gave her presentation. She discussed that following:

The building had been vacant since 2015 after the NHS concluded that it was no longer needed to accommodate the required services for modern day elderly care. The proposed development had responded to the advice of officers and represented the effective and efficient use of the sustainable site. The development will provide 20 much needed home in the borough. At the request of officers, the property provides a genuine mix of different homes in size and affordability. They are all space standard compliant. Neighbouring amenity has been protected by policy compliant separation distances between buildings. The application is accompanied by a comprehensive package of technical information as agreed at the pre-application stage. These have been reviewed and accepted. The committee report outlines that merits and plans of the development are considered to substantially outweigh any harm that may be identified. Furthermore, no objections were received from any internal or external statutory consultees. On the basis of these points, the proposed development is considered to be in line with national planning policy guidance and the development plan policies.

As the objector was unable to attend the meeting, the planning officer read out the objector statement which highlighted the following:

The objector was concerned that proposed development will overlook her garden because of the multiple balconies. She stated that she uses her garden a lot as she is often at home with her child who has a disability- she felt the change would impact her quality of life as there would be a lack of privacy and a direct view into her home and garden.

The Chair asked for clarity on this overlooking and the views from the balconies. The officer said that the rear elevation of the proposed building is approximately 9 metres from the shared boundary. The properties on Acorn Way have rear gardens of around 11-12 metres in length. Officers are happy that there would be a sufficient amount of space between the two properties. The balconies to the rear are on the 4 storey element. The balconies are approximately 1.5m deep and there is a slight reduction in space between the edge of the balcony and the rear of the properties in Acorn Way. It is considered sufficient. There are also large mature trees on the boundary which are not proposed to be uprooted which provide privacy.

Councillor Paschoud moved the motion to approve the recommendation to approve the application as outlined in the report.

The Committee voted in favour of the application.

5. 4 Lind Street DC/20/119652

The Planning Officer outlined the following in his presentation:

The application was considered for the construction of a mansard extension to the roof of 4 Lind Street, SE8, together with the construction of single storey extension to the rear elevation, the installation of replacement timber windows in the front elevation and the insertion of new windows in the flank elevation.

3 other addresses on Lind Street have had the construction of mansard extensions to their roofs. 140-146 and 158 of Albyn Road at the end of Lind Street all have a higher mansard extension to the roof. The development plan is generally satisfied with people altering or developing their homes and therefore the principle of development is considered supported. Officers are satisfied that the extension will not cause any harm to the character and appearance of the conservation area given that mansards already form part of the street and would be fully compliant with the design scheme. Officers are also satisfied that there will be no impact on neighbouring properties. It is therefore the officer recommendation to approve this application subject to the conditions set out in the committee report.

The applicant gave their presentation and raised the following:

The extension will have minimal impact on the neighbourhood as it will be almost completely concealed from the main street. The mansard will be set back at floor level at 250mm which is specified in the recommendations of the SPD. The improvements will provide a better family home while being historically sympathetic in terms of design and in keeping within the established character of the roofscape. Additional benefits to the character of the area include the enhancements resulting from removing the current non-compliant windows and reinstating at the front. There extension will also improve energy efficiency in the house.

A representative from St John's Society also spoke in favour of the application, stating that a mansard roof is an accepted building form and is common across

London. The society deem this extension to conserve the heritage of the building. Such additions will allow for families to stay in the community for schools, work and other social networks. The mansard will be built with high quality materials which substantially improve the environmental quality of the building thus preserving energy and carbon. He added that mansards are already an established extension on Lind Street.

The objector argued the following:

This objection was for both mansards in Lind Street and Bolden Street, which was discussed on the next agenda item. Amenity societies, such as Brookmill, represent the historic memory of conservation areas which is important to consider. The odd number side of Bolden Street still retains the original and distinctive roofscape that is a defining characteristic of the Brookmill Road Conservation Area. A previous application at this same site was refused in 2016 and was dismissed on appeal in 2017. The planning inspector's reasons for upholding are still relevant for both applications.

Officer support in their reports for both applications is primarily argued on existing precedents. Fortunately the vast majority of houses elsewhere in the area, including St John's Vale to Friendly Street, still retain their original architectural integrity via intact, uninterrupted, unified rooflines and butterfly roofs. These were key factors that contributed to Brookmill Road CA being designated as one of the earliest CAs in Lewisham in 1972. Since the defining characteristic of the Conservation Area is its architectural integrity as exemplified by unified rooflines, we consider that any further spread of roof extensions threatens destruction of the very principles defining the conservation area.

The Presiding Officer stated that Members should only be taking into consideration the material issues of the character of the area, heritage and design.

Councillor Paschoud moved the motion to approve this application.

The Committee voted to approve the application.

6. 13 Bolden Street DC/20/120731

The Planning Officer presented this report.

The application was for construction of a mansard roof extension with two dormer windows to the front roof slope and two windows to the rear at 13 Bolden Street, SE8.

A neighbouring property, number 18, is currently constructing a mansard roof which is almost complete. South-east from Bolden Street is Albyn Road which has a considerable amount of mansard roofs.

The key material considerations were urban design, neighbouring properties and principle of development. Officers felt that these considerations were satisfied, therefore it was the officer recommendation to approve this application.

The applicant for this item gave their presentation. She stated the following: She and her family currently reside at the property. As with growing families, they require the extra space that the extension would provide. In the area, mansard roofs

are a sympathetic solution, while protecting the conservation of the area and providing the family with the room needed. The national planning policy framework, published in July, states that all planning applications should support opportunities to use the air space above existing residential and commercial properties. She furthered that considering all the other mansards built in the area, a precedent has been set.

The objector echoed her points from the last item and stated that there is no policy supporting mansard roofs that requires consideration that the Committee needs for consistency in decision making.

Councillor Lavery proposed that the application be accepted.

The Committee voted in favour of the application.

7. 106 Brookbank Road, London SE13 7DA (A) DC/21/121272

The Planning officer gave their presentation for this application. The application was for the construction of hip to gable and rear dormer extensions to the roof of 106 Brookbank Road, SE13, together with the installation of three roof lights in the front roof slope.

The property is based in a predominantly residential area. It is not a listed building, neither is it located near one.

The key planning considerations are the principle of development, urban design and the impact on living conditions of neighbours, all of which are considered acceptable. The officer recommendation is to approve the application subject to the conditions set out in the report.

There was no applicant for this item.

The objector who wished to speak was experiencing microphone issues so provided some text via the Teams chat summarising her argument. The Presiding Officer summarised her text to the Committee. The following was taken from the transcript of the Teams chat:

- enclosure - extending the brick mass to a gable end will impact the light into my garden and will take early morning sunlight
- there has been no site visit to appreciate from the ground the impact of extending the brick mass up in effect a storey will have

The Planning Officer stated that officers are of the opinion that there is sufficient distance between the application site and the properties on Overcliffe Road which provides mitigation against the loss of light and enclosure. The proposed development is typical of this residential typology.

The Committee voted in favour of the application.

The meeting concluded at 10.32pm



Planning Committee B

11 Wells Park Road, SE26 6JQ

Date: 11 November 2021

Key decision: No.

Class: Part 1

Ward(s) affected: Sydenham

Contributors: Amanda Ghani

Outline and recommendations

The report has been brought before committee for a decision due to the submission of four objections from neighbouring properties, with a recommendation that the Committee resolve to grant planning permission subject to the attached conditions and informatives

Application details

Application reference number(s): DC/21/120114

Application Date: 24 January 2021

Applicant: D Rose Planning LLP

Proposal: The demolition of the existing garage, alterations to window openings at ground and first floor, creation of first floor terrace, construction of a rear roof extension, provision of cycle and bin storage and hard landscaping to the front garden and other alterations at 11 Wells Park Road, SE26 to enable the conversion of the existing dwelling house into 1x1 bed, 1x2 bed and 1x3 bed flats.

Background Papers: (1) Submission drawings and documents
(2) Internal consultee responses

Designation: PTAL 2

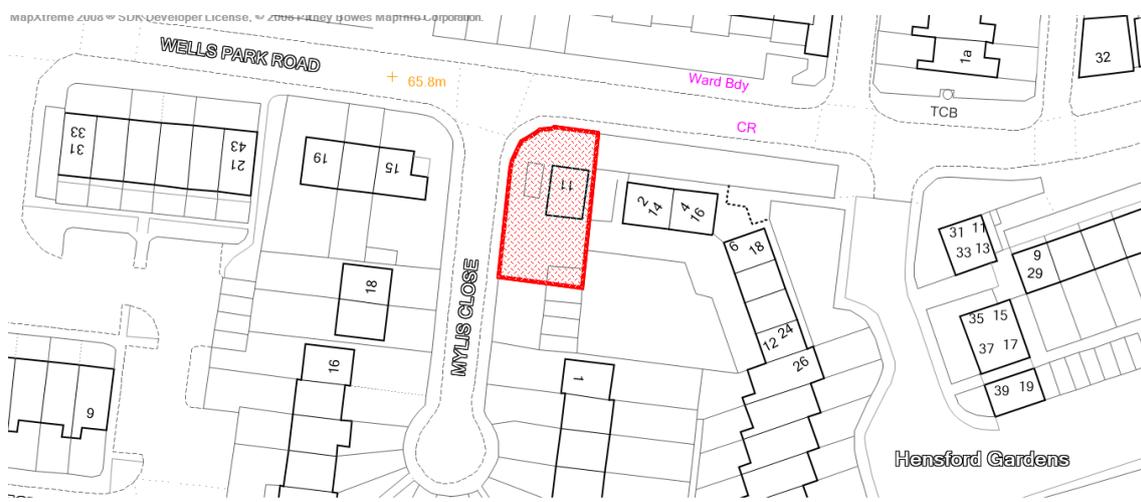
Screening: n/a

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a two-storey detached single family dwelling located on the corner of Wells Park Road and Mylis Close. The site is not located in a conservation area, is not subject to an Article 4 Direction and is not a listed building nor in the vicinity of one. The site is approximately 219sqm. According to the applicant the dwelling has been empty for a number of years and is currently configured as a 9-10 bedroom house.

Site Location Map



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Character of area

- 2 The surrounding area comprises a mix of residential properties and small shopping parades. Modern purpose built flats are the predominant housing type along Wells Park Road with flats immediately adjacent to and facing the subject site. There are earlier built two-storey terraced properties immediately to the rear in Mylis Close.

Surrounding area

- 3 Sydenham Wells Park is approximately 240m to the west of the subject site. There is a local shopping parade 100m to the west of the site.

Transport

- 4 The site has a Public Transport Accessibility Level (PTAL) rating of 2 which is considered poor, where on a scale of 1 to 6b, 1 is the lowest and 6b the highest. Bus route 202 passes the subject site running between Blackheath Standard and the Crystal Palace Parade. The site is approx.0.5miles from Sydenham Rail Station.

2 RELEVANT PLANNING HISTORY

- 5 **DC/04/058554** – The demolition of the existing house and the construction of a part two plus roof space/part four storey block with balconies at 11 Wells Park Road, to provide 3x1bed and 2x2 bed self-contained flats. **Refused 07/02/05**
- 6 **DC/05/061113** – The alteration and conversion of 11 Wells Park Road, including the construction of a part single/part two storey, plus roof space, extension to the side, single storey extensions to the front and side and construction of dormer windows to the front, side and rear roof slopes to provide 1x1 bed and 1x2 bed self-contained flats and 2x2 bed self-contained maisonettes, together with associated landscaping and provision of bin stores and 4 car parking spaces. **Refused 16/01/06**
- 7 **DC/06/063286** – The construction of a two storey building at 11 Wells Park Road to provide 2x1bed and 2x2 bed self-contained flats together with associated landscaping and provision of bin stores and 4 car parking spaces. **Refused 20/10/06**
- 8 **DC/07/065054** - The demolition of the existing building and the construction of a two-storey plus roof space building at 11 Wells Park Road to provide 3x2 bed flats and 1x2 bed maisonette, together with the provision of refuse and cycle storage, associated landscaping and car parking spaces with access onto Mylis Close. **Granted by Planning Committee 02/08/07**
- 9 **DC/13/084529** – The construction of a two storey extension to the front, side and rear of 11 Wells Park Road. **Refused 19/11/13 due to the following reason:**
- 10 **DC/14/086986** – Prior approval for the construction of a single-storey extension at the rear of 11 Wells Park Road. **Prior approval not required 02/05/14**
- 11 **DC/14/087608** – The construction of a two storey side extension and a single storey rear extension at 11 Wells Park Road. **Granted 11/08/14**
- 12 **DC/14/089088** – The construction of a double storey side extension and rear extension, together with a single storey rear extension at 11 Wells Park Road. **Refused on**

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13/11/14 and subsequently allowed on appeal (APP/C5690/D/14/2228988) on 19/02/15.

- 13 **DC/14/089933** – The construction of a first floor rear extension at 11 Wells Park Road. **Refused 19/01/15**
- 14 **DC/16/096524** – The alteration and change of use of 11 Wells Park Road from residential (Use Class C3) to a care home (Use Class C2). **Refused 04/07/16**
- 15 **DC/16/098183** – Change of use of 11 Wells Park Road from a single family dwelling (Use Class C3) to a HMO (Use Class C4). **Refused 08/11/16 due to the following reason:**
- The proposal would result in the loss of a house suitable for family occupation in an area of stability and managed change and low public transport accessibility, with a PTAL of 2, contrary to Spatial Policy 5 Areas of Stability and Managed Change, of the Core Strategy (June 2011) and paragraph a and c of Policy 6 Houses of multiple occupation, of the Development Management Local Plan (November 2014).
- 16 **PRE/17/100341** – Pre-application advice was sought in March 2017 regarding the property's conversion into four flats. Concerns were raised over the standard of accommodation and the incorporation of a small studio apartment.
- 17 **DC/17/100927** – The alteration and conversion of the existing house together with the construction of a single storey extension at the rear and the provision of cycle spaces and bin storage to provide 2 studio flats, 1x2 bed and 1x3 bed flats. **Refused 24/05/17** and subsequently **dismissed at appeal** (APP/C5690/W/17/3178541) on 20/10/17 due to the failure to provide acceptable outdoor space and sufficient indoor living space for the ground floor studio flat. The Inspector did not find the proposal was incompatible with DMP 3.
- 18 **PRE/20/119210** – Pre-application advice was sought in December 2020 regarding the conversion of the existing dwelling to provide 2x3 bed and 1x1bed flats. The principle of conversion was considered acceptable as the proposal would include 2 family sized units.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 19 Conversion of the existing building into three flats together with the demolition of the existing garage and replacement with landscaped amenity space. Alterations to the ground floor fenestration and openings to include replacement of existing windows and doors. Provision of cycle and refuse storage, retention of one off street parking space; creation of a roof terrace and a roof extension to the rear and the reinstatement of the front boundary treatment.

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4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

20 None.

4.2 APPLICATION PUBLICITY

21 Site notices were displayed on 2nd February 2021.

22 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 28th January 2021.

23 4 number responses received, comprising 4 objections, 2 from the same address and 2 with identical objections.

4.2.1 Comments in objection

Comment	Para where addressed
Proposal would encroach on neighbour's land	The development does not encroach on neighbouring land.
Add to on street parking stress	Para 90-94
Obstruct views and loss of privacy and overlooking to neighbours	Para 99-104
Rear dormer will contribute to overlooking	Para 99-104
Loss of large family home	Para 42-46
House has been overly enlarged and roof terrace and screening will exacerbate the volume of the property.	Para 70-75

4.3 INTERNAL CONSULTATION

24 The following internal consultees were notified on 28th January 2021.

25 Highways: raised initial objections. The scheme was amended and is now considered acceptable, subject to conditions. See para 100 for further details.

5 POLICY CONTEXT

5.1 LEGISLATION

26 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

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5.2 MATERIAL CONSIDERATIONS

27 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

28 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

29 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

30 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

31 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

32 London Plan SPG/SPD:

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)
- Small Sites Design Guide (October 2021)

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6 PLANNING CONSIDERATIONS

33 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Natural Environment
- Sustainable Development

6.1 PRINCIPLE OF DEVELOPMENT

General policy

34 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

35 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

36 Lewisham is defined as an Inner London borough in the London Plan, which sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

37 DM Policy 1 of the Development Management Local Plan states that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions of the borough.

38 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.

39 The aim of DM Policy 3 is to appropriately manage the future sub-division of single family dwellings into self-contained flats in order to ensure that new dwellings provide a high standard of amenity and to promote and retain housing choice within the borough.

Discussion

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40 Officers have regard to a previous application (DC/17/100927) for the conversion of the existing single residential house into four self-contained units at the subject site, that was refused on 24th May 2017 and subsequently appealed. Officers note that whilst the appeal (reference APP/C5690/W/17/3178541) was dismissed; at paragraph 12 of the Inspector's report (see appendix A) the Inspector states the following:

41 "The explanatory text to DM Policy 3 of the Local Plan states that the main need in the borough is for family housing, which is defined as three bedrooms or above. Therefore, whilst the development would result in the loss of a large single dwelling, a replacement family sized unit would be provided..." and at paragraph 13 "...the proposal would maintain the supply of family housing and would therefore accord with DM Policy 3."

6.1.1 Principle of development conclusions

42 Officers acknowledge that the principle of converting the property to provide self-contained units was allowed by the Planning Inspector in their decision to dismiss refusal reason 1 in the appeal decision APP/C5690/W/17/3178541 dated 20th October 2017, due to the provision of a family sized unit as part of the proposal.

43 The current proposal would provide two additional residential units and would include the provision of a family sized unit. Given the Inspector's finding in the previous appeal and that the policy context has not changed since the issue of the appeal decision, the proposed sub-division is acceptable in principle in this instance given the site history. Although the contribution to Lewisham's housing targets would be small, this is a welcome addition and would achieve the wider benefit of providing two additional homes within the Borough.

6.2 HOUSING

General Policy

44 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

45 LPP D6 requires new homes to meet specific space and other standards. In addition, DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.

46 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight

Internal and external space standards

Policy

47 LPP D6 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.1 of the London Plan.

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48 The Technical Housing Standards (2015), Mayors Housing Supplementary Planning Guidance (SPG), London Plan Policy D6 and DM Policy 32 set out or make reference to the minimum space standards required for amenity space to achieve housing development that provides the highest quality of space externally in relation to its context. LPP D6 states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'.

Discussion

49 The table below sets out proposed dwelling sizes.

Table [1]: Internal space standards – proposed v (target)

Dwelling	No. of bedrooms & persons	No. of units	Levels	GIA m ²	B1 m ²	B2 m ²	B3 m ²	External Amenity m ²	Internal storage
Flat 1A	3b/6p	1	Ground floor	95.1 (95)	12.5 (11.5)	15.46 (11.5)	15.2 (11.5)	24.9 (9)	2.5 (2.5)
Flat 2B	2b/3p	1	First floor	64.7 (61)	14.3 (11.5)	9.7 (7.5)	N/A	12.5 (6)	2 (2)
Flat 3C	1b/2p	1	First floor and above	58 (58)	11.5 (11.5)	N/A	N/A	0 (5)	2 (1.5)

50 The proposed units would meet or exceed the requirements of LP Policy D6 in terms of total floor space. The proposal would also meet the requirements of LP Policy D6 in terms of the size of bedrooms and the bedrooms would be compliant in terms of the width of the rooms.

51 The floor to ceiling height of the units would fall slightly below the 2.5m minimum requirement for new dwellings, with the ground and first floors having a floor to ceiling height of 2.4m and the loft space being 2.3m high. However, since the proposal is for the conversion of an existing building rather than a new build; the shortfall in height of between 10 and 15cm is not considered to be so significant as to warrant a reason for refusal.

52 The proposed private amenity space for Flat 1A and 2B would exceed the minimum requirement in accordance with LP Policy D6. Flat 1A would have access to a private rear garden and Flat 2B to a first floor rear roof terrace. Flat 3C would not have any private outdoor amenity space, however, occupiers would have shared access to 54.5sqm of communal garden to the side of the building. Furthermore, Sydenham Wells Park is within a 5 minute walking distance from the building. As such, an on balance assessment has been made regarding the lack of private outdoor amenity space for this unit and as the unit is not a family sized unit and due to the provision of communal outdoor space and the close proximity to the nearest park; in this instance the lack of private outdoor space is considered acceptable.

Outlook & Privacy and Overheating

Policy

53 LPP D1(8) requires development to achieve appropriate outlook, privacy and amenity.

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54 DMLP Policy 32 expects all new units to provide a satisfactory level of privacy, outlook and natural lighting for future residents, which is also supported by the Mayors Housing SPD. Furthermore, the London Plan Policy D6 requires the highest standards of sustainable design and construction to be achieved, including the avoidance of single-aspect units.

55 London Plan Policies D6 and SI 4 seek to avoid internal overheating through design, layout, orientation, materials and the incorporation of green infrastructure. The Mayors Housing SPG also demonstrates that development proposals should achieve an appropriate design of dwellings to avoid overheating without heavy reliance on energy intensive mechanical cooling systems

Discussion

56 The main habitable rooms have been orientated to the rear (southern) façade with fenestration to allow direct sunlight into the rooms.

57 The dwellings would benefit from a good level of privacy, being suitably set back from the public realm. The two ground floor front bedroom windows would have planting between windows and the front forecourt area. The planting will ensure that the privacy of future occupiers is maintained. The two side secondary windows for bedrooms 1 and 3 on the ground floor would be obscured glazed to ensure privacy is maintained. The soft planting and obscure glazing would be secured by suitable conditions.

58 All three units would be triple aspect. These measures are considered sufficient to avoid unacceptable overheating.

Daylight and Sunlight

Policy

59 DM Policy 32 (1)(b) expects new development to provide a satisfactory level of natural lighting for its future occupiers.

60 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.

61 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens.

Discussion

62 No daylight/sunlight assessment has been provided; but it is not considered necessary for this scheme given its modest scale and the benefits already identified, namely the units being triple aspect. As such, officers consider the daylight and sunlight levels to be acceptable.

6.2.1 Housing conclusion

63 Overall, the proposed development would provide a good standard of residential accommodation in compliance with LPP D6 and DMLP Policy 32.

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6.3 URBAN DESIGN

General Policy

- 64 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 65 LPP D3, CS Policy 15 and DMLP DM30 requires that all new developments provide a high standard of design and should respect the existing forms of development in the vicinity. Since the footprint of the existing building is not increasing the Small Sites SPD has limited relevance to the current application.

6.3.1 Appearance and character

Discussion

- 66 Over the years, approval has been granted for a number of extensions and alterations to the property. As a result the building has been significantly altered resulting in a uniquely large two-storey detached building. The proposed alterations to the building are considered minor in scale. The roof extension would be suitably set within the rear roof slope; sufficiently set down from the roof ridge, up from the eaves line and in from the hip ends. A roof terrace would be created on the roof of the existing single storey rear extension. Railings would be set to the front and side of the terrace and would be set back 300mm from the edge of the roof. A 1.7m privacy screen would be attached to the eastern boundary. The first floor rear window would be removed and the window opening enlarged to accommodate a double door enabling access to the new roof terrace.
- 67 The existing side door on the eastern elevation would be removed and replaced with a window. This window and the one above service bathrooms and would be conditioned to be obscure glazed. The door and ground floor window in the western elevation would be removed and replaced with two small obscure glazed windows that would provide a secondary light source to two of the ground floor bedrooms. A door is also proposed in the side elevation of the single storey element to allow access from the ground floor flat to an adjacent raised deck with steps down to the private rear garden area.
- 68 The boundary treatment would be reinstated around the front boundary of the site; in the form of railings above a low brick wall.
- 69 The alterations are considered to be site specific and of a sensitive design quality, that respects the form and character of the existing building. The use of high quality materials would be conditioned as part of an approval.

6.3.2 Urban design conclusion

- 70 The subject building is not similar in design or scale to adjacent properties, however the design alterations respond well to the constraints of the site, resulting in a high quality development that would preserve the character of the area, subject to details of materials.
- 71 The design approach of the new dwelling is therefore supported. The proposal is therefore considered to satisfy the requirements of CS Policy 15, and LDPP DM 31 and 32.

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6.4 TRANSPORT IMPACT

General policy

- 72 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.
- 73 Para 109 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”
- 74 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.
- 75 Policy T1 of the London Plan (2021) sets out the Mayor’s strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.
- 76 Core Strategy Policy 14 ‘Sustainable movement and transport’ promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans

6.4.1 Servicing and refuse

Policy

- 77 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 78 CSP13 sets out the Council’s waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.
- 79 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.
- 80 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23

Discussion

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81 A refuse store for the development would be provided at the front of the site on the eastern boundary which would provide covered storage space for refuse, food waste and recycling bins. Officers consider this location acceptable. No further details were submitted with the application to ensure that the storage facilities for waste and recycling containers meets at least BS5906:2005 standard. In light of this, Officers consider it reasonable to secure the proposed details by condition, Officers consider it appropriate that the refuse store should feature a green roof to increase the biodiversity of the site.

6.4.2 Transport modes

Walking and cycling

Policy

82 Development should give priority first to pedestrian and cycle movements, both within the scheme and within the neighbouring area. Development should create places that are safe, secure and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles

83 Cycle storage space should be provided in accordance with LPP T5, table 10.2 and London Cycle Design Standards. Developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards.

Discussion

84 The property would be provided with cycle storage for six bicycles in accordance with the requirements of Table 10.2 of the London Plan. A condition is recommended to ensure that the store is secured and covered with a green roof and provided prior to occupation.

Private cars

Policy

85 LPP T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments.

Discussion

86 Objectors have raised concerns that the proposed scheme would exacerbate existing on street parking stress in the area.

87 The original application proposed two off-street parking spaces, one on the forecourt and one to the rear of the site, fronting on to Mylis Close. The highways officer objected to the existing use of the forecourt for off street parking. The crossover to the front of the property is a pedestrian crossover and not a formal vehicular crossover. Moreover, the maximum residential parking provision for new dwellings in an Inner London PTAL 2 area is 0.5 spaces per dwelling. This equates to a maximum provision of one off street parking space for the current development proposal.

88 The application has been amended, in line with Policy T6.1 of the London Plan. The proposal now provides one off street parking space to the rear of the site which has an

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existing vehicular crossover in place and will be for the use of occupiers of the development.

89 No parking survey data was provided by the applicant. However, the Highway's Officer notes that there is unrestricted on street parking opportunities in the immediate vicinity which is likely to safely accommodate the small amount of parking generated by the proposal. Furthermore, the restricted approach to off-street parking is consistent with the parking standards in the London Plan and would not give rise to an unacceptable level of harm in terms of parking, given the size of the development.

6.4.3 Transport impact conclusion

90 In summary, the proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

91 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. This is reflected in relevant policies of the London Plan, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL).

92 LPP D3 states that development proposals should deliver appropriate outlook, privacy and amenity as well as mitigating noise levels.

93 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

94 Further guidance is given in Housing SPD 2017, GLA. The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters, although site context will mean these standards could be tightened or relaxed accordingly. The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

6.5.1 Enclosure, Outlook and Privacy

Policy

95 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries. Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

96 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

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- 97 DMP 32 expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on main rear elevations

Discussion

Garage Block and Properties in Mylis Close

- 98 There is a block of four garages to the south, directly adjacent to the subject site. No.1 Mylis Close is sited beyond this block of garages approx. 11.9m from the rear boundary of the subject site. This neighbouring property is perpendicular to the site and set back from the road. As such, the rear windows, roof extension and roof terrace of the subject property would have direct views across the garage block toward the front gardens of this and other nearby properties in Mylis Close rather than toward any private rear gardens. There would be no overlooking of any habitable windows.

2-24 Hensford Gardens

- 99 On the eastern boundary is the two-storey flatted development known as 2-24 (evens) Hensford Gardens that surrounds a semi-private communal garden. There is a gap of 5.2m between the side elevation of the subject building and that of the block of flats. The rear elevations of the neighbouring flats are either set back behind the rear elevation of the subject building or set back at least 21.5m from the shared boundary. To prevent any overlooking toward the communal garden a privacy screen would be erected on the eastern side of the roof terrace. The privacy screen would measure 1.7m high and would prevent any direct overlooking of the communal garden area. Also, the two bathroom windows in the eastern elevation of the subject building will be conditioned to be obscure glazed to prevent any overlooking to the communal space.

15 Wells Park Road and Dallas Road properties

- 100 There would be no changes to the existing first floor fenestration pattern on the western flank or front elevations. As such, there would be no change to the existing level of overlooking from the subject site to 15 Wells Park Road which is sited on the opposite side of Mylis Close or to the rear elevations of the Dallas Road properties sited on the opposite side of Wells Park Road.

6.5.2 Noise and disturbance

Policy

- 101 The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Para 185 states decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Discussion

- 102 The introduction of new residential properties within a residential area is not considered to result in any significant long-term material impacts in terms of noise and disturbance. The construction phase of development is likely to introduce short-term disturbances to

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the surrounding properties, however that is an inevitable consequence of development and is not considered a material consideration in this case. Hours of noisy work are controlled by other legislation, and an informative is proposed in order to draw the Applicant's attention to Lewisham's Good Practice guide.

6.5.3 Impact on neighbours conclusion

103 Officers consider that the proposal would be acceptable, and would have no harm upon the amenities of surrounding properties.

6.6 NATURAL ENVIRONMENT

General Policy

104 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.

105 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

106 The NPPF at para 185 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

6.6.1 Green spaces

Policy

107 Paragraph 174 of the NPPF (2021) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

Discussion

108 The existing site makes little contribution to the natural environment and given the size of the site there is limited opportunity to secure improvements. The proposal does however include planting to the front of the building and along the front, side and rear boundaries. The number of plants and the type of planting is not specified. In light of this officers consider it reasonable to secure the proposed improvements by condition.

6.6.2 Natural Environment conclusion

109 The proposal is acceptable in terms of natural environment, subject to conditions.

6.7 SUSTAINABLE DEVELOPMENT

General Policy

110 NPPF para 152 sets an expectation that planning will support transition to a low carbon future. This is reflected in relevant policies of the London Plan and the Local Plan.

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111 CS Objective 5 sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

6.7.1 Energy and carbon emissions reduction

112 London Plan policy SI 2 (minimising greenhouse gas emissions) states that major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following hierarchy: (1) be lean; use less energy and manage demand during operation; (2) be clean; exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly; (3) be green; maximise opportunities for renewable energy by producing, storing and using renewable energy on-site and (4) be seen; monitor, verify and report on energy performance.

113 CSP8 seeks to minimise the carbon dioxide emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards

114 DMP 22 requires all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy

Discussion

115 The application is accompanied by a Summary Energy and Sustainability Statement which sets out the measures to be taken to reduce carbon emissions. These are outlined below:

116 Be Lean: The energy efficiency measures achieve an improvement of 17.67% over the baseline for domestic areas

117 The proposed savings are higher than the GLA's Lean Stage saving target of 10% for domestic areas.

118 Be Clean: The proposed development will implement a gas fired heating strategy for the flats which will provide heating and hot water. Whilst connection to a district heat network is not currently possible, the installation of a 'wet' system would allow the flats to easily connect to a new network in the future.

119 Be Green: Due to the layout and design of the existing building the addition of green technologies have not been deemed feasible.

6.7.2 Flood Risk

120 LLP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.

121 CSP 10 requires developments to result in a positive reduction in flooding to the Borough. Further guidance is given in the NPPG and the GLA Sustainable Design and Construction SPG.

122 The proposed development is located within Flood Zone 1 and is therefore considered to be at low risk of flooding, so no mitigation measures will be required. The NPPF requires a flood risk assessment to be undertaken for proposals that are greater than 1 hectare in

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an area within Flood Zone 1. Since the site is below 1ha an assessment was not required.

6.7.3 Sustainable Infrastructure conclusion

123 Overall, the proposed development would successfully exceed the Building Regulations Part L2B compliance by 10%, achieving the emissions reductions requirement set by DM 22. The proposed development is acceptable with regard to flood risk.

7 LOCAL FINANCE CONSIDERATIONS

124 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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

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

126 The CIL is therefore a material consideration.

CIL is chargeable on the net additional floor space of all new development. Since the proposal is not providing additional floor space CIL is not payable on this development.

8 EQUALITIES CONSIDERATIONS

127 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.

128 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

129 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.

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- 130 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 131 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 132 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 133 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality

9 HUMAN RIGHTS IMPLICATIONS

- 134 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 135 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

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- 136 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 137 This application has the legitimate aim of providing a new building with residential uses. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

- 138 This application has been considered in the light of policies set out in the development plan and other material considerations, including the relevant Inspector's decision on the application of DMP 3 in this specific instance.
- 139 The principle of converting the existing single dwelling into three flats in a sustainable location is acceptable and in accordance with the previous appeal decision issued and weight is given to the planning merit of additional housing.
- 140 The proposed alterations to the building are acceptable in terms of scale, form and design.
- 141 The proposal would have no unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight, noise or disturbance. There would be no significant negative impact on the local transport network or parking.
- 142 In light of the above, it is recommended that planning permission is approved.

11 RECOMMENDATION

- 143 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

11.1 CONDITIONS

- 1) **FULL PLANNING PERMISSION TIME LIMIT**
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) **APPROVED PLANS**
The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

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Drawing No.1; Site Location Plan; SRE Energy and Sustainability Statement; Transport Technical Note; Cover Letter; Email from Estate Agent

Drawing No.2 (Received 13th May 2021)

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) **MATERIALS**

- a. No development above ground shall commence on site until a detailed schedule of all external materials and finishes/ windows and external doors/ roof coverings, to be used on the buildings, including details of privacy screening have been reviewed and approved in writing by the local planning authority.
- b. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the buildings and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, DM Policy 31 Alterations and extensions to existing buildings including residential extensions

4) **HARD LANDSCAPING**

- (a) Prior to any works taking place drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

5) **REFUSE AND RECYCLING**

- a. Notwithstanding the submitted plans, the development shall not be occupied until details of refuse and recycling facilities including food waste bin and details of the biodiversity living roof have been submitted to and approved in writing by the local planning authority.
- b. The facilities as approved under part (a) of this condition 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

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with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

6) **CYCLE STORAGE**

- a. Notwithstanding the submitted plans, the development shall not be occupied until details of the cycle parking facilities that are safe, covered and weatherproofed including details of the biodiversity living roof shall be submitted to and approved in writing by the local planning authority.
- b. The cycle parking facilities approved under part (a) of this condition shall be provided in full 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 T5 cycling and Table 10.2 of the London Plan (March 2021), Policy 14: Sustainable movement and transport of the Core Strategy (2011) and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

7) **SOFT LANDSCAPING**

- (a) A scheme of soft landscaping (including proposed plant numbers, species and location) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

8) **OBSCURE GLAZING**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the ground floor western elevation and the bathroom windows in the ground and first floor of the eastern elevation of the building hereby approved shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32

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Housing design, layout and space standards, of the Development Management Local Plan (November 2014).

9) **BOUNDARY TREATMENT**

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

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

10) **CAR PARKING**

The car parking space shown on drawing nos. 2 hereby approved shall be provided solely for the use of the occupiers of the development and retained permanently thereafter.

Reason: To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Policy T6.1 Car parking and Table 10.3 of the London Plan (March 2021)

11) **RETENTION OF AMENITY SPACE**

The whole of the amenity space (including the roof terrace) as shown on drawing no. 2 hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards DM Policy 3 Conversion of a single family house to two or more dwellings of the Development Management Local Plan (November 2014)

12) **CONSTRUCTION LOGISTICS MANAGEMENT PLAN**

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

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.

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- (c) Measures to deal with safe pedestrian movement.

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

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

11.2 INFORMATIVES

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

12 BACKGROUND PAPERS

- 1) Submission drawings
- 2) Submission technical reports
- 3) Internal consultee responses.

13 REPORT AUTHOR AND CONTACT

Amanda Ghani, amanda.ghani@lewisham.gov.uk, 0208 314 9417

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Appeal Decision

Site visit made on 4 October 2017

by **Andrew Owen BA(Hons) MA MRTPI**

An Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2017

Appeal Ref: APP/C5690/W/17/3178541

11 Wells Park Road, London SE26 6JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Amjad Raja against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/17/100927, dated 29 March 2017, was refused by notice dated 24 May 2017.
 - The development proposed is conversion of an existing single residential house into 4 self-contained units in total; and a small rear extension where the unused patio is located.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the development would provide acceptable living conditions for its future occupiers in respect of their outdoor amenity space, internal living space and outlook; and the effect of the proposal on the supply of family housing in the Borough.

Reasons

Living conditions

3. With regard to outdoor amenity space, a small area would be provided behind the building in front of the bins and cycles storage areas, but this would be open to Mylis Close. A further small area would be provided to the side and in front of the building, but these areas are visible from Wells Park Road. As such the development would fail to provide any amenity space where a degree of privacy could be enjoyed. I recognise the current house also has little private amenity space. However this is just one house with poor outdoor space provision, whereas the proposal would provide four dwellings with inadequate private outdoor space.
4. Turning to internal space, the development would create two studio flats, a two bedroom flat and a three bedroom flat. The standards set out in the Government's Technical housing standards¹ are referenced in Policy 3.5 of the London Plan (2016) and state that one person flats must have a gross internal

¹ Technical housing standards- nationally described space standard, DCLG, 2015.

floor area of at least 37 square metres, including storage space of one square metre. The ground floor studio flat is annotated on the plans as measuring 39 square metres, whereas the Council measure it to be 32 square metres. From my reading of the plans, the Council's figure appears to be more accurate, and no storage is shown. As such, this flat would fail to meet the relevant standard.

5. The technical housing standards require two bedroom flats to be at least 61 square metres, including two square metres of storage. The parties agree the proposed two bedroom flat would measure 63 square metres but the Council state the area for storage measures only 0.64 square metres. However I consider that, with a minor alteration to the internal layout, sufficient storage space could be ensured whilst also providing the necessary gross floor area.
6. Similarly, although the Council suggest the storage area shown in the three bedroom flat is less than the 2.5 square metres required by the standards, I consider appropriate storage could be provided without compromising the amount of living space. There is no dispute that the gross floor area meets the standards. DM Policy 32 of the Development Management Local Plan (the 'Local Plan') requires family housing to have the potential to separate the kitchen from the rest of the accommodation. Though, in this flat, the kitchen is not separated from the living area, there is the potential to do so with a simple internal wall.
7. The parties agree the second floor flat meets the standards for internal floor area. This flat also shows extensive usable storage space around edge of the lounge/kitchen area. Consequently, this flat would meet the appropriate standards.
8. With regard to outlook, there are currently five windows of varying sizes in the roof of the property. The proposal indicates four roof lights of the same size would be provided, but in different positions to the existing windows. These windows would not be high in the roof slope and it would be possible to see directly out of them at eye level from within the second floor flat. Furthermore there would be a window on each roof slope, meaning that all parts of the flat would be well served by natural daylight and by sunlight throughout the whole day.
9. In summary I consider that the lack of satisfactory outdoor amenity space for the development as a whole and the insufficient internal living space for the ground floor studio flat results in the proposal failing to provide acceptable living conditions for its future occupiers. It therefore would be contrary to DM Policy 32, Policies 3.5 and 7.6 of the London Plan and Policy 15 of the Core Strategy which all aim to ensure housing developments provide high quality spaces.
10. I can find no conflict with Policy 7.4 of the London Plan, or DM Policy 30 of the Local Plan as these policies relate primarily to local character. The Council raise no objection to the proposal's effect on the character of the area, and I have no reason to disagree.

Supply of family housing

11. The existing property is currently vacant but is shown on the plans as comprising a nine bedroom house.

12. The explanatory text to DM Policy 3 of the Local Plan states that the main need in the borough is for family housing, which is defined as three bedrooms or above. Therefore, whilst the development would result in the loss of a large single dwelling, a replacement family sized unit would be provided at first floor level.
13. As such the proposal would maintain the supply of family housing and would therefore accord with DM Policy 3 as set out above. Also, by providing four units of accommodation of varying sizes, it would comply with Policy 1 of the Core Strategy, Policy 3.8 of the London Plan and paragraph 50 of the National Planning Policy Framework which all aim to achieve a mix of housing.

Conclusion

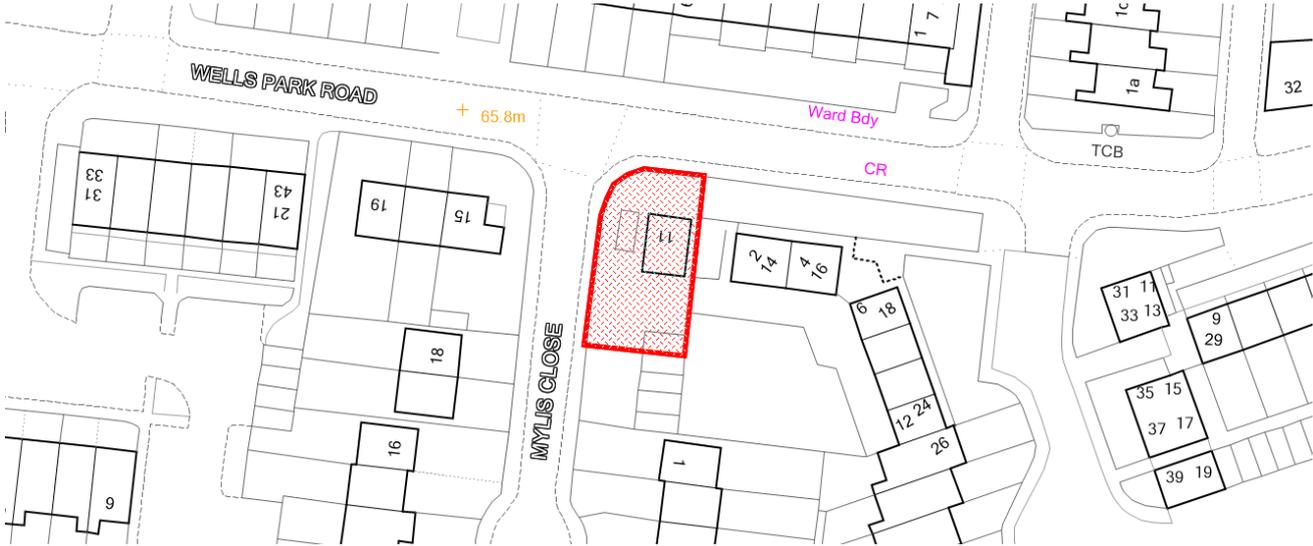
14. In conclusion, I consider the internal space for three of the flats would be acceptable, a satisfactory outlook would be provided from the second floor flat, and the development would sustain the supply of family housing. However these factors do not outweigh the failure of the development to provide acceptable private outdoor amenity space, and sufficient indoor living space for the ground floor studio flat. Therefore, for the reasons given above and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR

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11 Wells Park Road



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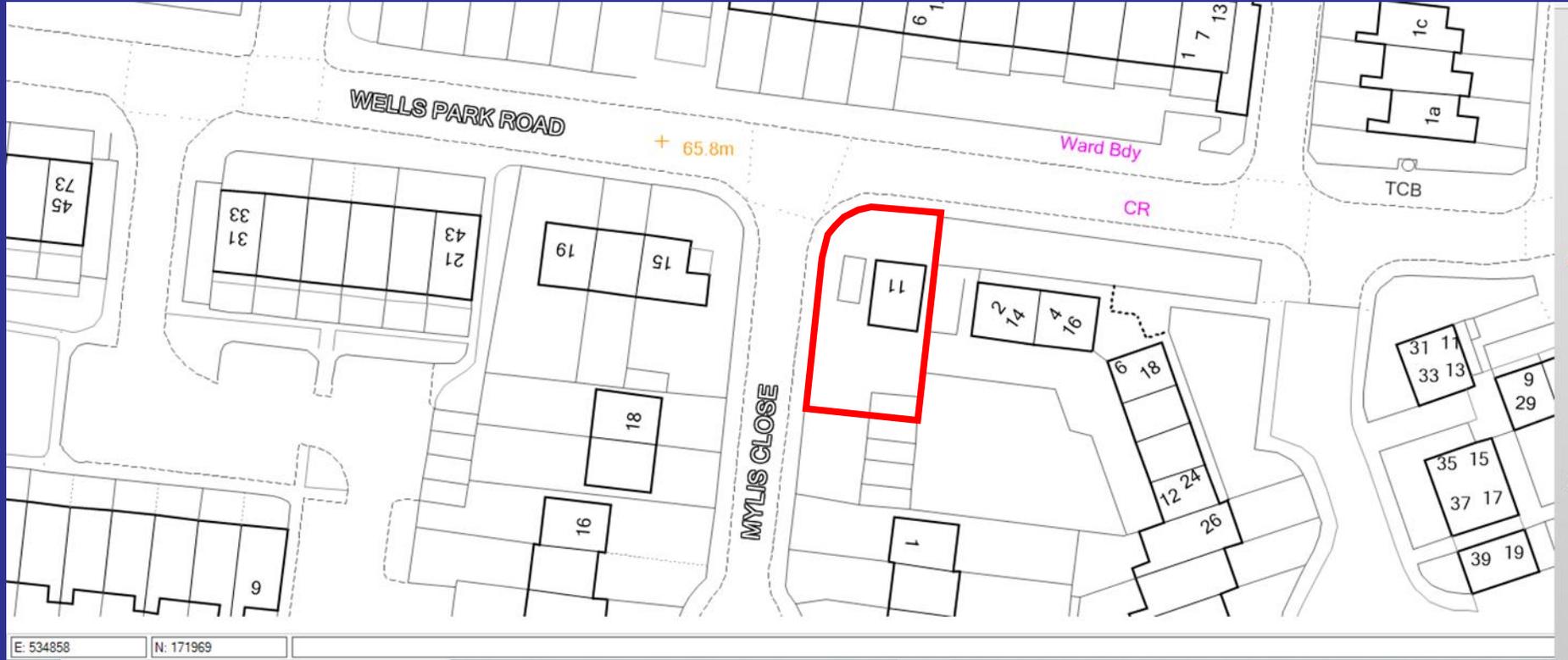
11 Wells Park Road, SE26 6JQ

The demolition of the existing garage, alterations to window openings at ground and first floor, creation of first floor terrace, construction of a rear roof extension, provision of cycle and bin storage and hard landscaping to the front garden and other alterations at 11 Wells Park Road, SE26 to enable the conversion of the existing dwelling house into 1x1 bed, 1x2 bed and 1x3 bed flats.

Application No. DC/21/120114

This presentation forms no part of a planning application and is for information only.

SITE LOCATION PLAN



Site Location Arial- Context



View of the Front elevation from Wells Park Road

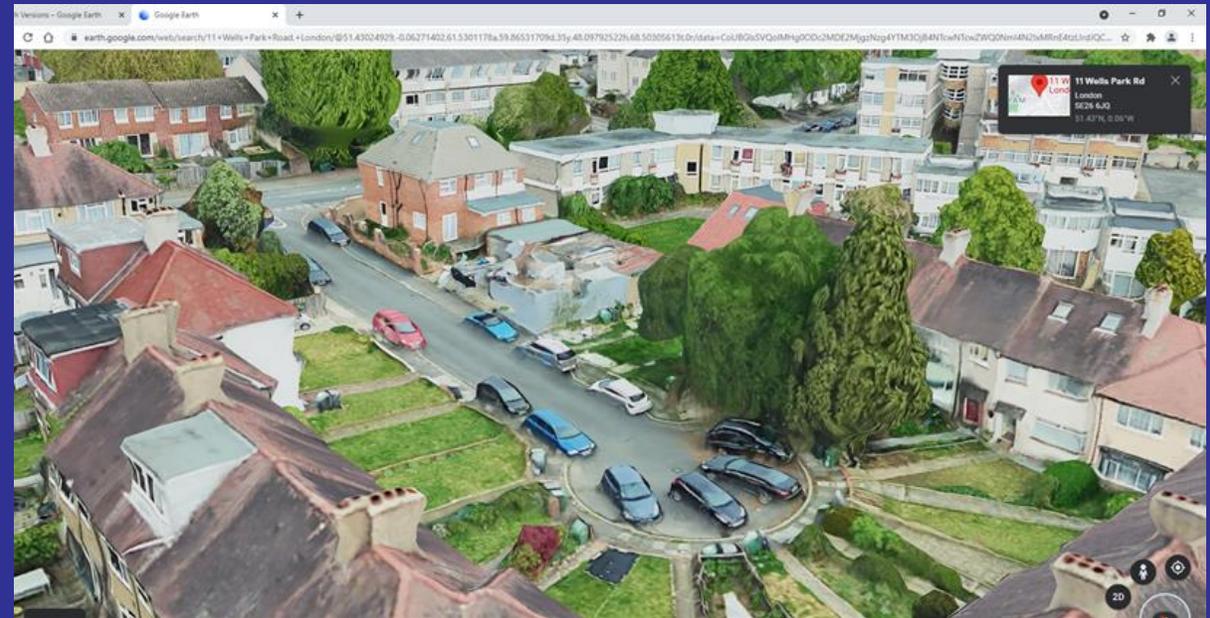
View of the side and rear elevations from Mylis Close.



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Views toward the subject site From the South-East

From the South-West

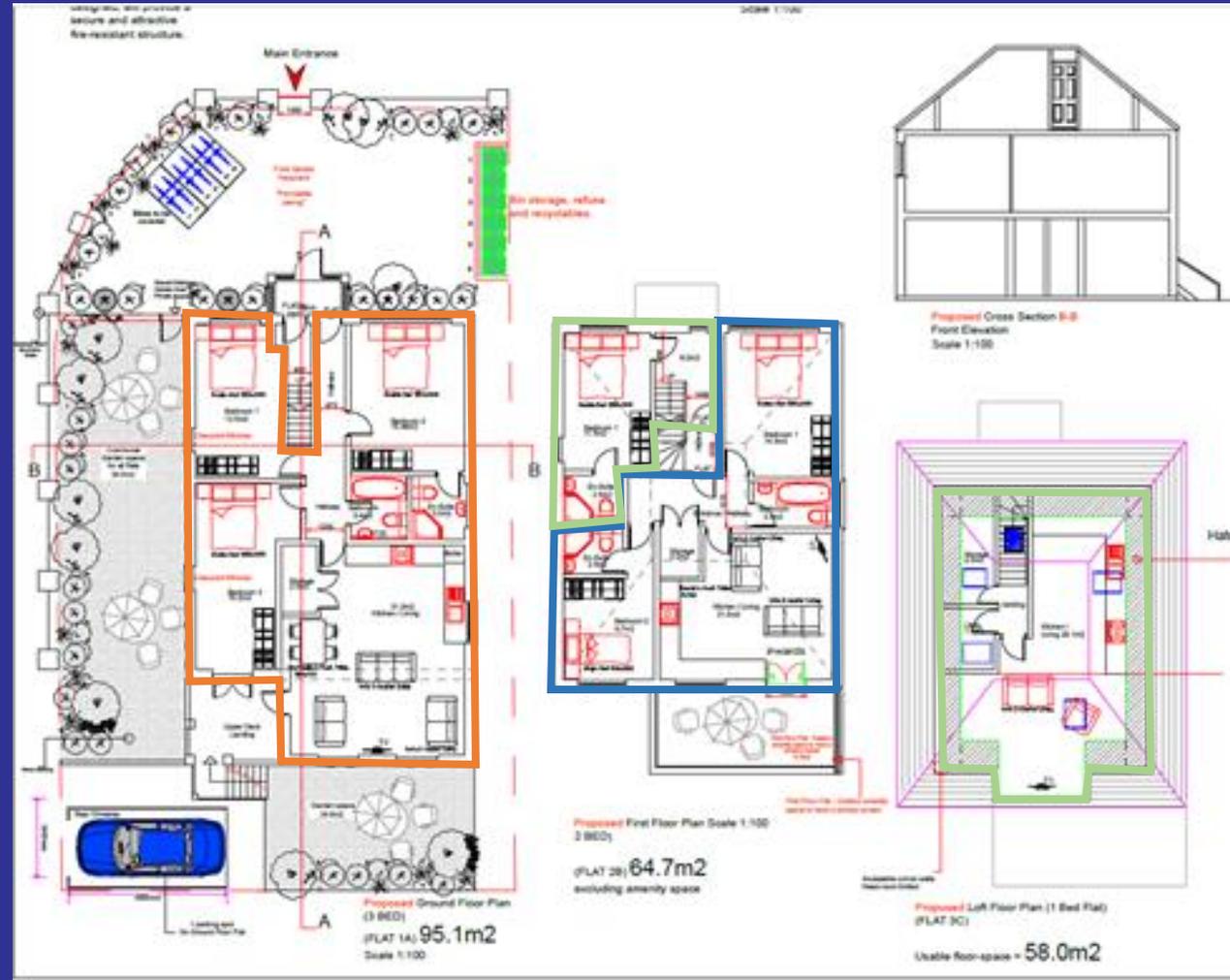


Proposed Floor Plans

Flat 1A (ground floor) 3b6p unit = 95.1sqm.

Flat 2B (first floor) 2b3p unit = 64.7sqm

Page 50 Flat 3C (First floor and loft area) 1b2p unit = 58sqm



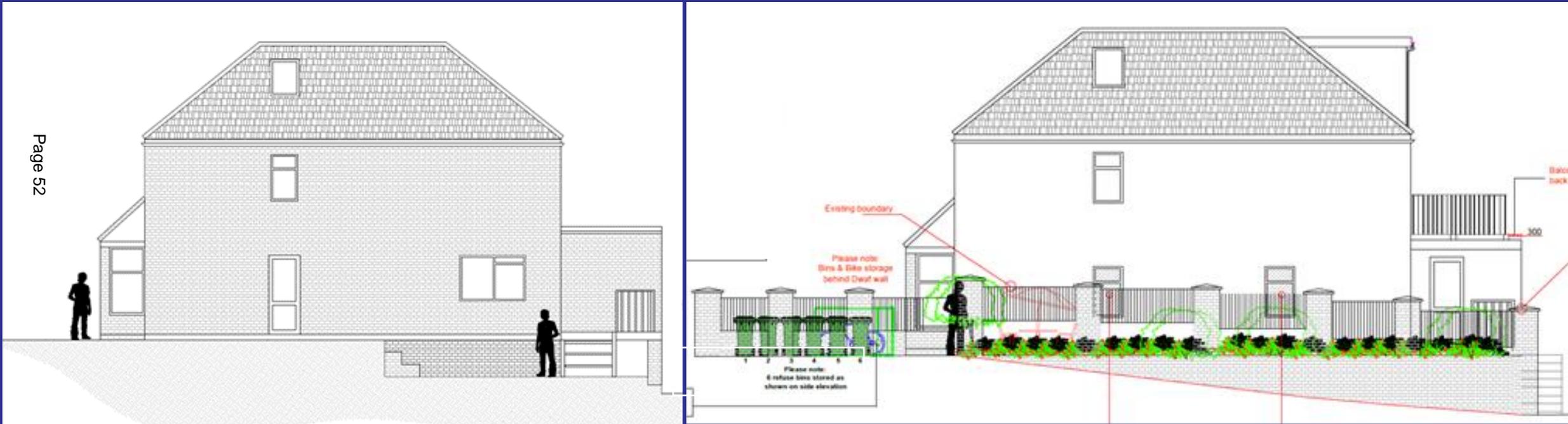
Existing and Proposed Rear Elevations

Page 51



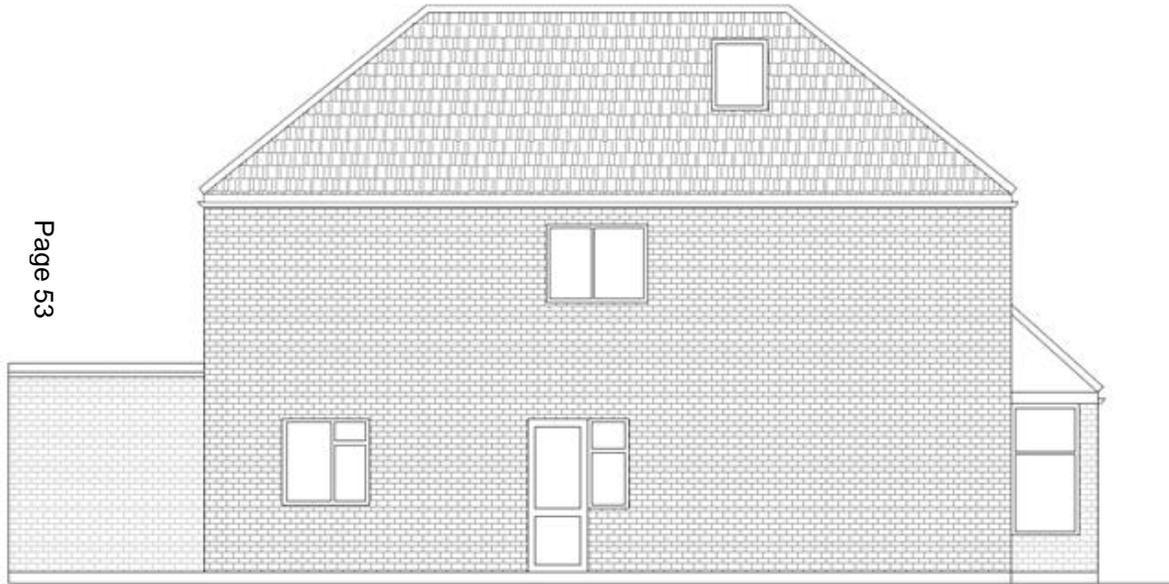
Existing and Proposed Western (Side) Elevation

Page 52

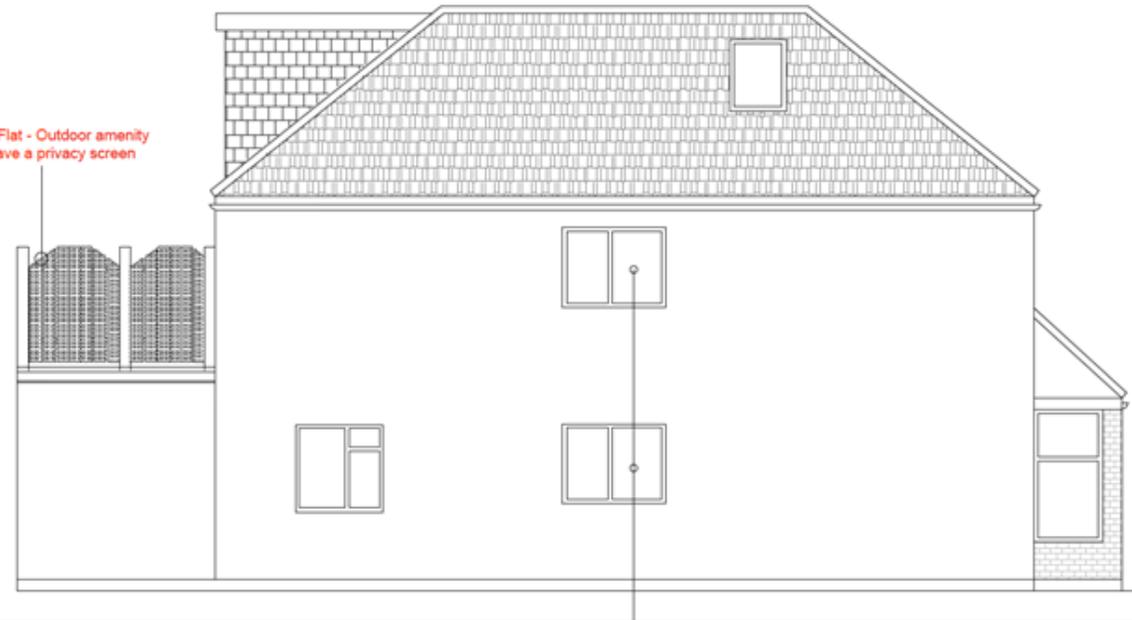


Existing and Proposed Eastern (side) Elevation

Page 53



First Floor Flat - Outdoor amenity space to have a privacy screen



Key Planning Considerations

- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Natural Environment

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Planning Committee B

Report title:

Blitbolt Ltd The Workshop, 101 Ashby Mews, London, SE4 1TB

Date: 11 November 2021

Key decision: No.

Class: Part 1

Ward(s) affected: Brockley

Contributors: Jonathan Bainbridge

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before the Committee for a decision as more than three individual objections have been received from local residents.

Application details

Application reference number(s): DC/21/121526

Application Date: 26 April 2021

Applicant: Russian for Fish on behalf of Mr Karakashian

Proposal: The change of use, alterations and extension of The Workshop 101 Ashby Mews SE4 to create a part single/part two storey live work unit (sui generis)

Background Papers: (1) Submission drawings and documents
(2) Internal consultee responses

Designation: Brockley Conservation Area, PTAL 4, Air Quality Management Area, Brockley Article 4 Direction

Screening: n/a

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a 0.016-hectare plot located on the west side of Ashby Mews to the rear of 89 Upper Brockley Road. The application site is outlined in red in the Drawing 1 below.
- 2 The site comprises a single storey workshop. The building spans the full length of the site and it has a shallow pitched roof to the main part, and there is a flat roof element to the rear, 3.6m away from the common boundary with the courtyard of 89 Upper Brockley Road. Photograph one below shows the existing site.

Photograph 1: Existing site



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Drawing 1: Site location plan



Character of area

- 3 The surrounding area is predominantly residential. Manor Avenue and Upper Brockley Road are comprised of large four storey town houses in short terraces. The gardens of these properties back on to Ashby Mews.
- 4 Ashby Mews is a privately owned and un-adopted service road with a largely hogging surface providing pedestrian and vehicular access between Ashby Road and Geoffrey Road. The northern end of the mews, where the application site lies, is developed as a small cluster of small scale light industrial units, galleries, workshops and live/work units.

Heritage/archaeology

- 5 The application site is located within the Brockley Conservation Area and it is subject to an Article 4 direction, which removes permitted development rights for development falling within Classes A, C, D, F of Part 1 of Schedule 2, Classes A and C of Part 2 to Schedule 2 and Class B of Schedule 2 to the Order.

Surrounding area

- 6 The application site is located 0.2miles (that is a 4 minute walk) from Brockley Station and number of services and facilities provided in the area surrounding the station (Brockley Cross). The site is also 0.8 miles (17 minutes' walk) from the centre of New Cross, and 1.2miles (that's 25 minutes' walk) from centre of Lewisham and Ladywell.

Local environment

- 7 The application site is located within Air Quality Management Area.

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Transport

- 8 The Public Transport Accessibility Level (PTAL) of a site is a measure of its relative accessibility to public transport taking into account factors such as distance, type and frequency of service. PTAL is categorised into eight categories, 1a to 6b, where 6b represents an excellent level of accessibility and 1a a very poor level of accessibility. The application site has a PTAL rating of 4.

2 RELEVANT PLANNING HISTORY

- 9 Application reference DC/15/091623 for “the increase in height of the building by 0.85 metres, a replacement roof incorporating a living roof to the rear, roof lights and solar panels, together with the provision of new roller shutters and the installation of two windows within the front elevation at 101 Ashby Mews, SE4” Was received on 09/06/2015 and approved on 04/12/2015.
- 10 Application reference DC/16/096368 for “the change of use at 101 Ashby Mews, SE4, from light industry to live/work and an increase in height of the building by 0.85 metres, a replacement roof incorporating roof lights and solar panels, together with the provision of new roller shutters, doors and an upper level window within the front elevation” was received on 25/04/2016 and approved on 15/08/2016.
- 11 Application reference DC/17/103070 for “the change of use, alteration and extension of 101 Ashby Mews SE4 to create a part single/part two storey live work unit (sui generis)” was received on 21/09/2017 and approved on 24/11/2017. This planning permission was granted subject to a condition that works must commence within three years of this and permission was due to expire on 24/11/2020. However, due to the effects of the global Coronavirus pandemic, planning law was temporarily changed: planning permissions that had a time limit for implementation between 23 March 2020 and 31 December 2020 were granted an automatically extension until 1 May 2021. Officers note that even with the extension granted by the Government the planning permission was not implemented and it therefore expired.
- 12 Application reference DC/21/120921 was submitted on 19/03/2021 to discharge a pre-commencement condition (Construction Management Plan). The application was refused because the details submitted was insufficient to demonstrate satisfactory vehicle management during the construction phase, in particular in relation to safe pedestrian movement during the works of the development
- 13 Application reference DC/21/21565 was submitted on 29/04/2021 to discharge a condition (Materials). This application was refused because planning permission reference DC/17/103070 dated 24 November 2017 had expired.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 14 The application proposes the same scheme as that which was approved in 2017: to change the use of the building from light industrial use (Use Class E(ii)) to a live/work unit (Sui Generis).

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- 15 To accommodate the change of use, the proposal includes placement of two timber clad buildings within the existing building footprint. The two buildings would be separated by a courtyard.
- 16 The building to the front of the site (facing Ashby Mews) would be two storey and it would provide studio space with a small terrace space at first floor facing the Mews. The building would be 6.7m in height. Ground floor elevation would be rebuilt in brickwork. First floor would be constructed in charred timber cladding. The roof would have rooflights and solar panels to the south pitch.
- 17 The building to the rear of the site would be single storey and it would provide residential accommodation. The rear building can only be accessed via the frontage building. This is to ensure that both buildings are occupied and used for the same person/s. The rear building would vary in height between 2.9m and 4.3m in height. This building would be made out of charred timber cladding. The residential unit would provide two bedrooms and it measures 70sqm.

3.2 COMPARISON WITH PREVIOUS SCHEME

- 18 The submission documents are exactly the same as those submitted in 2017. No changes are proposed to the previously approved scheme. Since that scheme was approved in 2017, the following policy documents have been updated:
- NPPF (2021)
 - London Plan (2021)
- 19 The revised NPPF raises no new or changed policies relevant to this application. The application is assessed against the latest version of the NPPF and the new London Plan in section 6, below, but in summary there are no new policies which suggest the 2017 scheme would now be unacceptable. In addition, Lewisham's Small Sites SPD was adopted earlier in October 2021. The SPD is not wholly applicable to this scheme, as this scheme proposes live/work, however there are elements that are applicable (including the section 28.3 on mixed-use developments) and these are addressed within the relevant sections of the report below.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 20 The Council undertook statutory public consultation on the planning application and in line with our Statement of Community Involvement letters were sent to neighbouring properties and businesses. In total 54 letters were sent.
- 21 In addition, a public notice was displayed outside the application site. A press notification was also issued on 9 June 2021.
- 22 10 representations were received, 8 in objection to the proposed development and 2 in favour.
- 23 Ward Councillors: no response received.

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24 The Brockley Society: does not object to the application given that it is an un-changed re-submission of the previously approved application (DC/17/103070) that lapsed. The only concern that remains is over the assumed address for the site. On this it is noted that the site is at the rear of 89 Upper Brockley Road and that, to be consistent with the neighbouring addresses of studios facing the Mews (eg 81-83 Ashby Mews), the address for the site should be corrected to be known as 89 Ashby Mews. The address 101 Ashby Mews has been used since 2015 for all previous applications including application DC/17/103070. Therefore, the address of The Workshop 101 Ashby Mews SE4 will remain the same for the application.

4.1.1 Comments in objection

Comment	Para where addressed
<i>Principle of development</i>	
The proposed use goes against current planning policy	See paragraphs 43 & 44
<i>Urban Design and Impact on Heritage Assets</i>	
Increase in height would have negative impact on wider area	See paragraph 81 - 83
The proposed in not in keeping with the historic character of the mews	See paragraph 85 - 86
Scale of the development is inappropriate considering its proximity to houses on Upper Brockley Road	See paragraph 89
<i>Neighbour amenity</i>	
Dominant structure compromising neighbour daylight and privacy	See paragraphs 123
<i>Transport impact</i>	
Refuse collection would alter the character of the mews	See paragraph 111 - 112

4.1.2 Comments in support

Comment	Para where addressed
The scheme is of high quality design and will transform this low quality building in a stunning live/work unit which will further enhance the eclectic and interesting architecture found in Ashby Mews.	See paragraph 87

4.1.3 Neutral comments

25 A number of neutral comments relating to non-material planning considerations were also raised as follows:

26 The infrastructure is insufficient to support further development:

The application site is currently uses as workshop/artist studio and it has all the services such as sewer, water and electricity. Officers are therefore satisfied that the existing infrastructure would be able to cope and provide the necessary services for a live/work unit.

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4.2 INTERNAL CONSULTATION

27 The following internal consultees were notified:

28 Lewisham Highways: Officers were supportive, with conditions attached.

29 Lewisham Conservation: The response is unchanged from the original 2017 application (DC/17/103070). The revised drawings received contained updated internal recycling facilities, a new wall light to the entrance, an internal roller shutter and proposed courtyard elevations. As these did not contain any material changes, a revised comment from conservation is not needed.

5 POLICY CONTEXT

5.1 LEGISLATION

30 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

31 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

5.2 MATERIAL CONSIDERATIONS

32 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

33 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

34 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

35 The Development Plan comprises:

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- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

36 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Small Sites Supplementary Planning Document (2021)

37 London Plan SPG/SPD:

- Character and Context (June 2014)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

38 The main issues are:

- Principle of Development
- Housing
- Urban Design and Heritage
- Impact on Adjoining Properties
- Transport Impact
- Sustainable Development

6.1 PRINCIPLE OF DEVELOPMENT

General policy

39 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

40 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

41 The Small Sites Supplementary Planning Document (2021) has recently been adopted. Its purpose is to provide advice and guidance for preparing or reviewing planning applications for residential development on a small site in Lewisham. It defines small sites as any that fall below 0.25 hectares in size. As the proposal is for a live/work space, only the sections of the document that deal with mixed-use developments and the residential components are relevant and will be assessed.

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6.1.1 Employment use

Policy

- 42 LP Policy E4, CS Policy 5 and DMLP Policy DM11 are relevant as they seek to protect employment uses on the smaller sites in office, industrial and warehouse/storage and commercial use. Section 20.4 of the Small Sites SPD (and para 20.4.1 in particular) discourages single demise live/work proposals.

Discussion

- 43 The application building is currently used as an artist studio and it falls within light industrial use (Use Class Eg(ii)). The proposal is to change the current use to live/work unit. Live/work is defined as the provision of segregated living and working accommodation in a single, self-contained unit. It is distinct from "working from home" as "live/work" involves the provision of purpose-designed workspace, and does not fall within a specific use class under the Town and Country Planning (Use Classes Order) 2020. Live-Work units are therefore Sui Generis. The scheme has a total commercial GIA of 100 sq. m. A reduction to the employment space of 33%. As outlined previously, however, the proposed studios will be in use by the applicant on a daily basis, who at times he is joined by specialist subcontractors. Thus, there will be no loss of employment.
- 44 Officers note the provisions of the Small Sites SPD and specifically the wording of para 20.4.1. Live/work units, particularly in larger scale schemes where no end-user is in place, are commonly found later to be occupied solely for residential purposes. In this cases, Officers are satisfied that support a live/work unit in this part of Ashby Mews is consistent with an emerging character here. In addition, the occupation of the applicant in the resulting scheme—while this is not something that can reasonably be secured by condition or obligation—is further reason to be more satisfied that this single demise live/work unit would be acceptable. Conditions are recommended to ensure the live/work unit shall be occupied as a single integrated unit and shall not be occupied other than by the person employed in the business. They state that the business floor space of the live/work unit and installation of all roof lights shall be finished ready for occupation/use before the residential floor space is occupied and the residential use shall not precede commencement of the business use. The use of the business shall not be used for any purpose other than for purposes within Class E(g) in the Schedule to the Town and Country Planning (Use Classes) Order 2015.

6.1.2 Residential use

Policy

- 45 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.
- 46 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten-year target for Lewisham of 3,790 new homes.

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47 The Brockley Conservation Area Character Appraisal and the Brockley Conservation Area Mews SPD discourages residential development, with the exception of Harefield Mews which has a more developed character. This is because the introduction of residential use in the mews creates a range of planning issues including parking, access, waste management and impact on existing uses.

48 The Small Sites SPD (22.5.2) states that a positive type of modern mews development includes a focus on live/work units. It discourages development along mews.

Discussion

49 Ashby Mews has been subject to incremental change in character over the last decade with the introduction of residential elements to the mews, particularly through the approval of number of live/work applications at Units 2, 3, 4, 4a and 5. While the Small Sites SPD does not support piecemeal development such as that proposed here, Officers are of the view that the specific circumstances of this part of Ashby Mews—as a cluster of live/work units reflecting historic industrial activity, and the activity on the site at present—are relevant material considerations to which greater weight can be applied. The principle of providing a live/work unit in the wider area has therefore been accepted, on balance.

6.1.3 Principle of development conclusions

50 The principle of development of the site to provide a live/work unit is therefore supported, subject to conditions controlling the arrangement of the live/work unit and limitations on noisy activities.

6.2 HOUSING

6.2.1 Residential Quality

General Policy

51 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

52 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children's play space.

Internal space standards

General Policy

53 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

54 LP Policy D6 and Table 3.1 sets minimum standards for new housing developments. This is supported by CS Policy 15 and DMLP Policy 32. However, policy D6 does not

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apply directly to live/work units and a degree of flexibility in the application of policies and guidance in respect of residential quality is necessary when considering live/work units.

Discussion

55 The proposal would create 2-bedroom/4-person self-contained house over 1-storey. Table 2 below sets out proposed dwelling sizes in regards to the minimum internal space standard that needs to be provided.

Table 2: Minimum internal space standards for new dwelling as set in Table 3.1 in the London Plan (March 2021)

Type of dwelling		Minimum gross internal floor (GIA) area and storage		
No of bedrooms (b)	No. of persons (p)	1 storey dwelling (sqm)	2 storey dwelling (sqm)	Built-in storage (sqm)
2b	4p	70	-	2

56 In addition to Table 2, LP Policy D6 requires single bedrooms to have a floor area of at least 7.5sqm and double bedrooms to have a floor area of at least 11.5sqm. The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the GIA. On the external outside space a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwelling and an extra 1sqm for each additional occupant.

1 The GIA for the proposed residential unit would measure 70sqm. The living space would be divided into kitchen/living/dining area, two double bedrooms and a separate bathroom.

57 Both bedrooms would comply with the required floor area (exact measurements are 11.8sqm and 12sqm).

58 The floor to ceiling height in the kitchen/living/dining area would be 3.5m and in the bedrooms it would be 2.6m.

59 There would be 1.8sqm of built-in storage space in the residential building and further 5sqm in the 'work' building.

60 There would be two areas of private outdoor space. Ground floor courtyard between the two building with fully open/retractable roof measuring 8.6sqm and first floor terrace in the frontage building measuring 14.6sqm.

Outlook, Privacy & Overheating

Policy

61 DMLP Policy 32 expects all new development to provide a satisfactory level of privacy, outlook and natural lighting for both its future residents.

Discussion

62 Outlook from the living space is entirely through roof lights and to an internal courtyard. This is not usually acceptable for residential accommodation, but as stated above, the

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required standards are to be applied flexibly to live/work use and therefore Officers consider the outlook proposed for the live/work unit to be acceptable.

63 The dwelling would benefit from good levels of privacy. Habitable rooms have been orientated to face the site. The existing windows in the rear elevation would be retained and fitted with obscure glass to ensure that privacy is retained.

64 The dwelling would be single aspect. However, the front elevation of the building would have openable rooflight and large front door leading to the ground floor courtyard, enabling cross-ventilation.

Daylight and Sunlight

Policy

65 DM Policy 31 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for its future residents.

Discussion

66 The application is supported by Daylight and Sunlight Analysis report. However, the report did not test the daylight and sunlight that would be experienced in the proposed building.

67 Whilst no assessment has been provided, officers consider that the scheme would achieve adequate level of natural sunlight and daylight owing to the skylight, rooflight and largely glazed front elevation to the residential building.

Noise & Disturbance

Policy

68 LP Policy D14 requires residential development to manage noise.

Discussion

69 The application site is located in predominately residential area. It is acknowledged that the site is surrounded by other live/work units on Ashby Mews. However, as the activities that can occur in those properties are acceptable within a residential area it is not considered that the future occupiers would be exposed to noise that would be unsuitable.

6.2.2 Housing conclusion

70 Overall, the proposed development would provide a good standard of residential accommodation in compliance with LP Policy D6 and DMLP Policy 32.

6.3 URBAN DESIGN AND HERITAGE

General Policy

71 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

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- 72 LP Policy D4, CS Policy 15 and DMLP DM30, required that all new developments provide a high standard of design and should respect the existing forms of development in the vicinity.
- 73 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 74 The Small Sites SPD (24.2.1) states that backland development (such as mews sites) require sensitive treatment and a high quality of design in order to achieve a successful outcome.
- 75 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 76 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 77 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.
- 78 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 79 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

Discussion

- 80 A number of objections were received expressing concerns over the scale, height and design of the proposed development and how it will not be in keeping with the character of the surrounding area. However, officers consider that the current proposal would lead to no harm to the Brockley Conservation Area/Listed Building.
- 81 The building on Ashby Mews vary in height, mass, scale and design. In terms of height, the majority of the buildings in the immediate vicinity to the application site are single storey. However, there are some examples of taller building with gable frontages up to 7m in height. In particularly on the east site of Ashby Mews (opposite the application site). This can be seen in Image 1 below.

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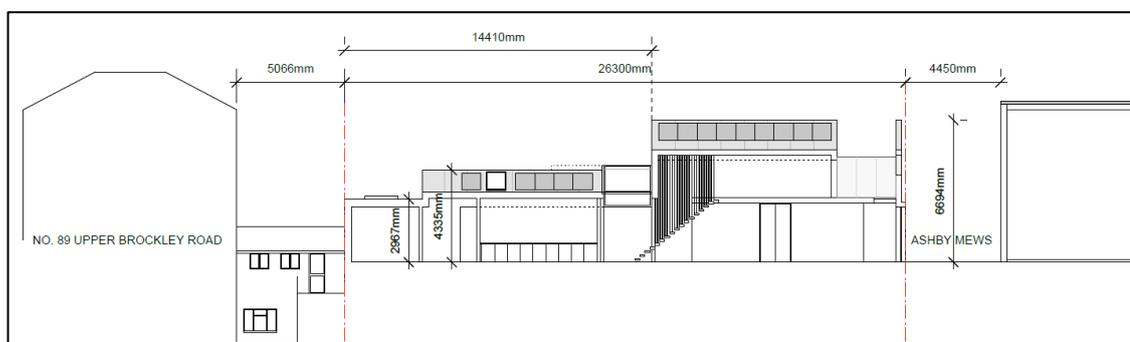
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Image 1: Aerial photograph of application site and surrounding area



- 82 The proposal would place two timber clad buildings within the existing building footprint. The two buildings would be separated by a courtyard. The building to the front of the site (facing Ashby Mews) would be two storey with ground floor being rebuilt in brickwork and first floor being constructed in charred timber cladding. The building to the rear of the site would be single storey and it would be made out of charred timber cladding.

Drawing 2: Proposed development (section drawing)



- 83 Whilst the frontage building would add an additional storey to the existing building, officers consider that the scale and massing of the proposed houses are sensitive to the historic pattern of development and would largely demonstrate hierarchical subservience. The proposed house would be broadly equivalent to the neighbouring buildings. The pitched roof would allow some views of the listed building fronting Upper Brockley Road.
- 84 The proposed first floor extension would be set 19.5m away from the rear elevations of the properties fronting Upper Brockley Road, and 4.45m from the two storey live/work units on the opposite side of Ashby Mews.
- 85 There is a two storey coach house to the south of the proposal site which was granted planning permission in July 2016 under case reference DC/16/96174, which was for the demolition of the existing coach house, and the construction of a larger, two storey

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development as shown in the image shown in the planning history section of this report. The justification for allowing such scale on this side (west) of Ashby Mews was due to the fact that much of the land had historically been built upon, far reaching views from Ashby Road minimised the visual impact to the Conservation Area, the distance from neighbours was in accordance with policies, while the isolation of a two storey building in this location minimised any sense of enclosure to the Mews Road.

- 86 The current application is further away from Ashby Road, than the coach house scheme approved, and any views from Ashby Road into the buildings and gardens associated with the dwellings fronting Upper Brockley Road would be screened by the Coach House; construction has not commenced on this scheme, but officers are satisfied that the conclusions would be the same.
- 87 The proposed materials for the frontage building include rendered ground floor with aluminium windows and metal doors. The materials for the rear building include black timber cladding with aluminium windows and doors. The proposed colour for the cladding would support the existing colour palette in the wider area and it will not detract from it. Overall, the design would be of high quality and in keeping with emerging character of a variety of distinct units.
- 88 The proposed roof lights at the rear and changes to the fenestration, including a first floor window in the gable wall to the front were all approved in the planning permission granted in 2016. The differences between what was previously approved and the current application is a change to the ground floor layout in order to facilitate access to the first floor, and the first floor extension itself. The design would also be simplistic and functional in appearance as previously approved, incorporating the same high quality materials.
- 89 With regard to the visual impact within the Mews Road, a 12m gap would be between the application site and the approved coach house. Given that there are already two storey buildings less than 5m away on the opposite side of the Mews, it is imperative that any sense of enclosure is minimised to the mews road. Officers are satisfied that the 12m gap between the coach house in its existing or approved form, would allow for a punctuation between the two plots, sufficient enough to allow views to and from the rear elevations of the properties fronting Upper Brockley Road, and combined with the 4.6m gap between the adjacent two storey live/work units, would minimise any sense enclosure.
- 90 With regard to the proposed first floor terrace, the gap between the first floor extension and the gable wall to the front would be an unusual feature within the Mews, but officers consider that the gable wall maintains the commercial use of the plot and its adjacencies, while the gap behind further reduces the impact of the proposal.
- 91 The northern end of Ashby Mews consists of a small cluster of small scale light industrial units, galleries, workshops and live/work units. The design of the proposed buildings picks up on the character of the area. It will reflect the light industrial nature of the mews and responds to the emerging character of the area.
- 92 To be clear, the unique circumstances of this site with the entire plot comprising built form, located on the western side of the Mews, 12m away from the nearest 2 storey mass west, and nothing to its immediate south, together with the historic commercial use and appearance of the site, render this current proposal to be acceptable. However, any further applications for two storey development in Ashby Mews would have to be

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considered on its own merits, and this proposal should in no way be considered as a precedent.

6.3.1 Urban design and heritage conclusion

93 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve or enhance the character or appearance of the Brockley Conservation Area.

94 The design of the proposed building is acceptable and it would result in a suitably designed building that responds well to the surrounding area.

6.4 TRANSPORT IMPACT

General policy

95 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 104. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

96 Para 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

97 Regionally, the Mayor’s Transport Strategy (‘the MTS’, GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.

98 The Core Strategy, at Objective 9 and CS Policy 14, reflects the national and regional priorities.

6.4.1 Local Transport Network

Policy

99 The NPPF at paragraph 104 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Discussion

100 The application site has a PTAL of 4, which is a good level of public transport accessibility. Officers are satisfied that the modest scale of development would prevent the need for any mitigation in terms of increased transport capacity and that any impacts to the local transport network could be accommodated within the existing transport services and infrastructure.

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6.4.2 Cycling

Policy

101 Residential development is required to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

Discussion

102 The proposed development generates a requirement for 2 long-stay and 1 short-stay cycle parking.

103 The cycle parking would be provided in the courtyard. The storage would have an area of 2sqm (measuring 0.85m in width and 2.2m in length). The proposed cycle parking space could fit two (2) bicycles if they are parked front to back. The proposed development would comply with the London Plan requirement for cycle parking.

104 The plans do not show any short-stay cycle parking. The lack of provision of short-stay parking is acceptable given the constraint of the site and lack of space to the front of the site to install cycle stand.

6.4.3 Private cars

Policy

105 LP Policy T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use.

106 LP Policy T6.1 and Table 10.3 states that maximum residential parking for sites in PTAL 5 and above should be car free.

Discussion

107 The proposed development would offer no on-site parking. The application site has a PTAL score of 4, which is considered good. Increased housing density is encouraged within areas of excellent public transport accessibility. It is noted that the site is not located within Controlled Parking Zone (CPZ). No parking is proposed as part of the development. Given the site's public transport accessibility this is considered to be appropriate.

6.4.4 Servicing and refuse

108 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.

109 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.

110 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

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Discussion

- 111 A refuse store for the development would be provided at the front of the site close to the entrance. The waste bin would be stored in a purpose-built storage space facing Ashby Mews and it would have enough space for a standard (240l) wheelie bin. The refuse storage would be located internally close to the entrance to the site.
- 112 The store is located some distance away from Ashby Road where the collection of bins will take place. As the scheme is for live/work use, the Council does not have a statutory duty to collect the waste and the applicant would need to make their own suitable arrangements for private waste collection. The Council as the planning authority would determine whether the applicant's arrangements are suitable via assessment of a waste management strategy. The applicant has not submitted a waste management strategy. This can be addressed via a condition, should Members be minded to grant planning permission.

6.4.5 Construction impact

Policy

- 113 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road. Additionally, LPP T7 requires that construction logistic plans should be development in accordance with TfL guidance.

Discussion

- 113 The application is supported by Construction Management Plan. All works are to be carried out in accordance with this. A condition that it is to be updated to include details on the vehicles that would be used during construction and a site plan clearly showing all security fencing/hoardings, site access points, office / welfare accommodation, where vehicle loading will occur, storage of materials, storage of Waste / skips along with details of scaffolding has been secured.

6.4.6 Transport impact conclusion

- 114 The proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above.

6.5 LIVING CONDITIONS OF NEIGHBOURS

Enclosure, Outlook and Privacy

Policy

- 115 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries. Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
- 116 DMP 32 expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on main rear elevations.

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117 The Small Sites SPD (4.4) highlights that the architecture of small sites will often need to work harder to protect and achieve privacy and outlook of neighbours. It specifically mentions that courtyard houses where the windows look into the centre of the plot can provide adequate privacy and outlook to the new residents, whilst protecting the privacy and outlook of neighbours.

Discussion

118 With regard to the increased mass, the first floor would be 19.5m away from the dwellings fronting Upper Brockley Road and 5m from the building on the opposite side of Ashby Mews. In relation to the properties facing Upper Brockley Road, officers are satisfied that the resulting building would not have an overbearing impact. In relation to the building on the opposite side of the mews, Officers raise no objection as such relationships are typical in Mews environments.

119 The outlook from the proposed residential accommodation would be towards the internal courtyard and therefore the site itself and, as mentioned in the paragraph above, the site would be suitably set away at first floor to avoid any adverse impact on outlook.

120 A number of objections were received expressing concerns over loss of privacy and overlooking, in particular to properties on Upper Brockley Road. The only window that would face these properties would be a small, high level circular window on the rear elevation, which would not allow any adverse views into these dwellings. The front elevation would have more windows. However, given that the main use of the building would be for commercial purposes as are the uses on the building on the opposite side of the Mews, there are no concern with overlooking and loss of privacy. A condition is place for the high level circular window to be constructed from opaque glazing and fixed shut, in order retain current privacy levels.

6.5.1 Daylight and Sunlight

Policy

121 The NPPF does not express particular standards for daylight and sunlight.

122 LP Policy D6, Part D, mentions that housing development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

Discussion

123 The application is submitted together with daylight, sunlight and shading analysis on the potential changes to light amenity to the neighbouring properties. The assessment was carried out in accordance with BRE guidance. The result of the assessment indicates that the proposed development will not cause loss of daylight and sunlight to any of the neighbouring properties.

6.5.2 Noise and disturbance

Policy

124 LP Policy D14 requires residential development to manage noise impacts.

Discussion

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125 The surrounding area is predominantly residential with some live/work units. The proposed residential use would give rise to more permanent levels of noise and light spillage from the application site. However, Officers are satisfied that the level of noise derived from a two-bed, four-person dwelling would be in keeping with the residential dwellings fronting Upper Brockley Road. Both uses are considered compatible with the surrounding area. The type of commercial use that could happen within the building is considered to be appropriate for any residential area; however, additional controls are proposed by a condition.

126 With regard to the light spillage, the previously approved scheme included a condition requiring an adhesive to be added to the roof lights to reduce the level of glare/light spillage from the lights, while still allowing sufficient light into the unit. To reduce the level of impact to neighbours from light spillage, officers consider that the condition requesting the film to again be necessary.

6.5.3 Impact on neighbour's conclusion

127 In light of the above, the proposed development would not have unacceptable impacts on neighbouring amenity, subject to conditions as recommended.

6.6 SUSTAINABLE DEVELOPMENT

6.6.1 Energy and Environmental Sustainability

Policy

128 LP Policy SI2 required development to minimise greenhouse gas emissions.

Discussion

129 The proposed development has been designed to be energy and water efficient through the implementation of solar panel system on the southern roof and use of appropriate heating and ventilation system. Given the scale of the proposed development the energy strategy is considered acceptable.

6.6.2 Sustainable Infrastructure conclusion

130 The proposal is acceptable in terms of sustainable development.

7 LOCAL FINANCE CONSIDERATIONS

131 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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

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

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133 The CIL is therefore a material consideration.

134 £7000 Lewisham CIL and £4,200 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

135 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.

136 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

137 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.

138 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

139 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

140 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

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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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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

9 HUMAN RIGHTS IMPLICATIONS

142 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

143 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

144 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

145 This application has the legitimate aim of providing a new building with [employment and residential uses]. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

147 The principle of developing the site for additional live/work unit in a sustainable urban location is acceptable and in accordance with the Development Plan and relevant material considerations, including the new Small Sites SPD, on balance having regard to the characteristics of this part of Ashby Mews. The proposal would be subordinate and proportionate to the size and scale of the surrounding area. The proposed building would be of high quality design and would cause no harm to the host building and wider Brockley Conservation Area.

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148 Consideration has been given to the objections made to the proposed development, as set out in this report. It is considered that none of the material objections outweighs the reasons for approving the reserved matters.

149 In light of the above, it is recommended that this planning permission is approved subject to conditions and informative.

11 RECOMMENDATION

150 That the Committee resolve to **GRANT** planning permission subject to [a S106 Legal Agreement and to] the following conditions and informatives:

11.1 CONDITIONS

1 FULL PLANNING PERMISSION TIME LIMIT

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 APPROVED PLANS

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

067 001 Rev D; 067 002 Rev D; 067 003 Rev E; 067 004 Rev D; 067 005 Rev D; 067 006 Rev D; 067 010 Rev E; 067 011 Rev D; 067 012 Rev D; 067 013 Rev E; 067 014 Rev D; 067 015 Rev E; 067 016 Rev D; 067 017 Rev D; 067 018 Rev E; 067 019 Rev E received on 27 April 2021.

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.

3 CONSTRUCTION MANAGEMENT PLAN

Prior to commencement of any works on site, including any site clearance or demolition, the submitted Construction Management and Logistic Plan shall be updated and submitted to and approved in writing by the local planning authority. The plan shall include the following:-

Dust mitigation measures;

The location and operation of plant and wheel washing facilities;

Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process;

Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

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

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

(iii) Measures to deal with safe pedestrian movement.

Security Management (to minimise risks to unauthorised personnel);

Details of the training of site operatives to follow the Construction Management Plan requirements;

Confirmation that vehicles that would be used during construction of the development can approach, pull into and out of the designated loading area without overriding any kerbs or blocking the highway

A site plan showing:

security fencing/hoardings;

site access points;

office / welfare accommodation;

where vehicle loading will occur;

storage of materials;

storage of Waste / skips;

detail of scaffolding

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4 **SERVICING & DELIVERY**

A Servicing & Delivery statement on the number and types of vehicles that would be required to service the unit should be provided, together with access and loading/unloading arrangements.

Reason: In order that the local planning authority may be satisfied that the servicing and delivery process is carried out in a manner which will minimise possible noise and disturbance to neighbouring properties and to comply with Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

5 **MATERIALS**

Prior to commencement of any above ground works, a detailed schedule/drawing cross referencing samples to be submitted of all external materials (walls, joinery) and finishes, including windows, rooflight, external doors, roof coverings, rainwater good and solar panel to be used on the building 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.

The scheme shall be constructed in those materials as approved under part (a) of this condition.

Reason: To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for

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6 OUTLOOK AND PRIVACY

The high level circular window on the rear elevation shall be constructed from opaque glazing and fixed shut.

Reason: To ensure new developments provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours in accordance with DMP 32 Housing design and space standards.

7 REFUSE AND RECYCLING MANAGEMENT

Prior to first occupation of the live/work unit details of proposals for the management of commercial and domestic refuse and recycling facilities for the live/work unit hereby approved, have been submitted to and approved in writing by the local planning authority.

The management strategy as approved under part (a) shall be implemented and shall thereafter be permanently continued.

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

8 LIGHT SPILLAGE

Prior to occupation of the development hereby approved, details of a light spillage film shall be submitted to and approved in writing by the Council and shall be installed on the roof lights above the living accommodation prior to first use of the living space hereby approved.

The light spillage film as installed under part (a) shall be retained permanently.

Reason: In order to minimise light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

9 RETENTION OF LIVE/WORK UNIT

The live/work unit shall be occupied as a single integrated unit and laid out as shown on drawing numbers 067 010 Rev E and 067 011 Rev D hereby approved.

The business floor space of the live/work unit and installation of all roof lights shall be finished ready for occupation/use before the residential floor space is occupied and the residential use shall not precede commencement of the business use.

The residential floor space of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floor space of that unit, a widow or widower of such a person, or any resident dependents.

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The business floor space of the live/work unit shall not be used for any purpose other than for purposes within Class E(g) in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modifications.

Reason: In order to enable the local planning authority to control any future change of use or subdivision of the property in the interests of protecting the commercial floor space at ground floor level in accordance with Core Strategy Policy 5: Other employment locations and to ensure an acceptable standard of amenity is provided in the upper floor residential unit in accordance with Core Strategy Policy 1: Housing provision, mix and affordability and with DM Policy 30 Urban design and character of the Development Management Local Plan (November 2014).

19 RESTRICTION ON COMMERCIAL ACTIVITY

No process shall be carried on nor machinery installed which could not be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

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

11 CYCLE STORAGE

The cycle parking facilities shall be provided in accordance with drawing 067 010 Rev E and be 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 T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

12 REFUSE AND RECYCLING STORAGE

Waste, recycling and food storage shall be provided in accordance with drawing 067 010 Rev E and be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

13 SATELLITE DISHES

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

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

14 **PLUMBING AND PIPES**

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

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

11.2 **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 positive discussions took place during the determination which resulted in further information being submitted.

2) **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

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/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

3) **STREET NAMING AND NUMBERING**

The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

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PRIOR TO COMMENCEMENT CONDITIONS

The applicant is advised that Condition 3 and 4 require submission of detail prior to commencement of any works on site.

PRIOR TO OCCUPATION CONDITIONS

The applicant is advised that Condition 5 and 6 require submission of detail prior to occupation of the development.

12 REPORT AUTHOR AND CONTACT

151 Jonathan Bainbridge, Jonathan.Bainbridge@lewisham.gov.uk

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101 Ashby Mews, London,

SE4 1TB

Application No. DC/21/123041

Page 91

This presentation forms no part of a planning application
and is for information only.

The application is a resubmission for the change of use, alterations and extension of The Workshop 101 Ashby Mews SE4 to create a part single/part two storey live work unit (sui generis).

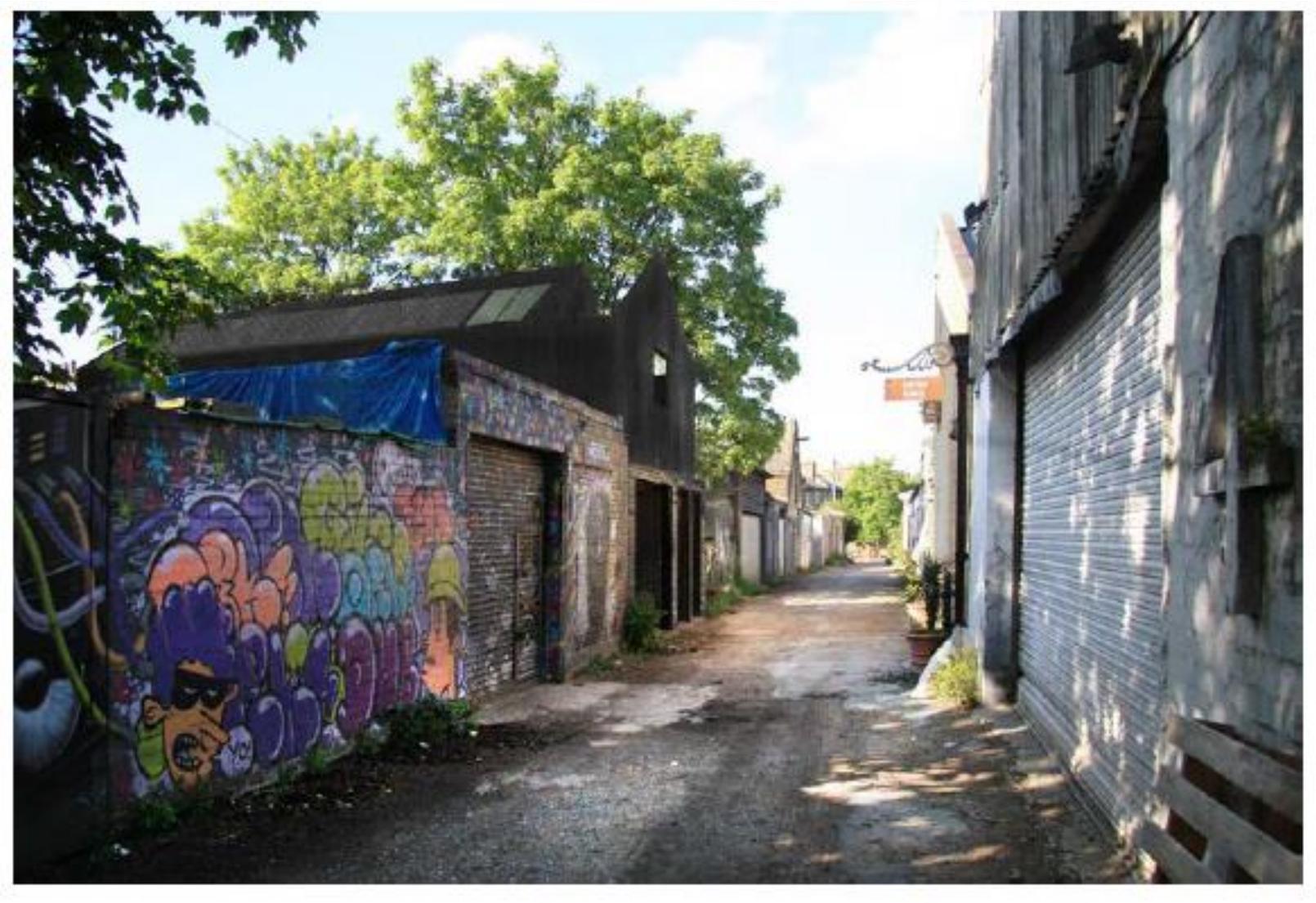






Existing Front Elevation Photographs





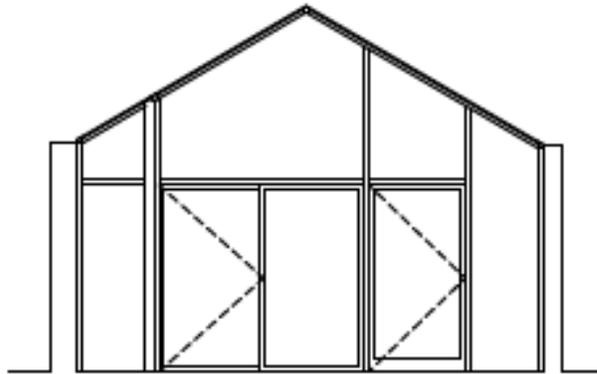


The Workshop, 101 Ashby Mews | Interior

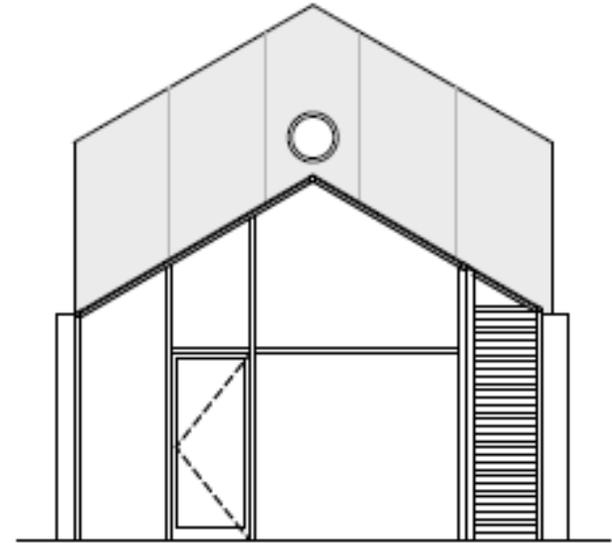


The Workshop, 101 Ashby Mews | Side Elevation, showing single skin brickwork and rendered element to rear

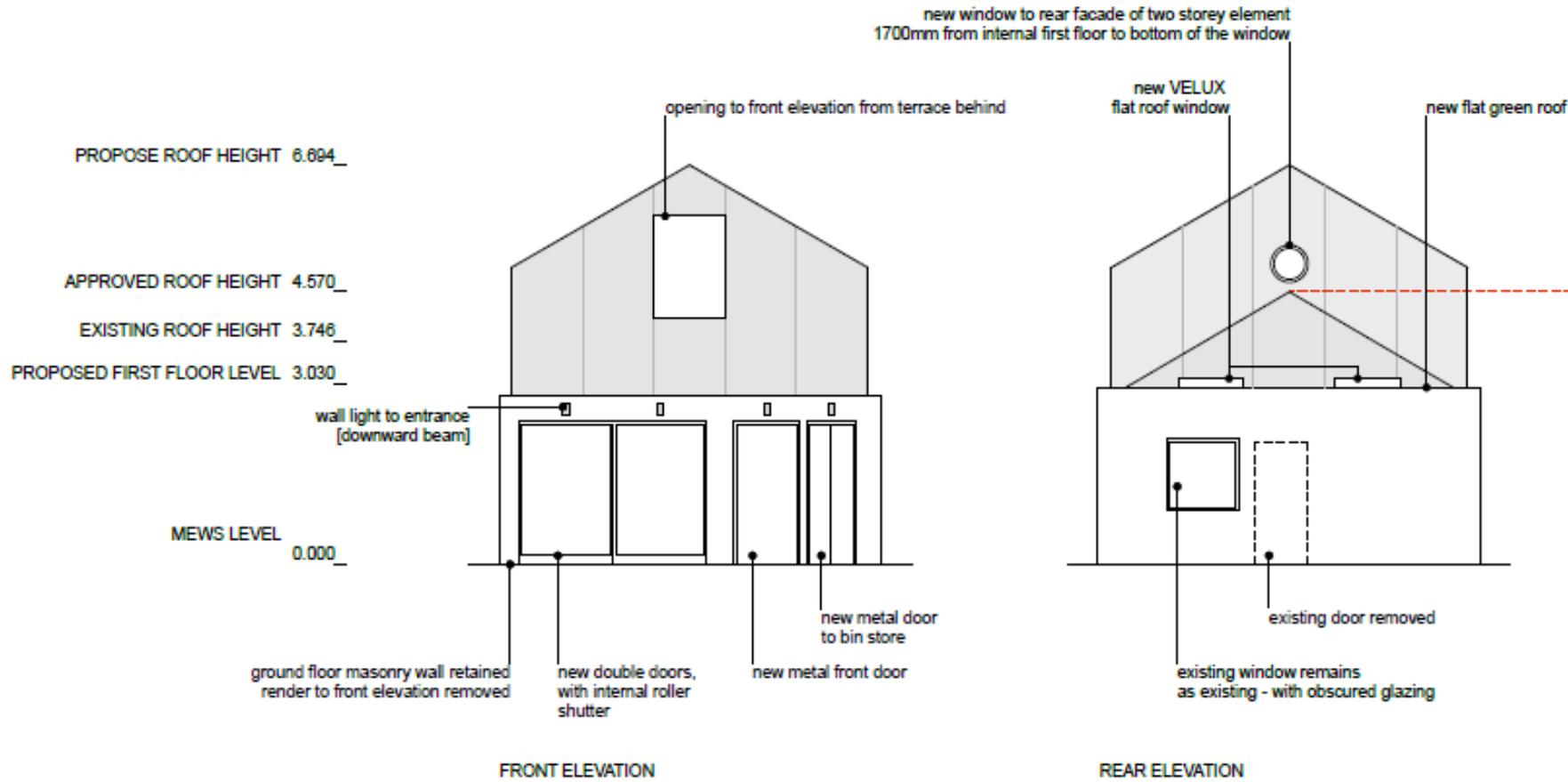
PROPOSE ROOF HEIGHT 6.694_
APPROVED ROOF HEIGHT 4.570_
EXISTING ROOF HEIGHT 3.746_
PROPOSED FIRST FLOOR LEVEL 3.030_
MEWS LEVEL 0.000_



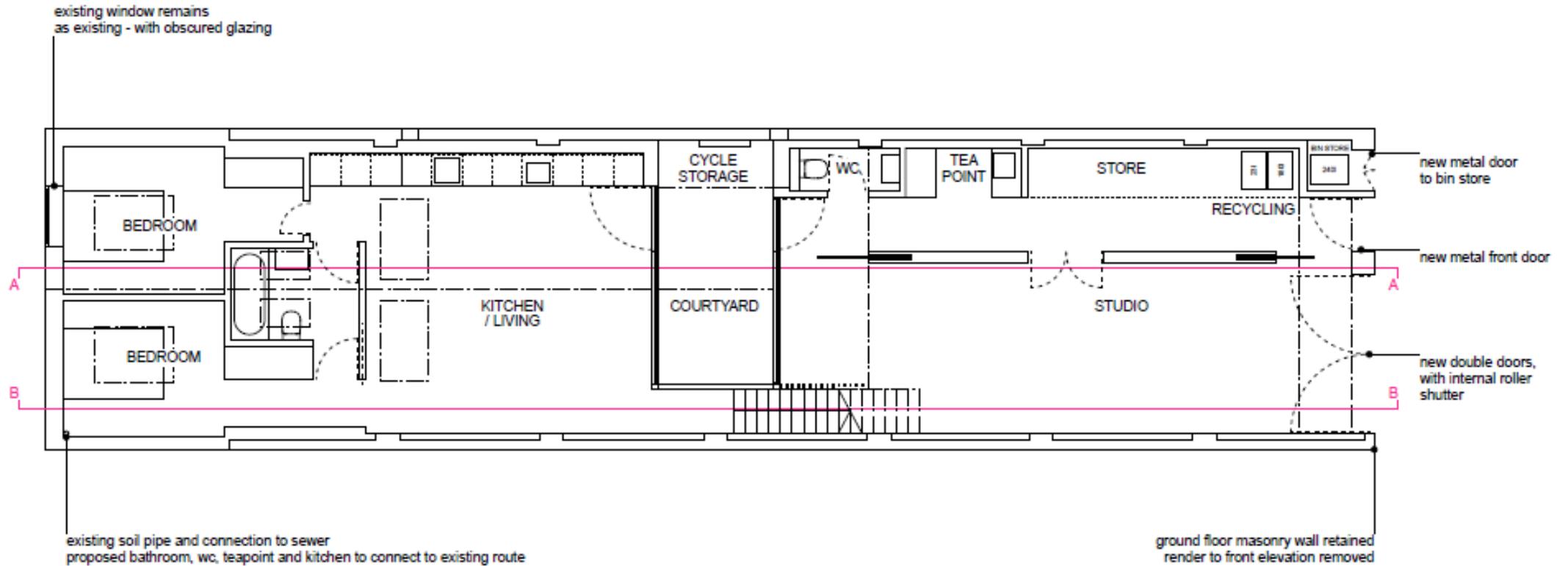
EAST ELEVATION
FROM COURTYARD
[LIVE ELEVATION]



WEST ELEVATION
FROM COURTYARD
[WORK ELEVATION]

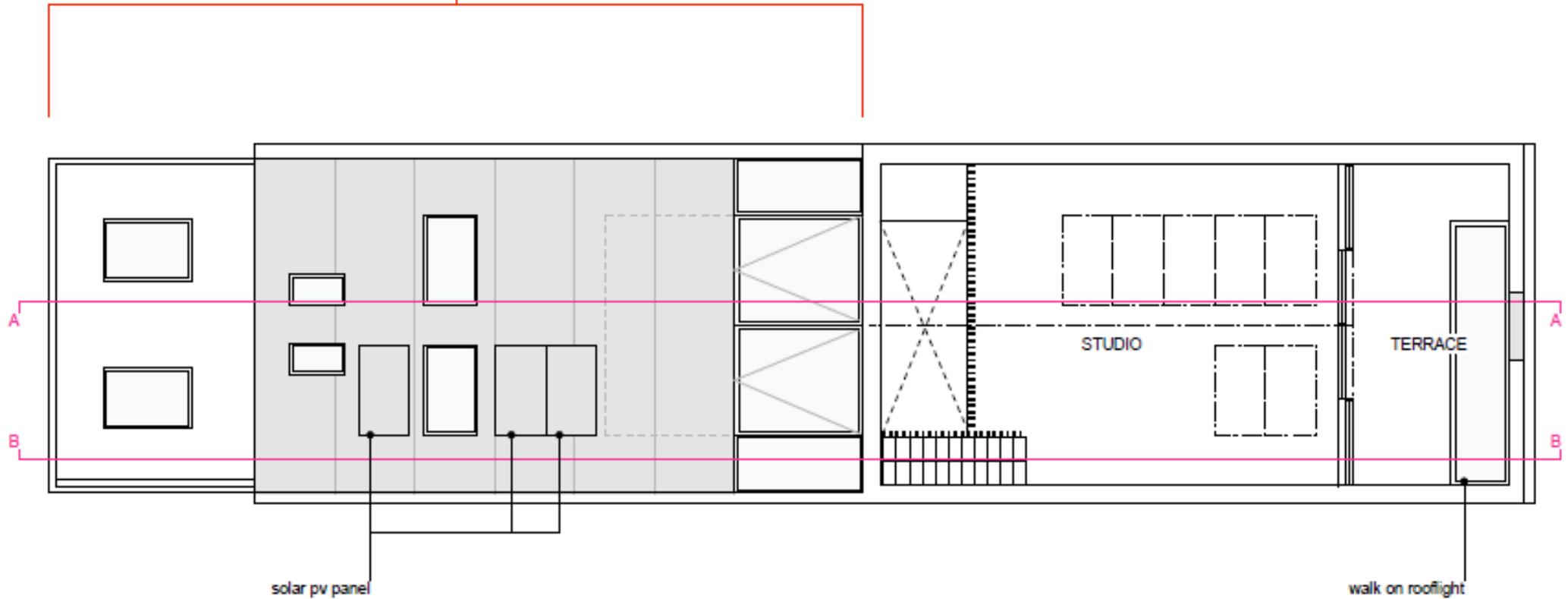


PLANNING PERMISSION FOR ALTERATIONS TO ROOF (INCLUDING ROOFLIGHTS)
GRANTED 4TH DECEMBER 2015
15/091623



Proposed Ground Floor Plan

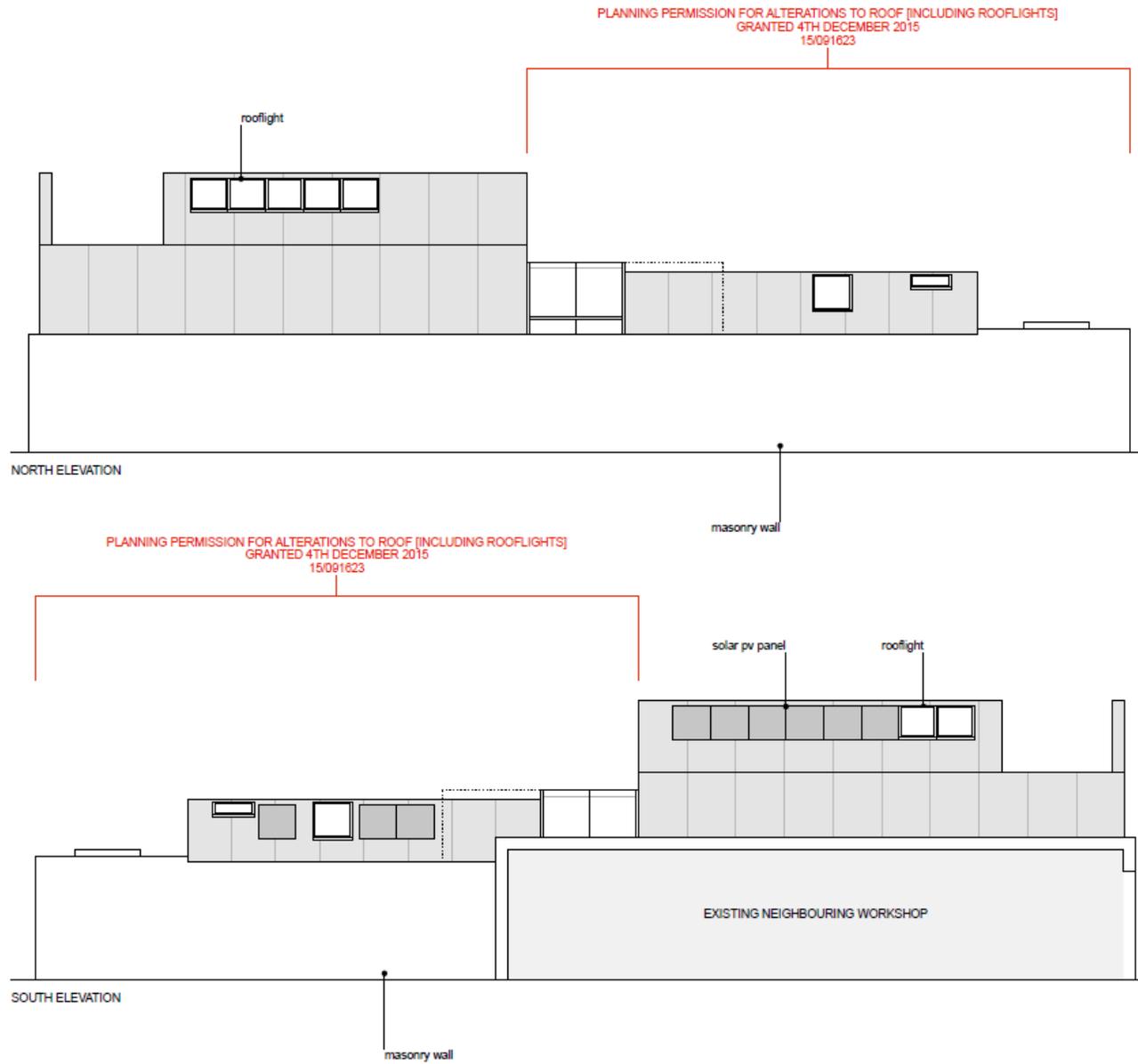
PLANNING PERMISSION FOR ALTERATIONS TO ROOF (INCLUDING ROOFLIGHTS)
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MAIN PLANNING CONSIDERATIONS

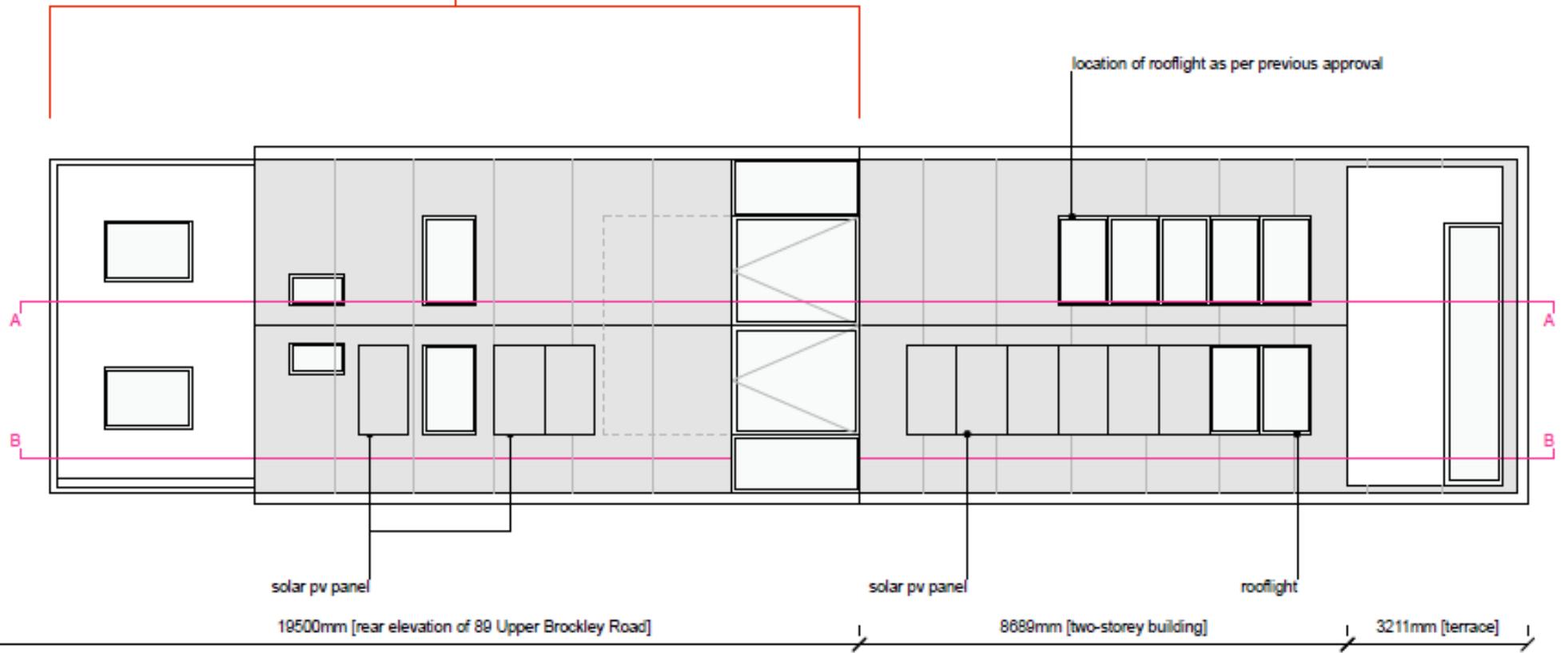
- Principle of Development
- Urban Design & Heritage Impact
- Residential Quality
- Living Conditions of Neighbouring Properties
- Transport Impact
- Sustainability

End of Presentation

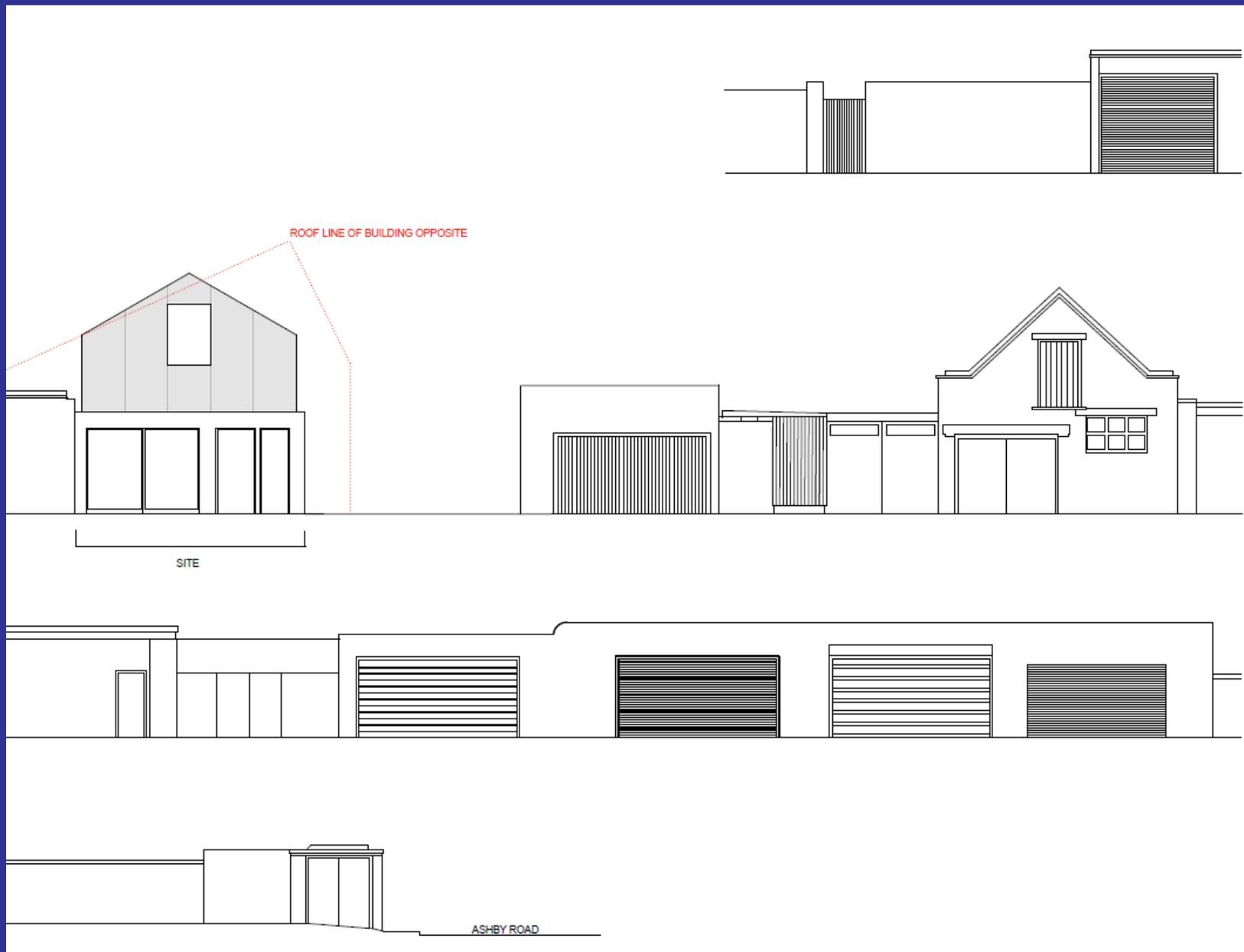


Proposed Side Elevations

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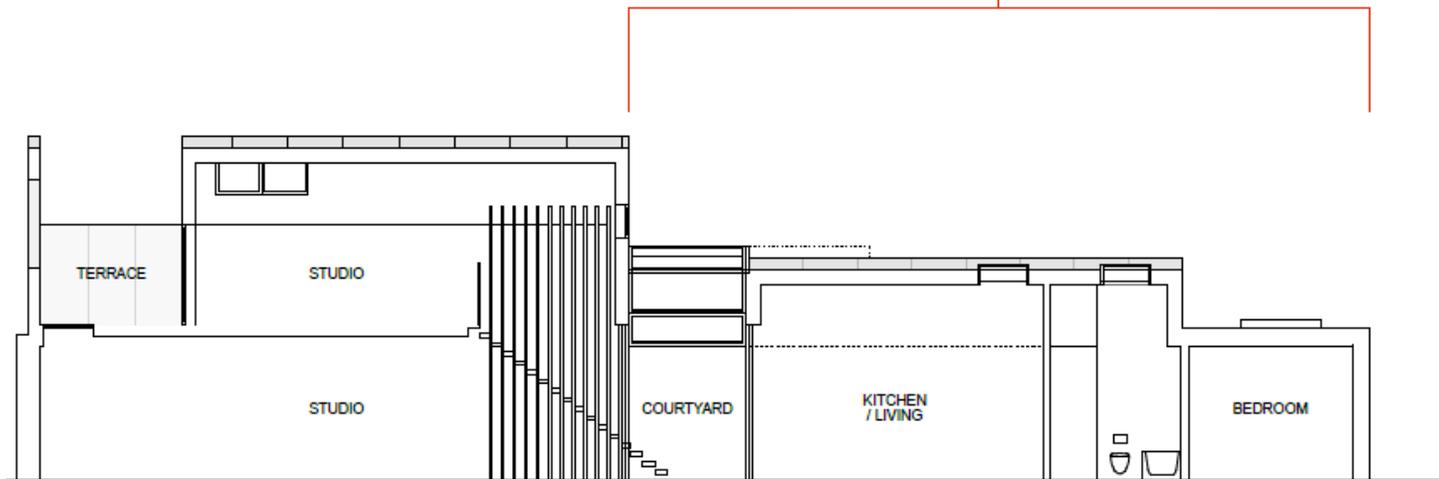


Proposed Roof Plan



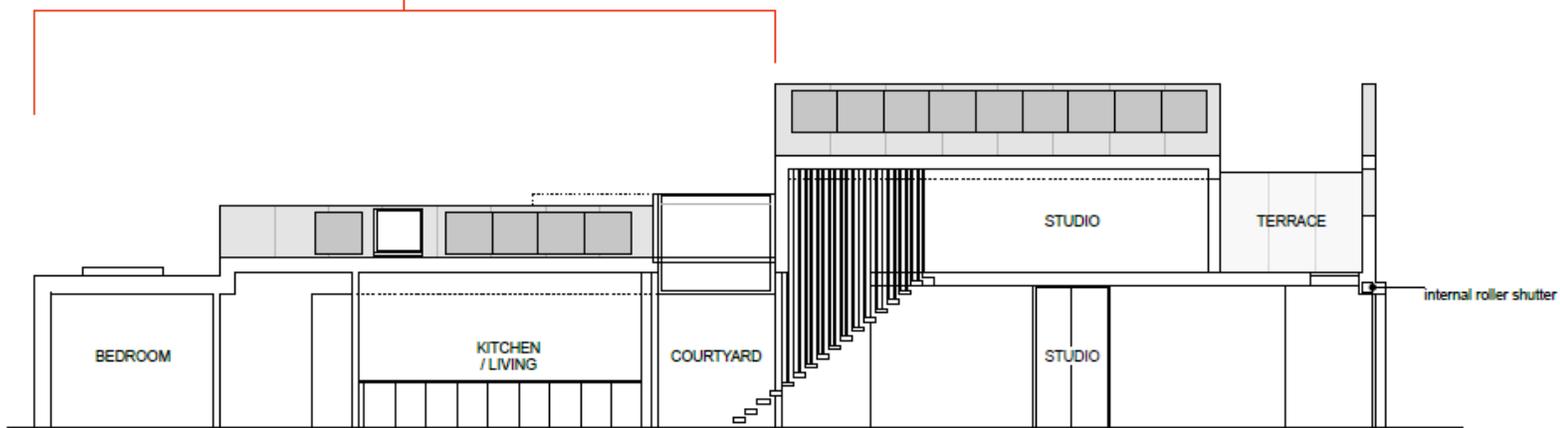
Proposed Ashby Mews Elevation

PLANNING PERMISSION FOR ALTERATIONS TO ROOF (INCLUDING ROOFLIGHTS)
GRANTED 4TH DECEMBER 2015
15/091823

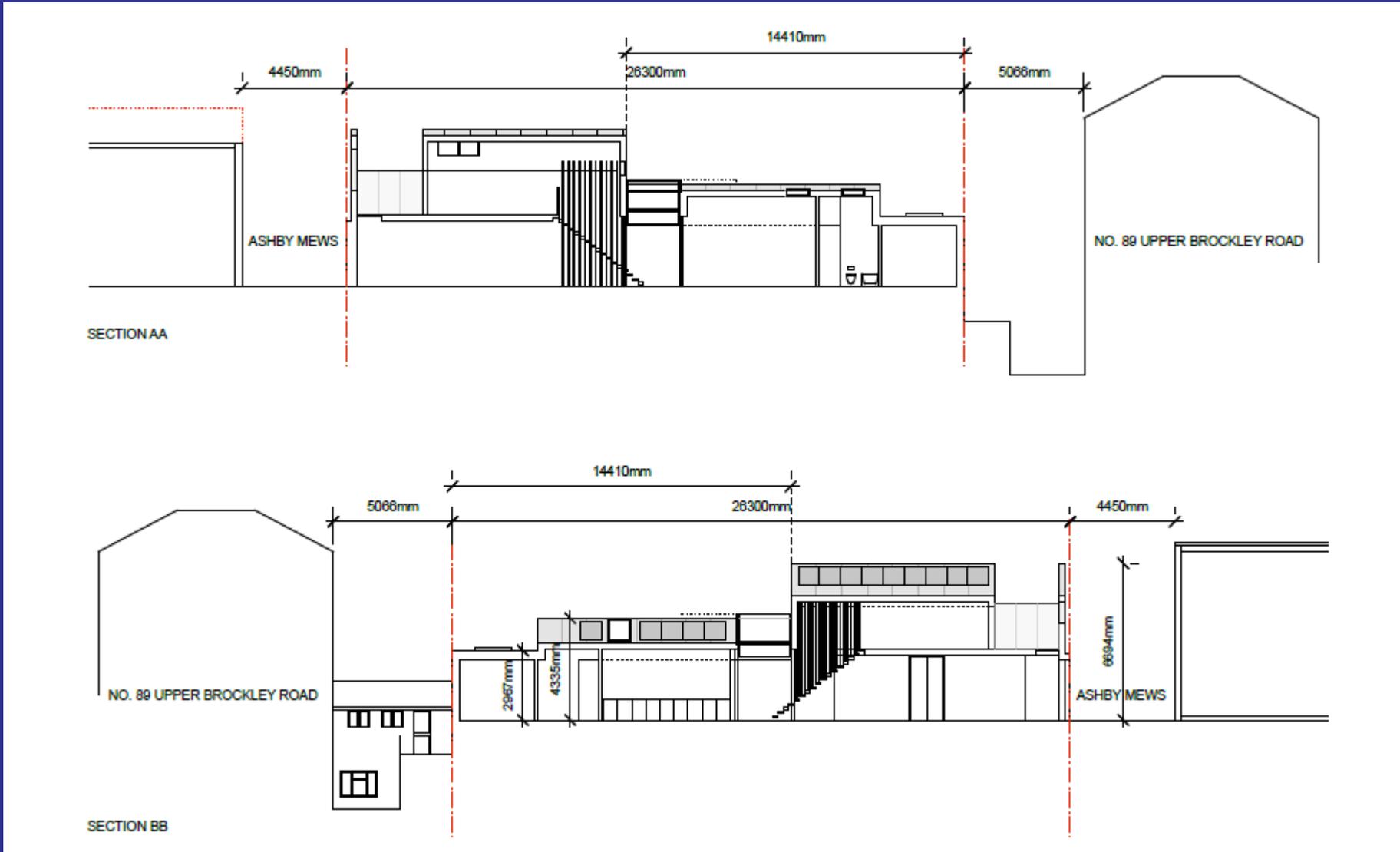


SECTION AA

PLANNING PERMISSION FOR ALTERATIONS TO ROOF (INCLUDING ROOFLIGHTS)
GRANTED 4TH DECEMBER 2015
15/091823



SECTION BB



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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Planning Committee B

Report title:

**CATFORD CONSTITUTIONAL CLUB, CATFORD BROADWAY, LONDON,
SE6 4SP**

Date: 11 November 2021

Key decision: No.

Class: Part 1

Ward(s) affected: Rushey Green

Contributors: Samuel James

Outline and recommendations

The application is reported to committee as there have been four objections and the application is recommended to be approved.

Application details

Application reference number(s): DC/21/122468

Application Date: 29 June 2021

Applicant: Turner Works on Behalf of Lewisham Council

Proposal: Refurbishment and alterations to Catford Constitutional Club, Catford Broadway SE6 including construction of first floor extension, provision of rooftop plant, external alterations and landscaping works.

Background Papers:

- (1) Submission Drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses

Designation: PTAL 6a

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to the building known as the Catford Constitutional Club, located to the rear of Catford Broadway. It is also known as Elmwood.
- 2 The former Catford Constitutional Club is tucked behind 4 storey terraced buildings to the South, a Car Park to the East, an Industrial unit directly to the North of the pub garden and Thomas' Lane to the West.
- 3 The site boundary is demarcated by a fence line all along the east and south. Access into the building from Thomas' Lane is via a gated entrance into the pub garden, whilst from the south it's accessible via a distinctive cut through alleyway from the Broadway.
- 4 The lawful use of the building is a public house, however the most recent operator of the public house ceased trading in November 2019, and it has been vacant since.

Character of area

- 5 Catford Broadway to the south is a continuous 4 storey block, with individual portions of the terrace reducing to 1-2 storeys in a piecemeal way to the rear, the buildings are in commercial use at ground floor level, with residential properties above.
- 6 The neighbouring residential street along Nelgarde Rd to the west is predominantly 2 storeys, rising to the junction along Catford Rd/Catford Bridge. Milford Towers, to the

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north is the tallest building in the immediate area, at 8 storeys including a two-storey car park/ podium.

- 7 The site to the east is in use as a Council operated car park.

Heritage/archaeology

- 8 The former Catford Constitutional Club was originally built as a farm house in 1736, and is locally listed, the local listing states the following:
- 9 Elmwood (Catford Conservative Club): 1736 farm-house of two storeys and attic, three windows. Double span rounded mansard roof with old tile below but tops covered in corrugated iron. Three square dormers, early 19C casements. Front row pebbledashed, with parapet.
- 10 The earliest part of the building (which is the part identified in the local list description), is of two storeys plus attic, a double pile M shaped roof set behind parapet wall on east and west elevations, partially (eastern pitch) clad in old clay tile. Three square dormers with early C19th casements. Front elevation rendered. It is in very poor condition after being vacated in the 1980s and the interiors, including timber wall panelling and firecases stripped out. It has since suffered significant water damage.
- 11 The building was extended in the later C19th with a large Victorian residential extension to the south of the original building in stock brick with red brick dressings and quoins, sash windows, glazed decorative metal canopy, canted bay windows and projecting eaves to a slated roof. This part of the building is in better condition with surviving skirtings, picture rails and cornices, doors, architraves and a grand staircase all contributing to the building's historic character.
- 12 It was extended again in the later C19th/early C20th with a billiard hall to the west; and again in the early to mid C20th on the northern side.
- 13 The building is not within a Conservation Area.

Surrounding area

- 14 The site is located in the Catford Major District Centre, and within the Catford Town Centre Regeneration Framework Area.
- 15 The surrounding area is characterised by a mix of retail and employment uses, as well as residential properties.

Transport

- 16 The application site is highly accessible by public transport, and has a PTAL rating of 6a.
- 17 Thomas Lane forms the western boundary to the site. It is one way southbound towards Catford Road (A205), part of the TLRN for which TfL is the highway authority. Part of this section of Thomas Lane is subject to side street red route controls being close to the junction with Catford Road.
- 18 The site is accessed on foot via a route under another property fronting Catford Broadway and another pedestrian access on Thomas Lane.

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19 There is a maximum 30 minute on street loading and unloading bay on Thomas Lane adjacent to the site. A longer bay but with the same controls on use is located on the TLRN almost adjacent to the Catford Broadway access to the property.

2 RELEVANT PLANNING HISTORY

20 There is no relevant history on record.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

21 This application is for the refurbishment of and alterations to the Catford Constitutional Club.

22 Alterations include the construction of a first floor extension, external and internal repair works, provision of roof-top plant and landscaping works.

23 15 cycle parking spaces in the form of Sheffield stands would be included on the pavement to the western side of the site, on Thomas Lane, within a new extended area of public realm pavement.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

24 A site notice was displayed on 23 July 2021.

25 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 19 July 2021.

26 5 number responses received, comprising 4 objections and a comment from the Georgian Society confirming they had no objections to make.

4.1.1 Comments in objection

Comment	Para where addressed
Impacts to historic assets of building	67
The increase in height needs to be assessed with the proposals for the area as a whole, as it would increase overlooking as well as detrimentally change the architectural merits of the current building.	79 113

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The servicing of a commercial building needs to be fully considered with parking, cycles, refuse, recycling, noise and the effect on residents along Catford Broadway as the local area, fully taken into account.	103
Local environmental concerns including drainage and noise.	121
Social housing should be included in the proposal	The application is for refurbishment of a public house, not for housing.

4.2 INTERNAL CONSULTATION

27 The following internal consultees were notified on 29 July 2021.

28 Conservation Officer: The conservation officer has raised no objections to the proposed works, and has confirmed they will not harm the significance of the non-designated heritage asset.

29 Highways: Verbal comments were received. No objections were raised, subject to conditions relating to delivery and servicing, construction management, external lighting and provision of the proposed cycle parking.

30 Environmental Health: No objections subject to recommended conditions requiring a noise impact assessment, and to control noise levels from any plant to be installed.

31 Ecological officer: See ecology section below

4.3 EXTERNAL CONSULTATION

32 The following External Consultees were notified on 29 July 2021:

33 Ward Councillors: No response received

34 Transport for London had no objections, subject to condition securing a construction management/logistics plan and a delivery and servicing plan

5 POLICY CONTEXT

5.1 LEGISLATION

35 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

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5.2 MATERIAL CONSIDERATIONS

36 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

37 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

38 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

39 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

40 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

41 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- London's Foundations (2012)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)

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- Social Infrastructure (May 2015)

6 PLANNING CONSIDERATIONS

42 The main issues are:

- Principle of Development
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment

6.1 PRINCIPLE OF DEVELOPMENT

General policy

43 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

44 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

45 Chapter 11 of the NPPF outlines that planning decisions should make effective use of land by promoting and supporting under-utilised land and buildings, particularly where they would contribute to housing need and where sites could be used more effectively.

46 NPPF Paragraph 203 states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Discussion

47 The application is for internal and external alterations, including a small extension at first floor level and provision of a roof terrace together with a new glazed roof to the M-shaped roof of the Georgian section of the building.

48 The entire building would be repaired and renovated internally and externally, in connection with its use as a public house.

49 The building is of social and communal significance: its past use as a conservative/constitutional club and more recently a pub, mean that it has been in community use the since the beginning of the 20th century. It is therefore part of the community's collective memory and experience.

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50 The proposed works are a comprehensive programme of repair and renovation, which are required to bring the building back in to public and commercial use, and they are therefore strongly supported in principle.

51 This is subject to the impact of the proposed works on the appearance of the building, and the impact upon its Heritage Significance. Other planning considerations are the impact on neighbouring amenity and transport impacts, and these are assessed in the following section of the report.

6.2 URBAN DESIGN AND HERITAGE IMPACTS

Policy

52 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

53 Paragraph 130 of the NPPF requires that development add to overall quality of the area and are visually attractive as result of good architecture, layout and appropriate effective landscaping.

54 NPPF Paragraph 203 states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

55 LP Policy D4 and HC1, CS Policy 15 and 16, DMLP Policies 30, 31 and 37 as well as the provisions of the Alterations and Extensions reflect this and are relevant.

Discussion

56 The Council's Conservation officer has advised at pre-application stage and has stated in response to the current application that the proposals are a creative response to the very poor condition but high significance of the historic building and its role of the whole building to the local community. They will preserve the significance of the most historic part which lies chiefly in its external envelope – and provide new spaces for uses which will sustain the building into the future. Overall the proposed works are sensitively designed, clearly and convincingly justified and will cause no harm to the historic significance of the locally listed building.

57 There are a number of works proposed. Following submission of this application the conservation officer requested some additional information on several aspects, which has been submitted, this is detailed below. Following further discussions, it has been confirmed the proposed works would not result in harm to the heritage significance of the locally listed building, subject to a number of conditions which are set out below.

Retaining and repairing the existing building envelope of Georgian building and tying it back to a new timber framed support structure inside:

58 Glazed rooflights would be inserted into the inner pitches of the M shaped roof - the outer pitches will be clad in clay tile to match the original. This will restore the historic

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appearance of the building from most external views, but enable the creation of a new light and airy space internally.

- 59 The staircase will be reconstructed to run the other direction, but in the same location as the original. The original front entrance way and doorhood will be restored. The render will be repaired – due to it containing Portland cement it is likely it has adhered strongly to the brickwork and could damage it if removed.
- 60 A new double door opening will be added just to the west of the spine wall line to access the pub garden. Windows will be replaced to reinstate those historically evidenced.
- 61 A new floor will be created at ground floor level enabling level ground floor access between the different parts of the building.
- 62 The conservation officer has raised no objections to the proposed works, subject to the condition that further information is submitted with regard to proposed works to stabilise and make safe this section of the building prior to commencement of works.
- 63 A condition requiring details of the existing and proposed clay roofing tiles, including the existing ridge detailing and details of re-use where possible, as well as conditions requiring details of the new staircase, and new ground floor surface finish in the Georgian section of the building are also required.
- 64 A condition requiring details of the new cast iron post and repairs to the glazed canopy on the south elevation, which are to match the existing is also requested by the conservation officer.
- 65 Further details are also required for all new external doors and windows to the building, and these will be secured by condition.

Creating a new entrance hall at ground floor using the new timber frame structure containing WC facilities at ground and first floors:

- 66 The interior of the building will be a large open full height space with a walkway at the perimeter at first floor level, allowing views up to the roof and appreciation of the historic building envelope. The partitions for the WCs will be set against the westernmost wall of the Georgian part and will not compromise the scale or openness of the space.
- 67 The conservation officer raises no objections to these works, however requests further details of the proposed new partitions and subdivision at ground and first floor level of the Georgian Section of the building. Further details of the proposed walkway at first floor level, including railings details are also to be secured by condition.

Connecting the Georgian and Victorian sections with platform lift to make the building fully accessible sited in the Georgian section will provide lift access to the first floor and negotiate the level difference between the first-floor pub rooms in the Victorian section and new walkway in the Georgian section

- 68 This will require demolition of part of the wall adjacent to the chimney stack in the Georgian section and the conservation officer requested further details of the demolition, so the extent of demolition could be understood. Demolition plans have subsequently been submitted, which show the chimney stack will not be affected, and the conservation officer confirms this loss of historic to be acceptable.

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Extension to the North West at the first floor level to enlarge the existing room and provision of roof terrace

- 69 The proposed extension is considered to relate well to the massing of the existing range of buildings and will not detract from the most significant part of the building. The proposed slate roof and painted timber louvres are acceptable materials.
- 70 The conservation officer requested further details regarding the junction between this extension and the Georgian roof, which was subsequently submitted, and this is considered to be acceptable, and would not result in harm to or an awkward relationship with historic fabric.
- 71 Further details of any railings to be used on the roof terrace are to be secured by condition.

Roof extension in the form of the former roof lantern on the 1893 - 1914 billiard hall to accommodate new services –

- 72 Officers consider this would relate well to the historic roof lantern form that originally existed, and would enhance the appearance of the building. The conservation officer has raised no objections.

Landscaping to the north

- 73 The proposed scheme of landscaping includes a brick boundary wall extending the existing boundary wall of the site to create a delineated pub garden and yard area beyond; an orangery against the northern boundary wall; retained trees, soft landscaping, a seating area and planting against the building are proposed. The proposed soft landscaping appears high quality, and would create a pleasant space for users. Full details of the proposed scheme of hard and soft landscaping are to be secured by condition.
- 74 To ensure the proposed external lighting scheme is acceptable, and would provide adequate security, details of this are to be secured by condition.
- 75 The western boundary treatment would be moved eastward, which would widen the existing pavement along Thomas Lane, providing space for refuse and cycle storage fronting the public realm.
- 76 To ensure the proposed boundary treatment is of a high quality, final details of this will also be secured by condition.
- 77 Hard landscaping is proposed in eastern yard space, with new hoarding and planters to create a soft edge. This is proposed to be temporary until the wider masterplan area is built out, after which this would connect with the wider yards area and become a public route. This connection to the wider master-planning site is to be secured by condition.
- 78 Access to and within the building for wheelchair users will be improved with new ramps being provided at the main entrance as well as from the pub garden. A platform lift will enable access to the first floor space and WC. This is welcomed.

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6.2.1 Urban design conclusion

79 The proposed extensions and alterations would not harm the appearance of the host property or the surrounding area. The proposals are a creative response to the very poor condition but high significance of the historic building and its role of the whole building to the local community. They will preserve the significance of the most historic part which lies chiefly in its external envelope – and provide new spaces for uses which will sustain the building into the future.

80 Officers therefore consider that the current proposal would lead to no harm to the significance of the Locally Listed Building, nor the appearance surrounding area, subject to the conditions set out above.

6.3 TRANSPORT IMPACT

General policy

81 NPPF Paragraph 110 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.

82 Para 111 of the NPPF states ‘Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe’.

83 CSP 14 ‘Sustainable movement and transport’ promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport. It 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. A controlled parking zone (CPZ) may be implemented where appropriate.

6.3.1 Access

Policy

84 The NPPF requires safe and suitable access for all users.

85 Core Strategy Policy CS 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised; that a restrained approach to parking provision will be adopted; and 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.

Discussion

86 The pub would be accessed on foot via a route under another property fronting Catford Broadway and another pedestrian access on Thomas Lane. This is the existing pedestrian access arrangement for the pub. A path is proposed west to east through the

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pub garden, a possible connection through to the wider Town Centre Framework in the future.

- 87 Thomas Lane forms the western boundary to the site. It is one way southbound towards Catford Road (A205), part of the TLRN for which TfL is the highway authority. Part of this section of Thomas Lane is subject to side street red route controls being close to the junction with Catford Road.
- 88 The existing site has pedestrian access from Catford Broadway through an underpass. There is also an existing crossover and vehicle access through this underpass. To ensure this access is safe and welcoming to future users, a condition requiring details of improvements to this access, including lighting, surfacing and measures minimise pedestrian and vehicle conflicts is recommended. The council's highways officer recommended the vehicle crossover be removed. However, the access is not in the ownership of the applicant, and therefore this would not be possible. Considering this is the existing access arrangement and no change of use is proposed, on balance officers consider this to be acceptable.
- 89 There is an existing vehicle access to the rear yard from Thomas Lane, and this is not included on the proposed site plan. It is noted the site boundary would be moved eastward, widening the pavement of Thomas Lane. Public Sheffield stands would be provided adjacent to the western boundary of the site.
- 90 The path running west to east through the rear of the site is proposed to provide a route from Thomas Lane, through to the wider Thomas Lane Yards site in the future, when that site is developed. An access will be provided in the future from the eastern boundary, through to the wider Thomas Lane Yards.
- 91 Access to and within the building for wheelchair users will be improved with new ramps being provided at the main entrance as well as from the pub garden. A platform lift will enable access to the first floor space and WC. This is welcomed.

6.3.2 Local Transport Network

Policy

- 92 Policy T4 Assessing and mitigating transport impacts states the cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

Discussion

- 93 The site has a PTAL of 6a meaning it is amongst the most accessible areas in London with regard to public transport. The proposal would not have a significant impact on the local public transport network, as the proposed use would remain as existing, and the scale is relatively small.
- 94 TfL have noted that Thomas Lane is important in respect of bus operations as it is used by buses coming from stands on Thomas Lane itself and nearby streets which are going back into service on routes starting in Catford. They have noted that a construction management plan and delivery and servicing plan should be submitted to ensure that bus operations on Thomas Lane are not disrupted by the works, as well as to ensure safe and efficient operation of the TLRN.

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Walking and cycling

- 95 The proposal includes the provision of 15 cycle parking spaces on Thomas Lane, within the red-line site boundary, but outside of the new site boundary treatment. These would therefore be located in the public realm. Details of lighting should be provided for this area to ensure it would be secure. The proposed number of Sheffield stands is in line with Policy T5 for short stay customer spaces, and TfL have confirmed these are to be welcomed.
- 96 No details of staff cycle parking have been provided however. TfL request details of staff secure and dry, long stay cycle parking. Details of these are to be secured by condition.

Car parking

- 97 No car parking would be provided for staff or customers. This is consistent with the Policy T6 of the London Plan, which supports car free development in areas that are well connected to public transport.

6.3.3 Servicing and refuse

Policy

- 98 Policy T7 Deliveries, servicing and construction states development proposals should facilitate safe, clean, and efficient deliveries and servicing. Construction Logistics Plans and Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments.

Discussion

- 99 The use of the pub would remain as existing and therefore officers do not expect there would be any significant impact on the local highways network due to the proposed works.
- 100 There is a maximum 30 minute on street loading and unloading bay on Thomas Lane adjacent to the site which can also be used by Blue Badge holders for up to 3 hours parking during the period of controls, 7am – 7pm Monday to Saturday. A longer bay but with the same controls on use is located on the TLRN almost adjacent to the Catford Broadway access to the property.
- 101 TfL have requested a Delivery and Servicing plan be submitted as a condition of development, to ensure no harmful impacts to the TLRN would arise as a result of the proposed use.
- 102 Full details of the proposed bin store are also recommended to be secured by condition.

6.3.4 Transport impact conclusion

- 103 The proposal would not result in a change of use of the site, and therefore the impacts on the local highway network are generally established, and considered to be acceptable.

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104 Subject to compliance with the recommended conditions, officers consider the proposal would have an acceptable impact on the local transport network.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

105 NPPF paragraph 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

106 LP Policy D4, CS Policy 15 and DMP31 are also relevant and reflect the above.

107 The main impacts on amenity usually arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

6.4.1 Overbearing enclosure, impacts to outlook and daylight and sunlight

Policy

108 DMP31 states non-residential extensions adjacent to dwellings should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.

Discussion

109 Due to relatively small scale and the siting of proposed extensions within the footprint of the existing building, there would not be an impact to neighbouring properties with regard to overbearing enclosure, loss of outlook or loss of daylight and sunlight.

6.4.2 Privacy

Discussion

110 With regards to neighbouring privacy, it is generally upper floor windows which can cause a loss of privacy to neighbours.

111 No new window openings would be made in the envelope of the existing building, however several windows would be reinstated which have been boarded up for a significant period of time.

112 Whilst neighbouring occupants within upper floors of Catford Broadway fronting properties Nos.6, 7 and 8 could feel additional overlooking impacts as a result of the reinstated use of the upper floors of the building, and the reinstated windows, this is not a significant level of harm. This is because planning permission is not required for the use of the building to resume, and because these windows are in existing positions. Therefore although the building is not currently in use, officers do not consider the reinstatement of the windows would result in significant harm to the privacy of neighbouring occupants.

113 The proposed new roof terrace would be at the least 23m from any neighbouring windows, and at least 16m from the rear boundaries of neighbouring gardens of

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Nelgarde Road properties, and therefore would not result in a loss of privacy to occupants of those dwellings.

6.4.3 Noise and disturbance

Policy

- 114 DM Policy 17 states that applicants will be required to provide acceptable arrangements for the efficient and hygienic discharge of fumes and smells, including the siting of ducts, which should be unobtrusive; sound proofing, especially if living accommodation is above or adjacent and other appropriate mitigation measures in relation to the impact on neighbours of the proposed opening hours.
- 115 LPP D13 and D14 require development proposals to manage and mitigate noise impacts.

Discussion

- 116 The proposed use is the same as the existing use, as a public house. The building was operating as a public house until November 2019. Officers consider any potential noise impacts arising from the use would not materially increase as a result of the current planning application.
- 117 The proposal however would require the installation of new mechanical ventilation equipment. Final details of this, including appearance and noise attenuation would be secured by condition prior to installation, to ensure no harmful impacts to neighbours would arise as a result.
- 118 Officers also note the proposal includes installation of new modern windows, which will be of a higher quality and therefore provide greater level of noise mitigation from within the building than existing.
- 119 A condition requiring the applicant to submit a noise impact assessment report and to comply with any recommendations of that report has been recommended by the Council's Environmental Health officer, as well as a condition requiring the pub garden to close from 11pm.
- 120 A condition requiring sound measurements at the nearest sensitive noise receptors to not exceed WHO and BS 8233 guidelines and for the rating level for fixed plant to be at least 5db below background as measured at nearest noise sensitive receptors (BS4142) is recommended, to protect neighbouring amenity.
- 121 The operation of the public house will also be subject to licensing control, which provides additional control on noise impacts, opening hours and service of alcohol, including use of the beer garden.

6.4.4 Impact on neighbours conclusion

- 122 Subject to the above recommended conditions as well as Council licensing controls which are separate to planning, the impacts of the proposal on neighbouring amenity would be acceptable, in line with the above policies.

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6.5 NATURAL ENVIRONMENT

6.5.1 Ecology and biodiversity

Policy

- 123 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 124 The NPPF at para 174 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. At para 175, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 125 CSP 12 seeks to preserve or enhance local biodiversity.
- 126 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity.

Discussion

- 127 The application was submitted with an ecology statement as well as a bat survey report prepared by Greengage. These found there was no evidence of bat roost activity at the site.
- 128 Ecological enhancement measures have been recommended, including provision of bat-friendly lighting, enhanced soft landscaping and roosting opportunities such as bat bricks within the new building. The council's conservation officer confirms they have no objections, subject to the condition the recommendations of the ecology report are followed. Details of bat bricks are to be secured by condition, as are soft landscaping details and external lighting.
- 129 Subject to appropriate details submitted in support of the recommended conditions, the impact to ecology would be acceptable, in line with policies noted above.

6.6 PUBLIC HEALTH, WELL-BEING AND SAFETY

Policy

- 130 The NPPF and NPPG promote healthy communities. Decisions should take into account and support the health and well-being of all sections of the community. The NPPG recognises the built and natural environments are major determinants of health and wellbeing. Further links to planning and health are found throughout the whole of the NPPF. Key areas include the core planning principles (para 15) and the policies on transport (chapter 9), high quality homes (chapter 5), good design (chapter 12), climate change (chapter 14) and the natural environment (chapter 15).
- 131 The NPPG sets out a range of issues that could in respect of health and healthcare infrastructure, include how development proposals can support strong, vibrant and healthy communities. Development, where appropriate, should encourage active healthy lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport.

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The creation of healthy living environments for people of all ages can support social interaction.

- 132 Para 127 Good design create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Discussion

- 133 The Metropolitan Police secured by design officer has been consulted and recommends Secured by Design principles are adhered to, to lessen the chances of this building being broken into. Buildings which have listed or partially listed status are suitable for SbD and this building would be able to achieve a Bronze Award. Achieving Secured By Design is welcomed, especially as this development is in a high crime area.
- 134 To ensure Secured by Design principles are adhered to, details of the security measures to be employed are recommended to be secured by condition, to be approved in consultation with the Metropolitan Police.

7 LOCAL FINANCE CONSIDERATIONS

- 135 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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

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

- 137 The CIL is therefore a material consideration.

- 138 £0 Lewisham CIL and £0 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

- 139 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.

- 140 In summary, the Council must, in the exercise of its function, have due regard to the need to:

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- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

141 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.

142 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

143 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

144 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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

9 HUMAN RIGHTS IMPLICATIONS

146 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits

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authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

147 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

148 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

149 This application has the legitimate aim of providing a new building with employment uses. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

151 The proposed works to refurbish the pub, which is a locally listed building, would have a positive impact on the appearance of the building and surrounding area, as well as enhancing the non-designated heritage asset through new usage and renovation works, which would respect and enhance the historic fabric and ensure the building remains in public use, which will extend its lifetime. This is a planning merit which officers give significant weight.

152 Furthermore, the proposal would not harm the amenity of neighbouring occupants, nor the local transport network.

153 Considering the significant planning merits of the proposal, lack of harm identified and general compliance with the development plan as a whole, the proposal is recommended for approval.

11 RECOMMENDATION

154 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

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11.1 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:

1103 Rev.A; 1104 Rev.A; 1205 Received 15 September 2021;

0101 Rev.A; 0102 Rev.A; Existing Roof 3D; Proposed Extension Abutment Detail; Bat Survey Report (Greengage, July 2021) Received 3 September 2021;

0000; 0100 Rev.A; 0103; 0104; 0201; 0203; 0204; 0301; 0302; 0303; 0304; 1100; 1101; 1102; 1103; 1201; 1203; 1204; 1301; 1302; 1303; 1304; Heritage Statement (Hayatsu Architects, June 2021); Planning Statement Received 12 July 2021

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

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

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

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

(c) Measures to deal with safe pedestrian movement.

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

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4. The rating level of the noise emitted from the building shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014

Reason: To safeguard the amenity of the occupiers of the proposed property as well as the surrounding occupiers.

5. (a) Notwithstanding the details hereby approved, no development shall commence until detailed plans at a scale of 1:10 or 1:20 showing the existing and proposed roof tiles, and a document detailing where and how the existing tiles will be re-used where possible, have been submitted to and approved in writing by the local planning authority

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

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, DM Policy 31 Alterations and Extension to Existing Buildings and DM Policy 37 Non designated heritage assets.

6. (a) Notwithstanding the details hereby approved, no development shall commence until detailed plans at a scale of 1:10 or 1:20 showing the proposed new internal staircase, internal floor surface finishes, internal partitioning at ground and first floor level, and the first floor walkway including railings within the Georgian section of the building have been submitted to and approved in writing by the local planning authority.

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

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, DM Policy 31 Alterations and Extension to Existing Buildings and DM Policy 37 Non designated heritage assets.

7. (a) Notwithstanding the details hereby approved, no development shall commence until detailed plans at a scale of 1:10 or 1:20 showing all new external doors and windows to be installed; railings for the roof terrace, and of the glazed canopy entrance on the south elevation that is to be repaired, including new cast iron posts, have been submitted to and approved in writing by the local planning authority

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

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, DM Policy 31 Alterations and Extension to Existing Buildings and DM Policy 37 Non designated heritage assets.

8. No development shall commence on site until a detailed schedule and specification of all external materials and finishes to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, DM Policy 31 Alterations and Extensions to new buildings and DM Policy 37 Non-designated heritage assets.

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9. (a) The public house use shall not commence until full details of proposals for the storage and collection of refuse and recycling have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

10. (a) Prior to commencement of the public house use, full details of staff cycle parking facilities, shall be submitted to and approved in writing by the local planning authority.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

11. (a) Prior to commencement above-ground works, drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

12. 1 Prior to commencement of work on site, a document detailing the programme of works that will be carried out to stabilise and make safe the building during construction works must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Council's conservation officer.
- 2 The works stabilisation and making safe must be carried out in full accordance with the approved programme prior to commencement of construction, and must be adhered to throughout the construction period.

Reason: To ensure the non-designated heritage asset is adequately protected during the works, in compliance with Paragraph 203 of the National Planning Policy Framework (2021) and Policy DM37 Non-designated Heritage assets of the Development Management Local Plan (2014).

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13. (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to commencement of the public house use.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

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

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

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

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

16. (a) Prior to installation, detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.
- (b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

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Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 17 Restaurants and cafes (A3 uses) and drinking establishments (A4 uses) and DM Policy of the Development Management Local Plan (November 2014).

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

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties, to minimise harm to ecology and to ensure adequate lighting for security purposes in compliance with Policy D11 Safety, security and resilience to emergency of the London Plan (2021), DM Policy 24 Biodiversity, living roofs and artificial playing pitches DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

18. (a) The public house use shall not commence until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity, and to ensure no harmful impacts on bus services using Thomas Lane and on the Transport for London Road Network.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy T7 Deliveries, servicing and construction of the London Plan (2021), and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

19. a) Prior to commencement of above ground work, details of security measures in line with the standards set out by 'Secured by Design' shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police.
- b) The measures must be implemented prior to occupation of the building in accordance with the details approved under part (a).
- c) Prior to opening to the public, confirmation that the standards recommended by Secure by Design for that building has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

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Reason: To minimise security risks to the proposed development, in compliance with Policy D11 Safety, security and resilience to emergency of the London Plan (March 2021).

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

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

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

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

22. a) Prior to commencement of above ground work, details of security measures in line with the standards set out by 'Secured by Design' shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police.
- b) The measures must be implemented prior to occupation of the building in accordance with the details approved under part (a).
- c) Prior to opening to the public, confirmation that the standards recommended by Secure by Design for that building has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise security risks to the proposed development, in compliance with Policy D11 Safety, security and resilience to emergency of the London Plan (March 2021).

23. A pedestrian route between the Catford Constitutional Club and the Broadway linking Thomas' Lane and the eastern yard space (delineated on the Proposed Site Plan (No.1100)) shall be made available for public use prior to occupation of the Catford Constitutional Club and openings made to create a route through to the wider Thomas Lane Yards Site to the east once that development has been completed.

Reason: To improve public access in compliance with Policy D8 Public realm of the London Plan (March 2021) and DM Policy 35 Public Realm of the Development Management Local Plan (November 2014) and to ensure there is a public route through to the public house from the wider Thomas Lane site in the future.

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- 2⁴ a) Prior to commencement of above ground works, a noise impact assessment of the proposed use and scheme of soundproofing of a specification for sound insulation against airborne noise, for the building must be submitted to the Local Planning Authority for approval.
- b) The public house use shall only commence once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- c) The soundproofing shall be retained permanently in accordance with the approved details.
- d) Any outdoor space shall only be available for public use between the hours of 09.00 to 23.00.

Reason: In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

11.2 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. Positive discussions took place which resulted in further information being submitted prior to determination.
- 2) It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- 3) The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.

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12 BACKGROUND PAPERS

1 Submission Drawings

Submission technical reports and documents

Internal consultee responses

Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

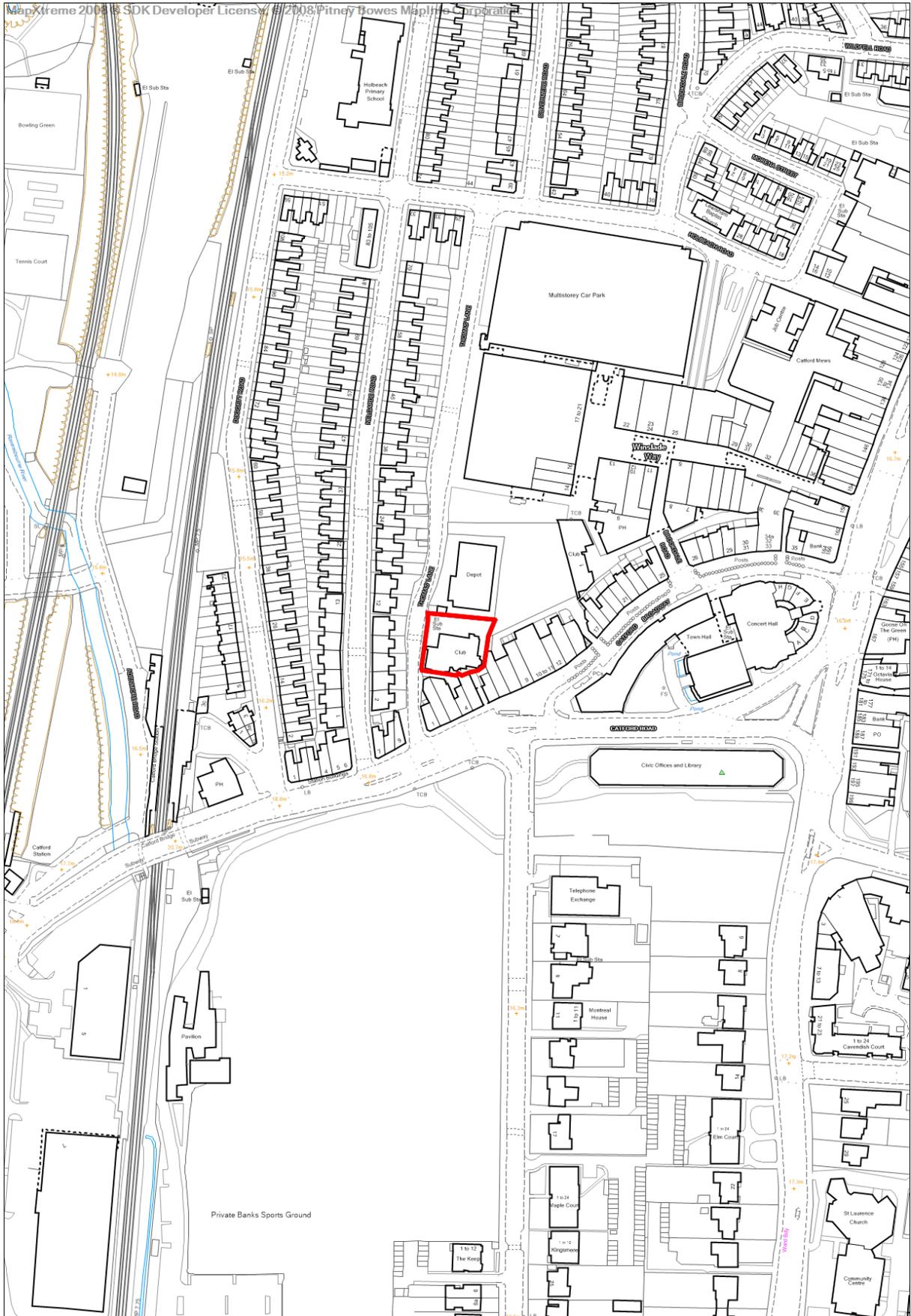
155 *Samuel James, samuel.james@lewisham.gov.uk, 020 8314 3722*

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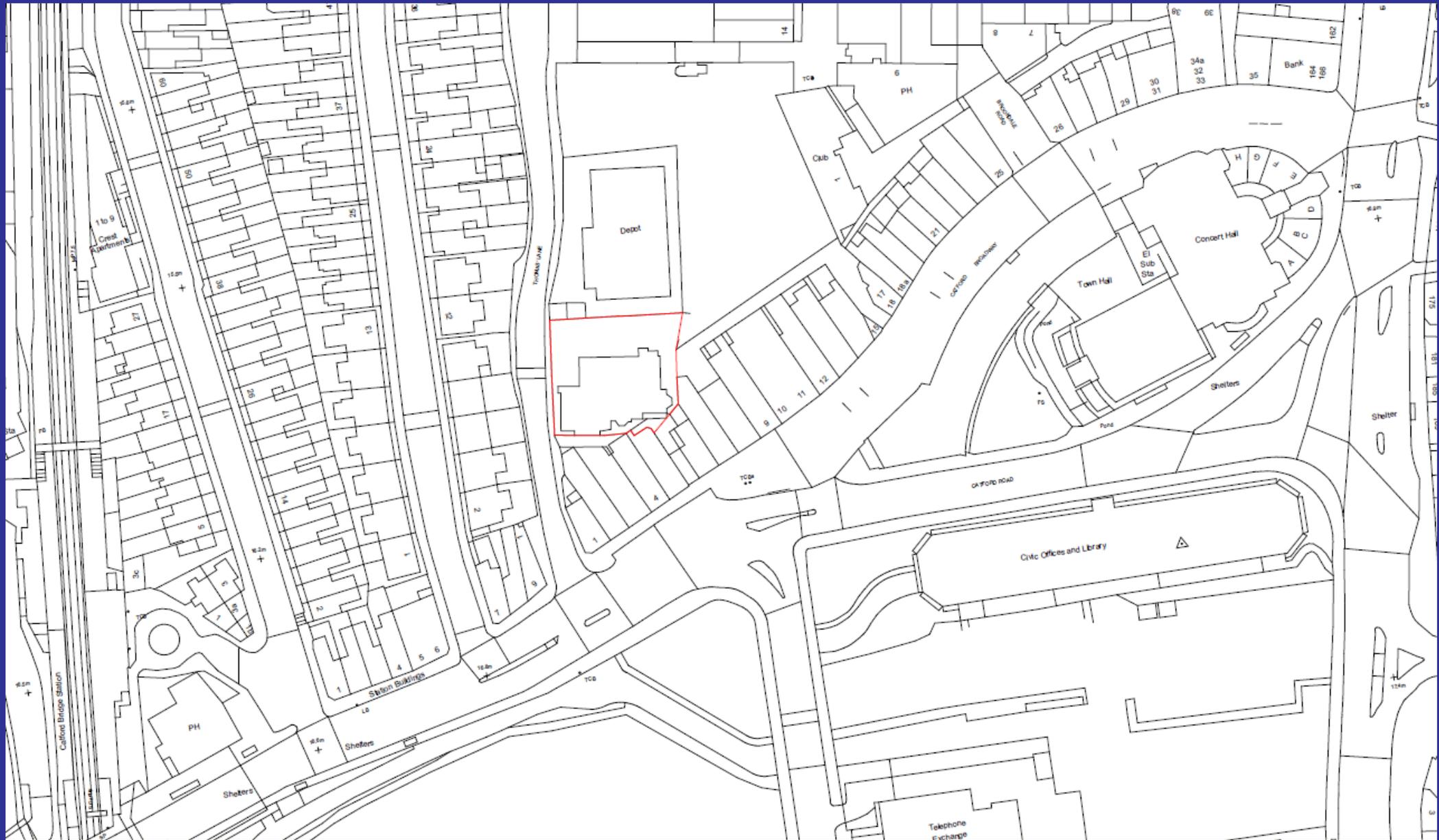
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CATFORD CONSTITUTIONAL CLUB, CATFORD BROADWAY, SE6 4SP

Application No. DC/21/122468

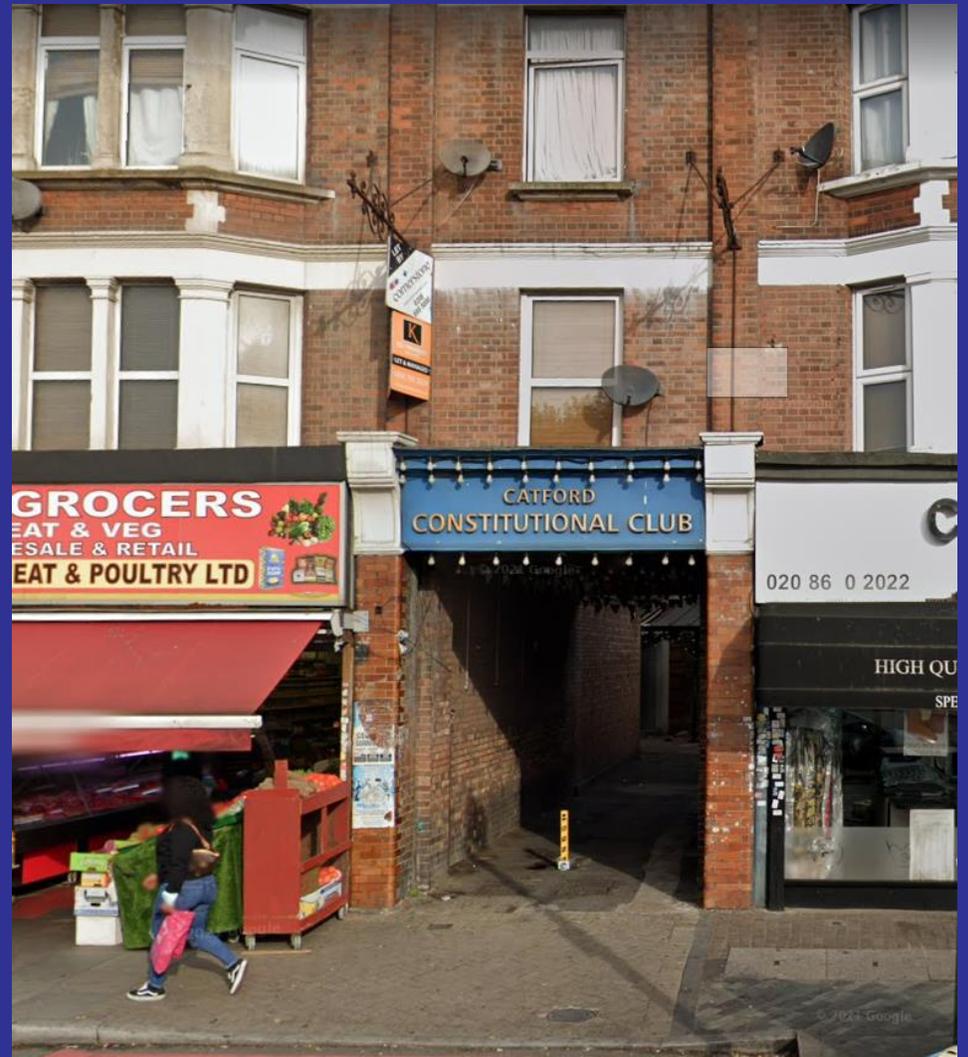
Refurbishment and alterations to Catford Constitutional Club, Catford Broadway, SE6, including construction of first floor extension, provision of rooftop plant, external alterations and landscaping works.

This presentation forms no part of a planning application
and is for information only.



Site Location Plan





View from Thomas Lane and Catford Broadway



Interior view showing contemporary structural roof intervention



Interior view showing the state of repair required



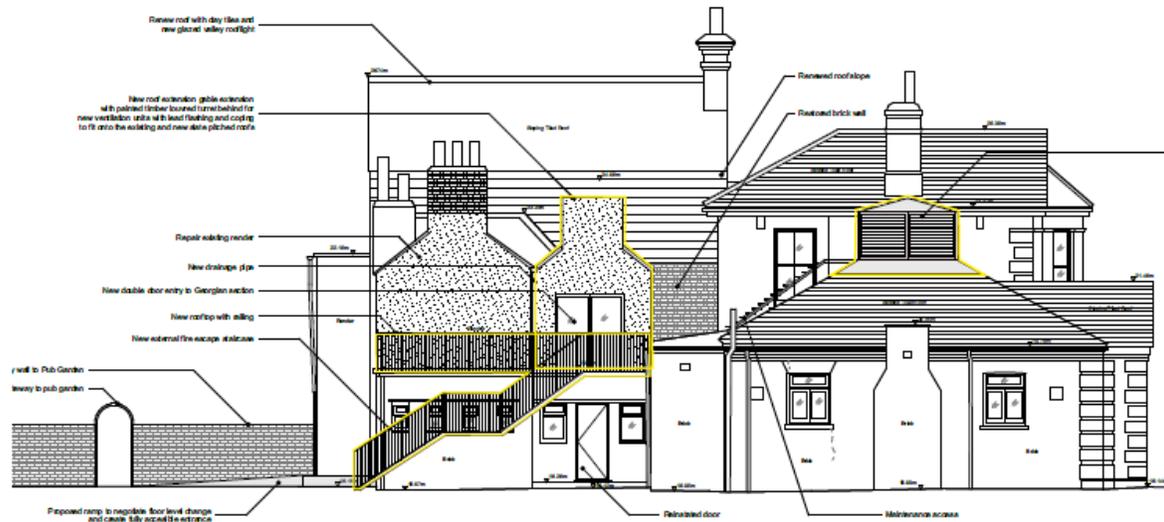
3.0 Design Principles

The design principles for the renovation and reinstatement of the CCC can be summarised as the following:

1. Retaining and repairing existing building envelope of Georgian building by inserting a new timber framed support structure inside and introducing a new glazed rooflight in the valley of the M shaped roof.
2. Creating a new entrance hall using the new timber frame structure containing WC facilities and a new function room on the first floor.
3. Connecting the Georgian and Victorian sections with platform lift to make the building fully accessible.
4. Reinstating the existing pub areas with only most necessary alterations.
5. Adding a small extension to the north west at the first floor level to enlarge the existing room.
6. Reinstatement a roof turret on the 1893 - 1914 Victorian single storey block (former billiard hall) to accommodate new services.



Illustration of the proposed pub and pub garden by Hayatsu Architects



West elevation proposed

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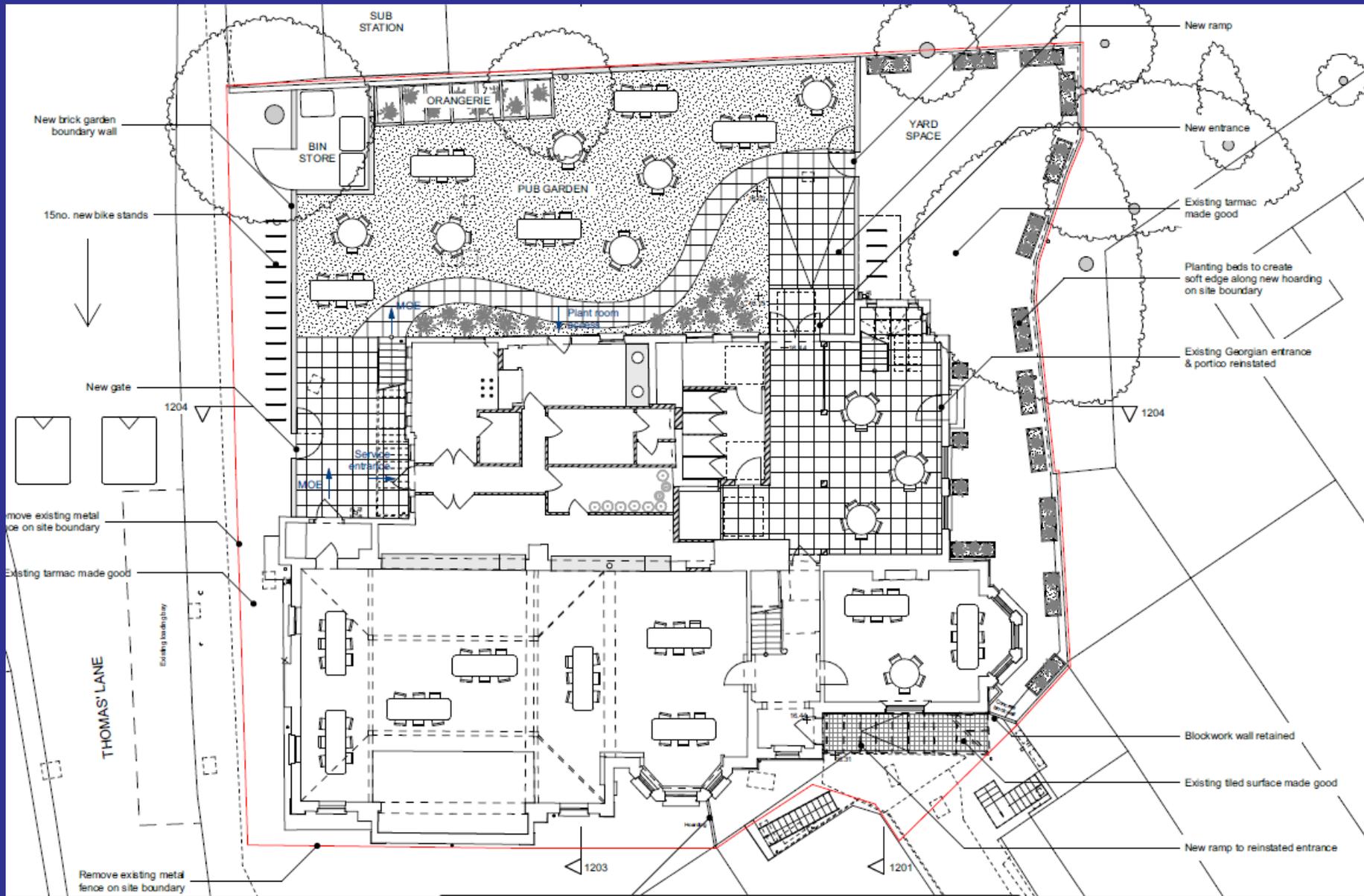


South elevation proposed

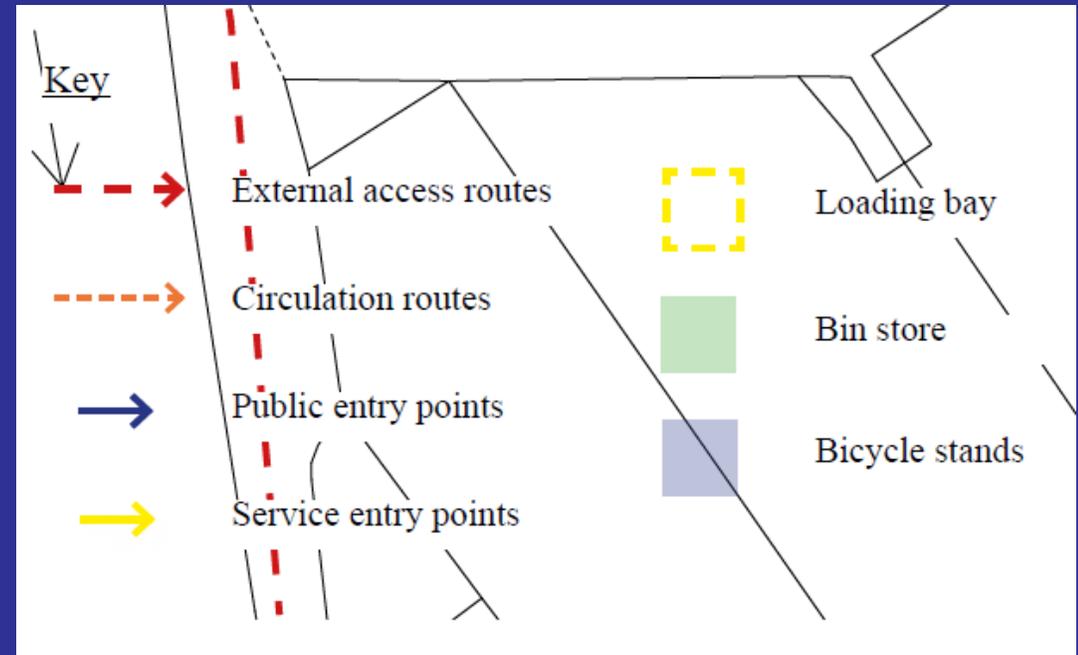
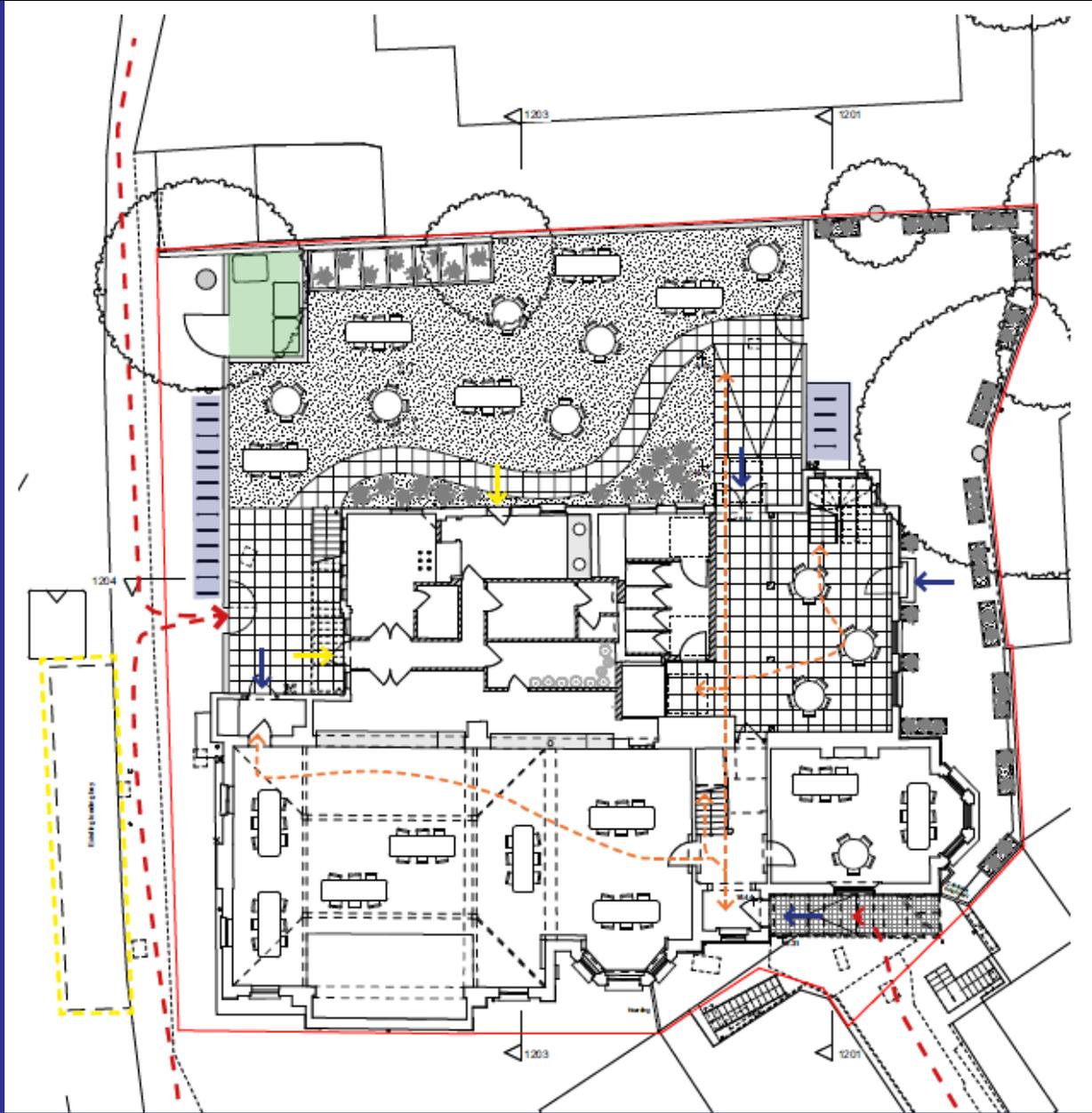
Aerial view dating from c. 1920 shows the roof turret volume (highlighted in pink)



3D model showing the proposed interventions to the existing CC building highlighted in yellow.



Proposed Site Layout Plan



Key Material Planning Considerations:

- Principle of Development
- Urban Design and heritage
- Transport and Highways impacts
- Impact on Neighbouring Residential Amenity
- Sustainable Development and Natural Environment

END

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Planning Committee B

Report title: BURNT ASH WORKS, HOLME LACEY ROAD, LONDON, SE12 0HR

Date: 11 November 2021

Key decision: No.

Class: Part 1

Ward(s) affected: Lee Green

Contributors: Samuel James

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of five objections from local residents.

Application details

Application reference number(s): DC/21/119025

Application Date: 21 October 2020

Applicant: Travis Perkins

Proposal: Demolition of Travis Perkins, Holme Lacey Road SE12 and former car showroom 2 Burnt Ash Hill SE12 and the construction of a building for use as a builders merchants (sui generis) with service yard, car parking, landscaping and associated works.

Background Papers:

- (1) Submission Drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses

Designation: PTAL 3

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site relates to a large, roughly L-shaped plot of land located on the western side of Burnt Ash Hill and on the northern side of Holme Lacey Road. The site is currently split into two separate planning units:
- 2 The Western part of the site is within the Manor Lane Local Employment Location (LEL), and is currently in use as a builder's merchant (Sui Generis) operated by Travis Perkins. A large warehouse building sits in the northern part of the site, and the southern part is used for access, parking and loading/unloading. Access to the site is from the south adjacent to No.2 Holme Lacey Road.
- 3 The Eastern part of the site is in use as a car showroom (Sui Generis), and currently comprises a part single, part two storey building, in addition to some smaller associated outbuildings and car parking. Access to the site is gained from Holme Lacey Road, and Burnt Ash Hill.

Character of area

- 4 The area immediately to the south of the application site is predominately residential in character, comprising a three storey block of flats and groups of two storey, terraced dwellinghouses. Immediately to the west of the site are terraced houses on Holme Lacey Road, as well as the industrial uses of the Manor Lane LEL to the north of these.

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- 5 On the opposite side of Burnt Ash Hill the buildings are three storeys and terraced in nature, with commercial/retail units on the ground floors and residential units above. To the north of the site there is a motorcycle shop. The railway line runs to the north of the site on a high embankment, with Lee Station located to the north-east.

Heritage/archaeology

- 6 The site is not located in a conservation area, nor is it directly adjoining one, however the Lee Manor Conservation Area is located close by, to the north of the railway line, and on the opposite side of Burnt Ash Hill.

Surrounding area

- 7 There is a local shopping parade on the opposite side of Burnt Ash Hill to the east of the site

Local environment

- 8 The adjacent railway embankment is a designated Green Corridor and Site of Importance for Nature Conservation.

Transport

- 9 The site has a PTAL rating of 3, based on a scale of 0-6b with 6b having the highest degree of accessibility to public transport.

- 10 Lee railway station is almost directly opposite the application site on Burnt Ash Hill.

2 RELEVANT PLANNING HISTORY

- 11 There is no relevant history

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 12 Demolition of the existing builder's merchant on Holme Lacey Road, and car showroom buildings at 2 Burnt Ash Hill, and the construction of a new building for use as a builders merchants (sui generis) with service yard, car parking, landscaping and associated works.

- 13 The proposed builder's merchant would be retained and operated by the applicants, Travis Perkins.

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4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 14 On Thursday 8th October 2020, leaflets were distributed by the applicant to local residents in the immediate local area of the Application Site. The area included Holme Lacey Road; Dallinger Road; and nearby residential and commercial premises on Burnt Ash Hill.
- 15 The leaflet provided initial information about the proposals and sought to address the key concerns that residents may have regarding the proposed development, primarily relating to noise, sustainability and hours of operation. The leaflet also included contact details of the Applicant should residents have further queries.
- 16 Two local residents contacted the Applicant, with questions relating to the specific uses proposed as part of the development; how site waste will be managed; when works are expected to begin on Site; and how the Healthy Neighbourhoods programme has been considered as part of the proposals.
- 17 The pre-application consultation is in line with the Lewisham SPD.

4.2 APPLICATION PUBLICITY

- 18 Site notices were displayed on 09 December 2020 and a press notice was published on 09 December 2020.
- 19 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 03 December 2020.
- 20 6 responses received, comprising 4 objections from local residents, 0 support and 2 letters commenting on the proposal from local amenity groups.

4.2.1 Comments in objection

Comment	Para where addressed
Impact of large vehicles entering and exiting the site and safety concerns	108
Proposal will result in increased custom at an expanded site	47
Increased levels of traffic in local area	114
Noise impact concerns	146
HGV waiting / turning right onto residential streets surrounding site causes disturbance	132
Commercial premises of this scale inappropriate for residential area such as this.	150

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Height of proposed building	76
The southern facade is positioned close to the boundary and the pedestrian footpath; it would be safer to be set further back from the pavement to improve visibility.	89

4.2.2 Local Amenity Group Comments

Comment	Para where addressed
<i>Lewisham Pedestrians:</i>	
Crossovers should reinforce pedestrian priority on footway	108
Changes to highway must take account of advice regarding 'shared space'.	132
<i>Lee Manor Society:</i>	
Site is adjacent to Lee Manor Conservation Area, though separated by the railway line and the parade of shops on Burnt Ash Hill	6
Building would have dominating presence	76
Needs to be sufficient, and well maintained landscaping	87
Safety of vehicle entrance on Burnt Ash Hill.	132

4.3 INTERNAL CONSULTATION

- 21 The following internal consultees were notified on 4 December 2021.
- 22 Highways: Requested further information. Once submitted no objections were raised subject to conditions and S278 works.
- 23 Urban Design: Commented on the proposed scheme, originally in objection but following receipt of further information the objection has been withdrawn.
- 24 SUDS officer: The suds officer raises no objections following receipt of further information, subject to a condition requiring compliance with the relevant targets.
- 25 Arboricultural officer: Raised several concerns relating to the proposed landscaping.
- 26 Ecology officer: requested further information that has been provided. No objections subject to conditions.
- 27 Environmental Health: Raised no objections, subject to compliance with several conditions.

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4.4 EXTERNAL CONSULTATION

28 The following External Consultees were notified on 4 December 2020:

29 Network Rail: Raised no objections, require applicant to ensure assets are protected.

30 TfL: Raised no objections.

31 Thames Water: Raised no objections, subject to several informative notes.

32 Met Police: Raised no objections, subject to a condition requiring the development to comply with SBD principles.

33 London Fire Brigade: raised no objection, however noted that an informative should states that LBF require access for fire appliances in accordance with Part B5 of Building Regulations Approved Document, and that adequate water for firefighting purposes would be provided.

5 POLICY CONTEXT

5.1 LEGISLATION

34 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

5.2 MATERIAL CONSIDERATIONS

35 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

36 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

37 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)

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- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

38 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

39 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)
- Shopfront Design Guide Supplementary Planning Document (March 2006)

40 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- London's Foundations (2012)
- London View Management Framework (March 2012)
- All London Green Grid (March 2012)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Energy Assessment Guidance (October 2018)

6 PLANNING CONSIDERATIONS

41 The main issues are:

- Principle of Development
- Employment
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment

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- Planning Obligations

6.1 PRINCIPLE OF DEVELOPMENT

General policy

- 42 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 43 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

Policy

- 44 Core Strategy Policies 3 and 5 outline that the Council will protect Local Employment Locations (LELs), and the scattering of employment locations throughout the borough outside of allocated or strategic sites.
- 45 DM 10 states the council will support uses within appropriate sui generis uses, within a Local Employment Location, subject to the use being appropriate in the location in relation to the surrounding built context, the intensity of the use and the new use meeting the aims in the Core Strategy Policy 3.
- 46 DM 11 states that the Council will seek to retain employment uses on sites and buildings in Town Centres, and Local Hubs where they are considered capable of continuing to contribute to and support clusters of business and retail uses, and where the use is compatible with the surrounding built context.

6.1.1 Principle of development conclusions

- 47 The applicant has stated that due to the age of the existing buildings on the Site, the constrained layout and increasing demand from the trade, the existing Travis Perkins branch cannot meet modern operational needs. In order to address this problem and so that the Lee branch can remain commercially viable, Travis Perkins (the applicant) acquired the adjoining car showroom site at 2 Burnt Ash Hill, in order that the existing branch be modernised and expanded across the two sites. It is stated in the submission that the intensity of usage of the site will not be expected to increase.
- 48 Both sites are proposed to be comprehensively re-developed to facilitate a new layout, introduce safer vehicle movements, construct a new, modern commercial unit that meet's current and future operational requirements and introduce noise mitigation measures along residential boundaries.
- 49 The existing builder's merchant is within the Manor Lane Local Employment Location, and the existing car showroom is an employment generating commercial use. Both are of Sui Generis use class.
- 50 There are no in-principle issues associated with the demolition of the existing buildings, nor with the construction of a new building and new site layout to be used as a builder's merchant (sui generis use class). The proposed builder's merchant use across the entire site is consistent with the aims of the above policies in protecting employment generating uses within and outside of LELs.

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51 Therefore the principle of development is supported, subject to the impact on the employment, the impact of the design of the building on the appearance of the surrounding area and neighbouring occupiers' amenity, as well as the impacts to the local transport network, and sustainability and environmental matters.

6.2 EMPLOYMENT

Policy

- 52 Para 81 of the NPPF states "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"
- 53 LPP E4 states a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions should be provided and maintained, making provision for a variety of operational requirements.
- 54 The retention, enhancement and provision of additional industrial capacity should be prioritised in locations that are accessible to the strategic road network and/or have potential for the transport of goods by rail, provide capacity for logistics, waste management, emerging industrial sectors or essential industrial-related services that support London's economy and population, or support access to supply chains and local employment in industrial and related activities.
- 55 Core Strategy Policies 3 and 5 outline that the Council will protect Local Employment Locations (LELs), and the scattering of employment locations throughout the borough outside of allocated or strategic sites.
- 56 DM 11 states that the Council will seek to retain employment uses on sites and buildings in Town Centres, and Local Hubs where they are considered capable of continuing to contribute to and support clusters of business and retail uses, and where the use is compatible with the surrounding built context.

Discussion

- 57 The submitted planning statement states the new TP branch will retain the existing 12 Full Time Employees, and create additional jobs over the first 5 years of operation. The continued use of the western part of the site, which is within a designated LEL as a Travis Perkins Builders Merchant is therefore supported, as it would protect the LEL use of the site.
- 58 The car showroom, the eastern part of the site is currently vacant, but it is an employment generated use that is protected by Policy DM11. Officers have not been provided with previous employment numbers of the car showroom use when it was in operation, however it is considered the proposal will result in efficient use of the site which will see existing employment premises refurbished and brought back into beneficial economic use. Continued occupation of the Site by a larger and more modern TP branch will retain existing jobs and create additional jobs, whilst also supporting the local building supply chains, and continue to provide support for the local economy and industry in line with the above policies.
- 59 The proposed development will help to retain an existing local business to continue to operate from their existing site in a modern development to better suit their operational needs.

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6.2.1 Employment conclusion

60 The retention of the whole site as an employment location, facilitated through the construction of a new, fit for purpose building, and an amended site layout is a planning merit.

6.3 URBAN DESIGN

General Policy

61 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

62 Policies D1 and D2 of the London Plan (2021), require development to have regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings.

63 CSP 15 outlines how 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.

64 DMP 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.

6.3.1 Appearance and character

Policy

65 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 130).

66 London Plan Policy D3 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness. Proposals should be high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well. Development should provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest

67 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.

Discussion

68 The proposed building would be located in a prominent location, at the junction of Burnt Ash Hill and Holme Lacey Road, and opposite the vehicular access to Lee Railway

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station. The site is industrial and commercial in character, and the existing buildings reflect this and are not considered to contribute positively to the character of the area.

- 69 The proposed building is a single storey warehouse style building with a dual pitched roof and it is of a similar scale to the existing car showroom building on the site that is to be demolished.
- 70 The council's urban design officer initially raised concern regarding the impact of the building to the character of the surrounding area, and requested further information from the applicant, as well as suggesting several amendments.
- 71 The applicant responded by sending 3D visualisations of the proposal, as well as a statement which justified why the suggested amendments were not possible for practical and functional reasons, as well as highlighting several aspects of the design rationale for the proposed development.
- 72 The council's urban design officer reviewed the additional information that had been submitted, and has stated they consider the design to be acceptable, and accepted the applicant's justification of why the suggested amendments could not be made, for technical and functional reasons.
- 73 Officers therefore consider that the proposed building would be of an acceptably high quality, modern and functional commercial building, which would have an acceptable impact on the character of the area.
- 74 The proposed materials of brick, timber and cladding systems reflect that of a modern commercial building. Three large windows have been included along the Holme Lacey Road elevation to provide active views into the warehouse space, a large street level glazed entrance screen and doors into the trade counter area have also been included to provide a further active frontage. This elevation is also stepped along its entire length to provide an articulated façade with differing materials to create interest.
- 75 Planting zones would be included around its edges, which would be extended along the entire length of the building and continue to extend across the frontage of the open yard, several trees are proposed.
- 76 The proposed building is considered to have an acceptable appearance, and would not result in harm to the character of the surrounding area, in line with the above policies.

Layout

Policy

- 77 LPP D3 requires proposals to be street-based with clearly defined public and private environments, and to facilitate efficient servicing, as well as deliveries that minimise negative impacts on the environment, public realm and vulnerable road users. It also states they should provide spaces and buildings that maximise opportunities for urban greening to create attractive resilient places that can also help the management of surface water.
- 78 LPP G5 Urban Greening states major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design.

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79 DMP 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscapes and trees.

Discussion

80 The existing site consists of 2 buildings in separate uses, the existing Travis Perkins to the west, and the former car showroom to the east. The remainder of the site comprises hard landscaping.

81 The proposed site has been designed to allow the site to function according to the requirements of the applicant. The submitted Design and Access Statement states the yard areas and parking have been carefully considered for ease of operations, safe use, and have been tried and tested on other Travis Perkins branches of this type and that the layout of the site has been designed to minimise any potential conflicts between vehicles and pedestrians. The layout also maximises the space available for external storage and for customer loading.

82 The proposed building would be located in the south-eastern corner of the site, so that it fronts Burnt Ash Hill and Holme Lacey Road. It would be set back from Burnt Ash Hill by approximately 3.5m, and back from Holme Lacey Road by approximately 1.5m.

83 Although the building would be closer to the Holme Lacey Road frontage than the existing which will give the building more prominence, the inclusion of windows and planting along this elevation, as well as the high quality materials, mean this would not result in a harmful impact.

84 The vehicular access would be from an existing access on Burnt Ash Hill, to the north of the building, and a one way system would be created through the site. The vehicular exit would be to Holme Lacey Road, from an existing access, to the west of the building. The loading bay would be located adjacent to the vehicular exit, in the location of the existing loading bay for Travis Perkins. The north-western portion of the site, in the location of the existing Travis Perkins building would be used as an external stock storage area with HGV access around.

85 The western part of the site is proposed as a stock storage area, with a mixture of stock stored on the ground, up to heights of 4m. Along the northern boundary, and towards the centre of the western 'leg' of the site racking for stock storage up to 5m would be installed. Officers are satisfied the proposed racking would have an acceptable appearance on the surrounding area, due to its siting relatively far back into the site and away from the street.

86 To ensure the storage of stock and racking within the site does not harm the visual amenities of the residential properties at 2-10 Holme Lacey Road, a condition restricting the height of stock storage adjoining these rear boundaries to no more than 3m is recommended. Details of boundary treatment are also recommended to be secured by condition.

87 Soft landscaping is proposed adjacent to the street facing elevations, including two trees to the Burnt Ash Hill frontage, and two along and planting areas within the recessed elements of the southern elevation. Considering the commercial nature of the site, and that there is no existing soft landscaping on the site, the proposed quantum of soft landscaping is considered to be acceptable, as it would be an improvement on the existing situation. The final scheme of soft landscaping including maintenance is recommended to be secured by condition.

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- 88 It is noted the council's arboricultural officer has raised several concerns, including the quantum of soft landscaping proposed. They have requested the urban greening score for the site. However, as an industrial site, there is no policy requirement for the site to achieve a certain urban greening score. It is also noted that the existing site is industrial in nature, and is covered fully by hard landscaping, so the proposed scheme of soft landscaping would be an overall improvement to the site. The final details of the soft landscaping scheme, including maintenance is recommended to be secured by condition.
- 89 On balance officers consider the layout of the site to be acceptable, in line with the development plan.

Detailing and Materials

Policy

- 90 Policy D3 of the London Plan requires development proposals to be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

Discussion

- 91 The building façades will have a low level Red stock clay brick plinth wall of varying heights from 450mm to 2475mm, above this will be Hollybush Green micro rib cladding panels laid horizontal up to 5475mm and above this to underside of eaves will be Merlin Grey half round cladding also laid horizontal. The full height timber clad feature panels will have tongue & groove Siberian Larch laid horizontal with brown stained finish. The low pitch roof will have Merlin Grey trapezoidal cladding panels with flush translucent GRP rooflights. The roof will be finished with matching ridge and verge flashings. The eaves will have Merlin Grey powder coated fascia with low rise sinuzoidal soffit lining. The rainwater pipes will be in black upvc.
- 92 Officers consider the proposed quality of detailing and materials to be high, and appropriate for a functional commercial building, in a prominent location such as this.

6.3.2 Urban design conclusion

- 93 The proposed building is of an appropriate scale, and the layout of the site has been designed for functionality and safety of the proposed use. Officers originally raised some concerns with regard to the design of the building, however following the receipt of further information, including 3D visuals, the buildings appearance is considered to be acceptable.
- 94 The elevational treatments are considered to be good quality, and the proposed soft landscaping adjacent to the public realm would soften the impacts. Overall the proposal would have an acceptable impact on the appearance of the surrounding area, in line with above mentioned policies.

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6.4 TRANSPORT IMPACT

General policy

- 95 NPPF Paragraph 110 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 96 Para 111 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'.
- 97 CSP 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

6.4.1 Access

Policy

- 98 The NPPF requires safe and suitable access for all users. Paragraph 110 states that in assessing application for development it should be ensured that appropriate opportunities to promote suitable transport modes can – or have been taken up and that amongst other things safe and suitable access to the site can be achieved for all users. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Discussion

- 99 The site is to be accessed by vehicles from Burnt Ash Hill from the existing vehicle access point, and a one way system within the site would be created, with the exit on Holme Lacey Road. The pedestrian access would be from Burnt Ash Hill.
- 100 The Council's highway officer has recommended that improvement works are required to the proposed vehicular access and exit points. These works should include the construction of bellmouth accesses with associated dropped kerbs, tactile paving and double yellow lines around the access points. These works are proposed to be secured through a S278 Agreement.
- 101 The proposed access point were subject to a visibility assessment to determine the suitability of the proposed access / egress system. Visibility splays of 2.4m x 43m are provided at the egress onto Holme Lacey Road, and 45m forward visibility at the access point on Burnt Ash Hill which is acceptable and complies with design standards.
- 102 However, it is noted that footway parking adjacent to the Holme Lacey Road exit could impact on intervisibility between exiting vehicles and road users on Holme Lacey Road. The highway officer has recommended waiting restrictions should be applied on Holme Lacey Road, where there is existing on-street parking close to the proposed site exit, to ensure parked vehicles would not impact on intervisibility. This would result in a loss of on-street parking. The applicant has submitted the results of a parking survey, which

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demonstrate surrounding streets could absorb the impact of this loss of parking. This is recommended to be included in the S278 agreement.

- 103 Analysis of collision data adjacent to the site identified that nine collisions had occurred within the vicinity of the Holme Lacey Road / Burnt Ash Hill junction during the assessment period (since 2016), all of which were recorded as 'slight' in severity, and four of these involved a cyclist and a vehicle.
- 104 Swept path analysis has been submitted to demonstrate an articulated lorry, a 10m rigid truck, and a customer van can access and egress the site in forward gear. Section 4.14 of the Transport Statement confirms that *"HGV's are required to overrun the Holme Lacey Road centreline whilst egressing the site"*.
- 105 Whilst it is accepted that this is an existing arrangement, the proposal could result in an increase in the number of HGV vehicles undertaking this manoeuvre, which could increase the potential for conflict, particularly as Holme Lacey Road is a designated cycle route. Given the potential increase in the number of HGVs overrunning the Holme Lacey Road centreline whilst egressing the site, works are required to reduce vehicle speeds in this location. The highway officer has requested the following works be secured through a Section 278 Agreement:
- Improvement works are required to the Burnt Ash Hill / Holme Lacey road junction, including a raised table crossing, to slow speeds when vehicles are manoeuvring through the junction, and reduce conflict with cyclists. These works will also improve the pedestrian crossing facilities in this location.
 - Traffic calming measures are also required at the Holme Lacey road / Dallinger road junction to reduce vehicle speed in the vicinity of the vehicle exit point on Holme Lacey road.
 - Additional cycle route signing / marking should be provided on Holme Lacey road to reinforce the presence of cyclists in the vicinity of the application site.
 - An independent Road Safety Audit should be produced in association with the works.
- 106 The development would result in the expansion of the existing Travis Perkins use that currently occupies part of the site and this may result in an increase in the number of vehicle trips to the site. Furthermore, the consolidation of entrances onto Burnt Ash Hill would result in an increase in the number of HGV turning manoeuvres in the vicinity of the Holme Lacey Road / Burnt Ash Hill junction. Therefore the above recommended works are considered necessary to mitigate the impact of the proposal.
- 107 Furthermore, to ensure the one way system is adhered to, details of signing to direct traffic to the proposed site access point on Burnt Ash Hill, And a 'no entry' sign on the Holme Lacey Road exit are recommended to be secured by condition.
- 108 Subject to completion of the works recommended to be secured through a Section 278 Agreement above, the proposed access is considered acceptable, and would not have a harmful impact on highway safety. The S278 works will be secured through a Section 106 Agreement.

6.4.2 Local Transport Network

Policy

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109 CSP 14 states the Council will work with Transport for London, Network Rail and other partners to ensure the delivery of necessary transport infrastructure, as well as working with adjoining boroughs to address the cumulative impact of development by enabling more effective management of traffic and improving the environment for all users, including pedestrians, cyclists and public transport users.

Discussion

110 Due to the nature of the use it is expected most customer trips would be made by private vehicles. Furthermore, the majority of deliveries made to, and from the site are using HGVs.

111 Using TRICS data, the applicant has calculated the number of vehicle trips that would be generated by the existing uses of the site, including the car showroom, and the forecast number of trips for the proposed development. The results indicated that the proposal could be expected to attract an additional four vehicle trips in the AM peak period, with a reduction of six vehicle trip in the PM peak. This is consistent with on-site observations at Travis Perkins branches across the country, in which the peak operating hour for the builders' merchants was generally found to be 08:00 – 09:00.

112 TfL have requested that that if permission is granted it is ensured that safe, efficient and convenient bus operations on Burnt Ash Hill including the bus stop opposite the site are maintained during the site clearance and construction works and subsequently when in operation as a builders merchants on the consolidated site. A construction management plan would be required as a condition of development, and TfL would be consulted on this document.

113 They have also requested that arrangements are put in place so as to minimise peak time vehicle movements as well as generally encouraging sustainable and active travel by staff and customers. A Travel Plan has been submitted, which sets out measures to encourage colleagues and customers to travel to the site by alternative means of transport to single occupancy vehicle trips. It will be a condition of development that the measures set out in the plan be followed once the site is operational.

114 Officers consider, subject to the recommended conditions, the proposal would have an acceptable impact on the local highway network.

6.4.3 Servicing and refuse

Policy

115 Policy T7 of the London Plan requires development plans and development proposals to facilitate sustainable freight movement by rail, waterways and road.

116 Development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible. Construction Logistics Plans and Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments.

Discussion

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- 117 The site would be accessed by all vehicles, including delivery vehicles from Burnt Ash Hill, and there would be a one way system through the site, with the exit onto Holme Lacey Road. The loading bay would be located close to the vehicle exit point.
- 118 Details of the proposed Delivery and Servicing 'Management Plan' is included within Appendix G of the Transport Statement. It states the following traffic management procedures and controls will be in place to ensure segregation of people and vehicles and to minimise vehicles collision, property and product damage, and limit the number of HGVs waiting outside of the branch on the public highway;
- Lighting
 - Clearly marked pedestrian walkways
 - Defined traffic flow and routes throughout the site
 - Line marking and directional signage for vehicles
 - Signage to alert drivers of established speed limit & speed limit markings on the yard floor.
 - Speed humps used for traffic calming purposes
 - Signage to communicate site delivery rules
 - Designated parking spaces and pedestrian routes and crossing point.
 - Designated and controlled HGV bay and specific control for loading/unloading.
- 119 It also includes general principles for management of pedestrians and vehicles within the site, as well as supervision and monitoring.
- 120 The highway officer notes that these details aren't in accordance with TfL's Delivery and Servicing Plan Guidance. To ensure the management of deliveries on site in future acceptable, and in accordance with TfLs requirements, a delivery and servicing plan is recommended to be secured by condition. This will also include details of the waste management plan.

6.4.4 Transport modes

Walking and cycling and public transport

Policy

- 121 Paragraph 112 of the NPPF states that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring area. Development should create places that are safe, secure and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles.

Discussion

- 122 A total of ten cycle parking spaces (5 Sheffield type stands) are proposed for the development. Full details of the proposed cycle parking are recommended to be secured by condition and will need to be in accordance with London Cycle Design Standards.

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- 123 To ensure the footway is safe and suitable following construction works, the footway will need to be reinstated in places, and improved in others. These works will be secured through the recommended Section 278 Agreement.
- 124 There is a train station and bus stops close to the site, which can facilitate trips by public transport to the site.
- 125 A Travel Plan has been submitted, and the provisions are recommended to be secured by condition to ensure staff are encouraged to travel to the site sustainably.

Private cars (include disabled and electric charging points)

Policy

- 126 Policy T6 of the London Plan states Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. The maximum car parking standards set out in Policy T6 .5 Non-residential parking should be applied to development proposals.
- 127 Where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles.
- 128 A Parking Design and Management Plan should be submitted alongside all applications which include car parking provision, indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design.

Discussion

- 129 The existing Travis Perkins site currently accommodates eight car parking spaces, including one disabled bay. The proposed development will provide a total of 15 parking spaces, including one disabled bay. The provision of additional parking at the development is to accommodate existing demand. The existing quantum of parking spaces does not provide sufficient space for existing uses. Travis Perkins have assessed the daily requirement observed and determined that 15 car parking spaces are suitable for efficient site operation.
- 130 The highway officer has confirmed that the increase in operational parking is acceptable, but the following details are required:
- Details of the Parking management strategy within the site. These details are required to ensure informal loading or parking within the proposed access / egress route doesn't result in vehicles queuing back onto Burnt Ash Hill which would impact on traffic flow. This will be secured by condition.
 - Details of rapid electric vehicle charging points in the proposed loading and operational parking areas within the site, are also to be secured by condition.
 - A staff Travel Plan is also to be secured by condition, it should include measures to encourage staff to travel to the site by sustainable modes, including provision of showering and changing facilities.
- 131 The details noted above will be secured by conditions, set out at the bottom of this report.

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6.4.5 Transport impact conclusion

- 132 Improvement works and traffic calming measures, as well as signage and road markings are required on the surrounding highway, given the potential increase in HGV movements, and these are recommended to be secured through a S278 agreement.
- 133 Further details are also recommended to be secured by condition with regard to delivery and servicing and parking management and cycle parking, as well as a staff Travel Plan.
- 134 Subject to a S278 agreement and satisfactory details being submitted in respect of these matters, the impact to the local highway network is considered to be acceptable, and in line with the Development Plan as a whole.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 135 The NPPF at para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.
- 136 Paragraph 185 of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

6.5.1 Enclosure and Outlook, Daylight and Sunlight

Policy

- 137 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries.

Discussion

- 138 The scale and siting of the proposed building away from adjoining properties means there would be no impact on neighbouring amenity with regards to enclosure, outlook, daylight or sunlight. The closest residential property to the proposed building is on the opposite side of Holme Lacey Road, 17m away. The outlook from these would not be significantly harmed as a result of the proposal, nor would it cause a harmful increase in enclosure. These windows are north facing, and the proposed building would be to the north, so there would not be a harmful impact on daylight and sunlight.
- 139 A condition restricting the height of stock storage adjacent to residential boundaries to a maximum height of 4m is recommended to ensure this does not have a harmful impact on neighbouring visual amenity.

6.5.2 Privacy

Policy

- 140 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

Discussion

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- 141 4 upper floor windows are proposed on the west side of the building at mezzanine floor level, a minimum distance of 33m to the nearest residential garden. At this distance the proposal would not result in a harmful loss of privacy to neighbours.
- 142 Due to the location of proposed ground floor windows in relation to the closest residential properties, at least 17m across Holme Lacey Road there would not be a loss of privacy to neighbours.

6.5.3 Noise and disturbance

Policy

- 143 The National Planning Policy Guidance for Noise (July 2019) advises on how planning can manage potential noise impacts in new development. It states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider whether or not:
- a significant adverse effect is occurring or likely to occur;
 - an adverse effect is occurring or likely to occur; and
 - a good standard of amenity can be achieved.
- 144 The NPPG establishes a noise exposure hierarchy with three levels:
- No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.
 - Lowest observed adverse effect level (LOAEL): this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
 - Significant observed adverse effect level (SOAEL): This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- 145 The guidance does not provide values for the LOAEL or SOAEL. The Explanatory Note to the Noise Policy Statement for England (NPSE) states that "it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times."

Discussion

- 146 A noise impact assessment has been submitted and this concludes that noise intrusion assessments of external noise levels from goods deliveries, LGV loading activities, BSP, car parking and forklift movements, have shown that noise levels from the proposed extension are predicted to be below the LOAEL criteria at all sensitive receptor locations on the basis of worst-case assumptions.
- 147 Accordingly, the proposed operations are not expected to have a significant 'adverse impact' on health or quality of life at nearby dwellings and satisfies the relevant policy considerations set out in the Development Plan.

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148 Furthermore, the proposed use of the site is commensurate with the existing use, both being a Sui Generis builders' merchant. Officers therefore do not expect the proposed use would have a significant impact on the amenity of neighbours with regards to noise and disturbance.

149 Notwithstanding, the proposal includes the addition of acoustic fencing between the site, and the neighbouring gardens of properties which front Holme Lacey Road, which is not currently present. Subject to details, this would reduce the noise impact of the proposed development.

6.5.4 Impact on neighbours conclusion

150 Officers have assessed the impact on neighbouring amenity against the relevant policies, and consider these to be acceptable, and in line with the Development Plan.

6.6 SUSTAINABLE DEVELOPMENT

General Policy

151 NPPF Paragraph 152 sets an expectation that planning will support transition to a low carbon future. This is reflected in relevant policies of the London Plan and the Local Plan.

6.6.1 Energy and carbon emissions reduction

Policy

152 CSP8 seeks to minimise the carbon dioxide (CO₂) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.

153 DMP22 require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

154 LPPSI 2 requires new development to be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

1) be lean: use less energy and manage demand during operation

2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly

3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site

4) be seen: monitor, verify and report on energy performance.

Discussion

155 A sustainability and energy report has been submitted in support of the proposal. It sets out measures to reduce emissions, in line with Part L Building Regulations targets.

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Through the use of its passive design, heat pumps and PV (Solar) Panels a 42% improvement over the minimum requirements is proposed to be achieved.

Be Lean

- 156 Passive measures include air tight insulation of the proposed building, a daylighting strategy and ventilation strategy.

Be Clean

- 157 A low carbon air source heat pump, and electric heating to be used in heated areas. Main warehouse areas would not be heated.

Be Green

- 158 PV panels are proposed to be mounted to the roof of the building. 30m² of a 130W/m² rated panel is required. This generates 3.9kW of electricity at its peak which is under the base electrical demand for the building.

Carbon Offset

- 159 The proposed energy usage and emissions reductions set out in the energy statement are considered to be acceptable and the measures to achieve this, set out in the energy strategy are recommended to be secured by condition.
- 160 A carbon offset contribution of £23,400 would be payable. £104 x 30 years = £1,800 Per Tonne. The proposal would expect to generate 13 tonnes of CO₂ per year. 1800 x 13 = £23,400.

6.6.2 Flood Risk

Policy

- 161 LPP SI 12 requires development proposals to ensure that flood risk is minimised and mitigated.
- 162 The proposal has been submitted with a Flood Risk Assessment and Drainage Strategy, prepared by Fairhust.

Discussion

River flood risk

- 163 The site is located in Flood Risk Zone 1, and is therefore at low risk of flooding.

Surface water flooding

- 164 The risk of surface water flooding is noted in the submission as very low to medium. Surface water run-off from the site is proposed to be attenuated on site and discharged at 2.5l/s to mitigate against surface water flooding.

Groundwater flooding

- 165 The submission notes that the risk of flooding from groundwater is possible when groundwater levels are high.

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6.6.3 Sustainable Urban Drainage

Policy

- 166 LPP SI 13 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding. The LP expects development to contribute to safety, security and resilience to emergency, including flooding.
- 167 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 168 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance.
- 169 Policy G4 requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy. The supporting text to the policy recognises the contribution 'green' roofs can make to SUDS. The hierarchy within the policy establishes that development proposals should include 'green' roofs and that Boroughs may wish to develop their own green roof policies. To this end, CSP 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which in effect, comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity.
- 170 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Discussion

- 171 The submission includes a drainage Strategy using piped networks and various attenuation tanks to convey, attenuate and treat flows prior to discharge into the surface water sewer. The Drainage Strategy follows the SuDS principles to provide amenity, quality and water treatment within the design.
- 172 In response to comments received from the Council's flood risk manager, further information was submitted. The flood risk manager has reviewed the revised documents, and has confirmed that the revised SUDS strategy is acceptable, subject to compliance with the drainage plan. This is recommended to be secured as a condition of development.

6.6.4 Sustainable Infrastructure conclusion

- 173 Subject to compliance with the recommended conditions, the proposed measures to reduce carbon, and mitigate against flooding are considered to be acceptable, in line with the Development Plan.

6.7 NATURAL ENVIRONMENT

General Policy

- 174 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.

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- 175 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 176 The NPPF at para 185 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.
- 177 LPP G1 sets out the Mayor of London's vision for Green Infrastructure as a multifunctional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

6.7.1 Ecology and biodiversity

Policy

- 178 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.
- 179 The NPPF at para 174 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. At para 180, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 180 LPP G5 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.

Discussion

- 181 There are no statutory designations of nature conservation value within or immediately adjacent to the site. The closest such site is Burnt Ash Pond LNR and SBI2 which is located approximately 1km to the southeast. Oxleas Woodland SSSI, LNR and SMI is also located approximately 3.6km to the northeast of the site. Due to the distance, the proposal would not impact on these designated sites.
- 182 The application site was subject to an extended Phase 1 habitat survey in August 2020. A desk-based study was also undertaken, and the results submitted in an Ecological Assessment document.
- 183 No evidence of roosting bats has been found on the site, nor of any other protected species, however the adjacent boundary vegetation to the north offers opportunities for bat foraging and commuting. The Council's Ecology officer requested further details on the lighting strategy, to ensure this would not result in harm to bats foraging on the adjacent site. The lighting strategy that has been submitted in response is considered to be acceptable, and this will be secured by condition.
- 184 The Ecological report concludes, that subject to recommended mitigation and enhancement measures, the proposal would accord with planning policy.
- 185 The council's ecology officer has confirmed they have no objections to the proposal, and the impact to ecology would be acceptable, subject to the following conditions:

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- Prior to demolition a qualified ecologist to survey the buildings for roosting bats, nesting birds and similarly, before vegetation clearance in bird nesting season
- Bird/bat boxes are installed as per EclA recommendations (7.15, 7.19)
- Native, wildlife friendly planting as per EclA recommendations (7.15, 7.19)
- Standard engineering practice in respect of pollution control and dust should be implemented during the construction phase to avoid potential adverse effects upon Hither Green Station SBI2. With these safeguards in place it is considered unlikely that the redevelopment proposals will have any significant adverse effect upon the designation

6.7.2 Green spaces and trees

Policy

- 186 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 187 LPP G7 protects trees of value and replacements. New development should include additional trees wherever appropriate, particularly large-canopied species.
- 188 Paragraph 174 of the NPPF (2021) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

Discussion

- 189 Of the 16 individual trees and 2 groups identified in the submitted arboriculture report, 1 tree requires removal to facilitate the works. The arboricultural report also makes recommendations to safeguard the remaining trees surrounding the application site which are to be retained and protected from any damage due to demolition and construction work including construction of new surfacing, and root protection details.
- 190 Two new trees are proposed adjacent to the Burnt Ash Hill frontage, and four adjacent to Holme Lacey Road.
- 191 The council's arboricultural officer does not dispute the findings of the arboricultural report, nor raise objections to the proposed loss of a tree. However they have raised concern that there is insufficient landscaping proposed around the building. It is noted that landscaping is proposed to the southern and eastern boundaries of the proposed building, which is a clear improvement on the existing situation. Details of landscaping are recommended to be secured by condition.
- 192 The council's ecology officer recommended a green roof, however, the applicant confirmed this would not be structurally viable on the proposed building.
- 193 The site is in existing industrial use, and consists of majority hardstanding the proposed scheme of landscaping would be an improvement upon this. The final scheme of soft landscaping and planting, including a scheme of maintenance are recommended to be

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secured by condition. On balance therefore, officers consider the impact to green spaces and trees to be acceptable.

- 194 A condition requiring the offsite trees to be protected during works as recommended by the arboricultural report, and to not be removed without the consent of the council is recommended to ensure this.

6.7.3 Ground pollution

Policy

- 195 DMLP 28 aims to ensure that any land known or suspected of being contaminated or where a sensitive use is proposed, is dealt with before the development commences.

Discussion

- 196 The application has been submitted with a ground investigations report, and remediation strategy prepared by Soiltechnics. This sets out a number of verification requirements, that are recommended to be submitted in a verification report. The verification report will need to include the following details:

- Waste transfer notes confirming the removal of underground tanks and any grossly contaminated soils.
- Photographs confirming the removal of the tanks and any contaminated soils.
- Statement from competent person confirming that all grossly impacted soils from around the tanks removed.
- Statement from contractor confirming that no grossly contaminated water was observed OR details of contaminated water removed from site, including waste transfer notes.
- Confirmation of the specification of vapour membrane installed and certificate of installation.
- Statement from contractor confirming that no unexpected contamination was encountered OR details of unexpected contamination and additional remedial measures.

- 197 The Council's Environmental Health team have been consulted. They stated that generally the findings of the reports are acceptable, however several limitations have been identified: The main workshop area, the location of the two electric stations to the north and south (with possible PCBs), the soils underneath the tank accessories and underneath the existing buildings were not investigated. The exact locations of the tanks below ground level should be investigated should be provided. The following also need to be provided: a Petroleum search and provision of fate of the underground tanks and Health and safety risk assessment, Detailed UXO Risk Assessment Report, An asbestos survey.

- 198 Environmental health have recommended a condition requiring the details of a further investigations report and remediation strategy to be submitted and approved in writing by the LPA prior to commencement of works. A condition requiring submission and approval of these documents is therefore recommended.

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6.7.4 Air pollution

Policy

- 199 The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.
- 200 CS Policies 7 and 9 and DM Policy 23 provide the local plan policy basis for assessing development proposals.
- 201 The site is located in the London Borough of Lewisham (LBL) Air Quality Management Area (AQMA) which consists of four large AQMAs and a series of ribbon roads, declared in July 2011. The site is currently occupied by commercial. The proposals is for the demolition of the existing buildings and construction of new builders merchant.
- 202 An Air Quality Assessment (AQA) has been submitted in support of the application. The AQA included an assessment of potential air quality impacts arising from the construction and operation of the proposed development.

Discussion

- 203 The council's environmental protection manager has been consulted on the submitted AQA, and made the following comments: *The findings of the modelling using ADMS (Atmospheric Dispersion Modelling System) are generally considered to be acceptable. However, air quality neutral assessment has not been considered or discussed in the assessment and the reason for exclusion not provided.*
- 204 *Consideration should also be given to the potential cumulative impacts on air quality which may arise during the construction or operational phases as a result of emissions arising from other developments (if any) within a 100m radius of the development. Only zero-emission developments are unlikely to have any impact on local or global air quality and therefore mitigation should always be a consideration for all developments. All standard mitigation measures should be approved by the local authority.*
- 205 *A Dust Management plan is also required for the development. All the measures recommended for medium risk sites contained in Appendix 7 of the Mayors SPG should be incorporated into an updated plan. The plan should pay particular attention to measures to prevent deposition of mud on the highway; dust mitigation and suppression measures to control the spread of dust from demolition, disposal and construction, and measures to minimise the impact of construction activities.*
- 206 They have recommended an updated air quality assessment, and air quality neutral assessment, and a dust management plan be secured by condition. Subject to these, the proposed impacts are considered to be acceptable.

6.7.5 Natural Environment conclusion

- 207 Subject to the recommended conditions, officers consider the impacts to the natural environment to be acceptable, in line with the Development Plan.

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6.8 PUBLIC HEALTH, WELL-BEING AND SAFETY

General Policy

- 208 The NPPF and NPPG promote healthy communities. Decisions should take into account and support the health and well-being of all sections of the community. The NPPG recognises the built and natural environments are major determinants of health and wellbeing. Further links to planning and health are found throughout the whole of the NPPF. Key areas include the core planning principles (para 15) and the policies on transport (chapter 9), high quality homes (chapter 5), good design (chapter 12), climate change (chapter 14) and the natural environment (chapter 15).
- 209 The NPPG sets out a range of issues that could in respect of health and healthcare infrastructure, include how development proposals can support strong, vibrant and healthy communities. Development, where appropriate, should encourage active healthy lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport. The creation of healthy living environments for people of all ages can support social interaction.
- 210 Para 127 Good design create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Discussion

- 211 The Metropolitan Police have been consulted on the proposal, and have stated the site layout appears well thought out, with good sight lines, the use of security fencing is welcomed, and will have a security guard when the premises are closed. However, they have stated that there is no mention of the security rating of proposed fencing and doors, and therefore request a condition requiring further information regarding Secured by Design features to be submitted to the Council.

6.8.1 Public Health, well-being and safety conclusion

- 212 Subject to the submission of details relating to secured by design measures, the proposed development would be acceptable with regards to public health and safety.

7 LOCAL FINANCE CONSIDERATIONS

- 213 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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- 214 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 215 The CIL is therefore a material consideration. As the floorspace of the proposed building is less than the combined floorspace of the existing buildings, 0 CIL would be payable.
- 216 0 Lewisham CIL and 0 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

- 217 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.
- 218 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and persons who do not share it.
- 219 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.
- 220 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 221 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty

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- Equality information and the equality duty

222 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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

9 HUMAN RIGHTS IMPLICATIONS

224 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

225 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

226 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

227 This application has the legitimate aim of providing a new building with employment uses. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

10 LEGAL AGREEMENT

228 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

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changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF 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) Fairly and reasonably related in scale and kind to the development

229 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.

230 A Section 106 Agreement is considered necessary to make the development acceptable. The following Heads of terms are deemed necessary:

231 **Carbon Offset Payment**

232 **Section 278 Agreement for Highways improvement works:**

- Construction of bellmouth accesses with associated dropped kerbs, tactile paving and double yellow lines around the access points.
- Improvement works to the Burnt Ash Hill / Holme Lacey road junction, including a raised table crossing, to slow speeds when vehicles are manoeuvring through the junction, and reduce conflict with cyclists.
- Traffic calming measures are also required at the Holme Lacey road / Dallinger road junction to reduce vehicle speed in the vicinity of the vehicle exit point on Holme Lacey road.
- Additional cycle route signing and/or road markings to be provided on Holme Lacey road to reinforce the presence of cyclists in the vicinity of the application site.
- An independent Road Safety Audit to be produced in association with the works.

233 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

11 CONCLUSION

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

235 There are no in-principle concerns against demolition of existing buildings, and no land use issues associated with the proposed builder's merchant use across the site. The retention of the whole site as an employment location, facilitated through the construction of a new, fit for purpose building, and an amended site layout is significant planning merit.

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- 236 The proposed new building would have an acceptable design, and would not harm the character of the surrounding area, nor the amenity of neighbours.
- 237 The impact to the local highway network would be acceptable, subject to conditions, as would the impact to the natural environment.
- 238 The proposal is considered to represent a sustainable form of development, and officers therefore recommend approval, subject to a section 106 agreement, and the conditions outlined below.

12 RECOMMENDATION

- 239 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the following conditions and informatives:

12.1 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:

External Storage Plan 2.3; Proposed-Yard-Racking 2.3; Stock Sections and Elevations Received 21 October 2021;

2001-PL-G Received 8 October 2021;

Transport Technical Note (Coswold Transport Planning, August 2021); Response to Design Comments (Quod, July 2020); 3D Rendering images of proposal Received 18 August 2021;

Flood Risk Assessment/Drainage Strategy Rev.3 (Fairhurst, 27 July 2021); 137763-C-0501 Rev.P3 Received 27 July 2021;

1001-PL-B; 1002-PL-A; 1003-PL-A; 1004-PL-A; 1005-PL-A; 2002-PL-C; 3001-PL-B; 3501-PL-C; 4001-PL-C; 4002-PL-C; 5001-PL_A; 22157-DWG-EX-00001 Rev.00; Ecological Assessment (Ecology Solutions, October 2020); Sustainability and Energy Report (The Engineering Workshop LLP, 17th September 2020); Ground Investigation Report (Soiltechnics, October 2020); Remediation Strategy Report (Soiltechnics, October 2020); Air Quality Assessment (WYG, October 2020); Noise Assessment (WYG, October 2020); BREEAM Scoring Schedule (Synergy, 25 October 2020); Transport Statement (Coswold Transport Planning, September 2020); Tree Survey Report (Encon, 23 September 2020); BREEAM and Light Pollution Compliance Summary (Whitecroft, 21 September 2020); Planning Statement (Quod, October 2020)

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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
1. Prior to the commencement of development, a Dust Management Plan (DMP), based on an AQDRA (Air Quality and Dust Risk Assessment), shall be submitted to and approved, in writing, by the local planning authority. The DMP shall be in accordance with The Control of Dust and Emissions during Construction and Demolition SPG 2014. The DMP will need to detail the measures to reduce the impacts during the construction phase.
 2. The development shall be undertaken in accordance with the approved plan.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

- 4 No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
- (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

5 The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters in areas not investigated has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. No development or phase of development (including demolition of existing buildings and structures, except where prior agreement with the Council for site investigation enabling works has been received) shall commence until-

A further investigation report (Based on the Ground Investigation Report by Soiltechnics) to characterise and risk assess the site in areas not investigated which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted, (including subsequent correspondences as being necessary or desirable for the remediation of the site) to and approved in writing by the Council.

- (b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

- (c) The development or phase of development shall not be occupied until a closure report for the development or phase has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan

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(July 2004) and the sections 183- 188 of the 2021 National Planning Policy Framework.

- 6 (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) No development above ground level shall commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

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

- 7 (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) Prior to completion of the superstructure a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

Reason: To comply with Policy SI 2 Minimising greenhouse gas emissions of the London Plan (March 2021) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- 8 The development shall be carried out in accordance with the submitted scheme for surface water management documents: Flood Risk Assessment / Drainage Strategy Revision 3 (Fairhurst, 27 July 2021); Plan No. 137763-C-0501 Rev.P3 Received 27 July 2021, and thereafter the approved scheme is to be retained in accordance with the details therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policy SI 12 Flood risk management in the London Plan (March 2021)

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and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

- 9 (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority prior to commencement of development on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

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

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

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

- 11 (a) No development shall commence until an updated Air Quality Assessment and an Air Quality Neutral Assessment have been submitted to and approved in writing by the local planning authority.

(b) The Air Quality Assessments will need to be prepared in accordance with best practice guidance, utilise an appropriate air quality model and/or emissions assessment tool to predict air quality concentrations at agreed receptor locations.

Reason: To manage and prevent further deterioration of existing low quality air across London, and in order that the local planning authority may be satisfied that the development is not going to result in significant health impacts to existing and future residents from a deterioration in local air quality and to comply with Development Management Local Plan (November 2014) Policy 23 Air quality.

12. (a) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.

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

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

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

13 (a) Prior to above ground works drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

14 Prior to commencement of above ground-works, details of the acoustic fencing to be installed between the site and adjoining residential properties shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the acoustic fencing is sufficient to mitigate against the impacts of noise arising from the use of the site, in accordance with Paragraph 185 of the National Planning Policy Framework (2021), and Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

15. (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and

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environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

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

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

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

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

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

- 18 (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

(b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible impacts to biodiversity, including bats, minimise light pollution to the night sky and neighbouring properties and to comply with DM Policy 24 Biodiversity, living roofs and artificial playing pitches DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

19. (a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

(b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity. It should

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be in accordance with in Transport for London's Delivery and Servicing Plan Guidance.

- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy T7 Deliveries, servicing and construction of the London Plan (March 2021) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

20. (a) No part of the development hereby approved shall be occupied until such time as a staff and user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

21. Loading and unloading of goods including fuel, shall only be carried out within the site and any servicing area shown upon drawing no. 2001-PL-G hereby approved, shall be retained permanently and left unobstructed at all times.

Reason: To avoid obstruction of neighbouring streets and to safeguard the amenities of adjacent premises in the interests of public safety and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

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

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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23. No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays, or at any time on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining residents and to comply with Paragraph 170 of the National Planning Policy Framework, and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

25. Stock stored adjacent to the shared boundaries with residential properties, shall not exceed the height of 3m.

Reason: To ensure stock storage does not result in harmful impacts to neighbouring residential amenity, in line with Policy 15 High quality design for Lewisham of the Core Strategy (2011).

26. a. Prior to commencement of above ground work, details of security measures in line with the standards set out by 'Secured by Design' shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police.
- b. The measures must be implemented prior to occupation of the building in accordance with the details approved under part (a).
- c. Prior to commencement of the use, confirmation that the standards recommended by Secure by Design for that building has been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise security risks to the proposed development, in compliance with Policy D11 Safety, security and resilience to emergency of the London Plan (March 2021).

12.2 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 discussions and positive discussions took place during the course of assessment.

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- B. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- C. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- D. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- E. Assessment of the sound insulation scheme should be carried out by a suitably qualified acoustic consultant.
- F. The applicant be advised that the details to be submitted pursuant to this permission should have regard to the principles of energy and natural resource efficiency through their design, orientation, density and location, in compliance with Policy 8 Sustainable design and construction and energy efficiency of the adopted Core Strategy (June 2011).
- G. Thames Water advise the following:

Waste Comments

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. [https://urldefense.com/v3/ https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services_!!CVb4j_0G!DbllkgtA1lioX9YUa6XNnsi7mrSoZHMZOqCrHabqn3OcAwRMgKB1046qj4xW23e5WqKEvQ\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services_!!CVb4j_0G!DbllkgtA1lioX9YUa6XNnsi7mrSoZHMZOqCrHabqn3OcAwRMgKB1046qj4xW23e5WqKEvQ$)

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions

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of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via [https://urldefense.com/v3/http://www.thameswater.co.uk/!CVb4j_0G!DbllkgtA1lioX9YUa6XNnsi7mrSoZHMZOqCrHabqn3OcAwRMgKB1046qj4xW23fTTfEgcA\\$](https://urldefense.com/v3/http://www.thameswater.co.uk/!CVb4j_0G!DbllkgtA1lioX9YUa6XNnsi7mrSoZHMZOqCrHabqn3OcAwRMgKB1046qj4xW23fTTfEgcA$) . Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. [https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes/!CVb4j_0G!DbllkgtA1lioX9YUa6XNnsi7mrSoZHMZOqCrHabqn3OcAwRMgKB1046qj4xW23fccwZApq\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes/!CVb4j_0G!DbllkgtA1lioX9YUa6XNnsi7mrSoZHMZOqCrHabqn3OcAwRMgKB1046qj4xW23fccwZApq$) .

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. [https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes/!CVb4j_0G!DbllkgtA1lioX9YUa6XNnsi7mrSoZHMZOqCrHabqn3OcAwRMgKB1046qj4xW23fccwZApq\\$](https://urldefense.com/v3/https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes/!CVb4j_0G!DbllkgtA1lioX9YUa6XNnsi7mrSoZHMZOqCrHabqn3OcAwRMgKB1046qj4xW23fccwZApq$)

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9

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litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

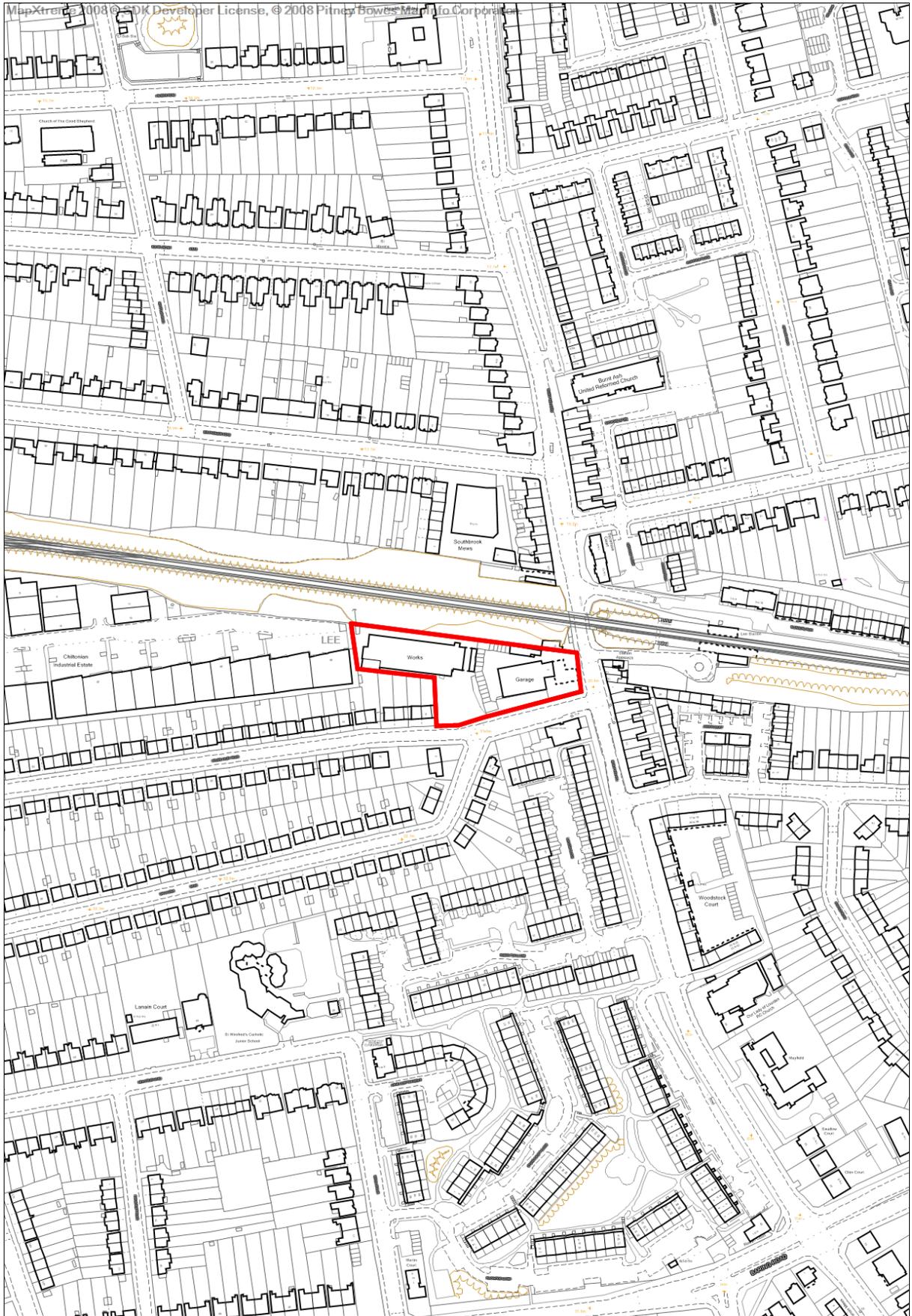
- H. Access for fire appliances as required by Part B5 of the current Building Regulations Approved Document and adequate water supplies for firefighting purposes must be provided.
- I. As well as contacting Network Rail's ASPRO Team, the applicant / developer must also follow the Network Rail Asset Protection informatives (compliance with the informatives does not remove the need to contact ASPRO). The developer must ensure that their proposal, both during construction and after completion does not:
1. encroach onto Network Rail land
 2. affect the safety, operation or integrity of the company's railway and its infrastructure
 3. undermine its support zone
 4. damage the company's infrastructure
 5. place additional load on cuttings
 6. adversely affect any railway land or structure
 7. over-sail or encroach upon the air-space of any Network Rail land
 8. cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

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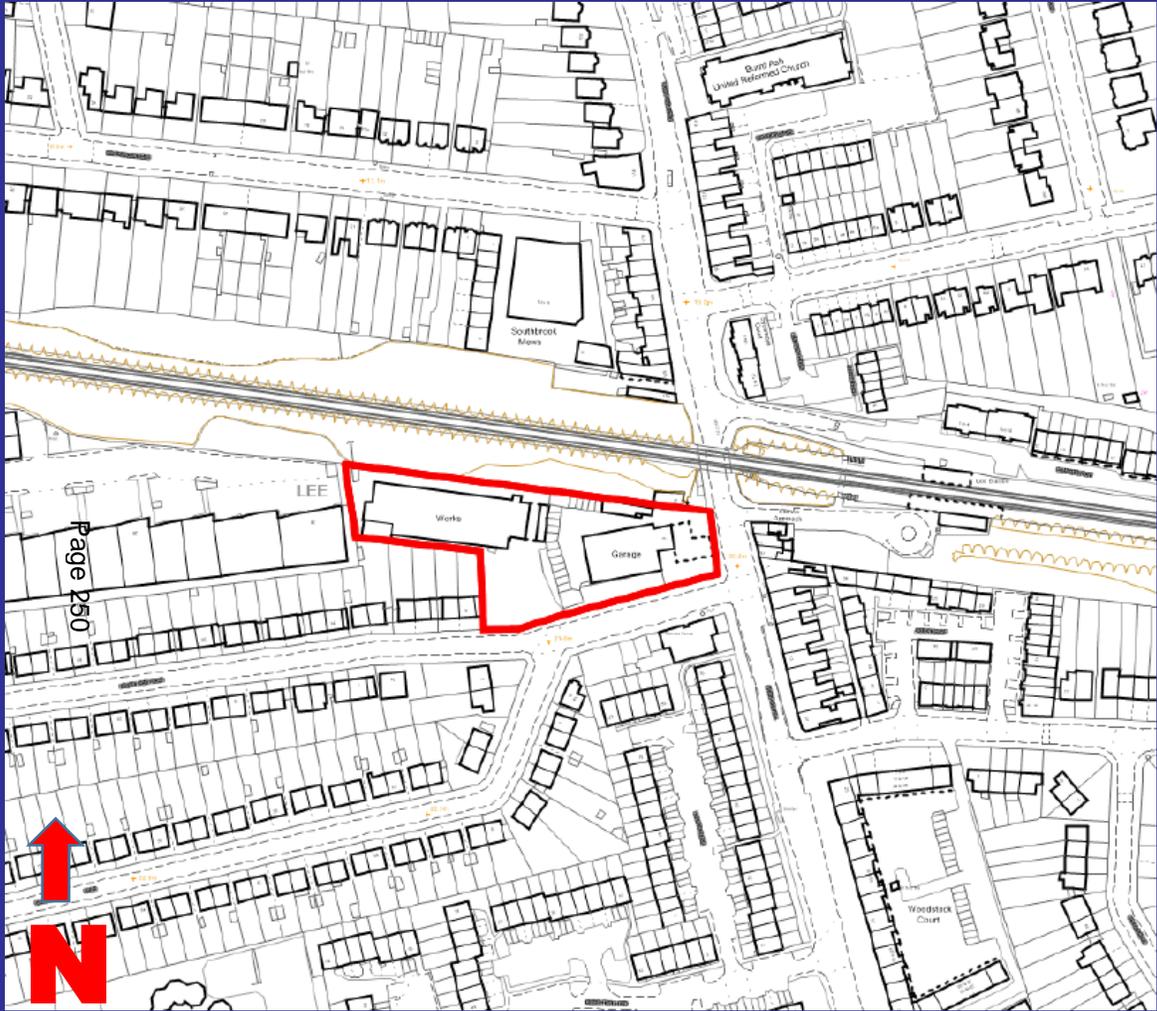
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Burnt Ash Works, Holme Lacey Road / Burnt Ash Hill, SE12

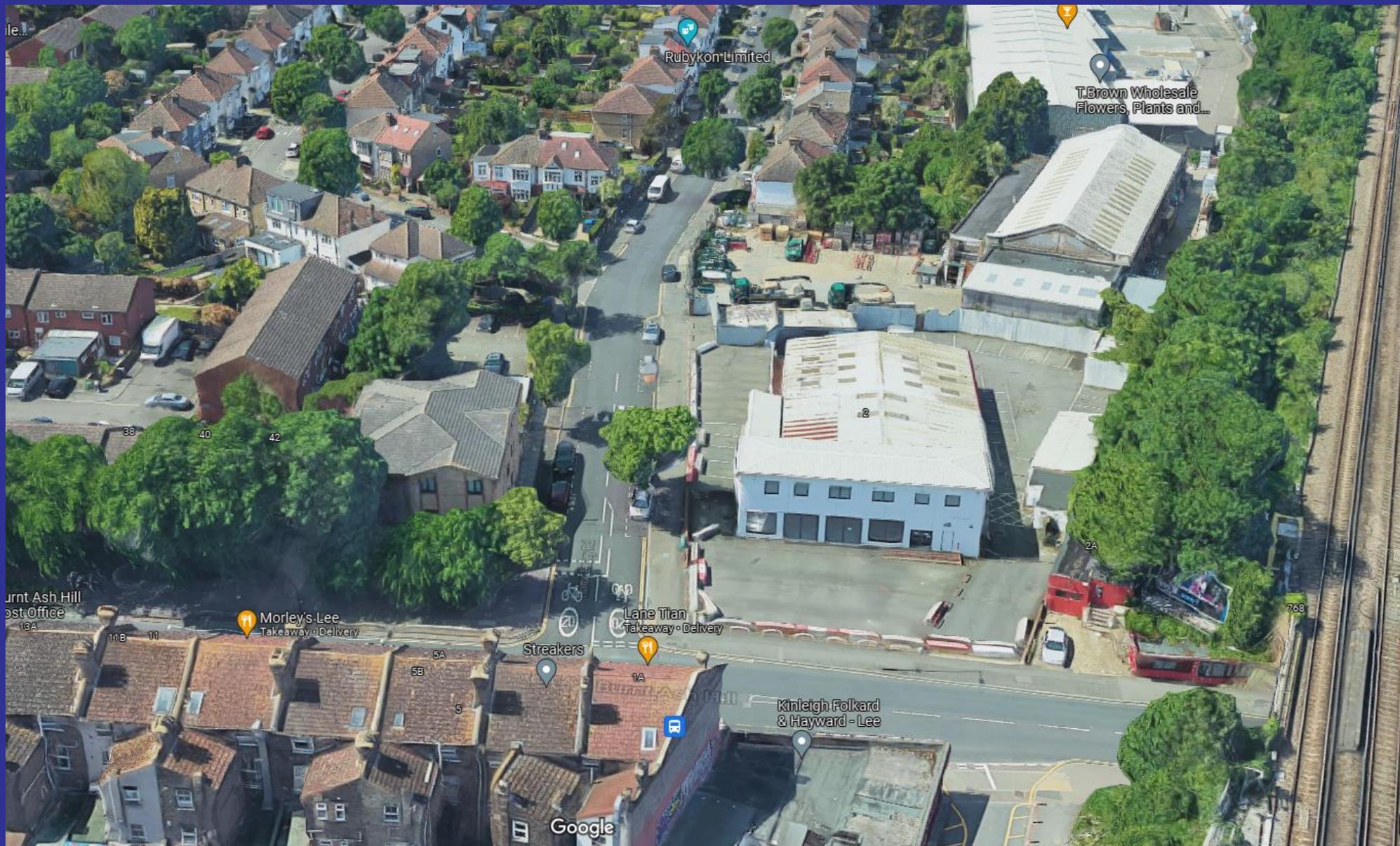
Application No. DC/20/119025

Demolition of Travis Perkins, Holme Lacey Road SE12 and former car showroom 2 Burnt Ash Hill SE12 and the construction of a building for use as a builders merchants (sui generis) with service yard, car parking, landscaping and associated works..

This presentation forms no part of a planning application and is for information only.

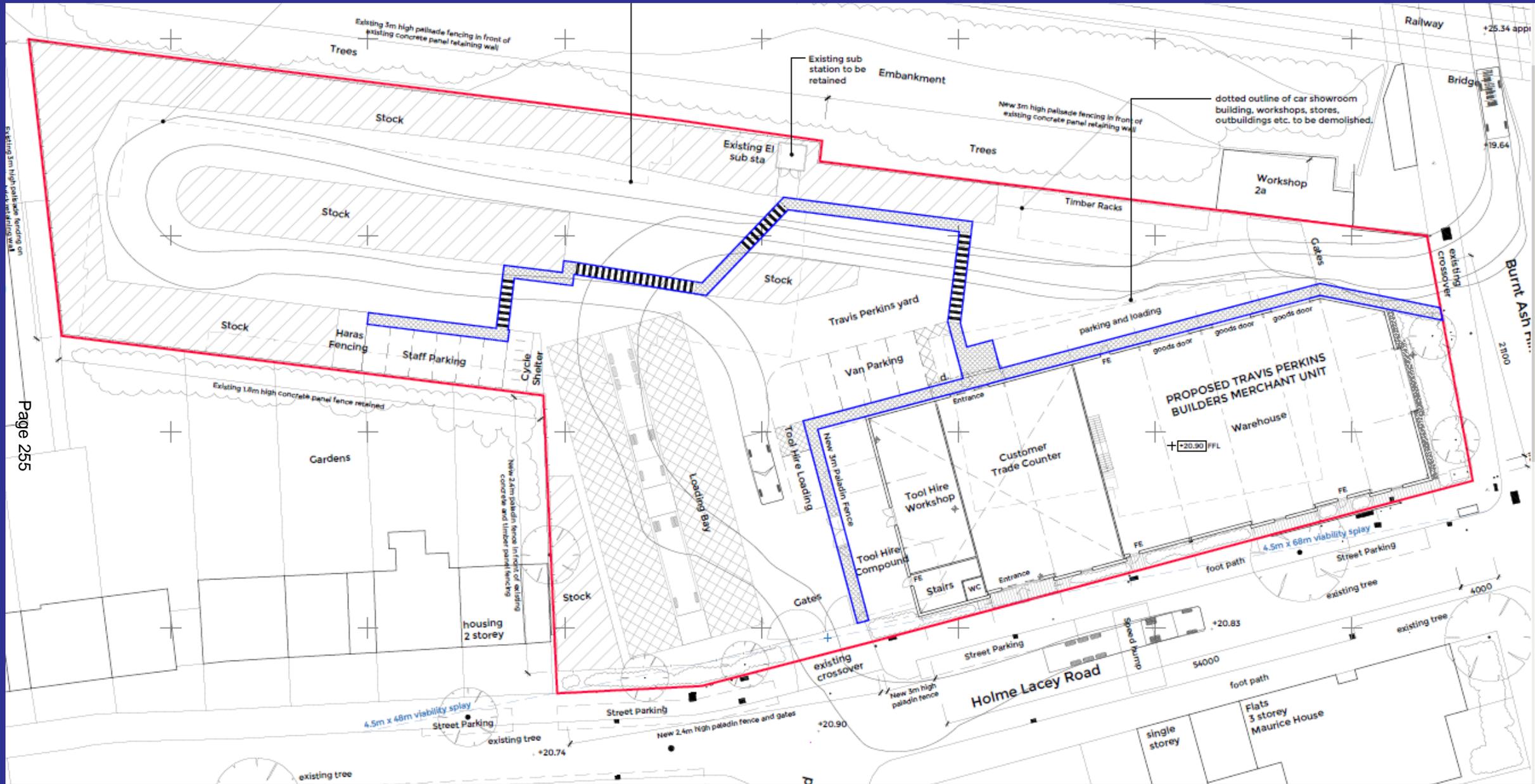








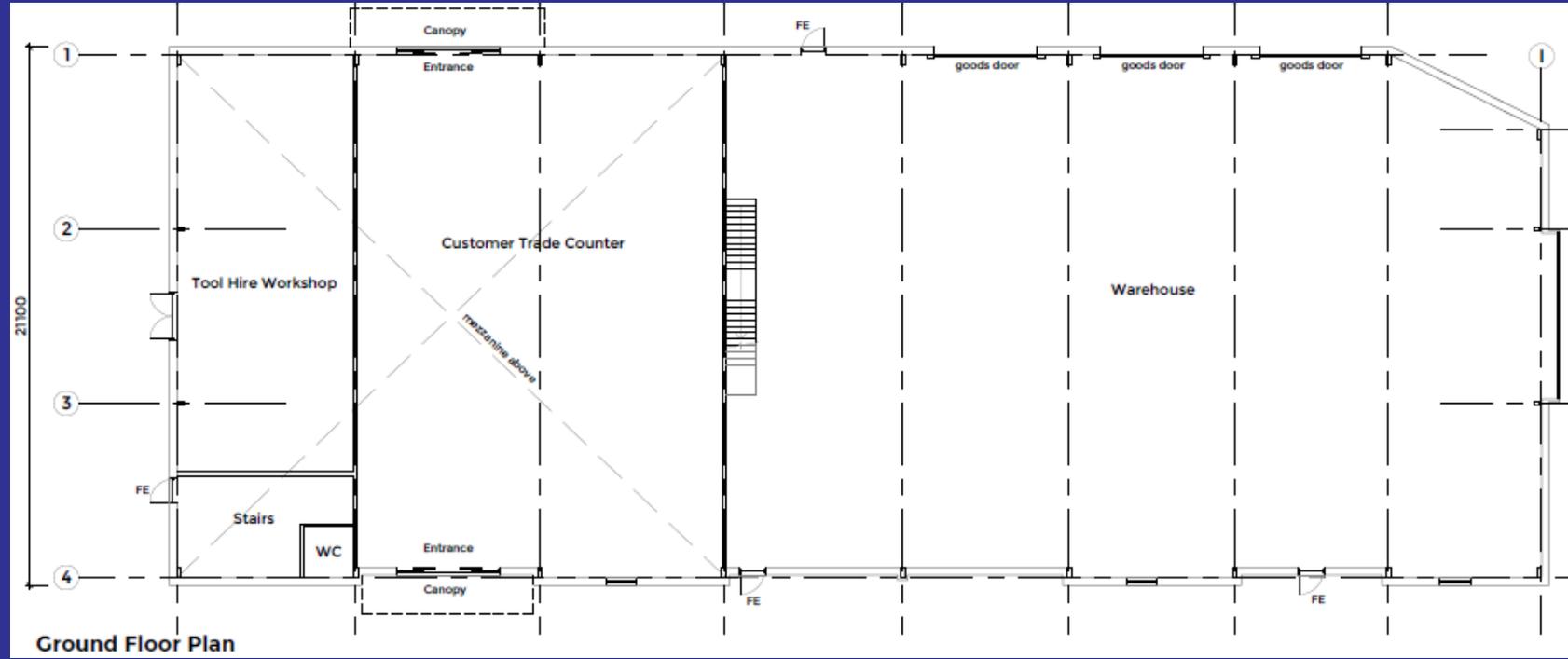
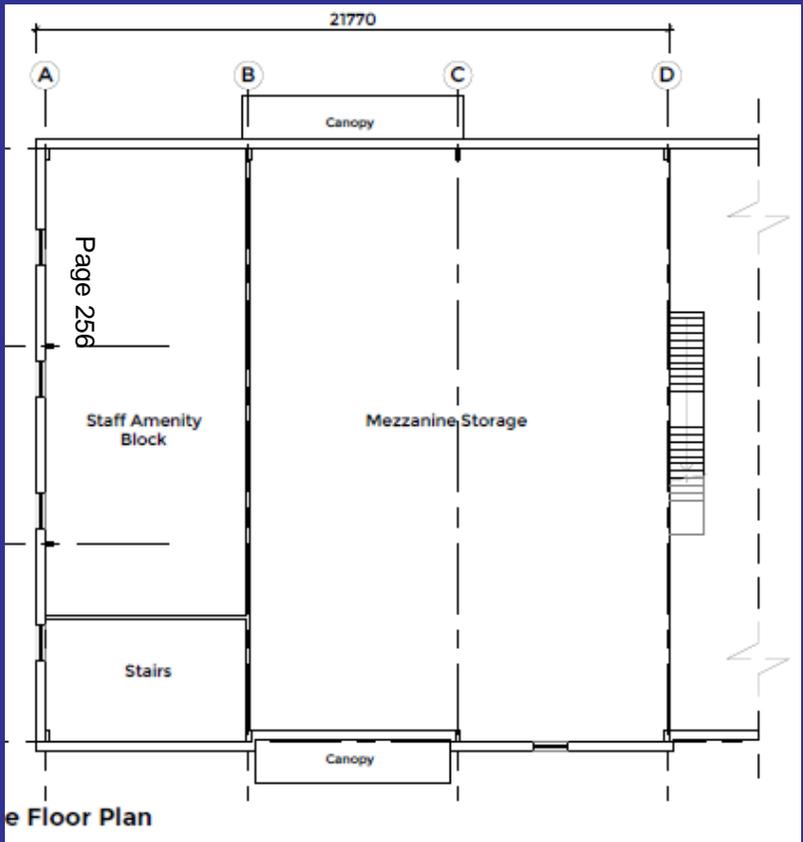




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Proposed Site Layout Plan











Key Material Planning Considerations:

- Principle of Development
- Urban Design and impact of proposed building on appearance of surrounding area
- Transport and Highways impacts
- Impact on Neighbouring Residential Amenity
- Sustainable Development and Natural Environment

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Planning Committee B

Report title:

32 OAKCROFT ROAD, LONDON, SE13 7ED

Date: 11 November 2021

Key decision: No.

See "[Legal Requirements](#)" in the guidance for more information.

Class: Part 1

See "[Legal Requirements](#)" in the guidance for more information.

Ward(s) affected: Blackheath

Contributors: Max Curson, Planning Officer

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision as more than three individual objections have been received from local residents.

Application details

Application reference number(s): DC/21/123139

Application Date: 19 August 2021

Applicant: Holloway and Holloway Architects on behalf of Michael Fry

Proposal: Replacement of the existing rear conservatory with a single storey rear extension at 32 Oakcroft Road, SE13.

Background Papers:

- (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses

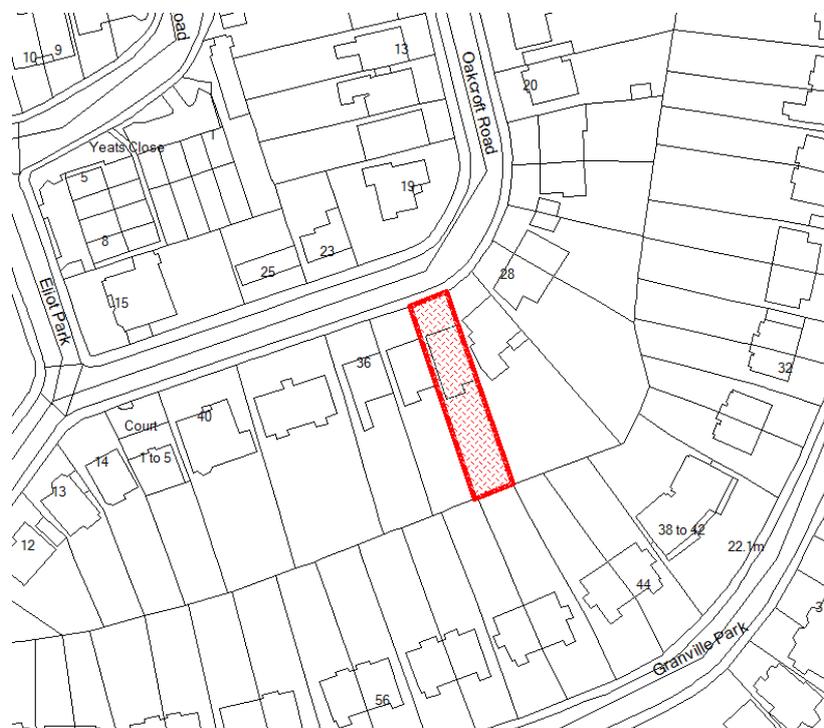
Designation: PTAL 6a
Air Quality Management Area

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a large detached single family dwelling house constructed between 1902-1908. It is located on the southern side of Oakcroft Road.



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Figure 1: Site Location Plan

Character of area

- 2 The surrounding area is predominantly residential in nature and characterised by large detached properties. A number of more modern infill development of three storey blocks of dwellings have been constructed to the west of the application site.

Heritage/archaeology

- 3 The property lies within the Blackheath Conservation Area but is not subject to an Article 4 Direction. It is not a listed building nor in the vicinity of one. 15 Eliot Park, located to the west of the application site is a locally listed building described as below:

“House. Detached. 1867. Stock brick and slate with stucco detailing. Two storey. Stucco porch with square columns, flanked by canted bay window to right, four-pane sash to left and with four-pane sash over. Bay and porch have ornamental stone balustrades. First floor has four, four-pane sashes with moulded stucco surrounds. Deep projecting bracketed eaves.”

Surrounding area

- 4 The application site is located approximately 250m from the Heath.
- 5 Lewisham rail and DLR stations along with other shops and services located are approximately 500m to the west.

Local environment

- 6 The site falls within Air Quality Management Area.

Transport

- 7 The site has a Public Transport Accessibility Level (PTAL) score of 6a on a scale of 1-6b, 1 being lowest and 6b the highest. It is 160m from Blackheath Station and the Blackheath town centre.
- 8 Lewisham rail and DLR stations are located approximately 500m to the west.

2 RELEVANT PLANNING HISTORY

- 9 There is no relevant planning history for the application site.

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 10 Replacement of the existing rear conservatory with a single storey rear extension at 32 Oakcroft Road, SE13.

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- 11 The proposed extension would have a flat roof and be approximately 3.8m in height, 5.8m in depth, with a width of 4.19m.

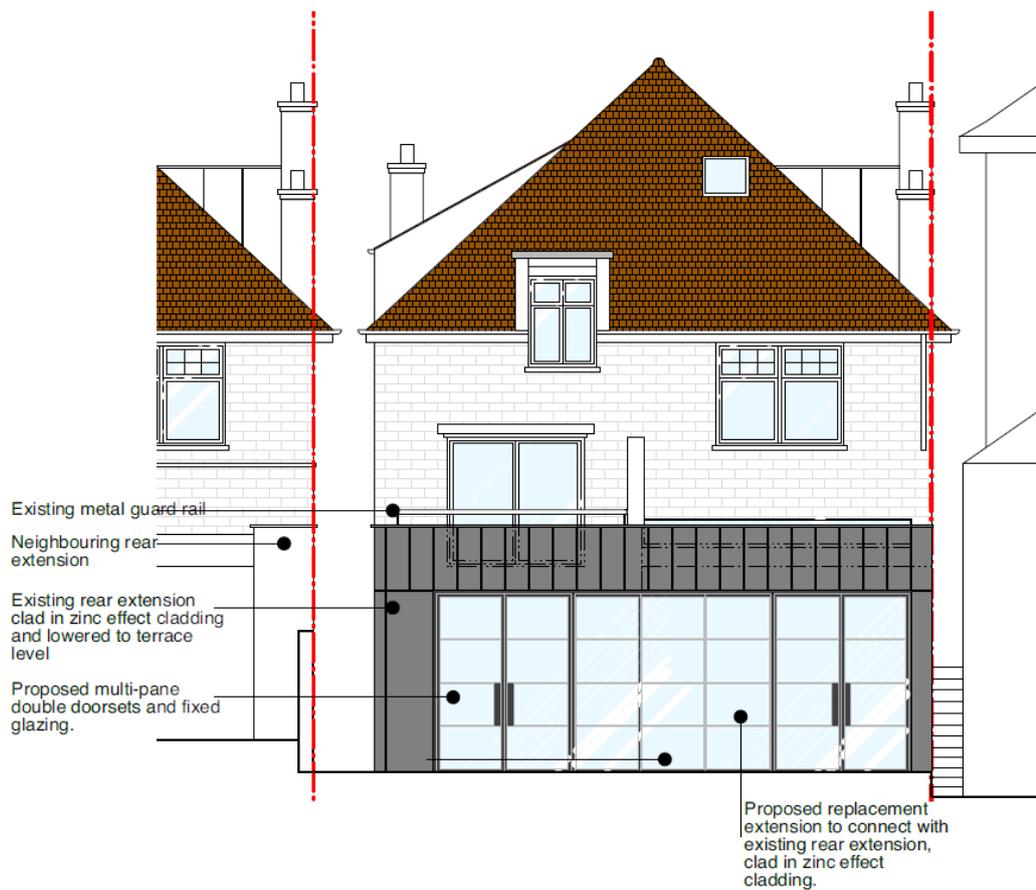


Figure 2: Proposed Rear Elevation

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 12 No pre-application advice was sought from the council regarding the proposal.

4.2 APPLICATION PUBLICITY

- 13 Site notices were displayed on 08 September 2021 and a press notice was published on 08 September 2021.
- 14 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 03 September 2021.
- 15 Four responses were received comprising four objections.

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4.2.1 Comments in objection

Comment	Para where addressed
The proposed extension would result in overbearing enclosure.	62, 63, 64
Loss of light to the windows in the western flank elevation of No.30	62, 63, 64
The proposed extension is not in keeping with the host property or conservation area.	43, 44
The proposed extension is larger than the guidelines set out in the Alterations and Extensions SPD.	42

- 16 Two comments received in objection notes that the application seeks to extend the existing roof terrace at No.32. This is not the case and will not be given any weight in the planning judgement of this application. A condition has been added to ensure that the flat roof of the proposed extension shall not be used as a balcony or terrace.
- 17 One comment notes that the view of neighbouring gardens will be diminished as part of the proposal. Loss of view is not a material planning consideration and thus will be given no weight in the planning judgement of this application.
- 18 One comment questioned whether planning permission was given for the existing rear extension and conservatory at No.32. The Council does not hold record of any applications to construct the rear extension or conservatory. It is likely any permission predates Lewisham's current digital planning database. In any case, it is clear that the rear extension and conservatory have been existing for more than four years, and as such, no enforcement action can be taken.

4.3 INTERNAL CONSULTATION

- 19 The following internal consultees were notified on 03 September 2021.
- 20 Conservation: reviewed and no comment to make

4.4 EXTERNAL CONSULTATION

- 21 The following External Consultees were notified on 03 September 2021:
- 22 Ward councillors: No responses received.
- 23 Blackheath Society: did not provide comments.

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5 POLICY CONTEXT

5.1 LEGISLATION

24 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

25 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

5.2 MATERIAL CONSIDERATIONS

26 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

27 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

28 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

29 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

30 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

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5.6 OTHER MATERIAL DOCUMENTS

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

6 PLANNING CONSIDERATIONS

31 The main issues are:

- Principle of Development
- Urban Design
- Living Condition of the Neighbours

6.1 PRINCIPLE OF DEVELOPMENT

General policy

32 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

33 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

6.1.1 Principle of development conclusions

34 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

6.2 URBAN DESIGN

General Policy

35 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

36 CSP 15 outlines how 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.

37 DMLP 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

38 DMP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.

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39 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

Discussion

40 Paragraph 4.2.4 and of the Alterations and Extensions SPD sets out the following guidance for single storey rear extensions in conservation areas:

Alterations within conservation areas should be of the highest quality design using high quality materials. The rear building line, the size of the rear garden and the prevailing characteristics of adjoining properties should all be taken into account.

Rear extensions should:

- *Remain clearly secondary to the host building in terms of location, form, scale and detailing.*
- *Respect the original design and architectural features of the existing building.*
- *On semi-detached properties extensions should not extend beyond the main side walls of the host building.*
- *Have a ridge height visibly lower than the sill of the first floor windows (2 to 3 brick courses) and roof pitches to complement those of the main building.*

41 Paragraph 4.2.5 sets out that:

A modern, high quality design can be successful in achieving a clear distinction between old and new. In some locations, a traditional approach can be a more sensitive response to a historic building, particularly where homogeneity of groups of buildings is part of their special character.

42 The existing conservatory would be replaced as part of the proposal. The proposed single storey rear extension would have a flat roof and be approximately 3.8m in height, 5.8m in depth, with a width of 4.19m. The height of the proposed extension would match that of the existing rear extension at the application site. Officers note that the height of the proposed extension at 3.8m is higher than the guidelines set out in the Alterations and Extensions SPD. However, taking into consideration the existing rear projection and the height of the existing conservatory, the large gardens and size of the host property, the proposed extension is considered subordinate and acceptable.

43 The existing rear extension is finished in a white render. The proposed extension and existing rear extension would be clad in zinc effect cladding. Multi-pane double door sets would be installed at the rear. Two large rooflights would be installed in the proposed extension roof. Officers consider that the modern design and high quality materials would result in a clear distinction between the existing host building and proposed extension and as such is considered acceptable. The replacement of the white render of the existing extension with zinc effect cladding is considered to improve the appearance of the rear elevation. The proposed extension would remain sufficiently subordinate to the application property

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44 The proposed extension would not be visible from the public realm and its design would be compatible with the special characteristics of the area. As such, the proposals would have no harm to the character or appearance of the Blackheath Conservation Area.

6.2.1 Impact on Heritage Assets

Policy

45 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

46 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

47 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

48 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

49 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

50 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

51 Further guidance is given in the Blackheath Conservation Area Character Appraisal and Supplementary Planning Document (2007).

Discussion

52 The application site is located within the Blackheath Conservation Area. The Blackheath Conservation Area is split into 'sub areas' with the application site lying within sub area "Character Area 6: Granville Park, Oakcroft Road, St. Austell Road, Walerand Road and the Knoll". The majority of the properties on Oakcroft Road are detached and were built between 1902 – 1908. Character Area 6 is best known for the wide formally laid out streets with generous pavements. The streets traverse across the contours of Lewisham Hill to varying degrees setting a non-standardised road configuration; from the gentle sweep of Granville Park to the relative steepness of Lewisham Hill. Number 32 is no exception.

53 The principal areas of significance of the application site are with its setting and location, rather than any particular merit or value of the rear of the property itself. In light of the above, Officers consider that the current proposal would lead to no harm to the Blackheath Conservation Area.

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54 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve or enhance the character or appearance of Blackheath Conservation Area.

6.2.2 Urban design conclusion

55 In summary, the extension, due to its design and use of high-quality materials, would preserve the character and appearance of the host dwelling.

56 Officers conclude that the proposal responds sensitively to its context and the character of the surrounding area and therefore is acceptable in terms of design.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

57 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions

58 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).

59 The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.

60 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context

Discussion

61 The proposed extension would be located on the eastern side of the property and match the depth of the existing rear extension. The proposed extension would be located 5.075m from the boundary with No.34 and as such, would have no detrimental impact on the amenity of the western neighbour.

62 Officers note that comments received in objection to the proposals have concerns over loss of light and enclosure for No.30, particularly the impact upon the windows in the western facing side elevation.

63 However, there are multiple factors that provide mitigation against loss of light and enclosure. Firstly, the application site is located on a curve in the road, so No.30 angles away from the proposed extension. Secondly, the windows facing the proposed development are flank windows and secondary in nature. The primary rearward facing windows would not be affected by the proposed development.

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64 The proposed extension would be located 1.84m at the closest point, extending to 2.24m at its widest, from the windows in the western elevation of No.30. These factors, combined with the large size of the buildings and gardens on Oakcroft Road, ensure that the impact of the proposed development in terms of loss of light or enclosure would be both minimal and acceptable. In addition, the applicant has submitted evidence indicating that the flank window at ground floor level at number 30 would pass the BRE 25 degree test indicating no unreasonable impact by way of loss of daylight or sunlight. The proposed development would infringe upon the 25 degree test in relation to the flank lower ground window at number 30, however on balance this is considered acceptable given that the window is located at lower ground level and naturally would expect to receive lower level of light, given that the existing extension also infringes upon the 25 degree test and that this is a secondary window with primary windows facing rearward remaining unaffected.

65 The proposed extension would introduce no new lines of sight not available from the host building. Subject to a condition to ensure that the flat roof of the proposed extension will not be used as a balcony or terrace, it will not impact the privacy of the neighbours.

66 The application site will remain a single family dwellinghouse. No increase in noise or disturbance is expected.

6.3.1 Impact on neighbours conclusion

67 The proposed development would not introduce any unacceptably harmful impacts to the living conditions of any of the neighbouring properties and therefore would be compliant with LPP D3, CSP 15 and DMP 31 and the provisions of the 2019 SPD.

7 LOCAL FINANCE CONSIDERATIONS

68 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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

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

70 The CIL is therefore a material consideration.

71 This application does not attract CIL.

8 EQUALITIES CONSIDERATIONS

72 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.

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- 73 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between people who share a protected characteristic and persons who do not share it.
- 74 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.
- 75 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 76 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 77 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 78 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.

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9 HUMAN RIGHTS IMPLICATIONS

79 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

80 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

81 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

82 This application has the legitimate aim of providing an extension to an existing residential property. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

84 In reaching this recommendation, Officers have given weight to the comments and objections that were received regarding this application and consider the proposed development would preserve the host building and Blackheath Conservation Area in terms of the design. No unacceptable harm would arise to the living conditions of neighbours, therefore Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

11 RECOMMENDATION

85 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

11.1 CONDITIONS

- 1) FULL PLANNING PERMISSION TIME LIMIT

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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) **DEVELOP IN ACCORDANCE WITH THE APPROVED PLANS**

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

000. **Received 20 August 2021.**

001; 002; 003; 004; 005; 006; 021; 022; 023; 031; 032; 033; 100; 101; 102; 103; 104; 111; 112; 113; 114; 115. **Received 24 September 2021.**

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) **MATERIALS/DESIGN QUALITY**

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

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

11.2 INFORMATIVES

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

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12 BACKGROUND PAPERS

- 86
- 1) Submission drawings
 - 2) Submission technical reports and documents
 - 3) Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

87 Report author: Max Curson (Planning Officer)

Email: max.curson@lewisham.gov.uk

Telephone: 020 8314 7219

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32 Oakcroft Road

SE13 7ED

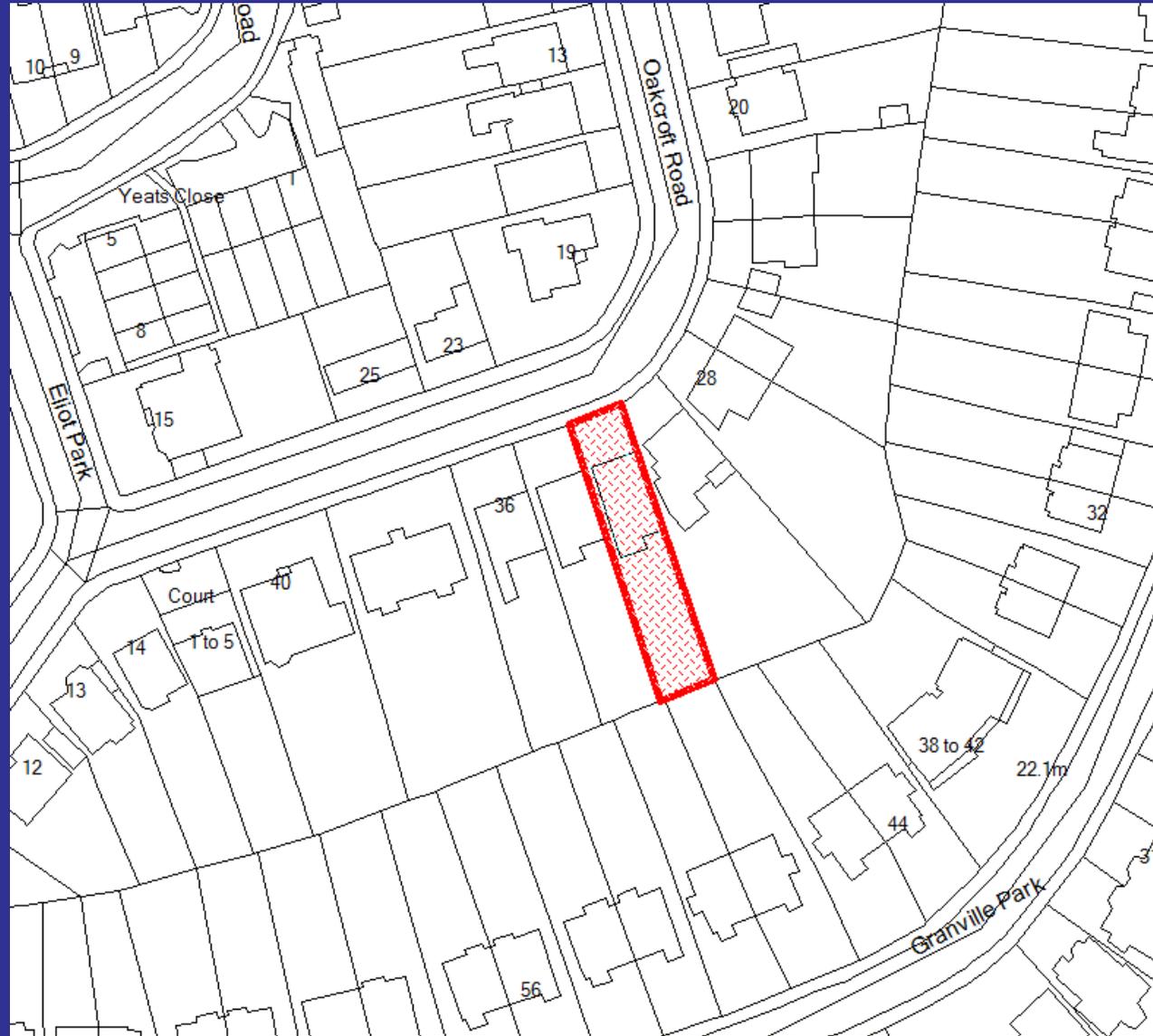
Application No. DC/21/123139

Page 287

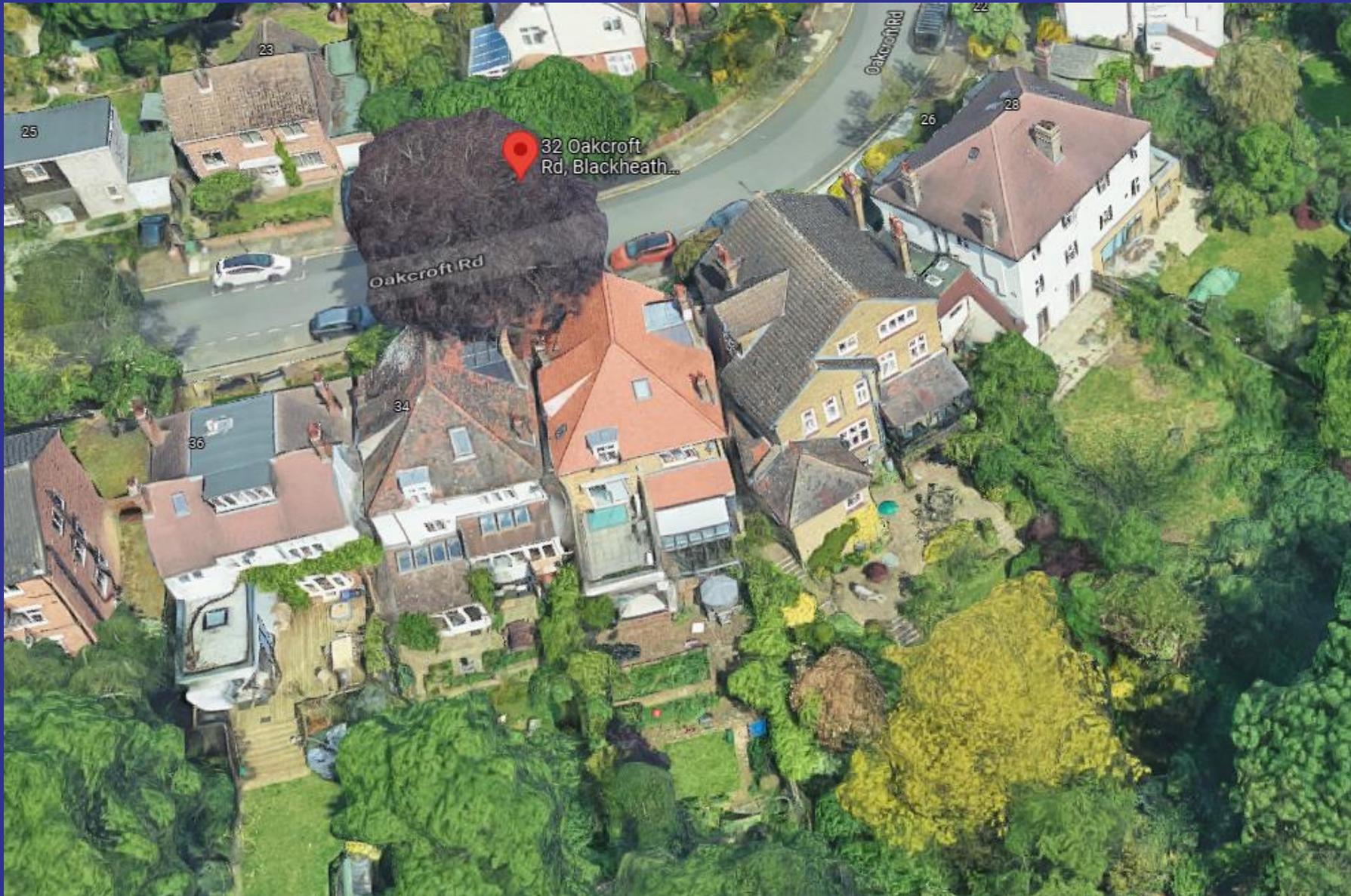
The replacement of the existing rear conservatory with a single storey rear extension at 32 Oakcroft Road, SE13.

This presentation forms no part of a planning application and is for information only.



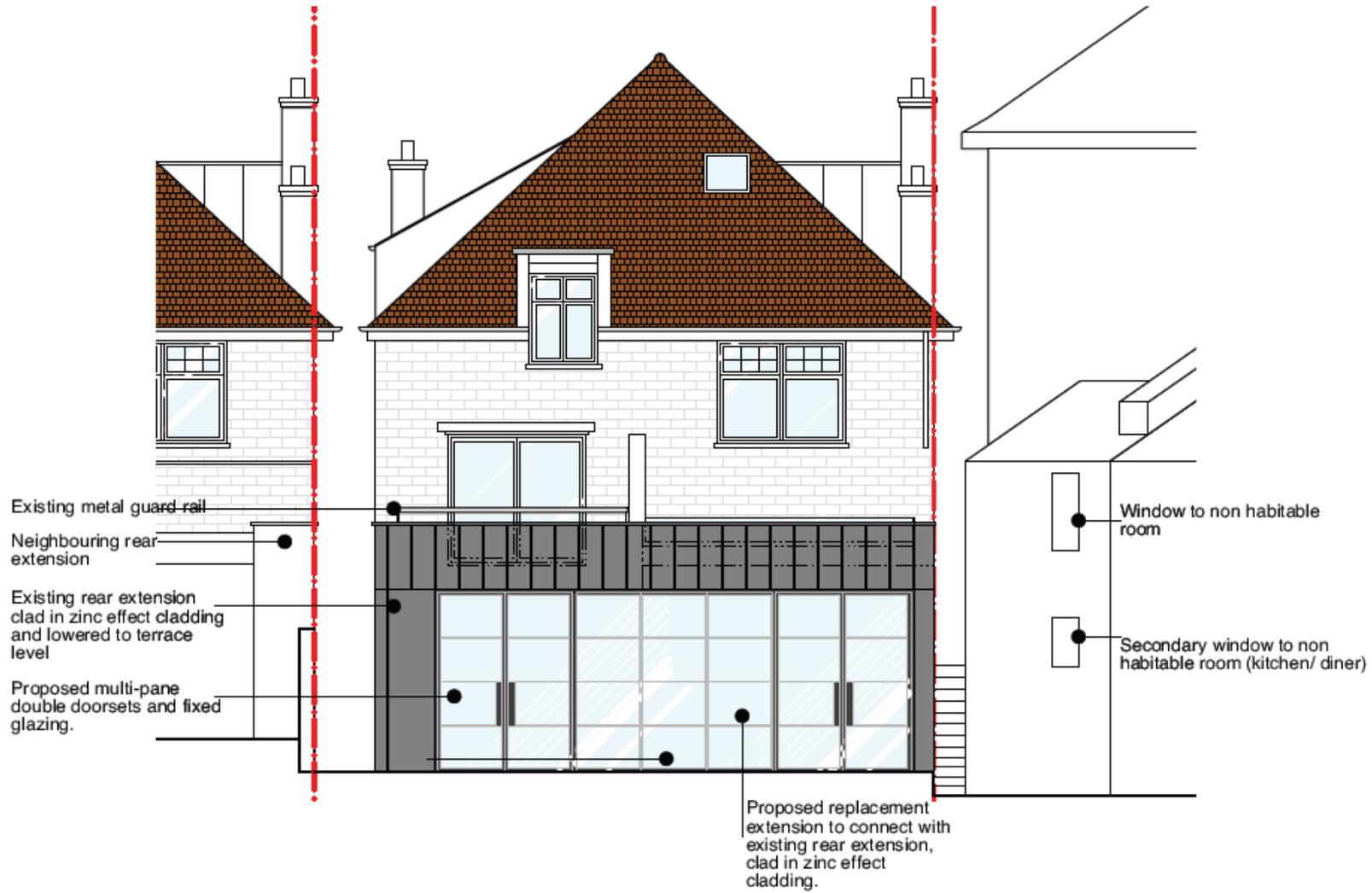


Site Location Plan

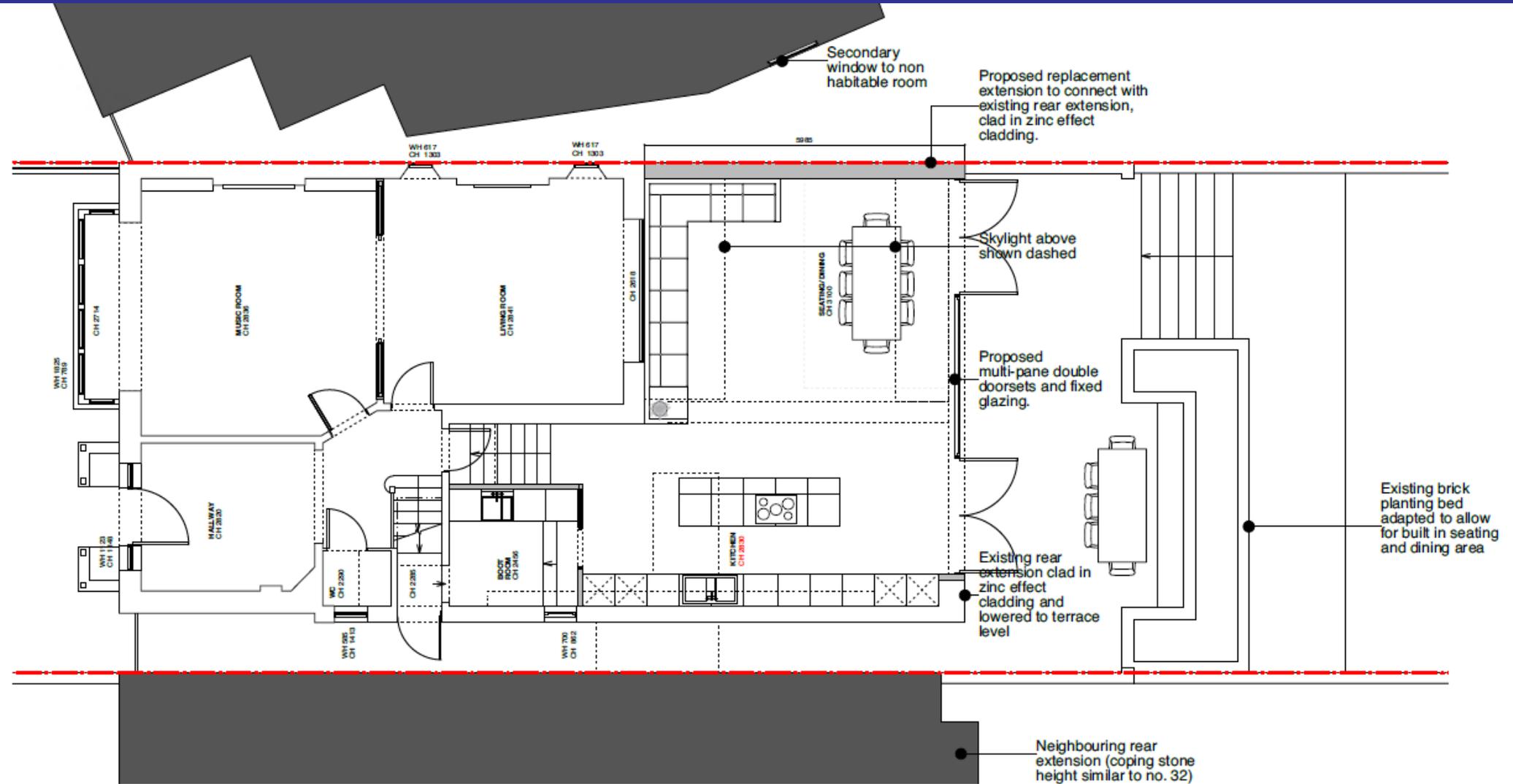


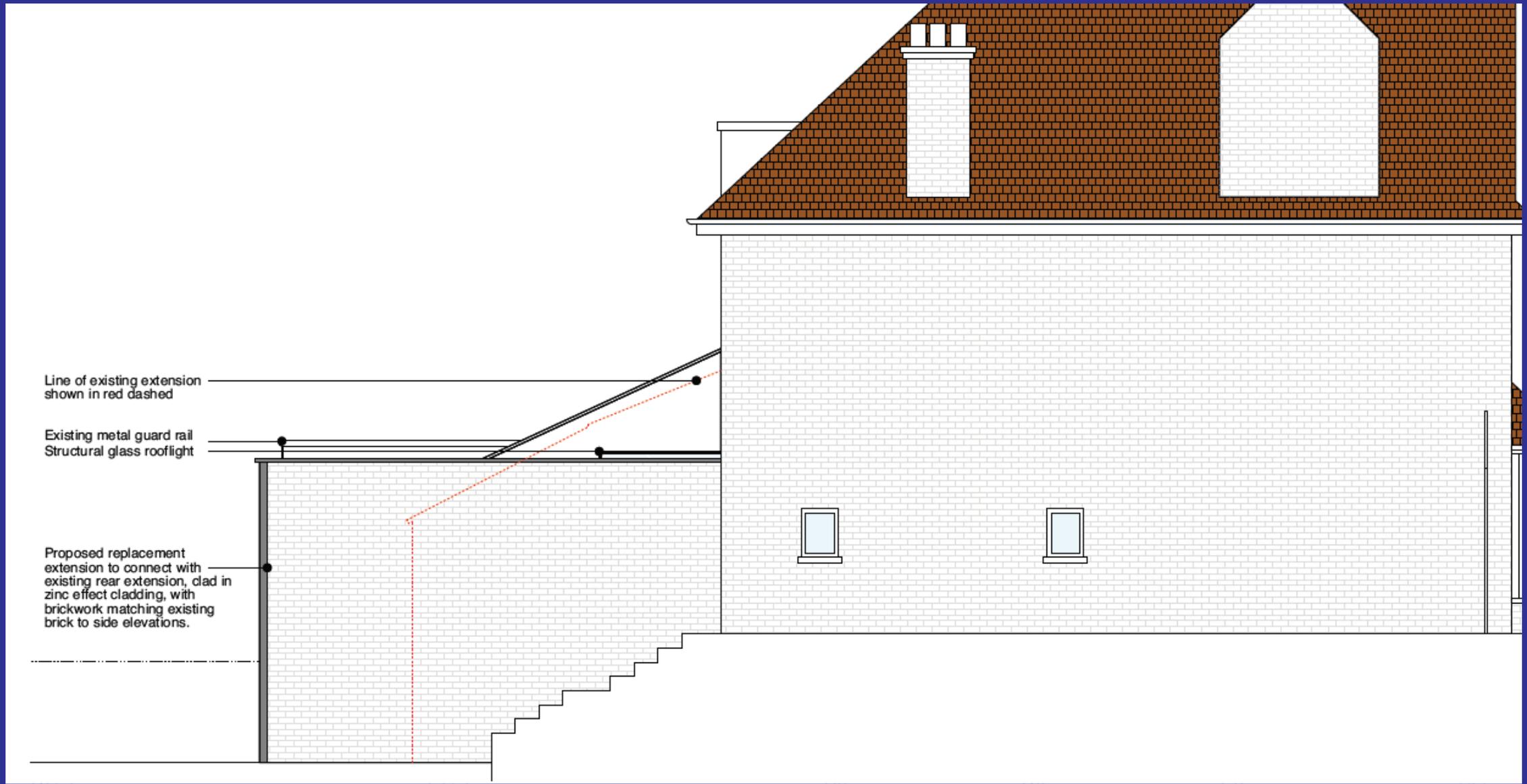
Existing Aerial View





Proposed Rear Elevation





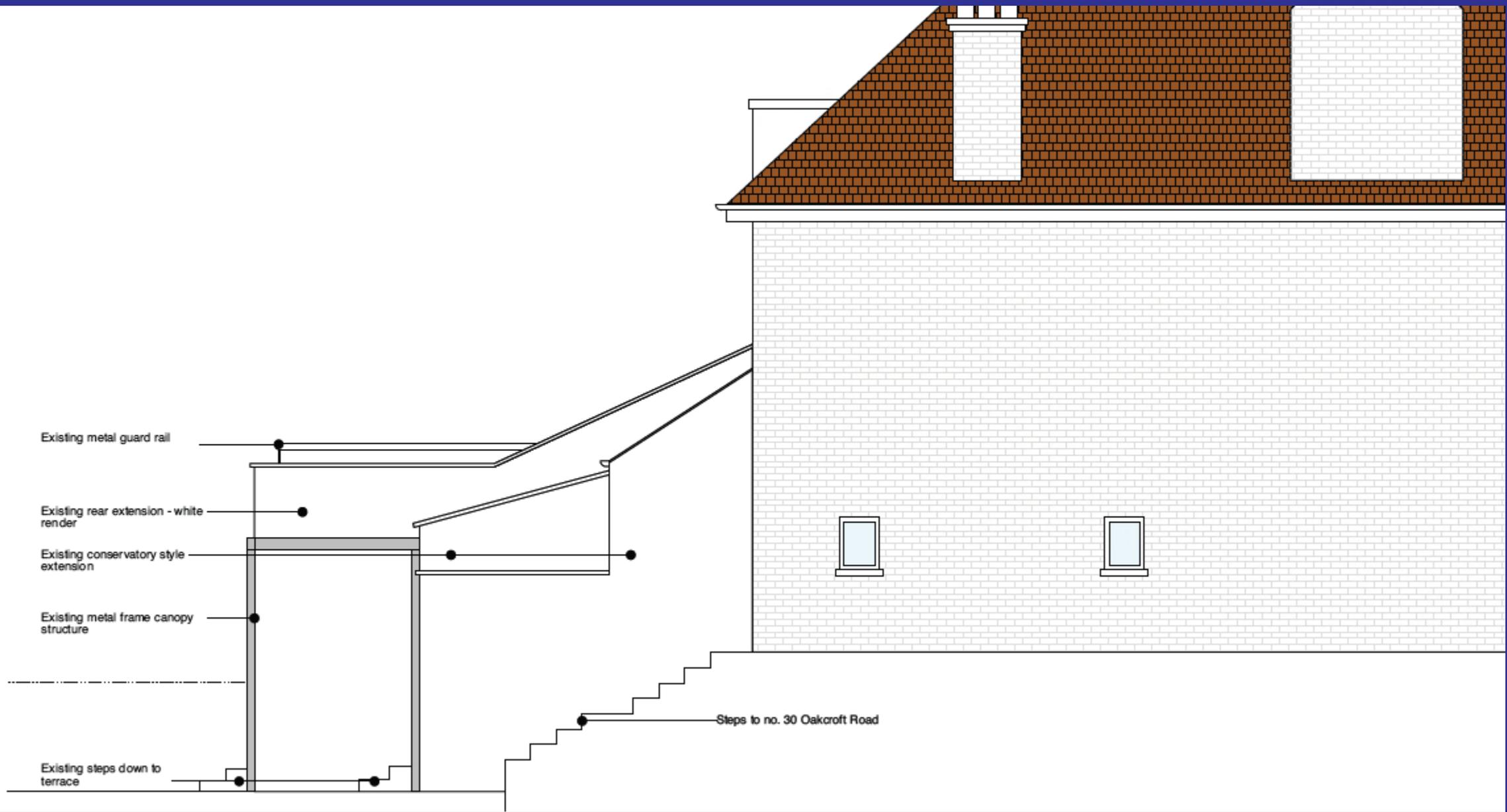
Line of existing extension shown in red dashed

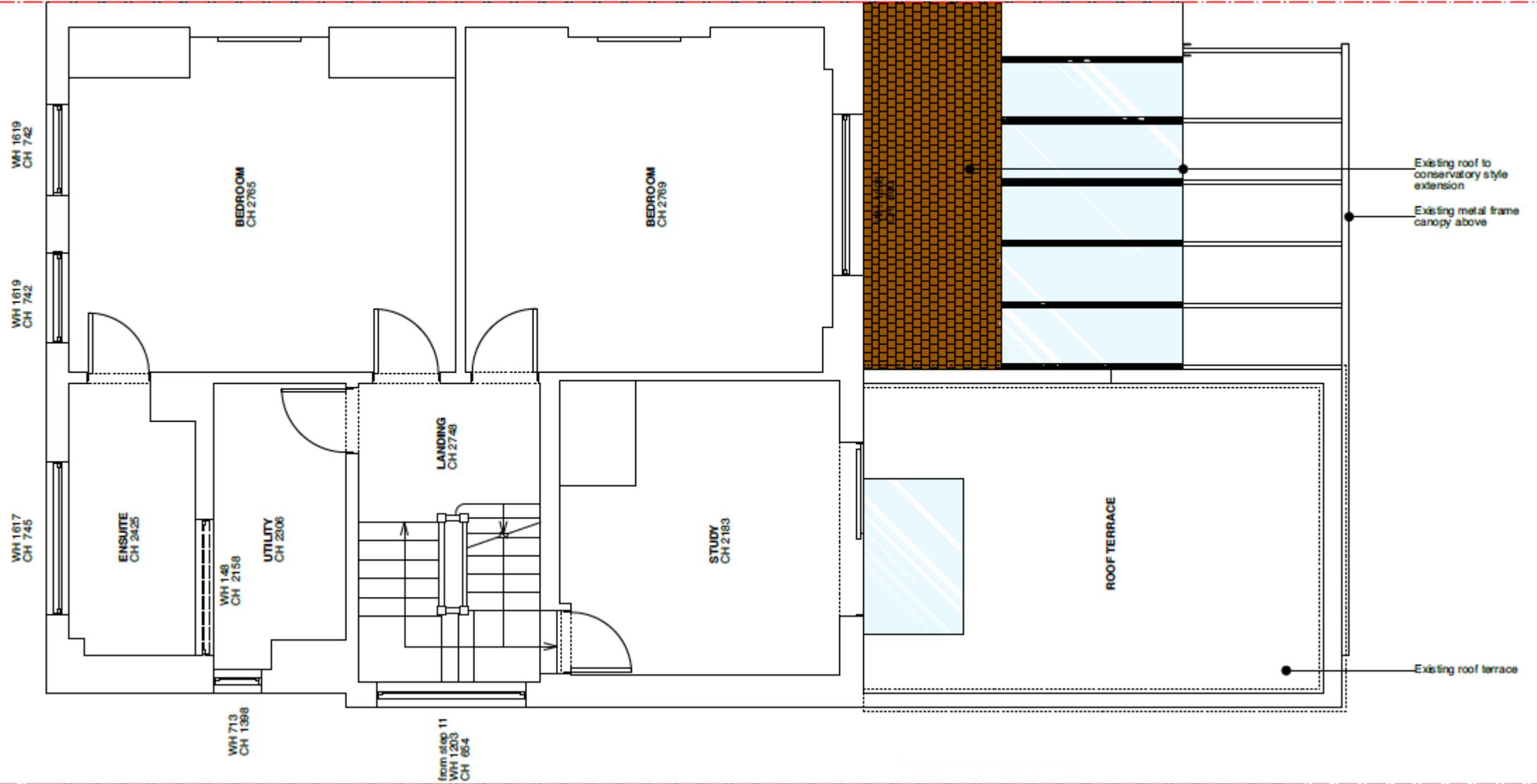
Existing metal guard rail
Structural glass rooflight

Proposed replacement extension to connect with existing rear extension, clad in zinc effect cladding, with brickwork matching existing brick to side elevations.

Key planning considerations

- Principle of Development
- Urban Design
- Impact on living conditions of neighbours

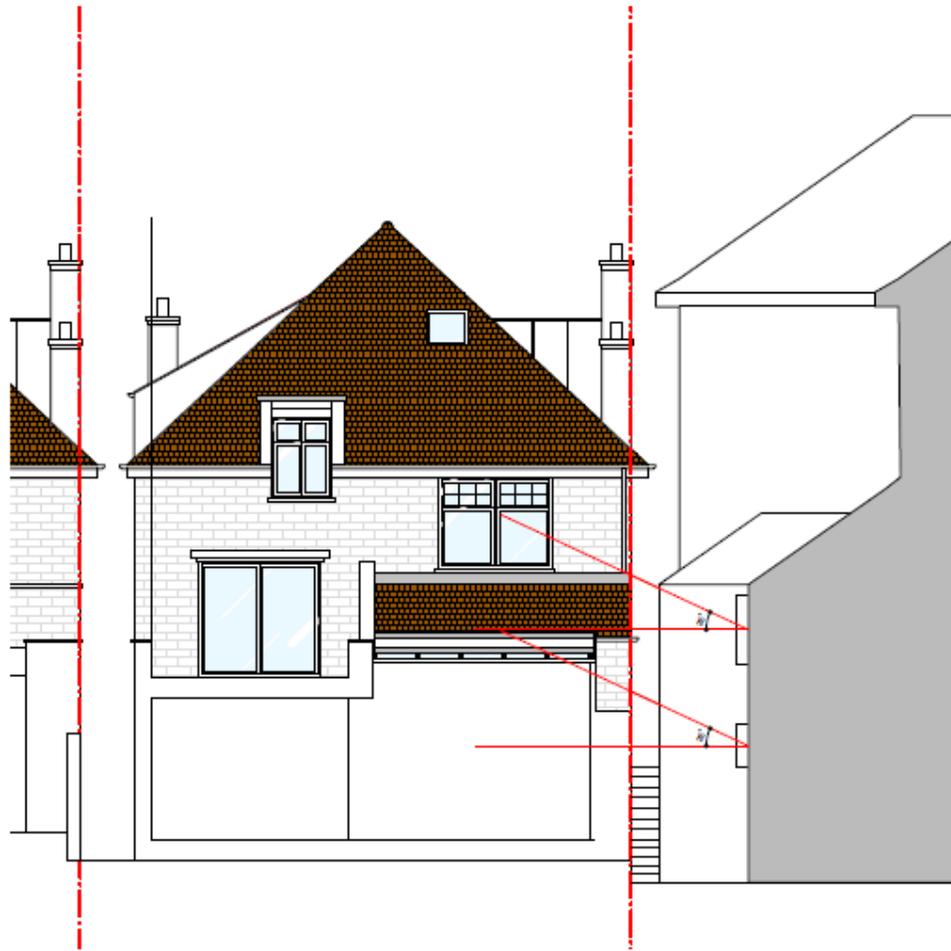




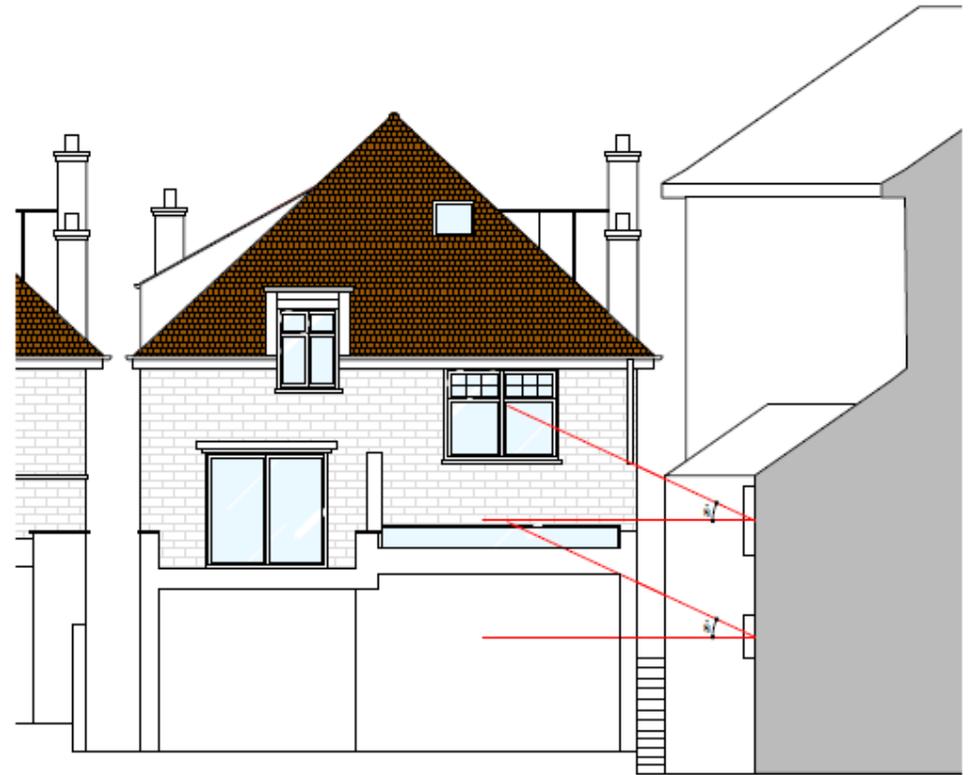


Aerial View of Rear of No. 30

1 EX SECTION CC - 25 DEGREE RULE
1:50



2 PR SECTION CC - 25 DEGREE RULE
1:50



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Planning Committee B

Report title: 14A Elderton Road, SE26 4EZ

Date: 11th November 2021

Key decision: No.

Class: Part 1

Ward(s) affected: Sydenham

Contributors: Amanda Ghani

Outline and recommendations

The report has been brought before committee for a decision due to the submission of three objections from neighbouring properties.

Recommendation: that the Committee resolve to grant planning permission subject to the attached conditions and informatives

Application details

Application reference number(s): DC/21/120632

Application Date: 7th March 2021

Applicant: Mr Munton

Proposal: The construction of a single storey rear extension at 14A Elderton Road, SE26

Background Papers: (1) Submission drawings

Designation: Area of archaeological priority

PTAL 2

Screening: None

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a two-storey, semi-detached property located on the eastern side of Elderton Road. The property is late Victorian and has a butterfly roof and an original two-storey rear outrigger and behind that, a more recently built single storey extension. The property has been in use as two flats since 1989. There is a small rear yard which is in sole use by the occupiers of Flat A, the ground floor flat, which is the subject of this application.
- 2 The site is not located in a conservation area, is not subject to an Article 4 Direction and is not a listed building nor in the vicinity of one.

Site Location Plan



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Character of area

- 3 Elderton Road comprises a mix of Victorian terraced and semi-detached dwellings, modern two-storey flatted developments, two large modern, two-storey terraced dwellings and a semi-detached pair of bungalows. The road gently slopes upwards in a south/northerly direction.

Surrounding area

- 4 To the south of the application site is Sydenham Road, the main thoroughfare through Sydenham. On Sydenham Road are local shopping parades, Sydenham library, Our Lady & St Philip Neri RC church and Home Park, which is a large open public space with playground. The area largely consist of different types of Victorian housing stock, interspersed with modern infill development.

Transport

- 5 The application site has a Public Transport Accessibility Level (PTAL) rating of 2, where on a scale of 1 to 6, 1 is the lowest and 6 is the highest.

2 RELEVANT PLANNING HISTORY

- 6 DC/17/103232 – The removal of the existing rear extension and the construction of a single storey rear extension and a side infill extension at 14A Elderton Road, SE26 together with the replacement of a window and a door to the side elevation with a pair of French doors. Granted 18/10/17

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 7 The rear infill extension would extend 3.6m from the rear elevation of the dwelling, measure 1.65m wide and have a flat roof with a maximum height of 2.7m. An openable skylight measuring 1m x 0.6m would be sited in the roof close to the existing rear elevation of the property. A small window is proposed in the rear elevation of the extension. The extension would provide room for a second bedroom with en-suite. A new high level window would be installed in the ground floor rear elevation of the original building. A replacement UPVc window would be installed in the rear elevation of the existing single storey rear extension (bathroom)

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

- 8 None.

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4.2 APPLICATION PUBLICITY

- 9 Site notices were displayed on 1st April 2021.
- 10 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 24th March 2021
- 11 3 number responses received, comprising 3 objections, 0 support and 0 comments. 0 petition[s] received

4.2.1 Comments in objection

Comment	Para where addressed
Proposal would cause additional cars and vans to be parked in the road.	No additional dwellings are being proposed. The road is not within a controlled parking zone and so there are no restrictions in place to prevent on street parking in the road.
Loss of day/sunlight to neighbouring ground floor room and garden	Para.42
Overshadowing	Para.42

- 12 A number of other comments that are considered non-material to this case were also raised as follows:
- 13 Access to the roof of the building will need to be across the roof of the development which the objector considers a safety risk. This is not a material planning concern, but rather a civil matter that will need to be worked out by the objector and the applicant.
- 14 Main supporting wall to be removed, (there is historic bowing of the wall directly above). This is a matter for Building Control and is not a material planning concern.
- 15 Loss of access to down pipe that services flat above and the extension would be built over the drains that service both flats. These are matters for Building Control and are not material planning concerns and as such have not been assessed within this report.
- 16 Plans are inaccurate, indicating cavity walls, when they should be solid brick. Plans showing whether the walls are solid or cavity are not a material planning concern but are rather matters for Building Control.

4.3 INTERNAL CONSULTATION

- 17 No internal consultees were notified due to the nature of this application.

4.4 EXTERNAL CONSULTATION

- 18 No external consultees were notified due to the nature of this application.

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5 POLICY CONTEXT

5.1 LEGISLATION

19 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

5.2 MATERIAL CONSIDERATIONS

20 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

21 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

22 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

23 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

24 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

25 London Plan SPG/SPD:

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- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

26 The main issues are:

- Principle of Development
- Urban Design
- Impact on Adjoining Properties

6.1 PRINCIPLE OF DEVELOPMENT

General policy

27 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

28 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

29 DM Policy 1 of the Development Management Local Plan states that ‘when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions of the borough

Discussion

30 The development plan is generally supportive of people extending or altering their homes. As such, the principle of development is supported subject to an assessment of the details.

6.1.1 Principle of development conclusions

The principle of development is supported subject to urban design details and impact on neighbouring amenity.

6.2 URBAN DESIGN

General Policy

31 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

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32 LPP D3, CS Policy 15 and DMLP DM31 requires that all new developments provide a high standard of design and should respect the existing forms of development in the vicinity

6.2.1 Appearance and character

Policy

33 The Alterations and Extensions SPD provides guidance for single storey rear extensions. Extensions should be of the highest design quality using high quality materials and remain clearly secondary to the host building in terms of form, scale and detailing, respecting the design and architectural features of the original building.

Discussion

34 The proposed extension would extend 3.6m from the rear elevation of the host property at a height of 2.7m. The extension would infill the side return which is 1.65m wide; the extension and associated rainwater good would all be within the curtilage of the subject site. The extension would be confined to the rear of the property and would not be visible from the public realm.

35 The guidance in the Alterations and Extension SPD states that extensions more than 3m deep should generally have a height of no more than 2.5m on a shared boundary. Whilst the height of the extension on the shared boundary is 20cm higher than set out in the guidance, the proposed extension is of a modest scale and is sensitively designed. It respects the form and character of the existing building and is comparable in scale to other infill extensions in the vicinity.

Detailing and Materials

Discussion

36 The extension would be built of in reclaimed brick to match the original building and a masonry cavity wall. The windows would be UPVc framed to match existing. The materials for the flat roof have not been specified.

37 The existing boundary fence would be replaced with a masonry wall. The materials are considered to be of a suitably high quality. The use of high quality materials would be conditioned as part of an approval.

6.2.2 Urban design conclusion

38 In summary, the extension due to its scale and design and use of high quality materials, would preserve the character and appearance of the host dwelling and is compatible to the character and setting of the wider area.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

39 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative

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effects) of pollution on health and living conditions. This is reflected in relevant policies of the London Plan, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL).

- 40 This is reflected in the relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019)

Discussion

- 41 The main impacts on amenity relevant to this application arise from (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) Loss of daylight within properties and loss of sunlight to amenity areas.
- 42 The proposed single storey rear infill extension would be confined to the side return adjacent to the outrigger and therefore potential impacts in terms of outlook and light would be limited to No.16. Officers note that No.16 has no extensions other than a garage to the side of the property. This neighbour has no windows in the side elevation of its two-storey outrigger; it has a similar 1.65m wide side return and there is a 1.8m high fence on the shared boundary. The proposed extension would be built up to the boundary line and this part of the boundary fence would be removed. The extension would be 900mm higher than the boundary fence. The proposed extension is of a modest height and as such, would not result in a significant impact in terms of outlook or loss of light to the ground floor rear window at No.16. The increase in height on this boundary is assessed as having no significant impact in terms of enclosure or harmful reduction to daylight or sunlight or overshadowing.
- 43 No window openings are proposed in the side elevation of the extension, so there would be no impact in terms of overlooking or loss of privacy.
- 44 There would be no adverse impact to occupiers of 14B the flat above the subject property.
- 45 The use of the proposed extension, being part of a single family dwelling, is unlikely to result in levels of noise significantly above or beyond normal residential use. The construction phase of the development is likely to cause some temporary disturbances to neighbouring properties; however, this is likely to be short term due to the scale of the development proposed and is covered by other legislation. An informative can be attached, directing the applicant to Lewisham's Good Practice Guide: Control of Pollution and Noise.

6.3.1 Impact on neighbours conclusion

- 46 Officers have not identified any materially harmful impacts to the living conditions of the neighbouring properties and therefore the proposed development would be compliant with CSP 15 and DMP 31

7 LOCAL FINANCE CONSIDERATIONS

- 47 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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

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

49 The CIL is therefore a material consideration and the relevant form has been submitted.

8 EQUALITIES CONSIDERATIONS

50 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.

51 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

52 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.

53 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

54 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty

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- Equality objectives and the equality duty
- Equality information and the equality duty

55 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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

9 HUMAN RIGHTS IMPLICATIONS

57 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including :

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

58 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

59 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

60 This application has the legitimate aim of providing an extension to an existing residential property. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

62 The proposed development is considered to be of a high, site specific and sensitive design quality that respects the form, setting and architectural character of the original

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building and is suitably subservient on the rear elevation of the dwelling and has no harmful impact on neighbouring amenity.

11 RECOMMENDATION

63 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

11.1 CONDITIONS

1) **FULL PLANNING PERMISSION TIME LIMIT**

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) **APPROVED PLANS**

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

Site Location Plan; Block Plan (Received 9 March 2021)

210211 001 C; 210211 002 C; 210211 003 C; 210211 004 C; 210211 005 B; 210211 006 B (Received 4 May 2021)

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) **MATERIALS**

No development above ground shall commence on site until a detailed schedule and specification of all external materials and finishes/windows and roof coverings to be used on the building 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.

4) **FLAT ROOF**

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

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

11.2 INFORMATIVES

- 1) Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.
- 2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham Web page.
- 3)

12 BACKGROUND PAPERS

- 64 (1) Submission drawings

13 REPORT AUTHOR AND CONTACT

- 65 Amanda Ghani, amanda.ghani@lewisham.gov.uk 0208 314 9417

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14A Elderton Road, SE26 4EZ

The construction of a single storey rear extension at 14A
Elderton Road SE26.

Application No. DC/21/120632

This presentation forms no part of a planning application
and is for information only.

SITE LOCATION PLAN



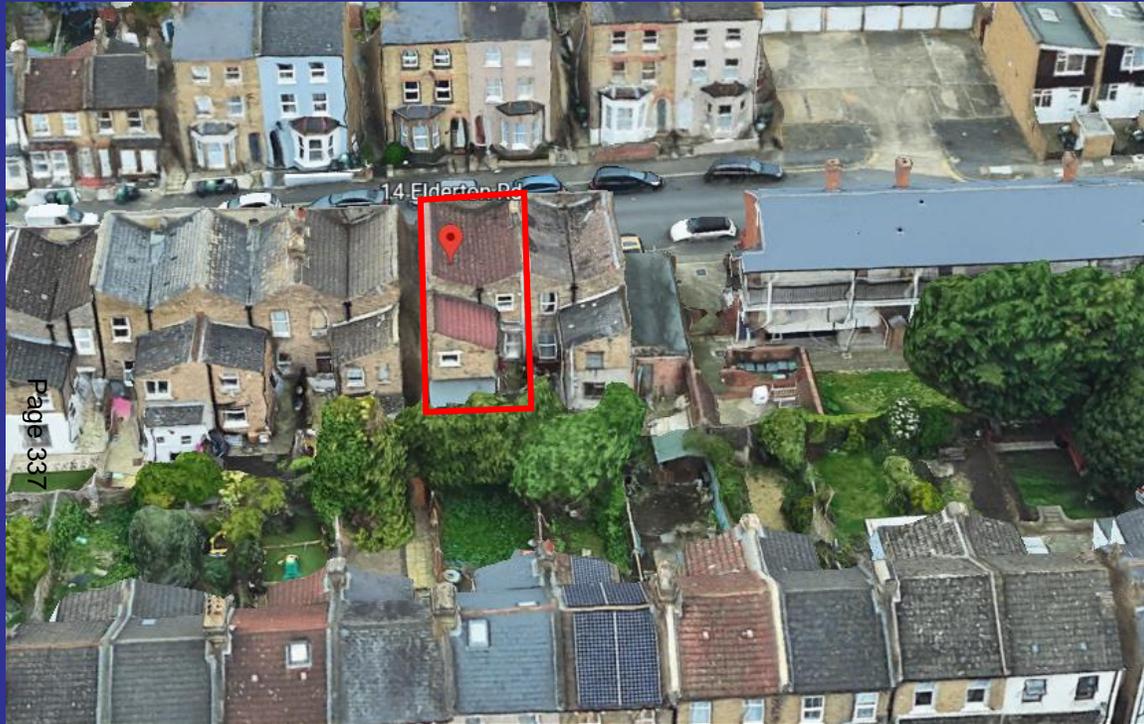
Site Location Arial- Context



View of Front Elevation from Elderton Road



Aerial View showing the rear elevation

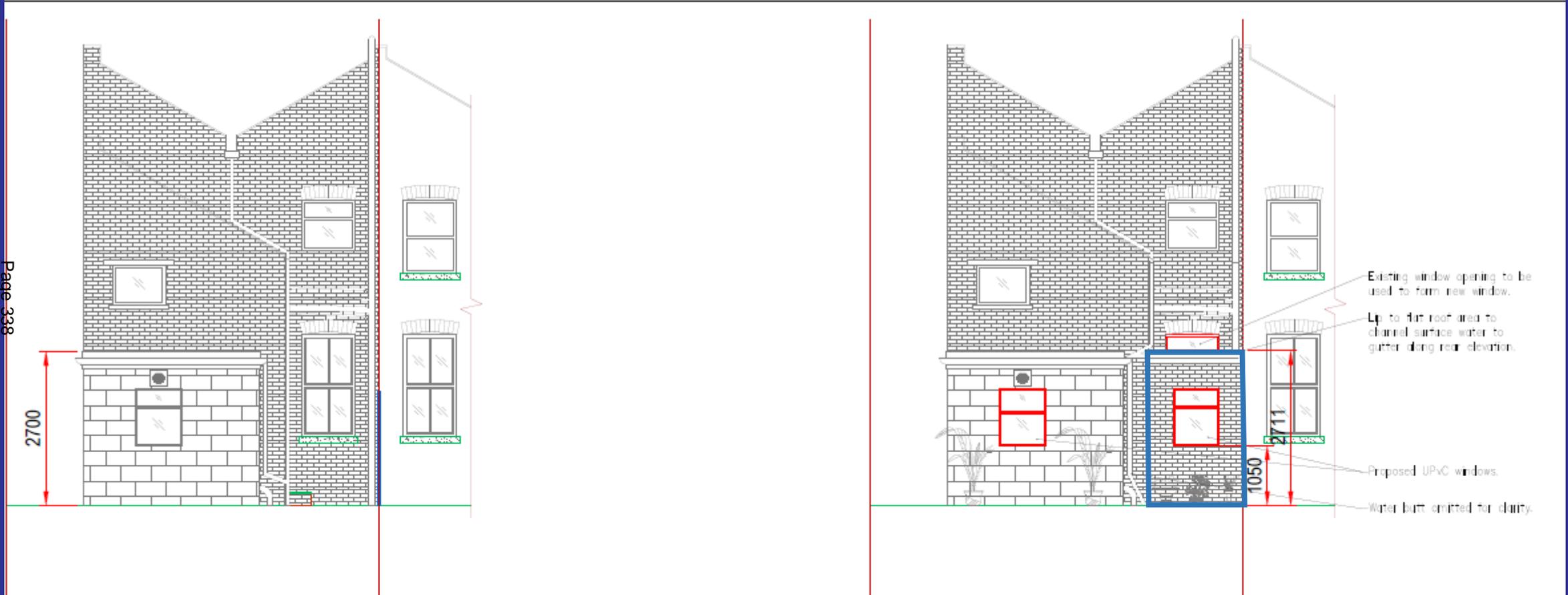


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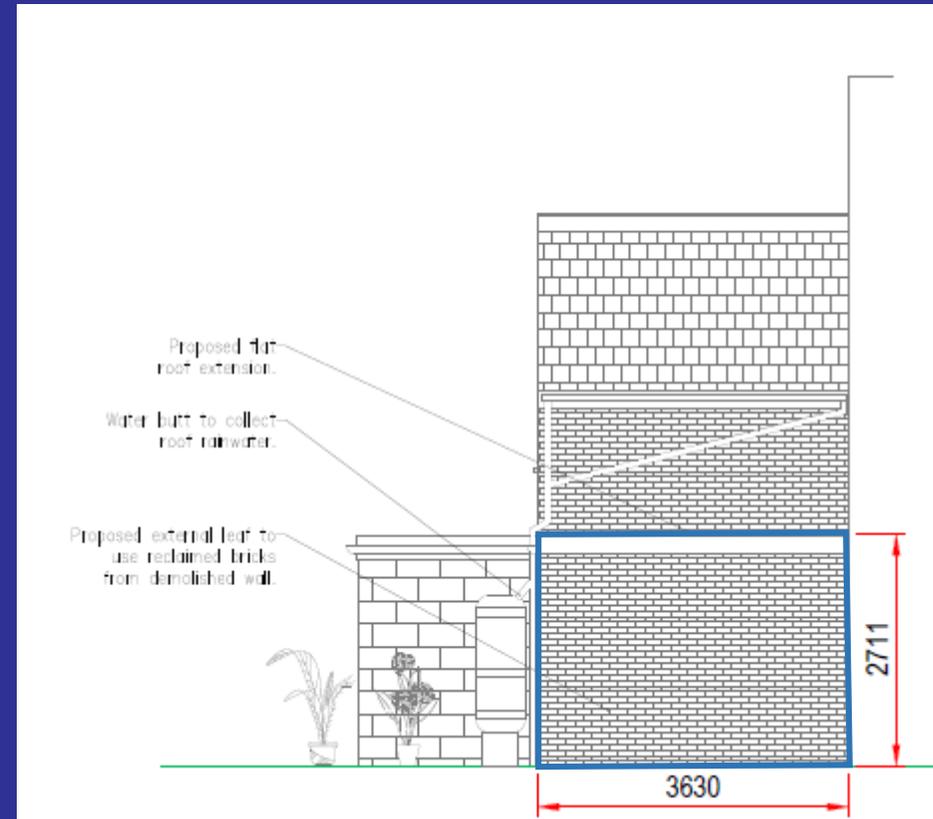
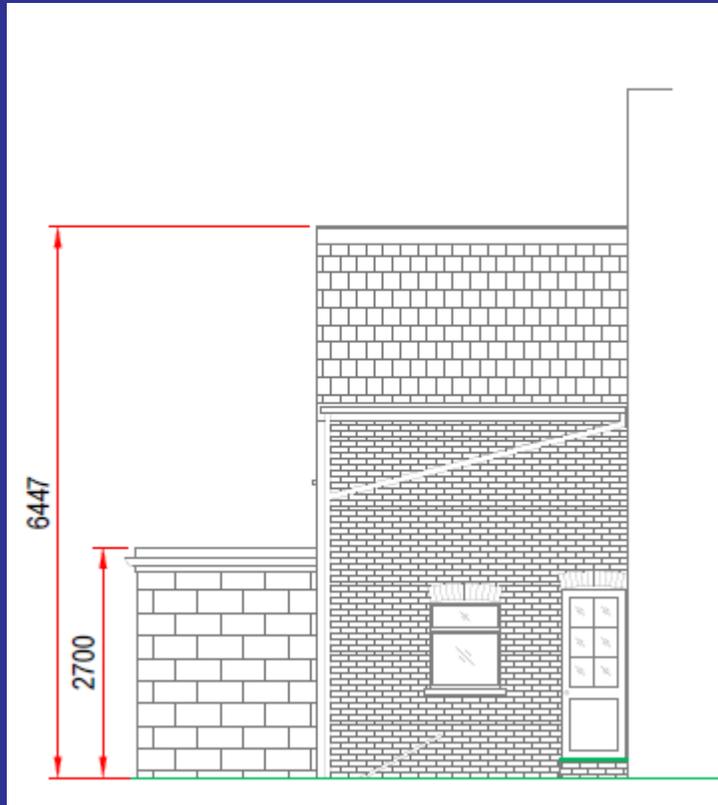


Existing and Proposed rear elevation

Page 338



Existing & Proposed Side Elevation viewed from No.16



Key Planning Considerations

- Principle of Development
- Urban Design
- Impact on Adjoining Properties

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Planning Committee B

Report title:

59 BRAMDEAN CRESCENT, LONDON, SE12 0UJ

Date: 11 Nov 2021

Key decision: No.

Class: Part 1

Ward(s) affected: Grove Park

Contributors: Zahra Rad

Outline and recommendations

The report has been brought before committee for a decision due to the submission of four objections from neighbouring properties, with a recommendation that the Committee resolve to grant planning permission subject to the attached conditions and informatives.

Application details

Application reference number(s): DC/21/120833

Application Date: 15 March 2021

Applicant: ARCCIDESIGNS

Proposal: Construction of a single storey rear extension at 59 BRAMDEAN CRESCENT, SE12

Background Papers: Submission drawings and documents

Designation: PTAL 1b
Local Open Space Deficiency
Grove Park Neighbourhood Forum
Small Houses in Multiple Occupancy Article 4 Direction
Not in a Conservation Area
Not a Listed Building

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a mid-terrace property on the Eastern side of Bramdean Crescent, at No 59. The property benefits from a long back garden at the bottom of which is an electricity post.
- 2 The property is not located within a conservation area, nor is it close to a listed building or non-designated heritage asset. The property is within Grove Park Neighbourhood Forum Area with a Small Houses in Multiple Occupancy Article 4 Direction.



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Character of area

- 3 The area is predominantly residential in nature and comprises of mostly terraced properties.

Surrounding area

- 4 Northbrook Park is approximately 180m to the north-west of the subject site, with Local Open Space Deficiency. There are local shopping parade 200m to the west (Burnt Ash) and 800m to the south at Grove Park.

Local environment

- 5 The south eastern railway lines are approximately 180m to the west of the application site.

Transport

- 6 The property is within 15 minutes walking distance from Grove Park railway Station, and has a PTAL rate of 1b.

2 RELEVANT PLANNING HISTORY

- 7 DC/20/119434 - Prior approval for the construction of a single storey rear extension at 59 Bramdean Crescent SE12. The proposal would measure 5m beyond the rear wall of the property, with a maximum height of 3.62m and an eaves height of 2.95m. Refused 03 Mar 2021 for the following reason:

- The proposed extension, by reason of its siting, and excessive height and depth, would result in a detrimental impact upon the residential amenity of nos. 57 and 61 Bramdean Crescent by way of overbearing visual harm, increased sense of enclosure and reduced outlook, contrary to Paragraph 127 of the National Planning Policy Framework (2019); Policy 15 'High quality design for Lewisham' of the Core Strategy (June 2011); Policy DM 31 'Alterations and extensions to existing buildings including residential extensions' of the Development Management Local Plan (November 2014), and the Alterations and Extensions Supplementary Planning Document (April 2019).]

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 8 The proposed development would extend the shared boundaries with Nos 57 and 61 by 3.2m with height of 2.8m, and a maximum height of 2.95m. Two lantern roof lights, with the height of 0.65m are also proposed. A set of large uPVC doors would give access to the back garden from the new kitchen/dining room.

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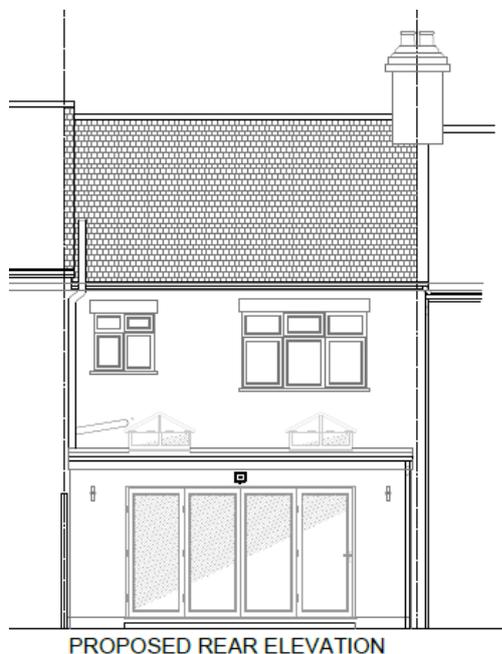


Figure 1 Proposed Rear Elevation

- 9 The proposed material would be Cavity wall with rendered and painted finish to match existing, and window frames in uPVC to match the existing.

3.2 Revisions

- 10 The depth was reduced from 4.5m to 3.2m and the eaves height was reduced from 2.95m to 2.8m

3.3 COMPARISON WITH PREVIOUS SCHEME

- 11 The prior approval (DC/20/119434) was refused for its scale and the amenity impact on the adjacent neighbouring properties. The size of the proposed rear extension was reduced within the current application (DC/21/120833) as following:
- Reduction of the depth from 5m to 3.2m
 - Reducing the height of the eaves from 2.95m to 2.8m.

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4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

4.2 No pre-application advice was sought from the council regarding the proposal.

4.3 APPLICATION PUBLICITY

12 Site notices were displayed on 27 March 2021.

13 Letters were sent to residents and business in the surrounding area, the relevant ward Councillors and Grove Park Neighbourhood Forum on 25 March 2021.

14 Four number responses received, comprising four objections.

4.3.1 Comments in objection

Comment	Para where addressed
Effect on the neighbours' enjoyment of their back garden	36
It will be a great shadow and would block the sunlight	47and 48
Generate more noise from the residents there	52
Negatively affect nature conservation and ecology of the vicinity	50
It will be an unattractive and eyesore structure	46

15 A number of non-material comments were also raised as follows:

- Potential fire risk due to its access from the narrow alleyway
- It would destroy the scenery and views from the back gardens and an unattractive structure
- Discrepancy on location plan due to the location of the sub-station
- and if this is granted then could open up for more house in our area to build houses in the back garden
- changing the value of properties

4.3.2 Comments in support

16 None

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4.4 INTERNAL CONSULTATION

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- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

24 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Grove Park Neighbourhood Development Plan (June 2021)

25 London Plan SPG/SPD: [delete irrelevant documents]

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)

6 PLANNING CONSIDERATIONS

26 The main issues are:

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- Impact on Adjoining Properties

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32 DMLP 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

6.2.1 Appearance and character

Policy

33 DMP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.

Discussion

34 Paragraph 4.2.3 of the Alterations and Extensions SPD sets out the following guidance for single storey rear extensions:

- *Rear extensions should generally not be more than 3m deep for terraced or semidetached properties.*
- *However as a general rule, extensions extending up to 3m in length should be no more than 3m in height on the boundary properties.*

35 The proposed development would extend the shared boundaries with Nos 57 and 61 by 3.2m with a height of 2.8m, sitting visibly below the first floor window sill. It is noted that the depth would be 0.2m more than a depth of 3m which is recommended under subparagraph 4.2.3 of SPD guidance, however as 0.2m is a small difference, and as the height is lower than the recommended height in SPD guidance (3m), on balance it is supported.

36 The proposed rear extension would occupy 7% of the back garden and 93% would remain. The proposed additional space would be a new kitchen and dining area.

37 Two lantern roof lights, with the height of 0.65m are proposed which still would be 0.55m below the window sill at the first floor. The lanterns would set in from both sides by 0.95m and set back from the rear elevation by 0.9m, therefore, due to its position and scale, the proposed extension would remain sufficiently subordinate to the host building and is acceptable.

38 A set of large uPVC doors would give access to the back garden from the new kitchen/dining room, which would not harm the appearance of the host building.

39 Therefore, the proposed single storey rear extension would have an acceptable size and scale in relation to the host property and as such would remain visually subservient to the host property and neighbouring properties.

40 The proposed material would be cavity wall with rendered and painted finish to match existing, and window frames in uPVC to match the existing. The materials would be acceptable.

41 The proposed extension would not be visible from the public realm and its design would be compatible with the special characteristics of the area.

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42 An objection highlighted that the development would have an impact on the nature conservation and ecology. It is however noted that the application site is not within a Site of Importance to Nature Conservation, nor are any trees or habitats affected by the proposals. Given this, and that the proposals are for a modest householder extension, it is considered that ecology is not a material planning consideration in this instance.

6.2.2 Urban design conclusion

43 In summary, the extension, due to its design and use of material, would preserve the character and appearance of the host dwelling.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

44 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions

45 LPP D3 states that development proposals should deliver appropriate outlook, privacy and amenity as well as mitigating noise levels. The Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).

46 The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.

Discussion

47 Officers had concerns regarding the amenity impact of the proposed development on the adjacent neighbouring properties, particularly on No 57 due to the difference in levels between the back gardens (approximately 0.15m). Therefore amendments were carried out and the depth and the height of the proposed extension were reduced. The eaves height at the shared boundary would measure 2.95m from the garden level of No 57, therefore, on balance, it is not considered to have any unacceptable impact on the amenities of No 57 in terms of creating a sense of enclosure.

48 The garden level at No 61 is 0.2m higher than the garden level at No 59 therefore the proposed development would not have any adverse impact on the amenities of No 61.

49 Paragraph 3.3.9 SPD guidance states that the proposal should ensure that the extension would not significantly overshadow neighbouring habitable room windows or private gardens to an unacceptable degree.

50 It is noted that objection has been received regarding the potential of over shadowing, however given the above the proposed rear extension due to its size and scale, the size of the back garden and the directions of the sun it is not considered to result in unreasonable overshadowing of neighbours to the side and onto their back gardens.

51 There is a passageway to the rear (East) of No 59. Nos 130 and 132 Baring Road are the neighbours at the other side of this passageway (39m away) and Nos 11 to 15 Bramdean Gardens would be 20m away from No59. Therefore, the proposed

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development is not expected to have any impact on the amenities of neighbours living at the bottom of the back garden at Nos 130 and 132 Baring Road, due to the distance between the properties or the neighbours living at No 15 Bramdean Gardens due to the arrangement of the back gardens and the existing greenery.

52 An objection was raised regarding noise disturbance. No new dwelling is proposed within this application, and the proposals present a modest rear extension to a single family house, therefore no material change in noise after construction would be expected. It is recognised that during implementation of the development there would be some noise and disturbance from construction related activity, however this is a relatively short-term impact, given the scale of the proposed development and is not a material planning consideration.

53 Other issues such as change in views, potential of fire risk and etc. are not considered as planning considerations.

6.3.1 Impact on neighbours conclusion

54 The proposed single storey rear development, would not have adverse impact on the amenities of its neighbours, in terms of creating a sense of enclosure, impact on day light/sun light and impact on privacy and is therefore acceptable.

7 LOCAL FINANCE CONSIDERATIONS

55 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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

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

57 The CIL is therefore a material consideration.

58 CIL is chargeable on the net additional floor space of all new development. Since the proposal is not providing additional floor space CIL is not payable on this development.

8 EQUALITIES CONSIDERATIONS

59 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.

60 In summary, the Council must, in the exercise of its function, have due regard to the need to:

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- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

61 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.

62 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

63 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

64 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

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

9 HUMAN RIGHTS IMPLICATIONS

66 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here

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means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

67 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

68 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

69 This application has the legitimate aim of providing a single storey rear extension. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

71 The proposed alterations to the building are acceptable in terms of scale, form, and design.

72 The proposal would have no unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight, noise or disturbance. There would be no significant negative impact on the local transport network or parking.

73 In light of the above, it is recommended that planning permission is approved.

11 RECOMMENDATION

74 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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.

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

2) **APPROVED PLANS**

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

AD/21/BRA59/PL01 page 1 of 2; AD/21/BRA59/PL01 page 2 of 2 (received 07 May 2021)

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) **Use of Flat Roof**

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

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

11.2 INFORMATIVES

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

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12 BACKGROUND PAPERS

75 Submission Drawings

76 Submission Technical Reports and Documents

13 REPORT AUTHOR AND CONTACT

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Telephone: 020 831 49153

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59 BRAMDEAN CRESCENT, LONDON, SE12 0UJ

Construction of a single storey rear extension at 59
BRAMDEAN CRESCENT, SE12.

Application Ref No. DC/21/120833

This presentation forms no part of a planning application
and is for information only.

Site Location Plan



Site Location Arial- Context



View of the Front Elevation, Bramdean Crescent



Views along Bramdean Crescent towards the South

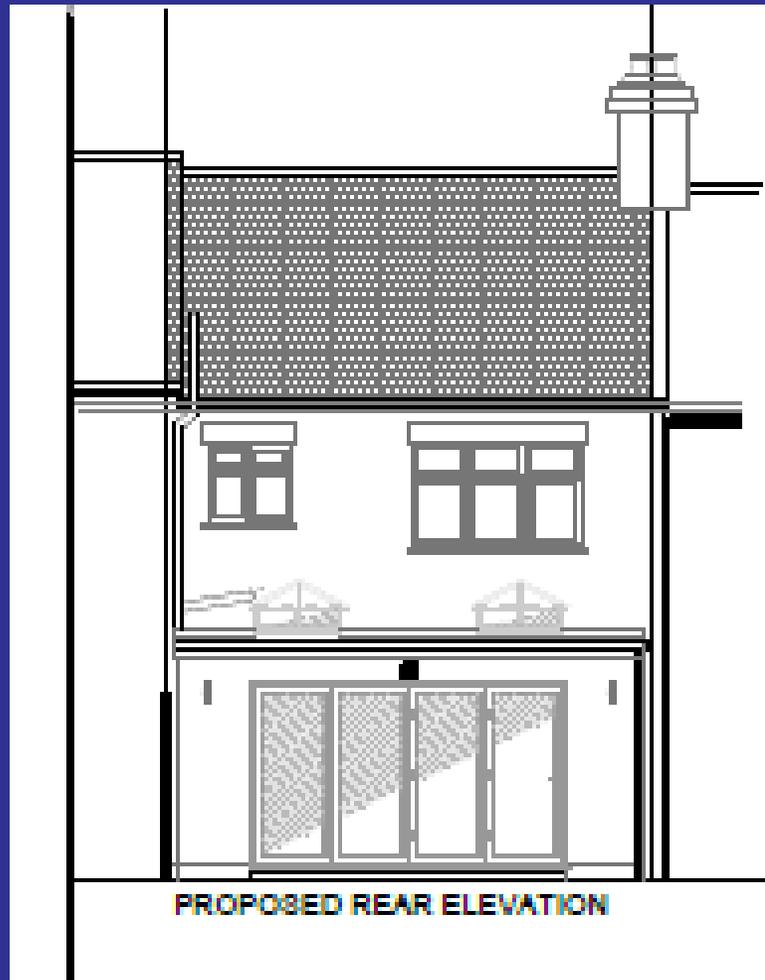
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Arial Views Showing the Rear Elevation And Back Garden

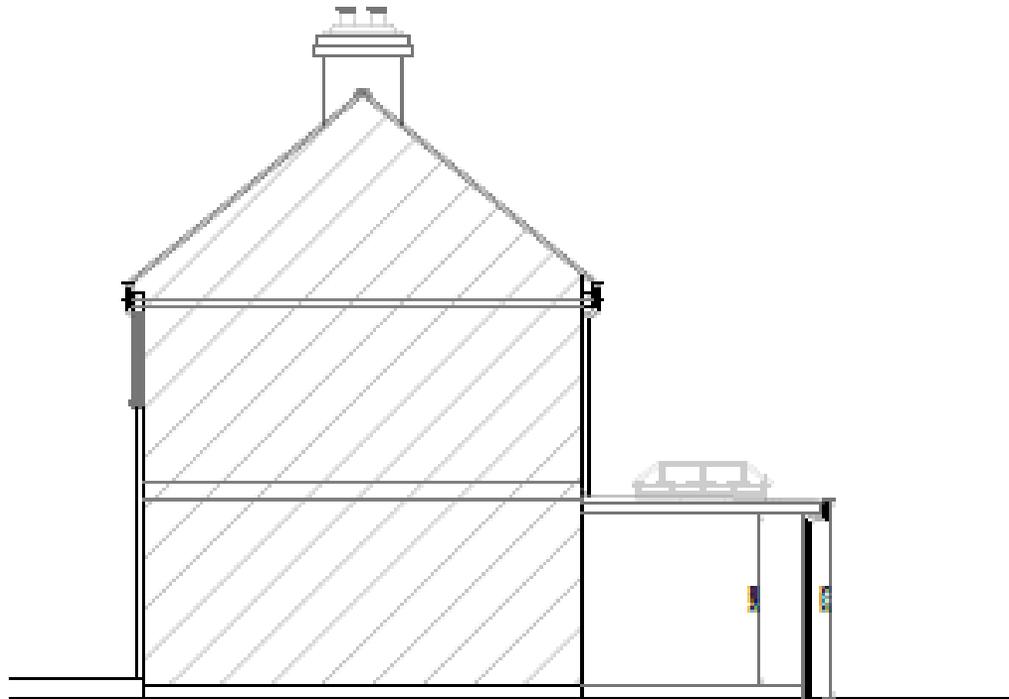


Proposed Rear Elevation

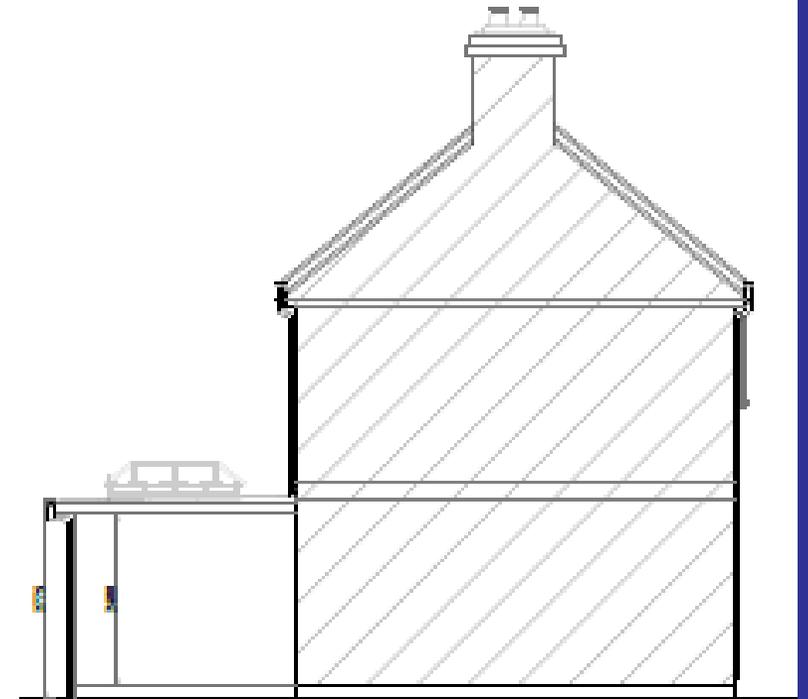


Proposed Side Elevations

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PROPOSED (No. 61) SIDE ELEVATION



PROPOSED (No. 57) SIDE ELEVATION

Key Planning Considerations

- Principle of Development
- Urban Design
- Impact on Adjoining Properties

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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