

Committee	PLANNING COMMITTEE C	
Report Title	47 Sydenham Road SE26 5EX	
Ward	Sydenham	
Contributors	Sean O'Sullivan	
Class	PART 1	Date: 10 OCTOBER 2013

Reg. Nos. DC/13/83513

Application dated 14.05.13

Applicant Mr Fidyk

Proposal The construction of a double garage to the rear of 47 Sydenham Road SE26.

Applicant's Plan Nos. Drawing nos. G500/101 Rev C, 102, LP01, Design & Access Statement.

Background Papers

- (1) This is Background Papers List
- (2) Case File LE/180/47
- (3) Adopted Unitary Development Plan (July 2004)
- (4) Local Development Framework Documents
- (5) The London Plan
- (6) Development Management Local Plan – Proposed Submission Version August 2013

Designation PTAL 4

Screening Not applicable.

1.0 Property/Site Description

1.1 The application relates to construction of a double garage to the rear of 47 Sydenham Road SE26. Access to the rear of the site is by Queensthorpe Mews.

1.2 The site is within the Sydenham Thorpes Conservation Area, which in this part, is not subject to any Article 4 Direction. The site is not within the vicinity of any Listed building. Sydenham Road is an classified as a B Road and the site has a PTAL of 4.

2.0 Planning History

2.1 DC/12/81260 - The construction of a double garage to the rear of 47 Sydenham Road SE26. APPLICATION WITHDRAWN

3.0 Current Planning Applications

3.1 The current proposal is for the construction of a double garage to the rear of 47 Sydenham Road SE26, which would replace a previous garage, which has been demolished. The garage would be built up to the rear boundary of the site and the main vehicle door would face directly on to Queensthorpe Mews.

- 3.2 The garage would have a green roof and it would be 3.15 metres high to the top of the brick coping. The garage would extend 6.4 metres back towards the rear wall of 47 Sydenham Road from the rear boundary of the site and it would be 4.7 metres wide.

4.0 Consultation

- 4.1 Letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors.

Pre-Application Consultation

- 4.2 Following the withdrawal of the previous application for a double garage to the rear of 47 Sydenham Road, the Planning Officer and Conservation Officer were consulted and comments were given suggesting what would be acceptable on the site.

Written Responses received from Local Residents and Organisations

- 4.3 A letter of objection signed by the occupiers of 6-7 and 8 Queensthorpe Mews and 45 and 49 Sydenham Road, raising the following concerns:

- the height of the garage proposed would be “visually overwhelming”;
- built closer to the roadway than the previous garage;
- compromise use of existing workshop access and other businesses in Queensthorpe Mews;
- distance between garage door and workshop opposite causing manoeuvring problems;
- impossible for a vehicle to manoeuvre into the garage

(Letters are available to members).

Conservation Officer

- 4.4 No objection raised.

Highways and Transportation

- 4.5 Please refer to the “Highways and Traffic Issues” section of this report.

5.0 Policy Context

Introduction

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

- (a) the provisions of the development plan, so far as material to the application,

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

A local finance consideration means:

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

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

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

Ministerial Statement: Planning for Growth (23 March 2011)

5.5 The Statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

- 5.6 The statement further sets out that local authorities should reconsider at developers request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms. [Delete if not relevant]

Other National Guidance

- 5.7 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)

London Plan (July 2011)

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

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable Drainage

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.19 Biodiversity and access to nature conservation

London Plan Supplementary Planning Guidance (SPG)

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

Sustainable Design and Construction (2006)

Core Strategy

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

Objective 5: Climate change

Objective 10: Protect and enhance Lewisham's character

Core Strategy Policy 7: Climate change and adapting to the effects

Core Strategy Policy 8: Sustainable design and construction and energy efficiency

Core Strategy Policy 15: High quality design for Lewisham

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

Unitary Development Plan (2004)

5.11 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design

URB 6 Alterations and Extensions

URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas

HSG 4 Residential Amenity

Emerging

5.12 According to paragraph 216 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.13 The following emerging plans are relevant to this application.

Development Management Plan

5.14 The Development Management Local Plan – Proposed Submission Version, is a material planning consideration and is growing in weight. Following the close of public consultation on 4 October 2013 the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public. Therefore, in accordance with the NPPF, the weight decision makers should accord the Proposed Submission Version should reflect the advice in the NPPF paragraph 216.

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 30 Urban design and local character

- *General principles*
- *Detailed design issues*

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

DM Policy 35 Public realm

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

- *A. General principles*

- *B. Conservation areas*
- *C. Listed Buildings*
- *D. Scheduled Ancient Monuments and Registered Parks and Gardens*

6.0 Planning Considerations

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

- a) Impact on Sydenham Thorpes Conservation Area
- b) Impact on Adjoining Properties
- c) Highways and Traffic Issues
- d) Sustainability and Energy

Impact on Sydenham Thorpes Conservation Area

6.2 It is stated in Part B of DM Policy 36 of the Development Management Local Plan – Proposed Submission Version August 2013, that the Council will pay special attention to the special interests of Conservation Areas and the desirability of preserving and enhancing their character and appearance and will not grant planning permission where new development or alterations and extensions to existing buildings would be incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

6.3 The proposal is for a garage to the rear of 47 Sydenham Road. The garage would be built up to the rear boundary of the site and the main vehicle door would face directly on to Queensthorpe Mews. The garage would have a green roof. The main vehicle door would be metal and coloured black and the smaller passenger door would be timber and painted black. The brickwork would be salvaged London stock brick lay, in an English bond with recessed pointing. The brick arches above both doors would be red brick.

6.4 The proposed garage building would be of a high design quality, which would enhance the character and appearance of Queensthorpe Mews and the Sydenham Thorpes Conservation Area.

Impact on Adjoining Properties

6.5 The garage would have a green roof and it would be 3.15 metres high to the top of the brick coping. The garage would have a similar appearance and be of a similar scale and massing to other buildings within Queensthorpe Mews and would not be visually overwhelming. There would be no significant impact caused to neighbouring residential amenities caused by the proposed garage building.

Highways and Traffic Issues

- 6.6 The width of Queensthorpe Mews where the garage would be located is, according to the Council's GIS system, 4.7 metres. Highways officers consider that this width would allow motor vehicles to access and egress from the proposed garage into Queensthorpe Mews. Any obstruction to the free movement of motor vehicles using Queensthorpe Mews is a private matter.

Sustainability and Energy

- 6.7 The use of a green roof in this location is welcomed. There are no other significant sustainability issues to be considered with the proposal.

7.0 Conclusion

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 Officers consider that the design and appearance of the proposed development would enhance the character and appearance of Queensthorpe Mews and the Sydenham Thorpes Conservation Area and is acceptable.

8.0 RECOMMENDATION

GRANT PERMISSION subject to the following conditions:-

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

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

- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below: G500/101 Rev C, 102, LP01, Design & Access Statement.

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

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

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

- (4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the garage shall be used for the garaging or storage of motor vehicles only or for purposes ancillary to the business use of the premises known as 47 Sydenham Road, London SE26 5EX and shall not be used as living accommodation and no trade or business unconnected to the main premises shall be carried on therefrom.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004).

- (5) No goods, merchandise, materials or thing of any description shall be stacked or stored on the roof of the garage building hereby approved.

Reason: To ensure the garage is for use for the business only. The application has been assessed only in terms of this restricted use and any other use may have an adverse affect on the character and amenity of the area contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004).

- (6) (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan no. G500/101c hereby approved and maintained thereafter.
- (b) The living roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) and Core Strategy Policy 10 managing and reducing flood risk and Core Strategy Policy 12 Open space and environmental assets.

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.