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| Committee | PLANNING COMMITTEE C | |
| Report Title | Site of 136A TANNERS HILL SE8 4QD | |
| Ward | Brockley | |
| Contributors | Jan Mondrzejewski | |
| Class | PART 1 | 06 MAY 2014 |

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| <u>Reg. Nos.</u> | DC/14/86416 |
| <u>Application dated</u> | 07.02.2014 [as amended on 08.04.2014 & 14.04.2014] |
| <u>Applicant</u> | Stephen Davy, Peter Smith Architects on behalf of Academy Land (Lewisham) Ltd. |
| <u>Proposal</u> | The demolition of existing commercial/storage buildings on the site of 136A Tanners Hill SE8 and the construction of 4 three storey, 3 bedroom houses and a four storey building to provide 2 two bedroom and 2 one bedroom self-contained flats with the provision of 4 car parking spaces, associated refuse/recycling and cycle storage. |
| <u>Applicant's Plan Nos.</u> | 1232(PL)010, 020, 100, 101, 112, 113, 200, 201 Rev A & 300, Design & Access Statement, Transport Statement, Sustainability Statement, Daylight and Sunlight Study (Neighbouring Properties), Daylight and Sunlight Study (Within Development). |
| <u>Background Papers</u> | (1) Case File DE/282/136/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan |
| <u>Designation</u> | Site Allocations Local Plan – Site Ref SA41 Housing |
| <u>Screening</u> | N/A |

1.0 Property/Site Description

- 1.1 The application site comprises vacant industrial premises at the rear of Nos 124-136 Tanner's Hill. The site comprises an area of open yard with a two storey building in the north west part of the site and a single storey building in the east part of the site. The land falls towards the south west. Access is from Tanner's Hill under a flying freehold at No 136. The site was in use in the 1980s by a printing and office supplies company (Swallow and Hicks) and in 2006 as a building contractor's office and yard. The site was last occupied as B1 Artist Studio (Eutrophia) who vacated the site in 2012 since which time the site has been vacant.

- 1.2 To the south east of the site are buildings fronting Tanner's Hill. The buildings between Nos. 124 and 136 comprise mid to late Victorian purpose built shops with residential accommodation above. The small rear yards of the shops back on to the application site.
- 1.3 With the adjoining sites of 120 & 122a Tanners Hill and a smaller site to the rear of No 136a, known as the Crown Works, the application site has been identified in the Council's Site Allocations Local Plan for residential development. In January 2014, planning permission was granted for a residential development of the combined sites of 120, 122a and 136 (Crown Works) comprising a total of 58 units. This development by Notting Hill Housing will border the application site to the north and east.
- 1.4 To the south west of the site is the car park of the Big Yellow self storage development fronting Lewisham Way. The application site is at a higher level than that development and along with the properties in Tanner's Hill is supported by a retaining wall.
- 1.5 The site formerly provided access to a vehicle repair premises at 136 Tanners Hill (Crown Works) located to the rear via a right of access from Tanner's Hill. This site now forms part of the proposed Notting Hill Housing development at 120 Tanner's Hill and will be served by a new access road which forms part of that development. This means that the site which is the subject of the current application can now be developed for residential purposes without having to maintain this right of access. Most of the adjoining shops in Tanner's Hill which back onto the western boundary of the application site are now in wholly residential use.

2.0 Planning History

- 2.1 Until 1965 the premises was used for the manufacture of tubular steel framed furniture. Planning permission was granted in 1965 for the adaptation and extension of the premises for plan printing and storage of drawing office equipment (Swallow and Hicks).
- 2.2 In April 2005 planning permission was refused for the reconstruction of the two storey commercial building at the site for the following reason:-
The proposed two storey building would by reason of its height and bulk have a detrimental impact on the domestic gardens at the rear of 126-134 (even) Tanner's Hill and would therefore be contrary to Policy URB 2 of the Council's Adopted Unitary Development plan (Adopted July 2004).
- 2.3 In 2006 planning permission (DC/06/62689) was granted for the demolition of existing buildings on the site to the rear of 136 Tanners Hill SE8 and the construction of a two storey terrace of 5 two bedroom houses and 1 one bedroom unit over a carport providing 3 car parking spaces within, together with associated landscaping, provision of bicycle and refuse stores and a further 3 car parking spaces.
- 2.4 In December 2011 planning permission (DC/11/76379) was granted for the demolition of existing commercial/storage buildings on the site of 136A Tanners Hill SE8 and the construction of 1, two storey and 1, part three/part four storey blocks to provide 6 two bedroom and 3 one bedroom flats together with the

provision of 7 car parking spaces, refuse storage and cycle storage and pedestrian/vehicular access onto Tanners Hill.

- 2.5 In September 2012, planning permission (DC/12/79421) was granted for a non material amendment in connection with planning permission (DC/11/76379). This non material amendment reduced the size of the footprint of Block 1 and provided 3 one bedroom flats in place of 3 two bedroom flat originally approved on the north west side of the building, thereby providing a total of 6 one bedroom and 3 two bedroom flats within the proposed development.
- 2.6 This amendment was driven by the necessity to ensure that the existing right of way to Crown Works at the rear remained unimpeded, thereby enabling the development to take place with the Crown Works continuing in use without prejudicing any future development of that site.
- 2.7 In November 2011, planning permission was granted under Section 96a of the Town & Country Planning Act 1990 for a further non-material amendment to the planning permission granted on 20 December 2011 (DC/11/7379). This was for a variation of the requirement to submit the relevant details prior to the commencement of development works in respect to Conditions (1), (5), (6) and (8)(ii) and in respect of Condition (3)(a) to vary the requirement to submit the relevant details prior to works of demolition of the existing buildings or site investigation works associated with the development. The demolition of the buildings was sought at this stage in order to allow the site to be tested for the presence of contamination.

3.0 Current Planning Applications

The Proposals

- 3.1 The current application is for the demolition of the existing commercial/storage buildings on the site and the construction of a part three, part four storey block comprising 4, three storey, 3 bedroom houses and 2, two bedroom and 2, one bedroom self-contained flats. The flats would be provided within the four storey element. The scheme includes the provision of 4 car parking spaces, associated refuse/recycling provision and cycle storage.
- 3.2 The proposed three storey houses are arranged in a terrace fronting an access road with the four storey element at the south west end. The four storey element is somewhat deeper and extends to within a metre of the rear boundary of the site. Four off-street parking spaces are proposed to be located to the rear of Nos 124-130 Tanner's Hill.
- 3.3 The houses are proposed with rear gardens varying in length between 6 and 9 metres and also have roof terraces to the second floor master bedrooms. In the scheme as originally submitted the terraces were approximately 3m x 4m in area. The depth of the roof terraces has been reduced by 1.3 metres by the addition of a 1.1 metre high planter behind the front parapet. The front parapet has also been raised to 1.3 metres so as to minimise potential overlooking to the rear gardens of properties in Tanner's Hill. The ground floor flat has a garden area of 9.5m in width and between 2.5 and 6.5m in depth. The remaining flats have balconies which (except in the case of the first floor flat) face away from the rear of the Tanners Hill properties.

- 3.4 The block would be in a contemporary design with a flat roof and set back top storey to the houses. The facing materials would be predominantly brickwork, with zinc cladding to the set back top storey and entrances highlighted in render. The development seeks to exploit the topography of the site, so that the finished ground level of the new dwellings would be some 1.7m to 2.1m below that of the ground level of the Tanner's Hill properties.

Supporting Documents

- 3.5 Supporting documents are provided comprising a Design & Access Statement, Transport Statement, Sustainability Statement, Daylight and Sunlight Study (Neighbouring Properties) and Daylight and Sunlight Study (Within Development).
- 3.6 The sustainability statement by Code Consultancy Services confirms that all the houses and flats will comply with Level 4 of the Code for Sustainable Homes. The Daylight and Sunlight Study in respect of neighbouring properties, prepared by Right of Light Consulting, confirms that the proposed development will have a low impact on light received by neighbouring properties and that the development will satisfy the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'. The Daylight and Sunlight Study (Within Development) by the same consultants confirms that all windows in the new development exceed the minimum Average Daylight Factor (ADF) recommended for the use associated with the rooms in question.

The Transport Assessment by Paul Mew Associates notes that the development is within a highly sustainable area with a PTAL score of 6a, which is an 'excellent' accessibility rating as defined by TfL. A 50% provision of on-site parking coupled with 12 sheltered secure cycle parking for residents and visitors is therefore considered acceptable and consistent with projected car ownership levels by residents. In terms of refuse collection, officers have secured an amendment to the scheme as initially submitted which defines a bin collection area as opposed to a storage location under the flying freehold at No 136 Tanner's Hill. This will allow the Council's refuse vehicles to collect waste and recycling from the proposed development without having to enter the site.

4.0 Consultation

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

Written Responses received from Local Residents and Organisations

- 4.3 One reply has been received signed by 7 occupiers representing Nos. 128A, 128B, 130 & 132 Tanners Hill, objecting to the development on the following grounds:-

- 1) Loss of privacy and overlooking of rear gardens from the new development.

- 2) The proposed development is visually overbearing, taking away space and light from existing properties.
- 3) The proposal will give rise to traffic congestion.
- 4) The proposal will give rise to additional on street parking in an already congested area.
- 5) Such parking as is provided is located against the rear garden fences of properties fronting Tanner's Hill, giving rise to noise and air pollution.
- 6) The development will give rise to light pollution disturbing sleep and rest for existing residents.
- 7) Refuse collection in Tanner's Hill is already inadequate and this will add to the problem and encourage vermin.
- 8) The proposed development lacks green space and trees.
- 9) Further multi-storey buildings will give rise to increased crime.
- 10) The proposed development gives no thought to the local community and how a sense of community can be fostered in the local area.
- 11) The proposed development will lead to a depreciation in property values in the local area.
- 12) Residents would prefer to see the earlier plan for 6 two storey houses with green roofs.
- 13) A large development has also been recently agreed for an adjoining site which is likely to exacerbate many of the above problems.
- 14) Several properties suffered structural damage during the construction of the Big Yellow building in Lewisham Way. Residents would therefore like to know what safeguards will be put in place to prevent this happening again.

(Letters are available to members).

Strategic Housing

4.4 No reply

Sustainability Manager

4.5 No reply

Highways and Transportation

4.6 No objection, subject to the provision of a bin collection area within easy reach of the public highway. Given that the location will be a difficult one to access with large vehicles, a planning condition requiring a construction and logistics plan is recommended.

Thames Water

- 4.7 Comments received raising no objection to the application and providing informatives on water supply and drainage to be added as an informative to any planning permission which might be granted.

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

London Plan (July 2011)

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

Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.15 Co-ordination of housing development and investment
Policy 4.12 Improving opportunities for all
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 8.3 Community infrastructure levy
Policy 8.4 Monitoring and review for London

London Plan Supplementary Planning Guidance (SPG)

- 5.8 The London Plan SPGs relevant to this application are:
- Accessible London: Achieving an Inclusive Environment (2004)
 - Housing (2012)
 - Sustainable Design and Construction (2006)
 - Planning for Equality and Diversity in London (2007)
 - Shaping Neighbourhoods: Play and Informal Recreation (2012)

London Plan Best Practice Guidance

- 5.9 The London Plan Best Practice Guidance relevant to this application are:
- Development Plan Policies for Biodiversity (2005)
 - Control of dust and emissions from construction and demolition (2006)
 - Wheelchair Accessible Housing (2007)
 - Health Issues in Planning (2007)
 - London Housing Design SPD (2013)

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 Site Allocations, 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:

- Spatial Policy 1 Lewisham Spatial Strategy
- Spatial Policy 5 Areas of Stability and Managed Change
- Core Strategy Policy 1 Housing provision, mix and affordability
- Core Strategy Policy 7 Climate change and adapting to the effects
- Core Strategy Policy 8 Sustainable design and construction and energy efficiency
- Core Strategy Policy 9 Improving local air quality
- Core Strategy Policy 13 Addressing Lewisham's waste management requirements
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High quality design for Lewisham
- Core Strategy Policy 18 The location and design of tall buildings
- Core Strategy Policy 21 Planning obligations

Site Allocations Local Plan

- 5.11 The Site Allocations Local Plan was adopted by the Council at its meeting on 26 June 2013. The Site Allocations, together with the Core Strategy, the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The application site forms part of a larger site proposed for housing in the Site Allocations Local Plan (Site Ref SA41 Housing)

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment
URB 3 Urban Design
URB 12 Landscape and Development
URB 13 Trees
URB 14 Street Furniture and Paving
ENV.PRO 10 Contaminated Land
ENV.PRO 12 Light Generating Development
ENV PRO 17 Management of the Water Supply
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 7 Gardens
TRN 28 Motorcycle Parking

Residential Standards Supplementary Planning Document (August 2006)

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

Planning Obligations Supplementary Planning Document (January 2011)

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

Emerging Plans

5.15 According to paragraph 216 of the NPPF decision takers 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).

5.16 The following emerging plans are relevant to this application.

Development Management Plan

5.17 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is expected to conclude in Summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.

5.18 s set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.

5.19 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies.

These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.

5.20 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

| | |
|--------------|-------------------|
| DM Policy 28 | Contaminated land |
| DM Policy 35 | Public realm |

5.21 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

| | |
|--------------|--------------------------------------------------|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 22 | Sustainable design and construction |
| DM Policy 23 | Air quality |
| DM Policy 25 | Landscaping and trees |
| DM Policy 27 | Lighting |
| DM Policy 29 | Car parking |
| DM Policy 30 | Urban design and local character |
| DM Policy 32 | Housing design, layout and space standards |

6.0 Planning Considerations

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

- a) Principle of development
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology and Landscaping
- a) Principle of Development

6.2 The site forms part of a larger area of former industrial land identified for residential development in the Site Allocations Local Plan (June 2013). There is therefore no objection to the principle of residential use.

The site also has a current planning permission for a development of nine flats which features a four storey block, the third floor of which is set back behind a roof terrace.

b) Design

- 6.3 The massing of the previously approved 2011 application comprised a 4 storey and a 2 storey block. The current scheme comprises a three storey block with a set back third storey incorporating a roof terrace and a four storey element. As described in the Design and Access Statement, the architect has sought to exploit the topography of the site, which slopes down steeply from the Tanner's Hill entrance by placing the 4 storey element in the south west part of the site. This provides a focal point from the entrance of the site, with the windows to the upper storeys positioned to minimise the potential for overlooking. The massing of the scheme has been developed to improve on the previously approved application. The siting of the units has been centred on the site to maximise outlook between the existing buildings along Tanners Hill and the proposed buildings on the site of 120 Tanners Hill. The siting follows the urban pattern of linear development and makes efficient use of the site while seeking to minimise harmful impact to neighbouring buildings or amenity spaces.
- 6.4 The relationship with the neighbouring properties has also had a significant influence on the design and layout of the proposal. Stepping the development down from four storeys to three and setting the second storey back is intended to minimise any overshadowing and overlooking of the rear gardens of the Tanner's Hill properties.
- 6.5 The current scheme has been designed by the architects responsible for the adjoining 58 unit housing development at 120-122a Tanners Hill. The proposed block is considered to relate well to the adjoining scheme while having a distinctive identity of its own. Although it would have been preferable for the two sites to be integrated more closely and there would be obvious advantages in servicing both developments from the new estate road, the two sites are in separate ownership and timescales for development will not necessarily be the same. For this reason the decision was taken to service the site via its historic access. However, a visually permeable boundary will be maintained between the two developments. The applicant has also agreed to remove the gates under the flying freehold as gated residential developments are discouraged in design guidance.
- 6.6 External facades have been designed to have an attractive aesthetic using good quality materials selected for ease of buildability and low maintenance. This is achieved primarily through the use of brickwork, a quality window system and careful detailing of entrances and balconies. Traditional materials will be used but detailed in a contemporary manner while changes of material colour and texture will help express the articulation of the proposed elevations. The inclusion of features such as contrasting entrances and balconies will also help to highlight key areas of the buildings. These elements are designed to add colour and interest whilst providing benefits of shelter and amenity. The design is considered to be of high quality, subject to conditions to secure high quality materials and detailing.

Housing Issues

a) Size and Tenure of Residential Accommodation

- 6.7 The proposed dwelling mix now includes 4 family houses with individual rear gardens, which is welcomed. Although Council policy normally requires the provision of 10% wheelchair accessible units in schemes of 5 units or more, the applicant in this case has an existing planning permission for 9 units granted in 2011 which does not include any wheelchair accessible units. In addition, the three storey dwelling houses were not considered capable of adaptation to SELHP standards for wheelchair accessible housing, while the footprint of the ground floor unit of the proposed four storey block of flats would have had to been enlarged, at the expense of amenity space provision, in order to achieve the required standard. Members are advised that the adjoining recently approved 58 Unit scheme does include 10% wheelchair accessible units all of which are designed to current SELHP Standards.

b) Standard of Residential Accommodation

- 6.8 The residential accommodation exceeds the minimum requirements of the London Plan in terms of unit size and room space standards. All the units have reasonably sized balconies or ground floor amenity space, with the addition of roof terraces in the case of the proposed houses. All the units would comply with Lifetime Home standards.

Highways and Traffic Issues

a) Access

- 6.9 The site will have a private, shared access road utilising the existing access under the flying freehold on Tanner's Hill. As noted above the provision of access via the new access road for the neighbouring development is not possible. On officer advice the applicant has amended the scheme to show the development as ungated.

b) Servicing

- 6.10 With the exception of Council refuse vehicles (see below), the proposed access road is accessible to emergency vehicles and all but the largest of service vehicles.

c) Cycle Parking

- 6.11 Secure and covered cycle parking for 12 bicycles is indicated on the applicant's plans. This is considered ample provision for the needs of residents and visitors. Details of the proposed storage structure would be a condition of the grant of planning permission.

d) Car Parking

- 6.12 Given the high PTAL of the site (6a), the 50% on-site provision is considered reasonable and consistent with expected car ownership within the proposed development. As this ratio is significantly higher than that agreed for the adjoining residential development site, a Section 106 Agreement requiring the developer to provide residents with an initial subscription to a car club is not considered necessary. It is of course possible that residents of the new development will choose a car club as opposed to private car ownership.

f) Refuse

- 6.13 As previously noted a bin collection area accessible from the adjacent public highway has now been included within the scheme. This replicates the arrangement for refuse collection in the extant consented scheme in respect of this site.

Impact on Adjoining Properties

- 6.14 DM Policy 32 of the Development Management Local Plan – Proposed Submission Version November 2013, states that the *“siting and layout of new-build housing development...will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.”*
- 6.15 Policy HSG 4 of the UDP expresses the objective to improve and safeguard the character and amenities of residential areas in a number of ways. These include the siting of new dwellings appropriately, seeking higher standards of design and landscaping in all new development in residential areas.
- 6.16 Concerns have been raised by neighbouring residents in relation to the impact of the development on amenity and privacy. In terms of the relationship of the proposed block to the closest properties fronting Tanner’s Hill, minimum distances between front elevation windows of the new development and the nearest rear windows of the Tanner’s Hill properties are between 18m and 21m. This is considered acceptable in terms of the standard of 18m normally applied in relation to rear facing habitable rooms. The roof terraces of the proposed houses are between 9 and 10 metres away from the rear garden boundaries of the Tanner’s Hill properties and the scheme has been amended to provide planters behind the raised front parapets of the proposed roof terraces and to also introduce tree planting between the parking bays. The architect has suggested silver birch which is a fast growing species and would provide screening without having over dense foliage close to the boundary. This will help to provide a greater level of privacy to existing gardens backing onto the development site. The higher level balconies to the four storey block are located on the south west elevation, which faces the Big Yellow self-storage warehouse while the first floor balcony (which is considerably smaller than those at second and third floor levels) is, due to the slope of the site, only slightly higher than the internal ground floor level at the rear of the Tanner’s Hill properties. This relationship, along with the distances separating the new building from the existing properties, will mitigate the impact of possible overlooking and loss of privacy.
- 6.17 The planning officer met with representatives of the objectors on site and viewed the site from the first floor rear windows of the flat at 128 Tanner’s Hill. Changes to the scheme to address the concerns of residents regarding overlooking of gardens of the Tanner’s Hill properties from the roof terraces of these units. were explained.
- 6.18 It is not considered that the proposed block would result in an overbearing impact. The significant setback of the second floor of the houses significantly reduces the bulk of the terrace. While residents have expressed concerns about the appropriateness of the four storey block of flats in this location and its possible impact on evening sunlight to the rear windows of properties in Tanner’s Hill, the impact of this part of the development is considered

acceptable. The four storey element is relatively narrow and it is not considered this part of the scheme would be intrusive in views from the rear of the Tanner's Hill properties or would result in significant shading.

6.19 With regard to other issues raised by the objectors to the proposals, the effect on property prices is not a planning consideration and given the present unattractive state of the site, officers do not consider that the proposal will have an adverse impact on outlook from the rear windows of existing properties and is more likely to reduce rather than increase the risk of crime, fly tipping and problems with vermin. It is also the case that the extant 2011 planning permission for the site also features a four storey building and car parking in similar positions to those currently proposed. Refuse storage and collection arrangements are also similar to those in the extant planning permission in respect of the site.

6.20 Conditions are recommended to mitigate the impact of construction works. In terms of helping to foster a greater sense of community in the local area, officers consider that the proposed development is more likely to have a beneficial rather than a negative effect.

Sustainability and Energy

a) Renewable Energy

6.21 The sustainability statement by Code Consultancy Services confirms that all the houses and flats will comply with Level 4 of the Code for Sustainable Homes. As a minor development, the provision of renewable energy and 40% carbon reduction are not required.

b) Sustainable Urban Drainage Systems

6.22 The developer will be encouraged to provide sustainable drainage scheme within the proposed site landscaping which will be the subject of a planning condition. According to the advice provided by Thames Water, connections to the public sewer for the removal of ground water are not permitted.

Ecology and Landscaping

6.23 The site has low ecological value at present and the proposed development will introduce soft landscaping, tree planting and private gardens. There will also be planting at roof terrace level. The entrance to the site features attractive sections of granite setts and kerb stones. Officers would expect these to be retained/resused in any hard landscaping scheme submitted for approval following the grant of planning permission, the details of which are proposed to be secured by condition.

7.0 Equalities Considerations

7.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

8.0 Community Infrastructure Levy

8.1 The development will be CIL liable.

9.0 Conclusion

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

9.2 The principle of residential development is acceptable. The current scheme for 8 houses and flats, both in terms of the quality of the proposed accommodation the proposed architectural treatment, and impact on neighbouring property is considered satisfactory and is accordingly recommended for approval.

10.0 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:

1232(PL)010, 020, 100, 101, 200, 201Rev A & 300, 112, 113, Design & Access Statement, Transport Statement, Sustainability Statement, Daylight and Sunlight Study (Neighbouring Properties), Daylight and Sunlight Study (Within Development).

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 scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings) has been submitted to and approved in writing by the local planning authority.

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 Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004)

- (4) 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).

- (5) (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site 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 to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (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 shall not be occupied until a closure report 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) i & ii) 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 (July 2004)

- (6)
- (a) The buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
 - (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
 - (c) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

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

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

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the 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).

- (8) (a) A minimum of 12 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved .
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- (9) (a) No development shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design and URB 12 Landscape and Development of the Unitary Development Plan (July 2004)

- (10) (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 environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

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

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Saved Policies URB 3 Urban Design and URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

- (12) (a) Details of the provision and location of an electric vehicle charging point and a programme for its installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The electric vehicle charging point as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving air quality in the London Plan (July 2011).

- (13) (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 and to comply with Saved Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004)

- (14) Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. 1232(PL)110 & 111 hereby approved.

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July

2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

- (15) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the buildings.

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

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

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

- (17) The whole of the car parking accommodation shown on drawing no. 1232(PL)100 hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

Reason: To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011) and Table 6.1 of the London Plan (July 2011).

- (18) 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 Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

INFORMATIVES

- (A) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (B) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (C) Thames Water Development Planning Department have provided the following advice on the provision of water supply and drainage to the site:

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Surface Water Drainage - It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The applicant is advised to contact Thames Water Development Services on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments - Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 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

- (D) The access road under the flying freehold features sections of granite setts and kerbs which should be retained/reused in the hard landscaping submission of details required as a condition of this planning permission