

Committee	PLANNING COMMITTEE (C)	
Report Title	144 Old Bromley Road, BR1 4JY	
Ward	Downham	
Contributors	Geoff Whittington	
Class	PART 1	5 November 2015

Reg. Nos. DC/14/89534

Application dated 16 October 2014

Applicant Mr Turner LJT Architects Ltd

Proposal The demolition of the single storey extension at the side of 144 Old Bromley Road BR1 and the construction of a part-single, part-two, part-three storey building to provide 2 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats, together with the provision of 3 car parking spaces and associated landscaping.

Applicant's Plan Nos. Location Plan; Lifetime Homes Statement; Sustainability Pre-Assessment Specification; Transport Statement; Travel Plan received 16 October 2014

Design and Access Statement received 11 May 2015

160_P_100 Rev G; 160_P_101 Rev G; 160_P_103 Rev D; 160_P_150; 160_P_200 Rev A received 27 May 2015

160_P_102 Rev H; 160_P_110 Rev H received 22 July 2015

160_P_300; 160_P_302 received 22 October 2015

Background Papers (1) Case File LE/470/144/TP
(2) Local Development Framework Documents
(3) The London Plan (2015)

Designation PTAL 2
Adjacent to Metropolitan Open Land
Area of Archaeological Priority
Not in a Conservation Area
Not a Listed Building

1.0 **Property/Site Description**

- 1.1 The application site is occupied by a two-storey semi-detached residential building located on the south side of Old Bromley Road, close to the junction with Ashgrove Road. The property was extended in the late 1980s by way of a large single-storey side extension to form a double garage and living accommodation. The property benefits from a large rear garden measuring 33 metres deep, and a 10 metre deep front driveway. The site in its entirety measures approximately 1158sq.m.
- 1.2 The surrounding area is mostly residential in character, comprising 2-storey terraced and semi-detached dwellings, whilst further to the north-west are blocks of flats.
- 1.3 Directly to the east of the site is a McDonald's drive-thru restaurant and associated grounds. Further to the east fronting Bromley Hill is a parade of commercial uses with residential units above.
- 1.4 The site has a PTAL rating of 2 on a scale of 1-6, where 6 is excellent, however the immediate area is well served by bus routes operating along nearby Bromley Road, Bromley Hill and Downham Way.
- 1.5 The site does not lie within a conservation area, there are no Article 4(2) Directions, and there are no Listed Buildings within the immediate vicinity. The rear boundary of the application site abuts Beckenham Place Park, which is designated Metropolitan Open Land. The application site falls within Areas of Archaeological Priority.

2.0 **Planning History**

- 2.1 In April 1972, Outline permission was refused for the erection of a 2-storey, four-bedroomed detached house with integral garage, together with an access road on part of the garden land adjoining 144 Old Bromley Road, for the following reasons:
 - (1) The proposal represents a form of backland development unrelated to the existing pattern of development, which would give rise to overlooking, overshadowing and loss of amenity and privacy to the adjoining residential premises
 - (2) The proposed development would result in the loss of three mature woodland trees, detrimental to the visual amenities and character of the area.
 - (3) The development does not conform to the Council's daylighting standards.
- 2.2 In July 1973, Outline permission was refused for the erection of 3-storey block on the site of 142 and 144 Old Bromley Road, comprising 17 self-contained flats with 17 garages and 2 car parking spaces, for the following reasons:
 - (1) The proposal does not comply with the Council's policy in respect of small units of accommodation which in the interests of securing a proper balance of unit types throughout the Borough requires that in this area not more than 10% of new units should be of one habitable room only and that no more than 24% shall be of one and two habitable rooms.

- (2) The density of the proposed development is excessive in relation to the density of zoning.
- (3) The proposed development would involve the loss of four mature woodland trees, detrimental to the visual amenities and character of the area.

2.3 Permission granted in 1988 for the erection of a single-storey side extension at 144 Old Bromley Road to provide additional residential accommodation together with a double garage.

3.0 Current Planning Application

The Proposal

- 3.1 The application is for the demolition of the existing single-storey side extension at 144 Old Bromley Road, and the construction of a part-single/ part-two/ part-three storey residential building. Five units would be accommodated, comprised of 2, one bedroom, 2, two bedroom and 1, three bedroom self-contained flats. All dwellings would be market properties for sale or rent. Table 1 sets out the unit types and habitable room sizes.
- 3.2 The proposed building would lie 2 metres from no.144, measuring a maximum depth of 19.2 metres at ground floor level, 15 metres deep at first floor and 10 metres and second floor. The overall height of the building would be 8.2 metres, incorporating a flat roof.
- 3.3 Proposed facing materials would include use of facing brick to all elevations. External doors and windows would be aluminium framed, whilst zinc cladding would be used to the upper level. Biodiverse green living roofs are proposed to the flat roof areas at first and second levels.
- 3.4 Flat 1 would be a 3 bedroom family sized unit located to the ground floor and would be provided with an 80sq.m private rear garden. Flats 4 and 5 at first and second levels would be afforded rear facing roof terraces. Flat 3 at first floor would have amenity space to the front, as would Flat 2 at ground floor. All units would also have access to the landscaped communal garden (280sq.m in size) to the rear, which would provide seating, children's play space and a communal allotment area.
- 3.5 Three car parking spaces are proposed to the front forecourt, whilst secure, dry stores for 6 bicycles would be provided to the front and side of the building.
- 3.6 A refuse and recycling bin store would be located to the front forecourt.

Table 1: Proposed Units (Minimum London Plan standards in brackets)

Flat	Unit size sq.m	Bed 1 (12 sq.m)	Bed 2 (8sq.m)	Bed 3 (8sq.m)	Kitchen/ living/ dining	Outlook
1 (3b 4p)	92.5 (74)	15.96	11.2	9.11	31.15 (27)	Dual aspect
2 (1b 2p)	52.5 (50)	12.09	n/a	n/a	30.1 (23)	Dual
3 (1b 2p)	50.5 (50)	12.07	n/a	n/a	26.8 (23)	Dual
4 (2b 3p)	61 (61)	12.6	8.7	n/a	n/a	Dual
5 (2b 3p)	61 (61)	12.4	11.05	n/a	n/a	Dual

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 Three letters and a petition signed by 22 local residents have been received objecting to the proposed development on the following grounds:
- Poor design;
 - Out of keeping with surrounding properties;
 - Height and depth would be intrusive;
 - Loss of privacy and overlooking;
 - Ecological concerns – the development would drastically diminish the rear garden;
 - Overshadowing;
 - Overbearing;
 - Noise during construction;
 - Inadequate parking provision;
 - Increased traffic and parking issues relating to McDonald's;
 - Drainage concerns.

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 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

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

Other National Guidance

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

London Plan (March 2015)

5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.8 Housing choice
Policy 5.3 Sustainable design and construction
Policy 6.3 Assessing effects of development on transport capacity of the London Plan
Policy 7.1 Lifetime neighbourhoods
Policy 7.4 Local character
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)
Sustainable Design and Construction (2006)

Core Strategy

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

Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 8 Sustainable design and constructions and energy efficiency
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

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

The following policies are considered relevant to this application:

DM Policy 1 Presumption in favour of sustainable development
DM Policy 22 Sustainable design and construction
DM Policy 29 Car parking
DM Policy 30 Urban design and local character
DM Policy 32 Housing design, layout and space standards
DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas

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

6.0 Planning Considerations

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

- a) Principle of residential development;
- b) Design, scale and massing;
- c) Standard of accommodation;
- d) Impact on neighbouring properties;
- e) Car parking/ access;
- f) Refuse storage/ collection;
- g) Landscaping;
- h) Sustainability.

Principle of Residential Development

- 6.2 At national level, the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Policy 3.3 Increasing Housing Supply establishes a housing target for the Borough of 13,847 additional dwellings for the plan period 2015-2025.
- 6.3 The application proposes the demolition of the single-storey extension to the side of 144 Old Bromley Road, and the construction of a part-single/ part-two/ part-three storey residential building accommodating five self-contained units. The existing dwelling would revert back to its original footprint.
- 6.4 Other than the adjacent McDonald's restaurant, the immediate area is predominantly residential in character. Officers therefore raise no objection to the principle of further residential use upon the site, subject to proposed scale, appearance, visual impact upon neighbouring occupiers and standard of accommodation.

Design

- 6.5 Paragraph 15 of the National Planning Policy Framework (p15) states: "local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 6.6 Policy 7.4 of the London Plan, Local Character, states that development should have regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass.

- 6.7 Downham Ward is considered to fall within 'areas of stability and managed change', which are areas largely residential or suburban in character, and where the urban form and development pattern is established thereby limiting major physical change. Core Strategy Policy 15 states that infill and small scale development in such areas will need to be designed and laid out to complement the character of surrounding development. Any adverse effect on neighbouring amenity will need to be addressed.
- 6.8 The applicants have engaged in pre-application discussions with officers to seek advice on what would constitute an acceptable form of development upon the site. Officers provided advice on planning policies, the constraints of the site, design, layout and relationship with surrounding development.
- 6.9 The proposal would be different to existing dwellings within the area, incorporating a flat roof, large window openings and external balconies. However, it would be respectful of the character and proportions of the neighbouring pairs of semi-detached properties, in addition to the established front building line.
- 6.10 The new building would be of a comparable eaves and ridgeline height with the nearest dwellings, whilst the width would be no greater than the pair of semis. The proposed depth would be considerably greater than neighbouring dwellings, measuring 19.2 metres deep at ground floor, compared to the 13.4 metre depth of no.144. The building, however would incorporate a staggered rear footprint whereby it would measure an initial depth of 13.4 metres to the side nearest no.144, before extending further to the opposite side. The proposed first floor would range between 13.4 and 15 metres deep, which is comparable with neighbouring dwellings.
- 6.11 Officers consider the proposed flat roof to be acceptable in appearance, despite neighbouring properties being characterised by pitched roofs. The provision of a flat roof would result in a less bulky form of development, whilst being a key element in the modern appearance of the building. The applicant had initially proposed a pitched mansard type roof at pre-application stage, however officers considered the bulk and massing of the development to be unacceptable.
- 6.12 A similar flat roof residential development was recently completed at nearby 44-46 Bromley Hill, adjacent to existing pitched roof dwelling-houses, and it is considered that the building is a successful addition to the streetscene.
- 6.13 Officers therefore raise no objections to the scale and massing of the proposed development, and are satisfied it would not harm the character of the immediate area, neither would it be detrimental to the Metropolitan Open Land located 25 metres to the south of the proposed building.
- 6.14 The applicant advises the external faces of the building would be of London Stock and Old Trinity Stock bricks, however officers consider a red brick would be more appropriate to relate with the existing properties. All external doors and fenestration would be grey aluminium, with use of zinc cladding to the upper level, glass balustrades and timber louvred screening to rear balconies.
- 6.15 The proposed materials are generally considered acceptable in principle, however a Condition will be included to request samples for further assessment.

- 6.16 In regard to density, the London Plan provides the detailed density policies for Development Plan purposes. The Council's assessment of the nature of the immediate area is that it falls within a suburban setting. The London Plan refers to 'suburban' as being areas with predominantly lower density development such as, for example, detached and semi-detached houses, predominantly residential, small building footprints and typically buildings of two to three storeys.
- 6.17 Guidance states that the Council should make the best use of previously developed land, however such aspirations should not negate the requirement for developments to blend with the surrounding character. The Public Transport Accessibility Level (PTAL) for the area is 2. The London Plan Matrix table 3.2 advises that densities in suburban areas should be between 150-250 habitable rooms per hectare.
- 6.18 The density of the proposed scheme is 127 habitable rooms per hectare, which is below the given range. Density forms only part of the considerations toward developments such as this. Officers are satisfied that the scale and density of the proposed development would not be demonstrable to the character of the local area or the amenities of neighbouring residential occupiers.
- 6.19 In summary, the development is considered to be appropriate in scale, height and massing, respecting the general form of development within the immediate area, and befitting of this location, with the provision of large window openings, balconies and terraces contributing to the overall outdoor feel and modern design of the development. The applicants will be requested by way of a planning Condition to provide external material samples.

Standard of Accommodation

- 6.20 The Council's adopted Residential Standards SPD (updated 2012) sets out criteria for new residential units but this document is largely superseded by Core Strategy and London Plan requirements. The London Plan Housing SPG sets out guidance to supplement London Plan policies. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including cycle storage facilities) and access arrangements.
- 6.21 Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development, including unit and room sizes.
- 6.22 The proposal includes the provision of five self-contained flats, comprising 1no. three bedroom six person, 2no. one bedroom two person, and 2no. two three person dwellings. As the scheme is below 10 units in size there is no requirement to provide affordable housing. It is therefore likely the proposed units would be for private sale or rent.
- 6.23 As shown in Table 1, each unit would be in compliance with the minimum floorspace standards of the London Plan Housing SPG (2012). The proposed layout of each unit is considered to be acceptable, with all rooms exceeding the minimum room guidance, in accordance with The London Plan Housing SPG. All habitable rooms would be provided with sufficient outlook, with each unit being dual aspect. Officers are satisfied all units and habitable rooms would be afforded sufficient natural light intake, in accordance with DM Policy 32 Housing design,

layout and space standards, which seeks to resist single aspect north facing residential units.

- 6.24 The provision of private amenity space is considered acceptable, with each one and two bedroom unit provided with either terraces or balconies. The three bedroom family unit would be afforded a spacious 80sq.m private rear garden. All occupiers would also have access to the communal garden at the rear, which would provide soft landscaping, children's play space, seating and a communal allotment. Officers are satisfied the scheme would be in accordance with the London Housing Design Guidance, and DM Policy 32 which requires readily accessible, secure, private and usable external space in new build housing development.
- 6.25 New residential development is no longer required to meet the Lifetimes Home Criteria at planning stage, however this remains a matter to consider. Lifetime Homes Criteria seeks to incorporate a set of principles that should be implicit in good housing design enabling housing that maximizes utility, independence and quality of life. The applicant has advised all units would meet with criteria and allow for easy conversion to wheelchair accessible units. This is considered to be acceptable.
- 6.26 The proposed development overall is considered to comply with the London Plan accommodation standards, and by way of layout, circulation space and design, would provide a high quality living environment for future occupiers.

Impact on Neighbouring Amenities

- 6.27 DM Policy 32 states that new residential development must '*provide a satisfactory level of privacy, outlook and natural lighting for both its future residents and for its neighbours.*'
- 6.28 The development has been designed to minimise the level of visual harm to existing occupiers. The deepest part of the development would be the 19.5 metre ground floor element that would be sited away from the west boundary with no.144. The first floor level would project an initial 1.4 metres beyond the rear wall of no.144, however considering the proposed building would lie 2 metres away, it is considered this would not result in adverse harm upon their amenities.
- 6.29 The proposed rear facing terraces at first and second levels would be sited to the eastern half of the building, away from the boundary with no.144, whilst being screened to ensure no significant overlooking to existing residential occupiers. The Flat 4 terrace would be screened by a 1.8 metre high timber panel. A Condition would ensure this would be installed in full prior to first occupation and maintained thereafter.
- 6.30 The front facing balcony at first floor would be set behind the main front elevation, and so would not be viewed by existing occupiers on the southern side of Old Bromley Road.
- 6.31 Window openings are proposed to the east and west flanks, providing secondary openings to some habitable rooms, and kitchens and bathrooms. Officers are satisfied the west facing openings would generally not compromise the privacy of the nearest residential occupiers, however the Flat 4 bedroom window should be conditioned to be frosted and fixed shut to avoid direct overlooking into the garden

of no.144. The only window to the flank wall of no.144 is a first floor frosted bathroom opening.

- 6.32 On the opposite side, due to the existing boundary with McDonald's being extensively screened by natural vegetation, there would be minimal overlooking into the adjacent site. The proposal has been designed in consideration of the potential future redevelopment of the adjoining McDonald's site, with the primary habitable windows sited to the front and rear elevations. East facing openings at first and second floor levels would serve hallways and a bathroom, together with secondary openings to a bedroom and living room. It is considered appropriate that all east elevation openings be frosted, and with the exception of the Flat 4 bathroom, be unopenable, thereby avoiding any direct overlooking into the adjacent site.
- 6.33 A Condition would also ensure that the flat roof areas shown as Biodiverse living roofs could not be used for amenity or sitting out purposes.
- 6.34 In summary, the proposed scheme is considered to have a satisfactory relationship to neighbouring dwellings, and would not result in any significant visual harm to existing occupiers.

Parking & Access

- 6.35 Policy 6.13 of The London Plan states; 'The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car-parking provision that can undermine cycling, walking and public transport use.' 'In locations with high PTAL, car-free developments should be promoted.'
- 6.36 Three off-street parking spaces for future residents would be provided within the front forecourt, with adequate manoeuvring for vehicles and pedestrian access. No.144 would retain two spaces to its frontage. The PTAL 2 rating is low, however nearby Bromley Hill, Bromley Road and Downham Way are well served by bus routes. The nearest train station is Beckenham Hill, located approximately 750 metres from the site.
- 6.37 Dry, secure cycle stores are proposed. The London Plan in Table 6.3 advises that 1 cycle space per bed unit and 2 spaces for all other units would be required. In this case, 8 cycle spaces would be the minimum requirement. The applicant has acknowledged this, and would provide a minimum of 8 spaces, to be secured by Condition.
- 6.38 The proposed vertical cycle store enclosures shown in the Design and Access Statement are industrial type boxes that measure approximately 1.8 metres in height, accommodating one cycle each. The provision of three such stores to the front of the site would be inappropriate, impacting negatively upon the character of the streetscene. The applicant has been advised of the concerns, and would submit further storage details by way of a Condition.
- 6.39 A Residential Travel Plan Statement has been submitted that sets out objectives and targets to ensure occupiers have a greater awareness of how they generally travel, and to promote use of sustainable modes of travel.

- 6.40 The strategy would be overseen by a Travel Plan Co-ordinator, and their responsibility would be to ensure:
- The implementation of measures set out in the Travel Plan;
 - Promoting the objectives and benefits of the Travel Plan;
 - Acting as the point of contact for all residents;
 - Ensure the cycle parking facilities are well maintained;
 - Monitor the effects of the Travel Plan.
- 6.41 The Transport Statement states there is good availability of accessible on-street parking spaces within the immediate area. A survey undertaken by ML Traffic Engineers in July 2014 showed in excess of 50 vacant on-street parking spaces between 1am and 5am along Old Bromley Road and Fieldside Road.
- 6.42 The Council's Highways & Transportation Officer has raised no objections to the proposed development, and considers it to be in accordance with Core Strategy Policy 14 and DM Policy 29 of the Development Management Plan.

Refuse Storage/ Collection

- 6.43 In terms of refuse provision, the submitted drawings indicate sufficient space for the provision of a refuse and recycling bin store to the front of the site. Whilst the proposed siting is considered acceptable, further details relating to the construction and appearance of the store would be requested by Condition.

Landscaping

- 6.44 The 280sq.m garden area to the rear of the proposed building would remain predominantly lawned, with the retention of existing planting and trees. A communal allotment area would be located to the rear of the garden, whereby composting facilities are intended to 'boost micro habitats and assist bee populations.'
- 6.45 Hard landscaping measures would be introduced to form patio areas, passageways to either side of the building, pathways to the rear, and to the front forecourt. It is expected that such paving would be permeable, and will be formally assessed by Condition.
- 6.46 New boundary fencing would be erected to the western boundary with no.144, whilst new fencing would enclose the garden area of Flat 1. Gates would be provided to the passageways on either side. A Condition will request further details are formally submitted regarding their height and appearance.
- 6.47 Policy 3.6 Children and young people's play and informal recreation facilities states development proposals that include housing should make provision for play and informal recreation. A children's play area is proposed within the rear garden, comprised of a 'play kit' and swing positioned upon a rubber matting surface that would be laid for safety purposes. It is considered appropriate to ensure the facilities are provided prior to first occupation by Condition.

- 6.48 The proposed landscaping works are considered acceptable in principle, subject to the submission of further details.

Sustainability and Energy

a) Renewable Energy

- 6.49 Relevant policies within the London Plan Core Strategy would need to be addressed in any submission.
- 6.50 London Plan Policy 5.2: Minimising Carbon Dioxide Emissions establishes an energy hierarchy based around using less energy, in particular by adopting sustainable design and construction (being 'lean'), supplying energy efficiently, in particular by prioritising decentralised energy generation (being 'clean') and using renewable energy (being 'green').
- 6.51 In terms of being 'lean', London Plan Policy 5.3: Sustainable Design and Construction encourages minimising energy use, reducing carbon dioxide emissions, effective and sustainable use of water and designing buildings for flexible use throughout their lifetime. Major developments should demonstrate that the proposed heating and cooling systems have been selected to minimise carbon dioxide emissions. In terms of being 'green', a reduction in carbon emissions from onsite renewable energy is expected.
- 6.52 The applicant has submitted a Sustainability Statement in support of the application, which satisfactorily addresses the sustainability issues. Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes, though residential development is still expected to meet code level in regard to energy performance and water efficiency.
- 6.53 The scheme would achieve Code Level 4 for Sustainable Homes, with a 44% energy improvement over Building Regulations Part L 2013 Target Emissions Rate.
- 6.54 From 1 October 2015, the Ministerial Statement advised that the standard for energy efficiency in new residential development will be a 19% reduction in CO2 emissions over Building Control requirements, which is equivalent to Code Level 4.
- 6.55 In regard to water efficiency, from 1 October 2015 new development is expected to achieve a consumption of 110 litres per person per day, including a 5 litre allowance for external water use. The applicant has advised the scheme would be in compliance with the requirements.

b) Living Roof

- 6.56 The application proposes the provision of a green sedum roof, however officers would expect to see the construction of a substantial Biodiverse green living roof that would be plug planted and over-seeded. The applicant has agreed to provide further details by way of a Condition, which would also ensure the roofs are constructed and planted/ operational in full prior to first occupation.

c) Sustainable Urban Drainage Systems

- 6.57 Policy 5.13 of the London Plan requires development to utilise SuDS, unless there are practical reasons for not doing so though supporting text to the policy also recognises the contribution 'green' roofs can make to SuDS. The hierarchy within that policy is for a preference for developments to store water for later use.
- 6.58 The submission advises that rainwater run-off would be minimised by proposed permeable paving, whilst the living roofs and any soft landscaping would assist in attenuating and reducing the amount of run-off.
- 6.59 In summary, it is considered the development would accord with sustainability policies.

7.0 Local Finance Considerations

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

8.0 Community Infrastructure Levy

- 8.1 The proposed development is CIL liable.

9.0 Equalities Considerations

- 9.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 9.3 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and

proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

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

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9.7 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.

10.0 Conclusion

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

10.2 The proposed residential development in terms of design, scale and massing is considered appropriate for its setting, relating well with existing dwelling-houses. The standard of accommodation would meet with criteria, whilst the development would not result in adverse harm upon the amenities of neighbouring occupiers.

10.3 As such, it is considered that the development is in compliance with London Plan, Core Strategy and Development Management Local Plan policies, and therefore permission is recommended, subject to appropriate conditions.

11.0 **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:

Location Plan; Lifetime Homes Statement; Sustainability Pre-Assessment Specification; Transport Statement; Travel Plan received 16 October 2014

Design and Access Statement received 11 May 2015

160_P_100 Rev G; 160_P_101 Rev G; 160_P_103 Rev D; 160_P_150; 160_P_200 Rev A received 27 May 2015

160_P_102 Rev H; 160_P_110 Rev H received 22 July 2015

160_P_300; 160_P_302 received 22 October 2015

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 such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to:-
 - (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 relates 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.
- (g) Details of how the southern boundary wall will be protected during the works.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

- (4) (a) Prior to any works commencing, full details of the proposed living roofs shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a 1:20 scale plan of the living roofs that includes contoured information depicting the extensive substrate build up and a cross section showing the living roof components and details of how the roof has been designed to accommodate any plant, management arrangements, and any proposed photovoltaic panels and fixings.
- (b) The development shall be carried out strictly in accordance with the details so approved under (a) and shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority. Evidence that the roof has been installed in accordance with (a) & (b) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

- (5) No development shall commence on site until samples and a detailed schedule/ specification of all external materials and finishes 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 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.

- (6) (a) No works above ground level shall commence 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 (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

- (7) All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 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 Policy 12 Open space and environmental assets, and 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) The whole of the car parking area shown on drawing no.160_P_100 (Rev G) hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

Reason: To ensure the permanent retention of the spaces for parking purposes, to ensure that the use 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 Table 6.2 of the London Plan (July 2011).

- (9) Any external lighting is required to meet with CIBSE and ILE criteria of a maximum 2 lux at the nearest neighbouring residential window.
- 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 DM Policy 27 Lighting of the Development Management Local Plan (November 2014).
- (10) No extensions or alterations to the building hereby approved 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 on immediately adjacent neighbours in terms of overlooking, and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).
- (11) Details of the proposed refuse store shall be submitted to the Council and provided in full prior to occupation of the residential units, and shall thereafter be retained in perpetuity.
- 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).
- (12) (a) A minimum of 6 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).

- (13) The whole of the amenity spaces (including the communal garden and private external areas) as shown on the plans hereby approved shall be provided in full prior to first occupation, and retained permanently thereafter 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 of the Development Management Local Plan (November 2014).

- (14) 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 elements of the building (excluding proposed terraces and balconies) hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roofs shall be carried out, nor shall the roof areas be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- (15) (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).

- (16) No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16

Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011).

- (17) a) The western flank window of the Flat 4 bedroom as detailed on Plan 160_P_101 Rev G hereby approved shall be fitted as obscure glazed and fixed shut, and shall be retained in perpetuity.
- b) All east elevation openings at first and second floor levels as detailed on Plan 160_P_110 Rev H hereby approved shall be fitted as obscured glazed and retained thereafter in perpetuity.
- c) The east elevation openings at first and second floors (with the exception of the Flat 4 bathroom) shall be fixed shut and retained in perpetuity.

Reason: To avoid the overlooking of neighbouring properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- (18) Details of the first floor terrace screening (Flat 4) as detailed on Plan 160_P_101 Rev G shall be submitted to and approved in writing by the local planning authority, and shall thereafter be fully installed and maintained prior to first occupation of the residential units hereby approved.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- (19) The residential units hereby approved shall achieve the following energy efficiency and water efficiency standards :
- Energy efficiency - a 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations;
 - Water efficiency - 110 litres per person per day (including a 5 litre allowance for external water use).

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 (2015) and Core Strategy Policy 7 Climate change and

adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- (20) The residential units shall operate in full accordance with all measures identified within the Travel Plan hereby approved from first occupation. Evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms within 6 months of first residential occupation.

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) The proposed children's playspace area and equipment within the rear garden as detailed on Plan 160_P_302 shall be implemented in full prior to first occupation and retained in perpetuity.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy 3.6 Children and young people's play and informal recreation facilities.

INFORMATIVES

- (A) 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) 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>
- (C) 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.

(D) 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.