

Committee	PLANNING COMMITTEE A	
Report Title	274 Brockley Road, SE4 2SF	
Ward	LADYWELL	
Contributors	Agnieszka Nowak	
Class	PART 1	5 <sup>th</sup> January 2017

<u>Reg. Nos.</u>	DC/16/097427
<u>Application dated</u>	11.07.2016
<u>Applicant</u>	Sub Rosa Architecture Ltd
<u>Proposal</u>	Retention and extension of the facade of the existing building, demolition of the single storey side extension and all the structures behind the facade, construction of the new building incorporating 4 self-contained flats, together with excavation of the front garden, installation of cycle parking and refuse and recycling storage and associated landscaping at 274 Brockley Road, SE4 2SF.
<u>Applicant's Plan Nos.</u>	Lower Ground Floor Plan, Ground Floor Plan, First Floor Plan, Front Elevation, Side Elevation, Rear Elevation, Section A, Section B (as received on 12th July 2016),  15-1183-10A, Design and Access Statement (as received on 7th December 2016),  15-1183-11B (as received on 7th December 2016).
<u>Background Papers</u>	(1) Local Development Framework Documents (2) The London Plan
<u>Designation</u>	N/A
<u>Screening</u>	N/A

## **1. Property/Site Description**

- 1.1 The subject site is located on the north-western corner of Brockley and Arabin Roads. The site presently contains a three-storey end of terrace Victorian-style building constructed around 1890 with adjacent single storey extension. Behind the parapet sits a London roof. The building is set a half storey below street level at the frontage, and slightly lower to the rear. The building currently houses two flats spread over the three floors.
- 1.2 In the surrounding area, the buildings are predominantly Victorian terraces, and a number of these contain shops at ground floor level with flats above, though some properties remain as individual dwellings.
- 1.3 Brockley and Ladywell Cemeteries are located approximately 180m south of the application site, whilst Hilly Fields Park is located approximately 300m east of the site.
- 1.4 The site has a Public Transport Accessibility Level rating of 4.
- 1.5 The site does not fall within any designated conservation area, however the Brockley Conservation Area is located opposite the site with its boundary running along Brockley Road. There are no locally or statutorily listed buildings in the vicinity of the site.

## **2. Planning History**

- 2.1 DC/15/094181 - Planning application refused for the retention and extension of the Brockley Road facade of an existing building and demolition of all structures behind this facade. Construction of a new building consisting of five flats, plus cycle storage and refuse and recycling storage at 274 Brockley Road, London SE4 2SF (19.01.2016). The application was refused for the following reason:
  - 1 The proposed development, by reason of its scale, massing, and design, would be overly dominant, representing a visually intrusive addition harmful to the character and appearance of the host property and surrounding area. As such, the proposal would be contrary to Policy 15 in the adopted Core Strategy (2011); and DM Policy 30 and DM Policy 31 in the Development Management Local Plan (2014).
- 2.2 The above refusal was appealed and subsequently dismissed on 22.06.2016 (APP/C5690/W/16/3143838). The Inspector considered that the proposal through its proposed roofscape would not respect or complement the form, setting and architectural characteristics of that part of the original building which would remain, would adversely affect the architectural integrity of the group of buildings and would have an intrusive impact on long views along Brockley, St. Margaret's and Arabin Roads.

## **3. Current Application**

- 3.1 The proposal is for the retention and extension of the facade of the existing building, demolition of the single storey side extension and all the structures behind the facade, construction of a new building incorporating 4 self-contained flats, together with excavation of the front garden, installation of cycle parking and refuse and recycling storage and associated landscaping.
- 3.2 The Brockley Road façade of the existing building would be retained and the proposed building behind the façade would be four-storey in height, including a lower ground floor. The new additional building along the extended façade would have a modern appearance, however taking the cue from the existing bay forms and window proportions. In order to tie old and new together the lower ground ashlar render would be extended around the whole facade of the new building, in a similar manner as the original building.
- 3.3 The cornice would also be extended in order to maintain the distinctive horizontal element of the Brockley Road facade. The front garden area would be split over two levels as per the current layout, however the lower ground level would be increased in size to create a small courtyard.
- 3.4 The roofline of the proposed building would maintain the 'London roof' of the existing terrace and would incorporate 6 no. solar panels.
- 3.5 The proposed development would comprise of four units; 2 one bedroom 2 person units, 1 three bedroom 5 person units, and 1 two bedroom 3 person unit.
- 3.6 The lower ground floor flats would have a direct access from the street – both Brockley Road (flat 2) and Arabin Road (flat 1) whereas the upper floor flats would be accessed via the main entrance off Brockley Road.
- 3.7 The refuse and recycling and cycle stores would be located adjacent to the main flat entrance.
- 3.8 No car parking is proposed.

#### Supporting Documents

- 3.9 The application is accompanied by a Design and Access Statement.

#### **4. Refinements and Amendments**

- 4.1 Following discussions with officers, amendments to the application were submitted on 7<sup>th</sup> December. The changes included the removal of the shared access to the lower ground floor flats off Arabin Road and the introduction of direct access to these flats, introduction of a courtyard/terrace to flat 1 and repositioning of the bins and cycle stores within the forecourt.

#### **5. Consultation**

- 5.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received.
- 5.2 A site notice was displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. A press advert was also published in the local newspaper.

Written responses received from local residents

- 5.3 Four representations were received during the consultation period, all objecting to the proposal as follows (summarised):
- Loss of daylight, view and privacy to the property no. 2 Arabin Road.
  - Loss of a garden to the rear of the application property.
  - Inadequate privacy and provision of amenity space for the future occupants.
  - Overlooking and overshadowing of rear gardens of the properties on Brockley Road.
  - Safety concerns over the shared access to the lower ground floor flats off Arabin Road – it creates a blindspot.
  - Obstruction and congestion on the public highway during construction.
  - The proposed development would result in large volume occupancy; suggestion that sound proofing should be included into the party wall to reduce the extra noise of resident traffic and general living noises.
  - Noise from the use of balconies.
  - Request for conditions to limit construction works between 8am and 5pm to reduce disturbance and noise pollution.
  - Proposed development is too large for this plot.
  - New build would be a third wider than any of the adjoining terrace houses making it a large unsightly carbuncle on the edge of the row.
  - The proposed windows on the front elevation do not match neighbouring properties in style and colour.
  - Balconies are not in keeping with existing.
  - Bin store has insufficient capacity. The number of units would generate large build up of rubbish creating smell and inviting pests such as rats and foxes.
  - Increase in parking pressure.

- The demolition and construction would create noise and dust, and increased traffic.
- Overdevelopment. The existing property is able to be developed into 3 flats without demolition.

## **6. Policy Context**

### Introduction

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

A local finance consideration means:-

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

### National Planning Policy Framework

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

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

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

#### Other National Guidance

- 6.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.
- 6.6 In March 2015, the Technical housing standards – nationally described space standard was adopted and sets out the minimum space requirements for residential accommodation.

#### London Plan (Consolidated with Alterations since 2011) 2016

- 6.7 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 3.8 Housing choice
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.12 Road network capacity
- 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 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

Core Strategy

6.9 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:-

Spatial Policy 1 Lewisham Spatial Strategy

Core Strategy Policy 15 High quality design for Lewisham

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

Development Management Local Plan

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 32 Housing design, layout and space standards

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

Supplementary Planning Documents

- 6.11 Residential Standards Supplementary Planning Document (August 2006). 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.
- 6.12 Brockley Conservation Area Appraisal.

## **7. Planning Considerations**

- 7.1 The main issues to be considered in respect of this application are:
- a) Principle of Development
  - b) Design and Conservation
  - c) Standard of Accommodation
  - d) Impact on Adjoining Properties
  - e) Highways and Traffic Issues
  - f) Sustainability

### Principle of Development

- 7.2 The National Planning Policy Framework through its core planning principles encourages the effective re-use and development of previously developed land. The NPPF also speaks of the need for delivering a wide choice of high quality homes which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 7.3 The London Plan outlines through Policy 3.3, 3.5 and 3.8 identify a need for housing in London, which should be of the highest quality. The Lewisham Core Strategy welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for amenity space.
- 7.4 DM Policy 30 states that depending on the character of the area and the urban design function a space fulfils in the streetscape, some sites will not be considered suitable for development and planning permission will not be granted. If a site is

considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape.

- 7.5 The Inspector, in his decision on the recent appeal relating to application DC/15/094181, identified that “*there would not appear to be any objection to the principle of extending the façade of the terrace in a similar fashion to that which exists, coupled with more contemporary approach on other aspects*”. The site has no specific development plan allocations and the intensification of the residential use on site is not objectionable subject to an appropriate design and all other aspects, such as the residential amenity of adjoining and future residential occupiers of the scheme, access and highways implications, sustainable design and energy, community safety and refuse arrangements. These aspects are commented on in the subsequent sections of this report.

### Design

- 7.6 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 7.7 The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 7.8 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seek to apply these principles. Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context.
- 7.9 DM Policy 30 ‘Urban design and local character’ looks for developments to create a positive relationship to the existing townscape, natural landscape and local topography. The quality and appropriateness of materials will be assessed in relation to the surrounding area and the height, scale and massing should relate to the urban typology of the area.
- 7.10 In his appeal decision on the previous application, the Inspector determined that “*as a result of the combination of the height, scale, and relationship with existing buildings, the end elevation and the top storey of the proposal would be an*

*incongruous element, particularly in its setting of the adjoining property and those of a similar design nearby.”*

- 7.11 Furthermore, the Inspector considered that in the context of the predominantly two storey properties along Arabin Road, the proposal would appear overly dominant for its corner location.
- 7.12 The Inspector also acknowledged that by extending the ‘London roof’ above the parapet, the proposal would introduce a discordant, serrated appearance which would contrast in a harmful way with the simpler appearance of the retained and extended façade. Its prominence was found to be accentuated by the front face being situated on top of the parapet and by the extension of the roofing material down the flank elevation.
- 7.13 In response to the Inspector’s findings, this current scheme removes the previously proposed second floor. The proposed building would instead terminate in the ‘London roof’ profile located behind a parapet and be readily observable from the rear aspect of properties backing on to the site.
- 7.14 Similarly, the continuation of the roofing material down the flank elevation, which the Inspector found objectionable in the previous scheme, has been replaced in this proposal by brickwork at the upper ground levels and ashlar render below, in keeping with the character of the terrace.
- 7.15 No objection is raised to the principle of extending the façade of the terrace in a similar fashion to that which exists, coupled with a more contemporary approach to other design aspects. The proposal would introduce a modern element which respects the scale and traditional appearance of the surrounding buildings and uses materials appropriate for the site whilst also being of a high quality contemporary design. The submitted drawings and Design and Access Statement indicate the use of high quality materials which will complement the existing terrace, precise details of which are proposed to be secured by condition.
- 7.16 As such, the proposed development complies with the objectives of Core Strategy Policy 15 and DM Policies 30 and 31, which state that new development should be designed in a way that is sensitive to the local context.
- 7.17 In terms of the impact of the proposal on the nearby heritage assets, the proposed extension is not considered to detract from the special character and appearance of the adjacent Brockley Conservation Area, thereby satisfying the requirements of Core Strategy Policy 16 and DM Policy 36.

#### Standard of Residential Accommodation

- 7.18 In March 2015 the Government published the ‘Technical Housing Standards- Nationally Described Space Standard’, to rationalise the varying space standards used by local authorities.

- 7.19 London Plan Policy 3.5 and Table 3.3 set out minimum space standards which all proposed dwellings are expected to meet or exceed. Development Management Policy DM 32 and Core Strategy Policy 15 also seek to protect and improve the character and amenities of residential areas in the Borough.
- 7.20 DM Policy 32 states that there will be a presumption against single aspect units in new housing development, including conversions. Any single aspect dwellings provided will require a detailed justification and demonstration that adequate lighting and ventilation can be achieved. North facing single aspect flats will not be supported.
- 7.21 Concerns were raised with regard to the standard of accommodation proposed in the appeal scheme, particularly insufficient provision of private outdoor amenity space, aspect and privacy.
- 7.22 Notwithstanding the fact that the previous application was not refused on these grounds and the Inspector did not dismiss the appeal for these reasons, in order to alleviate the issues indicated, officers negotiated revisions to the scheme (see paragraph 4 of this report). In officers' view these revisions ensure that residential amenities of the future occupiers would be acceptable, in accordance with the objectives of Policy DM 32 and Core Strategy Policy 15.
- 7.23 In terms of the internal floorspace, all flats would meet the minimum Gross Internal Areas (GIA) as prescribed by the DCLG's 'technical housing standards – nationally described space standard'. All bedrooms would also achieve the minimum thresholds required for single and double bedrooms.
- 7.24 All habitable rooms would be served by windows that would afford acceptable levels of light, outlook and privacy. Whilst it is noted that flat 2 would be single aspect, it would be south facing, therefore receiving more than adequate daylight and sunlight.
- 7.25 All units would be provided with private amenity space exceeding the minimum requirement. Whilst officers acknowledge that the usability of the amenity space for Flat 2 would be somewhat limited due to its position within the front forecourt of the property, it is not considered sufficient to warrant a refusal of planning consent.
- 7.26 In terms of floor to ceiling heights, technical housing standards states that the minimum floor to ceiling height should be 2.3m for at least 75% of the Gross Internal Area. The development would provide a finished ceiling height of 2.45m at lower ground floor, 2.6 at the upper ground floor and 2.5m at first floor, thus satisfying the required threshold.

- 7.27 Overall and on balance, officers consider that the proposed development would afford an acceptable standard of residential accommodation thereby meeting the objectives of relevant policies.

#### Impact on Adjoining Properties

- 7.28 Policy 7.6 of the London Plan states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Policy 7.15 aims at the reduction and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
- 7.29 Development Management Policy 32 requires the siting and layout of all new-build housing to respond positively to the site specific constraints and opportunities, as well as being attractive, neighbourly, provide a satisfactory level of outlook and natural lighting for both future and existing residents and meet the functional needs of future residents.
- 7.30 The objections raised make reference to concerns about overlooking, overshadowing loss of light, noise pollution and general disturbance. An assessment of the impact of the proposals on the amenities of neighbouring occupiers is set out below.

#### *Privacy*

- 7.31 It is acknowledged that the presence of terraces within the rear elevation would introduce additional views available from the proposed building when compared to the existing property, however, officers note that the positioning of the building would ensure that a separation distance of at least 25m to the property at no. 2 Arabin Road is maintained.
- 7.32 With regard to adjoining occupiers along Brockley Road, the proposed installation of privacy screens to the northern edges of the external terraces and setting them away from the boundary are considered to adequately ensure that these additional views would not be so great as to lead to a harmful loss of privacy by way of overlooking. The installation and retention of privacy screens would be secured by condition.
- 7.33 Furthermore, the rear gardens of the adjoining terrace properties are already overlooked from existing properties, which is not uncommon in urban locations such as this.

#### *Daylight/Sunlight and Overshadowing*

- 7.34 Given the scale and siting of the proposed building as well as the geographical orientation of the site, no material loss of daylight and sunlight would result. The shadowing the building would cause would be comparable to the shadowing

caused by the existing building, therefore it cannot be demonstrated that the proposal would cause harmful levels of overshadowing.

#### *Outlook*

- 7.35 With regard to outlook, given the scale and siting of the proposed building, it would not result in any significant change in outlook from surrounding sites, nor would it appear as overbearing or unneighbourly.

#### *Noise and disturbance*

- 7.36 It is considered that by virtue of the proposed mix of uses, the scheme would not generate noise disturbance for other existing units in the area over and above the level generated by the existing use.
- 7.37 With regard to noise and disturbance during demolition and construction, a condition is recommended to ensure that a Construction Management Plan be submitted to and approved by the Council prior to commencement of the development to ensure that the environmental impacts are monitored, mitigated and controlled throughout the demolition and construction of the development.
- 7.38 To this end, officers are satisfied that the proposed development would not result in any detrimental harm to the residential amenities of neighbouring occupiers, thereby complying with relevant policies of the London Plan and Local Plan.

#### Transport and Servicing Issues

- 7.39 Policy 6.1 of the London Plan (2016) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.
- 7.40 Core Strategy Policy 14 (Sustainable Movement and Transport) states that there will be a managed and restrained approach to car parking provision to contribute to the objectives of traffic reduction while protecting the operational needs of major public facilities, essential economic development and the needs of people with disabilities.

#### *Car Parking*

- 7.41 The application site has a PTAL rating of 4, which represents a 'good' level of public transport accessibility. No off street parking is proposed and there is deemed to be sufficient on-street parking capacity in the vicinity to cope with any additional parking pressure.

### *Cycle parking*

- 7.42 Core Strategy Policy 14 and DM Policy 29 seek to promote sustainable and efficient travel including improved facilities for cyclists.
- 7.43 The drawings submitted show the provision of a cycle store (5 no. spaces) and an additional cycle store within the entrance to flat 2. The Applicant confirmed that the bike store within flat 2 would be able to accommodate 2 no. cycles. Whilst in numerical terms the proposed provision is acceptable, a condition will be attached to this consent, should it be granted, requesting further details of the parking facilities to ensure policy compliance.

### *Refuse and Recycling*

- 7.44 Residential Development Standards SPD (amended 2012) seeks to ensure that all new developments have adequate facilities for refuse and recycling.
- 7.45 5 no. 120l bins would be provided within the forecourt of the proposed building. It is considered appropriate that a condition will be attached to this consent, should it be granted, requesting further details of the waste storage facilities to ensure that appropriate provision for the refuse and recycling would be made.

### Sustainability and Energy

- 7.46 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy.
- 7.47 The Design and Access Statement submitted in support of the application confirms that the proposal would meet excellent energy and environmental credentials by complying with the current Building Regulation standards and this would be achieved by utilising the following:
- passive design including generously sized and carefully positioned windows,
  - heavily insulation to reduce heat loss,
  - construction utilising A rated or better construction methods as designated by the Green Guide to specification,
  - generation of sustainable energy in the form of solar panels on the roof,
  - the use of high efficiency heating systems and low energy rated lighting and appliances,
  - the implementation of water reduction measures, and
  - the use of energy meters.

## **8. Local Finance Considerations**

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

## **9. Equalities Considerations**

- 9.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.3 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.
- 9.4 In this matter there is considered to be no impact on equality.

## **10. 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 principle of the intensification of residential use is considered acceptable.
- 10.3 This revised proposal is considered to adequately address the previous reasons for refusal of the planning permission and the appeal decision. The proposed extension would be of a suitable site specific design and is considered to be of an appropriate and proportionate scale in relation to the original property and wider

context. The development is also not considered to impact adversely on the character and appearance of the adjacent conservation area.

- 10.4 The potential impacts on residential amenity have been given full consideration and alterations made to address these. The impacts on surrounding properties in terms of overshadowing and overlooking are not considered to be materially harmful and the scheme is therefore considered acceptable.
- 10.5 The proposal would provide an acceptable standard of residential accommodation for the future occupiers.
- 10.6 In the light of the above, the proposals are considered to accord with the development plan. Officers have also had regard to other material considerations, including guidance set out in adopted supplementary planning documents and in other policy and guidance documents and the responses from consultees, which lead to the conclusions that have been reached in this case. Such material considerations are not considered to outweigh a determination in accordance with the development plan. Accordingly, the application is recommended for approval.

**11. 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:

Lower Ground Floor Plan, Ground Floor Plan, First Floor Plan, Front Elevation, Side Elevation, Rear Elevation, Section A, Section B (as received on 12th July 2016),

15-1183-10A, Design and Access Statement (as received on 7th December 2016),  
15-1183-11B (as received on 7th December 2016).

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 cover:-

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan.

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. Notwithstanding the details hereby approved, no above ground development (except demolition) shall commence until drawings at 1:10 scale (including sections) or at another scale agreed by the Local Planning Authority showing all external construction detailing of the development has been submitted to and approved by the Local Planning Authority in writing, unless otherwise agreed in writing by the Local Planning Authority. The drawings shall include details of:
- a) windows, cills, reveals and doors;
  - b) wall vents;
  - c) copings, parapets, soffits and upstands;
  - d) roof structure;
  - e) rain water goods (including adjacent wall details);
  - f) balconies/terrace balustrades (including soffits and methods of drainage);
  - g) PV panels; and
  - h) privacy screens.

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

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

5. (a) No above ground level works (except demolition) shall commence on site until a detailed schedule and an onsite sample board of all external materials and finishes for windows, reveals and soffits, external doors, roof coverings, balconies/terraces and other site specific features to be used on the building has been reviewed and approved in writing by the local planning authority.  
(b) The scheme shall be carried out in full accordance with the approved details.

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

6. (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to 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).

7. No external guttering, drainage downpipes or other conduits of any kind shall be attached to the external facades of the building other than those shown on the approved drawings.

Reason: To ensure an appropriate standard of design 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.

8. (a) No above ground level works 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 (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.

9. (a) A scheme of soft landscaping (including details of any trees and hedges 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 DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

10. (a) No part of the development shall be occupied until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority. Cycle parking facilities shall be in accordance with Policy 6.9 of the London Plan (2011).

- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011) and Policy 6.9 of the London Plan (2011).

11. (a) No above ground level works shall commence on site until details of proposals for the storage and management of refuse and recycling facilities for each residential unit and commercial area hereby approved, have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance

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

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

13. No machinery shall be operated on the premises before 8 am or after 6 pm on weekdays, or before 8 am or after 1 pm on Saturdays, nor at any time on Sundays or Public Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework, DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

14. Notwithstanding the details shown on the drawings hereby approved, full details of the privacy screens to the hereby approved terraces/balconies shall be submitted to and approved in writing by the Local Planning Authority before any above ground work commences and this condition shall apply notwithstanding any indications as to these matters which have been given in the application. The development shall thereafter be carried out solely in accordance with the approved details and permanently retained as such.

Reason: To prevent overlooking and loss of privacy in the interests of the living conditions of the neighbouring occupiers (DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014)).

#### Informatives:

1 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>

2 **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.

3 The applicant is advised to follow guidance provided in Lewisham's Good Practice Guide in relation to the control of impacts from construction: <http://www.lewisham.gov.uk/myservices/environment/Pollution-information-for-developers-and-businesses/Documents/GoodPracticeGuide.pdf>