

Committee	PLANNING COMMITTEE B	
Report Title	50 St German's Road, London, SE23 1RX	
Ward	Crofton Park	
Contributors	Joe Roberts	
Class	PART 1	Date: 17th August 2017

Reg. Nos. DC/17/100842

Application dated 17.03.2017

Applicant Sterling Rose Development

Proposal The demolition of the existing house at 50 St Germans Road SE23 and the construction of a 4 storey plus basement level building to provide 2 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats, together with the provision of 2 car parking and 7 cycle spaces and private amenity space.

Applicant's Plan Nos. Site Location Plan, P9/002, P9/003; P9/004; P9/005; P9/006; P9/007; P9/008; received 24 March 2017 P9/001; REVG,P9/009 REVG;P9/010 REVG ; P9/011 REVG; P9/012 REVG; P9/013 REVG; P9/014 REVG; P9/015 REVG; P9/016 REVG; received 4 July 2017.

Background Papers Case File LE/652/50/TP (1)

Designation PTAL 2
Not a Listed Building nor situated within the vicinity of a Listed Building

1.0 Property/Site Description

- 1.1 This application relates to a part two storey plus basement detached family dwelling house located on the southern side of German's Road. The existing property is double fronted with a substantial front and rear gardens and an off-street parking space. The majority of the front garden has been covered in hardstanding.
- 1.2 There are steep gradients within the application site and the immediate vicinity running downwardly from east to west and from north to south, resulting in the

existing property being viewed as two stories from the front and three stories at the rear.

- 1.3 The adjoining property to the east is a four storey flatted development and to the west is a two storey double fronted property that is in use as a nursery.
- 1.4 Other than the adjoining nursery, the surrounding area is predominately residential in nature.

2.0 Planning History

- 2.1 No relevant planning history.

3.0 Current Planning Application

- 3.1 The application proposes the demolition of the existing house at 50 St Germans Road SE23 and the construction of a 4 storey plus basement level building to provide, 2 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats, together with the provision of 2 car parking and 7 cycle spaces and private amenity space.
- 3.2 The application was subsequently revised to reduce the quantum of development and the studio unit was removed from the application; the 3 bedroom family unit which was initially completely on the lower ground floor has been revised to be a maisonette over the lower ground and part ground floors.

Internally, the three bedroom unit would be located on the lower ground and ground floor, also a one bedroom unit would be split over the ground and lower ground floors. There would also be 2, two bedroom units on the first and second floors and a further a one bedroom unit within the top floor.

- 3.3 Externally, due to the topography of the site the building would be viewed as four stories from the front (the fourth floor is proposed as set back from the edges) and five to the rear. The building is designed with a flat roof and the elevational treatment would be stock brick with aluminium windows. Two front lightwells would also be constructed.
- 3.4 The garden to the rear has been revised to be solely for the use of the 3 bedroom family unit. Rear terraces would be provided for the other units.

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 in the surrounding area and the relevant ward councillors. The Council's Conservations officer was also consulted.

4.3 Five objection letters were received from neighbouring residents.

Written responses received from local residents

4.4 Objections were received from 5 local residents citing the following issues which are relevant to the assessment of the planning application:

- Traffic- increased volume and parking problems.
- Loss of natural sunlight and daylight
- Impact on existing trees that form privacy screen between the properties
- Loss of privacy
- Addition of 11 extra vehicles and the adjoining nursery would be too much of an impact on the road and parking pressure.

Highway and Transportation

4.5 Council's Highways Officers have offered no objection to the proposed development subject to details being secured on cycle parking and a condition relating to a parking management strategy which allowed the family sized unit to retain the parking spaces.

4.6 The council's urban design officer supports the scheme following its revision from an initial render façade treatment to stock brickwork and other elevational detailing.

4.7 The application has been significantly revised following officers assessment to reduce the number of units from 6 to 5, elevational treatment and internal reconfiguration, and as such it was felt necessary to re-consult on the application given the general nature of the objections to the development as a whole.

5.0 Policy Context

Introduction

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

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

A local finance consideration means—

(a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or

(b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 The Development Plan for Lewisham comprises the Core Strategy, the Development Management Local Plan (adopted in June 2011), the Site Allocations Local Plan and the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

National Planning Policy Framework (NPPF)

5.4 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)'.

5.5 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.

London Plan (2016) (as amended)

The London Plan 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

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

Residential Standards Supplementary Planning Document (as updated 2012)

This development 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, amenity space and materials

6.0 Planning Considerations:

- 6.1 The main issues to consider in regard to this application concerns the principle of development, the scale and appearance of the proposed building including its basement, the impact on the adjacent Conservation Area; and the level of impact the development would have upon the amenities of neighbouring occupiers.

Principle of Development

- 6.2 The subject property comprises an existing family dwelling. Although a 2 storey property, it is much smaller in height than the adjoining properties, and presents a somewhat 'squat' appearance in the street scene. The adjoining dwelling houses at No. 48 (and its matching pair at 46) has a much higher eaves and its proportions are further increased in relation to No. 50 by it having a gable end wall. The remainder of the street is of a highly mixed character of property ages and styles, but in the main, are buildings of significantly greater height and mass than No. 50. Given its incongruity, together with the lack of townscape consistency in the composition of the street scene, there are no objections to its loss. Moreover, in support of the principle of development, the proposal would result in net housing gain to the borough and as such is compliant with policy DM2 1a, which supports the loss of housing by demolition, redevelopment or change of use where the proposed redevelopment would result in housing gain.
- 6.3 The principle of development however is not just simply a matter of replacing the existing building and housing gain, but also securing a form of development appropriate to its context. Particular regard must be paid to the quality of the materials and detailing of the proposed development. A high quality design which relates successfully to the neighbouring properties is crucial. It must also be demonstrated that the proposal would result in no significant harm to neighbouring residential amenity.

Design and Scale

- 6.4 Policy 3.4 of the London Plan 2016 states that boroughs should take into account local context and character, the design principles and public transport capacity; but that development should also optimise housing output for different types of location within the relevant density range.
- 6.5 DM Policy 30 requires all development proposals to attain a high standard of design. Further to this, applications must demonstrate the required site specific design response in relation to the creation of a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and/or create an urban form which contributes to local distinctiveness. Proposals should demonstrate the quality and durability of building materials and their sensitive use in relation to the context of the development. The policy also states the materials should be of a high quality and the reasons for their choice justified.
- 6.6 Officers consider the scale and massing of the proposed development to be in keeping with the general character of the area. In design terms, it steps down from the substantive adjoining building at number 52 in line with the sloping topography of the site. The proposal would leave sufficient space between adjoining properties to retain the detached nature of the property and maintain the rhythm within the street.
- 6.7 It should be noted that although there is no requirement for new development to replicate existing architectural styles, provision is made in DM Policies 30 and 33 for development to attain a high standard of design and be appropriate in its context. As such the proposed development was revised to change the proposed material from render to brick, to match the rest of the street and to add more architectural detail to the front elevation. This increase of detailing to the front would soften the scale of the proposed building and help create more visual interest. The replacement of render, which is not considered to be a high quality or durable material, is considered to be a vast improvement from the original scheme and detailing of the front elevation.
- 6.8 Overall the proposed materials are considered to be of a high quality to ensure the proposed buildings would be in keeping with the existing development and provide visual interest.
- 6.9 Details were listed on the plans, however a sample panel was not provided. Therefore a condition is proposed for the submission of samples to be submitted before the commencement of development to secure the high quality of the design
- 6.10 The original proposal would have a roof element that is sited further towards the boundary with number 52 leaving a gap on the other side, giving the element an asymmetrical look. This has been revised to give a centralised roof element that is set back from all sides. This set back allows the roof element to be subordinate to the main property. Further to this there are various examples within the street of flat roofs and flat roof extensions, as such its introduction would not be incongruous within the streetscene. Due to

tis subordination officers consider the design of the roof element to be acceptable.

- 6.11 In light of the above, officers consider the design of the proposed development to be of an acceptable design and would comply with the relevant design policies with the development plan. .

Residential Amenity

- 6.12 Officer DM Policy 32 'Housing design, layout and space standards' and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan. In particular, it provides detail on how to carry forward the Mayor's view that "providing good homes for Londoners is not just about numbers. The quality and design of homes, and the facilities provided for those living in them, are vital to ensuring good liveable environments neighbourhoods".
- 6.13 London Plan Policy 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. However, in 2015, the 'Technical housing standards – nationally described space standards' were introduced. The alterations to the London Housing SPG adopted these standards. The technical housing standards will therefore be applied in this instance. The proposed units would exceed the policy requirement with regards to overall floor space and room sizes. However, floorspace standards are not the only indicator of the quality of accommodation provided.
- 6.14 DM policy 32 also requires proposals to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight. There is also a presumption that residential units provided should be dual aspect.
- 6.15 The application has been revised so that all the units provided would have dual aspect with good levels of outlook from the main habitable rooms. One bedroom within the family sized unit would have a slightly poor outlook but as the two other bedrooms are provided with good levels of outlook this is not considered to detrimentally impact on the standards of accommodation for the future occupiers.
- 6.16 All units would be provided with adequate sized amenity areas and the family sized units would have a very larger rear garden suitable for a family.
- 6.17 In light of the above officers consider the proposal would provide a good standard accommodation and comply with DM Policy 32 and the council's residential standards SPD.

Neighbouring Amenity

- 6.18 Core Strategy Policy 15 'High quality design for Lewisham' seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed developments to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers. Development Management Policy 33 'Development of infill sites, backland sites, back gardens and amenity areas' therefore seeks to ensure that infill development would result in no significant overshadowing or overlooking, and no loss of security or amenity.
- 6.19 Objections have been received in relation to the impact of the proposed development with regards to loss of light and compromised privacy. Although the development would impact on the outlook of the side window at a flat located at Number 52, officers consider this to be a secondary window and not the main source of light into the property. Without more evidence officers cannot consider this to be a reason for refusal.
- 6.20 The proposed development would not extend beyond the rear building lines of the two adjoining properties and therefore officers consider there to be no overbearing impact in terms of its height and scale.
- 6.21 The upper floor windows would be overlooking into the adjoining rear gardens, however there was already some levels of overlooking as existing and it is well acknowledged that this is a common feature of urban living within street terraces. Further to this the garden to number 52 is communal and all of the flats in that building already overlook it and the garden to number 48 is used as a nursery. Any privacy issues are also lessened with the introduction of privacy screen on the roof terraces.
- 6.22 Objection has also been raised regarding the loss of trees. Officers consider that the trees in the rear garden do provide good natural privacy screens and if all else was acceptable a condition requiring their retention would be appropriate.
- 6.23 As such, officers consider there not to be a detrimental impact on the amenity of neighbouring residents.

Highways

- 6.24 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. Safe and suitable access to the site should be achieved for all people. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.25 Core Strategy Policy 14 'Sustainable movement and transport' supports this policy approach and promotes more sustainable transport choices through

walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans. Core Strategy Policy 7 'Climate change and adapting to the effects' and Core Strategy Policy 9 'Improving local air quality' further promote sustainable transport.

- 6.26 The site has a PTAL of which is considered poor accessibility to public transport. Two off street parking space are being proposed. The councils highways officer raise no objections to the car free nature of some of the units even with the poor PTAL rating, on the proviso that a parking management strategy be provided allowing the larger units sole access to their parking spaces. Officers consider a suitably worded condition would capture this and allow the family sized unit sole access to the parking spaces.
- 6.27 To increase sustainability, cycle parking has been provided to the rear, with boundary treatments to protect the privacy of the lower ground floor unit. .
- 6.28 Although there is a nursery adjoining that would increase traffic at peak time this unlikely add to the parking stress within the area as the increased traffic would be for drop off and pick up only.
- 6.29 It is felt that the proposed development would give rise to an increase in parking in the surrounding streets, nevertheless, the increase is not considered significant enough to warrant a refusal.
- 6.30 On balance, the proposed development is acceptable with regards to parking.
- 6.31 Details regarding refuse and recycling should be secured by way of a condition.

7.0 Equalities Implications

- 7.1 The Council has considered the public sector equality duty under section 149 of the Equalities Act 2010 and in the exercise of its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited under this Act and to foster good relations between persons who share a relevant protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation.
- 7.2 As with the case with the original separate duties, the new duty continues to be a "have regard duty" and the weight to attach to it is a matter of judgement bearing in mind relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity, or foster good relations.

8.0 Conclusion

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

8.2 The proposed development is considered to be acceptable and of no significant harm to residential amenity or the character of the area.

9.0 **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:

P9/002, P9/003; P9/004; P9/005; P9/006; P9/007; P9/008; received 24 March 2017
P9/001; REVG, P9/009 REVG; P9/010 REVG ; P9/011 REVG; P9/012 REVG; P9/013 REVG; P9/014 REVG; P9/015 REVG; P9/016 REVG; received 4 July 2017.

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 Deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8am and 6pm on Mondays to Fridays and 8am and 1pm 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 8am and 6pm on Mondays to Fridays and 8am and 1pm 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, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

4. No development shall commence on site until a detailed schedule and specification/samples of all external materials, finishes, windows, external doors and roof coverings to be used on the building(s) 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.

5. **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. No development shall commence on site until a scheme for the storage and collection of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.

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.

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

8. 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 roof on the building(s) hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

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

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

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

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

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

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 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).

10. A minimum of **4** secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.

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.

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).

Informative

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.