

Committee	PLANNING COMMITTEE C	
Report Title	WASTDALE MEWS, WASTDALE ROAD, SE23	
Ward	Crofton Park	
Contributors	Catriona Morgan	
Class	PART 1	18 October 2018

<u>Reg. Nos.</u>	DC/17/105072
<u>Application dated</u>	19.12.2017
<u>Applicant</u>	NoP Ltd on behalf of Blaxill Estates
<u>Proposal</u>	Retrospective application for the demolition of existing buildings at Wastdale Mews, Wastdale Road SE23 and the part-retrospective construction of a part one/part two storey building to provide studio's/workshop's (B1/B8 use).
<u>Applicant's Plan Nos.</u>	100; 101; 102; 103; 104; Site Location Plan; Design & Access Statement (NoP Ltd, 15th November 2017) received 20th December 2017; SK98; SK99 received 10 th April 2018; SK97 Rev A received 18 th May 2018.
<u>Background Papers</u>	(1) Case File LE/638/A/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Local Employment Location Hopcroft Neighbourhood Forum PTAL 2 Existing B1 Use
<u>Screening</u>	N/A

1.0 Summary

1.1 This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- Permission is recommended to be approved and:
 - there are 3 or more valid planning objections;
 - there are objections from recognised residents' association or community/amenity groups;

2.0 Property/Site Description

- 2.1 The application relates to a large, L-shaped plot of land located to the rear of No.s 1 – 9 Wastdale Road and No.s 133 – 141 Stanstead Road. The site is approximately 439m². The plot of land is surrounded by residential properties on its eastern, southern and western boundaries. To the north of the site lies Integrated Services, a supply chain company. The site is accessed via an underpass at No.5 Wastdale Road.
- 2.2 The site previously accommodated a group of four single storey and two storey buildings, however these have been demolished without planning permission. Some works have also been undertaken to re-build the buildings however all works have ceased on site pending the outcome of this planning application and related enforcement investigation.
- 2.3 Officers have carried out a planning history search of the site, and were unable to locate any consents with reference to the use of on-site structures. Officers have also carried out searches with other relevant departments within the Council to establish previous uses and been unsuccessful. In light of the aforementioned, the applicant has stated in their Design and Access Statement that the original buildings comprised of 12 units which were used for a variety of commercial and light industrial uses, falling within the lawful B1/B8 Use Class, nonetheless no evidence was submitted.
- 2.4 The site is located within a Local Employment Location (LEL) and is in close proximity to Malham Road Industrial Estate, a light industrial and trade estate with 23 units, as well as a number of other industrial commercial businesses. The site has a PTAL rating of 2, based on a scale of 0-6b with 6b having the highest degree of accessibility to public transport.

3.0 Planning History

- 3.1 DC/17/101945 – The demolition of existing buildings at Wastdale Mews, Wastdale Road SE23 and the construction of a part one/part two storey building to provide studio's/workshop's (B1/B8 use), together with the provision of bike storage – Refused 11/09/2017.
- 3.2 The application was refused for the following reasons:
- The proposal would result in the over-intensive development of this backland site for employment purposes and while located in a Local Employment Location (LEL), the applicant has failed to demonstrate that this would not have a detrimental impact on the amenities of adjoining residential occupiers as a result of noise and disturbance arising from the increased activity taking place at the site as well as the additional comings and goings to and from the site, by occupiers of the proposed units as well as visitors and suppliers, contrary to Policy 4.4 Managing Industrial Land and Premises of the London Plan 2015 (as amended), Policy 3 Strategic Industrial Locations and Local Employment Locations of the Core Strategy (June 2011) and DM Policy 10 Other employment locations of the Development Management Local Plan (November 2014).
 - The introduction of external staircases, walkways and terraces would result in overlooking and loss of privacy to neighbouring residential occupiers, contrary to Policy 15 High quality design for Lewisham of the Core Strategy (June 2011)

and 10 Local Employment Locations of the Development Management Local Plan (November 2014).

- 3.3 ENF/17/00096 – Active enforcement investigation into the demolition of the existing buildings and construction of a part one/part two storey building without planning permission.

4.0 Current Planning Applications

The Proposal

- 4.1 This application relates to the demolition of the existing buildings and the construction of a part one/part two storey building to provide studio's/workshop's (B1/B8 use).
- 4.2 However following the enforcement investigation and Officers site visit as part of this application, it has been established that the existing buildings have been demolished and the proposed building partially constructed. Therefore, the proposal is part-retrospective.
- 4.3 The proposed building would largely cover the same footprint of the buildings that were recently demolished, albeit that the proposal would incorporate two units into the previous enclosed yard. The proposed building would have flat and sloping roofs and would measure between 2.7 metres and 6.5 metres in height, similar to the height and roof form of the buildings that were recently demolished. The building would be constructed from yellow multistock facing brickwork and blockwork, painted white to match the previous building. The roof would be constructed from felt and corrugated metal. The building would have an internal floor area of approximately 390sqm.
- 4.4 The building would have a window, sliding doors and an entrance door at ground floor level, and four windows at first floor facing the eastern boundary of the site. The building would have two doors at ground floor level, and two windows at first floor facing the southern boundary of the site. The building would have no openings on the northern or western elevations. The windows would be metal framed and the doors would be timber.
- 4.5 The building would comprise 12 B1/B8 units, to be used as studio's/workshop's for small businesses.

Supporting Documents

- 4.6 During the application process, the applicant submitted additional information detailing that the existing entrance gate to the site would be retained. The applicant also provided further information regarding cycle parking and bin storage.
- 4.7 The application proposes 6 x cycle parking spaces using Sheffield Stands. The proposed bin store would measure approximately 1.31 metres in depth and approximately 2.7 metres in width, and would have a flat roof measuring approximately 2.1 metres in height. The bin store would be constructed from timber.

5.0 Consultation

- 5.1 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.
- 5.2 A site notice was displayed and letters were sent to forty-four residents and business in the surrounding area, as well as the ward Councillors in Crofton Park and the Hopcroft Neighbourhood Forum. The Council's Highways department, Environmental Health department and planning enforcement were also consulted.
- 5.3 Five neighbouring residents and two Councillors have raised objection to the proposal. A Local Meeting was held on 22nd February 2018 where neighbouring residents were able to discuss their concerns with the applicant.

Written Responses received from Local Residents

- 5.4 The planning concerns raised by neighbouring residents are summarised below:
- Concern has been raised that the application does not include any information regarding the proposed opening hours and frequency of use of the site.
 - Concern has been raised that the application includes little information regarding what the studio's/workshops would actually be used for.
 - A more intensive use of the site and unrestricted hours of operation could give rise to increased noise disturbance, particularly when people are accessing the site through the underpass.
 - The proposed development will result in a loss of privacy and overlooking to neighbouring residents, owing to the fact that some openings which were doors in the original buildings will be replaced with clear glazed windows, and the site is quite constrained.
 - The proposed development will result in increased light pollution to neighbouring residents.
 - Wastdale Road is quite a busy residential road with limited parking spaces and problems with deliveries. The proposed development could exacerbate this problem, and neighbouring residents are concerned particularly given the lack of information regarding the number of people that would use the site.
 - The proposed use of the site is not practical, given the constrained nature of the site and its proximity to neighbouring properties; the only access to the site is under and past residents' doors and windows.
- 5.5 Some of the concerns raised which are not planning considerations relevant to the proposal include:
- The position where the site notice was displayed makes it hard for anyone to notice or read, and has very little detail to where it refers to. However, it was subsequently moved by the applicants to a more prominent location.

- The original buildings were never used as studio's, and for a number of recent years the application site was used by one person for car works and storage with very little use to the upper floors of the buildings. The site was vacant from 2015 before the buildings were demolished, and has never been used to the scale now proposed.
- The Design and Access Statement includes photos of the 'existing' site, however the buildings started being demolished in October 2016.
- The application states that the footprint of the building will remain unchanged, however the original courtyard area which was partially covered with corrugated strips and supported by scaffolding is proposed within the footprint of the new building.

Written Responses received from Councillors

5.6 The planning concerns raised by councillors are summarised below:

- The principle of the proposal could be welcomed, as it would bring back into use a derelict site and provide workshop and studio space, that would be a very positive development in this area.
- Access to the site is via an underpass beneath No.5 Wastdale Road. There is concern regarding the scale, timing and frequency of vehicle use to the site, including deliveries.
- The proposal should provide assurances to neighbouring residents regarding use, noise, waste disposal and parking.
- Concerns regarding the scale of the proposed use of the site.

5.7 Some of the concerns raised by councillors which are not planning considerations relevant to the proposal include:

- Previous work on the site has caused distress to local residents in terms of noise nuisance and obstructing access to their properties.
- The original buildings were never used as studio's.
- The application includes 'demolition' however the original buildings have already been demolished.

Written Responses received from Statutory Agencies

Highways and Transportation

The Council's Highways Officer initially considered that insufficient information had been submitted with regards to cycle parking, waste management, and activity associated with demolition/construction of the proposal. Additional information was sought with this regard.

Cycle Parking

The London Plan requires that a B1 use with a gross floorspace of approximately 390sqm would require 5 cycle parking spaces (4 long stay, 1 short stay); whilst a

B8 use with a gross floorspace of approximately 390sqm would require 2 cycle parking spaces (1 long stay, 1 short stay). The cycle parking should be covered, secure and fully enclosed.

The applicant proposes 14 cycle parking spaces that would be covered, secure and fully enclosed. The cycle parking details are considered acceptable.

Construction Method Statement

As the site has restricted access, a Construction Method Statement should be provided, including details of the demolition phase. Should the scheme be approved, this could be secured as a condition.

Waste Management

It should be shown on a plan where bins are to be stored.

The applicant has submitted a plan detailing that the refuse store would be located to the north of the entrance to the site. The refuse details are considered acceptable.

Environmental Health

- 5.8 The Council's Environmental Health Officer considers that when looking at the previous use of the space, which included car repair, the proposal of small office spaces is likely to have less impact on the surrounding residential premises. The Environmental Health Officer also suggests some standard conditions that could be attached to any permission.

6.0 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 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

- 6.3 The revised NPPF, originally published in 2012, was published on 24th July 2018 and is a material consideration in the determination of planning and related applications.
- 6.4 It contains at paragraph 11, a '*presumption in favour of sustainable development*'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, 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 and in regard to existing local policies, that '*...due weight should be given to them, 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)*'.
- 6.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the NPPF and consider there are no significant issues of conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraph 213 of the NPPF.

Other National Guidance

- 6.6 The DCLG launched the National Planning Practice Guidance (NPPG) resource on the 6th March 2014. This replaced a number of planning practice guidance documents.

London Plan (March 2016)

- 6.7 The London Plan was updated on the 14 March 2016 to incorporate Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, and does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to in this report. The policies in the current adopted London Plan (2016) relevant to this application are:

Policy 5.3 Sustainable design and construction

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 7.4 Local character

Policy 7.6 Architecture

Core Strategy

- 6.8 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 3 Strategic Industrial Locations and Local Employment Locations

Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 13 Addressing Lewisham's waste management requirements
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

6.9 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 strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 10	Local Employment Locations (LEL)
DM Policy 22	Sustainable design and construction
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 30	Urban design and local character

7.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Highways and Traffic Issues
- d) Impact on Adjoining Properties

Principle of Development

7.2 DM Policy 10 states that, "*The Council will support uses within the B Use Class and appropriate sui generis uses, within a Local Employment Location, subject to:*

- a. *The use being appropriate in the location in relation to the surrounding built context*
- b. *The intensity of the use and*
- c. *The new use meeting the aims in the Core Strategy Policy 3".*

- 7.3 Core Strategy Policy 3 states that the Council will protect Local Employment Locations for a range of uses within the B Use Class to support the functioning of the local economy.
- 7.4 Aside from the planning application that was refused in 2017 (ref. DC/17/101945), there is limited planning history pertaining to the site and it is unclear what the lawful use of the site was prior to the buildings being demolished. Planning Officers have spoken with the Business Rates department who confirmed that whilst the owners of the site are not paying business rates at the minute, when previously paying business rates the site was registered as workshops. In the submitted Design and Access Statement, the applicant states that the site originally accommodated 12 commercial leases where a variety of commercial and light industrial uses were carried out. However, the applicant goes on to state that as the buildings deteriorated the site was occupied by a single tenant from 1996-2015 for car repairs and spraying. The site was then vacant and the original buildings were demolished without planning permission.
- 7.5 Notwithstanding the above, the lawful use of the site in planning terms is unclear. As such, the application will be assessed as to whether the proposed use is suitable in this location and if it complies with Policy 3 of the Core Strategy and Policy 10 of the Development Management Plan.
- 7.6 The previous scheme proposed eighteen studio's/workshops at the application site. This application was refused as Officers considered that the proposal would result in an over-intensive development of the site, which is bordered on three sides by residential properties.
- 7.7 The current revised application proposes twelve studio's/workshops at the application site. During consideration of the application the applicant confirmed that there would be a maximum of thirteen people using the site as studio's/workshops for small businesses e.g. photographer, artist. The applicant has confirmed that they would be willing to accept a condition on any permission restricting the hours of operation after 11pm and not before 6am.
- 7.8 The proposed development would see the existing vacant site being redeveloped, with the possibility of accommodating twelve small business and employing up to thirteen people. The site lies within a Local Employment Location and the proposed use would remain within the B Use Class.
- 7.9 With regards compliance with part (a) of DM Policy 10, given the number of units proposed and the proposed use of the studio's/workshops for small business ventures within a Local Employment Location, Officers consider that the use would be appropriate in this location and in relation to the surrounding built context.
- 7.10 Officers note concerns raised by neighbouring residents and councillors with regards noise and disturbance from the proposed development. These will be addressed later in the report.
- 7.11 With regards part (b) of DM Policy 10, it appears that there has been limited use of the site in recent years and its intensity has been low. The proposed hours of operation of the current development would be 6am – 11pm, and a maximum thirteen people would use the site. It is considered that some occupants of the studio's/workshops may use the space for hobbies or activities surplus to their

main job, and as such would only employ the site at evenings/weekends. Additionally, it can be reasonably argued that the application site would not be fully occupied at all times and whilst the units may increase, general footfall would not be excessive given that people will most likely be coming and going at different times of the day. Officers do not consider that the use would be over-intensive given the size of the application site and nature of the use intended.

- 7.12 It is considered that the proposal would therefore comply with the aims of Core Strategy Policy 3 and DM Policy 10 and is acceptable in principle.

Design

- 7.13 Urban design is a key consideration in the planning process. Part 10 of 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.
- 7.14 In relation to Lewisham, Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 7.15 DM Policy 30 carries through the principle of high quality design which complements the existing typology. Under part 5 the policy also includes detailed design principles, which states that proposals should demonstrate the creation of a positive relationship to the existing townscape to preserve and/or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, taking all available opportunities for enhancement.
- 7.16 In the Design and Access Statement, the applicant provides photographs of the original buildings on site. This is reflected by the existing floor plans and elevations drawings.
- 7.17 The proposed development would not be visible from the public realm. The proposed scale, massing, design and architectural detailing of the proposed building would closely match the buildings which previously stood on site, albeit the proposal would enclose the sheltered yard which had a covered roof but was not enclosed. Officers consider that given the proposed built form would not be out of keeping with the application site or surrounding area.
- 7.18 Aspects of identical features from the proposed development include a first floor door on the eastern elevation of the building and one first floor door on the northern elevation of the building. Having said this, the glass panes will now be clear instead of obscured and full-height windows. Additionally, a set of sliding doors on the ground floor of the eastern elevation of the building is proposed which is a like-for-like feature to that previously demolished. All aspects of the clear glazing are considered acceptable on their planning merits as Officers have scoped the impact of privacy intrusion to nearby residential premises.
- 7.19 Whilst the application form and proposed drawings state that the proposed materials would match the existing, Officers consider that it is necessary for the applicant to demonstrate the materials used would be of a high quality. Should the

scheme be approved, details of the materials to be used in the building could be secured by condition.

- 7.20 In light of the above, the proposal is considered to be an appropriate development for the application site and would have a limited impact on the surrounding area, and therefore is considered to be in accordance with Core Strategy Policy 15 and DM Policy 30.

Highways and Traffic Issues

- 7.21 Core Strategy Policy 14 'Sustainable movement and transport' 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.
- 7.22 The application site has a PTAL rating of 2 (poor).

Car Parking

- 7.23 The application does not propose any off-street parking within the proposed development, or within the site. With this regard, Officers are mindful that the London Plan requires proposals for B1/B8 uses in Inner London should provide 1 car parking space per 600-1000sqm of gross floorspace and cross-referenced against the proposed development of approximately 390sqm would require zero parking provisions.
- 7.24 Officers have considered comments raised by objectors, specifically with regards to parking stress, however, the proposal is policy compliant and therefore refusal on such grounds is unjustified. Additionally, Officers have also factored in the potential of increased vehicular activity as point of pick/drop off and considered no detrimental affect would arise given the intended use of the units, bearing in mind that the previous operational use of the site was more intensive than that proposed here. Therefore, any vehicular traffic associated with the development would not adversely affect the safety and convenience of other highway users.
- 7.25 Comments received by the Highways Authority, stating insufficient information was primarily aimed at cycle parking, waste and construction management. The Highways Officer did not have any expressed concern with regards to parking, namely as there was no policy contradiction given the proposed uses, this extends to loading/unloading of goods and visitors to the site. Officers have considered imposing conditions aligned with the comments made, notwithstanding this the measures associated with a construction management plan condition is rendered unenforceable given that this aspect of the proposal has been carried out.

Servicing

- 7.26 The proposed use of the building as twelve studio's/workshops is not considered to give rise to a need for regular or large scale deliveries to the site.

Cycle Parking

7.27 Policy 6.9 of the London Plan maintains that development should provide secure, integrated and accessible cycle parking facilities. The London Plan requires that a B1 use with a gross floorspace of approximately 390sqm would require 5 cycle parking spaces (4 long stay, 1 short stay); whilst a B8 use with a gross floorspace of approximately 390sqm would require 2 cycle parking spaces (1 long stay, 1 short stay). The cycle parking should be covered, secure and fully enclosed.

7.28 The application proposes 14 cycle parking spaces that would be located within the yard of the application site using Sheffield stands. These spaces would be covered, secure and fully enclosed. As such the proposed cycle parking is considered acceptable.

Refuse

7.29 The applicant has submitted a plan detailing that the refuse store would be located to the north of the entrance to the site. This is considered acceptable.

Impact on Adjoining Properties

7.30 Core Strategy Policy 15 'High quality design in Lewisham' seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed development to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers.

7.31 The main properties to consider in an assessment of the impacts of the proposal upon residential amenities are No.s 1 – 9 Wastdale Road and No.s 133 – 141 Stanstead Road.

Lighting

7.32 DM Policy 27 deals specifically with lighting and requires applicants to protect local character, residential amenity and the wider public, biodiversity and wildlife from light pollution and nuisance, by taking appropriate measures in lighting design and installation in line with the Institute of Lighting Professionals' Guidance Notes for the Reduction of Obstructive Light (2011) to control the level of illumination, glare, spillage of light, angle and hours of operation.

7.33 Concerns were raised during the consultation process by residents that if the hours of operation of the units were unrestricted, this could result in light pollution from the first floor windows, to neighbouring residents.

7.34 Should the scheme be approved, Officers consider it is reasonable that the opening hours of the premises are as follows:

Days	Opening Hours
Monday – Saturday	06:00 – 23:00
Sundays and public holidays	10:00 – 22:00

- 7.35 There would be one first floor window on the proposed building which faces the rear of the buildings on Stanstead Road. There would be six first floor windows on the proposed building which face the rear of the buildings on Wastdale Road.
- 7.36 The applicants have suggested that all first floor windows could be fitted with blackout blinds in order to reduce light pollution. However, Officers do not consider that this would be something that could be enforced if attached as a condition should the scheme be approved.
- 7.37 Rather, Officers consider that the proposed hours of operation of 6am – 11pm Monday – Saturday, and 10am – 10pm on Sundays and public holidays are sufficient in ensuring that the use of the building would not result in light pollution and nuisance to neighbouring residents.

Noise

- 7.38 Concern has also been raised through the consultation process with regard to noise generated by the operation of the facilities.
- 7.39 DM Policy 26 relates to noise generating or sensitive development. Although aimed primarily at industrial noise creating activities, the principles may be applied to other types of development where noise is a potential issue. The policy requires that a noise assessment, prepared by a qualified acoustician, is submitted in support of applications for such developments and states that, where development is permitted, conditions may be attached to ensure effective mitigation.
- 7.40 The Council's Environmental Health Officer considers that when looking at the previous use of the space, which included car repair, the proposal of small office spaces is likely to have less impact on the surrounding residential premises. The Environmental Health Officer also suggests some standard conditions that could be attached to any permission.

Loss of Privacy/Overlooking

- 7.41 The previous refused application (ref. DC/17/101945) proposed external staircases, walkways and terraces leading to the first floor of the proposed building. Officers considered that these elements would result in overlooking and a loss of privacy to neighbouring residential occupiers.
- 7.42 The current revised application proposes internal staircases to access the first floor of the building, and there would be no access from the first floor to the flat roofs of the single storey elements.
- 7.43 There would be one first floor window on the proposed building which faces the rear of the buildings on Stanstead Road, and there would be six first floor windows on the proposed building which face the rear of the buildings on Wastdale Road. These proposed windows are in similar locations to first floor doors and windows on the original buildings. As such, Officers do not consider that the proposed first floor windows would not result in a significant level of overlooking and loss of privacy to neighbouring residents.

Loss of Daylight/Sunlight

- 7.44 The scale and massing of the proposed development would be similar to that of the buildings which previously stood on site and as such, Officers do not consider that there would be a significant impact on the provision of daylight and sunlight to neighbouring residents.

8.0 Equalities Considerations

- 8.1 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.

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

- 8.3 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.

9.0 Human Rights Implications

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Right to a fair trial
- Respect for your private and family life, home and correspondence
- Freedom of expression
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association

- 9.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

9.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.4 This application has the legitimate aim of providing a new residential extension. The rights potentially engaged by this application, including including respect for your private and family life, home and correspondence are not considered to be unlawfully interfered with by this proposal.

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 Officers consider the proposed development to be acceptable in principle, of no significant harm to the character of the application site or surrounding area, or to residential amenity. The scheme is therefore considered acceptable.

11.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

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:

100; 101; 102; 103; 104; Site Location Plan; Design & Access Statement (NoP Ltd, 15th November 2017) received 20th December 2017.

SK97 Rev A received 18th May 2018.

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. (a) The rating level of the business operational noise (including any fixed plant) emitted from the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997.

(b) No development above ground shall be commenced until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.

(c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

4. No development above ground shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for the external construction of all building(s) are submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved and thereafter the development shall be constructed with the approved materials. In respect of the brickwork, full sample panels of the brickwork including colour, texture, face bond and pointing shall be provided.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and 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. Prior to any development above ground level a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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 Paragraphs 58 and 69 from the "NPPF" 2012, Policy 7.3 of the 'London Plan' 2016 DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

6. (a) Prior to any development above ground level a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.

(b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and

water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011).

7. The premises shall not be open to trade or business except between the hours of **06:00 and 23:00 Monday – Saturday**, and **10:00 and 22:00 on Sundays and Public Holidays**. No vehicles, plant or machinery shall be operated or any processes carried out and deliveries taken or dispatched from the site outside the above hours.

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 of the Development Management Local Plan (November 2014).

8. A minimum of **5** secure and dry cycle parking spaces shall be provided within the development as indicated on drawing no. **SK97 Rev A**. All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

9. The refuse storage shall be retained as shown on drawing no. **SK97 Rev A**.

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).

10. No repairs or mechanical operations shall take place outside of the buildings shown on drawings nos. **101, 102, 103 and 104**.

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 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).

11. No process shall be carried on nor machinery installed which could not be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

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 and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

12. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for B1 – Business/B8 – Storage and for no other purpose (including any other purpose in Class B of the Schedule to the Town

and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In order to safeguard the amenities of adjoining occupants and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

13. 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 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).

14. All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/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).

INFORMATIVES

- A. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised works on the highway is an offence.
- B. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a license is required and Streetcare should be contacted to make the necessary arrangements. Please note that unauthorised works on the highway is an offence.
- C. The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.

- D. **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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.