

Committee	PLANNING COMMITTEE B	
Report Title	110 WOOD VALE, SE23 3DY	
Ward	Forest Hill	
Contributors	Catriona Morgan	
Class	PART 1	10 th January 2019

<u>Reg. Nos.</u>	DC/18/107209
<u>Application dated</u>	16.05.2018
<u>Applicant</u>	Rapleys LLP on behalf of The Property Unit Ltd
<u>Proposal</u>	The change of use and the construction of an additional storey to the existing vehicle repair garage (Use Class B2) at the land to the rear of 110 Wood Vale SE23, in order to provide 7no. self-contained residential units (Use Class C3) together with associated elevational alterations, landscaping, bin storage and visitor cycle parking stands.
<u>Applicant's Plan Nos.</u>	049-01; 049-02; 049-03; 049-04; 049-05; 049-06; 049-07; 049-08; 049-011 P1; 049-012 P1; 049-013 P1; 049-014 P1; 049-015 P1; :049-016 P1; 049-017 P1; 049-018 P1; 049-019 P1; 049-020 P1; 049-021 P1; 049-022 P1; 049-023 P1; Planning Statement (Rapleys LLP, April 2018); Heritage Statement (Rapleys LLP, April 2018); 049-DA-01 P1 Design and Access Statement (Un Fold Architecture and Design, April 2018); Transport Statement R01B (Markides Associates, May 2018); Daylight and Sunlight Study (Right of Light Consulting, April 2018); Lighting Strategy (Detail Light, May 2018) received 18th May 2018; 049-031 P1 received 30th August 2018; 049-010 P2 received 2nd November 2018.
<u>Background Papers</u>	(1) Case File LE/342/110/TP (2) Local Development Framework Documents (3) The London Plan (2016) (4) The NPPF (2018)
<u>Designation</u>	Existing B2 Use PTAL 2 Forest Hill Conservation Area Forest Hill Article 4 Direction
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.1 The application relates to a vacant industrial building located in a backland site to the rear of Nos 112–124 Wood Vale. The site is approximately 420m². The site is surrounded by residential properties on its northern, western and southern boundaries, however some of the buildings on Wood Vale retain some shops/commercial premises at ground floor. To the east of the site lies a large electricity substation with adjoining open land. The application site is accessed via a private driveway known as Moonlight Drive, located between Nos 110 and 112 Wood Vale.
- 1.2 The building is currently vacant, however it was formerly in use as a Motor Garage (Use Class B2). Officers understand that the building has been vacant since July 2015. It is not a designated employment site.
- 1.3 The site is flat and level, however the ground level increases to the east and slopes downwards to the west of the site. There is a difference of approximately 2 metres in the ground level between the application site and Buckley Close to the north, with the application site sitting at a higher level. The boundaries of the site are made up of a steel palisade fence to the eastern (rear) boundary, a close boarded fence to the northern boundary, and a tall brick wall to the western (front) boundary.
- 1.4 The majority of the site is located within Forest Hill Conservation Area and is subject to an Article 4 Direction. The site is within close proximity to the Horniman Nature Trail, which is allocated as a Site of Importance for Nature Conservation, Metropolitan Open Land and part of the Green Chain. There is one listed structure in proximity of the site, the K2 Telephone Kiosk outside No.112 Wood Vale, as well as a number of listed structures in Camberwell Old Cemetery which is located on the opposite side of Wood Vale.
- 1.5 The site has a PTAL rating of 1b, based on a scale of 0-6b with 6b having the highest degree of accessibility to public transport. Honor Park Station is approximately 17min walk, Forest Hill Station 20min.

2.0 Planning History

Application Site

- 2.1 DC/17/104929 - The change of use and the construction of an additional storey to the existing vehicle repair garage (Use Class B2) at the land to the rear of 110 Wood Vale SE23, in order to provide 7no. self-contained residential units (Use Class C3) together with associated elevational alterations, landscaping, bin storage and visitor cycle parking stands – Refused 08/03/2018.
- 2.2 The application was refused for the following reason:
- The increased height and bulk of the enlarged building, would materially worsen the existing relationship between the present building and No. 8 Langton Rise, giving rise to an unneighbourly, overly dominant and overbearing form of development, which when viewed from the rear windows and the rear amenity space of this property would considerably increase the sense of enclosure.

- 2.3 PRE/17/102809 – Pre-application advice sought concerning the change of use of the motor garage to 8 flats.
- 2.4 DC/04/056538 - The construction of a two storey building, to provide a garage workshop, spray shop, MOT testing bay, reception and office area on the ground floor and part of the first floor of 110 Wood Vale SE23 – Granted 03/04/2008.

3.0 Current Planning Applications

The Proposal

- 3.1 This application relates to the change of use and construction of an additional storey to the existing vehicle repair garage (Use Class B2) in order to provide seven self-contained residential units (Use Class C3) together with associated elevational alterations, landscaping, bin storage and visitor cycle parking stands.
- 3.2 The proposed additional storey, in the form of a mansard with dormers, would increase the height of the building by approximately 1.3 metres, bringing the total height of the building to approximately 8.8 metres. Parapet walls extending to 9.1m high would be constructed from yellow London stock brick.
- 3.3 The additional storey would also increase the height and alter the roof form of the north-eastern section of the building, from 5m to 6.5 metres in height.
- 3.4 The proposal would also incorporate two extensions to the front of the building, measuring approximately 1.9 metres in depth, 4.5 metres in width and 7 metres in height. They would have flat roofs serving as roof terraces for the flats in the additional storey extension.
- 3.5 The proposed elevations of the building would have a modern design approach and use contemporary materials. The additional floor and dormers would be dark grey zinc standing seam cladding. The walls would be constructed from yellow London stock brick. The windows and doors would be aluminium-framed and the roof would be a dark grey zinc.
- 3.6 The proposal would deliver seven residential units, comprising four x one-bedroom units, two x two-bedroom units and one x three-bedroom unit.
- 3.7 Access would be from the existing front forecourt and Moonlight Drive that leads to Wood Vale.
- 3.8 The application proposes 10 cycle parking spaces for the occupants of the residential units, located within a cycle storage room near the entrance to the building; four visitor cycle parking spaces in the front forecourt.
- 3.9 Refuse and recycling would be located along the western boundary of the forecourt.

Supporting Documents

- 3.10 During the application process, the applicant submitted additional information with regards landscaping and lighting of the front forecourt and the external amenity spaces of the ground floor flats.

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 fifty-nine residents and business in the surrounding area, as well as the relevant ward Councillors in Forest Hill. The Council's Highways department, Environmental Protection department, Planning Policy Team and Conservation Officers were consulted. The Forest Hill Society were also consulted.
- 4.3 Five neighbouring properties and the Moore Park Residents Association have raised objection to the proposal.

Written Responses received from Local Residents and Organisations

- 4.4 The planning concerns raised by neighbouring residents are summarised below:

Overdevelopment of application site	Paras. 6.23 to 6.28
Overshadowing of rear gardens along Wood Vale	Paras. 6.62 to 6.69
Overlooking and loss of privacy to rear gardens along Wood Vale	Paras. 6.70 to 6.73
Increase in parking stress	Paras. 6.44 to 6.47
Impact on provision of daylight to properties along Wood Vale	Para. 6.74
Increased noise level as a result of the number of residential units proposed, as well as external terraces and increased use of Moonlight Drive	Para. 6.75
Proposal not in keeping with the character of the Forest Hill Conservation Area	Para. 6.25
Loss of unit suitable for employment	Paras. 6.6 to 6.9

Written Responses received from Statutory Agencies

- 4.5 Highways raised no objections to the proposal, subject to conditions in relation to the provision of a Waste Management Strategy, a Delivery and Servicing Plan and a Construction Management Plan.
- 4.6 The Planning Policy Team and Environmental Protection department have made no comments.
- 4.7 The Forest Hill Society have made no comment.

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.

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

5.3 S.72 of the Planning (Listed Building and Conservation Areas) Act 1990 gives Local Planning Authorities particular duties in respect of preserving or enhancing the character or appearance of Conservation Areas.

National Planning Policy Framework (NPPF) 2018

5.4 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.

5.5 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)'.

5.6 Officers have reviewed the Core Strategy and Development Management Local Plan 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 213 of the NPPF.

National Planning Practice Guidance 'NPPG' (2014 onwards)

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

Technical housing standards – nationally described housing standard (DCLG, March 2015).

London Plan (March 2016)

5.8 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 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 3.9 Mixed & Balanced Communities
Policy 4.4 Managing industrial land and premises
Policy 5.3 Sustainable design and construction
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.2 An inclusive environment
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

The policies in the draft London Plan of relevance to this application are:

Policy GG1 Building strong and inclusive communities
Policy GG4 Delivering the homes Londoners needs
Policy D1 London's form and characteristics
Policy D2 Delivering good design
Policy D4 Housing quality and standards
Policy D6 Optimising density
Policy D7 Public realm
Policy H1 Increasing housing supply
Policy H2 Small sites and small housing developments
Policy H12 Housing size mix
Policy HC1 Heritage conservation and growth
Policy T5 Cycling
Policy T6 Car parking

London Plan Supplementary Planning Guidance (SPG)

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

- [Sustainable Design and Construction](#) (April 2014)
- [Accessible London: Achieving an Inclusive Environment](#) (October 2014)
- [Housing](#) (March 2016)

Core Strategy (June 2011)

5.10 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 2 Regeneration and Growth Areas
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 5 Other 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
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan (November 2014)

5.11 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:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 4	Conversions of office space and other B Use Class space into flats
DM Policy 11	Other employment locations
DM Policy 22	Sustainable design and construction
DM Policy 25	Landscaping and trees
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 28	Contaminated land
DM Policy 29	Car parking
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

6.0 Planning Considerations

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

- Principle of Development
- Design
- Standard of Accommodation
- Highways and Traffic Issues
- Impact on Adjoining Properties
- Sustainability and Energy

Principle of Development

- 6.2 Core Strategy Policy 5 outlines that the Council will protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations. However, the policy also considers that other uses including residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.
- 6.3 DM Policy 4 supports this policy and states that the Council will support the conversion of office space and other B Use Class space into self-contained flats in the following circumstances:
- a. the proposal does not conflict with other policies in relation to employment floorspace (DM Policies 9, 10, 11)
 - b. the proposal meets the standards set out for residential development in DM Policy 32 (Housing design, layout and space standards)
 - c. the proposal achieves a good living environment with adequate access, parking and safety standards, refuse storage and collection arrangements.
- 6.4 DM Policy 11 requires when an employment or retail building does not propose job creation or retention as part of the proposal, the council will require evidence that a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent has been undertaken; reflecting the market value at the time. The London Plan SPG 'Land for Industry and Transport' (September 2012) considers the time period for this should be at least for two years.

Loss of the B2 Employment Unit

- 6.5 The application site has a lawful B2 use, and was previously in use as a Motor Garage however is currently vacant.
- 6.6 The application is supported by a number of letters from Kirklands Estate Agents in relation to the marketing of the site. A letter dated 9th October 2017 states that the building was advertised and marketed as an available commercial property from 31st July 2015 until 9th August 2017. The letter details that whilst some interest was generated in the building for use as a Motor Garage, this resulted in very few viewings, and none of the viewings proceeded further. The letter dated 9th October 2017 and a letter dated 30th October 2017 argue that the building was marketed without success, and notes a number of reasons why the site has proven to be unattractive to potential users. To summarise, this was due to its proximity to residential properties, a difficult access road (narrow with a 90 degree turn), and poor visibility with the property hidden from view.
- 6.7 Whilst not directly relevant to this proposal, part 1 of DM Policy 11 sets out a number of site characteristics and factors to be taken into account when assessing whether a B use is compatible with the surrounding built context. In their Planning Statement, the applicant has considered each factor in turn:
- The site is not well related to the highway network. Moonlight Drive is very tight and narrow with a sharp left-hand turn to access the site. It would be

impossible for two cars to pass each other, let alone a larger transit or light goods vehicle, or even a car transporter. Vehicles larger than a car would have difficulty negotiating the sharp left-hand turn, and if a pick up vehicle was towing a car to the site for repair, this would prove very problematic;

- The site is not located close to a town centre, and has a PTAL rating of 1b (very poor). It is not well located in relation to other shops, services and public transport;
- There is little potential for expansion of a business that might occupy the premises, given that the building encompasses almost the entire footprint of the application site. The only real possibility for expansion is to create more floorspace above the first floor, and this would not suit a B2 or light industrial user;
- The marketing exercise revealed that there was little substantive interest in the use of the site by other SME's;
- Again, the marketing details demonstrated that there was little interest as low cost accommodation suitable for small start-up businesses.

6.8 In light of the above, Officers accept that the building is not compatible with its surrounding built context. The marketing evidence submitted details that the use of the premises as a commercial unit is unattractive to potential users. As such, it is considered that the loss of the B2 unit within this predominately residential area is justified and would meet the requirements of Core Strategy Policy 5 and DM Policy 11 of the Development Management Local Plan.

Provision of a C3 Use

6.9 As outlined above, DM Policy 4 supports the conversion of B Use Class space into self-contained flats in certain circumstances. The proposal does not conflict with DM Policy 11, and therefore meets part a. of this policy.

6.10 The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment.

6.11 Locally, Core Strategy Policy 1 Housing provision, mix and affordability sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space and other infrastructure requirements (such as transport links).

6.12 The proposed development would result in the creation of seven new residential units, on a site that is located within a predominately residential area. As such, the provision of residential accommodation is considered to be acceptable in principle subject to design, neighbouring amenity, provision of a good standard of accommodation for occupants and the impacts on highways.

- 6.13 The proposal would make the most efficient use of the land in providing new residential units that would make a small but significant contribution to Lewisham's housing need. This is a planning merit to which moderate weight is given, accounting for the accessibility of the site.

Design

- 6.14 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 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.
- 6.15 Paragraph 185 of the NPPF states that new development within a Conservation Area should make a positive contribution to local character and distinctiveness. Paragraph 189 of the NPPF requires a significant weight to be given to the conservation of designated heritage assets and noted that significance can be harmed or lost through unsympathetic development.
- 6.16 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.
- 6.17 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, which include conservation areas, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.18 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 6.19 DM Policy 31 requires development proposals for alterations to be of a high, site specific and sensitive design quality and to respect and/or complement the form, setting period, architectural characteristics and detailing of the original building, including external features such as chimneys and porches. High quality matching or complementary materials should be usedm appropriately and sensitively in relation to context.
- 6.20 DM Policy 36 aims to manage new development affecting designated heritage assets in a manner that sustains and enhances their heritage significance, including the contribution of their setting.
- 6.21 The Forest Hill Conservation Area appraisal refers to No.110 Wood Vale (once a hotel), as it provides a prominent focal point in the area in terms of scale and architectural detailing. The appraisal states that as a group with No.110, the Victorian terrace of No.s 112 – 122 make a strong impression on the streetscene.

Extensions and Alterations to Building

- 6.22 The northern elevation of the building is partially visible from Buckley Close. However, the views are highly limited and the application site is not visible from the wider public realm. The proposed additional storey extension would largely follow the footprint of the existing double-height workshop area. The additional floor would take the form of a mansard roof extension with dormer windows, with the flank elevations of the building extended upwards to form parapet walls.
- 6.23 The terrace row No.s 112 – 122 Wood Vale are three storeys in height, and No.110 Wood Vale is four storeys high including dormer windows in the roof. No.8 Langton Rise is two storeys in height and the buildings in Moonlight Drive (No.s 1 - 3 fronting Langton Rise) are three storeys in height including dormer windows in the roof.
- 6.24 When viewed from Moonlight Drive, the scale and massing of the proposed development would appear comparable and appropriate to the buildings along Moonlight Drive. Officers consider that, due to its height, the proposed development does not successfully reflect its subordinate position in relation to the frontage buildings along Wood Vale, which are in the Conservation Area. This notwithstanding, any harm to the Conservation Area would be minimal given its backland location.
- 6.25 Further it is considered that the use of a zinc-clad mansard roof with dormer windows helps to reduce the bulk and scale of the proposed extension and read as sympathetic to the buildings in the immediate vicinity.
- 6.26 When viewed from Buckley Close, the scale and massing of the proposed extension would appear appropriate in relation to the scale of the main part of the host building. Further, the setbacks of the extension from the northern and eastern elevations helps to reduce the bulk and scale of the proposed extension and read as a subordinate addition.
- 6.27 The two proposed front extensions are considered to be modest in scale given their depth, width and the fact that they would be no greater than two storeys in height. They are considered to be subservient to the host building and the walls of the extensions would be constructed from yellow London stock brick, similar to the existing.
- 6.28 Several windows would be installed. These would be grey finished metal framed units and the dormer windows would be zinc-clad.
- 6.29 The proposed alterations are of a contemporary design, adding visual interest to the existing building and enhancing its appearance while reflecting its proposed residential use.

Landscaping and Lighting of Front Forecourt

- 6.30 The applicant has submitted a landscaping and lighting plan for the front forecourt and external amenity spaces of the ground floor flats. The lighting would add to the perception of safety when accessing the site while not resulting in harmful glare or spill and is acceptable.

- 6.31 With regards hard and soft landscaping, Officers consider that enhanced soft landscaping should be introduced to soften the hard edges that surround the forecourt and increase permeability. These details can be secured by condition. Due to the historic use of the site, details of site investigation and remediation are recommended by condition to ensure the site is safe.

Summary

- 6.32 In accordance with paragraph 196 of the NPPF, the development would result in less than substantial harm and would have some limited wider public benefits in the provision of new homes to meet Lewisham's need while making the most efficient use of the site.
- 6.33 As such, the proposed roof extension is considered to be acceptable and would preserve the character of the Conservation Area.

Standard of Accommodation

- 6.34 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 neighbourhoods".

London Plan Policy 3.5 sets out the minimum floor space standards for new houses relative to the number of occupants. With regards to unit type and size, the development seeks to deliver four one-bedroom two person units, two two-bedroom three-person units and one three-bedroom five-person unit.

- 6.35 The proposed units would achieve the minimum Gross Internal Areas (GIA) and bedroom size thresholds. The level of storage provided is also policy compliant and floor to ceiling height would be in excess of 2.3 metres.
- 6.36 Four of the proposed units would not be dual aspect, however Officers acknowledge that the nature of the building means that this is not possible for all of the units; none of those units would face directly north (thus achieving acceptable daylight) nor any directly south (thus avoiding overheating).
- 6.37 Additionally, a number of bedrooms would be served by angled windows on the eastern elevation of the building. The rear boundary of the site is a 1.9 metre high metal railing fence, and this would be retained with the current proposal. However it is noted that these windows would be full-length and would be set back from the rear boundary of the site by approximately 0.75 metres. Further, the bedrooms served by these angled windows would be within dual aspect flats. Of more weight is the use of the site to the east: this is open land to the rear of the electricity substation. The likelihood of future development that would further hinder outlook is low. Therefore and on balance, Officers consider that in this

instance, the use of angled, full-length windows for bedrooms would provide an acceptable outlook.

- 6.38 The London Plan Housing SPG states that a minimum of 5sqm of private outdoor amenity space be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The private outdoor amenity space for each of the proposed units would meet this requirement. The terraces for the upper floor flats would be recessed within the elevations to ensure privacy to potential occupants.
- 6.39 Officers are satisfied the design and layout of the proposed flats would be suitable and the proposal would provide an appropriate standard of residential accommodation in accordance with the above policies.

Highways and Traffic Issues

- 6.40 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.
- 6.41 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.
- 6.42 The site is not well connected to the wider public transport network with a PTAL rating of 1b (very poor). It is more than 15mins walk to train stations. However, numerous bus services and day-to-day amenities are less than 5mins walk, so it is a suitable site for residential use.

Car Parking

- 6.43 The application does not propose any off-street parking spaces within the proposed development.
- 6.44 DM Policy 29 sets out criteria for the acceptability of new car limited major development.
- 6.45 The applicant has submitted a Transport Statement and parking stress survey with the application. The parking survey encompassed neighbouring roads surrounding the application site, namely Langton Rise, Underhill Road, Westwood Park and Wood Vale. The parking survey undertaken shows that there is sufficient unoccupied kerb length to accommodate an average additional 112 vehicles between 01:00-05:00 and an additional 83 vehicles at 10:00. The likely parking demand for the development, based on the most recent census car ownership data, would be for five car parking spaces. Therefore, Officers accept the evidence submitted demonstrates there is sufficient capacity to accommodate this additional demand. There are bus stops approximately a 1 minute walk from the

application site serving areas between Crystal Palace and Elephant and Castle and amenities within walking distance on Forest Hill Road.

- 6.46 Consequently, despite the application site having a low PTAL rating, there are no in principle objections to a car free development.

Cycle Parking

- 6.47 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 one-bedroom flat should provide 1 cycle parking space, and 2 cycle parking spaces should be provided per all other dwellings.

- 6.48 The application proposes 10 cycle parking spaces for the residential units, which would be located within a cycle storage room near the entrance to the building. These spaces would be covered, secure and fully enclosed. The application also proposes four visitor cycle parking spaces in the front forecourt.

- 6.49 The proposed cycle parking is considered acceptable.

Access

- 6.50 The Transport Statement states that Moonlight Drive is a private cul-de-sac that provides access to the existing B2 unit and residential dwellings. The drive operates as a shared surface, with the only current vehicular reliance being that associated with the existing B2 unit given the existing residential units have no car parking.

- 6.51 The applicants have confirmed that Moonlight Drive has already benefited from improvements to the pedestrian environment as a result of the implementation of permission DC/14/089685. These improvements included resurfacing the route with gravel and installing lighting. The route benefits from natural surveillance via the existing occupied units on Moonlight Drive. The applicant has also submitted a proposed landscape and lighting strategy for the front forecourt of the application site, detailing how this area would be attractive and accessible for occupants of the proposed units. From a Highways perspective, these details are considered acceptable. Further details with regards soft landscaping can be secured by condition.

Waste Management

- 6.52 The application proposes that refuse and recycling bins for each residential unit would be stored along the western boundary of the front forecourt of the application site. On collection day, occupants would transfer bins to the same collection point used by existing residents on Moonlight Drive. Refuse vehicles would remain on the Wood Vale carriageway. The applicant has submitted a revised proposed site plan detailing that additional bins can be accommodated temporarily on Moonlight Drive on collection day, adjacent to the provision associated with the existing units without blocking pedestrian access on Moonlight Drive. A detailed Waste Management Strategy can be secured by condition.

Delivery and Servicing

- 6.53 The proposed development will generate some servicing activity, and details would be required of where loading activity associated with the proposed development would occur. These details would identify if waiting restrictions are required on Wood Vale to ensure the proposed development can be adequately serviced. A Delivery and Servicing Plan can be conditioned.

Construction Management Plan

- 6.54 Given the proximity of the existing residents who share the Moonlight Drive access with the application site, a Construction Management Plan is required. This can be secured by condition.

Impact on Adjoining Properties

- 6.55 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).
- 6.56 LP7.6(b)(d) requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing.
- 6.57 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 6.58 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.
- 6.59 The Council has published the Residential Standards SPD (2012) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.
- 6.60 The main properties to consider in an assessment of the impacts of the proposal upon residential amenities are No.s 112 – 126 Wood Vale, No. 11 Buckley Close, No.7 Moonlight Drive and No.8 Langton Rise.

Enclosure and Outlook

- 6.61 To the west, there are a row of outbuildings which separate Nos 112 – 120 Wood Vale from the application building. The building is set back from the rear boundaries of Nos 112 – 122 Wood Vale by approximately 17.8 metres and from the nearest rear elevation by at least 24 metres.
- 6.62 The site adjoins the rear boundaries of No.124 and No.126 Wood Vale. The building is set back 33 metres from the rear elevations of these properties.
- 6.63 Given the significant separation distances, it is not considered that the proposed extensions would be overbearing.

- 6.64 No.11 Buckley Close is approximately 11 metres to the north-east of the building, at an oblique angle. Given the separation distance and modest increase in the height of the roof, the extension is not considered to be overbearing.
- 6.65 No.7 Moonlight Drive, a recent construction, has a small rear garden located along the south-eastern boundary of the application site. The proposed additional storey would increase the height of the building along the side boundary of No.7 by approximately 1.4 metres. Given the existing relationship between the host building and No.7, Officers do not consider that the proposed development would have a materially harmful impact upon the occupants of No.7 to the extent that this scheme ought to be refused, when balanced against the merit of making the most efficient use of the site. Further, the submitted Daylight and Sunlight study confirms that the proposed development would not significantly worsen the results of the BRE overshadowing to gardens and open spaces test with regards to No.7 Moonlight Drive.
- 6.66 The site encloses the rear boundary and part of the side boundary of No.8 Langton Rise. The building is set back from the rear elevation of No.8 by approximately 8.5 metres.
- 6.67 The previously refused application (ref. 17/104929) proposed an additional storey extension to the building, however this extension proposed to cover the entire footprint of the host building. As a result the extension would have increased the height of the building along the side and rear boundaries of No.8, and Officers considered that this would give rise to an unneighbourly development. The current proposal has been revised so that the extension does not extend over the rear part of the building and therefore does not change the building along the rear boundary of No.8. As a result, Officers consider that the reason for refusal of the previous application has been overcome, as the extension would not significantly impact upon outlook from the rear windows of No.8, and there would be no material increase to the sense of enclosure.
- 6.68 The proposed additional storey extension would increase the height of the building along the side boundary of No.8 by approximately 1.8 metres for a depth of approximately 4 metres, however given the mansard roof form the roof would slope away from the neighbouring garden. Given the existing relationship between the host building and No.8, Officers do not consider that the proposed additional storey extension would have a materially harmful impact on the occupants of No.8 to the extent that this scheme ought to be refused, when balanced against the merit of making the most efficient use of the site.
- 6.69 In summary, the development would not, on balance, unacceptably enclose the outlook of neighbouring residents.

Privacy

- 6.70 The Council's Residential Standards SPD recommends that there should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations.
- 6.71 From the front elevation, the distances to Wood Vale properties exceed this distance.

- 6.72 The application proposes the installation of windows and doors and the provision of two terraces in the north-eastern elevation of the building. Given that No.11 and the other properties on Buckley Close are at an oblique angle to the application building, the proposal is not considered to result in a material loss of privacy or increased overlooking to neighbouring residents. The angled windows on the eastern elevation are sufficiently far also to not have an effect.
- 6.73 No windows are proposed that would affect No. 7 Moonlight Drive or No. 8 Langton Rise.

Daylight and Sunlight

- 6.74 The applicant has submitted a Daylight and Sunlight study produced by Right of Light Consulting, which assesses the impact of the development on the light receivable by neighbouring properties at No. 8 Langton Rise, No.7 Moonlight Drive and No.11 Buckley Close. The results of the study found that the proposed development would have a low impact on light receivable by the immediate neighbouring properties, and such impact would not be materially harmful. Further, the report confirms that the development design satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'. Officers do not contest the results of the survey and are satisfied the proposal would not materially harm the daylight and sunlight to adjoining properties.

Noise and Disturbance

- 6.75 Concerns have been raised by local residents in relation to the potential increase in noise resulting from the proposed development. The existing building could be used for general industrial uses without further planning permission. This fallback position has a far greater potential to generate harmful levels of noise and disturbance than a residential use. Officers consider that the proposed residential use would not generate a harmful degree of noise disturbance for other existing residential units in the area.

Sustainability and Energy

- 6.76 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. The NPPF requires planning policies to be consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
- 6.77 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 6.78 For schemes of this scale, sustainability requirements have been absorbed into Building Regulations meaning the applicant does not have to comply with any particular sustainability requirements at this stage of the development process.

Environmental Matters

Contamination

6.79 DM Policy 28 aims to ensure that any land known or suspected of being contaminated is dealt with before the development commences, to minimise and mitigate any harmful effects to human health and the environment.

6.80 The site was previously used as a motor garage; this use indicates a risk of site contamination. Officers consider it is reasonable to condition further investigation to determine the contamination risks.

7.0 Local Finance Considerations

7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.

7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 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 unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
- (c) foster good relations between people who share a protected characteristic and persons who do not share it.

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
- Peaceful enjoyment of one's property

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 Convention 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 new residential accommodation. The rights potentially engaged by this application, including respect for private and family life, home and correspondence and peaceful enjoyment of one's property 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, and it is considered that the application complies with all such policies.

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. Where less than substantial harm has been identified, this is outweighed by the weight given to the planning merit of providing new homes and making the most efficient use of land. 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:

049-01;
049-02;
049-03;

049-04;
049-05;
049-06;
049-07;
049-08;
049-011 P1;
049-012 P1;
049-013 P1;
049-014 P1;
049-015 P1;
049-016 P1;
049-017 P1;
049-018 P1;
049-019 P1;
049-020 P1;
049-021 P1;
049-022 P1;
049-023 P1;

049-031 P1 received 30th August 2018.

049-010 P2 received 2nd November 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. No development **above ground** shall commence on site until a detailed schedule and specification/samples of all external materials and finishes to be used on the extensions hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

4. (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the **above ground** works.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

5. (a) Details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development.
- (b) The approved details shall be carried out in full prior to first occupation of development and retained thereafter.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, 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).

6. (a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

7. No development whatsoever 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 approved Construction Management Plan shall be implemented in full in accordance with the approved details. 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 requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).
- (g) 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.
- (h) 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 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).

8. (a) No development or phase of development (including demolition of existing buildings and structures, **except where enabling works for site investigation has been agreed by the local planning authority**) shall commence until :-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

9. (a) Details of the proposed boundary treatments for the private gardens, including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.

(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).

10. All cycle parking spaces shall be provided prior to occupation of the development and thereafter retained as shown on drawing no. **049-11**.

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).

11. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in the **northern and southern** elevations of the building other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with 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).

12. The whole of the amenity space (including roof terraces and balconies) as shown on drawing nos. **049-11, 049-12, 049-13** hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

INFORMATIVES

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: -
<http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- C. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- D. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.