

Committee	PLANNING COMMITTEE B	
Report Title	109-111 Kirkdale, SE26	
Ward	Forest Hill	
Contributors	Amanda Ghani	
Class	PART 1	28 February 2019

<u>Reg. Nos.</u>	(A) DC/18/106154
<u>Application dated</u>	05/03/18
<u>Applicant</u>	Mr Mansoor Drawing and Planning Ltd on behalf of Mr Alsen
<u>Proposal</u>	The demolition of the existing buildings at 109-111 Kirkdale SE26 and the construction of a part 3/part 4 storey plus basement building (fronting Kirkdale), incorporating terraces and balconies to provide two retail units (Use Class A1), 3 one bedroom self-contained flats and 1 two bedroom self-contained flats plus internal cycle storage and bin stores.
<u>Background Papers</u>	(1) Case File LE/240/109/TP (2) Local Development Framework Documents (3) The London Plan (4) The NPPF
<u>Designation</u>	Existing Use – A1 Retail, PTAL 4

## 1.0 Summary

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

- there is one or more objection from a recognised residents' association or community/amenity group within their area

## 2.0 Property/Site Description

- 2.1 The application site comprises two, two storey properties located on the northeast side of Kirkdale, within a small parade providing ground floor commercial activity. No. 109 is currently vacant, with associated storage above and a large timber shed at the rear. No. 111 is in use as a bike shop, with self-contained residential accommodation at the rear and first floor.
- 2.2 The surrounding area provides a mix of commercial and residential uses. To the north of the site are retail units with residential above; whilst to the south is an

adjoining empty commercial unit with two storeys of residential above. On the opposite side of Kirkdale is a four-storey block of flats called Denham Court. There are two storey retail properties with residential above on either side of Denham Court.

- 2.3 To the rear of the application site is a narrow vehicular/ pedestrian route accessed from Willow Way, whilst to the east of that is a vacant site that was formerly occupied by council offices and depots.
- 2.4 The application site provides no off-street parking spaces. Public transport within the immediate area is good, with a number of bus routes operating along Kirkdale and Dartmouth Road, whilst Sydenham Train Station lies within walking distance. The PTAL (Public Transport Accessibility Level) rating for the area is 4.
- 2.5 The Halifax Street Conservation Area lies 10 metres away from the application site on the opposite side of Kirkdale. There are a number of listed buildings in the near vicinity, including 124-128 and 134-146 Kirkdale. The former Woodman Public House is located on the south-west corner of Kirkdale, opposite the subject site and is locally listed.

### **3.0 Planning History**

- 3.1 In 2004, planning permission (DC/04/057353) was refused for the demolition of the existing building at 111 Kirkdale, and the construction of a part three/ part four storey building comprising 2, self-contained studio flat, 1, one bedroom and 1, two bedroom flat. The application was refused under delegated powers. The reasons for refusal were:

*The proposed building, by reason of its overall height and bulk and relationship to adjoining buildings would represent an obtrusive form of development detrimental to the amenities of neighbouring residential occupiers in terms of loss of daylight and outlook.*

*The proposed development would be of insufficient design quality for this location. The front façade would not relate well to the street and would not present an active frontage to Kirkdale, detrimental to the visual amenities and character of the locality and the Kirkdale street scene.*

*The layout would provide substandard accommodation for the occupiers of the proposed building, particularly Flat A on the ground and first floors, by virtue of lack of daylight and outlook.*

*The proposal contains limited on-site parking and this is likely to encourage additional on-street car-parking demand in Kirkdale and Willow Way and surrounding streets, which could be detrimental to the free flow and safety of traffic.*

- 3.2 In 2009, (DC/09/072209) a planning application was submitted proposing the demolition of the existing buildings and the construction of a part three/part four-storey plus basement building (fronting Kirkdale) to provide office and retail units on the ground floor and 3 three bedroom self-contained flats, incorporating terraces and balconies, together with a three storey plus basement building at the rear to provide 2 two bedroom self-contained flats and 1 three bedroom self-

contained maisonette, with a shared courtyard and amenity space, provision of 6 bicycle spaces and internal bin stores.

- 3.3 The application was refused at Planning Committee for the following reason:

*The proposed development, by reason of its scale, design and close proximity of the buildings would be out of keeping with the street scene, result in lack of privacy between facing habitable rooms within the development and would constitute overdevelopment of the site, contrary to Policies URB 3 Urban Design and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan 2004 and the Residential Standards Supplementary Planning Document 2006.*

- 3.4 In 2012, a planning application (DC/12/079479) was submitted for the demolition of the existing buildings at 109-111 Kirkdale SE26 and the construction of a part 3/part 4 storey plus basement building (fronting Kirkdale), incorporating terraces and balconies to provide one retail unit and 3 three bedroom self-contained flats, together with a three storey plus basement building at the rear to provide 2 two bedroom self-contained maisonettes with a central courtyard and amenity space, provision of 6 bicycle spaces and internal bin stores.

- 3.5 The application was refused under delegated powers for the following reason:

*The proposed rear building, by reason of scale, height and siting, contributes to an unacceptable overdevelopment of the site, lying in close proximity of the proposed building fronting Kirkdale, whilst providing sub-standard residential accommodation within the basement by way of poor outlook, lack of natural light and sense of enclosure, together with the provision of single aspect windows on the upper floors, contrary to Objective 10: Protect & Enhance Lewisham's Character & Policy 15: High Quality Design for Lewisham of the adopted Local Development Framework - Core Strategy (June 2011) and saved policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the Council's Unitary Development Plan (July 2004).*

- 3.6 This application was subsequently dismissed at appeal. The Inspector concluded that on balance the proposal would not provide acceptable living conditions for the incoming occupiers of the rear 3 storey block with basement to Willow Way. There would also be an identifiable shortfall with respect to Objective 10 in the Lewisham Core Strategy (2011), which seeks high standards of urban design and residential quality.

- 3.7 In 2016 an application (DC/16/098846) was submitted for the demolition of the existing buildings at 109-111 Kirkdale SE26 and the construction of a part 3/part 4 storey plus basement building (fronting Kirkdale), incorporating terraces and balconies to provide one retail unit and 6 one bedroom self-contained flats and internal bin stores. The application was refused under delegated powers for the following reasons:

- 3.8 *The proposed development by reason of proposed height, massing, design and plot coverage would fail to integrate successfully with the existing terrace appearing as an incompatible and incongruous addition to the Kirkdale street scene; significantly harming the character and appearance of the host terrace and surrounding area contrary to Policy 15 High quality design for Lewisham of the*

Core Strategy (2011), DM Policy 30 Urban design and local character and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2015).

- 3.9 Due to the lack of provision of any amenity space for two of the proposed units (2 and 4), the undersized amenity space for units 1,3 and 6, and the failure to meet the Housing SPG's requirement with regard to balcony depth, the proposed development would provide inadequate outdoor amenity space, giving rise to substandard residential accommodation contrary to standards 26 and 27 of Mayor of London's Housing Supplementary Planning Guidance, Policy 3.5 Quality and design of housing developments of the London Plan (2016), DM Policy 32 Housing design, layout and space and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2015).
- 3.10 The applicant has failed to demonstrate the capability of the application site to provide cycle storage in accordance with Standard 20 of the Mayor of London's Housing Supplementary Planning Guidance (2016), Policy 6.9 Cycling of the London Plan (2016), including table 6.3, and Core Strategy Policy 14 Sustainable Movement and Transport (2011).
- 3.11 The applicant has failed to demonstrate the capability of the application site to provide adequate refuse and recycling storage and collection arrangements in accordance with Standards 22 and 23 of the Mayor of London's Housing Supplementary Planning Guidance (2016).
- 3.12 In summary, the main differences between the current proposal and previous refused applications include a reduction in height on the Kirkdale frontage from four to three storeys along with a reduction in the number of residential units being proposed. Previous applications DC/09/072209 and DC/12/079479 proposed a courtyard between two blocks of development; whereas the current application is for one tiered building.

#### 4.0 The Proposal

The proposal would include the demolition of the adjoining properties at nos. 109-111 Kirkdale and associated structures to the rear. To the front of the site, a part three/part four storey plus basement building would be constructed, incorporating terraces and balconies to provide two retail (Use Class A1) units with ancillary office space; 3, one bedroom self-contained flats and 1, two bedroom self-contained flats; ancillary storage facilities at lower ground and basement levels.. The storage areas would be capable of being used independently as the two lower floors would be accessible from the rear of the building.

The application proposes cycle and bin storage to the rear of the lower ground floor.

#### 4.1 Unit sizes/types (table 1.1)

	Unit type	Unit size (GIA)	Room Sizes	Floor ceiling heights to	Private amenity space
Unit 1.01	2B3P	77.14sqm	Bed 1 –	2.5m	8.23sqm

			17.4sqm Bed 2 – 11.82sqm		
Unit 1.02	1B2P	58.12sqm	Bed 1 – 17.48sqm	2.5m	4.30sqm
Unit 2.01	1B2P	52.70sqm	Bed 1 – 11.50sqm	2.5m	8.56sqm
Unit 2.02	1B2P	57.70sqm	Bed 1 – 13.02sqm	2.5m	4.3sqm
Unit C1	Commercial unit	203.34sqm		2.7m	
Unit C2	Commercial unit	158.35sqm		2.7m	

#### 4.2 Proposed Materials

The frontage would incorporate large areas of glazing on all three floors. Glazing to the first and second floors would be in the form of bi-folding, aluminium framed doors set behind Juliet balconies. The shop windows and windows to the rear would be powder coated aluminium framed. Access to the residential units is via a communal front door between the two shop fronts with separate entrances to the retail units at either far end of the frontage.

The ground floor would be faced in IB Stock brick, Staffordshire Slate Blue Smooth, The upper floors in IB Stock brick New Ivanhoe Cream

The flat roofs would be felt covered, apart from the two lower level roofs, which would be green.

#### 5.0 Consultation

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 met those required by the Council's adopted Statement of Community Involvement.

- 5.1 Site notices were displayed and letters were sent to residents and business in the neighbouring area and the relevant ward Councillors. The Forest Hill Society and Sydenham Society and Thames Water were also consulted along with the Council's Highways and Environmental Sustainability Officers.
- 5.2 One objection was received from a neighbouring property and the other from the Sydenham Society in relation to the scheme as originally proposed. The main points of the objections are outlined below:

## Written Responses received from Local Residents and Organisations

### 5.3 Neighbour objection

No site notice displayed. The development is an exercise in developing and making money out of the proposed upper floors rather than providing usable commercial units at ground floor

### 5.4 The Sydenham Society has listed a number of planning policies in support of their objections and the following summarised reasons as outlined in their objection to DC/16/098846 for a similar proposal on site:

- No site notice displayed.
- Loss of historically important buildings.
- Inadequate/confusing plans and drawings. (plans say not to be scaled; no design and access statement, no side elevations, no site levels, should be classed as major development)
- Over development - out of keeping in terms of size and density.
- No indication of what two basement floors will be used for
- One bed flats offer no room for families and existing family will loose home.
- Not wheelchair accessible.
- Overbearing to the property at 107 in terms of loss of light and outlook and sense of enclosure and privacy
- Appear oppressive for pedestrians
- No fire escape from flats
- Incongruous design - strange lightwell.
- Poor outlook from rear of flats  
Neighbours garden will be overlooked
- Bin stores at front entrance conflict with local arrangements regarding refuse collection.
- Fear that shop units won't be let and consequently turned into residential accommodation.

### 5.5 Matters including the quality of drawings and emergency access are not material planning considerations. The remainder of the above comments have been addressed in the main body of the report.

## 6.0 Policy Context

### Introduction

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.

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 (NPPF) 2018

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.

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)'.

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 211, and 215 of the NPPF.

### National Planning Practice Guidance 'NPPG' (2014 onwards)

On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas

### The Development Plan

The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan together constitute the borough's Development Plan.

### London Plan (March 2016)

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). The Mayor published proposed modifications to the Draft Plan in August 2018. The document is at an early stage in the process and has some limited weight as a material consideration when determining planning applications. The policies in the current adopted London Plan (2016) relevant to this application are:

- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 4.2 Offices

Policy 4.3 Mixed use development and offices  
Policy 4.9 Small shops  
Policy 5.3 Sustainable design and construction  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.18 Construction, excavation and demolition waste  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.19 Biodiversity and access to nature conservation

It is not considered that there are any policies in the draft London Plan which are particularly relevant to the determination of this application.

#### London Plan Supplementary Planning Guidance (SPG)

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

[Housing](#) (March 2016)

#### Core Strategy (June 2011)

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 3 District Hubs

Spatial Policy 4 Local Hubs

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 6 Retail hierarchy and location of retail development

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 10 Managing and reducing flood risk

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 (November 2014)

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 2 Prevention of loss of existing housing

DM Policy 11 Other employment locations



DM Policy 16	Local shopping parades and corner shops
DM Policy 22	Sustainable design and construction
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

#### Residential Standards Supplementary Planning Document (2006, updated 2012)

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

#### Shopfront Design Guide Supplementary Planning Document (March 2006)

This document seeks to promote good design in order to enhance the character and appearance of the borough as a whole. The guide advises on the use of sensitive design and careful attention to detail and that whilst shopfront design encompasses a wide variety of styles and details there are certain basic rules that apply everywhere.

## **7.0 Planning Considerations**

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

- Principle of Development
- Design
- Standard of Accommodation
- Commercial units
- Transport Impact
- Impact on Adjoining Properties
- Sustainability and Energy

### Principle of Development

The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

Policy 3.3 Increasing Housing Supply of the London Plan (2016) establishes a housing target for the Borough of 13,847 additional dwellings of the plan period 2015-2025. A target revision in the draft London Plan increases this number to 21,170 additional dwellings within the plan period 2019-2029.

The policy requires such additional homes to be in accordance with other policy objectives within the London Plan such as Policy 3.5 Quality and design of housing developments. The Core Strategy outlines how the Council proposes to meet and exceed these targets, with the majority reached through strategic site allocations within major town centres. However, it is noted that smaller infill sites would also add to the Council's housing objectives.

The NPPF states that preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

- 7.6 The architectural nature of the parade has changed significantly in recent years. The application site is comprised of a projecting frontage at ground floor, with the first floor set-back 3 metres. Other properties share this appearance, however the two properties adjoining the site have been extended to be two or three storey at the back edge of the pavement. Nos 245-249 Dartmouth Road at the corner of the parade and 251 Kirkdale were granted permission in the mid-2000s to be extended at the upper levels, both providing self-contained flats. The permissions have been implemented.
- 7.7 Whilst the character and appearance of the existing buildings are acknowledged, it is considered that their influence within the streetscene have been diminished as a consequence of the adjoining properties having been rebuilt to a significantly greater height. Moreover, the existing properties have not merited statutory or local listing and are not considered undesignated heritage assets. As such, there is no objection to their removal.
- 7.8 The proposal aims to replace the existing ground floor retail units, albeit extended and with an amended internal layout. Existing commercial floor space at number 109 is on the ground and first floor and amounts to 118.4sqm. The existing commercial floor space at 111 is on the ground floor and totals 41.83sqm. The proposed ground floor commercial space at No.109 is 94.56sqm and 72.68sqm at No.111. The combined commercial floor area proposed is 167.24sqm which is an increase of 7sqm on the existing space. The new residential entrance would be located in the middle of the building frontage. The existing single bedroom, residential unit on the rear ground and first floor with a gross internal floor area of 63sqm, would be demolished. In replacement, the proposed extended building would provide one, two-bedroom unit and three, one-bedroom units.
- 7.9 The proposed development would result in a net increase of three residential units. Therefore, the proposal would add to the provision of housing and hence is acceptable in principle. Given the scale of the proposal and the constraints inherent in creating residential units above retail units, it is considered that the proposed mix is acceptable.
- 7.10 Given the presence of two existing retail units at ground floor level and the site's position within a local parade, the re-provision of two A1 retail units is considered appropriate and acceptable in principle.

- 7.11 In summary, the proposed development is considered to be acceptable in principle with regard to land use.
- 7.12 The remaining planning considerations are assessed against the relevant policies below.

## **8.0 Design**

- 8.1 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. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.
- 8.2 Core Strategy Policy 15 outlines how the Council will apply national and local policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable and optimises the potential of sites and is sensitive to the local context and responds to local character.
- 8.3 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.
- 8.4 The site is located within a local shopping parade and subsequently is defined by mixed-use buildings incorporating ground floor commercial and upper floor residential, sometimes ancillary to the ground floor business.

### Scale, Height and Massing

- 8.5 The application proposes a building of five storeys in height. Due to the topography of the site, the lower ground floor of the building would only be visible at the rear of the site; whilst the basement level would not be visible. On the Kirkdale frontage, the building would appear as three storeys, whilst to the rear it would be viewed as four storeys.
- 8.6 The adjacent property No.113-117 is three storeys high; Denman Court a large block of flats opposite the site is four storeys high and a new development under construction at No.125-131 will be three/four storeys high when complete. As such, the proposed development is considered to be of an appropriate scale relative to the existing street scene.
- 8.7 The application proposes plot coverage at lower ground and basement levels to almost the full depth of the site. The depth of the ground floor level has been reduced on the rear elevation when compared to the previous application and would now be set back 8.3m from the rear site boundary. The rear elevation would have a terraced effect with each floor being set back further than its succeeding lower level. No rear boundary treatment is proposed given the shallow depth of the resultant yard and the nature of proposed interactions; i.e. servicing, cycle storage and bin storage.
- 8.8 The overall design of the development is reflective of recent development in the immediate vicinity and in keeping with more modern examples. It is considered to

adhere to Core Strategy Policy 15 and DM Policy 30. Furthermore, It is officer's opinion that the development would not have a negative impact on the significance of the Halifax Street Conservation Area and would adhere to paragraph B.(c). of DM Policy 36. Which states that planning permission will not be granted where development adjacent to a conservation area would have a negative impact on the significance of that area.

### Green Roofs

- 8.9 Green roof systems have environmental benefits such as energy conservation, flood alleviation and ameliorating the effects of climate change as well as providing natural habitat. Core Strategy Objective 7, requires the incorporation of green roofs on new development where appropriate. The Lewisham Biodiversity Partnership's objectives include promoting the installation of high quality living roofs that deliver the maximum benefit for nature conservation on all appropriate new developments.
- 8.10 The existing rear outdoor amenity area is small, of poor quality and does not include green space. Whilst not an amenity area, the applicant proposes green roofs for the lower two flat roofs which would introduce an ecological and biodiverse feature to the site. The incorporation of two green roofs is considered acceptable and details are proposed to be secured by condition.

### **9.0 Standard of Accommodation**

- 9.1 London Plan Policy 3.5 states that local frameworks and planning decisions should incorporate requirements for accessibility and adaptability, minimum space standards and water efficiency. The Mayor will, and boroughs should, seek to ensure that new development reflects these standards. The design of all new dwellings should also take account of factors relating to 'arrival' at the building and the 'home as a place of retreat'. New homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process.
- 9.2 In line with this, the Council has adopted DM Policy 32, which states that the standards in the London Plan Housing SPG will be used to assess whether new housing development provides an appropriate level of residential quality and amenity.
- 9.3 Since the adoption of DM Policy 32, the National Technical Housing Standards were published in 2015. London Plan policies and the London Plan Housing SPG are now generally in compliance with the national standards and are also considered in the assessment of standard of accommodation.
- 9.4 The housing standards state that new 1b2p units should be provided with 50 sqm of internal floor area and 1.5 sqm of utility space, while new 2b3p units should be provided with 61 sqm and 2 sqm of utility space. Double and twin bedrooms should be a minimum 11.5 sqm and single bedrooms should be 7.5 sqm. Whilst the National Technical Housing Standards require a minimum 2.3m internal floor to ceiling height, the London Plan requires a minimum internal height of 2.5m for new development within London. DM Policy 32 conforms to the London Plan standard.

- 9.5 Finally, DM Policy 32 states new build development will be required to be provided with a readily accessible, secure, private and usable external space. The Housing SPG standard 26 and 27 indicates that this should be 5sqm for 1-2 person dwellings, with an extra 1 sqm per additional occupant, as well as a minimum 1.5m width for balconies.

#### *Internal and External Floor Area*

- 9.6 Officers have calculated the internal and external floor area of each individual unit proposed and presented the information in Table 1.1 above.
- 9.7 The proposed development complies with the overall gross internal floor areas, individual room sizes and floor to ceiling heights in line with the technical housing standards, London Plan and DM32. All residential units are dual aspect, have an acceptable layout and access to adequate sun/day light and would achieve sufficient outlook and ventilation. Private external amenity space is being proposed in the form of a rear balcony to each unit. However, the 4.3sqm of private outdoor amenity space for unit 1.02 and 2.02 falls short of the minimum requirement by 0.7sqm. The London Housing SPG allows that, in exceptional cases, where external amenity space cannot meet the standard, equivalent floor space can be added internally to compensate. As the internal spaces exceed minimum requirements, the two balconies are considered acceptable in this case.
- 9.8 All habitable rooms would be afforded sufficient outlook. The kitchen/dining/living areas would be situated to the front of the building and have a south/west aspect. Consequently, the rooms would receive a sufficient good level of sun/daylight.

Core Strategy Policy 1 expects 10% of all housing to be wheelchair accessible. Wheelchair accessible flats have not been proposed in this instance due to the low number of residential units being proposed.

- 9.9 Overall, the standard of accommodation would be in line with current planning policy and be considered acceptable.

### **10.0 Commercial Units**

- 10.1 Redevelopment of a site on a commercial street frontage will be supported when the site is redeveloped to a high standard of environmental and design quality; where business use is retained on the ground floor and residential development is provided on the upper floors.
- 10.2 Mixed use on this site is established. The two retail units proposed consist of Unit C1 which has a gross internal floor area of 203.34sqm. Unit C2 has a gross internal floor area of 158.35sqm. Floor to ceiling heights in both units would be 2.7m. To the rear of each unit an office space is proposed. The application does not include fit out details of the retail units. However, a condition regarding the level of fit out is recommended, in order to ensure that the units are attractive to a wide range of potential occupiers.
- 10.3 The size and layout of the commercial units is considered appropriate and viable for retail sector use, and is considered to adhere to Core Strategy Policy 5 and DM Policy 11.

## **11.0 Highways and Traffic Issues**

### *Servicing and refuse*

- 11.1 Servicing and deliveries to the retail units would be to the rear of the building at lower ground floor level. Internal lifts would facilitate transportation of goods to both the ground and basement levels. Due to the large storage capacity proposed, the number of expected deliveries would be lower when compared with similar retail units that do not have such storage facilities. The scheme proposes a residential and commercial refuse and recycling area to the rear at lower ground floor level. The bins would be stored in a dry and secure area close to the rear boundary of the development. This follows advice from dialogue with the Council's refuse team who deal with refuse collection from adjoining properties via the rear access way, which is in the Council's ownership. On this basis, the scheme is considered to be acceptable with regard to servicing and refuse.

### *Cycle Parking*

- 11.2 The proposed development includes 5 dry and secure cycle parking spaces for occupiers of the residential units and 3 long stay and 5 short stay cycle spaces for the commercial units, in accordance with London Plan Policy 6.9. A shower room facility is provided for the staff of the commercial units, adjacent to the cycle storage room.

### *Car Parking*

- 11.3 The Council, in line with the London Plan and NPPF policies, takes a restrictive approach to private parking provisions in order to promote sustainable modes of transport. Parking should comply with the standards of the London Plan, as shown in Table 6.2 of the Parking Addendum to Chapter 6.
- 11.4 The application site has a PTAL rating of 4 and the proposed development would give rise to 4 residential units. No off-street parking on the site is proposed.
- 11.5 The subject site is located in an area with a good level of accessibility to the public transport network and within walking distance to a wide range of services and facilities. This means that future occupiers can access the development by public transport for many of their journeys. The surrounding area is not subject to permit parking controls and therefore the Council is unable to control parking, however, on street parking is available. The carriageway directly outside the development has zig-zag lines denoting a zebra crossing beyond and as such, parking in this area is prohibited. There is a bus stop opposite on the other side of the road. The adjoining areas of road have a mix of waiting restrictions (yellow lines).
- 11.6 Officers consider that the development, with regard to being car free, is acceptable.
- 11.7 In light of the above, officers raise no objections to the scheme on highways grounds.

## **12.0 Impact on Adjoining Properties**

- 12.1 DM Policy 32 states that new residential development should be neighbourly and not result in adverse impacts on the amenities of nearby properties.

12.2 The surrounding area includes residential dwellings above ground floor commercial units and this proposal would follow this pattern. Whilst the proposed development would see an increase in the scale of development on site, the terracing of the property at the rear, would sufficiently mitigate the development appearing overbearing to neighbouring properties. The rear building lines at first and second floors would be the same as those of No.107. Amendments to this proposal include the second floor north/western flank wall being appropriately set in from the shared boundary; thus maintaining existing levels of daylight to the neighbouring second floor window. The current application has also amended the position of the rear balconies, which would sufficiently mitigate against potential loss of day/sunlight or sense of enclosure to other rear neighbouring rooms. Furthermore, it is considered that the position of windows and balconies would not increase overlooking to neighbouring properties.

12.3 The adjacent building at No.107 has no outside amenity space, the site is completely covered with a two storey development to the rear of the site. The large flat roof being inaccessible and unused. Existing development at number 113-117 is in the form of a large tiered block. The development occupies the larger part of the site with a small yard behind. Both adjacent sites have no rear garden areas. Due to the nature of the urban forms of development either side of the subject site, there would be no issues regarding overlooking into neighbouring rear gardens. Subsequently, the proposed development is not considered to adversely affect the amenities of neighbouring properties.

### **13.0 Sustainability and Energy**

13.1 In terms of new build residential housing, Code for Sustainable Homes has now been absorbed into Building Regulations and therefore is removed as a planning matter. All non-residential development, i.e. the commercial space, will be required to achieve a BREEAM standard of excellent. If the application is otherwise acceptable, this can be added as a condition.

### **14.0 Local Finance Considerations**

14.1 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).

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

14.3 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.

### **15.0 Equalities Considerations**

- 15.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 15.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) foster good relations between people who share a protected characteristic and persons who do not share it.
- 15.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 15.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11, which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 15.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 15.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>



- 15.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **16.0 Human Rights Implications**

- 16.1 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:-

- Respect for your private and family life, home and correspondence
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association

- 16.2 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.

- 16.3 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.

- 16.4 This application has the legitimate aim of providing a new building with [employment and residential uses]. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

## **17.0 CONCLUSION**

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

- 17.2 The proposed development would provide two appropriately sized commercial units on the ground floor, storage on the lower ground and basement floors. The standard of residential accommodation would be acceptable, in accordance with policies, with each unit having private amenity space. Officers consider the development to be acceptable in its design and scale, and an appropriate addition to the Kirkdale frontage. It would not adversely impact upon the adjacent Halifax Conservation Area or result in any significant visual harm on neighbouring occupiers.

- 17.3 For these reasons, it is recommended permission is granted.

18.0 **RECOMMENDATION GRANT PERMISSION** subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

KIRLO-E001; KIRLO-L001; KIRLO-P001; KIRLO-P002; KIRLO-P003; KIRLO-S001; Planning, Design & Access Statement (Received 5th March 2018)

KIRLO-MS101; KIRLO-E101 Rev.B; KIRLO-L101 Rev.B; KIRLO-P100 Rev.A; KIRLO-P101 Rev.B; KIRLO-P102 Rev.B; KIRLO-P103 Rev.A; KIRLO-P104 Rev.B; KIRLO-S101 Rev.B (Received 25th November 2018) KIRLO-P105 Rev.C (Received 5th February 2019)

**Reason:** as required by Section 91 of the Town and Country Planning Act 1990.

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

(a) Dust mitigation measures.

(b) The location and operation of plant and wheel washing facilities

(c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

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

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

(iii) Measures to deal with safe pedestrian movement.

(e) Security Management (to minimise risks to unauthorised personnel).

(f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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

4. No development beyond piling shall commence on site until a detailed schedule and specification/samples of all external materials and finishes to be used on the buildings 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.

5 (a) No development shall commence beyond ground level until plans (1:50 scale) with details showing the physical fit out of the two retail units, including but not limited to floor finish, ceilings, ventilation, sanitary ware and entrances for the commercial units hereby approved have been submitted to and approved in writing by the local planning authority.

(b) The development shall be constructed in full accordance with the approved details, before first occupation and maintained for the life of the development unless with the written approval of the local planning authority.

**Reason:** To ensure that the fit-out of the units is sufficient to ensure that they are an attractive and commercially viable option and to demonstrate the developers commitment to delivering the commercial units as part of this development in accordance with Core Strategy Policy 3 Strategic Industrial Locations and Local Employment Locations/Core Strategy Policy 4 Mixed Use Employment Locations/Core Strategy Policy 5 Other employment locations (June 2011) and Development Management Local Plan (November 2014) DM Policy 9 Mixed Use Employment Locations/ DM Policy 10 Local Employment Locations/ DM Policy 11 Other Employment Locations

6(a) Prior to occupation of the development 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.

(b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

(c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

7. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the front elevations or the roof of the building.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord 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).

8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the front elevation of the building.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord 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).

9. 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 roofs 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 roofs shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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

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

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

11. No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays, or at any time on Sundays or Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining residents 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).

12. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the basement and lower ground floors of the premises shall be used for 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). They shall not be used for residential use and no trade shall be carried out therefrom.

**Reason:** The application has been assessed in terms of restricted storage B8 use only, at basement and lower ground floor levels and any other use may have an adverse effect on the character and amenity of the area and amenity for future occupiers contrary to Policy 3.5 in the London Plan (2015), Policy 1 Housing provision, mix and affordability, Policy 14 Sustainable movement and transport and Policy 15 High quality design for Lewisham of the Core Strategy (2011) and DM Policy 30 Urban design and local character, DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity Development Management Local Plan (2014).

13. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. KIRLO-P105 Rev.C hereby approved and maintained thereafter.

(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

## **INFORMATIVES**

(1) 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.