

Committee	PLANNING COMMITTEE (C)	
Report Title	LAND TO THE REAR OF 201 SYDENHAM ROAD SE26 5HF	
Ward	Sydenham	
Contributors	Gemma Barnes	
Class	PART 1	Date: 1 <sup>st</sup> DECEMBER 2011

Reg. No. DC/10/76104 as revised

Application dated 29.11.2010 as revised on 07.12.10, 01.02.2011, 16.02.2011, 26.05.2011, 06.10.11 and 17.10.11

Applicant Direct Planning on behalf of Mr E O'Hara

Proposal Demolition of the existing buildings and construction of a three storey building, incorporating balconies on land to the rear of 201 Sydenham Road SE26 (off Laurel Grove), comprising 1 one bedroom self-contained flat, 1 one bedroom maisonette and 1 three bedroom maisonette, the provision of a car repair workshop with office, together with associated landscaping, refuse store and 3 car parking spaces.

Applicant's Plan Nos. DP/1468/DN/5B, DP/1468/DN/6B, DP/1468/DN/7A, DP/1468/DN/8B, DP/1468/DN/9B, Design & Access Statement, Overlooking Adjoining Development Assessment, Daylight/Sunlight Study, Material Board, CGI's x 2, Un-numbered Site Location Plan and Un-numbered Block Plan.

Background Papers

- (1) Case File - LE/180/201/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents – specifically Core Strategy (June 2011)
- (4) The London Plan (July 2011)
- (5) PPS1: Delivering Sustainable Development (2005)
- (6) PPS1 Supplement – PPS: Planning and Climate Change (2007)
- (7) PPS3: Housing (2003)
- (8) PPS4: Planning for Sustainable Economic Growth (2009)
- (9) PPS4 Supplement – Planning for Town Centres: Practice Guidance on Need, Impact and Sequential Approach (2009)
- (10) PPS22: Renewable Energy (2004)
- (11) PPG24: Planning and Noise
- (12) The Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes (2008)
- (13) Planning and Access for Disabled People – A

Good Practice Guide (2003)

- (14) Circular 11/1995 – The Use of Conditions in Planning Permissions
- (15) Circular 05/2005 – Planning Obligations & Community Infrastructure Levy Regulations 2010

Designation

PTAL3, Strategic/District Centre Boundary/Not Conservation Area/Not Listed

Screening

Given the nature of the application, Officers have considered whether the application falls within the thresholds for development being potentially EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Though the application is an 'urban development project', falling within paragraph 10 of Schedule 2 of the Regulations, it is 0.03h (292.2 sqm) in area and below the indicative threshold of 0.5h for applications potentially being EIA development within the regulations. Though that threshold is indicative, other matters must also be considered as to whether the proposals fall within the regulations.

In this regard, particular consideration has been given to the extent to which the site may be contaminated and the extent that the proposal may have significant noise, air pollution or traffic impact and whether it would have a significant visual, or amenity impact.

In combination with the size of the site, Officers have concluded that the proposal does not give significant rise to these matters and that the development proposal does not fall within the thresholds for which EIA screening is normally required. As such, Officers are satisfied that the applicant need not undertake a Screening Opinion and the Council has not issued an Opinion in this regard.

Any issues arising from the development can be satisfactorily addressed through the submission of technical reports that have been submitted as part of the application or as required by the recommended conditions.

**1.0 Property/Site Description**

- 1.1 The application site lies at the rear of premises on Sydenham Road, with a fairly narrow frontage onto Laurel Grove. It is a relatively narrow plot measuring

approximately 7.4m wide onto Laurel Grove, widening slightly to 8.3m at its widest point and then reducing to 5.0m towards the rear of the site.

- 1.2 The site is deep measuring approximately 43m. The site is currently occupied by a single storey car repair garage towards the Laurel Grove frontage. The rear of the site is overgrown.
- 1.3 The site has a very close relationship with Peartree House, a large L-shaped residential care home adjoining the site immediately to the west and southwest. Peartree House is four storey's in height and the closest elevation of the rear part of the block is only 5.7m from the shared boundary.
- 1.4 The general land level is rising towards the north so that Laurel Grove is at least one storey height higher than Sydenham Road. This change in level is most noticeable in the rear car park of Peartree House, which is set some 3.0m below the road level of Laurel Grove, with a substantial retaining wall along the northern boundary of the site.
- 1.5 To the south of the application site, on the Sydenham Road frontage is a property at 201 Sydenham Road, which is in use as a dentists practice. The site of 201 Sydenham Road has a very shallow depth, barely exceeding the rear building line of the front part of Peartree House.
- 1.6 Church Court, 203-209 Sydenham Road is the next property to the east. This is a residential block fronting Sydenham Road with vehicle access to the rear from Laurel Grove. The site of Church Court extends to the rear Laurel Grove boundary, narrowing slightly towards the northern end alongside the application site.
- 1.7 To the east of Church Court is Sydenham Methodist Church, which fronts Sydenham Road almost opposite the traffic light junction with Kent House Road. this site also extends to Laurel Grove.
- 1.8 On the north side of Laurel Grove are the backs of two storey residential development that form part of the Hazel Grove housing estate. These properties have back gardens which open onto Laurel Grove. These properties are designed so that both the front and rear gardens face onto public highway/open space. Many of the properties have small outbuildings/sheds on the rear boundary. The distance between the front of the application site and the rear elevations of these dwellings is 20m. Beyond the two storey houses are taller tower block apartments.
- 1.9 There are two development sites further along Laurel Grove. The first being land to the rear of 215 Sydenham Road where a row of garages has been demolished to facilitate temporary access into the rear of 215 Sydenham Road. It is anticipated that this site may come forward for residential development.
- 1.10 The second being redevelopment of 6-7 Addington Grove (which also fronts Laurel Grove). This site will provide 16 residential units comprising a part 2/part 3 storey building to provide 2 one bedroom and 9 two bedroom self-contained flats, fronting Addington Grove and 1 one bedroom bungalow and 4 three bedroom, two storey houses, fronting Laurel Grove. This development has commenced.

## **2.0 Planning History**

2.1 The existing single-storey repair garage building probably dates from the 1960s and is in generally poor condition.

2.2 On 2 June 2004, the Council refused planning permission for the demolition of the existing workshops on the site at Laurel Grove, rear of 201 Sydenham Road and the construction of a five storey building, incorporating roofspace, to provide 7 two bedroom, self-contained flats and 1 three bedroom, self-contained maisonette, together with associated landscaping, provision of a car parking space for the disabled and 9 cycle spaces (DC/04/56498). The reasons for refusal were as follows:-

- (1) The proposed building due to its overall height, bulk and proximity to Peartree House represents an obtrusive form of development detrimental to the amenities of neighbouring residential occupiers in Peartree House in terms of loss of sunlight and outlook contrary to policies BLT.ENV 1: Urban Design, HSG 18 Residential Environment of the Adopted Unitary Development Plan and policies URB 2: Urban Design, HSG 3 Residential Amenity of the Revised Deposit Draft Unitary Development Plan (August 2001).
- (2) The proposed building due to its overall height and bulk represents an obtrusive form of development detrimental to the street scene in Laurel Grove contrary to policy BLT.ENV 1: Urban Design of the Adopted Unitary Development Plan and policy URB 2: Urban Design of the Revised Deposit Draft Unitary Development Plan (August 2001).
- (3) The proposed development is of insufficient design quality for this location as the front façade does not relate well to the street and does not present an active frontage to Laurel Grove, to the detriment of the visual amenities and character of the locality contrary to Policies BLT.ENV 1: Urban Design and HSG 18: Residential Environment in the Council's Adopted Unitary Development Plan and URB 2 Urban Design, HSG 3 Residential Amenities and HSG 4 Layout and Design of New Residential Development of the Revised Deposit Draft Unitary Development Plan (August 2001).
- (4) The layout provides substandard accommodation for the occupiers of the proposed building, particularly the ground floor and lower ground floor units, by virtue of overlooking and lack of privacy in relation to the adjoining access road to Church Court, contrary to policies BLT.ENV 1: Urban Design, HSG 18 Residential Environment of the Adopted Unitary Development Plan and policies URB 2: Urban Design, HSG 3 Residential Amenity of the Revised Deposit Draft Unitary Development Plan (August 2001).
- (5) The proposal contains limited on-site parking and this is likely to encourage additional on-street car parking demand in Laurel Grove, which could be detrimental to the free flow and safety of traffic, contrary to policy TRN 22 Parking Control - General of the Adopted Unitary Development Plan and policy TRN 27 Car Parking Standards of the Revised Deposit Draft Unitary Development Plan.

- 2.3 On 1st June 2006, the Council refused planning permission for the demolition of the existing workshops, on brownfield site located on the south side of Laurel Grove, rear of 201 Sydenham Road and the construction of a four storey building with balconies, comprising 3 one bedroom and 2 two bedroom flats, together with associated landscaping (DC/06/61733). The reasons for refusal were:-
- (1) The proposal would result in the loss of an employment use that the Council considers is worthy of retention, contrary to Policy EMP 4 Employment Sites outside Defined Employment Areas in the adopted Unitary Development Plan (July 2004).
  - (2) The proposed building, by reason of its overall height and bulk, represents an obtrusive form of development, detrimental to the street scene in Laurel Grove, contrary to Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
  - (3) The layout provide substandard accommodation for the occupiers of the proposed building, particularly the ground floor, by virtue of overlooking and lack of privacy in relation to the adjoining access road to Church Court, contrary to Policies URB 3 Urban Design and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- 2.3.1 The subsequent appeal was dismissed by the Planning Inspectorate on 16 January 2007. The Inspector considered that the main issues were loss of an employment use, impact of the scale of the building on the street scene, impact on adjoining sites and adequacy of living conditions for future residents.
- 2.3.2 On the employment issue, he considered that the fact that there was an existing employment use and that there was no clear indication that it was to cease, was in itself enough to demonstrate conflict with policy EMP 4 Employment Sites outside Defined Employment Areas.
- 2.3.3 The appeal Inspector was mindful of the fact that the site is very narrow and is overlooked on three boundaries (from Laurel Grove to the north, Peartree House to the west and the access on the east side to the residential Church Court development) and that these factors would thereby impose significant design constraints.
- 2.3.4 The applicant submitted at appeal stage two different versions of the outline permission, with one being a 3 storey scheme which came out further towards Sydenham Road. Whilst the Inspector concluded that this scheme would be low enough to fit in with the street scene, its 'overlap' with Peartree House would result in unacceptable levels of overlooking and loss of privacy; the alternative, to maintain privacy by the use of opaque glazing would be likely to result in substandard living conditions for future residents.
- 2.3.5 The Inspector also commented on the original 4 storey outline scheme. He concluded that this would not overlap the back of Peartree House and overlooking would be less of a problem. "However, this would only be achieved by the use of a higher building, of four storeys plus a roof zone: a building of that height, effectively filling this very restricted site from side to side in a frontage of lower properties and next to the open area behind Peartree House, would constitute an

incongruous feature that would be detrimental to the appearance of the street scene.

2.3.6 Overall, the Inspector was not persuaded that it would be possible to provide the number of units on this site in a way that would not constitute overdevelopment. Indeed, he states that, from the submitted schemes, "it is difficult to see how even a satisfactory cycle store could be provided as part of the proposal in line with Council policy. He therefore concluded that the proposed development would conflict with UDP policies URB 3 Urban Design & HSG 4 Residential Amenity.

2.4 In December 2007, a further planning application was submitted to the Council. The description of development was for the construction of a three storey building, incorporating balconies, on land to the rear of 201 Sydenham Road, comprising a four bedroom house and a workshop with associated office and 2, one bedroom, self-contained flats, together with associated landscaping and provision of a refuse store and 4 car parking spaces (DC/07/67646). This application was Withdrawn.

2.5 On 19<sup>th</sup> June 2009 the Council refused planning permission for the construction of a three storey building, incorporating balconies at first floor level, on land to the rear of 201 Sydenham Road SE26, comprising 1, two bedroom, self-contained flat and 2, two bedroom maisonettes and provision of a workshop with office, together with associated landscaping, provision of a refuse store and 3 car parking spaces (DC/09/71404). The reasons for refusal were:-

- (1) The proposed building, by reason of its overall height, bulk, depth and blank side elevations, represents an obtrusive form of development detrimental to the street scene in Laurel Grove, contrary to policy URB 3 Urban Design of the adopted Unitary Development Plan (July 2004).
- (2) The layout provides substandard accommodation for the occupiers of the proposed building, particularly the ground floor, by virtue of overlooking and lack of privacy in relation to the adjoining access road to Church Court, contrary to policies URB 3 Urban Design and HSG 4 Residential Amenity of the adopted Unitary Development Plan (July 2004).
- (3) The proposed car parking arrangements would have a significant impact on existing parking provision on the adjoining site at Church Court, to the detriment of residents living in the block, contrary to policy HSG 4 Residential Amenity of the adopted Unitary Development Plan (July 2004).

2.5.1 Although this application was refused the Officer's report stated *"The applicant's submission on employment issues is considered reasonable and, if all other elements of the scheme were acceptable, then it would seem appropriate to consider a mechanism to ensure that the existing occupier is retained post-development. The proximity to Peartree House is considered reasonable, and distances to Church Court appear adequate to preclude direct overlooking or loss of privacy, despite the changes of level between the buildings. However, the detailed planning of the development is still regarded as sub-standard. Although a three-storey building could possibly be fitted on to the site, it is considered that the applicant has not demonstrated a high enough standard of development to justify a grant of permission. This is evidenced by the poor arrangements of accommodation, particularly on the ground floor where both bedroom windows*

*face directly onto the site boundary and would need to be fixed shut to meet Building Control Regulations. The bulk and blank nature of the side elevations would also lead to a building that was visually obtrusive in the street scene”.*

- 2.5.2 Taking account of the Officer’s comments above, the Applicant felt that it could be possible in principle to provide a three storey mixed use development on this site subject to a high quality design, good internal layout and appropriate parking arrangements.

### **3.0 Current Planning Applications**

#### **3.1 The Proposals**

- 3.2 As originally submitted this application proposed the construction of a four storey building to accommodate 2 x one-bedroom flats, 1 x one-bedroom maisonette and 1 x three-bedroom maisonette together with the provision of a car workshop and office.

- 3.3 Officers raised concern with the application. Specifically the applicant was advised that the proposed development was considered to be an overdevelopment of the site. It was recognised that in overshadowing terms the impact would have been minimal as demonstrated in the daylight/sunlight study. However, Officers felt that there would have been an unacceptable overbearing impact and increase in overlooking from the four storey development. It was further felt that four residential units was excessive for the site and finally the second floor rear balcony would have caused an unacceptable level of overlooking and disturbance for residents of Peartree Lodge.

- 3.4 The applicant was advised that, in order to address the concerns of Officers the development proposal for this site would need to be reduced/scaled down. Officers advised the applicant to reduce the number of units overall and reduce the physical form by removing Unit 4 on the second floor and deleting this section of the building. This would result in the building stepping down in height towards the rear to a maximum of three floors (including the lower ground floor level). Officers further advised that the balcony for Unit 3 should be removed.

- 3.5 In light of the comments above the applicant sought to amend the proposal by way of the omission of the one bedroom flat on the second floor level at the rear of the site, removal of the rear balcony serving Unit 3 and relocation of bedroom windows to Units 1 and 3 to provide more fenestration to the east elevation.

- 3.6 Planning permission is now sought for demolition of the existing buildings on site and the construction of a three storey building to accommodate 1 x one-bedroom self contained flat, 1 x one-bedroom maisonette and 1 x three-bedroom maisonette and repair garage/workshop. Due to the change in ground levels across the site the building would appear as three full storeys above ground at the front (8.7m from ground level) and lower ground plus two storeys above, towards the rear (8.3m above ground level). The front of the site would provide sole access to the commercial unit. Entrance to all residential units would be on the side elevation adjacent to the Church Court vehicular access route. One main entrance to all units would be provided at ground floor level. In addition the three-bedroom unit would benefit from a secondary wheelchair accessible access at lower ground floor level

- 3.7 It is proposed to provide the garage workshop with associated office on the ground floor at the front of the site. The workshop would be set back from the Laurel Grove pavement to allow for a forecourt which would be used for parking for up to three vehicles waiting to be repaired inside the workshop. The three-bedroom maisonette would occupy the rear section of the site over lower ground and ground floor level. The communal access core and rainwater harvesting room would separate the commercial unit and maisonette at ground floor level. The one-bedroom flat would occupy the first floor level at the rear of the site and the one-bedroom maisonette would occupy the first and second floor levels at the front of the site.
- 3.8 The three-bedroom maisonette would have the benefit of a raised terrace at ground floor level and use of the entire garden (18m depth) save for a small area given over to cycle storage for the other residential units. The one-bedroom maisonette would have the benefit of a large terrace overlooking Laurel Grove. The one-bedroom flat would not have the benefit of external amenity space or a balcony/terrace due to the constraints of the site.
- 3.9 The building has been designed as a flat roof contemporary block stepping down in height towards the rear of the site. The building would occupy the full width of the site with a depth of 22.5m and would be set back from the Laurel Grove pavement edge by 2.8m at the western end of the plot (to allow for the garage forecourt) and 0.9m towards the eastern end. The materials palette comprises Ibstock Holbrook Sandfaced Smooth Brown bricks, Rough finish Cream and Orange render, Olive/Khaki Aluminium Balcony treatment, Grey Gloss Aluminium fenestration and Powder coated Red Aluminium central fenestration column. The flat roof would accommodate a living roof and if necessary to meet the Code for Sustainable Homes Rating, photovoltaic panels would be erected on top of the living roof.
- 3.10 A landscaping planter would be introduced in front of the workshop office fronting Laurel Grove, a raised planter would be provided as a bookend to the ramped access serving the main residential access on the side elevation of the building and the garden would be subject to a detailed landscaping scheme.
- 3.11 This application has been subject to extensive discussion with the Councils Urban Design and Planning Officers and represents the results of those discussions in respect of the amount of development proposed, internal layout, building form, scale and detailed appearance.

#### Supporting Documents

- 3.12 This application was accompanied by a Daylight/Sunlight Study in respect of the original development and then a further study based on the scaled down proposal. The revised study was undertaken in accordance with the BRE guide 'Site Layout Planning for Daylight and Sunlight: a good practice guide'. The study assessed the impact of the development on neighbouring properties at 195-199 Sydenham Road (Peartree Lodge), 45-57 Laurel Grove and Church Court. The study concludes that the proposed development would have low impact on the light receivable to the neighbouring development. The proposed development would not cause any amenity or garden area to remain in permanent shadow on 21<sup>st</sup> March and therefore the development complies with the BRE guidelines in this respect.

- 3.9 This application was accompanied by a Design and Access statement which sets out the proposal, a site assessment and appraisal and rationale for the proposed development.
- 3.10 This application was accompanied by an Overlooking Adjoining Development Assessment. The study identifies the distances between the proposed development and neighbouring windows within Peartree Lodge.
- 3.11 It is important to note that the above documents (apart from the daylight/sunlight assessment) were submitted in relation to a four storey development for four residential units and the garage workshop. Following Officer advice the scale of the development was reduced and the application amended by the removal of one of the one-bedroom flats and reduction in height of the building to three storeys. Consequently the above assessments relate to a building of greater scale and more intensive use.

#### **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 Notification letters were sent to 92 local residents on 16<sup>th</sup> December 2010. The letters gave 21 days for written representations to be submitted to the Council.
- 4.3 Following the receipt of revised plans additional notification letters were sent to the original 92 local residents and third parties that had already written to the Council, on 3<sup>rd</sup> June 2011. The letters gave 14 days for additional written representations to be submitted to the Council.
- 4.4 Given the number of letters of objection received a Local Meeting was held on 25<sup>th</sup> July 2011. A note of the meeting is attached as Appendix A.
- 4.5 A site notice was displayed on 21<sup>st</sup> December 2010.
- 4.6 Copies of all documents were published on the Council's website.
- 4.7 Relevant Ward Councillors and Statutory Consultees (Forest Hill Trader Association/The Sydenham Society/Environmental Health/Building Control and Highways) were also consulted.
- 4.8 As the site plan includes part of the access road to Church Court notification letters were sent to the Freeholder and Management Company for Church Court as well as individual occupiers of the flats.

#### **Written Responses received from Local Residents and Organisations**

- 4.9 16 individual objections have been received from Occupiers of 43 (x 2 letters), 49 (x 2 letters), 51 (x 2 letters), 55 (x 3 letters) Laurel Grove and 1 (x 2 letters), 2 (x 2 letters), 4 (x 2 letters), 5, 6 (x 2 letters), 10 (x 2 letters), 12 (x 2 letters), 15 (x 4 letters) Church Court and Flat 10, 203 (x 4 letters) Sydenham Road and Lower Sydenham Social Club and Wesley Hall Methodist Church (x 2 letters). The following objections were raised:-

- The development will result in overlooking and loss of privacy;
- There is insufficient parking for the residential units and for visitors;
- The existing garage offers a good service to local people;
- During construction the existing business would have to relocate;
- It is difficult to see how a car repair business can operate properly with residential accommodation above;
- The 2 uses are incompatible;
- A four storey building is too high for this site;
- Planning guidance seeks to prevent back to back residential units which are single aspect;
- The internal arrangement would not be able to make efficient use of solar gain;
- The internal layout is un-satisfactory and would not provide a good standard of accommodation;
- This amounts to overdevelopment of the site;
- The balcony/terraces would lead to unacceptable overlooking, noise and disturbance;
- The west facing windows would overlook neighbours;
- There is no turning head in the proposed access road;
- There will be an adverse impact upon daylight/sunlight for neighbouring properties;
- The contextural information submitted is inadequate to enable proper assessment;
- The proposed parking spaces are not shown on the drawings;
- The living rooms for the units are unacceptably small;
- The design is out of keeping with the area;
- There will be safety issues for the children living in the family unit;
- There would be an encroachment into the access road that belongs to Church Court;
- The windows in the west elevation should be obscure glazed.

4.10 **The Sydenham Society** objected to the application as originally submitted for the following reasons:

4.9.1 The Sydenham Society wishes to respond to the development proposals for the above site. Since our letter of objection to the previous scheme submitted for this site of 1<sup>st</sup> February 2010, the London Mayor's office has sought significant improvements in the standard of domestic apartments and dwelling houses as a condition of eligibility for the award of planning permission within Greater London. Amongst the features which the London Mayor's office is seeking to eliminate is the "back-to-back" configuration in which apartments are set with single aspects looking in opposite directions, one north and one south, with the serviced rooms,

ie. kitchens and bathrooms, set against a common party wall bisecting the “back-to-back” layout. The north-facing residences would lose far more heat in winter without any compensating heat provided by direct insolation. South-facing residences would suffer disproportionate heat gain in summer, which would be a consequence of the southerly aspect and lack of “through” ventilation that was a statutory requirement in dwellings until the late 1980s. Residents of dwellings badly affected by solar gain tend to buy portable air-conditioners to improve the standards of internal comfort. These consume large amounts of electrical energy which, in turn, would promote additional greenhouse gas emissions from fossil fuel-burning power stations.

- 4.9.2 The Sydenham Society is given to understand that the impending Lewisham Core Policy will follow policy directives emanating from the London Mayor’s office. The deposited plans clearly show a “back-to-back” arrangement of the kind described above. The Society calls upon Lewisham Council to implement its forthcoming Core Strategy, as in the process of adoption, and refuse planning permission for this proposed development which, in the Society’s view, constitutes an egregious over-development of this cramped, narrow, backland site in the area between Sydenham Road and Laurel Grove.
- 4.9.3 Amongst other elements of this design to which the Society objects are the following:
- 4.9.4 The NW corner first floor balcony overlooks the adjoining communal area of numbers 195-199 Sydenham Road. Persons on this balcony, were it to be built, using mobile phones would cause considerable nuisance and disturbance to others wanting to enjoy the benefit of the existing communal area. Similarly, the west-facing windows in the living room and bedroom of Unit 2 would look directly on to this same communal area of the adjoining property. Outward opening casements would intrude on land outside the applicant’s ownership.
- 4.9.5 There is no turning head in the proposed access road. The massing of the proposed new development will deprive the adjoining communal area for numbers 195-199 of sunlight during the morning at all times of the year. The contextual information on the drawings as deposited is woefully inadequate to enable anyone properly to determine the full visual and environmental impact of this scheme. There is reference to three new parking spaces in the supporting Design and Access Statement, but these are not shown on any drawing.
- 4.9.6 In the opinion of the Society, the living rooms as shown for all three south-facing dwellings are unacceptably small. The furniture as depicted on the plans fails to show enough living room furniture, for the simple reason that there is insufficient space to accommodate a full complement of settee, armchairs, occasional tables, storage units and a television.
- 4.9.7 The Sydenham Society very much hopes that this unsuitable and unneighbourly scheme will be refused a grant of planning permission for the reasons given above in this letter of objection.
- 4.10 **The Sydenham Society object** to the revised proposal for the following reasons:
- 4.11 The Sydenham Society maintains its objection in the strongest terms to the slightly modified proposals for the construction of a workshop, two maisonettes and a one-bedroom flat on the small backland site on the southern side of Laurel

Grove. The proposals are little altered from the first version and continue to include all of the objectionable attributes of the original scheme, as follows:

- 4.11.1 The eastern access pathway and tall (2.40m), clumsily designed porch clad in aluminium profiled sheet are still proposed for construction on land not in the ownership of the applicant. The Sydenham Society is given to understand that the proprietors of Church Court, the owner of the rear access driveway to this residential property on Sydenham Road, have objected to the proposed development; therefore, the Society is confident that the proprietors have not given, and would never give, the applicant consent to build on this land, which would have the effect of reducing the width of the access driveway by up to 1.25m. Large vehicles, such as refuse collection trucks and pantechnicons, could strike the projecting porch as they were making their turn into or out of the access road.
- 4.11.2 West-facing windows are shown almost on the site boundary in the living room of unit 1, the landing of the upper floor access stair in this unit, the dining room of unit 3, the workshop, the living room of unit 2 and the bedroom of this unit. Some of these proposed windows are as little as 6.50m from opposing windows to habitable rooms in the residential block immediately to the west at 195-199 Sydenham Road. The privacy of these rooms would be massively and unreasonably invaded.
- 4.11.3 The three-storey construction proposed would block out morning sunlight and natural daylight from the same habitable rooms as at 2, above. The sole amenity space in this development is only illuminated by sunlight during mornings from the beginning of April to the end of September. The construction of the proposed new block would shut out all sunlight from this open space.
- 4.11.4 The incorporation of a workshop (seemingly intended as a replacement for the existing vehicle repair workshop already occupying this site) is intrinsically hazardous, given that its proposed location is beneath unit 2, but above unit 1 beyond its northern wall. This is a consequence of the steep fall across the application site. Inflammable fluid would almost certainly be present in the form of petrol, diesel oil, lubricating oil and hydraulic fluid. No 'bundled' construction is indicated on the applicant's drawings. Spilled fuel and vapour could migrate into the lower ground floor to the south and spread a fire quickly so that it became a conflagration.  
Gas-welding is sometimes carried out in vehicle workshops, which would necessitate the storage of gas bottles. If a fire were to break out in a workshop containing bottled gas, not only would all the dwellings in this development have to be evacuated, possibly for up to two days, but also the violent explosion risk would give rise to the need to evacuate Church House and 195-199 Sydenham Road. The applicant might well argue that the issues of spread of fire and mitigation of explosion risk is one pertaining to building control, not to the acquisition of planning permission. The Society would counter this possible argument by stating that planning theory has espoused the principle of zoning specifically in order to ensure that residents of housing developments are not exposed to the nuisance and potential hazards often associated with industrial processes. The Society would press its point vigorously that, in this particular instance, fire safety and avoidance of risk of explosion must be thoroughly considered at the planning stage.

4.11.5 There are a number of other aspects of the proposed development which the Society believes are objectionable, not least of which is the ineptitude with which the proposed elevations have been composed and modelled. The arbitrary variation in building line along the eastern elevation would create extraordinary challenges in the detail; for example: how are the several shallow lower ledges shown on the drawings to be weathered to prevent water ingress and eliminate pattern-staining from rendered surfaces? In unit 1, a separate disabled access ramp is shown, which also obstructs the access drive, yet the interior of this dwelling fails in every respect to meet the requirements of the Building Regulations Part M. No-one confined to a wheelchair could occupy this maisonette. The living area in this unit is drawn at 2.80m width (less than that of a railway carriage) for no apparent reason other than to accommodate an unnecessary corridor separating this room from the dining area and kitchen.

4.11.6 In conclusion, the Society considers this development proposal to be most detrimental to the maintenance of existing amenities for residents of adjoining properties. In addition, its construction would potentially pose unnecessary, yet severe, risk of fire and explosion to these same residents and the occupants of the proposed dwellings. The Society calls upon Lewisham Council and its planning officers to refuse planning permission for the scheme as proposed.

4.12 3 letters of support received from the Citroen garage (application site), Peartree Lodge Care Centre and Excelcare Developments. The following reasons were stated:-

- This will improve working conditions for the garage;
- The development will benefit the surrounding area.

(Letters are available to Members)

#### Responses received from Statutory Agencies

##### Highways and Transportation

4.13 The application site is well located in terms of proximity to public transport. The proposal to provide 3 parking spaces solely for the garage/workshop use will lead to additional on-street car parking demand in the vicinity of the application site. But, the demand generated by 3 flats can be accommodated within the streets adjacent to the site. There are "on-street" parking problems associated with the existing garage use. So, the provision of 3 off-street parking spaces for the garage/workshop use would minimise the impact associated with a garage/workshop use. However, a condition should be imposed to prevent the garage/workshop use spilling onto the public highway. A waste management plan is required, the plan should include details of how bins will be brought out to collection points on collect days & returned (for the commercial and residential units). Finally a S278 (1980 Highways Act) agreement with the Highway Authority is required for reinstatement/improvement works to Laurel Grove. (the public highway adjacent to the site).

##### Building Control (verbal comments)

4.14 There is no building control reason why a car repair workshop and residential units cannot exist alongside one another in the same development subject to the

developer ensuring that the building is constructed in accordance with the necessary standards. It is the owner/garage operators responsibility to ensure full compliance with fire, health and safety regulations in terms of operation of the garage, storage of equipment, liquids and gases. There are many examples of residential units above garages. Indeed planning permission was granted for residential development above an existing garage workshop at 243-251 Bromley Road (05/60275).

#### Environmental Health

- 4.15 No objection to the principle subject to necessary sound insulation. This can be controlled by way of the recommended condition.

### **5.0 Policy Context**

#### Introduction

- 5.1 In considering and determining applications for planning permission the local planning authority must "have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations" (Section 70 (2) of the Town and Country Planning Act 1990). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. This approach is reflected in PPS 1, where, at paragraph 8 (and again at paragraphs 28 and 31), it is confirmed that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011).

#### Planning Policy Statements (PPS) and Planning Policy Guidance (PPG)

- 5.2 A mixed use development on a site such as this has a wide-ranging policy context covering many national policy statements. Those of particular significance are:

Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (2007)  
Planning Policy Statement 3: Housing (2010)  
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)  
Planning Policy Guidance 24: Planning and Noise (1994)

#### Ministerial Statement: Planning for Growth (23 March 2011)

- 5.3 The statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

## Other National Guidance

5.4 The other relevant national guidance is:

Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)  
Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010)

## London Plan (July 2011)

5.5 The London Plan policies relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London  
Policy 2.6 Outer London: vision and strategy  
Policy 2.7 Outer London: Economy  
Policy 2.8 Outer London: transport  
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 4.1 Developing London's economy  
Policy 4.4 Managing industrial land and premises  
Policy 5.1 Climate change mitigation  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater Infrastructure  
Policy 5.15 Water use and supplies  
Policy 5.21 Contaminated land  
Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes

## London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)  
Sustainable Design and Construction (2006)  
Planning for Equality and Diversity in London (2007)

## Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham spatial strategy

Spatial Policy 3 District hubs

Spatial Policy 5 Areas of stability and managed change

Core Strategy Policy 1 Housing Provision, mix and affordability

Core Strategy Policy 5 Other employment locations

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 9 Improving local air quality

Core Strategy Policy 10 Managing and reducing the risk of flooding

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

## Unitary Development Plan (2004)

- 5.8 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design

URB 12 Landscape and Development

ENV.PRO 9 Potentially Polluting Uses

ENV.PRO 10 Contaminated Land

ENV.PRO 11 Noise Generating Development

HSG 4 Residential Amenity

HSG 5 Layout and Design of New Residential Development

HSG 7 Gardens

## Residential Standards Supplementary Planning Document (August 2006)

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

## **6.0 Planning Considerations**

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

- Principle of Development
- Land Use Compatibility
- Design
- Housing
- Highways and Traffic Issues

- Noise
- Impact on Adjoining Properties
- Sustainability and Energy
- Ecology and Landscaping
- Planning Obligations

### Principle of Development

- 6.2 The site does not fall within a particular designation under the London Plan, saved UDP policies or Local Development Framework. The site has been previously developed and is brownfield land. The site is currently occupied by a small scale car repair workshop which has been operating from the site for a number of years. Consequently any redevelopment of the site would need to satisfy Core Strategy Policy 5 (other employment locations).
- 6.3 The Core Strategy recognises the importance of retaining small clusters of business premises associated with town centres and activity hubs to provide sustainable local services and vitality and variability to the local economy. With this mind Policy 5 requires small scale employment uses to be retained unless it can be demonstrated that the site is no longer suitable for employment use.
- 6.4 This sites lies on the boundary of Sydenham District Centre and is within close proximity to the town centre. Although the site is located within a predominantly residential street there are other commercial premises to the south of the site including car repair garages and associated businesses. There is no evidence to suggest that the application site is not suitable for employment use. Indeed the existing business has been successfully operating from the premises for a number of years and makes a valuable contribution to the local area. However, the existing workshop is in a poor state of repair and would benefit from enhanced facilities.
- 6.5 The applicants recognise the important contribution that the existing business makes to the local community and as such have incorporated the existing business into the redevelopment proposals for the site. The current proposal seeks consent for a mixed use redevelopment which would accommodate a car repair workshop with associated office and storage facilities on the ground floor. The applicants have stated that the existing occupier would be able to utilise the new premises once development is complete and have made personal arrangements with the current occupier in respect of paying all expenses for temporary accommodation during construction of the development on this site.
- 6.6 In accordance with adopted planning policy, in principle a commercial use (B1/B2) on the ground floor of this site is appropriate and would satisfy the requirements of CS Policy 5 by retaining a small scale business use on the site. However, it is important to point out that any B1/B2 use would satisfy policy requirements and the Council have no authority to insist that the current garage business be retained as part of the redevelopment.
- 6.7 The principle of a mixed use development is acceptable in accordance with CS Policy 5. The proposed use reflects the overall objectives of the LDF in delivering housing and employment floorspace for the area and is on previously developed land. The principle of developing the site as proposed, is therefore welcomed by Officers. A condition is recommend to ensure that the ground floor front section of the building is retained in commercial (B1/B2) use.

## Land Use Compatibility

- 6.8 This application proposes a mixed use development whereby the commercial element is likely to be used as car repair workshop. When considering any mixed use development the Council must consider the compatibility of the proposed uses to ensure that a conflict does not arise and to protect residential amenity for future occupiers. An important aspect of this consideration is the layout and design of the development.
- 6.9 This development has been designed so that the front section of the ground floor is given over to commercial use and the upper floors and rear sections of the ground floor would accommodate the residential units. At lower ground and ground floor level the building has been designed so that the access core and rainwater harvesting room would separate the commercial premises and three-bedroom maisonette. This would provide a physical buffer between the two elements. On the upper floors the residential unit immediately above the commercial space has been designed internally so that the living room and kitchen/diner would be located at first floor level immediately above the workshop and office, with the bedroom at second floor level. With this in mind it is considered that subject to necessary soundproofing the proposed internal layout is sufficient to ensure that an acceptable level of amenity would be retained for future occupiers of the residential units.
- 6.10 The front of the site at ground floor level is given over entirely to the commercial premises,. The commercial unit would be accessed directly from Laurel Grove at the front of the site while the residential units have an entirely separate access on the side (east) elevation.
- 6.11 Subject to conditions to control soundproofing, use of the front forecourt, opening hours for the commercial unit and delivery times for the commercial use it is considered that the site is capable of accommodating a mixed use development (B1/B2/C3) as proposed without giving rise to loss of amenity for future residential occupiers or adversely affecting the successful operation of the commercial use.
- 6.12 A number of objections have been received regarding the compatibility of a car repair workshop and residential development on the same site. Particular concerns have been raised in respect of health and safety. In response to this the applicant has confirmed that he has consulted Building Control.

*The applicant states "I have consulted Building Control who have confirmed that there is no objection in principle to the provision of residential accommodation above a vehicle maintenance / service facility, provided the structure meets the requirements of Building Regulation Approved Documents, B (Fire Safety) and E (resistance to the passage of Sound) We confirm that the proposed masonry & reinforced concrete construction will be capable of compliance with the requirements of the relevant Building Regulations with regard to Fire Safety and the residential accommodation will be provided with sound insulation to meet the Resistance to the Passage of Sound requirements. In addition it should be noted that the access / means of escape to the residential accommodation in the current proposals is located on the East Elevation, significantly removed from the location of any fire in the vehicle maintenance facility, providing direct access via the existing Access Road to a place of safety. It should also be noted that the*

*provision of the 3 metre x 3 metre reinforced concrete balcony to Unit No.2, facing Laurel Grove, also providing a covered parking facility in front of the Workshop, provides fire proof shield to the windows of the residential accommodation above....the applicant confirms that the lease of the Workshop facility will specify that all vehicle maintenance activity will be restricted to the Workshop and that no vehicle maintenance may be carried out in the Parking / Forecourt area which will be used for the parking of vehicles awaiting maintenance only. The application site has Fire Engine access on two sides from Laurel Grove and the adjacent Access Road, the principle Fire Service requirements should therefore be satisfied”.*

- 6.13 The Council’s Building Control Officer has confirmed that there is no legislative reason why the proposed uses could not operate safely on site. The building would need to be constructed to meet relevant Building Control Regulations and would ultimately be the owner/occupiers responsibility to ensure that the garage operates in accordance with all relevant health and safety legislation.
- 6.14 The Council’s Environmental Health Officer has raised no objection to the principle of the development subject to necessary soundproofing of the building to ensure that unacceptable noise nuisance would not arise.
- 6.15 Officer’s consider that the building has been adequately designed to take account of the compatibility of the proposed uses and subject to conditions to control the development in detail including restricting use of the front forecourt to parking only, the uses would not conflict with one another and would not give rise to health and safety concerns.

### Design

- 6.16 The overarching aim of PPS1 (Delivering Sustainable Communities) is the achievement of sustainable development, including the delivery of high quality development through good and inclusive design. PPS1 makes clear that design that is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. This is mirrored in UDP policies, which note the need for high quality design, including URB 3 (Urban Design), Core Strategy Policy 15: High quality design for Lewisham and relevant London Plan Policies (chapter 7).
- 6.17 This site lies in an area of mixed character and architectural style. There are a number of 3+ storey buildings within the immediate vicinity particularly to the south of the site fronting Sydenham Road and further to the north where there are four and eight storey blocks that form part of the Hazel Grove housing estate. Immediately adjoining the site to the west is the four storey Peartree Lodge residential care home, to the south is the four storey Church Court development and to the east the Methodist Church. It is against this backdrop that the proposed building would be read. Whilst it is recognised that the development on the northern side of Laurel Grove immediately opposite the site is two storey terraced dwellings it is considered that this site is capable of accommodating a three storey building. Even considering the change in ground level towards the northern end of the site it is not considered that the proposed building would be out of scale with surrounding development or appear overly dominant or incongruous in the street scene.

- 6.18 The Council has consistently advocated the importance of a high quality development on this site that makes a positive contribution to the street scene of Laurel Grove. The detailed design and elevational treatment has remained a particular concern given that the building will be extremely visible in the Laurel Grove frontage particularly both flank elevations when travelling along Laurel Grove. The Council also consider that this development could potentially set a design precedent for future development to the west of the site as Laurel Grove bends round to the north. Historically, development proposals on this site have failed to represent high quality detailed design. Indeed with the 2009 application (DC/09/71404) it was the elevational treatment and appearance of the building which led the Council to determine that a three storey development was not acceptable at that time.
- 6.19 This application has been subject to extensive discussion with the Council's Urban Designer. A contemporary rendered block comprising three staggered elements is considered to be an appropriate design solution for the site. The stepping up in height from the first block to the second block and then step down in height towards the rear helps to break-up the overall mass of the building. This staggered form provides an appropriate street frontage of human scale and adequately addresses the change in levels across the site. The fenestration arrangement, elevational treatment and materials palette helps to articulate the three components of the building, adding interest to the flank elevations and addressing previous concerns with regard to the blank side elevation which previously lead to a three storey development appearing overly bulky and incongruous.
- 6.20 In line with Officer advice the development incorporates a raised planter at the front of the site, a ramped access and boundary walls in matching brickwork which helps bring some unity to the development overall and draws upon the prevalent building material in the immediate surrounding area.
- 6.21 Overall following considerable negotiation on the design and materials it is considered that the proposed development would make a positive visual contribution to the appearance of this site and character of the area.
- 6.22 In order to ensure that the development is executed to a high design standard and retained as such conditions are recommended to control the exact facing materials and fenestration and a further condition preventing any additional flue, pipes or clutter being installed on the building after construction.
- 6.23 Third party objections have been received in relation to the amount of development proposed on site. It is suggested that the proposal represents overdevelopment of the site. The proposed development sits comfortably within the London Plan density matrix at 100 units per ha for an urban site with PTAL rating 3. Furthermore it is considered that the amount of development can be adequately accommodated in the way in which this building has been designed without comprising the character or amenity of the area.

### Housing

- 6.24 The London Plan, Core Strategy and 'saved' UDP policies seek to ensure a mix and balance of residential provision to meet the full range of identified housing need in the Borough, including single people, families of different sizes, persons

with special needs and for affordable homes. The Council's Housing Needs Surveys identify a particular shortage of family-sized (3+ bedrooms) accommodation in the borough. Saved UDP policies HSG 4 and HSG 5 seek to improve and safeguard the character and amenities of residential areas in the borough and to ensure that new housing is of high quality design.

- 6.25 6.18 The application proposes a good mix of units in terms of bedroom numbers, size and internal layout. The development would provide a good sized family (three bedroom) dwelling and two generous one-bedroom units. All habitable rooms within the development comply with and largely exceed the minimum room sizes contained in the Council's SPD: Residential Standards. The overall unit sizes also meet London Plan minimum space standards.
- 6.26 The internal layout of each unit is such that the units are single aspect facing north and south. Whilst ideally developments should avoid back to back residential units and north facing fenestration this is not always possible given the constraints of a site, established building patterns and existing neighbouring development. Officers must take a pragmatic approach when assessing the suitability of a development proposal and accept that in some instances high quality single aspect dwellings can be provided subject to the provision of good levels of daylight, ventilation, privacy outlook. Despite the fact that this development proposes back to back units all habitable rooms do benefit from good levels of natural light, ventilation and outlook and will enjoy appropriate levels of privacy in the context of the surroundings.
- 6.27 The living areas and double bedrooms in the family unit face south primarily overlooking the garden of the application site. Sufficient distance exists between these windows and neighbouring development to ensure an adequate level of privacy for future occupiers. The third smaller bedroom faces east and whilst it is recognised that this window will overlook the access into Church Court it is not considered that there would be an unacceptable level of amenity or loss of privacy to occupiers of this bedroom as the window is above ground level. There are additional windows in the west elevation which is located close to the neighbouring boundary. However, these windows have been designed to be low level and will be fixed shut and obscure glazed, these additional windows are intended to serve as secondary sources of light rather than offering a level of outlook.
- 6.28 The one-bedroom flat faces south primarily overlooking the garden of the application site. As with the larger unit below sufficient distance exists between the south facing windows and neighbouring development to ensure an adequate level of privacy for future occupiers. The bathroom window faces east and whilst it is recognised that this window will overlook the access into Church Court it will be obscure glazed. Once again there is an additional window in the west elevation which is located close to the neighbouring boundary. However, this window has been designed to be low level and will be fixed shut and obscure glazed, the additional window is intended to serve as secondary source of light rather than offering a level of outlook.
- 6.29 The two-bedroom maisonette primarily faces north but does have the benefit of obtaining additional light from fenestration in the east and west elevations. The living and kitchen areas face onto Laurel Grove but have the benefit of separation from Laurel Grove by way of a generous balcony. The bedroom will overlook

Laurel Grove and properties on the opposite side of Laurel Grove but it is considered that the distance that will be retained is sufficient to prevent any significant overlooking or loss of privacy. As with the other units there are additional windows in the west elevation which are located close to the neighbouring boundary. However, these windows have been designed to be low level and will be fixed shut and obscure glazed, the additional windows are intended to serve as secondary source of light rather than offering a level of outlook.

- 6.30 Core Strategy Policy 1: Housing provision, mix and affordability requires all new residential development to be lifetime home compliant and 10% to be wheelchair accessible. The applicant has confirmed that all units within the development will be lifetime home compliant and this will be controlled by condition. A wheelchair access has been provided into the family unit. However, given the total number of units proposed there is no policy requirement for a fully wheelchair accessible unit. To clarify, 10% would equate to 0.3 units and it is Council practice to secure wheelchair units at a ratio of more than 0.5 thus developments below 5 units in total do not generate a need for wheelchair compliance whereas a scheme of 5 units would generate the need for 1 wheelchair unit.
- 6.31 Policy HSG7 of the UDP requires all family sized units to be provided with a garden of minimum depth 9.0m. The family sized unit would benefit from a private rear garden of 18m in depth. This is considered to be good provision for a property in this urban location. The one-bedroom maisonette would also benefit from a large balcony. Whilst this balcony would overlook Laurel Grove it is considered that appropriate screening could be erected to ensure privacy for users of the balcony and to prevent an unacceptable level of overlooking into properties on the north side of Laurel Grove.
- 6.32 Following Officer advice the balcony for the other one-bedroom flat was deleted from the proposal. This balcony was considered to give rise to un-neighbourly development by way of its elevated position and close proximity to bedroom windows in Peartree Lodge. It is recognised that this unit would not now benefit from any external amenity space. Whilst this is regrettable, on balance it is considered to be acceptable given the size of the unit, this urban location and the fact that it would be compliant with Council policies in respect of the provision of designated areas for cycle storage, refuse and recycling facilities.
- 6.33 The issue of the resultant relationship between the residential units and car workshop has been fully addressed in paragraphs 6.8 – 6.15 above.
- 6.34 Overall it is considered that the proposed development would provide a good standard of accommodation for future occupiers. The family sized unit is a welcome addition to the Borough's housing stock.

#### Highways and Traffic Issues

- 6.35 London Plan and Core Strategy Policies encourage sustainable transport modes whilst recognising the need for operational parking for commercial uses and disabled parking facilities. Car parking standards within the London Plan should be used as a basis for assessment. The London Plan states that all development in areas of good public transport accessibility should aim for significantly less than

1 space per unit. There is a strong policy emphasis on promoting car-free development and sustainable transport modes in appropriate areas.

- 6.36 This site is located within an area of fairly good transport accessibility with a PTAL rating of 3. The site is within walking distance of Sydenham Town Centre which is well served by rail and bus services. On street parking in the vicinity is not controlled and therefore the Council could not prevent occupiers of the development from parking on adjacent streets.
- 6.37 It is proposed that the residential elements of the scheme would be car-free whilst the forecourt at the front of the site would accommodate parking for 3 vehicles waiting to be serviced/repaired in the workshop. There is no further available space on the site to accommodate car parking for the residential units.
- 6.38 At the present time cars waiting to be repaired in the existing garage have to park on adjacent streets. This application proposes to address that problem by ensuring that customers park on the designated forecourt in front of the workshop entrance. This would be an improvement on the existing situation and the level of operational parking for the workshop is considered to be acceptable.
- 6.39 Third party concerns have been raised in respect of the lack of parking for the residential units. It is recognised that the Council would be unable to ensure that future occupiers do not park on the adjacent streets unless a CPZ is introduced. However, in this area off-street parking should be kept to a minimum in line with the objectives of sustainable transport policies. Whilst it is recognised that some parking displacement may occur it is considered that this would not necessarily be as much as the on street parking which arises as a result of the current garage operating without off-street parking facilities. The Council's Highways Manager raises no objection to the proposal subject to recommended conditions to control parking for the commercial unit and refuse collection.
- 6.40 On balance, given the location of the site, the number of units proposed, the provision of parking facilities for the commercial element and the fact that the development addresses sustainable transport modes by providing designated cycle storage areas, Officers do not consider that a refusal on the grounds of lack of car parking provision could be justified or sustained on appeal.
- 6.41 Access to the workshop would be via the front of the site from Laurel Grove. All deliveries and servicing of the commercial use could be accommodated on Laurel Grove.
- 6.42 Access into the residential units would be on the east elevation via the existing access route into Church Court. This existing access route would also provide vehicular access for collection of refuse and recycling waste. The owners of the access road have been consulted by the Council in respect of this application.
- 6.43 Third party concerns have been raised in respect of the fact that the existing access road into Church Court is a private road. This has been discussed with the applicant. In this respect the applicant has confirmed that prior to the submission of this application the applicant entered into negotiations with the owners of Church Court Quadrant Housing to purchase access rights for the development from the adjacent Church Court access road. These negotiations are still current but held in abeyance pending the outcome of this planning application when the value of the access rights may be established. The applicant has confirmed that

refuse collection vehicles will also be able to use this existing access once the necessary agreement is in place between the land owners.

- 6.44 This issue is in fact a private matter to be addressed by the land owner and applicant. If a satisfactory resolution cannot be agreed between the relevant parties the applicant would not be in a position to implement the planning approval.
- 6.45 Notwithstanding this, it would be appropriate for the Council to attach a pre commencement condition in respect of ensuring that adequate refuse collection can be secured before the development commences. This would include the need for a waste management plan which should include details of how bins will be brought out to collection points on collect days & returned (for the commercial and residential units). If this is reliant upon the applicant obtaining agreement to use Church Court as a right of way, evidence would need to be provided that this has been secured.
- 6.46 Core Strategy Policy 15 requires all new development to provide cycle parking facilities in accordance with the London Plan cycle parking standards. This development proposes that secure, covered cycle parking facilities will be provided for the family sized unit in a designated store in the rear garden. A further secure store for the upper floor flats will be provided at the rear of the site accessed via the Church Court access road. Cycle parking for the workshop can be accommodated within the building. This is acceptable and can be controlled by condition.

#### Impact on Adjoining Properties

- 6.47 Policy HSG4 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 6.48 As originally submitted this application raised a number of concerns with regards to the impact upon neighbouring properties, particularly occupiers of Peartree Lodge. In response to Officer's concerns the applicant significantly amended the proposal by deleting one of the units, reducing the height of the development at the rear and deleting the balcony serving Unit 3. These amendments have significantly reduced the impact of the development upon neighbouring properties.
- 6.49 Officers have visited the site to assess the impact on neighbouring properties including viewing the application site from the bedroom windows on all floors of the adjacent Peartree Lodge.
- 6.50 In terms of overshadowing and loss of light it is considered that the property most likely to be affected by the proposal would be Peartree Lodge to the west of the development site. This application was accompanied by a Daylight/Sunlight Assessment which confirms that all of the windows in Peartree Lodge would meet BRE standards. The proposed development would not cause any amenity or garden area within Peartree Lodge to remain in permanent shadow on 21st March and therefore the development complies with the BRE guidelines in this respect.

- 6.51 In terms of overshadowing and loss of light to other neighbouring properties it is not considered that the dwellings on the north side of Laurel Grove will be significantly affected by the proposal given the orientation of the dwellings in relation to the site, the distance between the buildings (over 20m) and overall height of the proposed development.
- 6.52 The Church Court development to the south of the site is unlikely to be significantly affected in this respect beyond the existing situation, given the distance that will be retained between the proposed building and Church Court (over 30m) and the existing overshadowing to Church Court windows and amenity space caused by the Methodist Church to the east and Peartree Lodge to the west.
- 6.53 The BRE daylight/Sunlight report submitted confirms that the development would not significantly adversely affect any neighbouring windows or amenity areas.
- 6.54 Given the distance between the application site and neighbouring properties to the north and Church Court to the south and having regard to the height of the proposed development there will be no material impact in terms of loss of outlook or overbearing impact to these properties.
- 6.55 As stated above, the original proposal did raise concerns in respect of loss of outlook and overbearing impact to Peartree Lodge (the windows located in the north-south wing). Having undertaken an inspection of the site from these windows, Officers consider that the scaled down building would not significantly affect outlook and would not be overbearing. The owners of Peartree Lodge support this application.
- 6.56 In terms of overlooking and loss of privacy the proposal is considered to be acceptable. Third party concerns have been duly considered but Officers do not believe that the proposed development would result in unacceptable overlooking or loss of privacy.
- 6.57 Given that over 30m would be retained between the windows in the south elevation of the proposed building (and the raised terrace serving the family unit) and the nearest windows in Church Court and having regard to the fact that an access road and car park separate the two sites, the level of direct overlooking would not be detrimental to amenity for occupiers of Church Court.
- 6.58 Third party concerns have been raised in respect of overlooking into the gardens and rear windows of properties on the northern side of Laurel Grove. At the present time occupiers of the terraced dwellings can overlook each others gardens from their first floor windows so the introduction of additional overlooking of the gardens from the application site would not be significantly detrimental in this context. It is not unusual for neighbours to overlook each others gardens from first floor level windows.
- 6.59 It is recognised that a new relationship would be introduced as a result of windows in the north elevation of the application site facing onto Laurel Grove. These windows would face directly the rear elevations of the terraced dwellings on the north side of the street. At present, in this location this relationship between properties does not exist (save for the windows in the north elevation of Peartree Lodge but this is at a further distance). Officers appreciate that this new relationship between buildings would facilitate a level of mutual overlooking

between the application site and properties opposite but it is not felt that this would be unacceptable.

- 6.60 Given the fact that there would be a 22m minimum distance between the facing windows and a vehicular highway between the facing windows it is not considered there would be a significant loss of privacy for either party. It is not unusual for neighbouring windows to face each other at this distance in any urban area. Indeed planning guidance infers that a separation distance of 21m is acceptable between directly facing windows and there are many examples of terraced dwellings directly facing each other at this distance within the surrounding locality, many without the presence of a vehicular highway creating a physical buffer.
- 6.61 Concerns have been raised about the proposed northwest balcony that will face onto Laurel Grove. For the reasons discussed above it is not considered that this balcony will cause harm to neighbouring properties on the northern side of Laurel Grove particularly as a solid screen is proposed for the front balcony treatment (1.5m) and a 1.8m screen for the western side of the balcony. The screening can be controlled by condition. Given the distance and the fact that there is a road between the balcony and those properties on the north side of Laurel Grove, use of the balcony is unlikely to lead to a significant level of noise and disturbance.
- 6.62 The level of overlooking onto Peartree Lodge from the application site represents the most sensitive issue. A number of windows are proposed in the west elevation of the building to provide additional light into the habitable rooms. However, these windows have been designed to be fixed shut and obscure glazed so will not give rise to overlooking onto Peartree Lodge. This will be controlled by condition.
- 6.63 Given the 25m minimum distance that will be retained between the proposed development and the windows in the north elevation of Peartree Lodge (those in the west-east wing) it is not considered that unacceptable overlooking will occur. The windows in the east elevation of the north-south wing of Peartree Lodge are located much closer to the shared boundary and therefore could be most affected by the proposed development. At lower ground floor level the boundary screening would be sufficient to prevent any direct overlooking. At ground floor level it is considered that the proposed 1.8m screen on the west elevation of the rear balcony would be sufficient to prevent direct overlooking from the balcony into the windows of Peartree Lodge. There will be oblique views but this would not be significantly detrimental. Given the orientation of Peartree Lodge in relation to the site there will be oblique views between the nearest windows in Peartree Lodge and the south windows of the application site at first floor level. Oblique overlooking at this distance is deemed to be acceptable in this urban location.
- 6.64 Finally it is not considered that the ground floor rear balcony would cause undue disturbance to neighbours by way of noise.
- 6.65 For the reasons stated the proposal is not considered to cause unacceptable harm to neighbouring amenity. The proposal complies with Policy HSG4 of the UDP.

### Sustainability and Energy

- 6.66 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals there are a number of

London Plan requirements in respect of sustainable design and construction, de-centralised energy and renewables. For minor development proposals such as CS Policy 8: Sustainable design and construction and energy efficiency requires all new housing development to achieve a minimum of Level 4 standard in the Code for Sustainable Homes sustainability tool.

- 6.67 This development has been designed with a living roof and rainwater harvesting facilities. The applicant has confirmed that the development will meet Code for Sustainable Homes Level 4. In order to do this photovoltaic panels can be incorporated on top of the living roof. All of these elements can be controlled by condition.
- 6.68 Subject to the recommended conditions, the proposal complies with sustainability policies.

#### Ecology and Landscaping

- 6.69 The site is currently overgrown at the rear. The site will be cleared to enable redevelopment. There are no protected trees on the site and it is not considered that site clearance would have a significant impact on ecology. The proposed living roof and landscaping of the rear garden will improve ecology and opportunities for biodiversity in this urban location.

#### Planning Obligations

- 6.70 Circular 05/05 states that in dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations.
- 6.71 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010). sets out that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –
- (a) Necessary to make the development acceptable
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development

- 6.72 Given the nature and scale of the development it is not considered that any planning obligations are required to mitigate the impact of the development.

### **7.0 Conclusion**

- 7.1 This application has been considered in the light of policies set out in the London Plan, Local Development Framework and saved UDP and other material considerations including third party representations.

- 7.2 The extensive history for this site and previous concerns raised by both the Council and Planning Inspectorate have been duly considered. However, the applicant has sought to address all previous issues by retaining an employment use, reducing the number of residential units, providing a high quality internal layout and standard of accommodation for the residential units, reducing the scale of the development to three storeys and working extensively with the Council's Urban Designer to ensure a high quality detailed design. For the reasons demonstrated in this report, Officers consider that the current proposal addresses the previous reasons for refusal of development on this site and represents a high quality, policy compliant development proposal.
- 7.3 On balance, Officers consider that the application is of high quality architectural design which would make a positive contribution to the character of the area and surrounding streetscape. The proposed mix of uses would meet the employment requirement for the site and would also provide the Borough with three additional dwellings, one of which would be a family sized unit. It is not considered that the proposal would compromise the amenity of future occupiers or neighbouring properties. Overall the proposal represents a sustainable form of development which meets adopted development plan policies. The development is therefore considered acceptable.

## **8.0 Summary of Reasons for Grant of Planning Permission**

- 8.1 The reasons for recommending a grant of planning permission are set out below, having regard to the policies and proposals in the London Plan (July 2011), the saved policies in the UDP (July 2004) and the Core Strategy (June 2011).

The site is an appropriate location for a mixed use development of the density proposed. It is considered that the proposal is an acceptable form of development which will not result in unacceptable harm to visual or residential amenity. The proposal would provide a good standard of accommodation for future occupiers and represents a sustainable form of development. The proposal complies with Policies 1.1 Delivering the strategic vision and objectives for London, 2.6 Outer London: vision and strategy, 2.7 Outer London: Economy, 2.8 Outer London: transport, 3.3 Increasing housing supply, 3.4 Optimising housing potential, 3.5 Quality and design of housing developments, 3.8 Housing choice, 4.1 Developing London's economy, 4.4 Managing industrial land and premises, 5.1 Climate change mitigation, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable drainage, 5.14 Water quality and wastewater Infrastructure, 5.15 Water use and supplies, 5.21 Contaminated land, 6.3 Assessing effects of development on transport capacity, 6.9 Cycling, 6.10 Walking, 6.13 Parking, 7.1 Building London's neighbourhoods and communities, 7.2 An inclusive environment, 7.3 Designing out crime, 7.4 Local character, 7.5 Public realm, 7.6 Architecture, 7.13 Safety, security and resilience to emergency, 7.14 Improving air quality and 7.15 Reducing noise and enhancing soundscapes of the London Plan (July 2011) and Policies Spatial Policy 1 Lewisham spatial strategy, Spatial Policy 3 District hubs, Spatial Policy 5 Areas of stability and managed change, Core Strategy Policy 1 Housing Provision, mix and affordability, Core Strategy Policy 5 Other employment locations, 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 9 Improving local air quality, Core Strategy Policy 10 Managing and reducing the

risk of flooding, Core Strategy Policy 14 Sustainable movement and transport and Core Strategy Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policies URB 3 Urban Design, URB 12 Landscape and Development, ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 10 Contaminated Land , ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 7 Gardens of the adopted UDP (July 2004 and SPD: Residential Standards.

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

**Condition 1**

Unless minor variations are otherwise approved in writing by the local planning authority, the development shall be carried out strictly in accordance with the application documents, plans and drawings hereby approved and those approved subsequently as a reserved matter to discharge conditions.

**Reason**

To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and acceptable to the local planning authority.

**Condition 2**

The ground floor front section of the building (as shown on drawing no. DP/1468/DN/7A) shall only be used for Use Classes B1 or B2. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking and re-enacting that Order any part of the premises used for business purposes (Class B1/B2) shall be maintained in that use and for no other purpose (including any other purpose in Class B8 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) unless with the prior written approval of the local planning authority.

**Reason**

To ensure that the commercial element of the scheme is retained in accordance with Core Strategy Policy 5: Other employment locations and to ensure the development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Policies ENV.PRO 11: Noise Generating Development and HSG 4: Residential Amenity in the adopted Unitary Development Plan (July 2004) .

**Condition 3**

The commercial use within the site shall not be open to the public other than between the hours of 8.00am and 7:00pm Monday to Saturday and at no time on Sundays or Public Holidays.

### Reason

To ensure that the development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 11 (Noise Generating Development) and HSG 4 (Residential Amenity) in the adopted Unitary Development Plan (July 2004).

### **Condition 4**

The front forecourt shall be used for the parking of vehicles only, all repairs to vehicles shall take place within the building and no repairs or work whatsoever shall be undertaken to vehicles on the forecourt or adjacent public highway.

### Reason

To ensure that the development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 11 (Noise Generating Development) and HSG 4 (Residential Amenity) in the adopted Unitary Development Plan (July 2004).

### **Condition 5**

No deliveries shall be made to the commercial unit (Class B1/B2) other than between the hours of 7.00am and 7:00pm Monday to Saturday and at no time on Sundays and Public Holidays.

### Reason

To ensure that the development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 11 (Noise Generating Development) and HSG 4 (Residential Amenity) in the adopted Unitary Development Plan (July 2004).

### **Condition 6**

The external finishes of the development shall comprise:-

Ibstock Holbrook Sandfaced Brown bricks  
St Sikolitt Silicone Render Colour: 32210  
St Silkolitt Silicone Render Colour: 32214  
SGJ20G Interpon D1036 3020 Gloss  
SLJ39G Interpon D1036 7039 Gloss  
Alestra AP 7034 Polyester Matt

As shown on the plans hereby approved unless otherwise agreed in writing by the local planning authority.

### Reason

In the interests of controlling the appearance of the development in detail to ensure a high quality development in accordance with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policy URB3 Urban Design of the adopted UDP (July 2004).

### **Condition 7**

No plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building(s).

#### **Reason**

It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

### **Condition 8**

The development hereby permitted shall include secure parking provision for cycles for all residential units hereby approved and the commercial element of the scheme, in accordance with details to be submitted to and approved in writing by the local planning authority before any works on site are commenced. The cycle parking facilities shall provide at least 1 space per unit for the one-bedroom flats, 2 spaces for the three-bedroom unit and 1 space for the commercial unit). Such provision as may be approved as a reserved matter under this condition, shall be provided before the residential units or commercial elements hereby permitted are occupied and retained permanently thereafter.

#### **Reason**

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

### **Condition 9**

Details of refuse and recycling storage facilities and collection point for the entire development hereby approved shall be submitted to and approved in writing by the local planning authority. This shall include details of the construction, including facing materials, of the proposed storage facilities and details of how bins will be brought out to collection points on collect days & returned (for the commercial and residential units). The facilities shall be constructed in accordance with the approved details before any of the residential units or commercial elements hereby permitted are occupied.

#### **Reason**

In order that the local planning authority may be satisfied as to the provision of satisfactory refuse and recycling storage facilities for the development hereby approved and to ensure satisfactory appearance of the chamber. To comply with Policies URB 3 Urban Design and HSG4 - Residential Amenity in the adopted Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

### **Condition 10**

No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings, or breaking out or crushing of concrete) has been

submitted to and approved in writing by the local planning authority. The approved scheme shall include a watering regime in the event of dry weather and shall be implemented in its entirety once development has commenced.

#### Reason

In order that the local planning authority may be satisfied that the demolition process is carried out in a manner which will minimise possible dust pollution to neighbouring properties and to comply with Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

#### **Condition 11**

No development shall commence on site until drawings showing the use of any part of the site not occupied by buildings and the treatment thereof (including planting, paving, walls and boundary fences) have been submitted to and approved in writing by the local planning authority and all works which form part of the scheme shall be completed in the first planting season following the completion of the development, unless the local planning authority has given written consent to any variation. Any trees or plants which within a period of 5 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, unless the local planning authority has given written approval to any variation.

#### Reason

In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the adopted Unitary Development Plan (July 2004).

#### **Condition 12**

Details of proposed lighting to external areas within the site, shall be submitted to and approved in writing by the local planning authority before any building work on the site is commenced. Any such lighting shall be installed in accordance with the approved drawings. 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 neighbouring properties and to comply with Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

### **Condition 13**

Full written details, including relevant drawings and specifications, of the proposed works of sound insulation against airborne noise to meet  $D'_{nT,w} + C_{tr}$  dB of not less than 57 between the ground floor and first floor, where residential accommodation parties non domestic use, shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall not commence until the sound insulation works have been implemented in accordance with the approved details. The sound insulation shall be retained permanently with the approved details.

#### **Reason**

To ensure a satisfactory environment for the future occupiers of these buildings and so as to comply with Policy ENV.PRO11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).

### **Condition 14**

- (a) No development shall take place until each of the following has occurred:
- (i) a site investigation has been carried out to survey and assess the extent of potential contamination and its effect (whether on or off site);
  - (ii) a report comprising the results of that site investigation and recommendations for treatment of any contamination (whether by remedial works or not) has been submitted to and approved in writing by the Council; and
  - (iii) all measures or treatments identified in that report as being necessary or desirable for the remediation of the site have been implemented in full.
- (b) If during any works at the site (whether pursuant to paragraph (a) of this condition ["paragraph a,,"] or implementation of this planning permission generally) contamination is encountered which has not previously been identified ("the new contamination,,"), then works on the affected part of the site will cease and paragraph (a) shall apply to the new contamination and no further development shall take place on the affected part of the site 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. The closure report shall include details both of the remediation (including waste materials removed from the site, an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post-remediation sampling that has been carried out.

#### **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 Policy

ENV.PRO 10 Contaminated Land in the adopted Unitary Development Plan (July 2004).

**Condition 15**

- (i) The development hereby approved shall achieve a Code for Sustainable Homes rating of minimum Code Level 4 or BREEAM Bespoke rating 'excellent'.
- (ii) Prior to commencement of development a Design Stage Assessment undertaken by a suitably qualified Assessor shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with (i).
- (iii) Within 3 months of the building being occupied evidence shall be submitted to demonstrate full compliance with the requirements of this condition, which shall include a Post Construction Certificate issued by a suitably qualified Assessor.

**Reason**

To ensure the development achieves the maximum possible in respect of energy and carbon emissions and to comply with Policy 8 Sustainable Design and Construction and Energy Efficiency of the adopted Core Strategy (June 2011)

**Condition 16**

Prior to commencement of development 1:50 floor plans for each residential unit shall be submitted to show compliance with the 16 Lifetime Home Standards criteria. The development shall be constructed in accordance with the approved plans.

**Reason**

To ensure that all new dwellings are accessible and adaptable for life, in the interests of sustainability and in accordance with Core Strategy Policy 1 in the Local Development Framework.

**Condition 17**

All windows in the west elevation of the development shall be fitted as non opening and obscure glazed and shall be permanently retained as such.

**Reason**

In the interests of protecting neighbouring amenity in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

**Condition 18**

Notwithstanding the plans hereby approved, prior to commencement of development, full details to prevent potential overlooking from the front and rear balconies onto neighbouring properties shall be submitted to and agreed in writing by the local planning authority. This shall include as a minimum the erection of solid

1.8m screens on the western side of both balconies. Prior to occupation of any part of the development, the agreed measures shall be implemented in their entirety and thereafter maintained in perpetuity.

#### Reason

In the interests of protecting neighbouring amenity in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

#### **Condition 19**

Prior to commencement of development, full details of the living roof shall be submitted to and approved in writing by the local planning authority. The living roof shall be:

- (a) biodiversity based with extensive substrate base (depth shall vary between 80-150mm but shall average at least 133mm);
- (b) shall cover the full extent of the flat roof
- (c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.

The living roof 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.

The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the local planning authority.

Evidence that the roof has been installed in accordance with sub-points (a) to (c) above 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 ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management and 5.13 Sustainable drainage of the London Plan (July 2011).

#### **Condition 20**

Prior to commencement of development full details of the proposed solar thermal equipment which may be required to meet the Code for Sustainable Homes rating shall be submitted to and approved in writing by the local planning authority. The details shall include scaled plans to show the type, amount, appearance, location and positioning (including height) of all equipment. The equipment shall be installed in full accordance with the approved details and maintained in perpetuity.

#### Reason

In the interests of visual and residential amenity and to comply with Policy 8 Sustainable design and construction and energy efficiency of the adopted Core

Strategy (June 2011) and Policies URB 3 Urban Design and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

### **Informative 1**

In respect of Condition 14 the applicant is advised that the weighted standardised level difference ( $D'_{nT,w} + C_{tr}$ ) is quoted according to BS EN ISO 717 -1: 1997. To guarantee achieving this level of sound insulation, the applicant is advised to employ a reputable noise consultant. The Institute of Acoustics is the professional body for such consultants and can be contacted by telephone: 01727 850553.

### **Informative 2**

The applicant is advised that a S278 (1980 Highways Act) agreement with the Highway Authority is required for reinstatement/improvement works to Laurel Grove (the public highway adjacent to the site).

## Appendix A – Local Meeting Notes

### Local Meeting DC/10/76104 – Rear of 201 Sydenham Road – Monday 25<sup>th</sup> July 2011

On 25<sup>th</sup> July 2011 a local meeting was held at the Sydenham Library, regarding the submission of a planning application proposing:- The construction of a three storey building, incorporating balconies to provide 2 x one-bedroom, self-contained flats and 1 x three-bedroom self-contained maisonette, the provision of a workshop with office, together with associated landscaping, refuse store and 3 car parking spaces. **(Amended Description)**

15 individual objections were received from Occupiers 43 (x2), 49(x2), 51 (x2), 55 (x3) Laurel Grove, 1 (x2), 2 (x2), 4(x2), 5, 6 (X2), 10 (X2), 12 (x2), 15 (x4) Church Court, Flat 10, 203 (x3) Sydenham Road, Lower Sydenham Social Club, Wesley Hall Methodist Church (x2),

Sydenham Society also object to the application.

3 letters of support received from:- the Citroen garage (application site), Peartree Lodge Care Centre and Excelcare Developments.

The panel comprised of :

Cllr Best (Chair) **(Cllr B)**

David New - Direct Planning **(DN)**

Gemma Barnes - Planning Officer LBC **(GB)**

2 local residents signed the attendance sheet. **(R)**

### Minutes of the Meeting

**7.00pm** Cllr Best opened the meeting.

The proposed plans and site photographs were displayed for view.

**CLLR B** – Explained the purpose of the local meeting and application process.

**DN** – Gave a brief explanation of the proposal, why a mixed use development had been chosen and design rationale. The mixed use was chosen due to the need to maintain an employment use on the site in line with planning policy requirements. The design approach has been discussed with Planning Officer's and has evolved as a result of advice given by the Council's Urban Designer.

**CLLR B** – pointed out that there are other non residential uses in the area such as the adjacent church and social club. The site at 215 Sydenham Road has planning permission for additional flats, this development is nearing completion. The block of vacant garages to the rear of the site have been demolished to provide access into 215 Sydenham Road.

**DN** – The design of the proposal seeks to reflect the existing character and development in the area whilst bringing a new lease of life to the area.

**R** – There will be unacceptable overlooking onto the properties in Laurel Grove.

**DN** – The distance between the application site and properties in Laurel Grove exceed recommended guidelines and distances between other properties in this area. The distance is entirely acceptable for an urban area such as this.

The distance between the front of the application site and the rear elevation of No.51 Laurel Grove was measured as 25m.

**GB** – Advised that the guidance for acceptable distance between facing elevations is 21m. This is guidance and in some instances greater or smaller distances are more appropriate.

**R** – where would the new garage workshop be located?

**DN** – Pointed out the location of the garage on the ground floor plan.

**R** – There are concerns about the health and safety issues associated with having residential accommodation above a garage where there may be hazardous materials.

**R** – Where will the garage operate while building works are taking place?

**DN** – The applicant has agreed to relocate the garage occupier during construction and to cover the cost of this.

**GB** – Pointed out that the relocation issues could not be controlled as part of the planning application. This would be a private matter between the site owner and garage occupier.

**CLLR B** – People are concerned about safety issues associated with the garage use.

At this point the applicant (Mrs O'hara) advised that the application could be amended to include an office instead of a garage if this would be more acceptable.

**GB** – Advised that the Council have a policy requirement for some form of employment space to be re-provided as part of the development. This would not be restricted to a garage but clearly there are local concerns about the loss of the existing business. If an alternative commercial use is proposed then the current application would need to be amended.

**CLLR B** – stated that she has used the garage. It is an important local business that people are keen to keep on this site.

**R** – There is too much proposed for this site and this is not a suitable location for family dwellings.

**GB** – Clarified that the application proposes 1 x three-bed family unit and 2 x one bed flats.

**R** – Where is the residents parking?

**DN** – This is a car free scheme which is in line with government policy.

**CLLR B** – Asked if 'car free' was government policy or guidance.

**GB** – National and local planning policy promotes sustainable transport modes and seeks to encourage car free development on appropriate sites. However, car free isn't suitable for all sites and the garage use would clearly have a need for operational parking.

This site is served by public transport in the form of buses and 2 nearby train stations and that will need to be taken into account when forming a judgement on the proposed parking levels.

**DN** - Cycle parking facilities have been provided in line with policy requirements.

**R** – Church Court access road is a private road. If occupiers of the proposed flats park there it will cause problems for the elderly residents.

**DN** – If it's a private road residents of the proposed development wont be able to park there.

**CLLR B** – Read out the summary of other objections received from people not present at the meeting:

- This will result in overlooking and loss of privacy;
- There is insufficient parking for the residential units and for visitors;
- The existing garage offers a good service to local people;
- During construction the existing business would have to relocate;
- Its difficult to see how a car repair business can operate properly with residential accommodation above;
- The 2 uses are incompatible;
- A four storey building is too high for this site;
- Planning guidance seeks to prevent back to back residential units which are single aspect;
- The internal arrangement would not be able to make efficient use of solar gain;
- The internal layout is un-satisfactory and would not provide a good standard of accommodation;
- This amounts to overdevelopment of the site;
- The balcony/terraces would lead to unacceptable overlooking, noise and disturbance;
- The west facing windows would overlook neighbours;
- There is no turning head in the proposed access road;
- There will be an adverse impact upon daylight/sunlight for neighbouring properties;
- The contextural information submitted is inadequate to enable proper assessment;
- The proposed parking spaces are not shown on the drawings;
- The living rooms for the units are unacceptably small;
- The design is out of keeping with the area;
- There will be safety issues for the children living in the family unit;
- There would be an encroachment into the access road that belongs to Church Court;
- The windows in the west elevation should be obscure glazed.

**DN** – A daylight/sunlight assessment has been submitted which shows no adverse impact.

**DN** – The proposal includes a green roof which could incorporate solar panels. This could be controlled by condition.

**GB** – A condition would be attached to ensure that the development meets Code 4 under Code for Sustainable Homes.

**Cllr B** – The main issues raised from the meeting are overlooking onto properties in Laurel Grove and noise and disturbance from use of the front balcony and safety issues associated with the garage use below residential dwellings.

**GB** – Advised David New to speak to Building Control and the Fire Service about providing a garage below residential development. He will need to check safety regulations and provide evidence that the two uses can operate as proposed without giving rise to health and safety issues.

**8.00pm CLLR Best closed the meeting.**