

Committee	PLANNING COMMITTEE (B)	
Report Title	LAND TO THE REAR OF 183-185 LEE HIGH ROAD SE13	
Ward	Blackheath	
Contributors	Kate Hayler	
Class	PART 1	Date: 22 MARCH 2012

<u>Reg. No.</u>	DC/11/77403 as revised
<u>Application dated</u>	18.05.2011 revised 2.11.11, 16.02.12 and 6.03.12
<u>Applicant</u>	Downes Planning Partnership on behalf of Mr Lee Powell
<u>Proposal</u>	The construction of a two storey building to the rear of 183-185 Lee High Road SE13, to be used for storage with ancillary office (Use Class B1) together with provision of bin stores, 1 car parking space and 2 bicycle spaces.
<u>Applicant's Plan Nos.</u>	DPP/SD/10/77/01, 02 Rev B & 03 Rev A, Os Map (Received 6.03.12) and Design and Access Statement.
<u>Background Papers</u>	(1) Case File LE/451/193/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan (July 2011)
<u>Designation</u>	PTAL 2 Area of Archaeological Priority
<u>Screening</u>	None

## **1.0 Property/Site Description**

- 1.1 The application site is located adjacent to the single storey Lewisham Spiritualist Church in Boone Street. It is situated to the rear of a larger 'T' shaped plot of land, which includes the recent development at 183-185 Lee High Road. The four-storey building at 183-185 Lee High Road consists of a retail unit at ground floor level with six residential units on the upper floors, constructed in 1999. The residential part of this building is accessed off Boone Street between the church and the three storey Woodman public house on the corner of Boone Street and Lee High Road. These units are now known as Flats A-F of Meridian House, 71 Boone Street.
- 1.2 The application site is currently vacant, and is separated from Boone Street by the parking area for the residents of Meridian House and the retail unit. The site is currently partly fenced and overgrown. To the rear of the site is a service road and garages which serve the residential properties with rear gardens fronting Lee Church Street. There is no fence to the site from this access road and it appears

that that this area had been used to dump garden and other waste. To the southeast of the site is a Petrol Filling Station.

## **2.0 Planning History**

2.1 The application site originally formed part of 183-185 Lee High Road for which outline planning permission was granted in 1993 for the construction of a 4 storey building comprising ground floor retail space and 6 flats above.

2.2 A detailed scheme was approved on the 20 August 1993. The approved drawings showed the site of the currently proposed building to be planted with two flowering trees, and also showed a dustbin store on the site frontage adjacent to Boone Street. Neither of these have been provided, but no enforcement action has been taken.

2.3 A detailed planning application was refused on the 12 July 2001 for the construction of a new 3 storey dwelling house on the application site. The application was refused for three reasons:

- it would result in overdevelopment of the site with a residential density exceeding the Council's policy requirements;
- the height and location of the dwelling being out of character and scale within the surrounding area; and
- the proposed dwelling would have an unsatisfactory pedestrian access through the adjacent car park and would fail to make provision for off street car parking.

## **3.0 Current Planning Application**

### **3.1 The Proposal**

3.2 The current application is for the construction of a two storey storage building that will provide 58sqm of B8 storage space and 44sqm of ancillary office space on a mezzanine floor. The proposed building would be accessed through the parking area off Boone Street and would include the provision of 1 car parking space, bin stores and two cycle spaces accessed through the rear of the building.

3.3 To provide the additional parking space, the scheme includes the reorganisation of the existing residential car parking spaces on the site and the replacement of the existing gate with a sliding gate. The proposed building would be set back approximately 20m from Boone Street. It would be within approximately 2m of the neighbouring (north facing) windows to the Lewisham Spiritualist Church.

3.4 Following comments from the Council's Highways team and objections from occupiers of the existing flats in Meridian House, the applicant submitted revised drawings showing where the bins for the existing residential and commercial uses will be located in the new parking area layout as well as the location for the refuse storage for the proposed use. The applicant also amended the existing gate to a sliding gate to ensure that the revised car parking spaces could be used without interference from the existing gates.

### 3.5 Supporting Documents

3.6 A Design and Access Statement has been submitted with the application which provides details of the site characteristics, design rationale and access arrangements for the proposal.

### 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 Letters of consultation were sent to 21 neighbouring properties as part of the planning application process, together with a notice displayed on site. Ward Councillors were also notified.

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

4.3 Three letters of objection have been received from the owners of Flats A and B of Meridian House and the owner of 58 Lee Church Street. A summary of objections is listed below:-

- Loss of privacy to gardens at Lee Church Street;
- Disturbance and safety hazards resulting from construction;
- Original plans were for single storey building and have been changed without informing residents;
- Proposal would result in alterations to parking layout and worsen existing parking situation (which is already a nightmare);
- Land belongs to flats and this would not be a legal build;
- Space allocated for refuse storage is inadequate and will encroach on residential communal area and entrances to flats;
- Deliveries by vans and large vehicles to storage facility would cause disturbance;
- Additional pressure on existing parking situation; and
- Will affect ability to remortgage property.

4.4 A further comment was received from the occupier of 54 Lee Church Street querying whether the access road to the rear of Lee Church Street would be used as an access for the proposed development and raising concerns that this might lead to the misuse of this area. The Applicant has no ownership rights to this access road and the proposed access is via the existing car park off Boone Street and not to the rear of the property.

(Letters are available to Members)

#### Highways and Transportation

4.5 Unobjectionable

#### Environmental Health

- 4.6 Unobjectionable. Given the neighbouring petrol station, any future application for the change of use of the premises to residential use should consider the matter of site contamination. In this instance, the proposed/current structure may not then provide suitable protection to site end users.

## **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).

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

- 5.2 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.

### London Plan (July 2011)

- 5.3 The London Plan policies relevant to this application are:

Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.4 Local character  
Policy 7.6 Architecture

### Core Strategy

- 5.4 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:

Objective 4: Economic activity and local businesses  
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 15 High quality design for Lewisham

#### Unitary Development Plan (2004)

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

URB 3 Urban Design  
HSG 4 Residential Amenity

#### **6.0 Planning Considerations**

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

- a) Principle of the proposed use
- b) Design
- c) Highways and servicing
- d) Impact on Adjoining Properties
- e) Sustainability and Energy

#### Principle of the proposed use

6.2 PPS1 promotes the efficient use of suitably located previously developed land. The site is currently overgrown and unused and the application seeks to bring it into an active use in association with a small antiques business. The building would provide storage space on the ground floor with office accommodation provided on the mezzanine floor above.

6.3 Paragraph 3.4 of the Core Strategy states that growing the relatively small borough economy is a priority for the Council. The proposed use will create jobs for 2 people and whilst modest, the proposal will make a contribution to this aim.

6.4 The application site is situated in a mixed use area with a number of shops and businesses operating on the ground floor along Lee High Road and residential uses above and behind. The proposed use is therefore considered acceptable provided that it will meet the requirements of Policy HSG 4 of the UDP by having an acceptable impact on the amenity of the neighbouring residential occupiers.

#### Design

6.5 Policy URB 3 of the UDP states that the Council will expect a high standard of design in new buildings and will take into consideration the scale and height of new buildings; access arrangements; building materials and the contribution to natural resource efficiency.

6.6 The townscape of the surrounding area is mixed in terms of the character and ages of the existing buildings and the pattern of development. The proposal therefore seeks to use materials that complement those in the surrounding area including brickwork, slate tiled roof and grey powder coated aluminium windows and doors. The proposed building features a pitched roof between brick gable ends to mirror the shape of the residential properties along Boone Street. Whilst

of simple design, the building is attractively detailed with stone coping and brick soldier courses.

- 6.7 The heights of the surrounding buildings vary from one to four storeys. The scale of the proposal is therefore considered to be acceptable.

#### Highways and servicing

- 6.8 The applicant is the owner of the whole parcel of land that includes Meridian House and the car park around it and has rights to access the site through the existing car park. The proposals include the rearrangement of the 6 existing residential parking spaces to make space for an additional car parking space to serve the new use. Concerns have been raised by neighbouring occupiers that the rearrangement of the parking spaces will worsen the existing problems with resident's parking. The Council's Highways team have not objected to the proposal (they have confirmed that the application will substitute an unsatisfactory car parking layout with an alternative less than satisfactory layout but that this is not sufficient to raise an objection to the scheme).

- 6.9 The plans include the location of two wheelie bins to store waste from the new use. Concerns were raised by the Highways Team and residents of Meridian House as to where the existing residential and commercial refuse bins would be stored. The Applicant has submitted revised drawings showing the amended location of the bins and the Highways team have confirmed that they are satisfied with the amended arrangements.

- 6.10 Neighbouring occupiers have raised concerns about how a storage use will be serviced given the constraints of the existing car park. A parking space has been provided that would be suitable for a car or a van, but it is not clear how deliveries by larger vehicles would be accommodated. A condition is therefore recommended, requiring a delivery and servicing plan be submitted that sets out how this will be addressed.

- 6.11 The Application includes space for 2 bicycles to be parked to the rear of the site.

#### Impact on Adjoining Properties

- 6.12 Policy HSG 4 seeks to protect residential amenity by resisting the siting of incompatible development in residential areas. Given the limited scale of the floorspace proposed, it is not considered that the proposed use would have a detrimental impact on the amenities of neighbouring residents.

- 6.13 The closest neighbouring building to the site is the Lewisham Spiritualist Church and whilst the proposed building may cause some overshadowing to two of the windows nearest the site, the interior of this building is served by other windows that will be unaffected and it is considered that this use is less sensitive to any changes to daylight than if the neighbouring property were in residential use. The location of the site means that there would be no residential properties or amenity spaces that would be affected by the proposal in terms of daylight or overshadowing.

- 6.14 There are no windows in the flank walls which means that the proposal would not prejudice the redevelopment of the neighbouring non-residential sites for residential use. The windows in the gable ends are sufficiently separated from

habitable windows along Boone Street and to the rear of Lee Church Street to avoid any loss of privacy.

### Sustainability

- 6.15 The application is considered to represent a sustainable form of development in that it will allow the most efficient use of this currently vacant piece of brownfield land.

## **7.0 Conclusion**

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations including policies in the Core Strategy.
- 7.2 On balance it is considered that the proposed use will make a positive contribution towards the Borough's economy and create two jobs.
- 7.3 The proposal will not have an unacceptable impact on neighbouring occupiers and will not affect the amenity of neighbouring residential properties.
- 7.4 The design of the scheme is considered to be acceptable.
- 7.5 While the servicing arrangements are not ideal in terms of parking and refuse storage for the existing uses on the larger site; the existing situation is not ideal and the proposal is not considered on balance to make the situation materially worse.
- 7.6 For these reasons, it is recommended that planning permission be granted.

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

- 8.1 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 complies with Core Strategy Objectives 4: Economic activity and local and 10: Protect & enhance Lewisham's character; and Core Strategy Policy 15 High quality design for Lewisham 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).

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

- (1) AR2 – Archaeological Programme
- (2) RF1 – Refuse Storage
- (3) B01 – Facing Materials – New Buildings
- (4) Details of a Delivery and Servicing Plan shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development hereby approved.

## Reason

- (4) To protect the amenity of neighbouring residents and in the interests of highway safety in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and Policy 14 Sustainable movement and transport of the adopted Core Strategy (June 2011).