

Committee	PLANNING COMMITTEE B	
Report Title	Garages to the rear of 3-7 Cheseman Street, SE26 4RA	
Ward	Forest Hill	
Contributors	Case Officer: Amanda Ghani	
Class	PART 1	5 th September 2019

Reg. Nos. (A) DC/19/111589

Application dated 19.03.19

Applicant PPM Planning Limited

Proposal Demolition of the existing garages at the rear of 3-7 Cheseman Street SE26 and the construction of a single storey building to provide 2, two bedroom self-contained dwellings amenity space, together with the provision of cycle parking spaces and refuse and recycling stores.

Background Papers

- (1) This is Background Papers List
- (2) Case File LE/457/C/TP
- (3) Local Development Framework Documents
- (4) The London Plan

Designation PTAL 2

1 SUMMARY

- 1 This report sets out Officer's recommendation for the above proposal. The report has been brought before members for a decision, as there are 3 or more valid planning objections.

2 SITE AND CONTEXT

SITE DESCRIPTION AND CURRENT USE

- 2 The site is located between Sydenham and Forest Hill, in an area of primarily Victorian properties interspersed with newer redevelopment sites. The site is a backland site that rises to the north-west and is surrounded on all sides by existing residential development. The plot is 495.10sqm and comprises 15 garages arranged in three blocks around the periphery of the site, and is accessed from Cheseman Street. The applicant has stated that the garages were built in the 1960's presumably for use as private vehicle storage. The applicant bought the site in 2002 and has confirmed that the garages have not been used to park motor vehicles since that date. According to the submitted Transport Statement, only two of the garages are in use and this is as storage units; none are being used to store vehicles. During a site visit by officers, there was evidence the site has attracted anti-social activities, as there was graffiti on some of the

garages and what appears to be dumped fridges on open ground between the garage blocks.

CHARACTER OF AREA

- 3 The northern boundary of the site backs on to the rear gardens of 3-7 Cheseman Street; which are three, two storey residential dwellings. The western boundary is bordered by a terrace of two-storey residential dwellings in Brickwood Close; the southern boundary abuts 7 Sandown Court and the public space in front of it. Sandown Court is a modern development comprising two storey terraces of residential dwellings. Abutting the eastern boundary is 144-146 Dartmouth Road, which is a three storey building comprising a commercial unit on the ground floor (Century Motors) and 8 residential units on the upper two floors. A block of garages, which is within the curtilage of three storey Forest Hill Court, abuts the western boundary. The area is predominantly residential in character, with an eclectic mix of old and new architectural styles.

SURROUNDING AREA

- 4 Opposite the site access is the side boundary of Sydenham School for Girls and opposite the junction of Cheseman Street is the Bricklayers Arms, which is a public house. To the north-east of the public house, at the Willow Way/Dartmouth Road junction is the old Sydenham Police Station site which recently gained approval for demolition and construction of a part three/four storey building comprising 33 residential flats. No parking was proposed with this application other than 3 disabled parking spaces.

TRANSPORT

- 5 The site is within a PTAL 2 area, which is considered poor, however, the nearest bus stops are on Dartmouth Road outside the School, with services 176 and 197 to East Dulwich and 122 to Brockley. All buses stop close to Forest Hill railway station. Outside the Bricklayers Arms PH, bus routes 176 and 197 go to Penge and 122 to Crystal Place. All buses stop at Sydenham Railway Station. Forest Hill Railway Station is approximately 800m northeast of the site and within an 11 minute walking distance.

3 RELEVANT PLANNING HISTORY

- 6 **DC/03/055722** - The demolition of the garages at the rear of 3-7 Cheseman Street SE26 and the construction of a part two/part three storey building comprising 3 two bedroom self-contained flats and 2 two bedroom self-contained maisonettes, together with the provision of 5 car parking spaces and landscaping. (Outline Application). **Refused under delegated powers 06/07/05** due to overdevelopment, excessive density, visually intrusive, loss of privacy to properties in Brickwood Close and unable to achieve a satisfactory refuse collection provision, due to reasons of narrow and constrained access to the site
- 7 **DC/06/063044** - The demolition of the garages at the rear of 3-7 Cheseman Street SE26 and the construction of a two-storey building comprising 4, two-bedroom self-contained flats, together with 3 car parking spaces, 4 bicycle spaces, landscaping and refuse store. (Outline Application). **Refused under delegated powers 14/06/07** due to exacerbation of on street parking stress, overdevelopment, appearing visually intrusive and unable to achieve a satisfactory refuse collection provision, due to reasons of narrow and constrained access to the site
- 8 **DC/13/085169** - The demolition of the garages at the rear of 3-7 Cheseman Street SE26 and the construction of 1 two bedroom single storey dwelling, together with the provision

of 1 car parking space, 2 bicycle spaces and refuse store. **Granted at planning committee 06/05/14**

- 9 **DC/14/088683** - Demolition of the existing garages and the construction of a single storey building with amenity space on land to the rear of 3-7 Cheseman Street SE26, to provide 2, two bedroom self-contained units together with the provision of cycle parking spaces and refuse and recycling stores. **Granted under delegated powers 11/12/14**
- 10 **DC/16/097674** - The demolition of the existing garages at the rear of No's 3-7 Cheseman Street SE26 and the construction of 3 three bedroomed, 2-storey terraced houses, together with the provision of bin and bicycle storage and associated landscaping. **Refused under delegated powers 04/10/16 due to** The excavation of the site to provide a lower ground floor would provide a cramped and oppressive environment with a poor outlook for occupiers of the proposed dwellings. The applicant has failed to demonstrate that the parking demand generated by the proposed development could be adequately accommodated in the local area.
- 11 The application was subsequently appealed and dismissed on 23/05/17 (APP/C5690/W/17/3168771)
- 12 **DC/17/103605** - The demolition of the existing garages at the rear of 3-7 Cheseman Street SE26 and the construction of 3, three bedroom two storey terraced houses, with 3 off street parking spaces together with the provision of bin and cycle storage, associated landscaping and car turn table. **Refused under delegated powers 09/11/17 due to** the proposed dwellings would by reason of their siting, height and scale have an overbearing impact on neighbouring properties, leading to an increased sense of enclosure, poor outlook, loss of privacy and overshadowing for adjoining occupiers. The accessway into the site would, by reason of its length and limited width, fail to provide sufficient space for two vehicles to pass and give rise to pedestrian and vehicular conflict,
- 13 **DC/17/103608** - The demolition of the existing garages at the rear of 3-7 Cheseman Street SE26 and the construction of a terrace of 3, two storey, two bedroom houses, together with 3 off-street parking spaces. associated cycle and bin storage and a car turn table. **Refused under delegated powers 09/11/17 due to** the proposed dwellings would by reason of their siting, height and scale have an overbearing impact on neighbouring properties, leading to an increased sense of enclosure, poor outlook, loss of privacy and overshadowing for adjoining occupiers. The accessway into the site would, by reason of its length and limited width, fail to provide sufficient space for two vehicles to pass and give rise to pedestrian and vehicular conflict

14 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

- 15 The current application is for the demolition of the existing garages at the rear of 3-7 Cheseman Street SE26 and the construction of a single storey building to provide 2, two bedroom self-contained dwellings, amenity space, together with the provision of cycle parking and refuse and recycling stores.

3.2 COMPARISON WITH PREVIOUS SCHEMES

- 16 There have been a number of development proposals for the site over the past 14 years. Two proposed single storey developments, were approved. There have been five proposals for two or three storey developments, all of which have been refused; for

reasons relating to impact on neighbouring amenity, or poor standard of accommodation due to the high density of the proposed development.

17 The most recent applications which were both refused on 09/11/17 pertain to a proposal for three, three bedroomed, two-storey terraced houses and for three, two bedroomed, two-storey terraced houses.

18 The current application is similar to the approved scheme DC/14/088683 in terms of its bulk, scale and number and type of units proposed and not proposing off-street parking. Apart from small differences in the internal layout, the only other significant difference is that the current application is not for a gated development. Furthermore, the policy used to assess this application remains extant.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

4.2 There was no pre-application engagement with the applicant

4.3 APPLICATION PUBLICITY

19 Site notices were displayed on 16th April 2019

20 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 16th April 2019

21 Nine responses were received, comprising eight objections, and one letter of comment

22 Objections

Material planning consideration	Para where addressed
The proposal will exacerbate the existing on-street parking problem on Cheseman Street	Paragraph 5.4
Construction vehicle access, noise and air quality	Paragraph 88
Service issues regarding access to the site due to narrow accessway	Paragraph 78
Overdevelopment of site and proximity to neighbouring properties.	Paragraphs 73-75, 83-89

23 A number of non-material planning considerations were also raised as follows:

24 One objector quoted extracts from a Land Registry Deed which refers to the sale of land at the end of 3-7 Cheeseman Street advising that the purchaser is not entitled to any right of light or air which would interfere with the free use of any adjoining property; or carry out a trade or business which would cause a nuisance to occupiers of adjacent land. This is not a material planning consideration; however, the impacts of the proposed development on the amenities of neighbouring properties, including daylight impact, are considered acceptable. (See para. 7.54).

- 25 From the extracts provided it is officer's opinion that the proposal would not cause such nuisance or interference.
- 26 A number of objectors raise concerns over the historic applications that have been made and accuse the applicant of applying for small developments in a bid to gain approval for larger developments in future applications. There is no limit to the number or type of applications that can be submitted, moreover, officers assess each application on its own merits.
- 27 The garage site has apparently been used as a storage site for various commercial and household refrigeration units. Concerns have been raised by several objectors over possible ozone depleting gases escaping from the units. This is not a planning consideration.
- 28 Party wall considerations are a private matter between the developer and adjoining neighbour and not a material planning consideration.
- 29 The planning approval for the redevelopment of the old Sydenham police station at 179 Dartmouth Road has been highlighted by several objectors as being a cause for greater vehicle congestion in the immediate area in the future. This proposal included 3 disabled parking spaces but was otherwise a car free development. A planning obligation in the form of a S.106 Agreement has been attached to the approval. A financial contribution toward reviewing the controlled parking zone adjacent to the site and the introduction of double yellow lines to prevent residents of the development parking on the access road has been agreed. Furthermore, a number of conditions have been attached to the planning permission, regarding the installation of electric car charging points; submission of a User's Travel Plan specifying non-car travel initiatives to be implemented and submission of a parking management plan outlining measures to discourage informal parking within the site.
- 30 A comment relating to non-material planning considerations were also raised as follows:
- 31 An email was submitted by the General Bureau (Forest Hill Court) stating they have been approached by the applicant with regards to selling one of their car parking spaces to the developer. The offer was apparently declined.
- 32 The current application proposes no off street car parking spaces and has been assessed as such.

4.4 INTERNAL CONSULTATION

- 33 The following internal consultees were notified on 20th June 2019
- 34 Highways: raised no objections
- 35 Ecological Regeneration: raised no objections.

4.5 STATUTORY CONSULTATION

- 36 None.

37 POLICY CONTEXT

4.6 LEGISLATION

38 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

39 MATERIAL CONSIDERATIONS

40 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

41 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

42 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

4.7 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

4.8 DEVELOPMENT PLAN

43 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)

4.9 SUPPLEMENTARY PLANNING GUIDANCE

44 Lewisham SPG/SPD

- Planning Obligations Supplementary Planning Document (February 2015)

45 London Plan SPG/SPD: [delete irrelevant documents]

- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- Housing (March 2016)

5 PLANNING CONSIDERATIONS

46 The main issues are:

- Principle of Development
- [Housing]
- Impact on Adjoining Properties
- Transport

5.1 PRINCIPLE OF DEVELOPMENT

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

48 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

49 The principle of development is whether the provision of housing on the site is appropriate for this location. National and local planning policies all indicate that development should aim to make the most effective use of land. Indeed, the London Plan makes housing a priority for London. Residential use is the default use where there are no other policy protections established. The application seeks to optimise the development potential of the site by providing residential accommodation

The site has no specific allocations under the up to date development plan and is currently occupied by 15 garages. The National Planning Policy Framework, makes it clear, that the proposed development must be sustainable and of a high quality design. The principle of development for this backland development has previously been established to be acceptable, subject to good access, amenity and design related details having been addressed

5.1.1 Principle of development conclusions

50 In light of the above, the principle of the proposed development of the site is acceptable as it would optimise the use of the site and provide new housing. This is considered a planning merit to which substantial weight is given.

5.2 HOUSING

51 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation; and (iv) total affordable housing proposed and its tenure split.

5.2.1 Contribution to housing supply

52 National and regional policy promotes the most efficient use of land. The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported that are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks.

Table 2: Unit and tenure mix

	Studio	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Private	-	-	2	-	-	2
Social Rent	-	-	-	-	-	-
Affordable Rent	-	-	-	-	-	-
Shared Ownership	-	-	-	-	-	-
Total			2	-	-	2

53 Table 2 sets out the number and mix of units. The proposal would provide a suitable housing number and mix for the site

5.2.2 Residential Quality

General Policy

54 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP 3.5), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

55 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity.

Internal space standards

56 The standards in the London Plan will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. The criteria is set out in Policy 32 of the Development Management Local Plan (2014)

With regards to the unit type, the development seeks to deliver 2 x 2 bedroom/4 person units. In accordance with the Table 3.3 of Policy 3.5 of The London Plan, a 2 bedroom 4 person (single-storey) unit would be required to have a minimum GIA of 70 sqm.

An assessment of the proposed residential property against the space standard is considered below:-

57 Table 3: Space standards – internal and external]

(m ²)	Unit type	Bed 1	Bed 2	Ceiling height	Private amenity	Storage	Pass/fail
	- Minimum Gross internal area 70sqm	11.5sq m	11.5sq m	2.5m	Min. 5sqm for 1-2 person s. Extra 1sqm per	2sqm	

					additional occupant.		
Unit 1	2B4P 70sqm	Double 13.01	Double 13	2.5m	79.5sq m (rear) 17sqm (front)	2.9sqm	Pass
Unit 2	2B4P 76sqm	Double 12.1	Double 14.4	2.5m	61.4sq m (rear) 25.4sq m (front)	2.9sqm	Pass

58 From the table above, it is clear that the proposed development does provide adequate levels of accommodation with built-in storage.

Outlook & Privacy

59 The outlook from the proposed units would be acceptable. The front windows would face onto the front gardens and courtyard area whilst the rear windows would look out onto the rear gardens of the development. The living room windows are west facing and would receive direct sunlight and daylight. The units are in an urban context and there would be sufficient distance between the neighbouring properties and habitable room windows to provide an acceptable level of privacy

Overheating and ventilation

60 Overheating and ventilation are both material considerations. The proposed layout results in two dual aspect units. The units both have a 2.5m floor to ceiling height. Both units would achieve adequate ventilation.

Daylight and Sunlight

61 The applicant did not submit a Daylight and Sunlight report with this application, however, having assessed the proposal; officers consider that the development would provide adequate levels of daylight and sunlight for future occupiers given the scale and siting of the buildings.

Noise & Disturbance

62 The residential development is considered compatible with the surrounding area, which is residential in nature. Given that the development is car free, the proposal would not result in a materially harmful increase in noise or disturbance.

Accessibility and inclusivity

63 London Plan Policy 3.8 and the Draft London Plan Policy D5 require 10% of new build dwellings to be wheelchair accessible as per Building Regulation requirement M4(3).

64 As the proposal is for two dwellings, the applicant does not need to provide a wheelchair accessible unit. However, the submitted planning statement states that both properties

have been designed with appropriate circulation spaces and room adaptation for wheelchair users.

External space standards

65 As required by Standard 26 of the London Plan Housing Supplementary Planning Guidance (March 2016) 'A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The proposed development has been put forward with front and rear private amenity space for both units.

66 As the proposal is for two, 4-person dwellings, the minimum private outdoor space required is 7sqm. The proposal far exceeds this requirement, both gardens being just over 11m long. Flat 1 would have a 64sqm rear garden and Flat 2 would have a 60sqm rear garden. Both gardens have been designed to be useable spaces, which prevent overlooking, while also providing attractive outlook and access to light. Both flats would also benefit from a small front garden as well as a shared front courtyard.

5.2.3 Housing conclusion

67 Contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings, as outlined in Core Strategy Policy 1. Officers are satisfied that the quality of residential accommodation would be acceptable. Both units exceed the minimum space standard requirements with regards to room size, internal storage and external amenity space. As the proposal is only for two residential units, there is no requirement to provide affordable housing as part of the development.

5.3 URBAN DESIGN

General Policy

68 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

69 Urban design is a key consideration in the planning process. Part 12 of the NPPF (2019) makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.

70 London Plan (2016) Policies 7.1-7.7 (inclusive) and Core Strategy (2011) Policy CS 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

71 Further to this, the Development Management Local Plan (2014) DM Policy 30 requires planning applications to demonstrate a site-specific response which creates a positive relationship with the existing townscape whereby height, scale and mass of the proposed development relates to the urban typology of the area.

5.3.1 Appearance and character

72 The proposed units would be of a contemporary design. The full height glazing gives rise to an attractive rear elevation. Soft landscaping to the front and rear of the units along with a green sedum roof are used to achieve privacy, screening and urban greening. The proposed palette of materials relies heavily on London brick, aluminium framed windows and doors and aluminium coping around the roof perimeter. The design is simple and minimalistic; the proposed materials are of a high quality. Given the simplicity

of the building, it is necessary to see some further details including securing deep window reveals. However, the proposed building is considered to be acceptable.

Layout, Form and Scale

- 73 Demolition of the 15 garages on site is proposed. There is no objection to this as the garages are in a derelict state having not been in use for a number of years. Excavation work is proposed to be undertaken to level the site. As a result, the proposed units will be built at a ground level 0.5m to 1m lower than currently exists on the site. The semi-detached, single storey units would have flat roofs and a maximum external height of 3.15m and cover approximately 170sqm of the 495sqm site. The side elevation of Unit 2 would be set flush to the eastern boundary directly behind 146 Dartmouth Road and extend along the southern boundary of the site. The rear elevation of both Units 1 and 2 would be roughly in line with the rear building line of 7 Sandown Court to the south and the side elevation of 5 Cheseman Street to the north. There would be a set back from the side elevation of 7 Sandown Court of 1.8m narrowing to 1m at the rear of the property. Unit 1 would be set back from the northern boundary by 1m.
- 74 A brick retaining wall with fence panels above is proposed along the northern, eastern, western and southern boundaries. When measured from the proposed ground level on site, the western boundary would measure 2.1m high. The southern boundary would measure 3.8m high, the northern boundary 2.7m and the eastern boundary 2.8m, according to submitted drawings. Due to the difference in ground level between the site and the surrounding properties, the proposed units would largely sit at the same height as the proposed boundary treatments or slightly above. As a consequence, the form and scale of the proposal would result in no significant detrimental harm to the surrounding area.

5.3.2 Urban design conclusion

- 75 The proposed development would create a new building containing two separate units, that would be of high quality and be compatible with the surrounding urban typologies. To ensure high quality design, it is recommended that a condition is added to secure materials and details such as depth of window and door reveals; details of brickwork, soldier courses and window frames.

5.4 TRANSPORT IMPACT

- 76 The Council in line with the London Plan and NPPF policies, takes a restrictive approach to private car parking provision in order to promote use of sustainable modes of transport. Parking should comply with the standards of the London Plan, as shown in Table 6.2 of the Parking Addendum.
- 77 The development proposes no off-street car parking spaces and would not provide any vehicular access to the site. The applicant has provided a Transport Statement, however this does not include a parking street survey. A number of objections have been received regarding the proposal's lack of off street parking. Objectors have stated that there is significant existing parking stress on Cheseman Street. A number of objectors have alleged an enquiry was made by the applicant to the General Bureau regarding the possibility of buying one of Forest Hill Court's parking spaces. There are double yellow lines on the northern side of the road and on the southern side at the junction with Dartmouth Road up to the entrance of the subject site. A number of Cheseman Street properties have installed crossovers to facilitate off-street parking. Cheseman Street is not within a controlled parking zone and so officers are unable to prevent future occupiers parking vehicles on the road. Officers agree that Cheseman Street does suffer from parking stress and the additional parking demand generated by the proposal is likely to exacerbate the situation; however, the current application will not generate any

additional parking demand when compared to the consented application DC/14/88683. Moreover, the applicant has demonstrated that the site has good access to a number of non-car modes of transport and by reinstating the kerb in front of the access site, will be providing an additional on street parking space. As a consequence, the highway's officers has not objected to the proposal.

5.4.1 Access

78 An objection has been received regarding the width of the site's accessway. The objector states the accessway is too narrow to accommodate emergency vehicles. According to submitted drawings, the width of the accessway is 3.2m, which would accommodate an ambulance. With regards to fire engine access, Page 75 of The Manual for Streets, states that there should be vehicle access for a pump appliance to within 45 m of every point within single-family houses. Since the accessway to the proposed development is 27m long; the proposed units would be accessible and consequently, is considered to be acceptable.

79 There is an existing crossover to the front of the accessway on Cheseman Street. As the proposal does not include off-street parking, the Highway's Officer has advised that the applicant will need to pay for the removal of the redundant vehicular crossover. This will then allow for one extra on street car parking space in its place. The removal of the crossover can be secured by condition.

5.4.2 Servicing and refuse

DM Policy 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.

Standard 22 and 23 of the London Plan Housing SPG provides guidance on refuse to new residential development and references the British Standard BS5906:2005.

A refuse area for both units is proposed on the northern boundary in front of Unit 1. The bin storage would open on to the amenity space in front of the Units. The servicing would be provided from a designated collection point 25m north, on hardstanding at the entrance of the access way onto Cheseman Street. The storage and collection arrangements are the same as those approved in DC/14/088683. The proposed refuse and servicing is acceptable and in accordance with London Plan guidance.

5.4.3 Transport modes

Walking and cycling

80 Policy 6.9 of the London Plan maintains that development should provide secure, integrated and accessible cycle parking facilities. The London Plan requires that a one-bedroom flat should provide 1 cycle parking space, and 2 cycle parking spaces should be provided per all other dwellings.

81 The existing pedestrian network near the site is considered adequate and provides access to a range of services and local facilities including a number of bus routes with bus stops situated 150m east and west of the site. Forest Hill Railway Station is approximately 800m north of the site and an 11-minute walk away. A number of cycle routes are located in the vicinity of the site, including Wells Park Road and Sydenham Park, which are classified by TFL as routes marked or signed for use by cyclists. The application proposes dry, step-free, secure cycle storage for four bicycles to the front of the units, which is considered acceptable and in line with London Plan Policy.

5.4.4 Transport impact conclusion

82 The Transport Statement sufficiently demonstrates that there are other viable travel options to the use of a private car. The proposed development provides good quality cycle parking spaces and would be car free. The proposal is considered consistent with CS Policy 14 and the London Plan.

83 LIVING CONDITIONS OF NEIGHBOURS

84 The NPPF (paragraph 127 and 180), London Plan Policies 7.4 and 7.6, Core Strategy Policy CS15 and Development Management Local Plan Policy DM 32 require new residential development to be neighbourly and not result in adverse impacts on the amenities of nearby properties, providing a satisfactory level of privacy, outlook and natural light.

5.4.5 Enclosure and Outlook

85 The location of the site is to the rear or side of the surrounding properties. The height of the proposed dwellings, being single storey and sited on a lower excavated ground level would result in a development that would have no significant detrimental impact on the visual amenity or outlook from neighbouring properties. Given the separation distances between the proposed units and existing neighbouring windows and gardens, there would be no unacceptable sense of enclosure.

5.4.6 Privacy

86 The windows in the rear elevation would serve principle habitable rooms and be 19m from the rear elevation of 9 Brickwood Close. A boundary treatment consisting of a fence on top of a low wall would be sited between the properties, measuring 2.1m high. The windows in the front elevation serve bedrooms and bathrooms. The front windows in Unit 1 face the rear garden of 144-146 Dartmouth Road. The windows would be 19m from the rear elevation of this adjacent property. The windows in the front elevation of Unit 2 would be 24.5m from the rear elevation of 3 Cheseman Street. The separation distances between the proposed dwellings and these adjacent properties would be sufficient to prevent loss of privacy to and from the proposed dwellings.

5.4.7 Daylight and Sunlight

87 There is no daylight and sunlight report submitted with this application. The relationship between the proposed building and adjoining residential dwellings and amenity space is such that no material harm would be likely to arise.

5.4.8 Noise and disturbance

88 The residential use is compatible with the surrounding area. Given the quantum of development and the proposal being car free, there would be no materially harmful increase in noise or disturbance. An informative will be added advising that construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites"

5.4.9 Impact on neighbours conclusion

89 The proposed development would have no harmful loss of daylight, sunlight, privacy, outlook or noise impact on the neighbouring properties.

90 SUSTAINABLE DEVELOPMENT

91 The NPPF (para.148) sets an expectation that planning will support transition to a low carbon future, with development contributing to conserving and enhancing the natural environment and reducing pollution.

5.4.10 Urban Greening

92 The proposal offers landscaping to the front and rear of the site. Permeable brick paving would be laid to the front courtyard and accessway and light grey limestone would be used to the rear patio areas. Beech hedging is proposed along the eastern boundary, with low level hedging to the front garden areas. The rear and front gardens would be lawned. The proposed landscaping details show four trees on the western boundary and three trees in the courtyard. In accordance with policy DM 25 It is recommended that further details of soft and hard landscaping are conditioned to ensure implementation.

Living roofs

93 The London Plan, Core Strategy Policies 8 and 12 promote and support the use of living roofs in new development proposals. New living roofs are required to be designed and fitted by a qualified and accredited installer and include an extensive substrate base, except where it can be demonstrated that such as base is not feasible and achievable. Developers should enter into an agreement with an installer that guarantees 80% coverage in five years, as set out in policy DM 24.

Table [4]: Living Roof Provision

Type of Living Roof/Wall	Size of Living Roof/Wall (m2)	Size of Living Roof (as % of total roof space)
Bauder Xero Flor XF301 Sedum Blanket System	168	100%
Total	168sqm	100%

A condition will be added to ensure that the living roof is installed in accordance with submitted details.

LOCAL FINANCE CONSIDERATIONS

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

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

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

96 The CIL is therefore a material consideration.

97 **£14,438.92** Lewisham CIL and **£9,923.96** MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

EQUALITIES CONSIDERATIONS

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

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

6 HUMAN RIGHTS IMPLICATIONS

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

- Article 8: Respect for your private and family life, home and correspondence
- Article 9: Freedom of thought, belief and religion
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

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

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

108 This application has the legitimate aim of providing a new building with residential use. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

7 CONCLUSION

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

110 The proposed scheme presents several planning merits: 1) the optimal use of otherwise redundant land, 2) the provision of two, four person/two bed dwellings that meet a local need, 3) the provision of two homes in a sustainable urban location with good access to public transport, local services and amenities, 4) the proposal would not result in any detrimental harm to neighbouring amenity. Substantial weight is given to these merits.

The scheme has been well designed and would not harm the character or appearance of the wider area. For these reasons, it is recommended that the development is approved.

8 RECOMMENDATION

- 1 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

8.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) APPROVED PLANS

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

7248/EX/01; 7248/EX/02; 7248/EX/03; 7248/EX/04; F/7248/A4/01; F/7248/A1/01; F/7248/A1/03; F/7248/A2/01; F/7248/A2/02; Transport Statement; Supporting Planning Application Statement. (Received 26 March 2019)

XERO FLOR XF301 SEDUM BLANKET SYSTEM; XF301 SEDUM STANDARD; TECHNICAL SYSTEM SUMMARY (Received 20 June 2019)

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

3) REMOVAL OF CROSSOVER

The development hereby permitted at 51-63 Malham Road shall not be occupied until the developer has secured the removal of the crossover and the reinstatement of the pavement to the front of the Malham Road site.

Reason: In order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (2011)

4) DESIGN QUALITY – MATERIALS

No development **above ground** shall commence on site until a detailed schedule and specification of all external materials, detailing finishes, windows, external doors and window and door reveals to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and

5) CONTAMINATION

(a) No development or phase of development (including demolition of existing buildings and structures, **except where enabling works for site investigation has been agreed by the local planning authority**) shall commence until :-

(i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.

(ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.

(iii) The required remediation scheme implemented in full.

(b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

(c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

6) CONSTRUCTION MANAGEMENT PLAN

No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

7) SOFT LANDSCAPING

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

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

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

8) BOUNDARY TREATMENTS

(a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM

Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

9) CYCLE PARKING

(a) **Prior to first occupation**, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

10) REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

No extensions or alterations to the building(s) hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

11) LIVING ROOF

(a) The development shall be constructed with a biodiversity living roof laid out in accordance with XF 301 Sedum Standard drawing and Technical System Summary hereby approved and maintained thereafter.

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

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

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

12) REFUSE STORAGE

(a) No development **above ground level** shall commence until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

8.2 INFORMATIVES

Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.