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PLANNING COMMITTEE C

Date of Meeting:	**THURSDAY, 20 MAY 2021** TIME **7.30 PM**
PLACE:	**HYBRID MEETING: COUNCIL CHAMBER AND REMOTE.**

Members of the Committee are summoned to attend this meeting:

Membership
Councillors:

Olurotimi Ogunbadewa (Chair)
Stephen Penfold (Vice-Chair)
Peter Bernards
Suzannah Clarke
Mark Ingleby
Silvana Kelleher
Louise Krupski
Paul Maslin
Jacq Paschoud
James Rathbone

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

Kim Wright
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 11 May 2021

For further information please contact:
Claudette Minott Committee Officer

Email: committee@lewisham.gov.uk

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Committee	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 20 May 2021

Members are asked to declare any personal interest they have in any item on the agenda.

(1) Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct:-

(a) Disclosable pecuniary interests

(b) Other registerable interests

(c) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

(a) Employment, trade, profession or vocation of a relevant person* for profit or gain.

(b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).

(c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.

(d) Beneficial interests in land in the borough.

(e) Licence to occupy land in the borough for one month or more.

(f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.

(g) Beneficial interest in securities of a body where:-

(a) that body to the member's knowledge has a place of business or land in the borough; and

(b) either

(i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

(a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;

(b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;

(c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on member's participation

(a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take not part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**

(b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

(c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.

(d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.

(e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

(a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);

(b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;

(c) Statutory sick pay; if you are in receipt;

(d) Allowances, payment or indemnity for members;

(e) Ceremonial honours for members;

(f) Setting Council Tax or precept (subject to arrears exception).

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Committee	PLANNING COMMITTEE C	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 20 May 2021

MINUTES

To approve the minutes of the meeting of Planning Committee C held on the 18 February 2021.

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LEWISHAM COUNCIL
PLANNING COMMITTEE C
THURSDAY, 18 FEBRUARY 2021 AT 7.30 PM
MINUTES

PRESENT: Councillor Olurotimi Ogunbadewa (Chair), Councillors: Stephen Penfold (Vice-Chair), Peter Bernards, Mark Ingleby, Silvana Kelleher, Louise Krupski, Jacq Paschoud, James Rathbone

APOLOGIES FOR ABSENCE: Councillors Suzannah Clarke Paul Maslin.

OFFICERS: Team Leader, Planning Officers, Committee Officer.

ALSO PRESENT: Legal Representative: Charles Merrett, Barrister from Francis Taylor Building on behalf of LBL.

Item No.

1 Declarations of Interest

None received.

2 Minutes

RESOLVED that the minutes of the Planning Committee C meeting held on 10 December 2020, be agreed and signed as a correct record.

3 17 Minard Road, SE6 1NS

The item was removed from the meeting's Agenda

4 The Curve, Chudleigh Road, SE4 1HD

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for construction of an additional storey at The Curve Building, Chudleigh Road SE4 to provide:

- 3, one bedroom self-contained flats, together with the provision of 6 additional cycle spaces.

The Committee noted the report and that the main issues were:

- Principle of Development
- Housing
- Urban Design
- Transport
- Impact on living conditions of neighbours

Afterwards, members' questions related to the balconies.

The Officer used their presentation slides to provide clarification to Members with regard to the elevation of the proposed balconies.

The agent on behalf of the applicant, addressed the Committee. The agent described the development outlining its benefits.

The following enquiries from Members related to balconies, room locations, roof, noise, cladding, parking, bicycle storage,
It was confirmed the previous application was refused due to overlooking from the proposed balconies. The Committee were assured the current application included measures to mitigate the issue of overlooking.

The agent explained acknowledged the room locations and advised the Committee that the new storey would be built independently of the floor below. Therefore, as separate structures there would be no sound impact on the floor below.
It was stated that keeping the current roof under the new storey would ensure waterproofing and sound reduction.

A representative addressed the Committee, on behalf of local residents advising that residents were opposed to the proposal due to concerns regarding noise, the additional storey, parking, parking survey, bicycle storage and height.

The following questions from Members related to cladding and parking.
The representative advised the cladding was viewed as unnecessary and posed a fire risk.
The agent acknowledged the concern raised and advised the developer would be using A1 non-combustible products that confirmed to regulations.
The Team Leader advised Members that fire safety was a building control matter. A fire safety statement was not required from the

developer for the application. Fire safety was not a material consideration for the application.
The Officer advised the Committee the development was not subject to a Car Parking Zone (CPZ). Therefore, it was not possible for officers to condition the site to be car free. The Officer noted advice from the local authority's highways officer following a parking survey conducted for the site. It was concluded the development was not likely to have any impact on traffic.

During the course of the meeting at 7.49 pm a Member joined the meeting. As they had missed the officer presentation and some of the discussion, the Chair advised that they would not be able to vote on the current item under consideration. At 8.03 pm, another Member advised the Committee they would abstain from the voting for this item, as they had lost internet connection. As a result they had missed significant parts of the item under consideration.

Councillors moved the recommendations as outlined in the report. All councillors voted in favour of the recommendations.

RESOLVED – unanimously

That it be noted that the Committee agreed to:

GRANT planning permission for construction of an additional storey at The Curve Building, Chudleigh Road SE4 to provide:

- 3, one bedroom self-contained flats, together with the provision of 6 additional cycle spaces.

Subject to conditions and informatives outlined in the report.

5 Land at Church Grove, London, SE13 7UU

The Planning Officer, gave an illustrative presentation recommending the grant of planning permission for an application submitted under Section 73 of the Town and Country Planning Act 1990 to vary conditions attached to the planning permission DC/17/104264 dated 14 December 2018 as amended by DC/20/119249 dated 03rd February 2021 for ' The construction of a part three/part four storey building incorporating balconies on vacant land at Church Grove SE13 comprising self build residential units (Use Class C3) together

with community facilities, shared landscaping space, car parking, secure cycle and refuse storage, alterations to access and other associated works;- in order to make the following amendments:

- Increase the number of dwellings from 33 to 36
- Increase the maximum height of the building by 450mm
- Simplify the building form
- Replace the external and structural combustible materials
- Associated amendments to landscaping and other works

In addition to providing details to amend the following conditions to compliance conditions:

- Condition 3- Archaeology;
- Condition 4- Outline Construction Logistics Management Plan;
- Condition 10- Tree Protection Plan;
- Condition 20- Window and Door Reveals;
- Condition 36- Design Code; and
- Condition 37- Noise mitigation on Walkways.

The Committee noted the report and that the main issues were:

- Principle
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport Impact
- Sustainable Development
- Natural Environment
- Planning Obligations

The following members' questions related to: community space, cladding, self-build, units, tenure,

The Officer advised Members the applicant would address concerns related to community space.
Members were advised by the officer, that the applicant would replace the largely timber cladding with fibre cement board, which would last much longer than timber.
The Committee were informed by the Officer that when assessed with planning policy, it was not a requirement for the development to

be self-build. It was confirmed that the development was 100% affordable.
The Officer acknowledged the application proposed the removal of a previously approved family dwelling, for a large family. Members were informed the Officer was satisfied the development would provide family dwellings for small families, as recognised by planning guidance.
It was stated by the Officer that planning policy supported the amendments outlined in the application under consideration and that it was important to view the proposed development as a whole.
The Officer provided clarification regarding the distribution of tenure type and unit sizes, as outlined in the officer report.
The Team Leader reiterated and supported the Officers clarification.

The applicant addressed the Committee, advising that 36 homes were to be built for the community by the community. This would result in an increase in affordable homes and a high quality housing scheme. The applicant informed Members the proposed amendment would commence in spring to summer 2021. The applicant stated the development would bring a vacant site back into use for individuals, couples, families and include a communal play area. Members were advised by the applicant that the developer had collaborated with 'future residents' and the local authority. The applicant advised the Committee that fire standards had been improved, and that due to various changes, the proposed space would exceed government space standards.

A resident addressed the Committee in support of the application. Members were advised by the resident that the 'vital amendments' would result in affordable housing, positive effects on the community in terms of the communal play area by the river and a stronger neighbourhood. The resident concluded it would not be possible for him to afford housing, if it were not for the proposed development.

The following enquiries from Members related to units, children's space, finance, gates, tenure,

The agent advised the Committee that it was acknowledged that a unit deemed as suitable for disabled residents would be removed if the application under consideration were to be approved. The agent advised that there had been collaboration with the local authority's Housing Strategy Team and that the local authority fully supported the application. The agent also advised Members that a guest flat

would be on the proposed development. The flat would be available to anyone and would be suitable for carers who needed to live in in order to assist disabled residents. The agent also stated there would be communal laundry facilities, an office and other amenities. It was confirmed that the re-cladding would have a 60 year lifespan, which was much longer than the current timber.

During the course of the meeting, several Members expressed concerns relating to the removal of a unit that would have been suitable for a large family, as well as concerns regarding the communal space. Concern was also raised with regard to the viability of the scheme. Several Members felt the current proposal was vastly removed from the original accepted application and the amendments were not minor.

The agent reiterated that the development was fully supported by the local authority and that the community space would not be ‘gated’ but open to all.

The Team Leader and Officer provided clarification with regard to the unit to be removed from the proposed development, the communal space and the schemes viability as outlined in the officer report.

A representative addressed the Committee, on behalf of residents advising the residents were opposed to the proposal due concerns regarding traffic and parking stress, the community hub, proposed amendments, over-looking, scale, height, density, privacy, gates, emergency services, consultation, flood risk, inaccurate daylight and sunlight report submitted, impact on ecology, boundary details and the conservation area.

The Team Leader and Officer provided clarification to the points raised by the representative as outlined in the officer report. The Team Leader advised Members that the area of fire safety was a building control matter and was out of the scope of the current meeting.

The Chair reiterated the Team Leader’s advice and minded Members to assess the application on its own merits.

During the meeting, one Member lost their internet connection several times. They were advised not to vote on the item under consideration. The other Members present confirmed they were

present throughout the presentation and discussion of the current application under consideration.

Members voted on the recommendation in the report, with a result of 5 in favour, and 2 against the proposal.

RESOLVED

That it be noted that the Committee agreed to:

GRANT planning permission for an application submitted under Section 73 of the Town and Country Planning Act 1990 to vary conditions attached to the planning permission DC/17/104264 dated 14 December 2018 as amended by DC/20/119249 dated 03rd February 2021 for ' The construction of a part three/part four storey building incorporating balconies on vacant land at Church Grove SE13 comprising self build residential units (Use Class C3) together with community facilities, shared landscaping space, car parking, secure cycle and refuse storage, alterations to access and other associated works;- in order to make the following amendments:

- Increase the number of dwellings from 33 to 36
- Increase the maximum height of the building by 450mm
- Simplify the building form
- Replace the external and structural combustible materials
- Associated amendments to landscaping and other works

In addition to providing details to amend the following conditions to compliance conditions:

- Condition 3- Archaeology;
- Condition 4- Outline Construction Logistics Management Plan;
- Condition 10- Tree Protection Plan;
- Condition 20- Window and Door Reveals;
- Condition 36- Design Code; and
- Condition 37- Noise mitigation on Walkways.

The meeting closed at 9.46 pm

Chair

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Committee	PLANNING COMMITTEE C	
Report Title	Unit 4a, Ashby Mews, London, SE4 1TF	
Ward	Brockley	
Contributors	Patrycja Ploch	
Class	PART 1	21 May 2021

Reg. Nos.	DC/20/119758
Application dated	23.12.2020 [as revised on 23.02.2021 and 29.03.2021]
Applicant	Russian for fish on behalf of Applicant
Proposal	Demolition of the existing garage building at Unit 4a, Ashby Mews (land at the rear of 93 Upper Brockley Road) and redevelopment of the site including excavation works to provide two-storey live/work unit (Sui Generis Use) together with all necessary associated works. [Revised description]
Background Papers	(1) This is Background Papers List (2) Case File DE/98/A1/TP (3) Local Development Framework Documents (4) The London Plan
Designation	Brockley Conservation Area Article 4 Direction

1 SUMMARY

1 This report sets out the officer's recommendation concerning the above proposal. The report has been brought before members for a decision as there are 5 or more valid planning objections.

2 SITE AND CONTEXT

2.1 Site description and current use

2 The application site is located on the west side of Ashby Mews, close to Ashby Road, and to the rear of 93 Upper Brockley Road. The site currently comprises a garage building.

3 The application site is outlined in red in the Photograph 1 below.

Photograph 1: Aerial photograph of site

2.2 Character of area

4 The surrounding area is predominantly residential. Manor Avenue and Upper Brockley Road are comprised of large four storey town houses in short terraces. The gardens of these properties back on to Ashby Mews.

5 Ashby Mews is a privately owned and un-adopted service road with a largely hogging surface providing pedestrian and vehicular access between Ashby Road and Geoffrey Road. The northern end of the mews, where the application site lies, is developed as a small cluster of small scale light industrial units, galleries, workshops and live/work units.

2.3 Heritage/archaeology

6 The application site is located within the Brockley Conservation Area and, it is subject to an Article 4 direction, which removed permitted development rights for development falling within Classes A, C, D, F of Part 1 of Schedule 2, Classes A and C of Part 2 to Schedule 2 and Class B of Schedule 2 to the Order.

2.4 Surrounding area

7 The application site is located 0.2miles (that is 4 minute walk) from Brockley Station and number of services and facilities provided in the area surrounding the station (Brockley Cross). The site is also 0.8 miles (17 minutes' walk) from the centre of New Cross, and 1.2miles (that's 25 minutes' walk) from centre of Lewisham and Ladywell.

2.5 Local environment

8 The application site is located within Air Quality Management Area.

2.6 Transport

9 The Public Transport Accessibility Level (PTAL) of a site is a measure of its relative accessibility to public transport taking into account factors such as distance, type and frequency of service. PTAL is categorised into eight categories, 1a to 6b, where 6b represents an excellent level of accessibility and 1a a very poor level of accessibility. The application site has a PTAL rating of 4.

3 RELEVANT PLANNING HISTORY

3.1 PLANNING HISTORY

10 There is no planning history for the application site.

3.2 PRE-APPLICATION HISTORY

11 Pre-application advice was provided in advance of the submission of tis application. The applicant was advised that to make the proposal acceptable the footprint and scale of the building needs to be reduced. There were also concerns with internal layout and whether the unit has been designed to successfully perform both function it is designed for.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

12 This is a full planning application for demolition of the existing garage building at Unit 4, Ashby Mews and redevelopment of the site including excavation works to provide two-storey live/work unit (Sui Generis Use) together with all necessary associated works.

13 The application site covers 113sqm, the proposed building would cover 75sqm of this space leaving the rear garden space measuring 38sqm. The building would measure 10.3m in depth, 7.3m in width, 3.7m to the eaves and it would have maximum of 5.9m in height. It would be constructed in concrete cladding with metal framed doors.

4.2 REVISIONS

14 Revision have been made to the application and additional / amended information submitted as set out below.

4.2.1 Address and description of development

15 After the planning application was received, consultation was initially carried out under an incorrect address, Unit 4, Ashby Mews. Consultation feedback highlighted the error (the address is actually 4a) and Local Residents were re-consultation for a period of 21 days with the corrected address.

16 Officers also note that to make it easier to identify the site the description of the development has been changed to include *“land at the rear of 93 Upper Brockley Road”.*

4.2.2 Plans

17 Revised drawings were received on 23 February 2021 and they included the following changes:

- Reduction in the size of the windows in the rear elevation
- Relocation of rooflight above the living room
- Installation of internal and concealed roller shutter to the front elevation (shown in Section AA)

18 Further revisions were received on 29 March 2021 to address discussion from the local meeting and they included:

- Confirmation on plan that proposed solar panels will be anti-glare
- Confirmation on plan that proposed rooflights would have pre-applied solar film and would have integrated blinds
- Confirmation that the upper studio window serving the living area and bedroom window would be fitted with obscure glass

4.2.3 Documents

19 In addition to the revised plans, the applicant has also prepared information about drainage at the site and how it will be dealt with.

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

20 The applicant has not carried out pre-application consultation with the local residents and groups prior to the submission for this application.

5.2 APPLICATION PUBLICITY

21 Site notices were displayed on 3 February 2021 and a press notice was published on 3 February 2021.

22 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 27 January 2021.

23 30 responses were received, comprising 14 objections and 16 support letters.

5.2.1 Comments in objection

Table 1: Comments received in objection

Comment	Para where addressed
Loss of daylight and sunlight	See para 106
Overlooking of gardens of Upper Brockley Road	See para 104
Overlooking to bedrooms of properties facing Upper Brockley Road	See para 101-103

Increased noise and disturbance arising from the proposed uses	See para 110
Noise from construction	See para 111
Concern over the proposed use of the building as a live/work unit	See para 47
The available garden space should be retained and not overdeveloped	See para 70
Car parking	See para 90
Drainage	See para 75

5.2.2 Comments in support

Table 1: Comments received in support

Comment
Excellent proposal to redevelop this derelict site into a live/work unit
High quality design
Positive contribution to the neighbourhood and growing reputation of Ashby Mews as a hub for the creative industries within Brockley

5.2.3 Local Meeting

24 Given the degree of responses following the statutory consultation on the application, a local meeting took place in accordance with the Council's adopted Statement of Community Involvement. Due to the current circumstances of the Covid-19 pandemic, the local meeting was organised as a virtual session.

25 All those who submitted representation on the application during the statutory consultation period were sent invitations to attend the local meeting. The invitation included instructions on how the meeting can be attended.

26 The local meeting took place on Wednesday, 24 March 2021 between the hours 19:00pm and 20:00pm. In total 10 people attended the meeting, this included six (6) local residents, two (2) ward Councillors, one (1) Lewisham Planning Officer, and one (1) applicant representative. The notes from the local meeting are uploaded to the application file and agenda for the meeting.

5.3 INTERNAL CONSULTATION

27 The following internal consultees were notified on 26 January 2021:

28 Conservation: raised no objections. See para 79-81 for further details.

29 Highway: no comments received.

30 Environmental Protection: Officers considered that they have no comments to make on this application.

5.4 EXTERNAL CONSULTATION

31 The following External Consultees were notified on 26 January 2021.

32 The Brockley Society: Following the review of this application the following comments were made:

- **Site Address and Location** - whereas the application address is stated as 'Unit 4 Ashby Mews' it is noted that in reality the site is more correctly defined as 'land at the rear of 93 Upper Brockley Road' and is not to be confused with Unit 4 in the Mews opposite. The attached Land Registry Title record (TGL 281618) makes this clear. Accordingly, it is suggested to avoid confusion that a formal correction be made to the application and support documents.
- **Use Class of the Site** - as raised on p9 of the D&A Statement as it appears that the site utilises what was formerly part rear garden lands and is said to be formerly in use as garage/storage/workshop space with a B1 Light Industrial Use. Then incontrovertible evidence is needed to prove suitability for the proposed new use.
- **Drainage** - a drainage run is indicated on Drawing 159 011. However, there is no other provision shown by way of roof gutters, front mews surface gutters re storm water management. As the area is known for storm water drainage handling deficiencies reassurance is needed on capacity at times of surcharge in view of the extent of excavated below ground accommodation proposed (see the attached LBL Storm Water Map - JPG 3993).
- **Overlooking/Light Pollution** - whilst a distance of 22.6m is shown on Drawing 159 012 to the rear elevation of 93 Upper Brockley Road as this is uncomfortably close to the acceptable minimal limit of 21m prescribed in DM Policy 32 (para 2.250) it is strongly recommended by way of 'being a good neighbour' that the overlarge windows proposed for the rear elevation (Drawing 159 015) be revised by omitting the glass balustrade balcony (to the Living Room and integrating slatted louvres as per the parallel application by Russian For Fish for 151 Upper Brockley Road (DC/20/119716 - see D&A p24). These suggestions would also significantly reduce light pollution and heat loss

REVISED COMMENTS WERE RECEIVED FOLLOWING SUBMISSION OF REVISED DRAWINGS BY THE APPLICANT ON 26 FEBRUARY 2021 STATING:

- **Site Address and Location -** the revised headline description now published is clear
- **Overlooking/Light Pollution** - the amended rear elevation with reduced glazing is now acceptable and in noting the revised position of the solar panels we trust that they will be of an anti-glare quality. Assurance though that the rooflights will be installed with blinds is still needed.
- **Drainage** - we note the measures to be taken as now clarified. However, in requiring that these must be adequate bearing in mind the increase in demand caused by recent development approvals at this end of the mews, we consider it essential that capacity be verified with Thames Water.
- **Summary** - with reassurance still needed on these last points it would also be appreciated if you could advise further on the Use Class issue we raised in our e-mail of 17 February 2021 or alternatively if you propose to cover via conditions when formulating your final decision.

33 Ward Councillors: no response received.

6 POLICY CONTEXT

6.1 LEGISLATION

34 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).

35 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

6.2 MATERIAL CONSIDERATIONS

36 A 'material consideration' is a consideration relating to the use or development of land which is reasonably considered relevant to the proposed development, when taking the decision in the public interest. This may include, where relevant, 'human factors' such as personal hardship or circumstances of occupiers, social policy objectives, or the value of particular kinds of business to the community. There must be a sufficient connection to the development in question. Whether a consideration must or may be considered material in a particular case is a question of law that may be determined by the courts. Decision-makers are always required to have regard to applicable planning policies of the Secretary of State and of the Council itself.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

6.4 DEVELOPMENT PLAN

37 The Development Plan comprises:

- London Plan (March 2021) (LP)
- Core Strategy (June 2011) (CS)
- Development Management Local Plan (November 2014) (DMLP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

38 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (December 2005)

7 PLANNING CONSIDERATIONS

39 The main issues are:

- Principle of proposed development
- Employment
- Housing
- Urban Design
- Heritage assets
- Trees
- Transport
- Impact on Adjoining Properties

7.1 PRINCIPLE OF PROPOSED DEVELOPMENT

Policy

40 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.

41 LP Policy D3 mentions that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.

42 DMLP Policy 33 defines a variety of sites in residential areas. The policy states that depending on the character of the area and the urban design function a space fulfils in the streetscape, some sites will not be considered suitable for development and planning permission will not be granted. This policy goes on to identify variety of sites within residential areas that may come forward for development. The main types of sites are as follows: a. infill sites, b. backland sites which are defined as 'landlocked', c. back gardens and private amenity areas and d. amenity areas.

Discussion

43 There are no planning designations attached to the site that protect the existing building and the current use of the site. As such, there is no in principal objection to demolition of the existing building and re-development of the site to provide live/work unit.

44 To accommodate proposed development, it is necessary to develop part of the existing rear garden which is considered not Previously Developed Land (PDL). With regards to back garden above policy (DMLP Policy 33) mentions that development of back gardens for separate dwellings in perimeter from residential typologies identified in the Lewisham Character Study will not be granted planning permission. Private back gardens in all urban typologies should be retained in development proposals involving new separate dwellings'. The policy is clear that development in rear gardens for a separate dwelling in perimeter would not be accepted. However, as the proposed development is for change of use and extension to the existing building in this case officers consider that there is no policy conflict.

45 Whilst the proposed development would increase the build footprint at the site from approximately 38sqm to approximately 75sqm (that equated to 33% increase). There is no objection to this increase in site coverage, the proposed building would largely comply with the morphology of the area and it would retain sufficient separation distances to properties on Upper Brockley Road and those on opposite side of Ashby Mews. The site would also retain acceptable and proportionate rear garden.

46 In addition, it is noted that the application site is in a sustainable location close to local services and facilities. The application site is located 0.2miles (that is 4 minute walk) from Brockley Station and a number of services and facilities provided in the area surrounding the station (Brockley Cross). The site is also 0.8 miles (that's 17 minutes' walk) from the centre of New Cross, and 1.2miles (25 minutes' walk) from the centre of Lewisham and Ladywell.

47 The proposed use of the building would combine living and working space in a single unit (Use Class Sui Generis). The building has been designed for the residential and working areas to occupy specific floors. The use of the building, especially the work part of the development, would be safeguarded by a planning condition that would prevent the loss of this space to residential use in the future. A further condition will be added requiring that building is occupied by the person using the both work and live part of the unit. This is to ensure viability of the unit and to present any conflicts of interest.

Principle of development conclusions

48 The principle of re-development the site to provide a live/work is therefore supported.

7.2 EMPLOYMENT

Policy

49 Para 80 of the NPPF states "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"

Discussion

50 The lower ground floor of the proposed building would have Gross Internal Area (GIA) of 61sqm and it has been designed as a studio space (this calculation excludes the refuse and cycle storage space). The facilities included on this level include studio space, meeting room, storage area as well as separate welfare facilities such as WC with shower and tea point. The studio space would have floor to ceiling height of 2.5m.

51 The access to the studio space would be from the main lobby that is level with Ashby Mews. The space has been designed to be well-lit with natural daylight by including large sliding doors to the rear of the property, tall windows to the front and small double height atrium.

Employment conclusion

52 Having carefully reviewed the design of the proposed building, officers are satisfied that the studio space has been designed to offer flexible work environment.

7.3 HOUSING

7.3.1 Internal space standards

Policy

53 At a national level the Government introduced Nationally Described Space Standards (NDSS) in March 2015. (The development plan at regional and local level also include expectation for the standard of newly created homes. These expectations are in line with the requirements of the NDSS.

54 LP Policy D6, Part A, requires housing development to be of the highest quality design and provide adequate-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Part F of the same policy, requires housing development to meet minimum standards for internal gross internal floor area, bedrooms, built-in storage and minimum floor to ceiling heights. DMLP 32 supports this policy.

Discussion

55 The proposed development would result in construction of a new building that would create 1-bedroom/2-person live/work unit. Officers note that only the upper ground floor was counted towards the GIA. The table below shows the minimum internal space standards that new dwellings should meet and the proposed internal measures.

Table 3: Internal space standards – proposed v target

No of bedrooms	No. of persons	1 storey dwelling (target)	1 storey dwelling (proposed)	Built-in storage (target)	Built-in storage (proposed)
1b	2p	50sqm	54sqm	1.5sqm	0sqm

56 The proposal generally complies with the requirement of the policies mentioned above, with the exception of provision of built in storage. As this property is slightly oversized and it would provide wardrobe space measuring 1.5sqm as well as other storage space on the lower ground floor there would be ample space within the property to offset the lack of compliance of purposely built-in storage space on the upper ground floor level.

7.3.2 External space standards

Policy

57 LP Policy D3, Part F, Point 9, states where there are no higher local standards in the borough Development Plan Documents, a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwelling. The space must achieve a minimum depth and width of 1.5m.

Discussion

58 The proposal would provide approximately 38sqm of private outdoor space. The rear garden space would of sufficient size to provide flexibility in how it is used and to provide areas that would benefit from natural light.

7.3.3 Outlook & Privacy

Policy

59 LP Policy D3, Part D, Point 7, states that new housing should deliver appropriate outlook, privacy and amenity.

Discussion

60 Generally acceptable standards state that where two habitable rooms face each other such that direct overlooking is physically possible the windows should be 21m apart. When windows face blank walls there should be a distance of minimum 13m between them to avoid overbearing impact.

61 The rear elevation of the proposed building would be 22.6m away from the rear elevation of properties on Upper Brockley Road. This distance is considered acceptable to avoid any direct overlooking to the properties.

7.3.4 Overheating

Policy

62 LP Policy D6, Part C, mentions that housing development should maximise the provision of dual aspect dwellings. Dual aspect dwellings with opening windows on at least two sides have many benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross-ventilation, and a greater capacity to address overheating, pollution mitigation, a choice of view, access to a quiet side of the building and greater flexibility in the use of the room.

Discussion

63 The proposed building would be dual aspect with openable windows being fitted in front and rear elevations at various levels. In addition, the building would benefit from rooflights which could open and provide an additional method of ventilation and avoidance of overheating of the building.

7.3.5 Daylight and Sunlight

Policy

64 LP Policy D6, Part D, mentions that housing development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

Discussion

65 Given the size of the proposed development, the validation checklist did not require a submission of daylight and sunlight assessment. As the proposal would have windows in the front and rear elevation as well as rooflight and skylight, officers are satisfied that the property would achieve acceptable levels of light internally.

7.3.6 Noise & Disturbance

Policy

66 LP Policy D14 requires residential development to manage noise.

Discussion

67 The application site is located in predominately residential area. It is acknowledgement that the site is surrounded by other live/work units on Ashby Mews. However, as the activities that can occur in those properties are acceptable within a residential area it is not considered that the future occupiers would be exposed to noise that would be unsuitable.

7.3.7 Conclusion

68 Having carefully reviewed the design of the proposed building, officers are satisfied that it would provide a good standard of accommodation and would comply with the provisions of the development plan in this regard.

7.4 URBAN DESIGN

General Policy

69 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.

Discussion

7.4.1 Footprint and site coverage

70 In accordance with the submitted plans, the application site has an area of 113sqm. The footprint of the proposed building would be approximately 75sqm, leaving a garden that would be approximately 38sqm. The site coverage and layout would be comparable with the other neighbouring properties. Furthermore, it is considered that the site is capable of accommodating this increase and the proposed development would not result in overdevelopment of the site.

7.4.2 Form and Scale

71 The proposed development would raise the height of the building by approximately 3.1m to the apex (the highest point of the building), 1.6m at the boundary with garage located at the rear of No 91 Upper Brockley Road (measured from the eaves of this building), and 1.2m at the boundary with the garage to No 95 Upper Brockley Road.

72 The proposed height and mass of the building is considered appropriate. The highest parts of the building are orientated to the north of the side. This is where there is a significant increase in height on Ashby Mews. The southern part would be lower and it would respect the adjacent building, structure and boundary wall heights.

7.4.3 Design and appearance

73 The northern end of Ashby Mews consists of a small cluster of small scale light industrial units, galleries, workshops and live/work units. The southern end consists of garages and some workshops. The design of the proposed buildings picks up on the character of the area. It will reflect the light industrial nature of the mews and responds to the emerging character of the area.

74 The proposed materials for the building are black timber cladding and aluminium window frames. Concerns have been raised by the Brockley Society with regards to the colour of the proposed cladding. The Planning and Conservation Officers have carefully considered this and concluded that the resultant building would have a clear building envelope with texture and tonality. The proposed colour for the cladding would support the existing colour palette in the wider area and it will not detract from it. Overall, the design would be of high quality and in keeping with emerging character of a variety of distinct units.

7.4.4 Other

75 Concerns of local residents are noted in relation to pressures on local drainage infrastructure, any additional increase in drainage flow arising from the proposed development will be minimal and unlikely to have any significant impact in this regard.

7.4.5 Conclusion

76 The layout and footprint of the building would be consistent with neighbouring properties. The proposed development is considered to be of a high quality and would have potential to provide an exemplary quality accommodation. Accordingly the proposed development is considered to be of acceptable design.

7.5 HERITAGE ASSETS

Policy

77 The Planning Listed Buildings and Conservation Areas) Act 1990 imposes the duty on local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance on conservation areas. This is also reflect in the NPPF (February 2019) and supporting NPPG (2014), and requires all development to conserve or enhance heritage assets and their setting and avoid causing harm. Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

78 The development plan policies that support those aims are HC1, CS Policy 16 and DMLP Policy DM36.

Discussion

79 The scale of the proposed development would be such that it is necessary to consider its impact on the Brockley Conservation Area. It is noted that there are no listed buildings in the close proximity of the application site.

80 The Conservation Officer reviewed the application commenting that the scale and mass of the building would be in keeping with the neighbouring buildings in terms of scale and heights and it would allow views of the properties facing Upper Brockley Road. There were some concerns with the design of the rear elevation and the size of the windows. It was suggested that the solid to void ration was changed to respond to the mews character where industrial buildings/workshops have a much more solid building envelope. In addition, there was a concern that future occupiers might add external shutters to the building at the front. The applicant was advised to consider designing-in an internal shutter for security and protection of the building. The application was revised and the design of the building was amended to be in accordance with comments made. The Conservation Officer reviewed the revised plans and confirmed that the amended plans are acceptable.

Conclusion

81 Officers, having regard to the statutory duties in respect of heritage assets, are satisfied that the proposed development would preserve the character and appearance of the Brockley Conservation Area.

7.6 TREES

Policy

82 Section 197 of the Town and Country Planning Act (TCPA) 1990 gives local planning authorities special duties in respect of trees. This includes a duty, wherever it is appropriate, that in granting planning permission for any future development adequate

provision is made by the imposition of conditions, for the preservation and planting of trees.

83 Section 211 of the TCPA 1990 details that trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990.

84 LP Policy D8 protects trees of value and replacement should follow the principle of ‘right place, right tree’. New development should include additional trees wherever appropriate, particularly large-canopied species.

85 CSP 12 (Open Space and Environmental Assets) recognises the importance of trees and details the arboricultural considerations required during the planning process.

86 DMLP25 (Landscaping and trees) aims to ensure applicants consider landscaping and trees as an integral part of the application and development process. This is because good landscaping and the provision of trees have extensive benefits to both humans and wildlife.

Discussion

87 There are two trees within the application site, these are not proposed to be removed. To ensure that those trees are not damaged during construction which would include excavation works, a tree protection plan is required. This will be secured by a suitably worded planning condition.

7.7 TRANSPORT IMPACT

7.7.1 Car parking

Policy

88 PLLP T6 seeks to restrict car parking in line with level of existing and future public transport accessibility and connectivity. Car-free development is expected as a starting point for all development proposals in places that are well connected by public transport.

89 CSP 14 supports this stance. The policy states that the Council will take a restrained approach to parking provision in line with car parking standards contained within the London Plan.

Discussion

90 The applicant is proposing a car-free scheme. The proposal site is in a reasonably accessible location with PTAL score of 4. As such, a car-free development is encouraged and supported subject to an agreement to restrict the purchase of permits by future residents of the proposed live work unit. This would be secured by a planning condition.

7.7.2 Cycle parking

Policy

91 PLLP T5 states that development proposals should help remove barriers to cycling and create healthy environments in which people choose to cycle. This will be achieved through supporting the delivery of a London-wide network of cycle routes; and securing the provision of an appropriate level of cycle parking which should be fit of purpose, secure and well-located. Cycle parking is expected to be designed and laid out in

accordance with the guidance contained in the London Cycling Design Standards. Development proposals should demonstrate how cycle parking facilities would cater for large cycles including adapted cycle for disabled people.

Discussion

92 The PLLP requires a provision of 1.5 long stay cycle parking spaces. The proposed cycle parking would be located internally and close to the entrance to the building. The cycle parking would have an area of 1.8sqm (measuring 0.9m in width and 2m in length). The proposed cycle parking space could fit two (2) bicycles if they are parked front to back. The proposed development would comply with the London Plan requirement for cycle parking.

7.7.3 Servicing and refuse

Policy

93 CSP 13, Part 4, requires that recycling facilities are well-designed and incorporated in the new development.

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

Discussion

95 The waste and recycling store would be at the front of the building and it would have sliding doors. The refuse store would be concealed behind the main elevation treatment. The height of the store allows for access and storage of taller wheeled bins. The proposed bin store incorporates 1.7sqm external storage to the unit.

96 Current arrangements for the collection of the refuse and recycling bins are that the bins are brought to Ashby Road.

7.7.4 Transport impact conclusion

97 The proposed development would not result in harm to the local highway network or pedestrian or highway safety subject to the imposition of conditions

7.8 LIVING CONDITIONS OF NEIGHBOURS

7.8.1 Overbearing, Enclosure and Outlook

Policy

98 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries.

Discussion

99 At present, the application site comprises single storey commercial buildings. The height of the building would increase by approximately 3.1m to the apex (the highest point of the building), 1.6m at the boundary with garage located at the rear of No 91 Upper Brockley Road (measured from the eaves of this building), and 1.2m at the boundary with the garage to No 95 Upper Brockley Road. The increase of the height of the building together with the separation distance to the neighbouring properties on Upper Brockley Road of 22.6m would mean that the proposal would not significantly impact on outlook from those properties. This distance and the mass of the building would also

mean that the proposed development would not be overbearing and result in increased sense of enclose.

7.8.2 Privacy

Policy

100 LP Policy D3, Part D, Point 7, states that new housing should deliver appropriate outlook, privacy and amenity.

Discussion

101 Concerns have been raised by neighbouring residents that the proposed development would result in an unacceptable loss of privacy to neighbouring dwellings and their gardens.

102 With regards to the properties on the Upper Brockley Road, the separation distance between their rear elevations and the proposed development would be 22.6m. As such, officers are satisfied that there would be no unacceptable loss of privacy to these dwellings.

103 The applicant was aware of the comments made during the consultation period and local meeting, and they have decided to make all windows in the rear elevation to be fitted with obscure glass. The submitted plans have been amended to reflect this change.

104 As with the impact on the garden. It is noted that the view of those garden would be limited given the changes that were secured during the determination of the application including the applicant agreeing to have all windows obscure glazed.

7.8.3 Daylight and Sunlight

Policy

105 LP Policy D6, Part D, mentions that housing development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

Discussion

106 The properties on Upper Brockley Road would be located 22.6m away from the rear elevation of the proposed building. As such, officers are satisfied that the proposed development would not result in loss of daylight and sunlight.

107 The proposed development would not extend past the rear elevation of the adjacent live/work unit to the north.

108 With regards to the units on the opposite site of the Ashby Mews, given the modern increase in the height of the building the proposal is not considered to result in significant change to the level of daylight and sunlight. Noise and disturbance

Policy

109 LP Policy D14 requires residential development to manage noise.

Discussion

110 The surrounding area is predominantly residential, and the proposed development would provide mixed-use development. Once operational the building is not considered to have

an unacceptable adverse impact on neighbouring amenity by way of noise and disturbance. Both uses are considered compatible with the surrounding area. The type of commercial use that could happen within the building is considered to be appropriate for any residential area.

111 Concerns have been received from neighbouring residents regarding demolition and construction impacts, including noise and disturbance, impact on air quality and construction traffic. Any noise or dust associated with construction would be controlled by the relevant environmental health and building control statutory protections. To ensure that construction is undertaken in a manner that does not affect the wider highway and utilises best practice a condition requiring the submission to the LPA for approval of a construction logistics and management plan should be imposed were the application to be approved.

7.8.4 Impact on neighbours conclusion

112 The proposed extension would not have a negative impact on the amenities of neighbouring residential properties, subject to the imposition of appropriate planning conditions. Therefore, Officers consider the proposed development is acceptable in regards to the impacts upon neighbouring residential amenity.

8 LOCAL FINANCE CONSIDERATIONS

113 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).

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

115 The CIL is therefore a material consideration.

116 The proposed development would provide 117sqm of GIA. £1,753.89 of Lewisham CIL and £1,020 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.

9 EQUALITIES CONSIDERATIONS

117 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.

118 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.

119 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.

120 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

121 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

122 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

123 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.

10 HUMAN RIGHTS IMPLICATIONS

124 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
- Protocol 1, Article 2: Right to education

125 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.

126 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.

127 This application has the legitimate aim of providing a new building with employment and residential uses. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

129 The proposal would be subordinate and proportionate to the size and scale of the surrounding area. The proposed building would of high quality design and would cause no harm to the host building and wider Brockley Conservation Area.

130 Consideration has been given to the objections made to the proposed development, as set out in this report. It is considered that none of the material objections outweighs the reasons for approving the reserved matters.

131 In line with the requirements of the NPPF, the council has applied the presumption in favour of sustainable development. The proposed development would accord with sustainable principles and would make efficient use of the land to deliver a high quality development that is in accordance with the council's aspirations for the area. It is therefore recommended that planning permission is granted

12 RECOMMENDATION

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

12.1 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 and drawings hereby approved and as detailed below:

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) **CYCLE PARKING**

All cycle parking spaces shall be provided as shown on the approved plans 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).

4) **REFUSE STORAGE**

Refuse and recycling facilities for each residential and commercial unit hereby approved shall be submitted to and approved in writing by the local planning authority prior to occupation of the development and the works shall be carried out in accordance with the approved details 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).

5) **PARKING PERMIT**

Occupiers of the residential development hereby approved shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970.

For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development.

Prior to any occupation of the residential development hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: To ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site and to comply with Policy T6 'Car parking' of the London Plan (March 2021).

6) **RETENTION OF LIVE/WORK UNIT**

(a) The live/work unit hereby approved shall be occupied as a single integrated unit and laid out as shown on drawing nos. 155 012 Rev P06; 155 013 Rev P06; 155 017 Rev P06 and 155 018 Rev P06.

(b) The commercial floorspace of the live/work unit shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the commercial use.

(c) The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the commercial floorspace of that unit, a widow or widower of such a person, or any resident dependents.

(d) The commercial floorspace of the live/work unit shall not be used for any purpose other than for purposes within Class E (c) and (g) in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modifications.

Reason: In order to enable the local planning authority to control any future change of use or subdivision of the property in the interests of protecting the commercial floorspace at ground floor level in accordance with Core Strategy Policy 5: Other employment locations and to ensure an acceptable standard of amenity is provided in the upper floor residential unit in accordance with Core Strategy Policy 1: Housing provision, mix and affordability and with DM Policy 30 Urban design and character of the Development Management Local Plan (November 2014).

7) **USE OF AMENITY SPACE**

The private amenity space hereby approval shall only be used for residential use. There should be no ‘work’ activity or storage.

Reason: To ensure that the development does not result in an unacceptable noise and disturbance neighbouring properties as well as unsightly and harm visual amenity in this predominantly residential environment.

8) **CONSTUCTION LOGISTICS AND MANAGEMENT PLAN**

No development shall commence on site until a Construction Logistics and 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.

(d) Dust mitigation measures.

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

(f) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
   (i) Rationalise travel and traffic routes to and from the site.
   (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity.
   (iii) Measures to deal with safe pedestrian movement.

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

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

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 T7 Deliveries, servicing and construction of the London Plan (March 2021).

9) **TREE PROTECTION**

No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets 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).

12.2 INFORMATIVES

1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal

was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

2) The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.

3) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - **http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx**

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UPPER BROCKLEY ROAD
ASHBY MEWS
101 THE WORKSHOP

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Committee	PLANNING COMMITTEE C	
Report Title	No.38 Ravensbourne Road	
Ward	Crofton Park	
Contributors	Georgia McBirney	
Class	PART 1	20 May 2021

Reg. Nos.	(A) DC/20/119098
Application dated	24.11.2020 [as revised on 29.04.2021]
Applicant	Design Extension on behalf of Mr Sutherland
Proposal	An application submitted under section 73 of the Town and Country Planning Act 1990 in order to allow for variation of Condition 2 in connection with DC/19/112710 dated 04/09/2020 for the construction of a two storey, two bedroom dwelling house on land to the rear of 38 Ravensbourne Road SE6, together with associated landscaping refuse and cycle parking
Background Papers	(1) This is Background Papers List (2) Case File LE/649/38/TP (3) Local Development Framework Documents (4) The London Plan
Designation	PTAL 3, Air Quality, Hopcroft Neighbourhood Forum and Area of Archaeological Priority

1 SUMMARY

1 This report sets out the officer's recommendation for the above proposals. The report has been brought before committee for a decision as 7 objections have been received.

2 SITE AND CONTEXT

Site description and current use

2 The application site is situated to the rear of 38 Ravensbourne Road and was historically garden land of No.38 Ravensbourne Road; which comprises of a single family dwellinghouse.

3 The application site which fronts onto Blythe Hill Lane is currently overgrown.

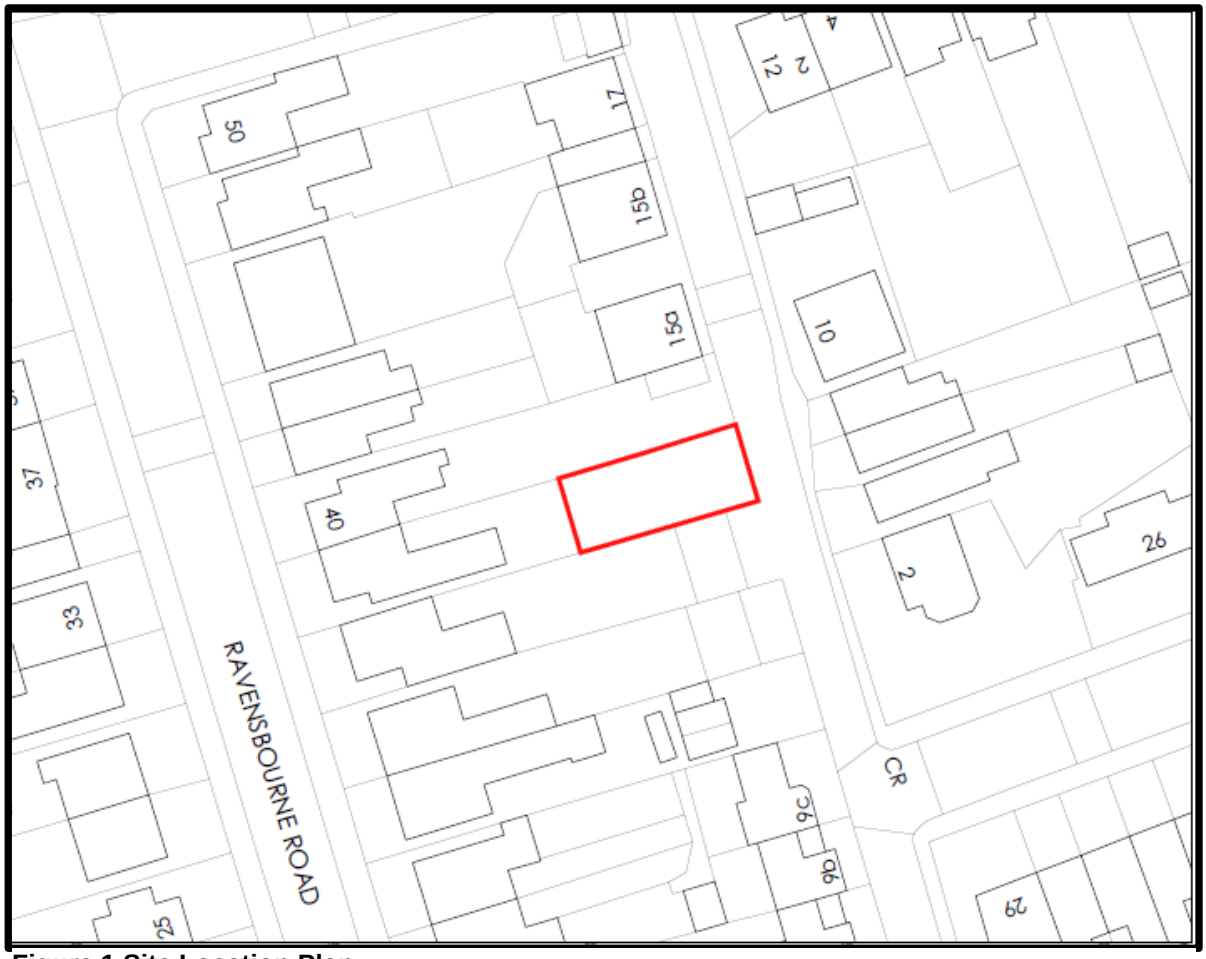

Figure 1 Site Location Plan

Character of area

4 The surrounding area is predominately residential in nature. Ravensbourne Road to the west is characterised by semi-detached and detached properties.

5 The residential properties on Blythe Hill Lane, vary in character, with some properties being Victorian and 21st century additions. A number of the newer dwellings on the same side as the application site have been built on former garden land/garage sites.

Heritage/archaeology

6 The application site is not within a conservation area but is designated as an Archaeological Priority Area.

Local environment

7 The site lies within in Flood Risk Zone 1.

Transport

8 The application site has a PTAL rating of 3, on a scale of 0 to 6b, with 0 considered to be poor and 6b is considered excellent.

3 RELEVANT PLANNING HISTORY

9 **DC/19/112710:** The construction of a two storey, two bedroom dwelling house on land to the rear of 38 Ravensbourne Road SE6, together with associated landscaping refuse and cycle parking. **Granted 04/09/2020**

10 At the time of the decision of DC/19/112710, the application was eligible to be decided by officers under the extended delegated authority arrangements which were in place until March 2021. These arrangements were facilitated by temporary changes to the Council Scheme of Delegation which were agreed by the Council's Strategic Planning Committee held on 9th June 2020 and changes made to the Council's Statement of Community Involvement which were agreed at a meeting of the Mayor and Cabinet held on 10th June 2020. These temporary arrangements were put in place in response to the Covid-19 pandemic. Application DC/19/112710 was reviewed by a chair person of one the Council's planning committee who confirmed they were content for the application to be decided by officers under delegated authority.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

11 The present application is an application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments in connection with planning permission (DC/19/112710) dated 4 September 2020 for the construction of a two storey, two bedroom dwelling house on land to the rear of 38 Ravensbourne Road SE6, together with associated landscaping refuse and cycle parking, in order to allow the following changes:

- The re-siting of the dwellinghouse to increase the set-back from the front elevation
- The increase in depth of the dwellinghouse
- The removal of solar panels on the rear roof

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

12 No pre-application was undertaken prior to the submission of the application.

5.2 APPLICATION PUBLICITY

13 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 26 November 2020.

14 8 number responses received, comprising [7] objections and [1] support.

5.2.1 Comments in objection

Comment	Para where addressed
Increased parking demand and there is insufficient capacity on Blythe Hill Lane	Para 74
Overlooking and loss of privacy to properties opposite and to the rear	Para 79 and paras 80-84
Loss of trees	Established under DC/19/112710 and the amendments proposed do not propose amendments to the loss of trees on the site.
Loss of garden land	Established under DC/19/112710
The dwellinghouse would be closer to properties at the rear and associated overlooking from this	Paras 80-84
The dwellinghouse is not suitable for family accommodation.	Para 54
Impacts of the construction process	Paras 72-73
Highway safety concerns	Paras 72-73
Damage to trees on neighbouring properties	Para 93

5.2.2 Comments in support

15 The comment that was received in support was submitted by the applicant and as such will not be considered.

5.3 INTERNAL CONSULTATION

16 The following internal consultees were notified on 25 November 2020.

17 Highways: No objection raised to the amendments, comments provided on DC/19/112710 are still relevant. See section 7.5 for further details.

5.4 EXTERNAL CONSULTATION

18 The following External Consultees were notified on 25 November 2020.

19 Hopcroft Neighbourhood Forum: No response received.

6 POLICY CONTEXT

6.1 LEGISLATION

20 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).

21 On an application under Section 73 the local planning authority shall only consider the question of the conditions subject to which planning permission should be granted, and –

(a) if granted they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted they shall refuse the application

6.2 MATERIAL CONSIDERATIONS

22 A ‘material consideration’ is a consideration relating to the use or development which is reasonably considered relevant to the proposed development, when taking the decision in public interest. This may include, where relevant, ‘human factors’ such as personal hardship or circumstances of the occupiers, social policy objectives, or the value of particular kinds of business to the community. There must be sufficient connection to the development in question. Whether a consideration must or may be considered material in a particular case is a question of law that may be determined by the courts. Decision-makers are always required to have regard to the applicable planning polices of the Secretary of State and Council itself.

23 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 aforementioned directions and the test of reasonableness.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

6.4 DEVELOPMENT PLAN

24 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)

- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

25 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

26 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)

7 PLANNING CONSIDERATIONS

27 The main issues are:

- Application Type
- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development

7.1 APPLICATION TYPE

28 Section 73 of the Town and Country Planning Act (1990) concerns applications for planning permission for the development of land without complying with conditions subject to which a previous permission was granted. Due to the proposed amendments, Condition 2 attached to DC/19/112710 is proposed to be amended to include updated drawing numbers to reflect the proposed amendments.

29 This section sets out an application of planning guidance to this issues for member's reference. Members should note that valid applications are to be determined against the provisions of the development plan and material considerations.

30 Guidance states, "a minor material amendment is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved". This is not a statutory definition. It is the judgement of the local planning authority, on an individual basis as to whether the alterations to the original scheme are non-material, minor material or material but not so substantial/fundamental as to warrant a new planning application.

31 If granted the legal effect of an application made under Section 73 is to generate a new planning permission with the amended condition then placed on the application.

32 The application seeks a number of changes to the approved scheme, including the setting back of the dwellinghouse and the increased depth of the dwellinghouse to the rear. The proposed amendments are not considered to be substantial in the context of the approved scheme (DC/19/112710), as such the proposed amendments to the drawings and conditions 2 are considered to be minor in the context of the above.

7.2 PRINCIPLE OF DEVELOPMENT

33 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.

34 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.

35 The new London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

36 Policy H1 and table 4.1 identifies a total ten year housing target for net housing completions (2019/20 – 2028/29) of 16,670 for Lewisham, equating to an annual target of 1,667. To help achieve this target, a strategic priority of the PLP is to increase the rate of housing delivery from small sites. LPP H2 and table 4.2 sets a ten-year minimum target of 3,790 homes on small sites for Lewisham. LPP H2 states Boroughs should pro-actively support well-designed new homes on small sites (below 0.25ha). In doing so, Boroughs should recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.

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

38 DM Policy 33 relates to 'Development on infill sites, backland sites, back gardens and amenity areas' and will be applied to the proposed development. The policy defines various types of development sites, outlining the suitability of residential development on each type of site. It does however recognise that there will be some instances where a particular site will not fall squarely within anyone of these definitions. The policy states that in these cases, the principles that will be applied will be taken from the appropriate parts of this policy.

39 Application DC/19/112710 established that whilst the proposed dwellinghouse would be built on back garden land, the application site has infill characteristics as the proposed development would be in the street frontage. Officers still consider the principle of development to be acceptable, given the infill characteristics of the site.

40 Officers highlight to Members not only has the principle of development already been established by DC/19/112710, that if the current application is refused, the original application will remain available and capable of implementation.

7.2.1 Principle of development conclusions

41 The principle of residential development is established with the original application and is still considered to be acceptable, subject to the other considerations in this report.

7.3 HOUSING

42 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.

7.3.1 Contribution to housing supply

Policy

43 National and regional policy promotes the most efficient use of land.

44 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wider choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

45 The NPPF encourages the efficient use of land subject to several criteria set out in paragraph 122. Paragraph 123 applies where there is an existing or anticipated shortage of land for meeting, identified housing needs and strongly encourage the optimal use of the potential of each site.

46 LPP H1 and H2 seek to increase the housing supply and to optimise housing output.

Discussion

47 The current application still proposes a two-bedroom dwellinghouse. The previous planning decision (DC/19/112710) established a two-bedroom dwellinghouse to be acceptable. Given that this application would not alter the number or type of unit, the provision of a two-bedroom dwellinghouse is still considered to be acceptable.

7.3.2 Affordable housing

Percentage of affordable housing

48 CSP 1 and DMP 7 seeks to provide a mixed of dwellings and provide affordable housing. CSP 1 requires major residential development to provide a proportion of family sized dwellings. These polices are not applicable to this application as the current application is not a major application as only one unit is proposed and no changes are proposed in respect of this compared to the approved application.

7.3.3 Residential Quality

General Policy

49 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 the relevant polices of the new London Plan (LPP D6),

the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

50 The previous application (DC/19/112710) established that the approved dwellinghouse would provide an acceptable standard of accommodation. Due to the proposed amendments, officers need to have regards to whether the proposed development would still provide an acceptable standard of accommodation.

Space standards

Policy

51 The Technical Housing Standards (2015), Mayors Housing SPG, LPP D6 and DMP 32 set out or make reference to the minimum internal space standards to achieve housing development that provide the highest quality of space internally in relation to its context.

Discussion

52 The table below sets out proposed dwelling size.

Table [1]: Internal space standards – proposed v target

Unit Type	Criteria	Size	Required	Compliance
2B3P	Dwelling Size	88m²	70m²	Yes
	Bedroom 1	12.8 m²	11.5 m²	Yes
	Bedroom 2	10.8m²	7.5 m²	Yes
	Floor to ceiling height	2.3m or above for at least 75%	2.3m or above for at least 75%	Yes
	Built in Storage	2.42m²	2m²	Yes
	Private amenity space	41.6m²	6 m²	Yes

53 The GIA of the dwellinghouse would be enlarged compared to the approved dwellinghouse and would exceed the minimum GIA requirements by 18m². The built in storage has also been increased to 2.42m², which exceeds the minimum requirements. The proposed rear garden would be reduced by 12.9m² to 41.6m², whilst this reduction is regrettable, the proposed private amenity space would substantially exceed the minimum requirement for private amenity space. The proposed standard of accommodation is considered to be acceptable.

54 Officers note that concern has been raised that the dwellinghouse would not be suitable for family accommodation. DC/19/112710 was for a 2-bedroom dwellinghouse which included a separate study. The current application shows the same dwelling type in an amended configuration. As the proposed dwellinghouse complies with the space standards, it is considered to be provide an acceptable standard of accommodation. Whilst officers note a 3-bedroom dwellinghouse is not proposed, the proposed dwellinghouse would comply with the GIA requirements for a 3 bedroom four person dwellinghouse.

Outlook, Privacy, Daylight and Sunlight

Policy

55 LP Policy D6 seeks high quality internal and external design of housing development and require developments to achieve 'appropriate outlook, privacy and amenity', this is also supported by the Mayors Housing SPG. DM Policy 32 expects all new development to provide a satisfactory level of privacy and outlook for future residents

Discussion

56 Application DC/19/112710 established that the proposed dwellinghouse would be provided with an acceptable level of outlook and privacy, typical for an urban setting. The setting back of the front elevation is considered to be acceptable in terms of outlook and privacy as the separation distance between the dwellinghouse and the properties opposite would be increased.

57 Officers need to have regards to the impact of the increased depth of thee dwellinghouse on privacy. Given the separation distance of approximately 12m between the rear elevation of the proposed dwellinghouse and rear elevation of outrigger at No. 38 Ravensbourne Road and the urban context of the site, the increased depth of dwellinghouse which would bring the windows closer to the rear of the site by 1m, is considered to result in an acceptable level of privacy for the occupiers of the proposed dwellinghouse.

58 Officers also need to have regards to the impact of the increased depth in respect of daylight/sunlight and outlook of the proposed dwellinghouse. The proposed increase in depth of the dwellinghouse is not considered to have an unacceptable in terms of outlook as the outlook would be the rear garden of proposed dwellinghouse and would be set back sufficiently from the rear boundary. In regards to the daylight/sunlight received by the proposed dwellinghouse, whilst the no daylight/sunlight assessment has been submitted, all of the rooms in the dwellinghouse would be served by window openings of an adequate size which are considered to provide the dwellinghouse with an acceptable level of daylight/sunlight.

Summary of Residential Quality

59 Application DC/19/112710 established that the proposed development would provide an acceptable standard of accommodation. The proposed amendments are still considered to result in the proposed development providing an acceptable standard of accommodation.

7.3.4 Housing conclusion

60 Application DC/19/112720 approved a new dwellinghouse and significant weight needs to be attached to this. The amendments proposed to the development would still provide a dwellinghouse which is considered to provide good quality accommodation. The proposed development is still considered to comply with the NPPF, LPP D6, CSP 15 and DMP 32.

7.4 URBAN DESIGN

General Policy

61 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.

62 LPP D3 and D4 and CSP 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. Further to this, DMP 30 states that new

developments should provide a high standard of design and should respect the existing form of development in the vicinity.

Discussion

63 Application DC/19/112710 that the scale, massing and design of the proposed dwellinghouse is considered to have an acceptable impact on the streetscene.

64 Compared to the development approved by DC/19112710, the dwellinghouse would be set back by 0.7m, the depth of the dwellinghouse would be increased by 1m to the rear, and the removal of solar panels on the rear roof slope.

65 Figure 2 below shows the proposed amendments to the set back and the depth of the dwellinghouse; the blue dashed line is the dwellinghouse as approved under DC/19/112710.

Figure 2 Footprint of the approved dwellinghouse overlaid on the proposed siting of the dwellinghouse

66 Figure 3 below shows the rear elevations as approved on DC/19/112710 and figure 4 shows the rear elevation as proposed on the current application.

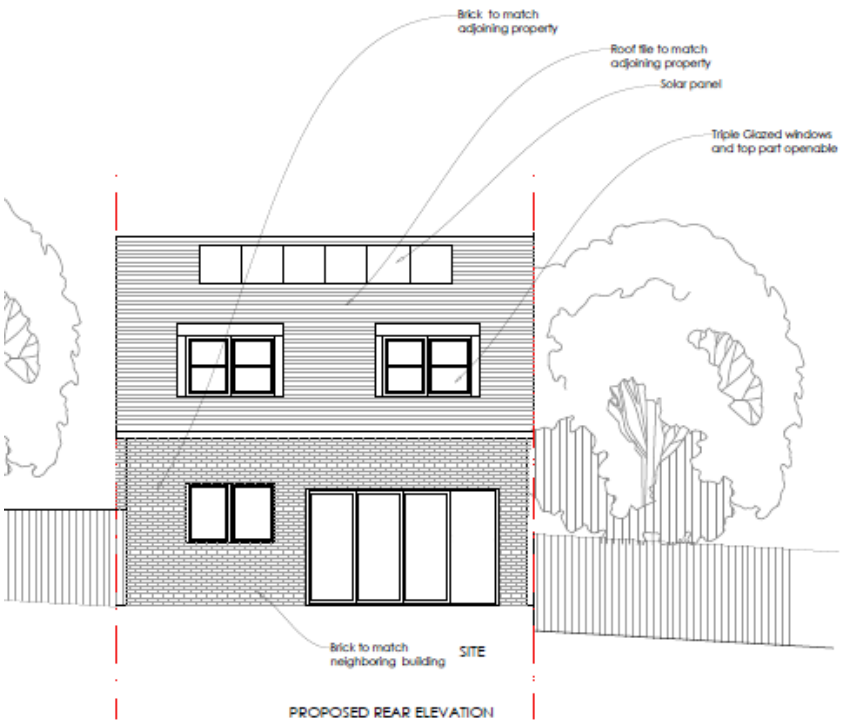

Figure 3 Rear elevation as approved on DC/19/112710

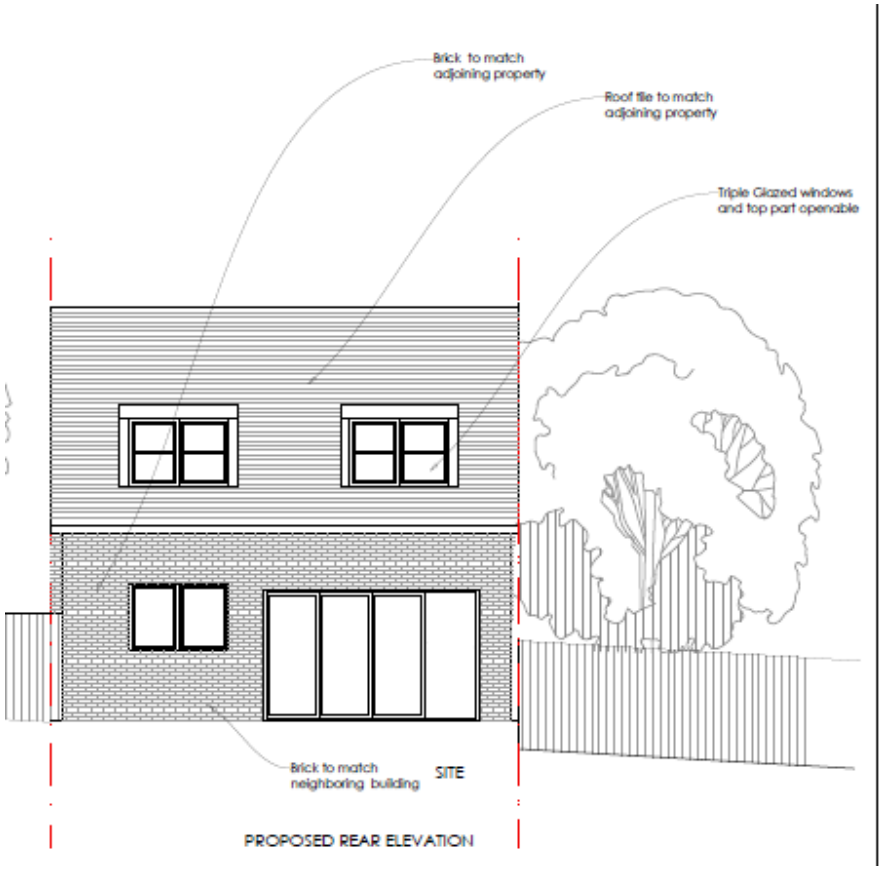

Figure 4 Rear elevation as proposed

67 The proposed increased setback, the increased depth of the dwellinghouse and removal of solar panels, considering their nature and location are not considered to have an unacceptable impact on the design on the dwellinghouse as approved nor on the character and appearance of the streetscene. Officers highlight when viewed from the street, the dwellinghouse would have the same appearance as approved on DC/19/112710.

68 The proposed materials are the same as proposed on DC/19/112710, as like on DC/19/112710, the details of the materials would be secured by condition.

69 As like on DC/19/112710, the details of the hard and soft landscaping would be secured by condition.

7.4.1 Urban design conclusion

70 The proposed amendments to the development approved by DC/19/112710 are considered to have an acceptable impact on the character and appearance of the approved scheme and the wider streetscene.

7.5 TRANSPORT IMPACT

General policy

71 Nationally, the NPPF requires the planning system to actively manage growth to support the objective the para 102. This includes: (a) addressing the impact on the transport network; (b) realised opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality design.

72 Highways Officers did not raise an objection to DC/19/112710 and requested conditions in respect of Construction Logistics Plan and Cycle Parking.

73 As this application is a Section 73 application only the aspects which are proposed to be amended can be considered; namely increasing the set-back of the dwellinghouse. As set out in section 5.3 of this report, Highways do not object to the proposed increased set back of the dwellinghouse subject to the conditions suggested for DC/19/112710 still being in place. To date neither of these conditions have been discharged and these conditions will remain as worded.

74 Officers note that neighbours have raised concern in regards to the parking issues and highway safety. Highways did not raise an objection in respect of these on DC/19/112710. As outlined above, this application can only consider the impacts of the proposed amendments and Highways do not raise objection to the proposed amendments.

7.6 LIVING CONDITIONS OF NEIGHBOURS

General Policy

75 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. At paragraph 180 it is stated decision should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of living conditions.

76 This is reflected in the London Plan (LPP D3), the Core Strategy (CSP 15) and the local plan (DMP 32).

77 DMP 32(1)(b) expects new development to provide a ‘satisfactory level’ of privacy and outlook and natural lighting for its neighbours.

78 Officers will only have regards to the impacts of the proposed amendments on neighbouring amenity.

Properties opposite on Blythe Hill Lane

79 This application proposes to set back the dwelling house 0.7m compared to the dwellinghouse approved on DC/19/112710. Given that the separation distance would be increased to the properties opposite, the proposed amendment is not considered to have unacceptable impact on the properties opposite on Blythe Hill Lane.

Adjoining properties

80 The impact of the amendments on No. 38 Ravenbourne Road and Nos. 36 and 40 Ravensbourne Road need to be considered.

81 No. 38 Ravensbourne Road is situated to the rear of the application site; No 38 is a two storey property which benefits from a two storey outrigger. The rear elevation of the outrigger at No.38 is set back approximately 7m from the shared boundary and the rear elevation of the main part of the dwellinghouse is set back approximately 15m. The proposed amendments would result in the dwellinghouse being 1m closer to the shared rear boundary between the properties compared to the approved dwellinghouse. The scale of the dwellinghouse as amended is not considered to have an unacceptable impact on amenities of No. 38.

82 It is also need to be considered if there would be an be an unacceptable impact in terms of overlooking and loss of privacy from the first floor windows as result of the proposed increase in depth. Officers acknowledge that the proposed windows would be 1m closer, given that the urban context of the site, the relationship between properties on fronting Blythe Hill Lane and Ravensbourne Road and the separation distance between rear elevations would be approximately 12m, the proposed amendment is not considered to result in an unacceptable impact in terms of overlooking and loss of privacy on No. 38.

83 No. 36 and 40 Ravensbourne Road adjoin either side of the application site, the rear gardens of these properties do not appear to have been formally subdivided to create new plots. Both Nos. 36 and 40 are two storey properties which benefit from two storey ouriggers. The separation distance from application site boundary and rear elevation of the outriggers of these properties is approximately 7m and the separation distance to the main rear elevation is approximately 15m. The proposed dwellinghouse would still be situated on the shared side boundaries, however, officers need to consider if the increased depth of the dwellinghouse would an unacceptable impact on Nos. 38 and 40.

84 The proposed amendments would result in the dwellinghouse being 1m closer to the shared rear boundary between the properties compared to the approved dwellinghouse. The scale of the dwellinghouse as amended is not considered to have an unacceptable impact on the properties at Nos. 38 and 40. Officers need to consider if the amendments would have an impact on the rear gardens of these properties, it is still considered that given the size of the gardens and as both properties have garages in the rear gardens, the proposed dwellinghouse is still considered to have an acceptable impact upon the gardens of Nos. 38 and 40.

85 It is also need to be considered of the increase in depth of the dwellinghouse would result in an unacceptable impact in terms of overlooking and loss of privacy from the first floor windows. Whilst Officers acknowledge that the proposed windows would be 1m closer, given that the urban context of the site, the relationship between properties on fronting Blythe Hill Lane and Ravensbourne Road and the separation distance between rear elevations would be approximately 12m, the proposed amendment is not considered to result in an unacceptable impact in terms of overlooking and loss of privacy on Nos. 36 and 40.

The removal of solar panels on the rear roof

86 The removal of solar panels on the rear roof slope would not have an impact on neighbouring amenity.

7.6.1 Impact on neighbours conclusion

87 Officers consider that the proposed amendments to the dwellinghouse approved by DC/19/112710 would still have an acceptable impact on neighbouring amenity.

7.7 SUSTAINABLE DEVELOPMENT

88 NPPF para 148 sets an expectation that planning will support transition to a low carbon future. This is reflected in the London Plan and the Local Plan.

89 CS Objective 5 sets out the Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this. There is no policy requirement of a development of this scale to provide solar panels.

90 Application DC/19/112710 was approved with solar panels on the rear roof slope, this application proposes to omit them. Whilst it is regrettable that the no solar panels would be provided, given the scale of the proposed development and that there is no policy requirement for the provision of solar panels, the loss of solar panels is considered acceptable.

7.8 NATURAL ENVIRONMENT – TREES

Policy

91 S.197 of the Town and Country Planning Act gives specific duties in respect of trees

92 Paragraph 170 of the NPPF (2019) requires that the decisions should contribute to and enhance the natural and local environment. LPP G7 'Trees and woodlands' protects trees and replacement trees should be based on the existing value of the benefits of the trees removed. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

Discussion

93 It should be highlighted that the loss of trees on the application site was established on application DC/19/112710 and does not fall to be considered on this application.

94 There are mature trees along the boundary in neighbouring gardens. Whilst officers acknowledge that a Tree Protection Plan was not secured by condition on DC/19/112710, this application proposes the re-siting of the dwellinghouse and to increase the depth of the dwellinghouse. Considering, the re-siting of the dwellinghouse

and the increased depth of the dwellinghouse, a Tree Protection Plan would be secured by condition as to protect neighbouring trees during building operations.

8 LOCAL FINANCE CONSIDERATIONS

95 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).

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

97 The CIL is therefore a material consideration.

98 £7,920 Lewisham CIL and £5,232.86 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.

9 EQUALITIES CONSIDERATIONS

99 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.

100 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.

101 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.

102 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

103 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

104 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

105 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.

10 HUMAN RIGHTS IMPLICATIONS

106 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
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

107 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.

108 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.

109 The landowners have a right to build subject to control under the Town and Country Planning Act. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence and the freedom to enjoy one's home are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

111 This application seeks amendments under Section 73 to DC/19/112710 which was granted planning permission on 4th September 2020.

112 The proposed amendments are considered to be minor material in the context of the approved scheme and as such the application type is considered to be the correct.

113 The proposed alterations to the approved scheme are considered to be acceptable in terms of design, standard of accommodation and impact on neighbouring amenity.

114 Subject to the imposition of conditions, the development is acceptable and in accordance with the development plan.

12 RECOMMENDATION

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

12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

The development to which this permission relates must be begun not later than 4th September 2023.

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

2) APPROVED DRAWINGS

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

E-100 Rev D; E101- Rev D; E103- Rev D; E104- Rev D; E106- Rev D; E107- Rev D received 29th April 2021

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) CONSTRUCTION LOGISTICS 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

4) EXTERNAL MATERIALS

No development above ground shall commence on site until a detailed schedule and specification of all external materials and finishes/windows and external doors/roof coverings/other site specific features to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

5) REFUSE AND RECYCLING

(a) No development **above ground level** shall commence until details of proposals for the storage of refuse and recycling facilities for the 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).

6) 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).

7) 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).

8) REMOVAL OF PERMITTED DEVELOPMENT – EXTENSIONS OR ALTERATIONS

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

10) WINDOWS

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

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back

gardens and amenity areas of the Development Management Local Plan (November 2014).

11) OBSCURE GLAZING

(a) No development above ground level shall commence on site until details of the obscure glazing in the front elevation, has been submitted to and approved in writing by the local planning authority.

(b) The obscure glazing approved in (a) shall be retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

12) HARD AND SOFT LANDSCAPING

(a) No above ground works shall take place until a scheme of hard and soft landscaping (including detail of maintenance and management for a period of five years) shall be submitted to an approved in writing by the local planning authority

(b)(i) All hard landscaping works which form part of the approved scheme under part(a) shall be completed prior to occupation of the development.

(b) (ii) 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 of the details of the proposal and comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2016), 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).

13) TREE PROTECTION PLAN

No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures,

and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets 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).

12.2 INFORMATIVES

1) 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.

2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: -http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx

3) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

4) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

MapXtreme 2008 © SDK Developer License, © 2008 Pitney Bowes Mapinfo Corporation.
Blythe Hill
Ravensbourne Road
Blythe Hill Lane
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Committee	PLANNING COMMITTEE C	
Report Title	144 Forest Hill Road, SE23 3QR	
Ward	Forest Hill	
Contributors	Amanda Ghani	
Class	PART 1	20 May 2021

Reg. Nos.	(A) DC/20/118514
Application dated	19/09/20
Applicant	Agent: Sketch Architects
Proposal	Alterations and conversion of existing dwelling house at 144 Forest Hill Road SE23, together with the construction of a two storey plus roof space extension at the side incorporating a roof terrace to provide 6 self-contained flats (2 x 1, 3 x 2 and 1 x 3) with private amenity space, landscaping, cycle and bin storage and associated works.
Background Papers	(1) Case File LE/341/144/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) The London Plan (March 2021)
Designation	PTAL 4 Air Quality Management Area

1 SUMMARY

1 This report sets out the case officer's recommendation in regards to the above proposal. The report has been brought before members for a decision there are 8 valid objections from residents and the officer recommendation is for approval.

2 Due to the Covid-19 pandemic officers have not undertaken a site visit to the property and as such, an assessment has been made using Google Maps.

3 **SITE AND CONTEXT**

Site description and current use

4 The site consists of a large two-storey, Victorian, semi-detached three bedroom single family dwelling; built in yellow London Stock brick with a red brick frontage. The property is located on the south-western side of Forest Hill Road at the junction with Canonbie

Road. The property has an original two-storey rear projection and has a single storey extension to the side and rear.

5 The site includes a generous garden area to the side and rear. There is a row of six garages behind the side garden area. Only one of these falls within the application site. These garages are followed by the first residential property which is set back on the south side of Canonbie Road (No. 1 Canonbie Road). The side elevation of this property abuts the rear garden of the subject site.

6 Historic street maps show a large detached house on the site to the side of 144 Forest Hill Road; however, the house was destroyed by bomb damage during WW2.

7 The site is not located within a conservation area; there is no Article 4 Direction and no listed buildings in the near vicinity. The site has a PTAL rating of 4, which is considered good.

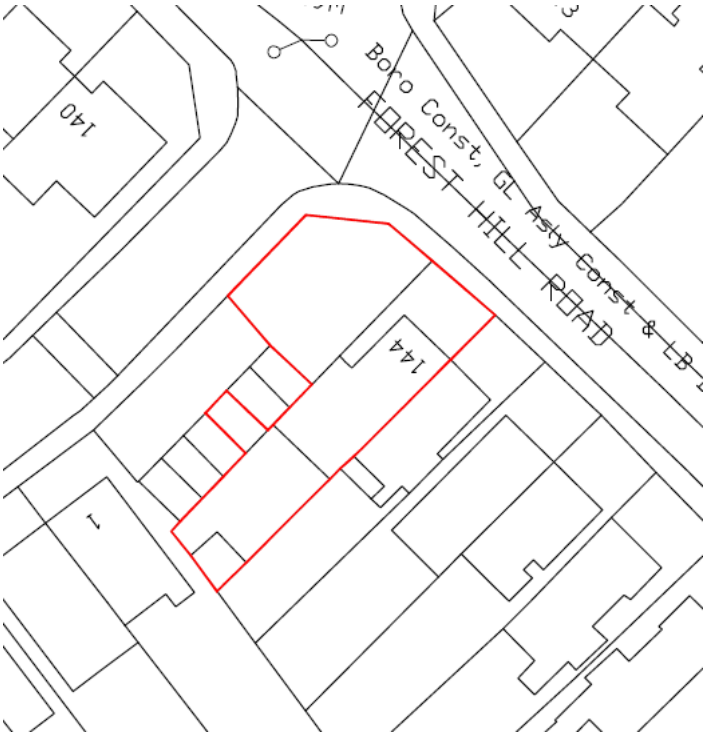

Figure 1 Site Location Plan

Character of area

8 Forest Hill Road forms part of the western borough boundary divide between Lewisham and Southwark. Forest Hill Road is a busy thoroughfare linking Peckham Rye and East Dulwich with Honor Oak. The road slopes upwards from west to east. The surrounding area is residential in character and there is an eclectic mix of architectural styles of dwelling within the street scene. To the north of the site is Brenchley Gardens, which is a linear public green space. To the east is a mix of period properties; to the west, semi-detached pairs built in the early part of the 20th Century. To the south is a row of six garages and the properties in Canonbie Road. Canonbie Road rises steeply from its junction with Forest Hill Road up to Honor Oak Road.

Figure 2 Application Site from Forest Hill Road Elevation

Transport

9 The site is considered a sustainable urban location; the PTAL of 4 indicates a good level of accessibility owing to its proximity to the P12 bus route (Surrey Quays to Brockley) which runs past the subject site, and the P4 bus route (Lewisham to Brixton) which runs close by. Honor Oak Park railway station is approximately 0.5 mile walk away and Forest Hill station is approximately 0.9 miles away.

2 RELEVANT PLANNING HISTORY

10 None

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

11 The construction of a two-storey plus roof space building to the side of 144 Forest Hill Road with a ground floor connection to No.144. The new building would have a flat roof above pitched roof slopes and include front and side dormers behind balconies. Three self-contained flats are proposed within the new building and No.144 would be converted into three self-contained flats. The proposal would provide six flats in total with one providing family sized accommodation at ground floor level. The existing rear elevation of the single storey rear extension at No.144 would be remodelled. Roof extensions are proposed to the main and secondary roof slopes. The existing roof terrace would be reduced in size and a second roof terrace to the side roof slope of the projection would be added.

Figure 3. Proposed Front Elevation

Figure 4. Proposed Side Elevation (Canonbie Road Frontage)

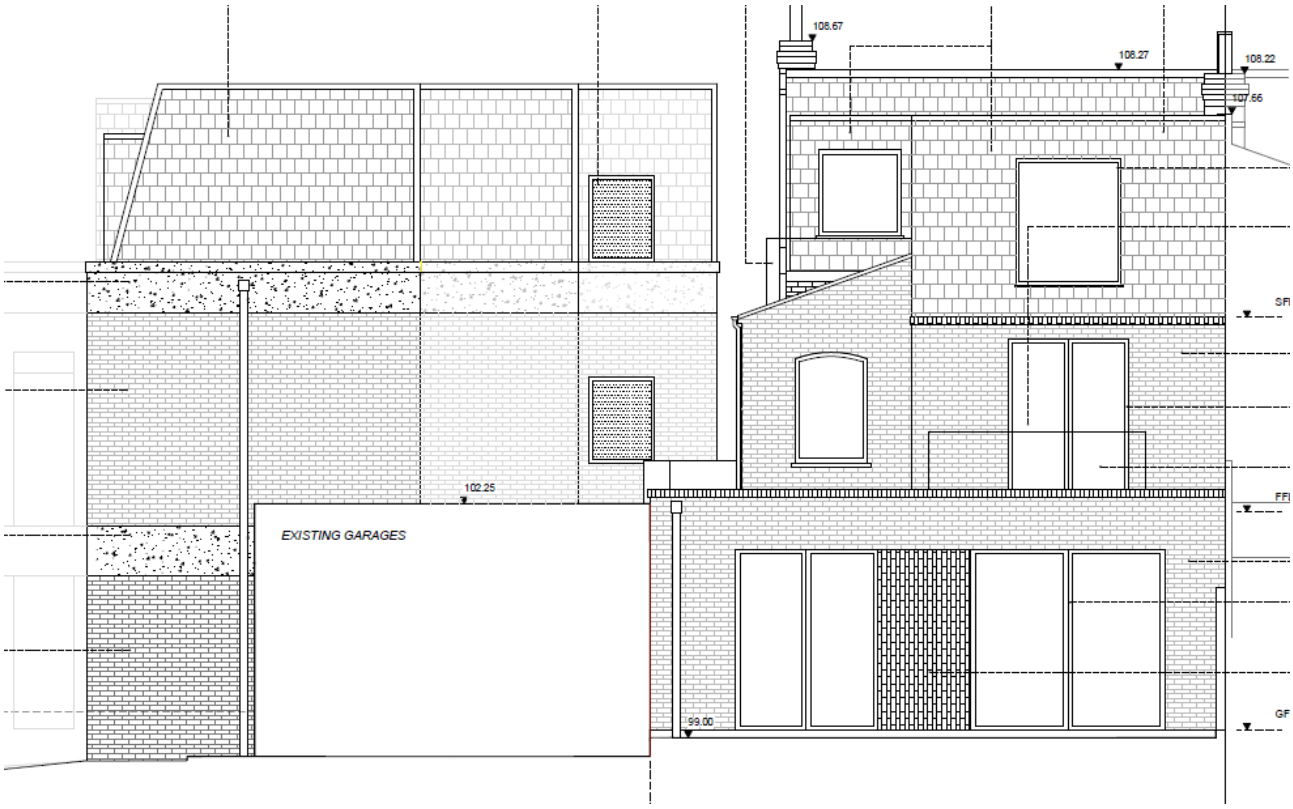

Figure 5 Proposed Rear Elevation

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

12 Pre-application concept advice was sought in May 2020 regarding whether residential development on the side garden area would be acceptable. Officers concluded that the principle of development would be supportable subject to design, standard of accommodation, impact on neighbouring amenity and transport issues being addressed.

13 A subsequent pre-application meeting was sought in August 2020, where officers acknowledged the positives benefits of the scheme through retention of the existing building and re-development of the site. Officers concluded that a future application would be expected to provide justification to support conversion.

4.2 APPLICATION PUBLICITY

14 A site notice was displayed on 29th October 2020.

15 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 26th October 2020. Southwark Council was also notified.

16 8 number responses received, comprising 8 objections, 0 support and 0 comments. 0 petition[s]

4.2.1 Comments in objection from neighbours

Comment	Para where addressed
Overlooking and loss of privacy from first floor balcony and dormer windows	6.5.1
Increased on street parking stress	96
Overdevelopment of site	6, 77
No neighbour consultation	17
Lack of amenity space	68-69
Modern building would be out of place	6.3

17 Other comments were also raised as follows:

18 Water pressure and waste water impacts. Issues of drainage and water pressure are not planning matters and are dealt with by Thames Water.

4.2.2 Comments from Tewkesbury Lodge Estate Residents' Association

Comment	Para where addressed
Gross overdevelopment of the site	6, 76
Unacceptable levels of increased on street parking	95
No provision of electric vehicle charging points contrary to DMP 29 point 5	98
Design of new build out of character with street scene	6.3
Contrary to DMP 2 and 3	40-45
Loss of amenity to 1 Canonbie Road	107-108
Fail to provide appropriate amenity space for new dwellings	68-69

19 No comments were received from Ward Councillors

4.3 INTERNAL CONSULTATION

20 The following internal consultees were notified on 21st October 2020

21 Highways: raised no objections subject to conditions. See para 84 for further details.

22 Tree Officer: made suggestions for enhanced greening which were taken onboard in the revised landscape plan. See para 125 for further details.

4.4 EXTERNAL CONSULTATION

23 The following External Consultees were notified on 21st October 2020

24 Forest Hill Society. No comments received

5 POLICY CONTEXT

5.1 LEGISLATION

25 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).

5.2 MATERIAL CONSIDERATIONS

26 A 'material consideration' is a consideration relating to the use or development of land which is reasonably considered relevant to the proposed development, when taking the decision in the public interest. This may include, where relevant, 'human factors' such as personal hardship or circumstances of occupiers, social policy objectives, or the value of particular kinds of business to the community. There must be a sufficient connection to the development in question.

27 Whether a consideration must or may be considered material in a particular case is a question of law that may be determined by the courts. Decision-makers are always required to have regard to applicable planning policies of the Secretary of State and of the Council itself.

28 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.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

29 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

30 Lewisham SPG/SPD:

31 Alterations and Extensions Supplementary Planning Document (April 2019)

32 London Plan SPG/SPD:

- Character and Context (June 2014)
- Housing (March 2016)

6 PLANNING CONSIDERATIONS

33 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Natural Environment

6.1 PRINCIPLE OF DEVELOPMENT

General policy

34 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.

35 The new London Plan sets out a sequential spatial approach to making the best use of land set out in Policy GG2 (parts A to C) that should be followed.

36 Policy H1 and table 4.1 identifies a total ten year housing target for net housing completions (2019/20 – 2028/29) of 16,670 for Lewisham, equating to an annual target of 1,667. To help achieve this target, a strategic priority of the PLP is to increase the rate of housing delivery from small sites. LPP H2 and table 4.2 sets a ten-year minimum target of 3,790 homes on small sites for Lewisham. LPP H2 states Boroughs should pro-actively support well-designed new homes on small sites (below 0.25ha). In doing so, Boroughs should recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.

37 The Core Strategy Spatial Policy 1 defines the location of the site as within an Area of Stability and Managed Change, which means that Spatial Policy 5 is relevant to this site. This states that the Areas of Stability and Managed Change will deliver approximately 2,590 additional new homes over the period of the Core Strategy (2011-2026). This accounts for approximately 14% of the borough's requirement in order to meet local housing need and contribute towards meeting and exceeding London Plan targets. This will be achieved by making the best use of previously developed land in the borough through infill development provided that it is designed to complement the character of surrounding developments, the design and layout make for suitable residential accommodation, and it provides for garden and amenity space.

38 Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. PPG makes clear that planning obligations for affordable housing should only be sought for residential developments that are major developments (i.e. development where 10 or more homes will be

provided, or the site has an area of 0.5 hectares or more). As such, the application proposal falls below the threshold for seeking affordable housing provision.

39 Housing is therefore a priority for the borough. Accordingly, the provision of six new residential units is considered a planning merit. In addition, the South East London Strategic Housing Market Assessment identifies a need for family sized dwellings (3+ bedrooms). A contribution to family housing is not a policy requirement as the number of dwellings does not meet the trigger (10+) set by CSP 1.

40 DM Policy 3 allows for the conversion of houses not considered suitable for family occupation and this is assessed in terms of point 1.a and 1.b of the policy stated below:

41 The Council will refuse planning permission for the conversion of a single family house into flats except where environmental conditions mean that the single family house is not suitable for family accommodation due to any factor listed below:

a. adjacent to noise generating or other environmentally unfriendly uses
b. lack of external amenity space suitable for family use

42 Officers note the aim of policy DMP3 is to appropriately manage the future sub-division of single family houses into self-contained flats in order to ensure new dwellings provide a high standard of amenity and to promote and retain housing choice.

	Existing Family Dwelling	Proposed Family Unit
Gross Internal Floor Area	182sqm on 2 floors	103sqm on 1 floor
Living areas	4 individual living areas and a kitchen on each floor	1 large open plan kitchen/living/dining area
Bedrooms	Bedroom 1 – 15.8sqm Bedroom 2 – 10.4sqm Bedroom 3 – 16sqm	Bedroom 1 -16sqm Bedroom 2 – 9.4sqm Bedroom 3 – 12.2sqm

43 The table above shows a reduction in overall floor space when comparing the existing dwelling with the proposed family unit. Officers note that there are two existing kitchens, one on each floor, which alludes to the most recent use of the property as two flats; although there is no planning history to confirm this. The proposed large open plan living area is considered a better use of space when considered against the over provision of existing individual rooms. The new unit is considered to be of a better quality with a better layout of rooms than the existing. Three similar sized bedrooms would be provided with the new scheme. Furthermore, the family sized unit, being located on the ground floor, has direct and sole access to the large rear garden and would also have use of the existing on-site garage.

44 The other proposed units have an excellent layout and the proposal has sufficient front garden space to accommodate cycle and bin storage to service the total dwellings. Well thought out landscaping is proposed.

45 Given these quality considerations, officers consider the principle of conversion to be acceptable in this instance, since the proposal includes the re-provision of a generously sized family unit. As such, officers consider the scheme does not conflict with the aim of DM Policy 3, which is to appropriately manage the sub-division of single family houses, whilst retaining housing choice within the borough. The inclusion of one family sized dwelling, alongside additional units in the scheme, is considered essential and a planning merit.

46 DM Policy 33 of the Lewisham Development Management Local Plan (DMLP) (2014) sets out at paragraph A that infill sites include development that is proposed on street corners. Therefore, as an area of land serving as a garden, with a street frontage, the proposal is considered an infill site. Development on infill sites will only be permitted where they:

a. Make a high quality positive contribution to an area.

b. Provide a site specific creative response to the character and issues of the street frontage typology identified in Table 2.1 Urban typologies in Lewisham and to the special distinctiveness of any relevant conservation area
c. Result in no significant overshadowing or overlooking and no loss of security or amenity to adjacent houses and gardens
d. Provide appropriate amenity space in line with DM Policy 32 (Housing design, layout and space standards)
e. Retain appropriate garden space for adjacent dwellings
f. Repair the street frontage and provide additional natural surveillance
g. Provide adequate privacy for the new development and
h. Respect the character, proportions and spacing of existing houses.

47 The proposed building has taken its design cues from adjacent properties at Nos.144-152 and in a modern interpretation provides a site specific, high quality building that respects the character and proportions of these existing houses. Historically, there was a house sited on this corner site, which was bombed during WW2. As such, the new building would repair the street frontage and provide additional surveillance to the street. Each new dwelling would have adequate privacy, and be of a good size and layout. There would be no significant impact on neighbouring amenity; all of which is discussed in more detail within the report. As a consequence, the proposal meets the criteria as set out in DM Policy 33.

6.1.1 Principle of development conclusions

47 The principle of development is supported in this instance as the site is considered to make a positive contribution towards meeting housing needs in a sustainable urban location and would re-provide one family sized unit as part of the proposal.

6.2 HOUSING

48 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation.

6.2.1 Contribution to housing supply

Policy

49 National and regional policy promotes the most efficient use of land.

50 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

51 The NPPF encourages the efficient use of land subject to several criteria set out in paragraph 122. Paragraph 123 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.

52 London Plan Policies H1 and H2 seek to increase the housing supply and to optimise housing output.

Discussion

53 The proposed density is considered to be optimal for this site, as it is connected to the main roads, and public transport whilst being in a sustainable urban location therefore, this site meets the criteria to deliver housing on a small site and Policy H2 applies and results in net additional housing provision. The proposed residential units would contribute to the borough's housing supply and significant weight is given to this in assessment of the proposal.

54 Paragraph 2.0.3 of the London Plan stresses that all parts of London will need to embrace and manage change. Not all change will be transformative, in many places the changes will occur incrementally and this is the case where the suburban pattern of development has significant potential for appropriate intensification over time, particularly for additional housing.

6.2.2 Residential Quality

General Policy

55 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (Policy D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

56 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

Policy

57 London Plan Policy D6 seeks to achieve housing developments with the highest quality internally and externally in relation to their context and sets out minimum space standards.

58 DMP 32 Housing design, layout and space standards' and LP D6 'Housing quality and standards requires housing developments to be of the highest quality internally, externally and in relation to their context. These polices set out the requirements with regards to housing design, seeking to ensure the long-term sustainability of the new housing provision. In particular DM Policy 32 states that it will assess whether new housing development including conversions provide an appropriate level of residential quality and amenity in terms of size, a good outlook, with acceptable shape and layout of room, with main habitable rooms receiving direct sunlight and daylight, adequate privacy

and storage facilities to ensure the long term sustainability and usability of the homes. Informed by the NPPF, the Mayors Housing SPG provides guidance on how to implement the housing policies in the London Plan.

Discussion

59 The table below sets out proposed dwelling sizes.

Table [1]: Internal space standards

60 Table 1: Internal space standards

Dwelling	Layout	GIA m^2	B1 m^2	B2 m^2	B3 m^2	Amenity m^2	Floor
Flat 01-B	**2b/3p**	**69**	**13.7**	**10**	**-**	**53.8 garden space**	**Ground**
Flat 01-A	**3b/5p**	**103**	**16**	**12**	**9**	**11.3 (front) 106 (rear garden)**	**Ground**
Flat 02-B	**2b/3p**	**68**	**13.7**	**10**	**-**	**5 (balcony)**	**1st**
Flat 02-A	**2b/3p**	**66**	**12.4**	**8**	**-**	**6.1 (roof terrace)**	**1st**
Flat 03-B	**1b/2p**	**50**	**13.7**	**-**	**-**	**5.4 (two balconies)**	**2nd**
Flat 03-A	**1b/2p**	**50**	**14**	**-**	**-**	**5.4 (side roof terrace)**	**2nd**

61 Table 1 demonstrates that the proposed residential accommodation would exceed the Technical Housing Standards, given that all flats would meet or exceed the required gross internal area (GIA) of 50sqm for a 1b2p unit, 61sqm for a 2b3p unit and 86sqm for a 3b5p unit.

62 Additionally the bedroom sizes would all exceed the 11.5sqm requirement for a double bedroom and 7.5sqm for a single bedroom. The widths of the bedrooms would also be policy compliant. The floor to ceiling height for each unit would be a minimum of 2.5m in accordance with the requirement of the London Plan and DMP 32. The provision of storage is considered to be adequate and would meet the requirements of the London Plan.

Outlook & Privacy

Policy

63 LP Policy D6 seeks high quality internal and external design of housing development and requires developments to achieve ‘appropriate outlook, privacy and amenity”. Policy D6, seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on opposite elevations).

64 DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect.

Discussion

All of the proposed residential units would have double aspect as a minimum with the windows providing a good standard of outlook.

65 Privacy is not considered to be a significant issue given the sufficient distance maintained to the surrounding properties. The proposed roof terraces to the rear would not be directly overlooked and due to their significant set backs, would not overlook other properties; including the rear garden area for Unit 01A. The balconies to the front and side elevations of the new building would be seen from the public highway, however they would be at first floor and roof level so would not be directly overlooked.

66 ***Daylight and Sunlight and ventilation***

Policy

67 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of natural lighting for its future residents. The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces

Discussion

All windows are also considered to provide good levels of ventilation preventing the need for a mechanical system and providing adequate mitigation against overheating. The shape of the units provide efficient layouts, which contribute to the overall good standard of light and ventilation provided by the windows. Most bathrooms and kitchens would be naturally lit and ventilated. All these elements serve to demonstrate that this is a well designed scheme delivering a good standard of accommodation.

External space standards

Policy

68 Standard 4.10.1 of the Mayor's Housing SPG states that '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'. PLPP emphasises this minimum dimensions and states that the private open space must achieve a minimum depth and width of 1.5m.

Discussion

69 The ground floor family sized unit 01A would have private access to the entire rear garden. Unit 01B would have 53.8sqm of outdoor space in the form of a private garden to the front and side of the building. Unit 02B a 5sqm balcony, Unit 02A a 6.1sqm roof terrace, Unit 03A at 5.46sqm roof terrace and Unit 03B two balconies each measuring 2.7sqm. All but Unit 02B would achieve external space standards that are more than the minimum standard indicated above. However, since this first floor flat has a generous internal floor area, on balance the shortfall of 1sqm is considered acceptable.

Summary of Residential Quality

70 Officers are satisfied that the design and layout of the proposed units would be suitable and the proposal would provide an acceptable standard of residential accommodation in accordance with the above policies

6.2.3 Housing conclusion

71 The proposal would deliver two,1bx2p flats, three, 2bx3p flats and one 3bx5p flat, with an acceptable standard of residential amenity. It would contribute to meeting the Borough's identified housing need in a predominantly residential and sustainable location.

6.3 URBAN DESIGN

General Policy

72 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.

73 Policies D4 and D6 of the London Plan emphasise that 'The scrutiny of a proposed development's design should cover its layout, scale, height, density, land uses, materials, architectural treatment, detailing and landscaping.'

74 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites, is sensitive to the local context, and responds to local character.

75 DMP 30 requires planning applications to demonstrate a site-specific response, which creates a positive relationship with the existing townscape whereby the height, scale, and mass of the proposed development relates to the urban typology of the area.

6.3.1 Appearance and character

Policy

76 In addition to the policies set out above, DM Policy 32 sub para 2.256 explains that Infill and backland development needs sensitive design in order to not detract from the character of the street scene, the architectural integrity and scale of adjacent buildings or from residential amenity.

Discussion

77 There are an eclectic mix of properties within Forest Hill Road in terms of design, scale and massing. The applicant has undertaken a townscape study, which has informed the scheme's design, scale and massing. Officers consider the scheme is suitably scaled for this location, as the proposed building would be slightly lower in height than No.144, in keeping with properties stepping down in line with the slope of the road. The new building would have a maximum height of 9.4m and an eaves height of 7m. The width on the front elevation would be 8.5m and 10.2m on the Canonbie Road frontage. Design cues have been taken from No.144, its semi-detached pair and 148-152, all of which can be viewed as a distinct design grouping within the street scene. The proposed building is a modern interpretation on existing design themes that include double height bay windows, arches, banding between floors and brick colour. The front and side dormers a reinterpretation of the windows in the front gables at Nos.148-152. This design approach is considered suitable for this location.

78 The massing of the proposed new building would be larger than that of No.144; however, the new building would sit comfortably within the corner site. The new building and No.144 would be connected at ground floor only which would create a distinct visual separation and contrast between old and new, without an adverse impact on the character of the area.

79 Roof extensions are proposed to the rear roof slopes of No.144. The rear elevation would be remodelled and incorporate new glazed windows and doors. The rear elevation and roof extensions would be largely concealed from view behind the new building and only partially visible from obscure views along Canonbie Road. Given their set back from the public realm, behind a garage block and the presence of mature trees on the boundary, the roof extensions and remodelling of the rear elevation are considered to be modest in scale and of high quality design and would not have adverse impact on the street scene.

80 Overall, the design, height, scale and massing are considered to be appropriate for the site and surrounding area.

Detailing and Materials

Discussion

81 On the front and side elevations, red multi-brick is proposed on the upper floor with a brown/red multi brick to the ground floor; all with tinted mortar. To the rear, buff London Stock brick would be used to match existing. The banding between floors would be colour through precast concrete to match brickwork colour. The roof would be Eternit tiles, which give a slate effect. The windows in the dormers would be powder coated black framed whilst the lower windows and doors would be powder coated warm grey/brown coloured frames.

82 Further design interest would be added by the use of ‘perpend’ projecting brick detail at ground floor around the communal entrance and as a design detail to the rear of No.144.

83 The existing boundary timber fence would be removed and replaced with a masonry perimeter wall in keeping with the new building and wider character of the area. The cycle and bin stores would be constructed in the same materials to integrate and harmonise with the scheme as a whole.

6.3.2 Urban design conclusion

84 In summary, the proposed building is a high quality proposal. It is of an appropriate height and scale, and would use suitable materials; it is considered that the proposed scheme would uphold the character of the area and the street scene. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.

6.4 TRANSPORT IMPACT

General policy

85 London Plan policy T1 sets out the Mayor’s strategic approach to transport which aims to encourage the closer integration of transport and development, as, more stress is on rebalancing the transport system towards walking, cycling and public transport (10.1.4), that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm

86 London Plan policy T6.1 Residential parking sets out in Table 10.3. that new residential development should not exceed the maximum parking standard to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Through the use of travel plans, it aims to reduce reliance on private means of transport.

87 CSP 14 ‘Sustainable movement and transport’ promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

6.4.1 Servicing and refuse

Policy

88 London Plan Policy D6(E) states housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables and food waste as well as residual waste.

89 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 for new residential development and references the British Standard BS5906:2005

Discussion

90 Two storage areas for communal bins and one for use by the family unit are shown to the front of the site on the ground floor plan. The storage areas would provide ample space for refuse and recycling for each flat.

91 A condition is proposed to ensure provision of this storage area prior to occupation of the development

6.4.2 Transport modes

Walking and cycling

Policy

92 Cycle storage space should be provided in accordance with LPP T5, table 10.2 and London Cycle Design Standards. Developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards.

93 Discussion

94 Internal cycle storage is provided for the two ground floor flats; with communal cycle storage sited to the front of the properties for the other four flats. There is ample space to the front accommodate the cycle storage. The London Plan requires a minimum of 1.5 spaces per 1bx2p unit and 2 spaces per the other dwellings. The proposal would provide storage for 12 cycles and would comply with LPP T5 and highways officers consider this acceptable.

Private cars

Policy

95 LPP T6 states that proposals for no on-site car parking should be the starting point for all development proposals in places that are well connected to public transport.

Discussion

96 A number of objections were received regarding the potential for increased on-street parking stress. The site has a PTAL rating of 4 which is considered good and therefore a development that is not proposing additional off street parking is supported, in

accordance with the London Plan Policy. Officers agree with the submitted transport statement where census data predicts likely car ownership for the six proposed flats to be three cars. There is an existing garage attached to the site which has been reprovisioned as off-street parking for one vehicle for the use of occupiers of the family unit. As such, one net off street parking space is proposed as part of the scheme.

97 The findings of the submitted parking survey show that there is 50% spare capacity within 200m of the site. However, highways officers find this data to be flawed in that the inclusion of Brenchley Gardens is unlikely to present a viable parking option. Parking capacity on this road is not agreed and the fact that only one car (representing 3% of given total) parked overnight, suggests that local knowledge bears this out. If this street is removed from the data, the overall figure for parking stress increased to 67%.

98 The level of increase from the proposed flats is not considered likely to cause a level of parking stress over 85% and as such officers conclude there would be adequate on street parking provision.

99 One objection received concerned electric vehicle charging points. LPP T6 states that where car parking is provided in new development, provision should be made for infrastructure for electric or other Ultra-low Emissions vehicles in line with Policy T6.1 where at least 20% of spaces should have active charging facilities. However, due to the size of the proposed development, it is not necessary to provide electric or other Ultra-low emission provision.

6.4.3 Transport impact conclusion

100 The proposal would have an acceptable impact on transport in terms of parking, encouraging sustainable modes of transport and accommodating the site's servicing needs, subject to conditions.

6.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

101 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 LPP D3, D6 and D14 and DM Policy 31 and 32.

102 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours

103 The main impacts on amenity arise from: (i) overbearing sense of enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance

6.5.1 Outlook and Privacy

Policy

104 Overbearing impact arising from the scale and position of development is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries. Privacy standard refer to the distances between directly facing windows of existing and new habitable spaces and from shared boundaries where overlooking amenity spaces may arise.

Discussion

105 At present the entire roof of the single storey rear extension is being used as a terrace. The proposed scheme would substantially reduce this area to an enclosed 6.1sqm. This would include the introduction of a 400mm set in from the shared side boundary and a significant setback of 1.7m from the rear elevation of the extension.

106 As a result of these changes, there would be a reduction in the level of overlooking to No.146 as well as to the rear garden amenity space for Unit 01A in the proposed scheme.

107 The new building would be sited in front of the existing garage block and would be over 18m away from the side boundary of No.1 Canonbie Road. There are only two windows in the rear elevation of the proposed building, both serving bathrooms and both would be obscure glazed.

108 The two rear windows in the roof extensions at No.144 would be approximately 18m and 27m from the side boundary of No.1 Canonbie Road. The view from the windows would be directed toward the rear garden area of the subject site. It is considered that the proposed windows would not give rise to a loss of privacy over and above what already exists from existing first floor windows. Moreover, the windows would not face any habitable room windows in this neighbouring property. Furthermore, there are trees along this shared boundary which will be retained and which provide some visual screening between the two sites.

109 There would be no detrimental amenity impact on 140, 143 or 145 Forest Hill Road, due to the public highways between the subject site and these neighbouring properties.

6.5.2 Daylight and Sunlight

Policy

110 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however, this is not formal planning guidance and should be applied flexibly according to context.

111 LPP D6 states the design of development should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context.

Discussion

112 The proposed scheme, due to its scale and siting, would have no detrimental impact on neighbouring properties access to sufficient daylight and sunlight.

6.5.3 Noise and disturbance

Policy

113 NPPG states LPAs should consider noise when new developments may create additional noise.

Discussion

114 Officers consider there would be no significant increase in noise above or beyond what would be expected from occupiers of residential development.

115 Should members be minded to grant planning permission, a condition is recommended to secure a Construction Management Plan to minimise disturbance during construction.

116 Impact on neighbours conclusion

117 Officers consider that the proposed development would not adversely impact the living conditions or amenities of neighbouring properties and as such, the proposed scheme is considered acceptable.

6.6 NATURAL ENVIRONMENT

General Policy

118 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.

119 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

120 NPPF para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

121 LPP G6 and G7 sets out the Mayor of London's vision for Green Infrastructure as a multifunctional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

6.6.1 Green spaces and trees

Policy

122 S.197 of the Town and Country Planning Act gives LPA's specific duties in respect of trees.

123 LPP under sub-paragraph C of Policy G7 Trees and woodlands stress is on protecting trees and where the removal of trees is necessary following a granted permission, an adequate replacement would need to be undertaken.

124 Paragraph 170 of the NPPF (2019) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

Discussion

125 Green vegetated front gardens characterise Forest Hill Road and Canonbie Road although some have unfortunately been degraded by hardsurfacing. The vegetation contributes to the green infrastructure and helps provide links between Brenchley Gardens diagonally opposite on Forest Hill Road and the urban forest in the rear gardens of Canonbie Road.

126 There are a number of trees and mature shrubs within the current front garden setting. However, the applicant has stated that much of this planting is in poor condition and will need to be removed. The proposed cycle and bin stores will be set back from the front boundary by 0.5m, creating an area for the planting of hedging, which will sit behind the new low boundary wall. Both the hedging and wall will be sited along the front/side of the site. The bin and cycle stores will have green roofs. Three new trees will be planted, further greening this front/side amenity space. The size and type of trees can be dealt

with by way of condition. The greening of this area is important in providing quality outdoor amenity space as well as contributing to the local green character of the area.. The proposal retains the trees to the back of the rear garden. There are also five larger trees in front of the garage block that fall outside the curtilage of the site. No information has been submitted regarding how these trees would be protected during the build process. However, this can be dealt with by an Arboriculture Impact Assessment condition and a tree protection plan condition

127 The applicant has recognised there is an opportunity for significant planting on site. The existing landscaping plan is considered appropriate. The landscape drawing shows areas of lawn to the front, side and rear of the site along with areas of permeable paving and a number of trees. The type of soft planting and type of trees proposed have not been specified. However, this can be dealt with by a soft landscaping condition.

6.6.2 Natural Environment conclusion

128 Officers consider the scheme has the potential to improve the quality of the existing amenity space by enhancing the quality of the landscaping. This can be secured by suitable conditions and as such, the proposed scheme is considered acceptable.

7 LOCAL FINANCE CONSIDERATIONS

129 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).

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

131 The CIL is therefore a material consideration.

132 [£23,605.68] Lewisham CIL and [£15,596.61] 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.

8 EQUALITIES CONSIDERATIONS

133 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.

134 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.

135 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.

136 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

137 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

138 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

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

9 HUMAN RIGHTS IMPLICATIONS

140 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
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

141 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.

142 This application has the legitimate aim of providing a new building with residential uses. The rights potentially engaged by this application, including respect for private and family life, home and correspondence and the freedom to enjoy one's home are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

144 The proposal conforms with the general aims of DM3 policy in appropriately sub-dividing a single family dwelling, whilst retaining a generously sized family unit. The proposed scheme presents planning merit: provision of additional good quality accommodation, in a sustainable urban location. The proposal is designed to be visually sensitive to its context, with access to public transport, local services and amenities; whilst preserving the residential amenities enjoyed by neighbouring properties. Substantial weight is given to these merits, and for these reasons, it is recommended that the development is approved.

11 RECOMMENDATION

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

11.1 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) DEVELOP IN ACCORDANCE WITH APPROVED PLANS

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

001 Rev.A; 003 Rev.A; 010 Rev.A; 011 Rev.A; 012 Rev.A; 020 Rev.A; 030 Rev.A; 031 Rev.A; 102 Rev.A; 110 Rev.A; 111 Rev.A; 112 Rev.A; 113 Rev.A; 120 Rev.A; 210 Rev.A; 211 Rev.A; 300 Rev.A; 301 Rev.A; 302 Rev.A; 310 Rev.A; Design and Access Statement; Planning Statement; Transport Statement (Received 24th September 2020)

210 Rev.A (Received 20th April 2021)

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) CONSTRUCTION LOGISTICS 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 T3 Transport capacity, connectivity and safeguarding, Policy T7 'Deliveries, Servicing and Construction' and Policy SI 1 'Improving Air Quality' of the Publication London Plan (2021).

4) EXTERNAL MATERIALS

No development **above ground** shall commence on site until a detailed schedule and specification and samples of all external materials and finishes, windows and external doors, roof coverings, other site-specific features to be used on the building have been submitted to and following a site visit, approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

5) ARBORICULTURAL IMPACT ASSESSMENT

(a) No development shall take place until a full Arboricultural Impact Assessment (AIA) has been submitted to and approved in writing by the local

planning authority. Such study shall consider the exact relationship between the proposed development and any existing trees on the site, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones.
- The location and type of protective fencing.
- The location of the main sewerage and water services in relation to trees.
- The location of all other underground services, i.e. gas, electricity and telecommunications.
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones.
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread.
- Suggested locations for the site compound, office, parking and site access.
- The replacement planting necessary to compensate for any necessary losses.

(b) Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site.

(c) The development shall be implemented in accordance with the approved AIS.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

6) 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).

7) CYCLE PROVISION

(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) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

(c) 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 T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

8) HARD LANDSCAPING

(a) Prior to **above ground works** drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.

(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

9) 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).

10) TREE PROTECTION

No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets 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).

11) BOUNDARY TREATMENT

(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).

12) OBSCURE WINDOWS

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the first floor and roof of the rear elevation of the extension hereby approved shall be fitted as obscure glazed to a minimum of Level 5 on the ‘Pilkington Scale’ and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, back land sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

11.2 INFORMATIVES

1 Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

2. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

3. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx

4. You are advised that you should be in contact with Thames Water in the early stage of the development

5. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.

6	The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

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Boro Const, GL Asty Const & LB Bdy
FOREST HILL ROAD
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Committee	PLANNING COMMITTEE C	
Report Title	17 Minard Road, SE6 1NS	
Ward	Lewisham Central	
Contributors	Samuel James	
Class	PART 1	20th May 2021

Reg. Nos.	(A) DC/20/116332
Application dated	27 March 2020
Applicant	Resi on behalf of Mr Ozoilo
Proposal	The construction of a part one, part two storey building, plus habitable roofspace at 17 Minard Road SE6 to provide 1, three bedroom and 1, four bedroom dwelling houses, together with the provision of 2 off-street car parking spaces, 5 bicycle spaces and refuse storage facilities.
Background Papers	(1) Case File LE/667/17/TP (2) Local Development Framework Documents (3) The London Plan
Designation	PTAL 2 Previously Existing use: C3 single family dwellinghouse. Site currently vacant land.
Screening	N/A

1 SUMMARY

1 This report sets out the officer's recommendation to approve the above proposal. The case is brought before members because permission is recommended to be approved and twenty-three individual planning objections have been received from local residents.

2 SITE AND CONTEXT

Site description and current use

2 The site is a roughly triangular shaped plot of land located at 17 Minard Road. It is on the south-eastern side of Minard Road at the end of an existing terraced row, approximately 70m from the junction with Brownhill Road, and the last plot on this side of the street before the junction. A two-storey, end of terrace house previously stood on the land, but this was demolished in 2017 following an application for prior approval.

Character of area

3 The surrounding area is characterised by two storey, double height canted bay dwellings set out in terraces. This section of Minard Road exhibits a strong architectural vernacular. The vast majority of surrounding dwellings are finished in red brick, bar a few exceptions, where the brick has been rendered and/or painted.

4 They style of the properties is consistent with that of the wider Corbett Estate, in which the proposal site is situated.

Heritage/archaeology

5 The site is not located within a conservation area, nor is it in the vicinity of any listed buildings.

6 There site is not within an area of archaeological interest.

Surrounding area

7 The surrounding area is residential in nature, however there are various commercial uses and local shopping parades along Brownhill Road (A205) to the south. The site is within walking distance of Hither Green Rail Station.

Local environment

8 The site is in flood zone risk area 1 meaning the risk of river flooding is low.

9 The site is within an area of designated Local Open Space Deficiency.

10

Transport

11 The site has a PTAL rating of 2 on a scale of 1-6, where 1 indicates poor access to public transport, and therefore accessibility to public transport is below average for London areas. Hither Green Rail station is an approximate 12-minute walk from to site.

12 Minard Road is a public highway with a speed limit of 20mph. Minard Road forms a junction with Brownhill Road, a classified A-Road, approximately 70m to the south-west of the site.

13 The existing property benefits from a vehicular crossover to the highway.

3 RELEVANT PLANNING HISTORY

14 There is significant planning history pertaining to this property but the most relevant is outlined below:

15 **DC/17/104165** - The construction of a 2 storey building including roof space at 17 Minard Road, SE6 to provide 2 x No. three bedroom houses and 1 x No. two bedroom house,

together with the provision of 3 car parking spaces, 6 bicycle spaces and a refuse storage area – **Refused 8th January 2018,** for the following reasons:

1. *The proposed development, given its footprint, massing and proximity to the shared boundary with the properties along Brownhill Road, would not be in keeping with the prevailing plot coverage of the surrounding area and would represent a development which is disproportionate to the size of the application site, whilst also resulting in an unacceptable impact on the amenity of the occupiers of 315 Brownhill Road as a result of appearing overbearing, and on the amenity of the occupiers of 317 Brownhill Road due to increased overlooking and loss of privacy to their rear amenity space, contrary to Policy 7.4 Local Character and Policy 7.6 Architecture of the London Plan (2016), DM Policy 30 Urban design and local character of the Development Management Local Plan (2014), and Lewisham Core Strategy Policy 15 High quality design for Lewisham (June 2011).*

2. *The proposed development, due to the depth, irregular shape and cramped nature of the outdoor amenity space for the end-terrace unit (Unit 3), would fail to provide an acceptable standard of accommodation, and is therefore contrary to Policy 3.5 Quality and Design of Housing Development of the London Plan (2016), DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (2014), Lewisham Residential Standards SPD (Updated 2012) and The London Plan Housing SPG (2016).*

3. *The proposed cycle parking spaces would result in cycle parking which is not convenient to use or fully secure, contrary to Policy 6.9 of the London Plan (2016), and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).*

16 **DC/17/102697** - The demolition of the existing buildings and the construction of a 2 storey building including roof space at 17 Minard Road, SE6 to provide 3 three bedroom houses, together with the provision of 3 car parking spaces, 3 bicycle spaces and a refuse area – **Withdrawn 11th October 2017.**

17 **DC/16/099545** - The demolition of the existing buildings and the construction of a 2 storey building including roof space at 17 Minard Road, SE6 to provide 3 two bedroom houses, together with the provision of 3 car parking spaces, 3 bicycle spaces and a refuse area – **withdrawn 21st April 2017.**

18 **DC/16/095066** - Prior notification for the demolition of the existing two storey dwelling at 17 Minard Road SE6 – **Prior Approval not required 17th February 2016.**

19 **DC/14/090238** - The demolition of the existing buildings and the construction of a 2 storey building with basement and roof space at 17 Minard Road, SE6 to provide 2 one bedroom, 3 two bedroom and 1 three bedroom self-contained flats, together with the provision of 4 car parking spaces and 6 bicycle spaces – **Refused 16th April 2015,** for the following reasons:

1. *The proposed development would result in the loss of a single dwelling house to the detriment of housing choice in the Borough, contrary to DM Policy 2 (Prevention of loss of existing housing) and DM Policy 3 (Conversion of a single dwelling to two or more dwellings) in the Development Management Local Plan.*

2. *The proposed development, by reason of the location and design would result in an overbearing, dominant and visually intrusive form of development which would result in a loss of outlook, daylight/sunlight and increase the sense of enclosure on the occupiers at adjoining sites on Minard and Brownhill Roads contrary to Core Strategy Policy 15 High Quality Design for Lewisham of the*

adopted Core Strategy (2011) and DM Policy 32 Housing design, layout and space standards, DM Policy 33 Development on infill sites, of the adopted Development Management Local Plan (2014).

3. *The proposed development would result in a substandard living environment for future occupiers who would not benefit from adequate outlook, amenity/play space and natural light contrary to Policy 3.5 Quality and Design of Housing Developments and Policy 7.6 Architecture of the London Plan 2011; Core Strategy Policy 15 High quality design for Lewisham; Lewisham Council Residential Standards Supplementary Planning Document 2006, the Mayor of London's Housing Supplementary Guidance, November 2012 and DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan –(November 2014).*

4. The proposed development by reason of the location and design would result in an incongruous form of development, unacceptable in principle and harmful to the character and appearance of the wider street scene and be contrary to Objective 10:Protect and enhance Lewisham's character; Policy 15: High Quality Design for Lewisham; in the adopted Core Strategy (2011); DM Policy 30 Urban design and local character; DM Policy 31 Alterations and extensions to existing buildings including residential extensions; DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill, backland, back garden and amenity area development of the adopted Development Management Local Plan (2014).

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSAL

20 The proposal is for construction of a part two storey, part single storey building plus habitable roof space consisting of two single family dwellinghouses (1, three bedroom, and 1, four bedroom).

21 The proposal includes off-street parking for two cars.

22 The proposal also includes landscaping works around the proposed building, and provision of 5 bicycle spaces and refuse storage.

4.2 Revisions during application

23 During the course of the application assessment period, revisions were made to the proposal, including the addition of a dormer to the rear roofslope of the building, to accommodate an additional bedroom for each dwelling.

24 Other alterations include a reduction in the size of the 2-storey projection to the rear, and alterations to fenestration. Two parking spaces have also been removed from the proposal, reducing the total from four to two spaces.

25 It is also noted that the proposed party wall width has been adjusted, which resulted in minor alterations to the internal configuration of the proposed dwellings. This was to ensure the existing party wall at No.17 Minard Road can be retained as a result of the proposed development. This amendment follows discussions between the applicant and the owners of No.15.

26 Interested parties were re-consulted on the revised proposals, in accordance with the Council's Statement of Community engagement.

27 Following this re-consultation, the application was scheduled to be heard at Planning Committee C on 18th February 2021. The agenda for this committee was published on 8th February, and following this, late representations were received from neighbouring objectors. The representations set out several issues surrounding the accuracy of 'pre-existing' plans of No.17 and the site plan, as well as plans relating to the adjacent No.15. It was alleged that the widths shown for both the pre-existing No.17 Minard Road, and its existing neighbour, No.15 were wrong.

28 When the applicant was asked to confirm the accuracy of their plans, they stated that they would like to conduct a new survey of the site and neighbouring property, to check the alleged discrepancies. This resulted in the application being removed from the agenda of Committee C on 18th February, to allow the applicant time to re-survey and correct any mistakes.

29 A revised set of existing and proposed plans and a survey document was received by the Council on 10th April 2021, and these were uploaded to the public access plan viewing system. These confirmed that the neighbouring No.15 was 8.7m in width, as noted by the objectors. The plans also state that the previously existing width of No.17 was 9m. This 9m 'pre-existing' width is still disputed by neighbours, who state it would also have been 8.7m in width. As the building has been demolished, and the council do not have accurate plans on record of No.17 as it previously stood, this cannot be verified. Officers consider the 0.3m difference to be minor in any event, and the proposal could therefore be assessed on the basis the previously existing house was either 8.7m or 9m in width, and the outcome of the assessment would remain the same. For avoidance of doubt, officers have now assumed the pre-existing width to be 8.7m in this assessment.

30 Following upload of the revised plans received on 10th April 2021, further letters were received from neighbouring objectors. They stated that the height of the roof ridgeline, and the eaves to ridgeline height of the roof was shown inaccurately on both sets of existing and proposed plans. Again the applicant was asked to confirm the accuracy of the heights.

31 Following this, the applicant sent a further updated set of plans and a survey document, received on 28th April 2021. The new plans show the eaves to ridge height as 2.6m, which confirmed that the neighbours' allegation regarding inaccurate roof heights were correct, and the roof heights previously shown were inaccurate.

32 Following investigation, and submission of revised information, officers now consider the plans to be accurate for the purposes of assessing and determining the current planning application.

33 Assessment of the material planning merits is set out in following sections of this report.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

34 Letters were sent to residents and business in the surrounding area and Ward Councillors on 14th May 2020.

35 23 responses were received from individual parties, comprising 23 objections.

36 Following revisions to the proposal, re-consultation letters were sent to residents in the surrounding area, including all of those who had already commented on 26th November 2020. Letters were received from 5 parties who had already commented, reiterating previous objections.

37 Following further revisions to the proposal in April 2021, further objection comments were received from 3 parties who had already commented.

5.1.1 Table [1] Comments in objection

Comment	Para where addressed
Objections to loss of previously existing original Corbett house, and construction of two dwellings. Contrary to DM2 and DM3.	60
Pre-Existing / existing plan accuracy, and proposed plan accuracy.	Plans have been updated during course of application, and are now considered to be accurate after further investigation.
Proposed building is out of character with the surrounding area. Corbett Estate is of special interest.	112
Proposed building does not respect local context or original Corbett houses	114
Windows do not align and are not same size as neighbours, bays do not match, materials do not match	114
With of proposed building wider than other properties on street, proposed roof taller than previously existing and would not match neighbour	113
Overdevelopment of plot	**Error! Reference source not found.**79
2 storey rear element is not in accordance with policy and guidance in SPD	117
Floor to ceiling heights are insufficient	85
Loss of sunlight and overshadowing to neighbours	157
Overlooking to neighbours / loss of privacy	144
Increased sense of enclosure and loss of outlook to neighbours	138
Cycle parking spaces not secure	182
Object to 4 parking spaces for proposed development	187

Objections were received relating to the positioning of the proposed party wall. Following the local meeting, the applicant's agent liaised with the owners of No.15, and an agreeable solution for both parties was found. It is noted that the party wall detailing is not a material planning consideration, however the impact of internal alterations that result from the alteration to the position of the party wall have been considered where relevant.

5.2 Local Meeting

38 As more than ten valid planning objections were received, objectors, ward councillors and the developer were invited to attend 'Local Meeting'. This meeting was held on 12th November 2020. Due to the Covid-19 pandemic, this meeting was held in a virtual format, via Zoom. The meeting was chaired by Councillor Patrick Codd, and followed a webinar format. The Local Meeting was held in accordance with temporary changes to Lewisham's Statement of Community Involvement.

39 The developer was invited to give a short presentation on the scheme, followed by pre submitted questions which had been emailed to officers prior to the meeting. , Follow up questions during the meeting were submitted via text on the Zoom web application.

40 The meeting was attended by nine local residents, Councillor Patrick Codd (Chair), Councillor Aisling Gallagher, the developer's planning agents, and planning officer Samuel James.

41 *Discussion*

42 The key concerns raised by objectors mirrored those received in writing. The key planning concerns were the impacts of the design of the proposal on the surrounding area and the impact on neighbouring amenity, particularly to No.15 Minard Road. Minutes are attached at Appendix A.

5.3 INTERNAL CONSULTATION

43 The following internal consultees were notified on 14th May 2020.

44 Highways: comments incorporated and addressed into highways assessment.

45 Environmental Health: No comments received.

6 POLICY CONTEXT

6.1 LEGISLATION

46 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).

6.2 MATERIAL CONSIDERATIONS

47 A 'material consideration' is a consideration relating to the use or development of land which is reasonably considered relevant to the proposed development, when taking the decision in the public interest. This may include, where relevant, 'human factors' such as personal hardship or circumstances of occupiers, social policy objectives, or the value of particular kinds of business to the community. There must be a sufficient connection to the development in question. Whether a consideration must or may be considered material in a particular case is a question of law that may be determined by the courts.

Decision-makers are always required to have regard to applicable planning policies of the Secretary of State and of the Council itself.

48 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.

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

6.4 DEVELOPMENT PLAN

49 The Development Plan comprises:

- London Plan (March 2021)
- Core Strategy (June 2011) (CSP)Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

50 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

51 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Sustainable Design and Construction (April 2014)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)

7 PLANNING CONSIDERATIONS

52 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport

7.1 PRINCIPLE OF DEVELOPMENT

General policy

53 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.

54 The London Plan (2021) at Table 4.1 sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029 for Lewisham, and LPPH1 requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their planning decisions.

Policy

55 The National Planning Policy Framework (NPPF 2019) speaks of the need for delivering a wide choice of high quality homes, which meet identified local needs (in accordance with the evidence base), widen opportunities for home ownership, and create sustainable, inclusive and mixed communities.

56 NPPF Chapter 11 outlines that planning decisions should make effective use of land by promoting and supporting under-utilised land and buildings, particularly where they would contribute to housing need and where sites could be used more effectively.

57 NPPF Chapter 12 seeks to achieve well-designed places and seeks to ensure that developments are visually attractive. London Plan Policy 3.4 supports new housing schemes where the local character and context are well considered.

58 LPPH2 requires boroughs to pro-actively support well-designed new homes on small sites in order to help achieve the targets set out in Table 4.2. Lewisham has a ten year target to deliver 3,790 new dwellings on small sites.

59 Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' which links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need. The Core Strategy recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025.

60 DMP 2 *Prevention of loss of existing housing* sets out that planning permission for loss of housing by demolition will only be granted in a limited set of circumstances. DMP 3 *Conversion of a single family house to two or more dwellings* sets out that planning permission will normally be refused for the conversion of a single family house into flats. The general aims of these policies is to protect the loss of the existing housing stock, and the loss of family housing respectively, to ensure an adequate supply and genuine choice of homes for residents of Lewisham.

61 The house that previously existed at No.17 was a three bedroom, single family dwellinghouse. That property was demolished following an application for prior approval to demolish in 2017. Planning permission was not required for this, and this proposal for demolition was not required to be assessed against DMP2 or DMP3 at the time because the demolition was Permitted Development – only the methodology of demolition could be assessed by the Council.

62 The current proposal is for the construction of two new dwellinghouses of three and four bedrooms, meaning that as a result of the proposal there would be an additional family sized dwellinghouse, compared to the previously existing situation. The principle of development is therefore acceptable as there would be an increase in provision of family

housing in line with the Development Plan, and the proposal would not be contrary with DMP2 nor DMP3.

63 The overall acceptability of the scheme is subject to a proposed building of an appropriate scale and design, which would have an acceptable impact on the surrounding area, including on the amenities of neighbours and the local highways network. These matters are discussed in the following sections of this report.

7.1.1 Principle of development conclusions

64 The site will make a valuable contribution towards meeting housing needs as identified in LPPH1 and H2 to increase housing supply and optimise housing potential of the site. The proposal will make the most efficient use of the land and officers therefore support the principle of development. This is subject to a residential scheme of an appropriate design, siting, height, and scale, whilst ensuring that neighbouring amenity is maintained, and a good standard of accommodation is provided.

7.2 HOUSING

65 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation. Contribution to housing supply

Policy

66 National and regional policy promotes the most efficient use of land.

67 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

68 The NPPF encourages the efficient use of land subject to several criteria set out in para 122. Para 123 applies where there is an existing or anticipated shortage of land for meeting identified housing needs and strongly encourages the optimal use of the potential of each site.

69 The London Plan supports the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.

70 The Plan sets a 10 year housing completion target of 16,670 new homes between 2019 and 2029

71 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.

72 NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.

73 CSP 1 echoes the above with several other criteria and expects the provision of family housing (3+ bedrooms).

Discussion

74 The proposal is for two new family sized dwellings, and the site measures approximately 0.04 hectares in a residential area.

75 The surrounding area comprises of predominantly blocks of perimeter form urban terraced housing of 2-stories in height. The A205 (Brownhill Road), which has a mix of commercial uses, and is a busy main road runs close to the site, and therefore the area is characterised as being urban,

76 Table 2 below sets out the measures of density criteria required by LPPD3 for all sites with new residential units.

Table [2]: Measures of Density

Criteria	Value	Value/area
Site Area (ha)	A 0.04	BLANK
Units	W 2	W/A: **50 U/Ha**
Habitable rooms	X 10	X/A: **250 Hr/Ha**

Bedrooms	Y 7	Y/A: **175 Br/Ha**
Bedspaces	Z 12	Z/A: **300 Bs/Ha**

Summary

77 Policy D6 of the LP states for London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. This will mean developing at densities above those of the surrounding area on most sites.

78 Whether the scale of development is appropriate for the site and surrounding area, the impact on neighbouring occupiers, and accessibility are all relevant factors when determining optimum density, and these are considered in following sections of this report.

79 Subject to the following matters, the proposed density is acceptable, and would not result in an over-intensification of the site. The proposed development would result in a more efficient use of the land and increase housing supply in line with the London Plan (2021).

7.2.1 Residential Quality

General Policy

80 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 the Publication London Plan (PLPPD4 and D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

81 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; and (vii) children's play space.

Internal space standards

Policy

82 The 'Technical housing standards – nationally described space standards' sets out the minimum floorspace requirements for dwellings.

83 DMP 32 'Housing design, layout and space standards' and LPPD6 of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These polices set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.

Discussion

84 The table below sets out proposed dwelling sizes.

Table [3]: Internal space standards – proposed v target

House No.	**Unit type *(min req. GIA)***	**Unit size (GIA) (sqm)**	**Room sizes (metres squared)*(min req.)***	**Floor to ceiling heights (metres)**	**Amenity space (m. squared)**	**Compliance**
1	3b 5p 3-storey dwelling (99)	103	Bed 1 (1f double) – 13.7 *(11.5)* Bed 2 (1f single) – 9.5 *(7.5)* Bed 3 (2f double) -15 *(11.5)*	2.6 / 2.39	46 *(10)*	Yes
2	4b 7p 3-storey dwelling *(121)*	132	Bed 1 (gf double) – 17.3 *(11.5)* Bed 2 (1f double) – 16.5 *(11.5)* Bed 3 (1f single) – 8 *(7.5)* Bed 4 (double) – 16.2 *(11.5)*	2.7 / 2.39	55 *(11)*	Yes

85 The floor to ceiling heights would be above 2.6m for the majority of rooms within the dwellings, which exceeds the requirements of Policy DM32 and LPPD6, which require a minimum of 2.5m.

86 It is noted that LPP D6 recommends a minimum floor to ceiling height of 2.5m for at least 75% of the Gross Internal Area of each dwelling, which would be exceeded.

87 The bedrooms in the loft would have an approximate 2.4m floor to ceiling height, with one side of their ceiling sloping due to the pitch of the roof. Approximately 1.5m² of each of these bedrooms would have a floor to ceiling height of less than 1.5m at the sloping side. Based upon LPPD6, this should not be counted in the overall GIA. This is not a significant area and as these rooms are significantly larger than the minimum required floor area for double bedrooms, this would not reduce the usable area of the rooms below the minimum requirements, and the rooms are compliant with the standards and considered to provide a high level of amenity.

88 The proposed houses would both exceed the minimum requirements in terms of overall floor areas, and in terms of the sizes of individual bedrooms. It is therefore considered that future occupiers would be provided with a high standard of residential amenity, in line with policy DM32.

Outlook & Privacy

Policy

89 London Plan Policy D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity”. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with openable windows on different elevations).

90 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

Discussion

91 Given both dwellings would have dual aspects, and the amount of glazing proposed, they would be provided with good levels of outlook overall. It is noted that the rear bedroom at first floor level (bedroom 2) of House 1 would have an obscure glazed window up to 1.7m, however as this would be a single bedroom, and there would be outlook from the high level clear glazing, as well as the rooflight, this is considered acceptable.

92 The proposed houses would not be directly overlooked by existing neighbouring properties, and therefore the levels of privacy would be acceptable.

93 Overall the levels outlook and privacy provided to future residents would be acceptable, in line with Policy DM32.

Daylight and Sunlight

Policy

94 The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces. LP Table 3.2 states that site layout, orientation and design of dwellings should provide privacy and adequate daylight for residents.

Discussion

95 The proposed houses would all be provided with good levels of glazing, and they would all have windows on the south easterly and north westerly elevations. Due to the levels of glazing proposed, residents would be provided with acceptable levels of natural daylight and sunlight. It is noted that living areas and amenity spaces are located facing south, to provide optimum levels of lighting to the most needed areas.

External space standards

Policy

96 Standard 4.10.1 of the Mayor's Housing SPG states that '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'.

Discussion

97 Each unit would be provided with a private amenity space in the form of rear garden. Table 3 above shows that they would both be provided with significantly larger than the minimum required private amenity space. The gardens are on the southerly face of the proposal for optimum daylight and sunlight. The shape of the gardens is considered suitable for children's play.

98 The gardens would be located at the rear of the house and would therefore be afforded sufficient privacy for a garden in an urban area. They would be overlooked to a similar degree to the previously existing garden for No.17 Minard Road, and other surrounding properties and are therefore considered to be acceptable.

Summary of Residential Quality

99 In summary, the quality of the proposed residential dwellings would be high. Each dwelling would exceed the relevant internal and external space standards, would be provided with good levels of internal natural daylight and sunlight, appropriate levels of

outlook and privacy, and good sized private external amenity space, in line with the previously mentioned policies.

7.2.2 Housing conclusion

100 The proposal would deliver two new family sized dwellings, which would be provided with a high standard of residential amenity. It would contribute one additional unit to the Borough's housing targets in a predominantly residential and sustainable urban location, making the more efficient use of land and increasing housing density. This is a planning merit to which very significant weight is given.

7.4 URBAN DESIGN

General Policy

101 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.

102 LP Table 3.2 states the built form, massing and height of development should be appropriate for the surrounding context.

103 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

104 DMP 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.

105 DM Policy 33 relates to development on infill sites, and states that development will only be permitted where they:

a. make a high quality positive contribution to an area
b. provide a site specific creative response to the character and issues of the street frontage typology identified in Table 2.1 Urban typologies in Lewisham and to the special distinctiveness of any relevant conservation area
c. result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens
d. provide appropriate amenity space in line with DM Policy 32 (Housing design, layout and space standards)
e. retain appropriate garden space for adjacent dwellings
f. repair the street frontage and provide additional natural surveillance
g. provide adequate privacy for the new development and
h. respect the character, proportions and spacing of existing houses.

7.4.1 Appearance and character

Policy

106 In terms of architectural style, the NPPF encourages development that is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (para 127). At para 131, the NPPF states great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area.

107 LPPD3 states that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Proposals should be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.

108 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.

109 DM Policy 32 expects new residential development to be attractive and neighbourly.

110 DM Policy 33 relates to development on infill sites, and sets out a number of specific requirement for development of these sites.

Discussion

111 The surrounding area is characterised by two storey, double height canted bay dwellings set out in terraces. This section of Minard Road and surrounding streets exhibit a strong architectural vernacular. The dwellings are largely red brick, bar a few exceptions, which have been painted.

112 The proposed building would be of the same height as the adjoining terrace and the roof pitch and eaves would match, as shown on the proposed elevations.

113 The proposed building would be 9.3m in width, 0.6m wider than the adjoining No.15 Minard Road, and other houses along the terrace. This increased width compared to other houses would not be noticeable to a passerby, and would not result in harm to the overall appearance of the streetscene. The footprint of the proposed building is slightly larger than that which previously existing, but the overall scale of the proposal is comparable. Therefore, the proposal respects the scale and massing of surrounding development.

114 The proposal incorporates two double height forward projections to the front elevation, in roughly similar positions to the bays of the house which previously stood on site. This is an interpretative design cue from the prevalent two storey bays on surrounding properties. The proposal includes a similar solid to void ratio and glazing proportions to the front elevation when compared with surrounding properties, though the design is a modern interpretation of the existing street style and typology rather than a pastiche. The building would be built in similar red brick with a concrete tiled roof.

115 A more modern approach would be taken with the introduction of vertical zinc cladding which would be used on the first floor front elevation protrusions and on the roof of the single storey side element. The windows would be aluminium framed and the doors would be aluminium/timber. Zinc is considered a high quality material. Final details of materials are recommended to be secured by condition, to ensure the choice of brick matches as closely as possible with adjoining properties, and other materials are high quality and durable as required by DMP30.

116 To the rear of the building, it would feature a 3.6m deep single storey projection, with a 2m deep first floor projection above, which would be set in from the main side elevations by 1m. This would have an acceptable appearance, similar to a domestic rear extension. Objections relating to the rear projection have been received, with the suggestion it is contrary to policy, and the guidance set out in the Alterations and Extensions SPD.

117 There are no planning policies prohibiting 2-storey rear extensions, and the alterations and extensions SPD states that 2 storey rear extensions may be achieved where they are well designed, and do not dominate the host building.

118 The 2-storey element of the rear projection would be moderate in scale, projecting just 2m from the main rear elevation, and set away from the shared boundaries. It would read as a subordinate addition to the main building, and would not result in harm to the appearance of the surrounding area. It is noted that the part-single, party two-storey projection was reduced in scale during the course of the application.

119 At roof level at the rear the proposal includes a dormer. This element was added to the proposal during the course of the application assessment. The proposed dormer would be moderate in scale, being clearly set in from each of the party wall and the side elevation, as well as down from the ridgeline and back from the eaves of the roof. This element is proposed to be finished in zinc, which is a high quality and durable material.

120 The Council's Alterations and Extensions SPD (2019) gives guidance on rear roofslope extensions. It states that they must be set in from the party wall on each side by at least 0.3m, a minimum of 0.3m below the ridge line, 0.3m from the edge of any hip and at least 0.3m above the existing eaves line. The proposed dormer complies with the SPD, and officers consider it would have a high quality appearance.

121 It is therefore considered that the design of the proposed building would respect the height, massing and scale of surrounding buildings, and would be a high quality addition to the street, which would have a positive impact on the character and appearance of the area.

Layout and landscaping

Policy

122 DMP 25 requires the submission of a landscape scheme, including 5 years of management and maintenance of high quality hard and soft landscapes and trees.

123 Policy DM32 requires the siting and layout of new residential development to respond positively to the site specific constraints and opportunities as well as to the existing context of the surrounding area. They must also meet the functional needs of future residents.

Discussion

124 The building would be in the same position, and would have a similar footprint to the house which previously stood on site, however to the rear it would have a part single, part two storey 'extension', and to the side where the garage once stood would also be a single storey side 'extension'.

125 Each house would have its own front door, and would be accessed via a segregated pedestrian pathway.

126 The submitted landscaping scheme is indicative at this stage, but indicates grassed areas and a tree to the front garden area.

127 The private gardens would be to the rear, and the side of the proposed building, and a significant area to the front would remain soft landscaped, with hardstanding used only for the pedestrian path, and off-street parking spaces.

128 Overall the proposed layout makes good use of the site, subject to assessment of the final scheme of landscaping, which is proposed to be secured by condition.

7.4.2 Urban design conclusion

129 In summary, the proposed building is considered to be a high quality, site specific response that would create interest at this currently under optimised site. It is of an

appropriate height and scale, and would use high quality materials. The design of the proposal is therefore acceptable, and in line with the aforementioned policies.

7.6 LIVING CONDITIONS OF NEIGHBOURS

General Policy

130 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 LPPD3, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).

131 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

132 The surrounding area is residential in nature.

7.6.1 Enclosure and Outlook

Policy

133 Policy DM32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings.

Discussion

134 *No.15 Minard Road (adjoining to the easterly side):* The single storey element of the proposed part-single, part-two storey protrusion would extend past the rear elevation of No.15 by 3.8m, and would have a height at the eaves along the boundary of 2.6m. The single storey element would have some impact on the outlook of the closest rear facing window at ground floor level, however at the moderate height of 2.6m, this would not be so significant to cause a harmful sense of enclosure or overbearing.

135 The first floor element would be set away from the shared boundary with No.15 by 1m, and would have a depth of 2m. It would be 2.7m away from the glazed doors at ground floor level and 1.3m from the first floor windows. A structure of this scale would not significantly impact on the outlook from these windows, and would therefore cause no harmful increased sense of enclosure or overbearingness. 45 degree tests taken from the rear facing glazed door further suggest this.

136 No.15 has a small single storey extension along the boundary with No.13 Minard Road, which is approximately 6.5m from the shared boundary with the host property. This structure has windows facing towards the host site, which could have its outlook impacted by the proposed 2-storey extension. This room is in use as an office, which is considered a habitable room. The 2-storey element would be approximately 7.5m from these windows, and due this distance and its limited depth of 2m, the impacts would not be harmful.

137 Concern has been raised that the proposed bays to the front could harm the outlook or cause an increased sense of enclosure to the adjacent front bay window at No.15. The proposed first floor bay window would have a depth of approximately 1m from the front elevation and would therefore be visible from certain angles when looking out of the side facing bay windows at No.15. Although it would be visible, due to its limited depth of 1m and the 0.65m separation distance from the outer bay window at No.15, this would not cause a significant loss of outlook, or sense of enclosure.

138 The impact on outlook to No.15 is therefore considered to be acceptable, as it would not result in a significantly harmful increased sense of enclosure nor overbearing to occupants of No.15 Minard Road.

139 *Properties on Brownhill Road, which adjoin to the rear*: The two storey element of the building would be a minimum of 16m from the rear elevation of No.317 and 319 Brownhill Road and the building would not directly face these properties, but would be at an approximate 45 degree angle. At this distance there would be no significant impact in terms of loss of outlook to the rear of these properties. Furthermore the two storey element of the proposal would be at least 3m from the rear boundary of these properties, and due to the off-set angle, this would not cause any significant sense of enclosure to the occupants.

7.6.2 Privacy

Policy

140 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

141 DMPP 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development.

Discussion

142 Brownhill Road Properties: It is noted that the rear elevation of the proposed building would not directly face the rear elevations of Brownhill Road properties. The first floor rear facing windows would all be obscure glazed to avoid direct overlooking of Brownhill Road properties and their amenity spaces. The second floor rear elevation windows serving the proposed dormer would be the same distance to Brownhill Road properties as the previously existing first floor windows of No.17, and therefore they would not cause any harmful loss of privacy to neighbours.

143 No.15 Minard Road: No windows would overlook this property directly, and the impact of the new second floor windows would be similar to the previously existing first floor windows of No.17.

144 In light of the above, the impact to neighbouring privacy would be acceptable, in line with Policy DM32, and the London Housing SPD (2017). .

7.6.3 Daylight and Sunlight

Policy

145 DMP32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its neighbours.

146 The Building Research Establishment (BRE) guide ‘Site Layout Planning for Daylight and Sunlight’ 2011, sets out standardised criteria for the assessment of planning applications including the 25 degree, and 45 degree ‘rules’.

Discussion

147 No daylight and sunlight impact assessment has been submitted, which is usual, andacceptable for a development of this scale.

148 Officers consider the only property which could potentially be impacted by the proposal in terms of daylight and sunlight would be No.15 Minard Road, due to the proposed part single, part two storey rear projection. Other than this element to the rear, the massing and scale of the proposed building is commensurate to that which previously stood on site, and therefore the impact on daylight would not be significantly altered.

149 The 45 degree 'rule' test should be used where the proposed development is at right angles to the affected window of the neighbouring property:

• Draw a line at 45 degrees upwards from the centre of the affected window.

• Draw a line at 45 degrees sideways from the centre of the affected window.

150 If the proposed development is **both** higher and wider than these 45 degree lines, there **may** be an unacceptable loss of daylight to the affected window.

151 Ground floor glazed door closest to the boundary at No.15:

- The 'upwards' 45 degree tests taken from the glazed door would clear the single storey element, however the line would clip the proposed 2-storey element, near its roofline. This does not suggest a significant level of harm.

- The 'sideways' 45 degree test taken from the ground floor plan would not clear the single storey element, however it would clear the 2-storey element. It is usual for a single storey extension to not pass the sideways 45 degree test.

152 This suggests that whilst there may be some impact to the ground floor glazed door, that it would not be significantly harmful. Furthermore, due to the limited 2m depth of the first floor element and its set away from the boundary, together with the south-easterly orientation and large amount of glazing to the door that the impact on levels of light would be acceptable.

153 First Floor window closest to boundary at No.15:

- The 'upwards' and 'sideward' 45 degree tests show there would be no significant impacts to this window.

154 The 25 degree 'rule' test is used where the proposed development faces the affected window of the neighbouring property. The impacts to the ground floor side facing window (within rear extension at No.15) can be assessed using this test. The 25 degree line taken from this window shows that there could be some impact to the levels of daylight reaching this window, but that this would be minimal. Considering the limited 2m depth of the 2-storey element, and the south-westerly orientation, the impacts on levels of daylight to this room would not be significantly harmful. Furthermore, this room does not appear to be a main habitable room, based upon its relatively small size.

155 Concern has been raised that the proposed front bay window could have an impact on levels of light reaching the front bay window of No.15. The 1m depth of the proposed front bays would ensure there would not be a significant impact on levels of daylight reaching No.15. Furthermore the front elevations are north-westerly facing, and therefore levels of sunlight reaching these windows is already heavily restricted by the main building, and would have been affected similarly by the house which previously stood at No.17.

156 *Properties on opposite side of Minard Road:* An objection has been raised that due the additional width of the proposed building, compared to that which previously existed on site, that there will be a harmful impact to the daylight and sunlight received by the property opposite the application site on Minard Road. The height of the proposed building would match that which previously existed on site, and the additional (up to) 0.6m in width would not result in a building of significantly greater scale or massing. The separation distance between front elevations would be approximately 23m, and there would therefore be no noticeable impacts to natural light reaching the windows of the properties opposite on Minard Road. No formal assessment is required to determine this.

Summary

157 Although no sunlight and daylight impact assessment has been submitted, officers have assessed the impact of the proposal on levels of sunlight and daylight to neighbouring properties using the appropriate 45 and 25 degree 'rule' tests, and their professional planning judgement, and are satisfied that the impacts would not be significantly harmful.

158 This conclusion also takes account of the planning history of the site. Officers note that although the proposed building has a larger footprint than that which previously existed on site the current scheme is of a commensurate massing and scale to the demolished dwelling, and would have commensurate daylight/sunlight impacts to adjoining properties.

159 The proposal would be in line with Policy DM32 and DM33 in these respects.

7.6.4 Noise and disturbance

Policy

160 DM policy 32 requires new residential development to be neighbourly, and development in residential areas should not result in harm to existing residents through unsociable noise and disturbance.

Discussion

161 Two residential dwellings unlikely to generate a significantly higher level of comings and goings and general residential activity than the previously existing single family dwellinghouse, and as this is a residential proposal, in a residential area the proposed use is compatible and the levels of domestic noise generated are unlikely to be significantly harmful to neighbouring residents.

162 Notwithstanding this, a new dwellinghouse would be covered by Part E of the Building Regulations and the adjoining owner has rights under the Party Wall Act. Both of those pieces of legislation would provide appropriate mitigation to this issue and are separate to Planning and would bite in this situation.

163 Nevertheless, officers have considered the potential for harmful noise impacts to the living conditions of neighbours, both in terms of noise break-in from airborne noise and structural-borne noise, and conclude that harmful impacts would not arise. Officers reach this conclusion on the basis that this proposal is for 2 family-sized dwelling houses in an area of predominantly family housing, therefore airborne noise generated by the scheme would not be materially different to the existing situation (and that which existed before the house was demolished). In terms of structural-borne noise, officers consider the proposed use, in light of the previous use prior to the demolition of the house and the mitigation measures afforded by separate legislation (Building Regulations and Party Wall act), would not give rise to harmful impacts on amenity.

7.6.5 Impact on neighbours conclusion

164 The impact on neighbouring residential amenity has been assessed against the relevant policies and guidance, and no significant harm has been identified to neighbouring occupiers' residential amenity.

7.7 TRANSPORT IMPACT

General policy

165 NPPF Paragraph 108 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.

166 Para 109 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'.

167 CSP 14 'Sustainable movement and transport' promotes more sustainable transport choices through walking, cycling and public transport. It adopts a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing developments of a certain size have travel plans.

168 The site has a PTAL rating of 2, on a scale of 0 (worst) to 6b (best) accessibility to public transport, meaning it is relatively poorly accessible.

7.7.1 Access

Policy

169 The London Plan policies comply with the NPPF aims in relation to sustainability. It aims to increase sustainable modes of transport through promoting cycling and walking within new development.

Discussion

170 Pedestrian accessibility to the site is considered to be good, as Minard Road is paved on both sides of the street.

171 The property benefits from an existing vehicular crossover, but this would be removed as part of the proposal. Two new vehicular crossovers would be constructed to access the proposed off-street parking spaces.

172 Accessibility to the proposed dwellings is considered to be good.

7.7.2 Local Transport Network

Policy

173 The NPPF states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

Discussion

174 Due to the scale of development, the proposal would not have a significant impact on the local transport network in terms of capacity of the road network, or public transport.

175 The site is not in a controlled parking zone. The proposed provision of on-site car parking would be one space per dwelling, which is sufficient to ensure there would be no harmful impacts to surrounding streets in terms of parking capacity.

176 A preliminary construction management plan has been submitted, and a full Construction Management would be secured by condition, to ensure the impacts of construction vehicles on the local highway network would be acceptable.

7.7.3 Servicing and refuse

Policy

177 DM Policy 32 requires new developments to have appropriate regard for servicing of residential units, including refuse.

Discussion

178 The proposal includes provision for the storage of refuse for each dwelling, in separate stores towards the front of the site. The positioning and size of the bin stores appears to be acceptable, however final details of these are recommended to be secured by condition.

7.7.4 Transport modes

Walking and cycling

Policy

179 LPP T5 cycling states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.

180 Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

181 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

Discussion

182 A bicycle store for five bikes would be provided within the proposed development, in the western corner of the site. This is in line with current London Plan Table 6.3, and DLPP table 10.2. The cycle parking spaces would be secured by condition, to ensure they are secure and dry.

Car parking

Policy

183 Policy T6 of the London Plan states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking (‘car-lite’).

Discussion

184 The proposal includes a relatively high level of parking provision at one space per dwelling; however, this is justifiable considering the relative poor accessibility (PTAL 2) of the site, and that both properties would be larger family sized dwellings.

185 Highways officers have raised concerns that the proposal is not compliant with Policy T6 of the London Plan, which recommends a maximum of 0.5 spaces per new dwelling for inner London areas with a PTAL rating of 2.

186 However, considering one additional dwelling is being proposed, and one additional off-street parking space would be provided compared to the previously existing situation, on a balance, the one additional parking space this is not sufficient grounds to warrant refusal of the application. No severe impact to the highway network, nor any impact to highway safety has been identified, and the proposal should not be refused in line with paragraph 109 of the NPPF.

187 It is also noted that four parking spaces were originally proposed, and this has been reduced to 2. On a balance therefore the provision of parking is considered to be acceptable.

7.7.5 Transport impact conclusion

7.8 The proposed residential development would have an acceptable impact on the surrounding transport network. The pedestrian and vehicular accesses would result in no material safety implications, and the development would have no significant impact on the wider transport network, in line with the relevant local and national policies.

7.9 LOCAL FINANCE CONSIDERATIONS

188 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).

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

190 The estimated CIL payable on this proposal would be £17,959.50 in Lewisham charges (BCIL), and £11,866 in London Mayoral charges (MCIL).

191 The CIL is therefore a material consideration, and this would be confirmed at a later date in a Liability Notice.

8 EQUALITIES CONSIDERATIONS

192 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.

193 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.

194 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.

195 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

196 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

197 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

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

9 HUMAN RIGHTS IMPLICATIONS

199 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
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

200 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.

201 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.

202 This application has the legitimate aim of providing a new building with residential uses. Owners have a right to build, authority has a right to restrain that in public interest (as legitimate aim) or to protect the rights of others (also a legitimate aim), where proportionate. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

204 The proposed residential development would achieve a number of the urban design and spatial planning objectives set out in the Core Strategy, including the following planning merits to which significant weight is attached:

- Increasing the housing potential of an underused residential site, including one additional family sized dwelling.

- Comprising an appropriate scaled and high quality building that takes account of the existing context, including neighbouring residential amenity.

205 The scale of the proposed development is acceptable, and the building has been designed to respond to the context and constraints including adjacent residential development.

206 The proposal would maximise the potential of the site and the development would provide a high standard of accommodation for future residents of the proposed family sized homes.

207 Given the acceptability of the proposed use and policy compliance, the proposal is considered to be in accordance with the development plan as a whole.

208 The revised NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place, the scheme is consistent with national policy

209 In light of the above, the application is recommended for approval.

11 RECOMMENDATION

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

11.1 CONDITIONS

Conditions

1. 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:

1239-PL-05 Rev.E; 1239-PL-06 Rev.E; 1239-PL-07 Rev.E; 1239-PL-08 Rev.E; 1239-PL-09 Rev.E; 1239-PL-10 Rev.B; 1239-PL-11 Rev.D; 1239-PL-12 Rev.A Recevied 26 November 2020

1239-PL-01; 1239-PL-02 Rev.A; 1239-PL-03 Rev.A; 1239-PL-04 Rev.A Received 17 July 2020

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. 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) So far as is reasonably practicable traffic movements will be consolidated, disturbance to neighbours minimised, and interference with highway users and traffic minimised. The plan should 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. It must include swept path analysis if vehicles are to enter the site

(b) Rationalise where materials and waste will be stored, and where safe and legal loading can take place.

(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 that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), Policy SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4. Residential Soundproofing

(a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria ‘Low probability of adverse comment’ as defined BS6472.

(b) The development shall not be occupied until a sound insulation scheme pursuant to paragraph (a) has been submitted to, and approved in writing by the local planning authority and implemented in its entirety.

(c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

5. Materials details

No development above ground shall commence on site until a detailed schedule and specification of all external materials and finishes, windows and external doors and roof coverings 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 Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

6. Refuse Storage details

(a) The development shall not be occupied until full details of proposals for the storage, and collection of refuse and recycling facilities, including enclosed bin storage, 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).

7. Cycle Parking Details

(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 T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

8. Hard Landscaping details

(a) Prior to above-ground works drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.

(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

9. Soft Landscaping

(a) A scheme of soft landscaping (including details of any 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 Policies SI 12 Flood risk management in the London Plan (March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

10. 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, and DM Policy 33 Infill, backland, back garden and amenity area development of the Development Management Local Plan (November 2014).

11. External Lighting Scheme

(a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

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

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

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

12. Crossover construction

The development hereby approved shall not be occupied until the vehicular access as shown on plan 1239-PL-05 Rev.E has been constructed in full accordance with said plan.

Reason: In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

13. Section 278 Agreement

a) The development shall not be occupied unless an agreement pursuant to S278 of the Highways Act 1980 has been entered into for works to remove the existing vehicular crossover and the reinstatement of the footway.

b) Evidence of completion of the works the subject of the agreement shall be submitted to and approved in writing, prior to the occupation of the development hereby approved.

Reason: To increase on-street parking provision, and 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 the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

14. Removal of Permitted Development Rights

No extensions or alterations to the building 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).

15. Obscure Glazing to first floor rear windows

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the rear elevation at first floor level of the building hereby approved shall be fitted with obscure glazing, as shown on Plan No.1239-PL-07 Rev.E and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

16. Amenity Space

The whole of the private amenity spaces hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

17. Construction Works and Delivery Hours

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

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

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

11.2 INFORMATIVES

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

B. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

C. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.

D. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

E. The developer is reminded of their responsibility to ensure appropriate party wall agreements are in place, prior to commencement of works.

Appendix A

Meeting opened at 19:00

Councillor Patrick Codd introduced themselves and other Panel members: Councillor Aisling Gallagher – Lewisham Central Ward Councillor; Sam James - Planning Officer; Mark Hood – Planning Agent for Resi, and Antoinne Edgehill, Architect for Resi.

The reason for the virtual meeting was outlined: to discuss planning application DC/20/116332. The purpose of this meeting is to allow residents to ask questions of, and put their views to, the developer and Council officers. The meeting format was explained, including how the questioning process would work, following the Planning Agent's presentation.

Mark Hood, planning agent gave a short opening statement and presentation of the proposal, and summarised the design intent and other facts of the case.

Following the presentation, the meeting proceeded in 'themes' which broadly covered each of the main material planning considerations pre submitted questions were read out by Cllr Codd, followed by follow up comments or questions in the text chat function. Cllr Gallagher kept track of comments and questions in the chat function throughout

The order of discussion was to be as follows:

1. Principle of development
2. Design and impact on appearance of surrounding area
3. Impacts to neighbouring amenity
4. Highway impacts
5. Other concerns and considerations

The first theme of questioning was the principle of development, and the main concern related to whether the proposal complied with DM2 and DM3. It was explained by the planning officer that the previously existing house was demolished under prior approval, with limited scope for the Council to object to this. As the current proposal is for two family sized dwellings on a vacant plot of land, it would result in a net gain of family housing, and is therefore compliant with DM2 and DM3. The officer explained the DM2 and DM3 remains relevant and applies to existing single family dwellinghouses, which are protected from being sub-divided into smaller residential units (i.e. flats).

The second theme related to the design of the proposal and its impact on the appearance of the surrounding area. Questions and comments related to how and whether the design successfully relates to the surrounding area, and particular concern was raised over the impact to the character of the Corbett Estate. Clarifications were also sought around the height of the proposal, window alignment and whether the two storey rear addition was policy compliant, and the proposed number of occupants for each dwelling, and whether the space standards were met.

The planning agent explained that they had designed the proposal to be in keeping with the scale of existing houses, and clarified that the height would match, and windows broadly align. They explained how the design had evolved significantly since previous iterations, with the help of pre app advice, and the footprint and height of the building was now in keeping with the previously existing house. The brick was proposed to match the neighbouring houses, and the intent was to provide a modern building, which nods to surrounding development, through the projecting front bays, but does not provide a pastiche response. The planning officer stated that development is not expected to directly replicate the design of neighbouring buildings, and that a modern interpretation can remain respectful to surrounding development, also confirmed that the brick would be conditioned to ensure a good match, and that zinc was considered a high quality material. The planning officer also confirmed that 2-story rear extensions are not contrary to the Local Plan, and that in this case the 2-storey protrusion was of a moderate scale, which would not harm the appearance of the surrounding area, and would be set away from the shared boundary to

protect neighbouring amenity. It was also confirmed that the space standards would be met, the planning agent stated that the beds shown on the plans were indicative, however that the plans would be updated to reflect the accurate number of bedspaces.

The third theme related to the impact on neighbouring amenity. Concern was raised to the impact of the projecting front bay windows, and 2-storey projection on neighbouring amenity, and whether the proposed new build would meet building regulations with regards to the passage of sound.

The planning agent explained that their intent was of course to comply with all necessary building regulations as this is a legal requirement, and the planning officer confirmed that details of residential sound insulation would be secured by condition. The agent also explained that the size of the 2-storey extension had been reduced, and it had been moved 1m away from the shared boundary to protect the amenity of No.15 on the advice of the planners. The agent also confirmed that the front bay window would be moved away from No.15, on revised plans, following feedback from neighbours. They also confirmed that the revised plans would include 25 and 45 degree test lines to indicate the impact to the rear windows. The planning officer explained the 25 and 45 degree 'rule' tests for impacts to neighbouring light, and that these had been applied when assessing the impact to No.15. These suggest, together with the moderate scale of the proposed rear protrusion, and the orientation of the rear elevations, the impact to neighbouring light would be acceptable in his professional planning judgement. It was acknowledged there was a side facing window in the small rear extension to the rear of No.15, and the impact on this would be considered in officer's final assessment.

The fourth theme related to the highway impacts of the proposed development. Concern was raised over the impacts during construction works. It was confirmed that a preliminary construction management plan had been assessed by highways officers, who had suggested a condition requiring submission of a final Construction Logistics Statement, and that that this would be secured should the application be approved. Construction hours would also be limited to ensure no unacceptable disruption at unsociable hours.

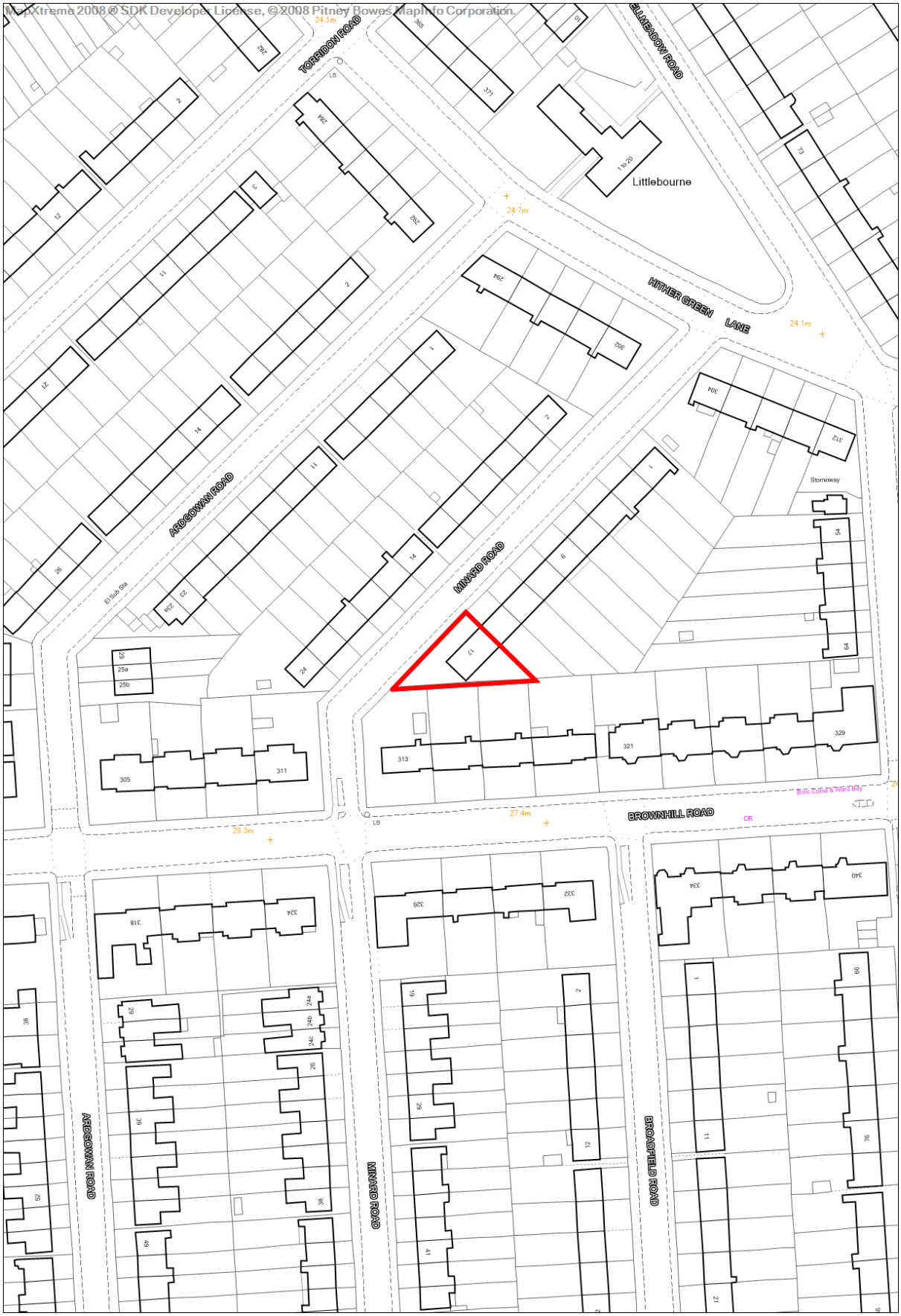
The fifth theme related to all other concerns and considerations. Concern was raised about the accuracy of the plans. Neighbours felt that the interface with 15 Minard Road is not simply a party wall issue. Either the existing walls need to be demolished, or the location of the building on the proposed plans needs to be adjusted to take into account the wall. Neighbours consider the applicant has not accounted for this cavity wall on the plans, and that this cavity wall cannot legally be demolished due to a court order. In their view even if it is demolished, there will need to be a new cavity wall built between the buildings to meet Building Control regulations. Whether the existing cavity wall will be demolished, and if so, whether the applicant has the legal right to do so, considering the court order. Neighbours are also concerned that when the cavity wall is accounted for, the proposals will not meet the space standard requirements as set out in the London Plan. Concern was raised to the planning and enforcement history of the site, and whether conditions could be imposed to ensure compliance with building control and health and safety regulations.

The applicant's agent stated they were unaware of the court order, however this was presented to them during the meeting. It was agreed that they would contact the owner of the neighbouring No.15 following the meeting to discuss this, and that the plans would be updated accordingly to ensure no party wall issues would arise during future works. They stated the revised plans will ensure the dwellings meet the space standards. They also confirmed that they would comply with all building control regulations, as this was a legal requirement, and they wanted to ensure everything would be done properly this time, acknowledging some issues had arisen in the past, prior to the current planning agent (Resi) being involved with the site. It was confirmed that a construction management plan would outline health and safety on site, and a planning condition would restrict working hours. The planning officer confirmed that any future breaches of planning would be investigated by enforcement officers.

Concern was raised that neighbours had not received consultation letters on the updated set of plans which included a rear dormer and reduced the number of parking spaces, and that these were uploaded to the council website back in August. This was acknowledged as a mistake and the planning officer confirmed that re-consultation letters would be sent out in the following days, which would give any interested parties another opportunity to comment on the revised plans. Cllr Gallagher stated that it was unfortunate but sometimes mistakes in consultation do happen, and officers would ensure correct re-consultation would take place prior to any committee meeting. They also acknowledged the frustration that neighbours felt due to the virtual format of the meeting, however in light of the Covid-19 situation, this was the most appropriate solution.

Councillor Codd drew the meeting to a close, explained that further questions and comments can be submitted in writing, and residents can write to councillors, the planning team and the applicant. He confirmed residents who have commented on the application will be notified of the date any future planning committee meeting relating to the proposal, thanked everyone for attending and for participating in the meeting.

Meeting closed 20:35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