



Planning Committee B

Rear of 14 Wickham Road, London, SE4 1PB

Date: 19 October 2023

Key decision: No.

Class: Part 1

Ward affected: Brockley

Contributors: Alfie Williams

Outline and recommendations

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of 21 individual valid objections.

Application details

Application reference number(s): DC/23/130822

Application Date: 17 March 2023

Applicant: Parkhill Group Ltd

Proposal: Temporary planning permission for the change of use from garden land to holiday let accommodation, comprising three shepherds huts, together with comprehensive landscaping works and community accessible forest garden on land to the rear of 14 Wickham Road SE4.

Background Papers:

- (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses

Designation: Air Quality Management Area
Brockley Conservation Area
Brockley Conservation Area Article 4(2) Direction
PTAL 5

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application site is a plot of land at the rear of 14 Wickham Road that has been severed by title from the host property. The land formerly formed part of the rear garden of the property and has a frontage onto Wickham Mews. The land is currently vacant and features eight trees. There are also two mature trees on the neighbouring site including a large lime tree, located within the mews. The site features a timber fence along the boundary with Wickham Mews.
- 2 The frontage buildings are comprised of a large three storey plus basement Victorian Villa, which adjoins the two-storey coach house. The buildings feature yellow London stock brick and has white Italianate stucco decorations. The original plot of 14 Wickham Road was subdivided and part of which now forms the rear garden of the Coach House.

Figure 1. Site Location Plan

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>



Character of area

- 3 Wickham Mews connects Ashby Road to the south and Wickham Road to the North East. The majority of the mews has a semi-rural character with trees in adjacent gardens, beside and overhanging the mews. There are also wildflower and plants growing on the edges of the informal unmade surfacing. Buildings are generally single storey and used as ancillary garages and workshops. The northern end of the mews features two-storey residential development.

- 4 The roads surrounding the mews are predominantly residential comprised of three storey Victorian properties, including Wickham Road to the east and Manor Avenue to the west. The closest parades of shops are approximately 200m to the north of the application site on the northern side of Lewisham Way. Brockley Cross town centre is also within walking distance approximately 650m to the south-west.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Heritage/archaeology

- 5 The site is located within the Brockley Conservation Area and is subject to an Article 4 Direction removing some permitted development right for development visible from public viewpoints. The Brockley Conservation Area Character Appraisal highlights that 'mews' are predominantly secondary to the buildings on the adjacent roads in terms of scale and character with the buildings historically single storey with abundant vegetation and trees with unmade roads. Wickham Mews is generally a well-preserved example of this character. However, the northern end of the Mews features two and three storey residential development, which detract from this character.

Transport

- 6 The site has a PTAL rating of 5 which indicates a very good level of public transport accessibility. This is most evident in the proximity (150m) to Lewisham Way, which is served by several bus routes including night buses. The site is also located within 400m of St Johns Station, which is situated to the north-east of the application site and 650m from Brockley Station, located to the south-west.

2 RELEVANT PLANNING HISTORY

- 7 DC/98/43391: The alteration and conversion of the coach house to the side of 14 Wickham Road, SE4 to provide a one bedroom house - granted
- 8 DC/14/90247: The erection of a single storey building in the rear garden of The Coach House, 14 Wickham Road, SE4 - granted.
- 9 DC/15/91591: The construction of a single storey extension at lower ground floor level to the rear of The Coach House, 14 Wickham Road, SE14, together with a replacement roof window – granted.
- 10 DC/20/116480: The construction of five lockup garages and an art / design studio buildings on the vacant land at the rear of 14 Wickham Road SE4 – refused on 7 December 2020 for the following reasons:
1. *Insufficient supporting information has been provided to demonstrate that the trees within the vicinity of the proposed development would be adequately protected or replaced, thereby causing harm to the special character of Wickham Mews and failing to preserve or enhance the character and appearance of the Brockley Conservation Area. As such, the proposed development would be contrary to Part 16 Conserving and Enhancing the Historic Environment of the NPPF, Policies 7.4 Local character, 7.6 Architecture, 7.8 Heritage assets and archaeology and 7.21 Trees and woodlands of the London Plan (March 2016), Policies 12 Open Space and environmental assets, 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 25 Landscaping and trees, 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014), the Brockley Conservation Area Character Appraisal (August 2006) and the Brockley Conservation Area SPD (June 2007).*

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

2. *The proposed development, by reason of its design, siting and plot coverage, would result in an unacceptable loss of garden space for No.14 Wickham Road failing to respect the historic spatial character of the property and surrounding area. As such, the proposed development would fail to preserve or enhance the character and appearance of the Brockley Conservation Area contrary to Part 16 Conserving and Enhancing the Historic Environment of the NPPF, Policies 7.4 Local character, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character, 33 Development on infill site, backland sites, back gardens and amenity areas and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014), the Brockley Conservation Area Character Appraisal (August 2006) and the Brockley Conservation Area SPD (June 2007).*
3. *Insufficient evidence has been submitted to demonstrate that the proposed garages would not result in an adverse impact to vehicular and pedestrian safety, contrary to Paragraph 109 of the NPPF (2019) and Policy 14 Sustainable movement and transport of The Core Strategy (June 2011).*
4. *Insufficient supporting information has been provided to demonstrate that the site would be accessible for servicing and emergency vehicles, contrary to Paragraph 110 of the NPPF (2019) and Policy 14 Sustainable movement and transport of The Core Strategy (June 2011).*
5. *The proposed five vehicular garages would exceed the maximum parking standard of Table 10.3 of the Intend to Publish London Plan thereby failing to promote sustainable and active transport modes contrary to Paragraph 102 of the NPPF (2019), Policy 6.13 Parking of the London Plan (March 2016), Policies T6 Car Parking and T6.1 Residential Parking of the Intend to Publish London Plan (December 2019) and Policy 14 Sustainable movement and transport of The Core Strategy (June 2011).*

11 DC/22/124231: The construction of four lockup garages and a single storey outbuilding for use as office/studios on the land at the rear of 14 Wickham Road SE4 – refused on 2 February 2022 for the following reasons:

1. *Insufficient supporting information has been provided to demonstrate that the trees within the vicinity of the proposed development would be adequately protected or replaced, thereby causing harm to the special character of Wickham Mews and failing to preserve or enhance the character and appearance of the Brockley Conservation Area. As such, the proposed development would be contrary to Paragraphs 131 and 174 and Part 16 Conserving and Enhancing the Historic Environment of the NPPF, Policies G7 Trees and woodland and HC1 Heritage, conservation and growth of the London Plan (March 2021), Policies 12 Open Space and environmental assets, 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 25 Landscaping and trees, 30 Urban design and local character and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014), the*

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Brockley Conservation Area Character Appraisal (August 2006) and the Brockley Conservation Area SPD (June 2007).

2. *The proposed development, by reason of its design, siting and plot coverage, would result in an unacceptable loss of garden space for No. 14 Wickham Road failing to respect the historic spatial character of the property and surrounding area. As such, the proposed development would fail to preserve or enhance the character and appearance of the Brockley Conservation Area contrary to Part 16 Conserving and Enhancing the Historic Environment of the NPPF, Policy HC1 Heritage, conservation and growth of the London Plan (March 2021), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), DM Policies 30 Urban design and local character, 33 Development on infill site, backland sites, back gardens and amenity areas and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Development Management Local Plan (November 2014), the Brockley Conservation Area Character Appraisal (August 2006) and the Brockley Conservation Area SPD (June 2007).*
3. *Insufficient evidence has been submitted to demonstrate that the proposed garages would not result in an adverse impact to vehicular and pedestrian safety, contrary to Paragraph 111 of the NPPF (2021) and Policy 14 Sustainable movement and transport of The Core Strategy (June 2011).*
4. *Insufficient supporting information has been provided to demonstrate that the site would be accessible for servicing and emergency vehicles, contrary to Paragraph 111 of the NPPF (2019) and Policy 14 Sustainable movement and transport of The Core Strategy (June 2011).*
5. *The proposed four vehicular garages would exceed the maximum parking standard of Table 10.3 of the London Plan (March 2021) thereby failing to promote sustainable and active transport modes contrary to Paragraph 104 of the NPPF (2021), Policies T6 Car Parking and T6.1 Residential Parking of the London Plan (March 2021) and Policy 14 Sustainable movement and transport of The Core Strategy (June 2011).*

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

Background

- 12 The proposal has evolved through the course of the application during extensive discussions with Officers. As initially submitted the application was intended to be a permanent development with the holiday accommodation operating seven days a week with an ancillary community garden only accessible in the hours between guests checking out and new guests arriving. Officers considered this to be an over intensification of the site with a limited community offer that would not make a meaningful contribution. During the discussions the applicant was fully responsive to the concerns raised and agreed to all of the revisions proposed.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Scope of proposals

- 13 The proposal is an application for temporary permission for one year for the change of use of the garden land to provide short-term holiday accommodation. The change of use would require construction of three shepherd huts available for holiday let. The shepherd huts would measure 4.8m wide x 2.1m deep x 3m high providing accommodation for two people per hut. Each hut would include a double bedroom, kitchenette and shower room. The short-term holiday accommodation would be used Thursday to Sunday on most weeks with the exception of school holidays where it would be used for the entire week.
- 14 The areas surrounding the huts would be landscaped to provide external amenity areas for each hut including seating and a hot tub. There would also be a communal area featuring seating. The site as a whole would be re-landscaped to create an orchard and wildlife garden containing trees, hedges, shrubs, herbs, fruit trees and climbers. The existing timber fence on the boundary to the mews would be replaced with a brick wall.
- 15 The proposal also includes a community offer that would see the garden offered to local schools and community groups. The site would be open to the community from Monday to Wednesday, on a typical week not within a school holiday, and during this period the holiday accommodation would be vacant.

4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 16 Site notices were displayed, and a press notice was published on 5 April 2023.
- 17 Letters were sent to residents and business in the surrounding area as well as to the Brockley Society and the relevant ward Councillors on 31 March 2023.
- 18 21 responses were received comprising 21 objections.

4.1.1 Comments in objection

Comment	Para where addressed
Principle of a holiday accommodation	40-57
Intensification of activity in the mews	50-57
Access for servicing & emergency vehicles	54-56, 88-90
Potential conversion to residential accommodation	57
Harm to the character of the mews	77-81
Design quality	79
Increased traffic	87
Increased parking stress	94
Overbearing enclosure	100-102
Loss of privacy	100-102

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Loss of light	100-102
Increased noise & disturbance	108-116
Loss of security	119
Loss of biodiversity	127-128
Impact to trees	132-133
Air quality impacts	136-137

19 Right of access to the mews and connection to utilities are civil matters and therefore not are not material to this assessment.

4.1.2 Neutral comments

20 The Brockley Society welcomed the principle of the use but highlighted that the scheme is likely to have an impact to light and outlook for an adjacent outbuilding. The Society also raised concerns with the proposal to include the bin and bike storage in the mews, the provision of a wood burning stove and the absence of a management plan. The applicant has addressed these concerns through the relocation of the stores and the submission of a Management Plan. An annotation has also been added to the plans to clarify that the stoves would be electric. Connection to utilities and drainage are subject to separate legislation and as such are not material planning considerations for this scale of development.

4.1.3 Local meeting

21 Due to the number of submissions received, a virtual Local Meeting was held on Thursday 8th December 2022. The meeting was chaired by Councillor Lahai-Taylor, A record of the Local Meeting is contained in Appendix 1 of this report. The issues raised at the Local Meeting were consistent with the matters raised in the written submissions as summarised above.

4.2 INTERNAL CONSULTATION

22 The following internal consultees were notified on 31 March 2023.

23 Conservation: raised no objections subject to relocating the refuse and cycle facilities on site and further details of the materials for the mews boundary and huts, see paras 76-81 for discussion

24 Environmental Protection: no objection subject to a condition securing the recommendations of the management plan, see paras 108-116 for discussion

25 Highways: requested further details regarding car parking and the refuse and cycle parking facilities for the development, see the Transport Section for discussion.

26 Tree Officer: raised concerns with the potential impact to the mature tree within the mews and raised concerns type and number of trees proposed, see paras 132-133 for discussion

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

5 POLICY CONTEXT

5.1 LEGISLATION

27 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).

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

5.2 MATERIAL CONSIDERATIONS

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

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

31 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.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2023 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

32 The Development Plan comprises:

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

5.5 SUPPLEMENTARY PLANNING GUIDANCE

33 Lewisham SPD:

- Small Sites SPD (October 2021)
- Brockley Conservation Area SPD (December 2005)

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

34 London Plan SPG/LPG:

- Air Quality Neutral LPG (February 2023)

5.6 OTHER MATERIAL DOCUMENTS

35 Brockley Conservation Area Character Appraisal (August 2006)

6 PLANNING CONSIDERATIONS

36 The main issues are:

- Principle of Development
- Urban Design & Heritage Impact
- Transport
- Impact on Adjoining Properties
- Natural Environment
- Planning Obligations

6.1 PRINCIPLE OF DEVELOPMENT

General policy

37 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.

38 The 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.

Discussion

39 The proposed redevelopment of the site includes dual uses: holiday lets operating Thursday to Sunday and a community garden operating Monday to Wednesday. The principle of the two uses is assessed in turn below.

6.1.1 Holiday let accommodation

Policy

40 The NPPF defines visitor accommodation as a main town centre use and at para 87 states that Council's should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

41 LPP SD7 states that boroughs should take a town centres first approach, discouraging out-of-centre development of main town centre uses.

42 LPP E10 states that within outer London and those parts of inner London outside the CAZ, serviced accommodation should be promoted in town centres and within

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Opportunity Areas where they are well-connected by public transport, particularly to central London. The policy is also clear that camping and caravan sites should only be supported in appropriate locations.

- 43 CSP 6 seeks to encourage retail, leisure and other related uses in town centres and discourage them outside of town centres.
- 44 DMP 33 sets out the requirements for a variety of sites within residential areas that may come forward for development. Development on these sites require careful consideration due to the need to preserve the quality and amenity of residential areas. The main types of sites are infill sites, backland sites, back gardens and amenity area.

Discussion

- 45 The proposed holiday let accommodation falls within the Sui Generis Use Class as at the time of writing there is not a separate use class for holiday lets, and the development is not a campsite (Sui Generis) nor a Hotel, B&B or Guesthouse (Use Class C1). Further, the short-term accommodation will be let out more than 90 calendar days a year and it is a composite use with the community garden proposed. Despite this the development has a clear commercial function and would provide visitor accommodation so could reasonably meet the definition of a main town centre use as set out within the NPPF.
- 46 LPP SD7, supported by CSP 6, aims to prevent the location of town centre uses in out of centre areas unless it can be demonstrated that there are no suitable sites within town centres following the application of the sequential tests. Following the sequential approach would indicate that the site would not be the preferred location for the development as it is not within a town centre. Neither is the location considered edge of town centre being located approximately 600m from Brockley Cross Neighbourhood Centre and approximately 900m from the boundaries of the New Cross District Centre and Lewisham Town Centre.
- 47 A strict application of the sequential approach advocated by LPP SD7 at para A.1, would require an assessment demonstrating that there are no suitable sites within town centre or edge of centre locations to accommodate the proposed use. Para A.2 of LPP SD7 would then require an impact assessment to demonstrate that any proposal not accordance with the Development Plan would not have an adverse impact on adjacent town centres.
- 48 A sequential test assessment has not been undertaken for the proposed development. However, in this case the absence of a formal assessment does not prevent a robust analysis of the impact to the town centre for the following reasons. Firstly, the character of the proposed visitor accommodation is fundamentally different to the typical type of visitor accommodation intended for town centres, such as hotels, B&Bs and hostels, being more similar to the cabin and hut accommodation typical within rural areas, so is arguably not truly a main town centre use. There is basis for taking this assessment within the NPPF, which at para 89 states that the sequential approach should not be taken to small scale rural development.
- 49 Secondly, undertaking the sequential test would have been unlikely to have identified any suitable alternative locations within a town centre equivalent to the application site. Officers are therefore satisfied that the proposed use would not be contrary to the provisions of the Development Plan. For that reason, the provisions of para A.2 of LPP SD7 are not engaged and a Town Centre Impact Assessment is not required. It also worth highlighting that a development of the proposed scale would not have any meaningful impact on the vitality or viability of any of the surrounding town centres.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 50 Turning to the suitability of the application site. This area has a PTAL rating of 5, which indicates a very good level of public transport accessibility. This coupled with the proximity to amenities at Brockley Cross and on Lewisham Way signify that this is an appropriate location for modest intensification of the type proposed.
- 51 The site itself was previously that of garden space associated with 14 Wickham Road and was severed by title. Notwithstanding the separate title, the land use remains garden land and therefore DMP 33 is applicable. Part 8 of the policy relates to the loss of the back gardens but is not directly applicable as the proposed development does not include the construction of a separate dwelling. However, it is important to consider whether the formal loss of this area of garden land for the main properties is acceptable. On this point both No.14 and the Coach House retain gardens of approximately 13.5m in length, which is considered a suitable amount of useable and accessible garden for existing and future residents.
- 52 The policy accepts that some sites would not fall squarely within any one of the definitions. In this case while the site is garden land it also exhibits characteristics of an infill site by virtue of the frontage on Wickham Mews and therefore redeveloping the site for an appropriate commercial use would not be objectionable in principle.
- 53 The proposal is therefore subject to an assessment against the General Principles of DM Policy 33 in addition to Part A, which relates to infill sites. Both parts of the policy emphasise that development should be of the highest design quality and sensitive to the amenity of neighbours and the character and form of the surrounding streetscape including any heritage assets.
- 54 There are also practical considerations caused by the mews location. The condition of the mews in terms of the unmade surfacing, absence of external lighting and narrow width coupled with the proximity to residential properties, impose the following practical constraints: (i) access; (ii) physical characteristics; and (iii) impact to the garden of the host property. For these reasons, access to the site is challenging and makes the site unsuitable for most forms of intensification, such as permanent residential accommodation or commercial development with high footfall and/or servicing requirements such as retail, gyms, nurseries, or restaurants.
- 55 The Management Plan submitted with the application details that the servicing requirements for the development would be limited to gardeners and private cleaners who would visit at the end of each stay to clean and tidy the rooms and empty the communal bins. The footfall generated by the development would be restricted to the six guests staying at the site at any one time and small groups using the community garden. Therefore, despite the challenges imposed by the practical constraints the level of intensification is relatively low and therefore could be accommodated within the mews without the need for inappropriate interventions such as extensive lighting or formal surfacing. These interventions would also be complex to deliver due to the number of parties with ownership interests in the mews.
- 56 The mews benefits from three points of access, from Ashby Road, Wickham Road and Manor Avenue. These entrances are accessible to most types of vehicles so access for service vehicles and emergency services is unlikely to be problematic. Officers recognise that as a private road it would not be possible to guarantee that parked cars would not obstruct access to the site. However, the three points of access mean it is unlikely that the site would be entirely inaccessible at all times and therefore the access is considered adequate for the modest operational requirements of the proposed use.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 57 Therefore, the proposed holiday let accommodation is considered suitable for the site. A condition is recommended securing the accommodation as holiday lets and preventing its use as permanent residential accommodation. This is required as the accommodation would not be suitable as a permanent residence and would have more intensive serving requirements that would be harmful to the mews.
- 58 Turning to the quality of accommodation, the huts would be dual aspect and would be a suitable size for short-term accommodation. LPP E10 also seeks to ensure that the visitor accommodation provides sufficient choice so imposes a requirement that either 10 percent of bedrooms are wheelchair accessible in accordance Figures 30 and 32 of the British Standard or 15 percent would be accessible in accordance with the requirements of 19.2.1.2 of British Standard.
- 59 It would not be possible for the accommodation proposed to comply with these standards due to its size and the type of accommodation proposed. This is regrettable but would not warrant the refusal of the application for the following reasons. Firstly, the proposal is a bespoke development intended to make the best use of a constrained site, as such much larger accessible units would not be appropriate. Secondly, strategically the provision of choice within the serviced accommodation sector is intended to be delivered from genuine main town centre uses such as hotels, as is made clear within the spatial requirements of the policy. Finally, the mews is not suitable for the type of adaptation required to make it fully accessible such as through the installation of formal servicing and lighting.

6.1.2 Community garden

Policy

- 60 LPP S1 identifies that development proposals that provides high quality social infrastructure will be supported. The policy confirms that social infrastructure covers a wide range of facilities, including community and faith facilities.
- 61 DMP 41 states that the Council will encourage the provision of community space.

Discussion

- 62 The proposal also includes the intention to utilise the garden for community use three days per week excluding school holidays. The Community Access Plan (CAP) (pages 9-10 of the Management Plan) submitted with the application details that there will be a number of aspects to this community offer. These aspects include:
- Schools – an intension to work with local schools including Myatt Garden Primary School to offer after school forest clubs.
 - Community Groups – working with local community groups to deliver therapeutic horticulture sessions and other wellness events.
 - Local Events – potential to open up the garden for community events such as Open House as well as offering education session to learn horticulture and the history of Brockley.
- 63 The Development Plan is supportive of the principle of new community facilities with LPP S1 advocating making the best use of land to deliver social infrastructure. Furthermore, DMP 41 encourages the use of innovative solutions to the provision of community facilities. The proposed development to allow access to what is currently vacant private

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

garden land would be compliant with both policy aims. The intended provision of community access to the garden is therefore a planning merit of the scheme and is supported. For that reason, a planning obligation, to be secured by legal agreement, is recommended securing a Community Access Plan (“CAP”) formalising this offer to local schools and residents.

6.1.3 Principle of development conclusions

64 The proposed redevelopment of the land to provide short-term holiday let accommodation would be compliant with the Development Plan and as such is supported in principle. The development would also deliver a community benefit via the CAP, which carries positive weight within the overall planning balance.

6.2 URBAN DESIGN & HERITAGE IMPACT

General Policy

65 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Policy

66 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

67 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

68 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset’s conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

69 LPP HC1 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings.

70 CSP 15 aims to ensure highest quality design and the protection or enhancement of the historic and natural environment.

71 CSP 16 ensures the value and significance of the borough’s heritage assets are among things enhanced and conserved in line with national and regional policy.

72 DMP 30 requires a site-specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 73 DMP 33 supports the principle of new development within a street frontage but seeks to ensure that the proposed development would make a high-quality positive contribution to the area whilst also providing a site-specific creative response to the character and issues of the street frontage typology
- 74 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.
- 75 Further guidance is given in the Brockley Conservation Area Character Appraisal and SPD.

Discussion

- 76 The Brockley Conservation Area SPD characterises the 'mews' as being tranquil leafy lanes and picks out the mature trees, the verdant character and views of the long rear gardens and large Victorian properties as important characteristics. The SPD also identifies single storey garaging and workshops as important aspects of the character, which should generally be ancillary to the main dwellings. The existing site does not feature built form and the trees on the site make a positive contribution to the character of the mews. As such, development on the site needs to be designed sensitively in order to prevent any adverse impact to any significant trees in the vicinity of the site and ensure that any buildings would be appropriately designed and located.
- 77 The applications recently refused for the redevelopment of the site (refs. DC/20/116480 and DC/22/124231) were considered inappropriate for the mews context due to the extent of the built form and loss of trees and greening from the site. These amounted to the loss of the secondary spatial character of the gardens and mews, where garages and outbuildings are historically ancillary to the host properties.
- 78 The proposed development addresses the harm identified with the previous development and proposes a more sensitive approach to the redevelopment of the site that retains the verdant character of the mews through a landscaping scheme intended to enhance the planting. The proposed huts would occupy a smaller footprint than the previous proposals and would be more similar in scale to outbuildings and studios typical of a residential setting. The Huts would measure 3m in height compared to 2.2m for the majority of the boundary. However, only the end of one of the Huts located adjacent to the mews would be visible and its height above the new brick boundary wall would only be marginally. Officers, recognise that the use would not be ancillary to the main dwellings but consider that overall, the development would be more ancillary and secondary in character and therefore would prevent any harm to the mews.
- 79 The huts would be constructed from timber, which is an appropriate material for a garden setting and would ensure that the ancillary character created by the scale and massing is exhibited in the materiality. The applicant has not provided a detailed specification for the materials or finishes for the huts so this will be secured by condition as recommended by the Conservation Officer. Additionally, the Conservation Officer raised concerns with the proposal to construct a white rendered wall at the boundary to the mews. This was revised to a stock brick wall following discussions with Officers and is now supported subject to a condition securing further details of the brickwork.
- 80 The Conservation Officer also objected to the proposal to locate the bin and bike facilities in the mews. This has now been amended to install within the site which is supported subject to a condition securing design details for the bin store.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

81 Therefore, Officers consider that the current proposal would lead to no harm to the significance and setting of the Brockley Conservation Area.

6.2.1 Urban design & heritage conclusion

82 Officers, having regard to the statutory duties in respect of conservation areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposals would be a sensitive and compatible design which would preserve the secondary character and appearance of the mews and the Brockley Conservation Area generally.

6.3 TRANSPORT IMPACT

General policy

83 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 104. This includes: (a) addressing impact on the transport network; (b) realise 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 places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

84 Para 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

6.3.1 Local Transport Network

Policy

85 The NPPF at paragraph 106 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

86 LPP T4 requires that development proposals reflect and are integrated with current and planned transport access, capacity and connectivity.

Discussion

87 The application site has a very good PTAL rating of 5 and is within short walking distance to bus stops on Lewisham Way as well St Johns and Brockley Stations. The site would be accessed via a gate from Wickham Mews. No on-site car parking has been provided but cycle parking facilities would be provided on-site. Irrespective of the transport mode the modest scale of the proposed would prevent any harmful impacts to the local transport network and therefore no additional mitigation is required.

6.3.2 Servicing and refuse

Policy

88 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

89 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.

Discussion

90 The proposed servicing arrangements are detailed at paras 55-56 above, which detail that operational requirements for the development are relatively modest and therefore acceptable despite the access constraints. The provision of bins would be appropriate for the accommodation proposed. A condition is recommended securing the final details of the refuse arrangements in addition to the provision of the bin stores prior to the occupation of the development.

6.3.3 Transport modes

Cycling

Policy

91 Development is required to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

Discussion

92 The proposed development would generate a requirement for 4.5 cycle parking spaces. The cycle parking facilities proposed for development include three cycle hoops provided space for six cycles. This would exceed the London Plan requirement and is therefore acceptable. A condition is recommended securing the provision of the cycle prior to the occupation of the development.

Private cars

Policy

93 LP Policies T6 and T6.4, supported by CSP 14 and DMP 29, require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use.

Discussion

94 No off-street car parking is proposed as part of the development, which is supported given the very good PTAL rating. Overspill parking to the surrounding roads cannot be prevented due to the absence of a CPZ. However, the scale of development would likely prevent a significant increase in parking stress to the surrounding roads. Furthermore, the good level of public transport accessibility and provision of cycle parking facilities would encourage visitors to use alternative transport modes and users of the community garden are likely to be from local groups or schools within walking distance.

6.3.4 Construction

Policy

95 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road. Additionally, LPP T7 requires that construction logistic plans should be development in accordance with TfL guidance.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Discussion

- 96 The scale of development and type of buildings proposed mean that the construction phase would be relatively short, and no public highway would be affected. Therefore, a condition requiring a Construction Management Plan would not be necessary or proportionate to the development proposed.

6.3.5 Transport impact conclusion

- 97 The proposed development is considered acceptable in transport terms.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 98 NPPF para 130 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 para 185 it 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 and living conditions.

6.4.1 Enclosure, outlook, privacy & natural light

Policy

- 99 DMP 33 states that infill development should result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens.

Discussion

- 100 There is 13m between the rear boundary of the application site and the rear elevations of No.14 and the Coach House. This is considered sufficient distance to prevent any significant impacts to outlook and natural light to the windows and main amenity areas of the garden at the neighbouring properties, taking into account the single storey height of the huts. There would be some impact to the windows in an outbuilding at the rear of the garden. However, outbuildings are not afforded the same weight as main habitable rooms and therefore the impact is considered acceptable.
- 101 The site also adjoins the rear gardens of Nos. 12 and 16 Wickham Road. The rear gardens are generally not considered main amenity areas and therefore the impacts from single storey structures would be acceptable.
- 102 The site would be enclosed by 2.2m high boundaries which would prevent overlooking to the neighbouring properties. As such, any impacts to the privacy of neighbours would be negligible. The provision of the boundary treatments would be secured by condition.

6.4.2 Noise and disturbance

Policy

- 103 The NPPF at para 170(e) states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

- 104 The National Planning Policy Guidance for Noise (July 2019) advises on how planning can manage potential noise impacts in new development. It states that local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider whether or not:
- a significant adverse effect is occurring or likely to occur;
 - an adverse effect is occurring or likely to occur; and
 - a good standard of amenity can be achieved.
- 105 LPP D13 states that the Agent of Change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.
- 106 LPP D14 is clear that development should avoid significant adverse impacts to quality of life.
- 107 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician.

Discussion

- 108 The proposed development would represent an intensification of activity compared to the existing site, given it is vacant, and a typical residential garden given the number (six) of people potential using the accommodation and the character of the accommodation, which as holidays accommodation is orientated towards external activity. Furthermore, the community garden would likely be used by larger groups albeit during day-time hours. The scale of the development means that the proposed uses are not automatically incompatible with a residential area, given that residential properties and gardens generate noise and are used for social gatherings broadly commensurate with the numbers likely to use the community garden, particularly in summer months.
- 109 A Noise Impact Assessment (NIA) (Clement Acoustics, March 2023) has been submitted in supported on the application. The NIA models the likely noise impacts of the both proposed uses, including for worst case scenarios of groups of 50 people which would exceed the number of potential users for the proposed uses. The report concludes that the noise impacts would be acceptable subject to limiting activity at night-time hours (23:00 – 7:00) and amplified sound and music. The NIA also recommends that a Management Plan be adopted to ensure noise is minimised. The Council's Environmental Protection Officer has reviewed the NIA and has accepted the analysis and recommendations of the report.
- 110 In accordance with the recommendations of the NIA the applicant has submitted a Management Plan, which from pages 1–7 provides details of the booking system, check-in details, the rules of stay, noise mitigation measures and enforcement. For the booking system the Management Plan details that bookings will be limited to two guests per hut and would be booked via a third-party website that would allow screening for good reviews.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 111 Check-in would require a security code that would be changed regularly. The rules of stay include the following:
- No parties or loud music
 - No outside guests
 - No use of garden space beyond 11pm
- 112 These rules accord with the recommendations of the NIA and are therefore supported. The Management Plan details that the rules would be enforced remotely via noise monitors and cameras which would be monitored 24 hours a day with staff despatched to the site if the rules are not followed. The enforcement section also commits to regular in person checks. In addition, neighbours would be able to report nuisances via an emergency number, email or the on the website.
- 113 The community garden would only be accessible on a managed basis either through a community organisation, school or as part of an event. Therefore, although there would be a larger number of people using the garden it would be supervised and during daytime hours. As such, the noise impacts are considered acceptable.
- 114 The proposed suite of measures would provide a robust and proportionate strategy for managing noise and disturbance and would therefore be secured by condition. The management measures are therefore considered the maximum that could reasonably be imposed that would allow the accommodation to operate viably. However, Officers acknowledge that despite the comprehensive Management Strategy it would not be possible to entirely eliminate the risk of adverse noise and disturbance. The fact that this is an unusual proposal for a residential area within an inner-London context is also recognised.
- 115 Officers have balanced this lack of precedent and potential risk against the mitigation measures proposed, which include the management strategy, limiting the use to four days per week and attenuation from the planting and boundaries, and consider that a one-year temporary permission to trial the concept would be the most appropriate outcome. In reaching this conclusion Officers have also given weight to the planning merits of the CAP. The PPG for Planning Conditions provides support for this recommendation advising that temporary permissions can be justified where *“a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period”*.
- 116 Therefore, in summary the conditions securing the management strategy and temporary permission are considered sufficient to prevent any long-term harm to the living conditions of the neighbouring properties.

6.4.3 Security

- 117 Para 130 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 118 DMP 33 states that infill development should result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Discussion

- 119 The objections from local residents raise concern that the provision of holiday accommodation would increase security risks for the neighbouring properties, primarily in the form of burglaries to the neighbouring properties. Officers, recognise that the proposed use would intensify activity within the site but are not persuaded that this represents an increased risk to security. Rather, Officers consider the increase in activity to be a potential benefit as it would introduce surveillance, both passive and formal, to a vacant site. The development would also introduce more solid boundaries to the site. As such, additional security risks to local residents are unlikely.

6.4.4 Impact on neighbours conclusion

- 120 The proposed conditions recommended above are considered sufficient to prevent any harmful impacts to the living conditions of neighbours.

6.5 NATURAL ENVIRONMENT

General Policy

- 121 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 122 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 123 The NPPF at 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

6.5.1 Ecology and biodiversity

Policy

- 124 LPP G5 expects development to incorporate urban greening measures such as high-quality landscaping (including trees), green roofs and green walls.
- 125 LPP G6 expects development proposals to manage impacts on biodiversity and aim to secure net biodiversity gain.
- 126 CSP 7 expects urban greening and living roofs as part of tackling and adapting to climate change. DMP 24 requires all new development to take full account of biodiversity and sets standards for living roofs.

Discussion

- 127 The applicant has proposed a comprehensive landscaping scheme that would include seven replacement trees, shrub and herbaceous planting, a green roof, hedges and lawn. Hard landscaping would be restricted to the paths to the huts and communal area and is considered the minimum necessary to navigate the space. The landscaping scheme would also include a pond, log piles and a bug hotel. Overall, Officers are satisfied that the landscaping scheme and wildlife measures would enhance the biodiversity and ecology of the site thus improving the verdant character of the mews.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

128 A condition is recommended to secure the soft landscaping scheme and would require further details of the planting and surfacing for the site as well as management and maintenance plan. The wildlife enhancement measures would also be secured by condition.

6.5.2 Trees

Policy

129 LPP G7 expects development proposals to ensure that, wherever possible, existing trees of value are retained. Where it is necessary to remove trees, adequate replacement is expected based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or other appropriate valuation system.

130 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur.

131 DMP 25 states that development schemes should not result in an unacceptable loss of trees, especially those that make a significant contribution to the character or appearance of an area, unless they are considered dangerous to the public by an approved Arboricultural Survey.

Discussion

132 The existing eight trees on site would be removed in order to facilitate the development. The seven trees are Category C so are of moderate value, where Category A is the highest. There is also an uncategorised tree on site that is of very poor quality. None of the trees proposed to be removed are subject to a Tree Preservation Order. The proposal to replace the seven viable trees is supported and Officers consider the mix of four fruit trees and three larger canopy deciduous trees would be appropriate. The Council's Tree Officer considers that there landscaping proposal should include a variety of trees so the species will be approved as part of the soft landscaping condition.

133 There are also two high value trees on adjacent sites: a large Category A lime tree in the mews and a Category B sycamore tree in the rear garden of No.12. Therefore, a condition is recommended ensuring that any construction works within the root protection areas would be undertaken in accordance with the British Standard.

6.5.3 Air pollution

Policy

134 LPP SI1 states that development proposals should seek opportunities to identify and deliver further improvements to air quality and should not reduce air quality benefits that result from the Mayor's or boroughs' activities to improve air quality.

135 The Air Quality Neutral LPG provides additional guidance and established the benchmark values for assessing whether a development would achieve air quality neutral.

Discussion

136 The proposed development would not include any on-site parking and the huts would be heated by electric stoves. Therefore, the development would be compliant with the

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

benchmarks set within the Air Quality Neutral LPG. A condition is recommended securing the installation of the electric stoves prior to the occupation of development.

137 The rules of stay included within the Management Strategy prevents the lighting of fires and BBQs, which would reduce the air quality impacts of the scheme and thus is supported.

6.5.4 Light pollution

Policy

138 The NPPF at para 180 states limits the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation

Discussion

139 The Lighting Concept Plan within the Landscaping Design Presentation (Studio Cullis, September 2023) details that low level sensor lighting would be installed within the site. A condition is recommended securing the details of the lighting to prevent light spill and ensure an acceptable impact to neighbours and local wildlife.

6.5.5 Natural Environment conclusion

140 The recommended conditions would ensure that the impacts to the natural environment would be acceptable.

7 LOCAL FINANCE CONSIDERATIONS

141 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).

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

143 The CIL is therefore a material consideration.

144 £0 Lewisham CIL and £0 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

145 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.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

- 146 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.
- 147 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.
- 148 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>
- 149 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
- 150 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>
- 151 The planning issues set out above include factors that relate specifically to the equalities categories set out in the Act. Therefore, there is a potential impact on equality given the facts, however, for the reasons set out at paras 58-59 above the site is not considered suitable to make a contribution to accessible accommodation and therefore the development is considered lawful.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

9 HUMAN RIGHTS IMPLICATIONS

152 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

153 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.

154 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.

155 This application has the legitimate aim of providing new buildings for visitor accommodation. The rights potentially engaged by this application, including Article 8 and Protocol 1 Article 1 are not considered to be unlawfully interfered with by this proposal.

10 LEGAL AGREEMENT

156 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

157 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests. The following Heads of Terms have been agreed:

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Community Access Plan

- a Community Access Plan for the garden requiring the facilities to be made available on Monday to Wednesday (excluding school holidays) for community, voluntary and school groups.

158 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

11 CONCLUSION

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

160 In summary, the development proposes an innovative use for this site that prioritises landscaping to maintain a positive contribution to the verdant character of Wickham Mews, while also retaining subservience to the back gardens of the main properties in contrast with the recently refused applications. The proposal to introduce visitor accommodation to a residential area would not conflict with the principles of the Development Plan as the type of accommodation proposed is not suitable for a town centre. Furthermore, the provision of a community garden would deliver a meaningful contribution to the social infrastructure within the surrounding area.

161 The application site is particularly sensitive to intensification given the proximity to rear gardens and the servicing issues intrinsic to this mews which result from the difficulties with access. The scale and type of use are unlikely to generate significant levels of servicing or customer footfall and therefore the practical concerns with access are not significant. The Management Plan submitted with the application provides a robust strategy for mitigating noise and disturbance. However, noise and disturbance remain a significant concern and despite the submission of a Management Plan, there is potential for long-term harm to the living conditions of neighbours. Therefore, a temporary permission is considered appropriate to test the concept as recommended within the NPPG.

162 Finally, Officers are satisfied that the development would have an acceptable impact to the local transport network and natural environment. Therefore, the application is recommended for approval subject to the conditions and planning obligation recommended above.

12 RECOMMENDATION

163 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the following conditions and informatives:

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

12.1 CONDITIONS

1. Temporary Time Limit

The use hereby permitted shall be discontinued and all structures removed within one year of the first occupation of development hereby approved.

Reason: In order that the local planning authority may assess the impact of the use at the end of the limited period hereby permitted, in the light of Paragraph 170 of the National Planning Policy Framework (2023) and DM Policies 26 Noise and Vibration and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

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:

Site Location Plan; Proposed Floor Plan & Elevations received 31 March 2023;

Proposed Elevations received 4 July 2023 ;

Landscape Masterplan - p.28 of the Landscape Design Presentation Rev E (Studio Cullis, September 2023); Landscape Sectional Elevations AA & BB; Landscape Sectional Elevations CC & DD received 5 October 2023;

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. Materials & Detailed Design

(a) Prior to the commencement of the development hereby approved (excluding demolition and site clearance) a detailed schedule and specification of the Shepherd Huts including manufacturer's literature or detailed drawings at scale 1:5 or 1:10 shall be submitted to and approved in writing by the local planning authority in respect of the following:

- i) external cladding (including colour and finish);
- ii) roofing materials;
- iii) windows and external doors;

(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the development, and retained thereafter for the lifetime of the development.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal in its verdant Mews setting and the Brockley Conservation Area and to comply with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens, Development Management Local Plan (November 2014).

4. Refuse & Recycling Facilities

- (a) Prior to the first occupation of the development hereby approved, details of the management location and appearance of the refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority.
- (b) The management and facilities as approved under part (a) shall be provided in full prior to first 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. Cycle Parking Facilities

The cycle parking spaces for six cycles shall be provided in full accordance with the Landscape Masterplan shown on p.28 of the Landscape Design Presentation Rev E (Studio Cullis, September 2023) 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).

6. Landscaping Plan

- (a) Prior to the commencement of above ground works (excluding demolition and site clearance), a Landscaping Plan, set out in accordance with Pages 23 and 28 of the Landscape Design Presentation Rev E (Studio Cullis, September 2023), shall be submitted to and approved in writing by the local planning authority. The Landscaping Plan shall including details of any planting to be retained, the hard surfacing, the wildlife garden, the proposed plant

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

numbers, species, location and size (including details of the proposed 7 new trees (to follow the right tree, right place principle) and tree pits) and details of the management and maintenance of the landscaping.

- (b) The approved wildlife enhancement measures shall be installed prior to the first occupation of the development. 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: To safeguard the verdant Mews setting and local biodiversity 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).

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 any above ground works.
- (b) The approved boundary treatments shall be implemented in full accordance with the details approved by Part (a) prior to first occupation of the development 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. **External Lighting**

- (a) Prior to occupation of the development hereby approved 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 prior to first occupation 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.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

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 Policy G6 Biodiversity and access to nature of the London Plan (March 2021) and DM Policies 24 Biodiversity, living roofs and artificial playing pitches and 27 Lighting of the Development Management Local Plan (November 2014).

9. **Operating Times**

The development hereby approved shall only operate as short-term holiday let accommodation on Thursday to Sundays (excluding school holidays within London Borough of Lewisham schools as set by the Council) and a Community Garden 9am-5pm Monday to Wednesdays (excluding school holidays).

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 170 of the National Planning Policy Framework (2023) and DM Policies 26 Noise and Vibration and 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

10. **Restrict Use**

The short-term holiday units forming part of the development hereby approved shall be occupied for holiday let purposes only and shall not be occupied as a main place of residence. The owner shall maintain an up-to-date register of the detail of all occupiers, including their names and main home addresses, of the holiday units on the site and shall make it available for inspection at all reasonable times by the local planning authority

Reason: The application has been assessed only in terms of this restricted use and any other uses may have an adverse effect on the character and amenity of the area and amenity for future occupiers

11. **Electric Heating**

The Shepherd Huts hereby approved shall be fitted with electric heating stoves, in full accordance with the Proposed Floor Plan & Elevations drawing, prior to the first occupation of the development and retained thereafter for the lifetime of the development

Reason: In order that the local planning authority may be satisfied that the development is not going to result in significant health impacts to existing and future residents from a deterioration in local air quality and to comply with Policy 23 Air quality Development Management Local Plan (November 2014).

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

12. Tree Protection

Any off-site trees shown to be retained within the Arboricultural Impact Assessment (Arborclimb Consultants, January 2023) hereby approved shall be protected in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations) the entirety of the construction period including site clearance and site preparation, such protection to include the use of protective barriers to form a construction exclusion zone, employ suitable 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).

13. Management Plan

The short-term holiday let accommodation forming part of the development hereby approved shall operate in full accordance with the measures set out on pages 1 - 7 of the approved Management Plan prepared by The Parkhill Group dated 11 September 2023, for the lifetime of the development.

Reason: In order to safeguard the amenity of the surrounding residential properties and to comply with Paragraph 170 of the National Planning Policy Framework (2023) and DM Policies 26 Noise and Vibration and 33 Development on infill sites, backland sites, back gardens and amenity areas 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 discussions took place which resulted in further information being submitted.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

13 BACKGROUND PAPERS

- (1) Submission Drawings
- (2) Submission technical reports and supporting documents
- (3) Internal consultee responses
- (4) External consultee responses

14 REPORT AUTHOR AND CONTACT

Report Author: Alfie Williams (Senior Planning Officer)

Email: alfie.williams@lewisham.gov.uk

Telephone: 020 8314 9336

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>