



Planning Committee B

Report title:

TUNBRIDGE COURT, SYDENHAM HILL, LONDON, SE26 6RR

Date: 9 July 2024

Key decision: No.

See "[Legal Requirements](#)" in the guidance for more information.

Class: Part 1

See "[Legal Requirements](#)" in the guidance for more information.

Ward(s) affected: Forest Hill

Contributors: Antigoni Gkiza, Senior Planning Officer

Outline and recommendations

This repost sets out the officer recommendation of approval for this application for full planning permission.

The case has been brought before committee for a decision as 16 valid objections have been received.

Application details

Application reference number(s): DC/24/134979

Application Date: 22 February 2024

Applicant: Stanley N. Evans (Properties) Limited

Proposal: The creation of two additional parking spaces at Tunbridge Court Sydenham Hill SE26.

Background Papers: Submission drawings
Submission technical reports
Statutory consultee responses

Designation: Sydenham Hill Ridge Neighbourhood Forum
Borough-wide Houses in Multiple Occupancy Article 4 Direction
PTAL 2

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

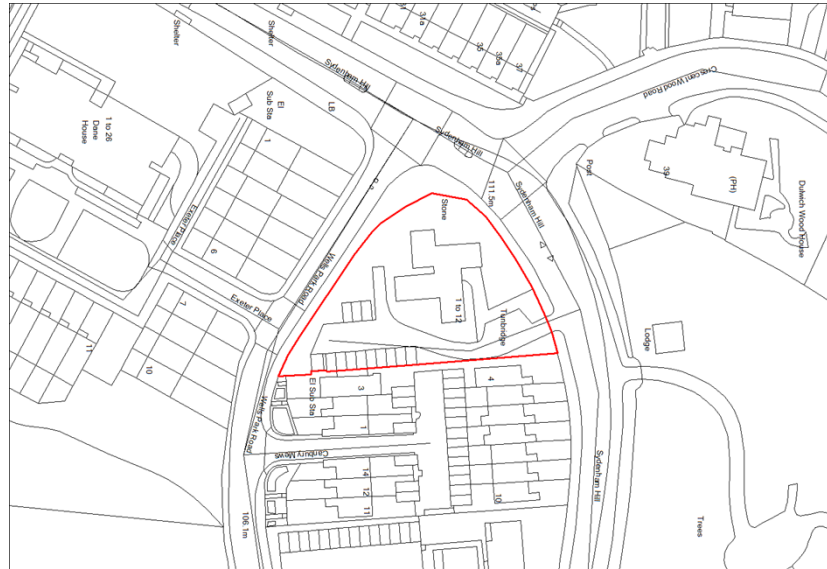
- 1 This application relates to a three-storey detached block of flats located on the southern side of Sydenham Hill, at Tunbridge Court. The existing building sits at the junction of Sydenham Hill and Wells Park Road and it includes 12 dwellings.
- 2 The building comprises of four 'wings' which protrude out from the central core of the building. It is finished in pale yellow brick, and it features white uPVC windows with rendered window inset panels and a flat roof with white timber horizontal panelling along the parapets.
- 3 The site benefits from 4 off-street parking spaces and 12 garages that are assigned to each flat within the existing building. The garages belong to the leaseholders and most of them are being used for storage purposes as they do not meet the current standards to accommodate modern vehicles.
- 4 The site is accessed from Sydenham Hill and the vehicular and pedestrian access continues to the south of the site where the garages and the access to the refuse facilities are located.
- 5 There are mature trees located at the perimeter of the site and soft landscaping around the building and at parts of the site's boundaries.

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Images 1: Site Location Plan



- 6 The site is located within Sydenham Hill Ridge Neighbourhood Forum and the properties within the block of flats are subject to the Borough-wide Houses in Multiple Occupancy Article 4 Direction.

Character of area

- 7 The surrounding area is predominantly residential in character, comprising mainly of terraced properties and a few detached and semi-detached properties towards the northeast of the site.
- 8 The existing heights range from two and three-storey buildings to four and five-storey buildings, but the prevailing character of the immediate area is that of two and three storey terraced buildings.

Heritage/archaeology

- 9 The building is not located within a conservation area. It is located close to the Grade II listed building Beltwood House, approximately 50m away, and around 50mm away from the Sydenham Hill Conservation Area.

Surrounding area

- 10 The site is located close to Hillcrest Wood, Low Cross Wood and Sydenham Wells Park.

Local environment

- 11 The site falls within Flood Risk Zone 1, which has a low probability of flooding from rivers and the sea.

Transport

- 12 The site has a Public Transport Accessibility Level (PTAL) score of 2 on a scale of 1-6b, 1 being lowest and 6b the highest. Lewisham station is the closest station to the application site, it is 0.4mi from the application site and an approximate 8-minute walk.

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2 RELEVANT PLANNING HISTORY

13 **DC/24/134978** - Application for Prior Approval under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the construction of one additional storey to provide 4 self-contained flats at Tunbridge Court Sydenham Hill SE26. **Refused** 9 May 2024. Reason for refusal:

1. *Prior approval is refused under Schedule 2, Part 20, Class A, condition A.2(1)(e) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as the proposed development, by reason of the design, form, scale, massing, materials and siting of the proposed extension would represent an non-subservient and visually obtrusive form of development that would cause visual harm to the character and appearance of the property and surrounding area, contrary to Paragraphs 131 of the National Planning Policy Framework 2023, Policy D3 of the London Plan (March 2021), Policy 15 of the Core Strategy (June 2011), DM Policies 30, 31 and 33 of the Development Management Local Plan (November 2014).*

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

Background

14 As set out in the planning history, prior approval under ref. DC/24/134978 for an upward extension was refused by the local planning authority in May 2024 on the same site. It is important to note that the current proposals do not form part of the refused application.

Scope of proposals

15 Full planning permission is sought for the creation of two additional parking spaces at Tunbridge Court, Sydenham Hill SE26. One would adjoin the existing off-street parking spaces and the second would be located besides the smaller garage building to the southwest of the site.

16 The ground would be excavated and resurfaced to provide space for the provision of a parking spaces, using permeable paving.

17 The site currently benefits from 4 parking spaces located to the north-east of the site and 12 garages located to the south-east of the site, however the garages are of insufficient dimensions to accommodate a modern vehicle as per the standards set out in the London Borough of Lewisham Parking Policy (2023) which has resulted in informal parking across the site. This current planning application therefore seeks to address the issue.

4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

18 The applicant has not sought pre-application advice for this application.

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4.2 APPLICATION PUBLICITY

- 19 Site notices were displayed on 5 March 2024.
- 20 Letters were sent to residents in the surrounding area and the relevant Ward Councillors on 29 February 2024 and 5 March 2024. Sydenham Hill Ridge Neighbourhood Forum and Sydenham Society were also consulted.
- 21 Sixteen responses received, comprising sixteen letters of objection.

4.2.1 Comments in objection

Comment	Para where addressed
Additional parking spaces are not needed	36 – 37
Loss of green space and play area	83 – 96
Trees have already been felt	83 – 96
Increase of traffic	
Against the Low Traffic Neighbourhoods principle	36 – 37
Concerns over refuse collection due to the location of the proposed parking spaces	64 – 65
Environmental costs	83 – 96
Safety concerns	64 – 65
Insufficient water absorption due to additional hardstanding	36 – 37
Increased noise disturbance	68 – 69
Loss/Disruption of wildlife habitats	83 – 96
The 2011 census figure cited by MTP, , does not represent the availability of cars at the Droitwich Close/ Canbury Mews/ Tunbridge Court end of LSOA 28C in 2024	These data represent the average car ownership within the 028C Lewisham area.
The doors labelled 'Rear door' (on MTP drawing PL_110; LBL filename Proposed_Site_Plan-1270219.pdf) are not a rear entrance to the block. They are the entry to the bin store that contains two wheelie bins for the block's putrescible waste. A third wheelie bin, for recyclables, is at present so positioned that it would block the proposed new parking space beyond garage no. 10.	64 – 65
The parking space should have adequate clearance space	40 – 47, 54 – 61
The proposed parking space in the south of the site does not effectively contribute to increasing parking capacity. As cars	54 – 61

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already tend to park in this area, the addition of a single space would not significantly alleviate the existing parking issues.	
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22 A number of other comments were also raised as follows:

- Construction of additional floors would compromise the privacy and views of neighbouring properties;
- More vehicles in the area due to additional residents will exacerbate traffic congestion;
- Strain on existing infrastructure and public services due to additional dwellings, such as water pressure and inadequate sewage drainage;
- Additional residents will result in additional emergency requirements;
- The proposal was to build four additional flats on top of the building, along with four additional parking spaces, two of which the current application is for;

23 **Officer's comment:** These comments are related to a different application (DC/24/134978) which sought the construction of an additional storey on the application building and was refused. Therefore, these comments cannot be taken into consideration.

- Limit the use of the garden in breach of the land lease.
- No information on the structural integrity of the earth bank has been provided.
- Lease variations are required.
- Retaining wall might be required.

24 **Officer's comment:** The above comments are not material planning considerations.

4.3 INTERNAL CONSULTATION

25 The following internal consultees were notified on 29 February 2024:

26 Highways: raised no objections subject to conditions. See section 'Transport' for further details.

4.4 EXTERNAL CONSULTATION

27 The following External Consultees were notified on 29 February 2024:

28 Sydenham Hill Ridge Neighbourhood Forum: no response received.

29 Sydenham Society: no response received.

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5 POLICY CONTEXT

5.1 LEGISLATION

30 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 (as amended)).

5.2 MATERIAL CONSIDERATIONS

31 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.

32 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.

33 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

34 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

- London Borough of Lewisham Parking Policy (March 2023)

6 PLANNING CONSIDERATIONS

35 The main issues are:

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

6.1 PRINCIPLE OF DEVELOPMENT

General policy

- 36 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.
- 37 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.

Policy

- 38 London Plan Policy T6 Car parking states that car parking should be restricted in line with the 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').
- 39 The site currently benefits from 4 off-street parking spaces and 12 garages. The site has a Public Transport Accessibility Level (PTAL) rating of 2 and according to table 10.3 of the London Plan the maximum provision of car parking spaces would be 6 parking spaces for the 12 existing dwellings. Importantly, the proposals do not seek to create parking for new development but for the existing flats. The applicant is proposing the addition of 2 car parking spaces, meaning that taking in account the 12 original garages which are no longer in use the total no. of on-site parking spaces would be 6 (4 existing and 2 proposed) would be in line with the requirements of table 10.3 of the London Plan.

6.1.1 Principle of development conclusions

- 40 The principle of development is supported, subject to other relevant material considerations discussed further below.

6.2 URBAN DESIGN

General Policy

- 41 The NPPF at para 131 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 42 The NPPG encourages decision takers to always secure high-quality design; this includes being visually attractive and functional, however other issues should be considered:

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- local character (including landscape setting)
- safe, connected and efficient streets
- a network of greenspaces (including parks) and public places
- crime prevention
- security measures
- access and inclusion
- efficient use of natural resources
- cohesive and vibrant neighbourhoods

43 Core Strategy Policy 15 outlines how the Council will apply national and regional planning policy and guidance to ensure the highest quality design, and the protection and enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of the site, is sensitive to local context, and responds to local character.

Discussion

44 The site currently benefits from 4 off-street car parking spaces, which are unassigned and 12 garages that are assigned to the existing dwellings. The applicant is proposing 2 additional off-street parking spaces to serve the existing dwellings as the garages are of insufficient dimensions to accommodate a modern vehicle as per the standards set out in the LBL Parking Policy (2023).

45 The applicant has provided a Parking Technical Note (prepared by Milestone Transport Planning Ltd, December 2023), which indicates that the vehicle parking spaces will be provided to a width of 2.5m x 5m as per the existing spaces at the site.

46 One of the proposed off-street parking spaces would be provided next to the existing off-street spaces by excavating part of the kerb and resurfacing it to accommodate the new parking area. It is noted that according to drawing PL_101, the width of this parking space due to its irregular shape would be slightly wider than the standard parking spaces, ranging from 2.5m to 4m.

47 The second space would be provided to the south of the small row of 3 garages and opposite to the main row of 9 garages and next to the communal refuse bins. The ground would be excavated and resurfaced to provide space for the provision of a parking space that would be 5m deep and 2.5m wide.

48 The submitted planning statement confirms that the spaces will be constructed of permeable materials, in accordance with London Plan Policy SI 13 'Sustainable Drainage'. In order to ensure that the hardstanding areas would be constructed using permeable materials, Officers will impose a condition to request the use of appropriate materials.

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6.2.1 Urban design conclusion

49 The proposed development is considered acceptable in terms of design, subject to the imposition of a hard landscaping condition to ensure the proposed materials would be of an appropriate quality.

6.3 TRANSPORT IMPACT

General policy

50 The Core Strategy Policy 14 states a managed and restrained approach to car parking will be adopted to contribute to the objectives of traffic reduction while protecting the operational needs of major public facilities, essential economic development and the needs of people with disabilities. The parking standards of the London Plan will be used as a basis for assessment.

51 London Plan Policy T6.1 Residential Parking requires that new residential development should not exceed the maximum parking standards set out in Table 10.3. All residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.

52 Para 115 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'.

53 DM Policy 29 states that car limited major residential development will only be considered where there is:

- a) PTAL level 4 or higher, or where this can be achieved through investment in transport infrastructure and services,
- b) no detrimental impact on the provision of on-street parking in the vicinity,
- c) no negative impact on the safety and suitability of access and servicing.

6.3.1 Access

Policy

54 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 well-connected by public transport.

Discussion

55 The Site has a Public Transport Accessibility Level (PTAL) rating of 2 which indicates a poor level of access to public transport. London Plan Policy T6 stipulates the provision of up to 0.5 spaces per dwelling given this level of PTAL. The building currently comprises of 12 dwellings and therefore the maximum provision of car parking would be 6 car parking spaces. The application site currently benefits from 4 off-street car parking spaces, which are unassigned and 12 garages that are assigned to the existing dwellings (16 on-site parking spaces in total).

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- 56 The applicant states that the existing garages are of inadequate size to accommodate modern vehicles and they are mostly used for storage.
- 57 The London Borough of Lewisham Parking Policy (March 2023) states at page 17 that existing garages would be deemed adequate off-street parking facilities if the internal dimensions of the garages are minimum 5.0m deep and 2.7m wide. Although the applicant has not submitted drawings of the internal layout of the garages, when measured externally they have a depth of 5m and a width of 2.5m. Therefore, taking into consideration the wall thickness, the internal dimensions of the garages fall short of the requirements London Borough of Lewisham Parking Policy.
- 58 In this case, the existing garages are not considered appropriate to accommodate modern vehicles which is currently evidenced as they are largely used for storage and not for parking purposes, and as such the provision of 2 additional parking spaces in addition to the 4 off-street parking spaces would meet the maximum provision of 6 car parking spaces on the site according to table 10.3 of the London Plan and is therefore considered acceptable.
- 59 The Parking Technical Note (prepared by Milestone Transport Planning Ltd, December 2023) that has been provided indicates that the vehicle parking spaces would have a minimum width of 2.5m and a depth of 5m as per the existing spaces at the site. This accords with the Council's Parking Policy (2023) which highlights that curtilage parking spaces would be deemed adequate off-street parking facilities if the dimensions of the space are a minimum of 4.8m deep and 2.7m wide (or a minimum of 2m wide if the vehicle door on one side can be fully opened).
- 60 In addition, the submitted Parking Technical Note (prepared by Milestone Transport Planning, December 2023) includes in Appendix 2 a swept path analysis, which demonstrates that a standard vehicle (4.6m overall length and 1.8m width) is able to enter and leave the new parking spaces.
- 61 Officers have consulted with the Highway Team, who raised no objections to the siting and layout of the proposed development. They requested that these additional two spaces should be provided with active electric vehicle charging points, as per the requirements of the London Plan. The installation of the active electric vehicle charging points would be secured via condition.
- 62 It is noted that Officers conducted a site visit and observed that there is already informal parking taking place on site. Representations received from local residents have also confirmed this. Therefore, the proposed parking will also address the informal parking that is currently occurring due to the non-usage of the obsolete garages for parking. Officers will also impose a parking management plan condition to secure the details of the use, management and enforcement of the parking spaces.

6.3.2 Servicing and refuse

Policy

- 63 The NPPF states that development should allow for the efficient delivery of good and access by service and emergency vehicles.
- 64 DMLP Policy 29 requires new development to have no negative impact upon the safety and suitability of access and servicing. Storage facilities for waste and recycling

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containers should meet at least BS5906:2005 Code of Practice for waste management in Building in accordance with London Plan Housing SPG (2016) standard 23.

Discussion

- 65 Concerns have been raised regarding the location of the existing refuse bins. It is noted that there is an entry to the bin store at the south of the building that contains two wheelie bins for the block's general waste. There is no access to the flats from this store. A third wheelie bin, for recyclables, is informally located next to the proposed parking space at the south of the site.
- 66 Highways have requested that all servicing vehicle movements must be contained off-street to ensure any potential disruption to Sydenham Hill is mitigated against. Any skips associated with the development works should be stored on-site and off carriageway. An informative will be added to this effect.

6.3.3 Transport impact conclusion

- 67 The proposed development would not have any unacceptable impact on transport and the surrounding highway network, subject to conditions.

6.4 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 68 Core Strategy Policy 15 'High quality design in Lewisham' seeks to ensure that proposed development is sensitive to the local context. Officers therefore expect proposed development to be designed in a way that will not give rise to significant impacts upon the amenities of existing neighbours and future occupiers.
- 69 DM Policy 32 states that the Council expects all new residential development to:
- a) be attractive and neighbourly; and
 - b) provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.

Discussion

- 70 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.
- 71 The proposed development would not result in the creation of a structure but rather it would be a resurfacing of the existing landscaped and hardstanding areas. Therefore, Officers are satisfied that it would not result in a harmful impact on neighbouring amenity.

6.4.1 Impact on neighbours conclusion

- 72 The proposed development would not result in any harmful impact on neighbouring amenity in terms of creating of sense of enclosure and resulting in loss of outlook, privacy, daylight and sunlight and noise disturbance.

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6.5 SUSTAINABLE DEVELOPMENT

General Policy

- 73 Paragraph 158 of the NPPF requires local planning authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long term implications of flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change measures.
- 74 CS objective 5 reflects the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DM Policy 22 support this.

6.5.1 Flood Risk

Policy

- 75 LPP SI12 requires development proposals to ensure that flood risk is minimised and mitigated.

Discussion

- 76 The site is located within Flood Risk Zone 1, which indicates a low probability of flooding from rivers and the sea. The site overall and nature of works proposed are considered to present a low risk of flooding.

6.5.2 Sustainable Urban Drainage

Policy

- 77 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 78 LPP SI13 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovering from flooding. The LP expects development to contribute to safety, security and resilience to emergency, including flooding.
- 79 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 80 LPP GG6 requires developments to make efficient use of water and reduce impacts from natural hazards like flooding.
- 81 Policy G4 of the London Plan requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy. The supporting text to the policy recognises the contribution 'green' roofs can make to SUDS. The hierarchy within the policy establishes that development proposals should include 'green' roofs.

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82 Further guidance is given in the London Plan’s Sustainable Design and Construction Supplementary Planning Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Discussion

83 The applicant has confirmed that the proposed parking spaces would be covered in permeable hardstanding. A condition will be imposed to ensure the proposed materials would be permeable.

6.5.3 Sustainable Infrastructure conclusion

84 Officers consider that the proposal would be acceptable and would have no significant harm in sustainable development terms, subject to conditions.

6.6 NATURAL ENVIRONMENT

General Policy

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

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

87 Paragraph 186 states that “opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity”.

88 NPPF para 191 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.

6.6.1 Ecology and biodiversity

Policy

89 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.

90 The NPPF at para 180 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. At para 181, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.

91 CSP 12 seeks to preserve or enhance local biodiversity.

92 DMP 24 require all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on the natural environment.

Discussion

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93 The applicant does not propose any ecological enhancements and given the small scale of the development proposed, it is not considered that the proposal would result in a degradation of the existing ecological value. It is noted that the application was submitted before the BNG requirements came into force and in this case, these standards are not applicable.

6.6.2 Green spaces and trees

Policy

94 Paragraph 136 of the NPPF (December 2023) states trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

95 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.

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

97 DMP 25 sets out the required information to support development affecting trees.

Discussion

98 The proposed parking space at the south of the site would result in the removal of approximately 12sqm of green space, which currently comprises of grass. The loss of this green area is considered negligible in relation to the wider site, and the development would not unduly affect any surrounding trees or hedges nor would any trees or hedges be removed as a result of the proposals.

6.6.3 Natural Environment conclusion

99 The impact of the proposed development on the natural environment is deemed acceptable.

7 LOCAL FINANCE CONSIDERATIONS

100 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).

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- 101 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 102 The CIL is therefore a material consideration.
- 103 This application does not attract a CIL charge.

8 EQUALITIES CONSIDERATIONS

- 104 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.
- 105 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.
- 106 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.
- 107 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>
- 108 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

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109 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>

110 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

111 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

112 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.

113 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.

114 This application has the legitimate aim of providing a new car parking spaces to existing residential properties. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

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

116 In conclusion, the proposal is overall considered acceptable in its design and impact on neighbouring amenity, highway network, natural environment and sustainable development.

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117 In reaching this recommendation, Officers have given weight to the comments and objections that were received regarding this application and consider the proposed development would preserve the character of the existing building and landscaped areas in terms of design. No unacceptable harm would arise to the living conditions of neighbours, transport, natural environment and sustainable development, therefore Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

11 RECOMMENDATION

118 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 THE APPROVED PLANS

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

PL_100; PL_101; PL_110; Parking Technical Note; Supporting Letter

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) HARD LANDSCAPING

a) Prior to above ground works, drawings showing hard landscaping of any part of the proposed development hereby approved (including details of the permeability of hard surfaces) shall be submitted to 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 first use of the development and maintained for the lifetime 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

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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.

4) **EV CHARGING POINTS**

- a) Details of the number and location of electric vehicle charging points to be provided and a programme for their installation and maintenance for the parking spaces hereby approved shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- b) The electric vehicle charging points as approved shall be installed prior to the first use of the development and shall thereafter be retained and maintained for the lifetime of the development.

Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policy T6 Car parking in the London Plan (March 2021), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

5) **CAR PARKING MANAGEMENT PLAN**

- a) Prior to first use of the development hereby approved, a Car Parking Management Plan shall be submitted to and approved in writing by the local planning authority. The CPMP shall include details of the allocation and enforcement of off-street parking provision, allocated EV enabled parking bays and should include a strategy for enforcing informal parking within the hard landscaped areas.
- b) The parking shall be implemented and managed in accordance with the approved CPMP and maintained for the lifetime of the development.

Reason: To ensure suitable arrangements for car parking as part of the development in accordance with Policy T6.1: Residential Parking of the London Plan (March 2021), Policy 14: Sustainable movement and transport of the Core Strategy (June 2011).

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.

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2) **VEHICLE MOVEMENTS**

The applicant is advised that all servicing vehicle movements must be contained off-street to ensure any potential disruption to Sydenham Hill is mitigated against.

3) **CONSTRUCTION**

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.

Any skips associated with the development works should be stored on-site and off carriageway.

12 BACKGROUND PAPERS

- 119 Submission drawings
- 120 Submission technical reports and documents
- 121 Statutory consultee responses

13 REPORT AUTHOR AND CONTACT

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