



## Planning Committee B

**Report title: 126 New Cross Road, London, SE14 5BA**

**Date:** 26 November 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 affected:** Telegraph Hill

**Contributors:** Alfie Williams, Principal Planning Officer

### Outline and recommendations

This report sets out the Officer's recommendation of approval for this application for planning permission.

The case has been brought before Committee for a decision as it has been 'called in' by a local Ward Councillor

## Application details

**Application reference number:** DC/24/136844

**Application Date:** 23 July 2024

**Applicant:** Anthony Adler

**Proposal:** Part retrospective planning permission for the alteration and conversion of the existing building, together with the construction of an extension at roof level to provide a 14 room HMO (House in Multiple Occupation) including the formation of internal courtyards, new timber shopfront and the demolition of the extension at the front and the installation of windows and roof lights to the front and rear at 126 New Cross Road SE14.

**Background Papers:** (1) Submission Drawings  
(2) Submission technical reports and supporting documents  
(3) Internal consultee responses  
(4) External consultee responses

**Designation:** Air Quality Management Area  
Area of Archaeological Priority  
Hatcham Conservation Area  
Hatcham Conservation Area Article 4(2) Direction  
Flood Risk Zone 2  
New Cross / New Cross Gate District Centre  
PTAL 6a  
Small HMO Article 4(2) Direction

**Screening:** N/A

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 The application site is a three-storey mid-terraced building located on the western side of New Cross Road. Originally, the property comprised a commercial unit (Use Class E) on the ground floor with a residential unit (Use Class C3) on the upper floors. The property is currently in use as a large HMO (Sui Generis) having previously been in use as a hotel. Neither of those uses were lawful with the property converted on both occasions without the benefit of planning permission. The planning history and Google Earth suggest that the last lawful use of the ground floor was a restaurant and takeaway, which ceased in 2012.

### *Character of area*

- 2 The property is located within the New Cross and New Cross Gate District Centre but is not designated as primary or secondary shopping frontage. Consequently, this part of New Cross Road has a commercial character with a vibrant night-time economy. There

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is some variation in the age, architecture and scale of the surrounding townscape but the area is predominantly characterised by three storey Victorian properties. The side roads are generally lower in scale and predominantly residential.

### ***Heritage/archaeology***

- 3 The site is located within the Hatcham Conservation Area and is subject to an Article 4 Direction removing permitted development rights for works visible from public viewpoints. The property forms part of Minerva Terrace comprised of Nos. 120-128 New Cross Road. The houses were built between 1833-4 with shopfronts added around 1900.
- 4 The terrace is symmetrical with projecting three bay pavilions at either end which have Tuscan pilasters. A simple entablature spans the whole terrace and displays the name of the terrace. The windows would have been Georgian paned sashes, but none survive, with the historic architecture diminished by later unsympathetic interventions including painting, window replacement and the addition of Dutch blinds. Nevertheless, the terrace is considered to contribute positively to the street scene as an example of early 19 century development on New Cross Road due to its composition, and therefore the Conservation Officer has identified the group as being non-designated heritage assets.
- 5 The site is also located within an Area of Archaeological Priority.

### ***Local environment***

- 6 The site is located within Flood Risk Zone 2 indicating that the site has between a 1 in 1000 (0.1%) and 1 in 100 (1%) annual probability of flooding in any given year which is considered a medium risk of flooding. The site is also within an Air Quality Management Area.

### ***Transport***

- 7 The site has a PTAL rating of 6a which indicates an excellent level of public transport accessibility. This includes bus stops on New Cross Road serving several bus routes. The site is also within walking distance of Queens Road Peckham (approximately 0.7km) and New Cross Gate (approximately 0.5km) train stations which provide National Rail services. New Cross Gate Station also provides London Underground services.

## **2 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 8 In June 1984, planning permission was granted for the use of part of the ground and part of the basement floors of 126 New Cross Road SE14 as a restaurant and take—away hot food shop, together with the installation of a new shop front.
- 9 DC/99/044131: The construction of a part single/part two-storey extension of the rear of 126 New Cross Road SE14 to provide additional restaurant space, together with alterations to the rear extension – **granted 16 August 2000**.
- 10 DC/00/047038: Variation of condition (1) of planning permission date 11 June 1984 for the use of part of the ground floor and part of the basement floors of 126 New Cross Road SE14 as a restaurant and take away hot food shop, in order to allow opening until 1.00am on Thursdays and 2.00am on Fridays and Saturdays - **granted 25 October 2000**.

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- 11 DC/01/049982: The renewal of the approval dated 25.10.00 for the variation of condition (1) of planning permission date 11 June 1984 for the use of part of the ground floor and part of the basement floors of 126 New Cross Road SE14 as a restaurant and take away hot food shop, in order to allow opening until 1.00am on Thursdays and 2.00am on Fridays and Saturdays – **granted 8 December 2001**.
- 12 ENF/22/00042: Unauthorised works to the shopfront and use as a large HMO (sui generis) – **Enforcement Noticed issued on 31 January 2023**. An appeal (appeal ref. APP/C5690/C/23/3318291) against the notice was **dismissed on 7 May 2024** and requires that within six months the unauthorised HMO use is ceased, and that the frontage is restored to its appearance prior to the unauthorised works.
- 13 DC/23/133766: Part retrospective planning permission for the alteration and conversion of the existing building into an 11 room HMO (House in Multiple Occupation) including the formation of internal courtyards, the demolition of the extension at the front and the installation of windows and rooflights to the rear at 126 New Cross Road SE14 – **granted 13 May 2024**.

### **3 CURRENT PLANNING APPLICATION**

#### **3.1 THE PROPOSALS**

- 14 The proposed development would see the formal change of use of the property to provide a 14-room large HMO (Sui Generis). The proposal includes internal alterations to the existing unauthorised layout reducing the number of rooms on the existing ground, first, second and third floors from 14 to 11 rooms. Three further rooms would be added within the new fourth floor (14 rooms in total). At ground floor level the internal alterations include the provision of cycle and bin stores at the front of the ground floor and the creation of three internal courtyards at ground floor level to provide additional areas of external amenity space and outlook for the rooms. At first floor level an existing communal kitchen would be enlarged to accommodate an additional communal living room.
- 15 Externally, the first-floor front extension would be reduced in size with a new timber shopfront installed below at ground floor level. Replacement timber sash windows would be installed within the front elevation and rooflights installed within the flat roof at second floor level.
- 16 Additionally, a roof extension would be constructed accommodating three new rooms. The design of the extension was amended to appear more like a traditional mansard following discussions with Officers. The mansard style extension would be clad in slate with stock brick flank parapet walls. The front and rear slopes would feature lead clad dormers housing timber sash-windows.

#### **3.2 COMPARISON WITH PREVIOUS SCHEME**

- 17 The development is broadly the same as the scheme granted in May 2024 with the exception of the mansard style roof extension that increases the overall number of rooms within the development by three to 14.

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## **4 CONSULTATION**

### **4.1 APPLICATION PUBLICITY**

18 Site notices were displayed, and a press notice was published on 14 August 2024. Letters were sent also to residents and business in the surrounding area as well as to the relevant ward Councillors and the Hatcham Society on 5 August 2024.

19 No representations were received from local residents or the Hatcham Society. However, Cllr Sorba raised objections to the development due to concerns with the quality and density of the residential accommodation.

### **4.2 INTERNAL CONSULTATION**

20 The following internal consultees were notified on 5 August 2024:

21 Conservation: raised objections to the design and form of the roof extension as initially proposed and was also concerned with the loss of a further traditional London roof from the terrace and the refuse storage arrangements. See paras 106-114 and 125-126 for further discussion.

22 Highways: raised concerns with the lack of level access for some of the cycle parking but raised no objections subject to conditions in relation to refuse storage and cycle facilities, see paras 124-126 and 128-131.

23 Environmental Protection: requested an updated AQA, see para 153-155 for discussion.

### **4.3 EXTERNAL CONSULTATION**

24 The following External Consultees were notified on 5 August 2024:

25 Environment Agency: advised that Officers should apply the EA's standing advice in relation to flood risk, see paras 147-148 for further discussion.

26 TfL: no objection subject to a condition for the cycle facilities and informative relating to construction. TfL also advised that the Council consider whether a financial contribution to CPZ consultation would be justified given the increase in density compared to the approved development, see para 133 for discussion.

## **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.

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## 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 While there is no duty to follow a previous planning decision, which includes a decision taken by an Inspector appointed on behalf of the Secretary of State to determine a planning appeal, there is a principle of consistency in planning law. Where a subsequent decision would essentially depart from a previous decision (or, in other words, in reaching that decision the decision-maker was necessarily disagreeing with that previous decision), the decision-maker would be expected to give cogent reasons for that departure.
- 32 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.
- 33 Para 11 of the NPPF presumes in favour of sustainable development. For planning decisions, this means granting permission promptly for developments aligned with the current plan. Para 11(d) states that if relevant plan policies are outdated or absent, permission should be granted unless adverse impacts clearly outweigh benefits, following the "tilted balance." Specifically for housing applications, outdated policies are indicated where the Housing Delivery Test shows delivery below 75% of requirements. In this instance, the council has failed the Housing Delivery Test, with housing completions at 51% of the target. Thus, permission should be granted unless significant and demonstrable adverse impacts outweigh planning benefits (see para 11(d)(i) and (ii)), as per the tilted balance presumption.

## 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)
- Site Allocations Local Plan (June 2013) (SALP)

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- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## **5.5 SUPPLEMENTARY PLANNING GUIDANCE**

35 Lewisham SPD:

- Small Sites SPD (2021)
- Alterations and Extensions SPD (2019)
- Shopfront Design Guide SPD (2006)
- Hatcham Conservation Area SPD (2006)

36 London Plan SPG:

- Planning for Equality and Diversity in London (October 2007)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)
- Sustainable Transport, Walking and Cycling LPG (November 2022)
- Small Site Design Codes LPG (June 2023)
- Housing Design Standards LPG (June 2023)
- Air Quality Neutral LPG (February 2023)

## **5.6 EMERGING LEWISHAM LOCAL PLAN**

37 On the 3rd of November 2023 Lewisham Council submitted the Lewisham Local Plan and its supporting documents to the Secretary of State for its independent examination. The Examination in Public of the draft Lewisham Local Plan was held in 2024 and the Inspector's post-hearing letter was published on 8 November 2024. As such relevant policies may now be given weight as appropriate in accordance with para 48 of the NPPF.

## **6 PLANNING CONSIDERATIONS**

38 The main issues are:

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

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## 6.1 PRINCIPLE OF DEVELOPMENT

### *General policy*

39 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.

40 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*

41 Paragraph 90 of the NPPF aims to ensure that planning policies and decisions support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

42 LPP SD6 states that the vitality and viability of London's varied town centres should be promoted and enhanced.

43 LPP E9 aims to manage clusters of retail and associated uses having regard to their positive and negative impacts on the objectives, policies and priorities of the London Plan including:

- a. town centre vitality, viability and diversity
- b. sustainability and accessibility
- c. place-making or local identity
- d. community safety or security
- e. mental and physical health and wellbeing

44 LPP HC6 requires that planning decisions protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues.

45 CSP 6 designates primary and secondary frontages within the Major and District town centres to ensure essential services are maintained.

46 DMP 14 part 4 states that outside the primary and secondary shopping frontages areas of district town centres the Council will consider applications for development or a change of use from a ground floor shop (Class A1) where the following are met:

- a. the amenity of adjoining properties is not harmed;
- b. the character, attractiveness, vitality and viability of the centre as a whole is not harmed;
- c. in the case of a change to a residential use, the proposal would not result in a harmful break to the continuity of the retail frontage.

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## *Discussion*

- 47 The principle of development was assessed for extant permission DC/23/133766 with Officers concluding that the loss of the lawful commercial use was acceptable for the reasons detailed below.
- 48 The application site is located within the New Cross/New Cross Gate District Town Centre. Both the NPPF and Development Plan include policies aiming to promote the vitality and viability of town centres. The proposed development would result in the loss of a commercial unit, so it is necessary to consider the impact to the town centre.
- 49 DMP 14 provides the framework for considering changes of use of commercial units within designated district town centres, with the main aim of protecting the retail character of the town centres through enhanced protection to designated shopping frontages. The application site is not within a designated shopping frontage, so the framework provided at DMP14.4 is relevant.
- 50 DMP14.4 states that outside of designated shopping frontages changes of use of ground floor retail units to residential accommodation will be considered where the amenity of adjoining properties would not be harmed, there would be no harm to the character, vitality and viability of the town centre and the proposal would not result in a harmful break in the continuity of the retail frontage.
- 51 Starting with amenity, a detailed assessment of the impact of the proposal follows at paras 139-140 but to summarise there would be no significant impacts to the living condition of the neighbouring properties given the modest scale of the development.
- 52 Turning to the economic (including evening economy) and social impact to the town centre. The last lawful use of the property was a restaurant and takeaway business that ceased trading in 2012. Thereafter, it was used unlawfully as a hotel and then an HMO in 2021. The property has therefore not been in retail use in the recent past but would benefit from Use Class E permitted development rights as the conversions to a hotel and HMO were undertaken without the benefit of planning permission. Accordingly, the protections provided by DMP14.4 can be applied albeit with reduced weight given the caveat that Use Class E has a wide range of uses of which retail is just one.
- 53 The commercial character of the immediate parade has been diminished by the loss of commercial uses at Nos. 120 (appears residential but no planning history), 122 (extant permission for mixed-use development utilising the front as bin and cycle storage) and 128 (residential) with only No.124 (hot food takeaway) remaining in commercial use. The uses within this part of the parade are mainly residential and therefore the development does not harm the continuous commercial character of the parade in compliance with DM14.4(c). Given that the commercial character has been lost for this part of the parade it is difficult to argue that the introduction of residential accommodation in this location is harmful to the vitality and viability of the town centre, particularly as the property has not been in commercial use since 2012. As such, Officers are satisfied that the proposed development is also compliant with DMP14.4(b).

### **Principle of development conclusions**

- 54 The lawful and existing land uses are the same as those assessed for the previous proposal, with the only significant difference being the addition of a roof extension to increase the number of consented rooms from 11 to 14. Therefore, the previous decision is a material consideration which carries considerable weight in the assessment of the

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land uses proposed within the current application. Applying the principle of consistency in planning law, Officers conclude that there are no material differences in relation to the land uses that would justify a departure from the assessment of the previous application.

55 Accordingly, Officers conclude that the formal loss of the commercial unit in this particular location is not harmful to the character or economy of New Cross/New Cross Gate District Town Centre and therefore the principle of development is supported.

## 6.2 HOUSING

### *General Policy*

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

57 The Housing Delivery Test is an annual statutory measurement of housing delivery. It provides a similar but parallel performance measurement to that required under the five-year housing land supply statement. The latest Housing Delivery Test results demonstrate that across Lewisham housing completions are significantly under-performing, at 51% of the requirement delivery target. The result imposes three penalties upon the Council which are:

- At 95% under-delivery, the failing local planning authority is required to prepare, publish, and implement an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years.
- At 85% under-delivery the failing local planning authority must apply a 20% buffer on top of their established housing requirement, with the intended ambition that the application of the buffer boosts housing delivery; and
- Below 75% under-delivery the presumption in favour of granting planning permission will apply,

58 These take effect immediately pursuant to paragraph 11(d) of the NPPF. For decision-takers, the imposition of the presumption in favour of granting permission and the engagement of the 'tilted balance' is the most significant and immediate consequence of significant under-performance.

### 6.2.1 Contribution to housing supply

#### *Policy*

59 LPP D2 sets out that the density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure and be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs and services (including both PTAL and access to local services).

60 LPP H1 seeks to optimise the potential of housing delivery, especially on sites with good public transport access level (PTALs) of 3-6 and close to town centres. The target set for Lewisham in the LP is 16,670 homes between 2019-29, or 1,667 as an annualised average.

61 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten-year target for Lewisham of 3,790 new homes.

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- 62 LPP H9 states that boroughs should take account of the role of houses in multiple occupation (HMOs) in meeting local and strategic housing needs.
- 63 Core Strategy Policy (CSP) 1 recognises the Borough's need for housing and outlines the objective to achieve 18,165 new dwellings between 2009/2010 and 2025.
- 64 DMP 6 Houses in multiple occupation states in part (1) that the Council will only consider the provision of new HMOs where they:
- a) are located in an area with a public transport accessibility level (PTAL) of 3 or higher
  - b) do not give rise to any significant amenity impact(s) on the surrounding neighbourhood
  - c) do not result in the loss of existing larger housing suitable for family occupation, and
  - d) satisfy the housing spaces standards outlined in DM Policy 32.

#### *Discussion*

- 65 Paragraph 2.38 of the Local Plan highlights that HMOs that are of a good standard provide an important part of the provision of affordable housing in Lewisham, particularly for young people and those with low incomes. This assessment of need is echoed within LPP H9. However, the Local Plan also highlights that without careful consideration HMOs can cause negative impacts including the loss of family dwellings and a harmful impact on the amenity of surrounding residential, see para 2.35.
- 66 DMP 6 establishes the framework for assessing the creation of new HMOs at Part 1 (a) to (d). Parts (a) and (c) relate to the suitability of a site for the provision of an HMO and intend to prevent new HMOs in areas with low levels of public transport accessibility and where the development would result in the loss of family houses. Neither of these factors apply to the application site and therefore the site is considered appropriate for an HMO subject to an assessment against parts (b) and (d) which will follow in the following sections of the report.
- 67 The provision of housing is a priority use within the Development Plan, with HMOs counting as one unit towards local housing targets. This contribution to housing within Lewisham, albeit modest, therefore carries positive weight within the overall planning balance and consequently is supported
- 68 Officers, acknowledge that this is contrary to the requirements of enforcement notice ENF/22/00042 which was upheld on appeal, which requires the unlawful HMO use to cease. However, the test in respect of the enforcement notice is whether the change of use had occurred more than ten years prior to the enforcement investigation and an assessment of the unlawful development against planning policy where it failed on both grounds. The design and layout of the 2023 approval for the HMO use was materially different to the unlawful HMO unit the subject enforcement notice. Moreover, the current development proposes a number of material changes to the existing HMO layout. The principle of the proposed development has been assessed against the relevant policies of the Development Plan and other material considerations and has been found to be compliant.

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69 The proposed development would represent an increase in density compared to the previous application with the number of rooms increasing from 11 to 14. This level of intensification is considered appropriate for a sustainable town centre location with excellent public transport links and proximity to amenities.

#### *Summary*

70 In summary, the proposed housing contribution carries positive weight in the assessment of this application. Assessed in light of the Council's underperformance for the latest Housing Delivery Test, which has triggered the presumption in favour of granting permission and engaged the 'tilted balance', the proposed residential accommodation has been attributed significant weight within the overall planning balance.

71 This assessment is consistent with the assessment of the previous application and there have been no material changes to the proposals or planning policy that would justify an alternative conclusion in relation to the weight that should be attributed to the housing contribution.

### **6.2.2 Residential Quality**

#### *General Policy*

72 NPPF para 135 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

73 DMP 6 states that new HMOs should satisfy the housing spaces standards outlined in DMP 32.

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

#### ***Internal and external space standards***

##### *Policy*

75 London Plan Policy D6 and DMP 32, seek to achieve housing developments with the highest quality internally and externally and in relation to their context and sets out the minimum space standards.

##### *Discussion*

76 All of the proposed rooms within the HMO would exceed the minimum requirements for a single room, being greater than 7.5m in overall area and greater than 2.15m wide. As such, the proposed rooms would comply with the internal space standards within DMP 32 as required by DMP 6. Residents would also benefit from communal Living/Kitchen/Dining rooms at ground and first floor as well as three areas of courtyard at ground floor level. The expanded provision of communal areas is considered to enhance the standard of the accommodation compared to the existing though the provision of external space and contribute to a good overall standard of accommodation. The majority of the rooms would also have en-suite bathroom facilities and there would be one communal bathroom at second floor level.

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77 Overall, Officers consider the quality of the internal and external area to be of an acceptable standard.

### ***Outlook light & privacy***

#### *Policy*

78 LPP D6 seeks high quality design of housing development and requires developments to achieve 'appropriate outlook, privacy, light and amenity'. Policy D6 also seeks to maximise the provision of dual aspect dwellings. This is echoed in DMP 32.

#### *Discussion*

79 All of the proposed rooms would benefit from windows providing adequate levels of natural light. On the upper floors the windows would have generous outlook towards the front and rear of the site and appropriate levels of privacy given the elevated location.

80 At ground floor level the development would feature courtyards designed to provide light and outlook for the rooms. However, the courtyards would also serve as amenity spaces for residents introducing the potential for intrusive views into the rooms. To combat this issue the bottom half of the relevant windows would be obscure glazed. The windows would be openable to give residents the option to increase light and outlook levels when the courtyards are not occupied.

81 Officers recognise that this arrangement is not ideal but consider this balance between privacy, outlook and light to be the optimal solution given that this is communal accommodation where expectations of privacy are reduced. This arrangement was also accepted for the previous application. The glazing and opening method for the windows would be secured by condition.

### ***Noise & Disturbance***

#### *Policy*

82 Paragraph 180 of the NPPF states decisions should amongst other things prevent new and existing developments from contributing to, being put at an unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

83 LPP D13 explains 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.

84 LPP D14 states that development proposals should mitigate and minimise the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses.

#### *Discussion*

85 No assessment of noise has been submitted with the application; however, Officers consider that there is sufficient information on which to make an assessment. Residential accommodation is the lawful use of the upper floors of the building and adjoining terrace, so Officers are content that the building is suitable for residential accommodation in noise terms.

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- 86 At ground floor level the windows serving habitable rooms are within internal courtyards at the rear which would provide relief from the road and barriers to noise break-in from noise generating uses located at the rear of the site, such as the Music Rooms and the light-industry on Fisher's Court. Therefore, Officers are content that it would be possible to achieve noise levels for the habitable rooms in accordance with the British Standard. Details of the sound insulation against external noise would be secured by condition prior to the occupation of the development.
- 87 The distance to the noise generating uses and imposition of the sound insulation condition would be sufficient to ensure that statutory noise complaints and restrictions to the operations of the noise generating uses are unlikely. Furthermore, there are existing sensitive receptors in closer proximity to those sites, so the proposed change of use would not be an 'Agent of Change' to a full extent.
- 88 This assessment is consistent with the conclusions reached in the assessment of the previous application.

### ***Ventilation & air quality***

#### *Policy*

- 89 NPPF para 180 states that planning decisions should among other things prevent new and existing development being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution.
- 90 DMP 32 states that any single aspect dwellings provided will require a detailed justification as to why a dual aspect dwelling is not possible and a detailed demonstration that adequate lighting and ventilation can be achieved.

#### *Discussion*

- 91 The building is dual aspect, and all of the rooms would benefit from openable windows, providing passive cross ventilation within the building. The Air Quality Assessment (Redmore Environmental, December 2023) submitted with the application finds that exceedances of the annual mean AQO for NO<sub>2</sub> are unlikely and therefore concludes that the site is suitable for residential accommodation without the need for mitigation.

### ***Summary of Residential Quality***

- 92 The quality of the residential accommodation is considered acceptable subject to conditions securing appropriate noise levels and the provision of obscure glazing for the ground floor windows.

### **6.2.3 Housing conclusion**

- 93 The proposed development is considered acceptable in housing terms with the contribution to housing supply attributed significant weight in the overall planning balance in accordance with para 11d of the NPPF.

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## 6.3 URBAN DESIGN & HERITAGE IMPACT

### *General Policy*

94 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.

### *Policy*

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

96 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.

97 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.

98 LPP D3 states that development proposal should respond positively to the existing character of a place by identifying the special characteristics and features of the locality.

99 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.

100 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.

101 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.

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

103 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.

104 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets.

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105 Further guidance is given within the Hatcham Conservation Area Character Appraisal and SPD, the Alterations and Extensions SPD and at para 124(e) of the NPPF.

*Discussion*

106 The proposed development would see the construction of a roof extension that would add an additional storey to the building. The construction of the roof extension would result in the loss of the historic London roof, which is an important historic architectural feature of the group of Non-Designated Heritage Assets (NDHA). The Conservation Officer has identified that loss of another historic butterfly roof in this sensitive historic terrace would constitute a degree of harm to the character and appearance of the Conservation Area, as well as cumulative harm, further eroding the historic architecture and detailing of a group that is already suffering from unsympathetic alterations.

107 Officers acknowledge that the loss of the traditional London roof would have a significant visual impact to the building but are not persuaded that this change would be harmful given that the roofscape of the terrace has already been altered significantly by the roof extensions either side at Nos. 124 and 128 New Cross Road. The roofscape of the terrace has also been altered by the addition of a pitched roof to No. 120 meaning that the London Roof at the application site is therefore one of only two surviving examples of London roofs within the terrace. Officers consider that this has diminished the importance of the roof form to the group value of the terrace.

108 Therefore, on balance the loss of the London roof is not considered harmful to the character and appearance of the Hatcham Conservation Area, the terrace row or the significance of the NHDA. The property is therefore considered suitable for vertical intensification in accordance with the provisions of para 124(e) of the NPPF and the principle of an additional storey is acceptable.

109 The roof extension as initially proposed had vertical front and rear elevations featuring facing brickwork. The bulk and design of the extension was considered harmful particularly as it would not be understood as part of the roof thereby eroding the historic proportions of the property. In response to this advice the design of the extension was amended to reference a traditional mansard with pitched front and rear slopes clad in slate. This traditional approach extends to the dormers which would be clad in lead and house timber sash windows. The proposed mansard style design would ensure that the top storey would appear as part of the roof and while lacking the double-pitch of a traditional mansard, would be a more sensitive addition in keeping with the design of the extension at No.128. This form of mansard roof extension is also permitted within the Alterations and Extensions SPD. Therefore, the proposed mansard is supported subject to a condition securing details of the materials.

110 The proposed development also includes an enhancement to the front façade through the restoration of a traditional style timber shopfront at ground floor level. Officers have negotiated a further enhancement with the restoration of timber sash windows to the first and second floor in place of the harmful uPVC casement windows currently installed. The Conservation Officer is supportive of these interventions but has advised that detailed drawings would be required to ensure that the proportions and detailing are appropriate. These details would be secured by condition.

111 The site is also located within an Area of Archaeological Priority. No below ground works are proposed as part of the development so any impacts to archaeology would be negligible and further details are not required.

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112 Overall, Officers are satisfied that the current proposal would lead to no harm to the Hatcham Conservation Area or the Non-Designated Heritage Asset.

*Summary*

113 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 proposal would preserve the character and appearance of the Hatcham Conservation Area.

**6.3.1 Urban design & heritage impact conclusion**

114 The proposed development is considered acceptable with regard to urban design and the impact to designated and non-designated heritage assets.

**6.4 TRANSPORT IMPACT**

*General policy*

115 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 108. 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.

116 Para 115 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”.

**6.4.1 Local Transport Network**

*Policy*

117 The NPPF at paragraph 114 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

118 LPP T4 states that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity.

*Discussion*

119 The application site has a PTAL of 6a which indicates that the site has an excellent level of public transport accessibility. Therefore, Officers are content that the proposed scale of development could be accommodated within the surrounding transport network without the need for mitigation.

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## 6.4.2 Servicing and refuse

### *Policy*

- 120 NPPF para 135 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.
- 121 LPP D6 states that housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables (for at least card, paper, mixed plastics, metals, glass) and food waste as well as residual waste.
- 122 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.
- 123 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

### *Discussion*

- 124 Servicing and refuse collection for the development would remain from the front of the development on New Cross Road. This is an acceptable arrangement for this scale of development as there is no access at the rear of the site. The on-street restrictions allow loading for 20 minutes which is considered suitable for the likely type and intensity of servicing activity.
- 125 Refuse storage for the building would be provided within a store located at the front of the ground floor with level access from the road. The store would be a suitable size for the development and has been considered acceptable by TfL and the Council's Highways Officers. Therefore, Officers do not share the concerns expressed by the Conservation Officer that the development would lead to an increase in clutter to the street.
- 126 The provision of the refuse facilities would be secured by condition prior to the occupation of the development.

## 6.4.3 Transport modes

### *Cycling*

#### *Policy*

- 127 Residential development is required to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

#### *Discussion*

- 128 The proposed development would generate a requirement for 14 long-stay cycle parking spaces based on the figure for self-contained single person residential accommodation. The development includes two areas of cycle parking, a store adjacent to the front entrance providing storage for 11 cycles and a store for four cycles located under a staircase on the raised area of the ground floor. Therefore, the long-stay cycle facilities for the development would exceed the policy requirement.

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- 129 The main cycle storage would benefit from level access from the street, as required by the London Plan, so would broadly comply with the London Cycle Design Standards (LCDS). However, the smaller area of cycle parking would not have level access and none of the facilities would be suitable for larger and other non-standard cycles meaning that full compliance with the LCDS would not be achieved.
- 130 This partial non-compliance is regrettable but Officers, recognising the constraints of converting an existing building, consider a flexible approach would be appropriate in this case given that the overall quantum is policy compliant, and the main area of cycle parking would benefit from level access. Furthermore, this arrangement was accepted for the previous application. The provision of the cycle parking would be secured prior to the occupation of the building.
- 131 No short-stay cycle parking is proposed as part of the development. This was accepted for the previous application as the site does not benefit from any external space to the front of the building and the scale of development was not judged to have warranted an off-site contribution. Officers maintain this conclusion, despite the increase in the overall number of rooms, given the high PTAL and modest level of intensification proposed.

***Private cars (including accessible parking and electric charging points)***

- 132 LP Policy T6 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*

- 133 No off-street parking is proposed as part of the development, which is supported given the excellent PTAL. There is potential additional demand from parking to the surrounding roads but this is unlikely to be significant given the scale of development and nature of the accommodation. As such, no additional mitigation in the form of a financial contribution to consultation on a new Controlled Parking Zone (CPZ) for the area nor a restriction to permits for a future CPZ would be required.

**6.4.4 Construction**

*Policy*

- 134 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 developed in accordance with TfL guidance.

*Discussion*

- 135 The proposed development is relatively minor in scale confined to internal alterations and a single-storey roof extension so the impacts from the construction phase of the development would be relatively low. Therefore, further details and mitigation would not be required. TfL agree with this assessment but have requested an informative advising the applicant of the road restrictions for loading and the need for licences for skips and scaffolding on the public highway.

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#### **6.4.5 Transport impact conclusion**

136 The transport impacts of the development would be acceptable subject to the conditions recommended above.

### **6.5 LIVING CONDITIONS OF NEIGHBOURS**

#### *General Policy*

137 NPPF paragraph 135 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D3, D6 and D14) and in the Development Management Local Plan (DMP 30, 31 and 32).

#### *Policy*

138 DMP 6 states that HMO will only be supported where they would not give rise to any significant amenity impact(s) on the surrounding neighbourhood.

#### *Discussion*

139 The external works required to facilitate the development are restricted to a modest roof extension, alterations to the windows and doors, the installation of rooflights at the rear and minor demolition works. As such, no significant impacts to neighbouring levels of natural light or outlook are anticipated. The new and replacement windows and doors would have outlook over the street and onto an internal courtyard thereby maintaining existing levels of privacy for the neighbouring properties.

140 The provision of residential accommodation is unlikely to introduce any significant additional noise impacts to the surrounding properties above those currently experience given the commercial character of the surrounding area and location on a busy A road.

#### **6.5.1 Impact on neighbours conclusion**

141 The impacts to the living conditions of the neighbouring properties would be acceptable.

### **6.6 SUSTAINABLE DEVELOPMENT**

#### *General Policy*

142 Para. 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 for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

143 The policies within the London Plan "Sustainable Infrastructure" chapter are relevant.

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## 6.6.1 Flood Risk

### *Policy*

- 144 Chapter 14 of the NPPF (December 2023) addresses flood risk and climate change policies. The NPPF advises avoiding inappropriate development in flood-risk areas by directing it away from the highest-risk zones. The Planning Practice Guidance outlines various flood sources, including rivers, sea, rainfall, groundwater, sewers, and reservoirs. It also mandates using the sequential test to minimize flood risk by prioritizing development in lower-risk areas.
- 145 LPP SI12 requires development proposals to minimize, mitigate, and address flood risk.
- 146 CSP 10 mandates that developments must reduce flooding in the Borough.

### *Discussion*

- 147 The site is located within Flood Risk Zone 2, so it is necessary to consider the flood risks to future users of the development and of increasing flood risk elsewhere. In accordance with the NPPF the applicant has submitted a Flood Risk Assessment (FRA) (WtFR Ltd, February 2023) and Officers have consulted the EA. The EA have reviewed the application and recommended that Officers apply the EAs standing advice.
- 148 Applying this standing advice, it would not be necessary to carry out the exceptions of sequential tests. The FRA meets the requirements of the standing advice given it is site specific and assesses all sources of flooding, concluding that the development can operate safely in flood risk terms and would not increase flood risk elsewhere. Officers consider these conclusions reasonable for an area that benefits from the flood defences. Accordingly, the development is supported in flood risk terms.

## 6.6.2 Air pollution

### *Policy*

- 149 The NPPF requires developments to avoid contributing to or being affected by high levels of air pollution and to improve local air quality. Design should enhance air quality and reduce public exposure to pollution, especially protecting vulnerable groups.
- 150 LPP SI1 mandates that developments should improve air quality and not diminish existing benefits from air quality initiatives.
- 151 DMP 23 outlines the information needed for applications potentially impacting air quality.
- 152 Additional guidance is provided in the Mayor of London's Air Quality Strategy and the Air Quality Neutral LPG.

### *Discussion*

- 153 The Air Quality Neutral LPG establishes two benchmark values to determine whether developments would be air quality neutral: one in relation to building emissions and one for transport emissions. In regard to building emissions the LPG states that minor development will be considered Air Quality Neutral where:
- the new heating system is a heat pump or other zero-emission heat source;

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- the new heating system includes one or more individual gas boilers with NOx emissions rated at less than 40 mg/kWh; or
- the development is connecting to an existing heat network

154 The Air Quality Assessment (Redmore, December 2023) states that the development would utilise electric heaters for space heating and hot water. This would comply with the requirements of the LPG and therefore would be secured by condition.

155 Turning to transport emissions, the LPG states that minor development will be assumed to be Air Quality Neutral where it complies with the maximum parking standards set by LPP T6 and T6.1. No on-site parking is proposed as part of the development and therefore the scheme would comply with the guidance. As such, Officers are satisfied that the development would be Air Quality Neutral as defined by the London Plan and that no further information would be required.

156 The proposed development requires some minor demolition works. These works are unlikely to generate significant levels of air pollution, so details of the demolition have not been requested. This is consistent with the position taken in the assessment of the previous application.

### **6.6.3 Sustainable Infrastructure conclusion**

157 The impacts in relation to sustainable infrastructure are considered acceptable subject to the conditions recommended above.

## **6.7 NATURAL ENVIRONMENT**

### *General Policy*

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

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

160 The NPPF at 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.

### **6.7.1 Ecology and biodiversity**

#### *Policy*

161 LPP G6 expects Sites of Importance for Nature Conservation (SINCs) to be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.

162 CSP 12 seeks to preserve or enhance local biodiversity.

163 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 biodiversity.

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### *Discussion*

164 The proposed development would not require any significant additional built form and therefore the impacts to ecology and biodiversity would be negligible. Furthermore, the application was submitted prior to 2 April 2024 so Biodiversity Net Gain is not a requirement.

#### **6.7.2 Urban Greening**

##### *Policy*

165 LPP G5 expects major development to incorporate measures such as high-quality landscaping (including trees), green roofs and green walls.

166 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*

167 No soft landscaping or planting is proposed as part of the application. This is considered acceptable in this case as the application site is mainly comprised of built form so no planting would be lost as part of the development while the proposals do not constitute major development so a contribution to urban greening is not a policy requirement.

#### **6.7.3 Natural Environment conclusion**

168 The proposed development would be acceptable in regard to the impact to the natural environment.

## **7 LOCAL FINANCE CONSIDERATIONS**

169 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).

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

171 The CIL is therefore a material consideration. The development will not be CIL liable as there is no net increase in floorspace.

## **8 EQUALITIES CONSIDERATIONS**

172 S149 of 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,

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disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 173 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.
- 174 The public sector equality duty continues to be a duty to have “due regard” to the various needs in section 149, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. In making decisions, the Council must have due regard to the aim of eliminating conduct prohibited by the act, advancing equality of opportunity or fostering good relations.
- 175 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>
- 176 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
- 177 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>
- 178 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.

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## 9 HUMAN RIGHTS IMPLICATIONS

179 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

180 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.

181 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.

182 This application has the legitimate aim of providing development with residential uses. 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 CONCLUSION

183 In making a final decision, the benefits and drawbacks of the development proposals must be weighed. According to section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should follow the development plan unless there are significant reasons not to, and national policies should be followed unless there's a valid reason to deviate.

184 One such consideration is the presumption in favour of granting permission outlined in NPPF paragraph 11(d), where the "tilted balance" favours granting permission by weighing a development's adverse impacts against its benefits. The NPPF prioritises sustainable development, urging approval of proposals aligned with the current plan or, if the plan is outdated, approval unless the harms significantly outweigh the benefits. The Council's failure to deliver housing triggers the tilted balance, favouring permission.

185 In summary, the application site is considered an appropriate location for a new HMO given the high PTAL and that no family housing would be lost. Furthermore, the contribution of one unit to the Council's housing targets is attributed significant positive weight within the overall planning balance in accordance with provisions of paragraph 11(d) of the NPPF. Officers have not identified any harmful impacts to the vitality and viability of the town centre or the character and appearance of the Hatcham Conservation Area and the impacts to neighbouring amenity, the natural environment and the local transport network are considered acceptable.

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186 Accordingly, the application is recommended for approval subject to conditions.

## **11 RECOMMENDATION**

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

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## 11.1 CONDITIONS

### 1. Time Limit

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

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

### 2. Approved Plans

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

2179-NMA-XX-ZZ-DR-B-10001 Rev P1;  
2179-NMA-XX-ZZ-DR-B-10002 Rev P2;  
2179-NMA-00-01-DR-B-10100 Rev P5;  
2179-NMA-XX-ZZ-DR-B-10102 Rev P2;  
2179-NMA-XX-ZZ-DR-B-10200 Rev P2;  
2179-NMA-XX-ZZ-DR-B-10300 Rev P2;  
2179-NMA-XX-ZZ-DR-B-10301 Rev P1;  
2179-NMA-XX-ZZ-DR-A-40101 Rev P1;  
Site Location Plan;  
Received 23 July 2024.

2179-NMA-XX-ZZ-DR-A-40002 Rev P2;  
2179-NMA-XX-ZZ-DR-A-40102 Rev P3;  
2179-NMA-XX-ZZ-DR-A-40300 Rev P2;  
2179-NMA-XX-ZZ-DR-A-40301 Rev P2;  
Received 12 September 2024.

2179-NMA-XX-ZZ-DR-A-40200 Rev P3;  
Received 8 October 2024.

2179-NMA-XX-ZZ-DR-A-10100 Rev P6;  
Received 13 November 2024.

**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. Sound Insulation

(a) Prior to the first occupation of the development hereby approved, full details of a scheme of acoustic protection of habitable rooms against noise shall be submitted to and approved in writing by the local planning authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than:

- i. 35 dB LAeq in living rooms and bedrooms (07:00 hours to 23:00 hours) with windows closed; and
- ii. 30 dB LAeq in bedrooms (23:00 hours to 07:00 hours) with windows closed.

(b) The details approved by part (a) shall be implemented in full prior to the occupation of the development and shall be permanently retained thereafter.

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**Reason:** To safeguard the amenities of the occupiers of the HMO and to comply with Policy D14 Noise of the London Plan (March 2021) and DM Policies 26 Noise and vibration and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

#### 4. **Materials & Design Quality**

(a) Prior to the commencement of above ground works (excluding demolition and site investigations), further details of the external materials and features ("the works") shall be submitted to and approved in writing by the local planning authority. Such details shall include:

- (i) Brickwork, mortar, bond and pointing (specification and drawing at scale 1:20)
- (ii) Natural Slate (specification)
- (iii) Roof covering and fascia (specification)
- (iv) Windows and external doors including frame, cill, header, opening method and glazing (elevations and details section drawings at scale 1:5)
- (v) Rainwater goods e.g., gutters, downpipes, hoppers (specification)

(b) Prior to the first occupation of the development the works shall be implemented in full accordance with the details approved by part (a) and shall be retained and maintained thereafter for the lifetime of the development.

**Reason:** To ensure the use of high-quality materials that complement the character of the development and surrounding area, and to allow the local planning authority to assess the suitability of materials in terms of durability, aesthetics, and overall contribution to the appearance of the building and to comply with DM Policies 30, 31, 36 and 37.

#### 5. **Shopfront Details**

(a) Prior to the installation of the approved shopfront, detailed plans and section drawings at a scale of 1:10 or 1:20, including specific details of the glazing, shall be submitted to and approved in writing by the Local Planning Authority.

(b) Prior to the occupation of the development hereby approved, the shopfront shall be installed in full accordance with details approved by part (a), and shall thereafter be retained and maintained in perpetuity.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 19 Shopfronts, signs and hoardings of the Development Management Local Plan (November 2014).

#### 6. **Refuse and Recycling Facilities**

The refuse and recycling store and facilities shown on approved drawing 2179-NMA-XX-ZZ-DR-A-10100 Rev P6, shall be installed and made available for use prior to the first occupation of the approved development and shall be retained and maintained thereafter throughout the lifetime of the development.

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

## 7. **Cycle Parking**

The cycle parking facilities shown on approved drawing 2179-NMA-XX-ZZ-DR-A-10100 Rev P6, shall be provided and made available for use prior to the first occupation of the approved development and shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

## 8. **Obscure Glazed Windows**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed at ground floor level, identified on drawing 2179-NMA-XX-ZZ-DR-A-10100 Rev P6 hereby approved, shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' for the bottom half of the windows prior to the first occupation of the approved development and shall be retained as such thereafter for the lifetime of the development.

**Reason:** To safeguard the privacy of future residents and to comply with DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 9. **Electric Heaters**

Prior to the first occupation of the development hereby approved, the building shall be fitted with an electric heating system for space heating and hot water and thereafter shall be retained and maintained for the lifetime of the development.

**Reason:** To manage and prevent further deterioration of existing low quality air across London in accordance with Policy S11 Improving Air Quality of the London Plan (March 2021).

## 10. **Water Efficiency**

Mains water consumption shall be compliant with the Optional Requirement set out in Part G of the Building Regulations of 105 litres or less per head per day.

**Reason:** In order to minimise the use of mains water and to comply with Policy S15 Water infrastructure of the London Plan (March 2021).

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## 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 discussions took place which resulted in further information being submitted.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: -  
<http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3) Under the Housing Act 2004, the Government has introduced a mandatory licensing scheme For Housing of Multiple Occupancy (HMOs). HMOs occupied by five or more residents which are three or more stories high are required to be licensed. A maximum fine of up to £20,000 applies for operating an unlicensed HMO. Details on how to apply can be found at:  
<http://www.lewisham.gov.uk/myservices/housing/landlords/Pages/houses-in-multiple-occupation.aspx>
- 4) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- 5) TfL have advised that during the construction work, the applicant's contractors will need to comply with the waiting/loading restrictions applying in front of the property (specifically, a maximum of 20 minutes for loading activity and not at all within the hours of 7am-10am and 4pm-7pm every day except Sunday). The footway will also need to be kept clear, with no storage of materials or a skip on the footway. Any scaffolding extending beyond the existing frontage will need a licence from TfL (search for "highway licences" on TfL's website).
- 6) In the event the permission hereby approved is not implemented the applicant is advised that they would be at risk of prosecution should they not comply the requirements of Enforcement Notice Ref. ENF/22/00042 (appeal ref. APP/C5690/C/23/3318291).

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## 12 BACKGROUND PAPERS

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

## 13 REPORT AUTHOR AND CONTACT

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