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| Committee | PLANNING COMMITTEE (C) | |
| Report Title | GARAGES TO THE REAR OF 3-7, CHESEMAN STREET SE26 4RA | |
| Ward | Forest Hill | |
| Contributors | Sean O'Sullivan | |
| Class | PART 1 | Date: 06 MAY 2014 |

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| <u>Reg. Nos.</u> | DC/13/85169 |
| <u>Application dated</u> | 03.10.2013 |
| <u>Applicant</u> | Arc3 Architects on behalf of Mr E Farrier |
| <u>Proposal</u> | The demolition of the garages at the rear of 3-7 Cheseman Street SE26 and the construction of 1 two bedroom single storey dwelling, together with the provision of 1 car parking space, 2 bicycle spaces and refuse store. |
| <u>Applicant's Plan Nos.</u> | G490/101 Rev.A, 102, 103, 111 Rev.D, 112, 113, 114 Rev.C, 115, 116 Rev.A, 117, 118, 120, 501, Planning Design & Access Statement, Sustainability Statement. |
| <u>Background Papers</u> | (1) Case File LE/457/C/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan |
| <u>Designation</u> | None |
| <u>Screening</u> | None |

1.0 Property/Site Description

- 1.1 The site is located between Sydenham and Forest Hill, in an area of primarily Victorian properties interspersed with newer redeveloped sites.
- 1.2 The site comprises 15 vacant/derelict garages, which are no longer linked to the residential uses nearby. The adjacent residential properties comprise a variety of two and three storey units, with integral gardens and garages.
- 1.3 It would appear, from the poor condition of the site, that the garages are no longer used for vehicular parking and this attracts antisocial activities.

2.0 Planning History

- 2.1 DC/03/55722/X The demolition of the garages at the rear of 3-7 Cheseman Street SE26 and the construction of a part two/part three storey building comprising 3 two bedroom self-contained flats and 2

two bedroom self-contained maisonettes, together with the provision of 5 car parking spaces and landscaping.

REFUSED 6th July 2005 for the following reasons:-

1. *The proposed part two/part three-storey block, by reason of the bulk of the building and relationship to adjoining residential properties, is considered to represent a substantial over-development of the site, with excessive density, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 6 Backland and Infill Development and HSG 12 Density in the adopted Unitary Development Plan (July 2004) and Policy 4B.2 & 4B.3 of The London Plan (February 2004).*
2. *The proposed part two/part three storey block would be visually intrusive and over dominant when viewed from adjoining houses and gardens, especially those at 3-7 Cheseman Street, 9 Brickwood Close and 7 Sandown Court Dartmouth Road, contrary to Policies HSG 4 Residential Amenity and HSG 8 Backland and Infill Development in the adopted Unitary Development Plan (July 2004).*
3. *The proposed part two/part three-storey block on this small site would cause overlooking and loss of privacy to residents in houses in Brickwood Close, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 8 Backland and Infill Development in the adopted Unitary Development Plan (July 2004).*
4. *The applicant has not demonstrated that it is possible to achieve a satisfactory refuse collection provision, due to reasons of narrow and constrained access to the site, which would be contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 8 Backland and Infill Development in the adopted Unitary Development Plan (July 2004).*

2.2

DC/06/63044/X The demolition of the garages at the rear of 3-7 Cheseman Street SE26 and the construction of a two-storey building comprising 4, two-bedroom self contained flats, together with 3 car parking spaces, 4 bicycle spaces, landscaping and refuse store.

REFUSED 14th June 2007 for the following reasons:-

1. *The loss of the existing garages would worsen the already acute on-street parking problems in Cheseman Street and would have an unacceptably harmful effect on parking demand, congestion, access and highway safety, contrary to Policy HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).*
2. *The proposed two-storey block, by reason of the bulk of the building and relationship to adjoining residential properties, is considered to represent an over-development of the site, contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 8 Backland and In-fill Development and HSG 16 Density in the adopted Unitary Development Plan (July 2004) and Policy 4B.2 & 4B.3 in The London Plan.*

3. *The proposed two-storey block would be visually intrusive and over dominant when viewed from adjoining houses and gardens, especially those at 3-7 Cheseman Street, contrary to Policies HSG 4 Residential Amenity and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).*
4. *The applicant has not demonstrated that it is possible to achieve a satisfactory refuse collection provision, due to reasons of narrow and constrained access to the site, which would be contrary to Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004).*

3.0 Current Planning Application

The Proposals

- 3.1 The demolition of the existing 15 garage structures and replacement with one new self contained dwelling.

Plot Size = 495.10m²

Existing Build Footprint area = 208.71m²

Proposed Build Footprint Area = 150.64m²

New Dwelling = 150.64m²

- 3.2 The accommodation would include a 2 bedroom dwelling with amenity space, and would comply with Lifetime Homes and Secured by Design requirements.
- 3.3 2 x bedrooms, living/dining space and kitchen, family bathroom, study and additional dedicated storage space, including a utility room.
- 3.4 The proposed new dwelling is located within a new single storey building within a plot, which is accessible from Cheseman Street. The proposed building maintains a reduced and subservient scale as it gets closer to the rear of the properties which surround it.
- 3.5 The siting of the proposal is at a lower level than the surrounding properties. A fire hydrant is proposed to the front of the dwelling. 1.2 metre high entrance gates would be provided at the entrance to the site from Cheseman Street.

4.0 Consultation

Pre-Application Consultation

- 4.1 A pre-application inquiry was submitted by the applicant in May 2013. Officers accepted the principle of single storey residential development in this location. and stated that the latest proposal constituted a considerable improvement on the previously refused applications, and would improve and safeguard the character and amenities of the residential area. The proposed low rise development, which is located lower than the surrounding properties, reduces overlooking, although care will be required to ensure that the development site will not be overlooked by neighbouring properties, including safeguarding the privacy of amenity spaces, such as garden space.

- 4.2 The proposal allows for a satisfactory vehicular access to the site. Sufficient space needs to be provided between the highway and the gate, in order to provide an off road parking area for vehicles entering the site, while the gate is being opened. It is noted that the Council's Highways officer, has concluded that there would be no adverse impact upon highway safety arising from the proposed development.

Written Responses received from Local Residents and Organisations

- 4.3 Letters were sent to residents in the surrounding area and the relevant ward Councillors. Three letters have been received from 3, 5 and 7 Chesemen Street highlighting the following concerns:-

- Proximity of the proposal to the rear of Nos. 3, 5, 7 & 9 Cheseman Street causing a loss of daylight and privacy,
- Increased parking problems in Chesemen Street as a result of the replacement of the existing garages with a new dwelling,
- Height of the proposed development,
- Construction of the rear boundary,
- Proposed lighting,
- Unsuitability of the site for residential development,
- Security and space for a growing family,
- The area becoming too "built up",
- Emergency vehicle and refuse vehicle access,
- Location of refuse bins close to residential property,
- Further information on proposals for the boundary wall should be requested,
- A "better use" of the proposed development site would be to provide some reasonably priced garage parking,
- Five year old precedents on other sites justifying the proposed development,
- Local residents have not been consulted by the applicant, regarding the loss of garages,
- Comments taken into account by the applicant from the Metropolitan Police in Bromley rather than Lewisham,
- "Anti-social behaviour" only caused by three residents from the neighbouring Council Bail Hostel,
- Proposal not "positive" or "viable" for Sydenham or Forest Hill,
- The flora and fauna on site now attracts a variety of attractive birds and bats,
- Would the garden be large enough to build two more properties or a block of flats?
- There is no side access and access is only available from Cheseman Street,
- Excavation on site,
- Why are there 3 bathrooms and one shower room for a 2 bedroom property?
- More information needed of the proposed internal layout,

(Letters are available to Members)

Highways and Transportation

4.4 Lewisham Highways – No objection received.

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

5.2 A local finance consideration means:

- (a) 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
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.3 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

5.4 National Planning Policy Framework

5.4.1 The NPPF was published on 27th March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.5 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.6 The Statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

Other National Guidance

- 5.7 The other relevant national guidance is:
- By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)
- Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)
- Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)
- Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010)

London Plan (July 2011)

- 5.8 The London Plan policies relevant to this application are:
- Policy 3.3 Increasing housing supply
 - Policy 3.4 Optimising housing potential
 - Policy 3.5 Quality and design of housing developments
 - Policy 3.6 Children and young people's play and informal recreation facilities
 - Policy 3.8 Housing choice
 - Policy 3.9 Mixed and balanced communities
 - Policy 3.17 Health and social care facilities
 - Policy 3.18 Education facilities
 - Policy 3.19 Sports facilities
 - Policy 5.1 Climate change mitigation
 - Policy 5.2 Minimising carbon dioxide emissions
 - Policy 5.3 Sustainable design and construction
 - Policy 5.4 Retrofitting
 - Policy 5.5 Decentralised energy networks
 - Policy 5.6 Decentralised energy in development proposals
 - Policy 5.7 Renewable energy
 - Policy 5.8 Innovative energy technologies
 - Policy 5.9 Overheating and cooling
 - Policy 5.10 Urban greening
 - Policy 5.11 Green roofs and development site environs
 - Policy 5.13 Sustainable drainage
 - Policy 6.9 Cycling
 - Policy 6.10 Walking
 - Policy 6.13 Parking
 - Policy 7.1 Building London's neighbourhoods and communities
 - Policy 7.2 An inclusive environment
 - Policy 7.3 Designing out crime
 - Policy 7.4 Local character
 - Policy 7.6 Architecture
 - Policy 7.19 Biodiversity and access to nature
 - Policy 7.21 Trees and woodlands

5.9 London Plan Supplementary Planning Guidance (SPG)

5.10 The London Plan SPG's relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2004)

Housing (2012)

Sustainable Design and Construction (2006)

Planning for Equality and Diversity in London (2007)

London Plan Best Practice Guidance

The London Plan Best Practice Guidance's relevant to this application are:

Development Plan Policies for Biodiversity (2005)

Control of dust and emissions from construction and demolition (2006)

Wheelchair Accessible Housing (2007)

London Housing Design Guide (Interim Edition, 2010)

Core Strategy

5.11 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 10 Managing and reducing the risk of flooding

Core Strategy Policy 12: Open space and environmental assets

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

5.12 The saved policies of the UDP relevant to this application are:

STR URB 1 The Built Environment

URB 3 Urban Design

URB 12 Landscape and Development

URB 13 Trees

URB 14 Street Furniture and Paving

ENV.PRO 10 Contaminated Land

ENV.PRO 11 Noise Generating Development

ENV.PRO 12 Light Generating Development

ENV PRO 17 Management of the Water Supply

HSG 1 Prevention of Loss of Housing

HSG 4 Residential Amenity

HSG 5 Layout and Design of New Residential Development

HSG 7 Gardens

HSG 8 Backland and In-fill Development

Residential Standards Supplementary Planning Document (November 2006)

- 5.13 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Emerging Plans

- 5.14 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following emerging plans are relevant to this application.

Development Management Plan

- 5.15 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is arranged for the 26th and 27th February 2014.
- 5.16 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.
- 5.17 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.
- 5.18 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

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| DM Policy 28 | Contaminated land |
| DM Policy 35 | Public realm |

- 5.19 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be relevant to this application:

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| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 22 | Sustainable design and construction |
| DM Policy 24 | Biodiversity, living roofs and artificial playing pitches |
| DM Policy 25 | Landscaping and trees |
| DM Policy 29 | Car parking |
| DM Policy 30 | Urban design and local character |
| DM Policy 32 | Housing design, layout and space standards |
| DM Policy 33 | Development on infill sites, backland sites, back gardens and amenity areas |

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application are:

- (a) Principle of Development
- (b) The demolition of the existing garages;
- (c) The design of the proposed dwelling;
- (d) The impact of the proposal on the amenities of neighbouring occupiers;
- (e) Living Conditions for future occupiers;
- (f) Amenity space provision;
- (g) Sustainability principles;
- (h) Sustainability and Lifetime Homes;
- (i) Parking and highway concerns.

Principle of Development

6.2 The principle of the development is considered against saved DM Policy 33 of the Development Management Local Plan – Submission Version November 2013, which states that development on infill and backland sites must meet the policy requirements of DM Policy 30 (Urban design and local character), DM Policy 32 (Housing design, layout and space standards) and DM Policy 25 (Landscaping and trees).

6.3 The proposal would be constructed on a backland site. The proposed dwelling would be located entirely at ground floor level and would replace 15 vacant/derelict garages. The proposed dwelling would include a flat green roof, which would serve to further soften the impact on the surrounding area, when viewed from neighbouring two and three storey dwellings. The proposed development would replace garages that have fallen into disuse. The proposed development would be an improved use of the site and the principle of the development in this location is considered acceptable.

Demolition of the existing garages

6.4 None of the 15 existing garages on the site are in use. The access road/track from Cheseman Street into the site is overgrown. The doors to the garages are mostly left open and/or vandalised. Rubbish has been dumped in some of the garages. Highways raise no objection to the removal of garage spaces from the site.

Design & Appearance

- 6.5 National and local planning policies place considerable emphasis on the importance of achieving high quality design that complements existing development, established townscape and character. The Council would expect any new development to be of a high quality in terms of design and the materials to be used. It is stated in paragraph 56 of the NPPF that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” It is also stated in paragraph 57 of the NPPF that “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”
- 6.6 It is stated in DM Policy 30 Urban design and local character of the Development Management Local Plan – Submission Version November 2013 that the *“Council will require all development proposals to attain a high standard of design. This applies to new buildings and for alterations and extensions to existing buildings. The requirements of Core Strategy Policy 15 which sets out the aims for each Core Strategy spatial area will need to be met.”*
- 6.7 It is recommended that the final details of materials are decided by condition. However, the applicant has indicated on the drawings with the application form that the walls of the proposal will be brick, with painted metal window frames and doors. The proposal includes a flat green roof and further details are recommended to be agreed by condition. The proposed development in this backland area, would enhance the appearance of the site when viewed from the rear of neighbouring residential properties and would enhance the character and appearance of the surrounding area.
- 6.8 The proposal would be acceptable in terms of height, scale, bulk, massing and siting. The proposed development is designed to a high standard and would be appropriate to the context of neighbouring properties and the surrounding area.

Neighbouring Amenity

- 6.9 It is stated in part 1 of DM Policy 32 of the Development Management Local Plan – Proposed Submission Version November 2013, that the *“siting and layout of new-build housing development, including the housing element of mixed use developments, will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.”*
- 6.10 Policy HSG 4 of the UDP expresses the desire to improve and safeguard the character and amenities of residential areas in a number of ways. These include the siting of new dwellings appropriately seeking higher standards of design and landscaping in all new development in residential areas.
- 6.11 The flank wall of the proposed development would cause a slight loss of daylight, loss of outlook and overbearing impact to the front of 7 Sandown Court, as a result of the south western facing wall of the proposed development, projecting to the front of these neighbouring properties. However, the proposed south western facing wall of the proposed development, would only be slightly

higher than the rear wall of the existing garages on this side of the site. Therefore, the loss of amenities caused to the neighbouring properties in Sandown Court, would not be significant enough to warrant refusal.

- 6.12 The proposed development would cause no significant loss of daylight, loss of outlook or overbearing impact to the rear of 3, 5, 7 or 9 Cheseman Street. There would be no significant loss of privacy or increase in overlooking into neighbouring properties, as a result of the single storey height of the proposed development. The rear part of the back garden of the proposal, would be raised in relation to the remainder of the site. However, a 2 metre high fence is proposed on the boundaries of the rear garden, preventing overlooking of neighbouring properties. There are no other amenity concerns caused by the proposed development.

Living Conditions for Future Occupiers

- 6.13 It is stated in part 4 of DM Policy 32 of the Development Management Local Plan – Proposed Submission Version November 2013, that the “*standards in the London Plan and the London Plan Housing Supplementary Planning Guidance (2012) will be used to assess whether new housing development provides an appropriate level of residential quality and amenity*”.
- 6.14 Policy HSG 5 requires all new residential development to be attractive, neighbourly and to meet the functional requirements of its future inhabitants. It is considered that the current proposal would result in a good-sized dwelling house. The habitable rooms allow adequate outlook and natural light intake. The Mayor of London’s Housing Supplementary Guidance, November 2012 and the London Plan set out minimum floor spaces standards for dwellings of different sizes. These are based on the minimum gross internal floor space required for new homes relative to the number of occupants and taking in to account commonly required furniture and spaces needed for different activities and moving around, in line with Lifetime Home Standards. The quality of the proposed accommodation. Is acceptable in terms of room sizes and layout
- 6.15 In terms of outlook and light, all habitable rooms have suitable outlook and would receive adequate natural light.

Private Amenity Space Provision

- 6.16 Policy UDP Policy HSG 7 seeks to ensure that all new dwellings will have private and useable external space. Baseline Standard 4.10.1 of the Mayor of London’s Housing Supplementary Guidance, November 2012. states that a minimum of 5 square metres of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.
- 6.17 It is stated in Part 2b of DM Policy 32 of the Development Management Local Plan – Proposed Submission Version November 2013, that new build housing development must be provided with a readily accessible, secure, private and usable external space and this should include space suitable for children's play. 134.46 square metres of garden space would be provided to the rear of the proposed dwelling. The proposed development would result in a reasonably spacious living environment for future occupiers who would benefit from adequate levels of privacy.

Highways and Traffic Issues

- 6.18 The Council's highways and transportation officer has not raised any objection to the proposal. The site is well serviced by public transport given its proximity to Sydenham and Forest Hill overland rail stations and the fact that it is serviced by several bus routes. Two cycle spaces would be provided with the proposed development and is indicated on the drawings that these would be located to the front of the site, in addition to a car parking space and turning area.

Sustainability and Energy

- 6.19 It is stated in Core Strategy, Policy 8 all new residential development (including mixed use) will be required to achieve a minimum of Level 4 standards in the Code for Sustainable Homes from 1 April 2011. In the Sustainability Statement submitted with this application it is stated that Level 4 could be achieved and a condition is recommended to ensure Code Level 4 is achieved.

Lifetime Homes Standards

- 6.20 A condition is recommended to ensure Lifetime Homes Criteria are achieved.

7.0 Local Finance Considerations

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) 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
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Equalities Considerations

- 8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

The Assessment

8.4 The scheme comprises of a single storey 2 bedroom dwelling. It is anticipated that the proposed scheme will have no impact on equality

9.0 Conclusion

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

9.2 Officers consider that the proposed scheme is acceptable subject to conditions to control the development in detail.

10.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions

- (1) 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) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below: G490/101 Rev.A, 102, 103, 111 Rev.D, 112, 113, 114 Rev.C, 115, 116 Rev.A, 117, 118, 120, 501, Planning Design & Access Statement, Sustainability Statement.

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) No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings) has been submitted to and approved in writing by the local planning authority.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- (4) (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.

- (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
- (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).

- (5)
 - (a) The building hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
 - (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
 - (c) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- (6) (a) No development shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

- (7) No development shall commence on site until a detailed schedule and specification and samples of all external materials and finishes, windows and external doors to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- (8) (a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for the dwelling hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- (9) (a) A minimum of 2 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

- (10) (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Saved Policies URB 3 Urban Design and URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

- (11) (a) No development shall commence on site until details of the green roof to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) and Core Strategy Policy 10 managing and reducing flood risk and Core Strategy Policy 12 Open space and environmental assets.

- (12) The dwelling shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. 6490/117 and 6490/118 hereby approved.

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

- (13) No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

- (14) The whole of the car parking accommodation and turning space shown on drawings 6490/111 Rev.D and 6490/114 Rev.C hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

Reason: To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011) and Table 6.1 of the London Plan (July 2011).

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) It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- (3) You are advised that the application granted is subject to the Mayoral Community Infrastructure Levy ('the CIL'). More information on the CIL is available at: -

<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11> (Department of Communities and Local Government) and
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

- (4) 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. The Council will issue you with a CIL liability notice detailing the CIL payable shortly. For CIL purposes, planning permission permits development as at the date of this notice. However, before development commences you must submit a CIL Commencement Notice to the council. More information on the CIL is available at: -
<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11> (Department of Communities and Local Government) and
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

- (5) **Thames Water Comments:**

Waste Comments

Thames Water would advise that with regard to sewerage infrastructure capacity, there is not any objection to the application hereby approved.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water Thames Water recommend that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments:

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, there is not any objection to the planning application hereby approved.

Thames Water aim to provide customers with a minimum pressure of 10m head (Approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes . The developer should take account of this minimum pressure in the design of the proposed development. Thames Water can be contacted at tel. 0203 577 9998.