

Committee	PLANNING COMMITTEE C	
Report Title	9 Thakeham Close, SE26 6HN	
Ward	Sydenham	
Contributors	Samuel James	
Class	PART 1	19 September 2019

Reg. Nos. DC/19/111586

Application dated 25 March 2019

Applicant Firstplan on behalf of Mr Lawton

Applicants Plan Nos. 139TH-001; 139TH-010; 139TH-020; 139TH-025; 139TH-100; 139TH-101; 139TH-102; 139TH-105; 139TH-201; 139TH-202; Design & Access Statement (Turner); Planning Statement (First Plan); Cover Letter (First Plan) Received 26 March 2019; Parking Survey (ATR - 2 May 2019); Parking Survey (ATR - 25 June 2019) Received 9 July 2019; 139TH-200 Rev.A; 139TH-205 Rev.A 139TH-300 Rev.A Received 23 August 2019;

Proposal The construction of a three storey, three bedroom single family dwellinghouse to the side of 9 Thakeham Close, SE26, together with the provision of bicycle and refuse storage associated landscaping works.

Background Papers

- (1) Core Strategy (adopted June 2011)
- (2) Development Management Local Plan (adopted November 2014)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation PTAL 3

1 SUMMARY

1 This report sets out Officer's recommendations for the above proposal. The report has been brought before members for a decision as the recommendation is to approve and there are more than three valid planning objections.

2 SITE AND CONTEXT

2 The application site is land to the side of Nos. 7, 8 and 9 Thakeham Close, which appears as a three-storey end of terraced house in style, but contains 1 flat at ground floor level and 2 maisonettes at first and second over a double width plot.

3 The land to the side of the 'end of terrace' property, which forms the application site, currently forms part of the amenity space for the ground floor flat, No.9, and it is only accessible to them.

- 4 The surrounding area is residential in nature, with Thakeham Close being a cul-de-sac of similar properties. It is a 1960s 'Wates' development.
- 5 Sydenham High School borders the western boundary of the site, and is bound by a high brick wall.
- 6 The site has a PTAL rating of 3, which means it has relatively good levels of public transport accessibility. It is not located in a conservation area, and there are no listed buildings within the immediate vicinity.

3 RELEVANT PLANNING HISTORY

- 7 There is no relevant planning history on file for this site.

4 CURRENT PLANNING APPLICATION

- 8 This application is for the construction of a three-storey, three-bedroom dwellinghouse to the end of the existing terrace, together with landscaping, and the provision of refuse and bicycle storage facilities. No off street parking is proposed.
- 9 A new access would be created for No.9, the ground floor flat, between the proposed new build and the existing end of terrace. The main entrance would be at the front elevation, which would lead through a corridor to the front door of No.9.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

- 10 The Council's consultation was undertaken in accordance with the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 11 Letters were sent to adjoining residents in the surrounding area and the relevant ward Councillors on 9/04/2019. The applicant displayed a site notice on 17/04/2019.
- 12 12 responses were received from individual households, all objecting against the scheme to some degree.

5.1.1 Objections

Material planning consideration	Para where addressed
Will interrupt uniform appearance and symmetry of design. Glazing of a different design to existing.	40, 42
Appearance is out of keeping with existing buildings, and out of character with original 'Wates' development design.	40, 42
Approval would change the character of the close, and set precedent.	39
Loss of greenery and openness.	45
Little detail provided regarding materials.	43

Loss of light to the corner of Thakham Close that constitutes the site.	45
Loss of amenity to existing properties.	52 - 56
No daylight/sunlight report.	54
Increased overlooking from new windows.	56
Entrance to No.9 reduced to a 'corridor' which does not give the 300mm leading edge required by London Housing Design Guidance.	47
Pressure on parking already exists due to school. Congestion particularly acute at weekends. Will create additional pressure.	63
Disruption during construction.	Construction Management Plan Condition
Concerns over ground conditions and subsidence due to additional building	Condition requiring ground investigation works

13 A number of non-material planning considerations were also raised, as follows:

- Site ownership concerns.

14 **LOCAL MEETING**

15 As 12 valid planning objections have been received, objectors and the developer were invited to attend a 'Local Meeting', chaired by a ward councillor. This meeting was held on 16th August 2019, at St Bartholomew's Church, Sydenham.

16 The meeting was attended by 11 local residents, Councillor Liam Curran (Chair), the developer's planning agent and architect, personal representatives for the developer, and planning officers Samuel James and James Hughes.

Discussion

17 The key concerns raised by objectors mirrored those received in writing. The key planning concerns were the impact on parking in the surrounding area, the design of the proposal (specifically that it was out of character and does not match the existing houses) and the loss of green/garden space. There was discussion around whether the set back, and set down from the roof were appropriate, and whether the larger windows would have an acceptable appearance.

18 Another major concern raised was to do with subsidence, which many of the residents agreed is a major issue for the street and the wider Sydenham Area.

19 A separate building control application must be submitted, which would demonstrate through calculations and investigation works the steps taken to ensure the structural soundness of the building, and that its impact on adjoining buildings would not be structurally harmful. In order to add an additional layer of control, a condition can be added, if the committee are minded to grant approval, requiring the developer to submit a Preliminary site assessment, and subsequent risk assessment should the proposed development be considered to pose a risk of subsidence.

20 Concern was also raised towards the disruptive nature of building works.

21 Following the meeting, amended drawings were submitted, including a slightly amended window alignment and a rendered strip beneath the ground floor front elevation window, similar to neighbouring properties within the close. These amendments sought to address concerns raised around the design and appearance of the proposal and its impact on the surrounding area, and to ensure the proposal would remain in keeping. However, these amendments were not considered so material to warrant reconsultation.

5.2 INTERNAL CONSULTATION

22 The following internal consultees were notified on 09/04/2019.

23 Highways officer: Raised no concerns, however stated that semi-vertical bike stands would not be acceptable, and requested further information on bin collection arrangements. These elements will be dealt with by condition.

24 Environmental Health: Did not comment.

25 Urban Design: Raised no concerns, but suggested that final material details are conditioned.

6 POLICY CONTEXT

6.1 LEGISLATION

26 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

6.2 MATERIAL CONSIDERATIONS

27 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.

28 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.

29 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to the test of reasonableness.

30 Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. This document now has some limited weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

6.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

6.4 DEVELOPMENT PLAN

31 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

32 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

33 London Plan SPG/SPD

- Sustainable Design and Construction (April 2014)
- Housing (March 2016)

7 PLANNING CONSIDERATIONS

34 The main issues are:

- Principle of Development
- Housing and Standard of Accommodation
- Design
- Transport
- Impact on Adjoining Properties
- Sustainable Development

7.1 PRINCIPLE OF DEVELOPMENT

General policy

7.2 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.

7.3 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of

deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

Policy

- 7.4 The National Planning Policy Framework (NPPF) speaks of the need for delivering a wide choice of high quality homes which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 7.5 The current London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sized and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment.
- 7.6 Policy H2 'Small sites and small housing developments' of the draft London Plan states that small sites should play a much greater role in housing delivery. Part D of the policy outlines that boroughs should apply a presumption in favour of small housing developments of between 1 and 25 homes, including (but not limited to) residential conversions, residential extensions and the redevelopment of residential garages to provide additional housing. Part E of the policy states that the presumption in favour of small housing developments means approving small housing developments unless it can be demonstrated that the development would give rise to an unacceptable level of harm that outweighs the benefit of additional housing provision.
- 7.7 Locally, Core Strategy Policy 1 Housing provision, mix, and affordability sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space and other infrastructure requirements (such as transport links).
- 7.8 DM Policy 33 sets out that infill sites are defined as sites within street frontages such as former builder's yards, small workshops and garages, gaps in terraces and gardens to the side of houses. Infill sites may present urban design problems in harmonising the development with the existing built form.

Discussion

- 7.9 As an area of land with a street frontage, situated on a corner plot, it represents an infill site with residential development potential. As an infill site, any scheme is required to be of the highest design quality, relate successfully to the existing streetscape, and provide living accommodation of an acceptable standard without leading to an unacceptable loss of amenity on the neighbouring occupiers. It is also required to meet the policy requirements of DM 30 and 32.
- 7.10 No. 9 (the ground floor flat) has a large private rear garden at approximately 265m², and sits on a much larger plot than the other properties in the terrace. No.9 is the only flat with access to this space. The garden would be sub-divided in order to provide the proposed

dwelling with a private rear garden. The resultant garden area for No.9 would be approximately 153m², and the garden for the new dwelling would be approximately 87m².

- 7.11 This loss of part of the amenity space to the side and rear of No.9 is acceptable, as the resultant garden would still be relatively large, greatly exceeding London Plan minimum space standards, and would be of a similar size to the other gardens along the terrace. Weighed against the benefit of a new family sized dwelling, of which there is an identified pressing need, this loss of amenity space to No.9 is acceptable.
- 7.12 The site is therefore suitable for residential development and would add an additional unit of family accommodation, for which there is a pressing need in the locality. The area is residential in character and a new unit presents no in principle land use conflict; the reduction in the size of the garden to No.9 is acceptable in principle given its existing size and configuration, and the resultant size of the garden would still be well in excess of the minimum requirements.
- 7.13 In light of the above, the Council supports development of the application site for residential use in principle; however this is subject to the development being sensitively designed to ensure no significant harm to the streetscape and amenity of the surrounding area. This matter is discussed in further detail below.

HOUSING

- 7.14 This section covers: (i) the dwelling size mix; and (ii) the standard of accommodation.

Residential Quality

General Policy

- 7.15 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP 3.5), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 7.16 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) daylight and sunlight.

Internal space standards

Policy

- 7.17 DM Policy 32 'Housing design, layout and space standards' and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.

Discussion

Table 1: Summary of internal layout

Unit Type	Room	Size	Policy Requirement	Pass/Fail
3 bedroom/ 6 person	Overall Floor Area	111sqm	108sqm	Pass
	Floor to ceiling height	2.5m	2.3m for at least 75% of gross internal area	Pass
	Kitchen/Diner	18.5m	N/A	
	Living Room	17.5m	N/A	
	Bedroom 1 (double)	12sqm	11.5sqm	Pass
	Bedroom 2 (double)	13.4sqm	11.5sqm	Pass
	Bedroom 3 (double)	13.1sqm	11.5sqm	Pass
	Built-in storage	2.5sqm	2.5sqm	Pass
	Outdoor space	86sqm	9sqm	Pass

7.18 The proposed house would achieve the minimum floor space standards for new houses for 3 bedroom, 6 person houses. It also achieve all minimum Gross Internal Areas (GIA) and bedroom size thresholds. The floor to ceiling height would be in excess of 2.3 metres (2.5m).

Outlook & Privacy

Policy

7.19 London Plan Policy 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1(8) requires development to achieve 'appropriate outlook, privacy and amenity'. Within the same document, policy D4 seeks to maximise the provision of dual-aspect dwellings (i.e. with two openable windows).

7.20 DM Policy 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.

Discussion

7.21 The proposed house would be dual aspect, and be provided with suitable outlook distances and views from habitable spaces. In light of this, appropriate outlook, privacy and ventilation is considered to be provided to future occupiers of these units.

Daylight and Sunlight

Policy

7.22 London Plan Policy 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1(8) requires development to achieve 'appropriate outlook, privacy and amenity'. DM Policy 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents. The London Housing SPD and the Lewisham Alterations and Extensions SPD

promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces.

Discussion

- 7.23 Given the dual aspect, North/south orientation, and the abundance of glazing proposed, the dwelling would be provided with good levels of natural daylight and sunlight. All habitable rooms would be provided with at least one window, and the levels of daylight and sunlight provided is considered good.

Summary of Residential Quality

- 7.24 Officers are satisfied that the design and layout of the proposed units would be suitable and the proposal would provide a high standard of residential accommodation in accordance with the above policies.

Housing conclusion

- 7.25 The proposal would deliver a high quality family sized dwelling, for which there is an identified need in the area. The proposal is therefore considered acceptable in this regard, and in accordance with aforementioned policies.

7.26 URBAN DESIGN

General Policy

- 35 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 36 London Plan Policy 7.4 requires development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It is also required that in areas of poor or ill-defined character, new development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.6 seeks the highest quality materials and design appropriate to its context.
- 37 Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 38 DM Policy 30 requires planning applications to demonstrate a site specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area.
- 39 DM Policy 33 relates to development on infill sites, and states that development will only be permitted where they:
- a. make a high quality positive contribution to an area*
 - b. provide a site specific creative response to the character and issues of the street frontage typology identified in Table 2.1 Urban typologies in Lewisham and to the special distinctiveness of any relevant conservation area*
 - c. result in no significant overshadowing or overlooking, and no loss of security or amenity to adjacent houses and gardens*
 - d. provide appropriate amenity space in line with DM Policy 32 (Housing design, layout and space standards)*

- e. retain appropriate garden space for adjacent dwellings*
- f. repair the street frontage and provide additional natural surveillance*
- g. provide adequate privacy for the new development and*
- h. respect the character, proportions and spacing of existing houses.*

Discussion

- 40 The overall massing and scale of the proposed dwelling would integrate with the surroundings while retaining an appropriate level of subservience necessary to distinguish the proposal from the rest of the terrace while still appearing as part of it.
- 41 It is acknowledged that the proposed house is not of an identical design to the existing houses within Thakeham Close, however new development is not expected or required to directly replicate the surrounding built form. Rather it should provide a site specific response, and ensure the character of the area, including the proportions and spacing of existing houses is respected. New development is expected to make a high quality and positive contribution to the area.
- 42 The proposed dwelling has been sensitively and simply designed to be in keeping with the existing group of terraces, upholding the character of the terrace typology through the proposed form, pitched roof, window alignment and materiality. The proposal is considered to make a high quality positive contribution to the area and provides a site specific response.
- 43 It is acknowledged that the windows would exactly not match those of the existing terrace, as they would be of a different size and glazing pattern. However, the tops of the windows would align with those of the adjoining building, and the difference does not result in an incongruous appearance. Full details of the windows, including opening method, material and style will be reserved by condition, so these can be assessed to ensure the high quality required is achieved. As previously mentioned, new development should not replicate the existing surrounding built form, but it should respect it, which this proposal is considered to do.
- 44 It is noted that following the Local Meeting, minor amendments to the front elevation have been submitted which seek to address some of the design concerns raised. The windows have been reduced in height, and there is now more alignment with the adjoining building. A rendered strip has been added at ground floor level below the window, as a 'design nod' to other houses in the close, which have a similar feature. The final details of the rendered strip are to be reserved by condition.
- 45 The proposed finishing material is brick to match the existing terrace, and to ensure an appropriate brick is used, a condition will be added requiring samples to be submitted to officers and approved in writing prior to any above ground works. The final details of all materials are reserved by condition to allow full assessment by officers.
- 46 154m² of garden space would be retained for the adjacent ground floor flat, which is of a similar size to the other gardens in the terraced row, and a large garden would be provided to the new dwelling in compliance with Policy DM33(d & e). A condition requiring details of boundary treatment will be added to ensure an appropriate level of privacy between private gardens.
- 47 It is acknowledged that an area of external amenity is being lost, and that the openness that exists in this corner of the close would be reduced. However, the loss of openness has been balanced against the high quality design and standard of accommodation proposed, and the identified need for more housing and family housing in the area. When this balancing exercise is carried out, the loss of open space to the side of No.9 Thakeham Close is considered to be acceptable.

- 48 The landscaping plan proposes to plant several trees in the front garden, together with grasses and wildflowers to its borders. The pedestrian path would be in sandstone paving. It is considered that once the planting has matured, that this will create a high quality front garden area, in keeping with other front gardens in the close, upholding the suburban character that exists.
- 49 A condition requiring the landscaping to be planted, and maintained will be added to ensure all proposed planting is carried out within the first year of completion of development. Conditions requiring full details of all soft and hard landscaping to be submitted will ensure the high quality finish is achieved.
- 50 One objection related to the new entrance being created for the existing No.9 has been received. It is acknowledged that this entrance has not been designed with a 300mm leading edge on the door, but this would not be possible given the constraints of the site. Furthermore, the existing entrance to No.9 is similarly constrained, due to a cupboard in the porch which similarly restricts the door opening. When balanced against the benefit of a new family dwelling, the new entrance to No.9 is considered to be acceptable.

Summary

- 51 It is acknowledged that the proposed house would not be an exact replica of the existing houses within the close, however, the proposed design is of a high quality and would respect the surrounding area. It is a site specific response to the character of the street, and would make a high quality and positive contribution, in line with Policies CS15, DM30 and DM33. The proposed design is policy compliant, and therefore it is acceptable.

8 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 52 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).
- 53 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 54 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.
- 55 The main properties to consider in an assessment of the impacts of the proposal upon neighbouring residential amenity are 7, 8 and 9 Thakeham Close (the adjoining building), and 10, 11 and 12 Thakeham Close, the building to the north of the site. The impacts on the adjoining Sydenham High School also need to be considered.

Enclosure and Outlook, Daylight and Sunlight

- 56 *7, 8 and 9 Thakeham Close:* The main impact would be the blocking up of the existing side elevation windows to No.9 (ground) and No.8 (first & second floor), as the proposed building would not extend past the front or rear elevation, but it would be built against the existing side elevation. The affected windows would be one of the living room windows of No.9, and a bedroom and a living room window of No.8. There is no affect to No.7 as it has no side elevation windows.

- 57 In most instances, the complete blocking up of side elevation windows would not be acceptable, as it would restrict outlook and reduce levels of natural light to the affected property, to the detriment of the occupiers' amenity. However, this is a unique situation, where the applicant is also the owner of No.8 and No.9, and the area to the side has residential development potential.
- 58 Furthermore, the side elevation windows that would be affected are all secondary windows to the rooms they serve, and the main windows are in the front and rear elevations, meaning the affected rooms would all still received adequate, and policy compliant levels of outlook and natural light.
- 59 When the provision of a new family home is balanced against the harm caused to the amenity of applicant's own properties, it is considered that the impacts would be acceptable.
- 60 *10, 11 and 12 Thakeham Close:* At its closest point, the proposed house would be 15m from these properties. At this distance, the proposal would not be expected to have any significantly harmful impacts on these flats in terms of increasing the sense of enclosure, or reducing outlook, daylight or sunlight.
- 61 While a sunlight/daylight impact report has not been submitted, one was not considered to be required in this case given the scale of the proposal. Officers have made their own assessment based on the submitted plans and elevation drawings. As the building that makes up 10, 11 and 12, is at an oblique 90 degree angle to the proposed dwelling, and 15m away, there would be no significant direct overshadowing or loss of light to these properties. Officers have carried out desk based assessments in the form of 45 degree, tests from the nearest affected windows, which further suggests the impacts would be acceptable.
- 62 *Sydenham High School:* The proposed house would not be expected to have an overbearing impact on school users, or increase the sense of enclosure in a harmful way. Furthermore, surrounding institutional uses do not do not need to be considered against the BRE criteria.

Privacy

- 63 *Neighbouring residential properties:* The rear facing windows of the proposal would create additional overlooking opportunities into the adjacent rear garden of No.9 Thakeham Close, however these opportunities would be normal for terraced properties in a suburban setting, and would be similar to the existing levels of overlooking from the existing properties in the terraced row, and would therefore not be significantly harmful.
- 64 *Sydenham High School:* The proposal would result in additional upper floor windows, approximately 5.5m closer to the shared boundary with the school. These could result in some additional overlooking into the schools grounds, however these would be at oblique angles, and would not have a significant impact on the privacy of school users.

Other Matters

- 65 Concerns was raised by objectors in writing and at the Local Meeting regarding the disruption that would be cause by construction works. If the committee is concerned over the impacts of construction works then a condition requiring a construction management plan to be submitted can be added if members are minded to approve the scheme. Furthermore, construction works will be limited to the hours of 8am-6pm on weekdays, and 9am and 1am on Saturdays. No works will be allowed on Sundays. Construction delivery hours will be similarly conditioned.

Impacts on neighbours conclusion

66 For the reasons as stated above, no undue loss of daylight, sunlight, outlook or privacy are considered to be generated upon any neighbour as a result of the proposal. The amenity impacts to adjoining occupiers is therefore considered to be acceptable.

9 TRANSPORT IMPACTS

General Policy

67 Policy 6.1 of the London Plan (2016) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.

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

69 The application site is relatively well connected to the wider public transport network with a PTAL rating of 3. It is approximately a 10 minute walk to the nearest train station, and a two-minute walk to the nearest bus stop.

Car Parking

70 There is no off street parking proposed, but given the scale of the development and the fact there is uncontrolled on-street parking in the area, it is unlikely that the proposal would lead to any significant impact on parking stress within the area. It is acknowledged that residents have objected on grounds of parking stress, however it has been demonstrated by the developer through parking surveys that there is capacity within a 200m walking distance for significantly more than one additional car.

Objectors have referred to the adjacent school as contributing to existing parking stress in the area at times that would not have been considered by the parking survey. It is considered that parking stress as a result of school users falls outside the scope of assessment for this application, however, as the development may add to existing parking stress it must be considered. The addition of 1 vehicle would not severely impact on these existing levels of parking stress, and therefore this would not be a reason to refuse the development. *Cycle Parking*

71 Policy 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions). 2 bicycle storage spaces are proposed, within the porch area to the side, and this which would be in line with the standards. The location within the enclosed front/side porch would be dry and secure, and is clearly large enough for the storage of 2 bicycles. The proposed cycle parking facilities will be secured by condition.

Refuse Storage

72 An bin store for 2 bins is proposed within the side porch. This is considered to be an acceptable waste storage solution for a single family dwelling.

73 In light of the above, the impact of the proposal on highways is acceptable, and no objections are raised. The proposed refused and recycling storage facilities will be secured by condition.

10 SUSTAINABLE DEVELOPMENT

74 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. The NPPF requires planning policies to be consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

75 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

76 For schemes of this scale, sustainability requirements have been absorbed into Building Regulations meaning the applicant does not have to comply with any particular sustainability requirements at this stage of the development process.

11 LOCAL FINANCE CONSIDERATIONS

77 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).

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

79 The CIL is therefore a material consideration.

£10,812 Lewisham CIL and £7,431 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

12 EQUALITIES CONSIDERATIONS

80 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

81 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.

82 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

83 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>

84 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

85 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>

86 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.

13 HUMAN RIGHTS IMPLICATIONS

87 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

88 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.

89 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.

14 CONCLUSION

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

91 Officer's consider the proposed development is acceptable in principle, of no significant harm to the character of the application site or surrounding area, or to residential amenity. The scheme is therefore considered acceptable.

92 The proposed new dwelling is recommended for approval, subject to the conditions below.

15 RECOMMENDATION

93 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informative:

15.1 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:

139TH-001; 139TH-010; 139TH-020; 139TH-025; 139TH-100; 139TH-101; 139TH-102; 139TH-105; 139TH-201; 139TH-202 Received 26 March 2019;
139TH-200 Rev.A; 139TH-205 Rev.A 139TH-300 Rev.A Received 23 August 2019;

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 Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (a) Rationalise travel and traffic routes to and from the site.

- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) A scheme of works, and notification to make residents aware of disruptive works with as much notice as possible.
- (d) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

- 4. (a) Notwithstanding the details hereby approved, no development above ground level shall commence until detailed plans at a scale of 1:20 showing windows (including opening details) and important joints have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal, and provision of natural ventilation and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character, and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

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

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

- 6. The refuse and recycling storage facilities as shown on plan No.139TH-100 shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

7. The cycle parking facilities as shown on plan No.139TH-100 shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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).

8. (a) Prior to above ground works drawings showing full details of hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) shall be submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

9. (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

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

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

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

- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

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

12. No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

13. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new full height windows adjacent to the existing terrace to be installed in the front elevation at first and second floor levels of the building hereby approved shall be fitted as obscure glazed and fixed shut and retained in perpetuity.

Reason: To protect the privacy of future occupiers, thereto and to comply with DM Policy 32 Housing design, layout and space standards and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

14. The whole of the amenity space as shown on drawing no.139TH-020 hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

15. No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 9 am and 4pm on Mondays to Fridays and 9 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

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

16. a) Prior to the commencement of the development, a Preliminary Site Assessment (PSA) with respect to land/slope stability shall be submitted in writing to and for approval by the Local Planning Authority. The PSA shall be undertaken by an appropriately qualified person.
- b) IN THE EVENT the submitted PSA indicates that the approved development proposes a risk of subsidence, prior to any below ground works, a Land Instability Risk Assessment (LIRA) shall be submitted in writing to and for approval by the Local Planning Authority. The LIRA shall propose mitigation measures if required.
- c) The mitigation measures if required by the LIRA shall be implemented in accordance with approved details and shall be maintained for the lifetime of the development.

Reason: To minimise the risk and effects of land stability on property and infrastructure.

15.2 INFORMATIVES

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion, during the course of the application, following a meeting with local residents, positive discussions took place which resulted in further information being submitted.
- B. 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>
- C. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- D. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.

- E. 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.