

Committee	PLANNING COMMITTEE A	
Report Title	ANAYAH APARTMENTS, 54B TRUNDLEY'S ROAD, LONDON, SE8 5FB	
Ward	Evelyn Ward	
Contributors	Lewis Goodley	
Class	PART 1	11 MARCH 2021

<u>Reg. Nos.</u>	(A) DC/20/119188
<u>Application dated</u>	13.11.2020
<u>Applicant</u>	Proun Architects on behalf of IFBAA Investments Limited
<u>Proposal</u>	Prior Approval under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development Order 2015 (as amended)) for the construction of an additional storey to 54b Trundley's Road, SE8 to provide 1 x 1-bed and 2 x 2-bed flats.
<u>Background Papers</u>	(1) This is Background Papers List (2) Case File DE/191/54/TP (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Area of Archaeological Priority; Air Quality Management Area.
<u>Screening</u>	N/A

1 SUMMARY

- 1 The application is taken to Planning Committee as there have been 11 individual objections.

2 SITE AND CONTEXT

- 2 The property comprises a modern purpose built part two, part three and part five storey residential building. The building although modern in appearance is broadly sympathetic in scale and architectural style to surrounding development.
- 3 The building steps down to the south to mirror the proportions of the adjacent terrace and does not exceed the height of the adjacent Vida House to the north.
- 4 To the south of the application site are two storey terraced late Victorian housing fronting Trundley's Road. The opposite side of the road is similar in character, with some modern in-fill houses constructed in the early 1990s. The site is adjoined by a recently constructed two storey end terraced house at 54A Trundley's Road. This property has a triangular footprint.

- 5 Trundley's Road is a busy local distributor road and a bus route. There are parking restrictions on the west side of the road. To the rear of the site are the London Overground Lines between New Cross/New Cross Gate/Queens Road and Surrey Quays.



Figure 1 – Site Location Plan.

- 6 The site falls within an Area of Archaeological Priority and Air Quality Management Area but is not subject to any other formal designations.
- 7 The site lies to the south of the Blackheath Point to Central London Designated Views of the London View Management Framework.
- 8 The site has a PTAL of 3.

3 RELEVANT PLANNING HISTORY

- 9 **DC/14/088613** - Demolition of the existing buildings at 54B Trundley's Road SE8 and the construction of a single storey to 5 storey block comprising 4 one bedroom, 20 two bedroom and 3 three bedroom self contained flats, together with a refuse store, cycle store, 3 wheelchair accessible parking spaces and associated landscaping. Approved 05/12/2014.
- 10 This application was subject to conditions and a legal agreement. No condition or clause removed the permitted development rights, with the exception of permitted development rights to the installation of rainwater pipes.
- 11 **DC/20/118212** - Prior Approval for the construction of an additional storey to 54b Trundley's Road, SE8 to provide 1 x 1-bed and 2 x 2-bed flats. Refused 03/11/2020.
- 12 The application was refused on the following grounds:
- Insufficient information has been provided to demonstrate that the development would not give rise to unacceptable impacts on on-street parking provision from

overspill parking within the vicinity of the site contrary to Paragraph 108 of the National Planning Policy Framework (2019) and Policy 14 'Sustainable movement and transport' of the Core Strategy (2011); and DM Policy 29 'Car parking' of the Development Management Local Plan (2014).

4 CURRENT PRIOR APPROVAL APPLICATION

4.1 THE PROPOSALS

- 13 Application to determine whether to grant prior approval for a proposed: New dwellinghouses on detached blocks of flats under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class A to create 1 additional storey to provide 3 dwellinghouses (1 x 1 bed and 2 x 2 bed).
- 14 The proposed one additional storey to the existing detached block of flats to provide new dwellinghouses is permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class A.
- 15 The proposed development would create three new dwellinghouses (1 x 1 bedroom and 2 x 2 bedroom flats).
- 16 The new single additional storey will be constructed in design, detail, appearance and materials to match the existing.



Figure 2 – proposed front elevation

4.2 COMPARISON WITH PREVIOUS SCHEME

- 17 As outlined in Section 3 above a previous Prior Approval application (LBL reference DC/20/118212' was refused on transport grounds only. This reason related to insufficient information being provided to demonstrate that the development proposals would not give rise to unacceptable impacts on on-street parking. All other matters, including appearance were considered acceptable.

- 18 The Applicant has now provided the necessary transport information. More detail is provided within the relevant transport section of the report below.
- 19 The application was not refused on design, amenity or any other reasons outlined in Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development Order 2015 (as amended)).

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

- 20 The regulations require no pre-application engagement. None was undertaken by the Applicant.

5.2 APPLICATION PUBLICITY

- 21 Consultation was undertaken in accordance with Schedule 2, Part 20, Class A Paragraph B (11) and (12).
- 22 All residents of the building were notified along with those adjoining the site. A site notice was displayed.
- 23 Paragraph B (15) (a) states that the local planning authority should take into account any representations made to them as a result of any consultation.
- 24 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 24/11/2020.
- 25 11 total valid objections were received from the occupiers from adjoining properties and nearby.

5.2.1 Comments in objection

Comment	Para where addressed
Dust and impact from construction	Para 112
Design/ External appearance not in keeping	Para 99-105
Transport Impact from the parking of additional on-street parking.	Para 87 -92
Loss of light to nearby properties.	Para 107 - 103

- 26 Comments relating to the maintenance and up-keep of the building are not material planning considerations for the purposes of this application.
- 27 Matters relating to planning enforcement have been passed to the planning enforcement team.

5.2.2 Local Meeting

- 28 In accordance with the Council's Statement of Community Involvement (SCI), a virtual Local Meeting was held on Monday 8th February 2021 at 7pm. Residents were invited via email to attend and submit questions before the meeting.

29 In total six people logged on to the meeting which was held via Zoom. The Applicant Team presented the development proposals, discussed the key issues and answered pre-submitted questions. Full details of the Virtual Local Meeting are in Appendix One.

5.3 INTERNAL CONSULTATION

30 Consultation was undertaken in accordance with Schedule 2, Part 20, Class A Paragraph B (11) and (12). The following internal consultees were notified on 24/11/2020:

31 Environmental Protection – Contamination: No objection, development at roof level.

32 Environmental Protection – Air Quality and Noise: No objection received, noted that no environmental construction management plan or construction management plan were not submitted as part of the application.

33 Environmental Resilience: No objection received.

34 Highways: raised no objections, noted that no details for cycle parking or refuse storage have been provided. Highways noted breaches of the original planning consent (DC/14/088613). These matters have been referred to the planning enforcement team and are not relevant to this Prior Approval Application.

5.4 EXTERNAL CONSULTATION

35 Consultation was undertaken in accordance with Schedule 2, Part 20, Class A, paragraph B(11) and (12). The following External Consultees were notified on 24/11/2020

36 Environment Agency: No objection, noted development is at fifth floor level.

37 Historic England: No objection received.

38 Deptford Neighbourhood Forum: No objection received.

6 POLICY CONTEXT

6.1 LEGISLATION

6.1.1 Town and Country Planning (General Permitted Development) Order 2015 (as amended)

39 On the 15th April 2015 The Town and Country Planning (General Permitted Development) (England) Order 2015 (subsequently amended) was formally brought into force.

40 Schedule 2, Part 20, Class A provides permitted development rights for new dwellinghouses on detached blocks of flats under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This was inserted on the 01 August 2020 by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020.

- 41 Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—:
- (a) transport and highways impacts of the development;
 - (b) air traffic and defence asset impacts of the development;
 - (c) contamination risks in relation to the building;
 - (d) flooding risks in relation to the building;
 - (e) the external appearance of the building;
 - (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
 - (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and
 - (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State and
 - (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building

42 Paragraph B of Class A of Part 20 sets out the procedure for applications for prior approval under Part 20

Procedure

43 The applicant has submitted all the necessary information, plans and correct fee as outlined in Condition B (2) of Class A, Part 20.

Transport and Highway Impact

44 Paragraph B (5) states:

45 Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

46 where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;

47 the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

48 the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

49 Transport is covered at Chapter 9 as set out in the NPPF. Paragraph 102 of the document states transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Flood Risk

50 Paragraph B (6) states:

51 Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is—

52 in an area within Flood Zone 2 or Flood Zone 3; or

53 in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

Air traffic and defence asset impacts of the development;

54 Paragraph B (7) states:

55 Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.

56 Paragraph B (8) states:

57 Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence.

The provision of adequate natural light in all habitable rooms of the new dwellinghouses

58 Paragraph B (9) states:

59 Where the application relates to prior approval as to natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.

Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State

60 Paragraph B (10) states:

61 Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

Contamination Risk

62 Paragraph B (15) (c) states that Part 2A of the 1990 Act defines “contaminated land”, and provides for the Secretary of State to issue guidance on how local authorities should determine which land is contaminated land and which is not. Detailed guidance has been provided within “Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance (DEFRA 2012).

6.2 MATERIAL CONSIDERATIONS

63 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.

64 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.

65 The weight given to a relevant material consideration is a matter of planning judgement, except where the weight that should be given to specific planning considerations is directed, for instance by the NPPF. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

66 Only the material considerations outlined in Section 6.1 of this report, as prescribed by Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development Order 2015 (as amended)) are relevant to the determination of this application.

6.3 NATIONAL POLICY & GUIDANCE

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

6.4 DEVELOPMENT PLAN

67 For the purposes of Prior Approval applications such as this, the Development Plan is the NPPF.

7 PLANNING CONSIDERATIONS

68 The development proposals can only be assessed against the legislation prescribed by Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development Order 2015 (as amended)) are relevant. Where necessary, the relevant policy tests lie within the NPPF. The legislation is discussed in turn below.

69 Where it states **Complies** in bold, Officers have assessed that the development proposals comply with the relevant section or subsection of Class A.

7.1 Development permitted:

Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- (c) works for the construction of appropriate and safe access and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

70 **Complies.**

7.2 Development not permitted:

71 A.1. Development is not permitted by Class A if—

- (a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;

72 **Complies.**

- (b) above ground level, the building is less than 3 storeys in height;

73 **Complies** – 5 storeys.

- (c) the building was constructed before 1st July 1948, or after 5th March 2018;

74 **Complies** – Applicant provided final competition building control certificate dated 18/01/2016

- (d) the additional storeys are constructed other than on the principal part of the building;

75 **Complies**

- (e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

76 **Complies** – 3 metres.

- (f) the new dwellinghouses are not flats;

77 **Complies.**

- (g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);

78 **Complies.**

- (h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;
 - (iii) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

79 **Complies** – 19.25 metres (stated on plans).

- (j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—
 - (i) strengthen existing walls;
 - (ii) strengthen existing foundations; or
 - (iii) install or replace water, drainage, electricity, gas or other services;

80 **Complies** – no other alterations shown.

- (k) in the case of Class A.(b) development there is no existing plant on the building;

81 **Complies.**

- (l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the new building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

82 **Complies** – N/A.

- (m) development under Class A.(c) would extend beyond the curtilage of the existing building;

83 **Complies.**

- (n) development under Class A.(d) would—
 - (i) extend beyond the curtilage of the existing building;
 - (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
 - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

84 **Complies.**

- (o) the land or site on which the building is located, is or forms part of—

- (i) article 2(3) land;
- (ii) a site of special scientific interest;
- (iii) a listed building or land within its curtilage;
- (iv) a scheduled monument or land within its curtilage;
- (v) a safety hazard area;
- (vi) a military explosives storage area; or
- (vii) land within 3 kilometres of the perimeter of an aerodrome.

85 **Complies** – not subject to any of these designations.

7.3 Transport

86 Paragraph B 15(b) requires that the local planning authority must, when determining an application have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application . Transport is covered in chapter 9 set out in the NPPF at paragraph 102. This paragraph states transport issues should be considered from the earliest stages, so that opportunities to promote walking, cycling and public transport use are identified and pursued.

87 The proposed development would be car free, in line with para 106 of the NPPF and the Publication London Plan (due to be adopted 2 March 2021). The Lewisham local development framework Core Strategy adopted in June 2011 suggests that the London Plan be used when assessing the required parking spaces to be provided on site. The London Plan states that “All developments in areas of good public transport accessibility (in all parts of London) should aim for significantly less than 1 space per unit”.

88 The application seeks approval for a development with no off-street parking spaces for the proposed units. The site has a PTAL rating of 3 (moderate). The site therefore does not have good access to public transport. Parking is limited along Trundley's Road due to its width and use for buses, while neighbouring side streets appear heavily parked. There is no controlled parking zone to help prevent overspill parking by limiting access to parking permits.

89 The Applicant has provided a parking survey which demonstrates that the new dwellings would not result in a harmful impact on on-street parking capacity as a consequence of overspill parking. The provision of three units is therefore unlikely to result in materially harmful impacts on on-street parking provision. Highways have responded that they raise no concerns or objections to the impact of this proposal, subject to conditions on cycle and refuse storage.

90 Storage for refuse bins and bicycles would be accommodated within the existing refuse and bike stores. A condition requiring more information is recommended.

91 A Construction Management Plan, as required by the regulations, should be imposed to ensure that construction impacts (including highway impacts) are controlled and appropriately mitigated.

7.4 Contamination and Air Pollution

- 92 Paragraph 120 of the NPPF states that planning decisions should ensure that new development is appropriate for its location.
- 93 Paragraph 181 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones
- 94 Given the site relates to the top floor of a purpose-built modern residential building, it is considered that there is no substantive risk from contamination of the site. Environmental Protection Officers have confirmed this.
- 95 A Construction Management Plan, as required by the regulations, should be imposed to ensure that construction impacts (including dust and noise) are controlled and appropriately mitigated.

7.5 Flooding risk

- 96 The property is within a low flood risk area, Zone 1. The development would be on the fifth floor of the building.
- 97 The proposed development is therefore acceptable from a flooding perspective. The EA or the Council's climate resilience team have raised no objections.

7.6 The external appearance of the building

- 98 Paragraph B (15) (b) states that the local planning authority must, when determining an application have regard to the National Planning Policy Framework (2019) (NPPF).
- 99 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.
- 100 Paragraph 127 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 101 The proposed additional storey would be located to the top floor, set directly above the existing recessed 5th storey. The development would match the appearance of the existing top storey, utilising the same external materials and mirroring the fenestration.
- 102 Set back from the front elevation and side elevations, the additional storey would be accommodated without appearing incongruous or overly dominant. At street level, the projecting brick balconies would largely obscure the additional mass. Vida House, to the north, would obscure any long views of the building toward the site from that direction.
- 103 The proposed development would increase the height of the building but it would remain sympathetic to the host building. Importantly, the additional storey would not interrupt the stepping down of the building to the south or the overall composition or balance of the existing building. The relationship with the terrace to the south would be maintained.
- 104 The proposed development is therefore considered to be of a suitable external appearance and design.

7.7 The provision of adequate natural light in all habitable rooms of the new dwellinghouses;

105 All proposed dwellings and habitable rooms would be afforded adequate natural daylight, as demonstrated in the supporting information submitted by the Applicant.

7.8 Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;

106 Paragraph 127 (f) of the NPPF states that planning decisions should ensure that a high standard of amenity for existing and future users is achieved.

107 The proposed development would be located directly above the existing top recessed floor. The massing of the development is therefore contained within the existing envelope of the building. This would ensure that there is no discernible loss of light or outlook for any of the windows below, at all levels.

108 Any increases in shadowing to the upper external terraces would replicate the established pattern of shadowing which already occurs from the building.

109 Located away from Vida House to the north and properties to the east, the proposed addition would not result in harmful loss of light to any nearby or adjacent properties.

110 All proposed windows would replicate the existing pattern of overlooking to adjacent buildings and thus have no materially harmful impact.

111 Noise and disturbance during construction is not specified as a material consideration by Class A, Part 20. Condition A.2 (3) requires the submission and approval of a management plan prior to commencement.

112 The proposed development is therefore considered acceptable in amenity, with no harmfully unacceptable impacts identified.

7.9 Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State

113 The proposed development is located to the south of the Blackheath Point to Central London Designated Views protected vista. The addition of one storey will therefore have no impact on any protected views.

7.10 Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building

114 The existing building is under 18 metres in height. This information is therefore not required.

8 LOCAL FINANCE CONSIDERATIONS

115 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).

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

117 The CIL is therefore a material consideration.

118 Lewisham CIL and 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.

9 EQUALITIES CONSIDERATIONS

119 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.

120 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.

121 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.

122 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>

- 123 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
- 124 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>
- 125 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.

10 HUMAN RIGHTS IMPLICATIONS

- 126 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
- 127 This report has outlined the consultation that has been undertaken on the Prior Approval application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 128 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.
- 129 This application has the legitimate aim of providing three new homes. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

130 This application has been considered in the light of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development Order 2015 (as amended)).

131 Development is permitted by virtue of Class A. Officers have had regard to the relevant material considerations prescribed by the Order and consider these matters to be acceptable:

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building;
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State; and
- (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building.

12 RECOMMENDATION

132 That the Committee resolve to **GRANT** prior approval subject to the following conditions and informatives:

12.1 CONDITIONS

1) TIME LIMIT

The development under Class A is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

Reason: To comply with Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development Order 2015 (as amended))

2) DEVELOP IN ACCORDANCE WITH APPROVED DRAWINGS

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

2760-L- 802; 2760-P- 801; 2760-P- 802 ; 2760-P- 803; 2760-P- 804 ; 2760-P- 805; 2760-P- 806; 2760-P- 821 ; 2760-P- 822; 2760-P- 823; 2760-P- 824; 2760-P- 825; 2760-P- 826; 2760-P- 827; 2760-L-801.

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) **CONSTRUCTION MANAGEMENT**

Before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated

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 Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development Order 2015 (as amended)), Paragraph 181 of the National Planning Policy Framework (2019) and DM Policy 23 'air quality' of the Development Management Local Plan (2014).

4) **CYCLE PARKING**

- (a) Prior to first occupation, full details of the cycle parking facilities for 6 bikes shall be submitted to and approved in writing by the local planning authority.
- (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).

12.2 **INFORMATIVES**

- 1) 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>
- 2) The developer must notify the LPA of the completion of the development as soon as reasonably practical after completion. Notification must be in writing and should

include: (a) the name of the developer; (b) the address or location of the development and (c) the date of completion.

- 3) The development must be carried out in accordance with the details approved by the LPA.

Appendix One

Details of Virtual Local Meeting

- 133 In accordance with the Council's Statement of Community Involvement (SCI), a virtual Local Meeting was held on Monday 8th February 2021 at 7pm. Residents were invited via email to attend and submit questions before the meeting.
- 134 In total six people logged on to the meeting which was held via Zoom. The Applicant Team presented the development proposals, discussed the key issues and answered pre-submitted questions.
- 135 The planning Officer outlined procedural matters and next steps.
- 136 After a presentation the Applicant answered the following pre-submitted questions (answered by Applicant):
- 137 Question 1 (Councillor Kelleher):
What measures will be undertaken to accommodate the additional homes?
- 138 Question 2 (Councillor Kelleher):
Why are open plan units proposed and are these appropriate given increased working from home?
- 139 *Questions from objectors*
- 140 Question 1:
One would presume you will need a crane situated on the road to carry out construction works. How will you maintain traffic control with the road blocked by a crane?
- 141 Question 2:
Adding a fifth floor to 54B Trundleys Road residential building will affect the current load on the building. How have you calculated the additional load on the foundations?
- 142 Question 3:
The southside of this residential building backs onto an open plan area. During high winds, the wind tends to damage high-rise buildings. Vida House which is next door, has seen damage to the roof, skylights and satellite dish.
Adding a fifth floor will primarily be exposed to greater risk. How are you prevent the structure from being damaged?
- 143 Question 4:
54B Trundleys Road building with a fifth floor will be higher than any other residential building in the area.

Why is it so important to build an additional floor causing disruption and aesthetically displeasing when there is no real benefit to the area?

144 Question 5:

What improvements to the refuse store will be undertaken and how will the space be maintained?