

Committee	PLANNING COMMITTEE C	
Report Title	No.38 Ravensbourne Road	
Ward	Crofton Park	
Contributors	Georgia McBirney	
Class	PART 1	20 May 2021

Reg. Nos. (A) DC/20/119098

Application dated 24.11.2020 [as revised on 29.04.2021]

Applicant Design Extension on behalf of Mr Sutherland

Proposal An application submitted under section 73 of the Town and Country Planning Act 1990 in order to allow for variation of Condition 2 in connection with DC/19/112710 dated 04/09/2020 for the construction of a two storey, two bedroom dwelling house on land to the rear of 38 Ravensbourne Road SE6, together with associated landscaping refuse and cycle parking

Background Papers

- (1) This is Background Papers List
- (2) Case File LE/649/38/TP
- (3) Local Development Framework Documents
- (4) The London Plan

Designation PTAL 3, Air Quality, Hopcroft Neighbourhood Forum and Area of Archaeological Priority

1 SUMMARY

- 1 This report sets out the officer's recommendation for the above proposals. The report has been brought before committee for a decision as 7 objections have been received.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is situated to the rear of 38 Ravensbourne Road and was historically garden land of No.38 Ravensbourne Road; which comprises of a single family dwellinghouse.
- 3 The application site which fronts onto Blythe Hill Lane is currently overgrown.

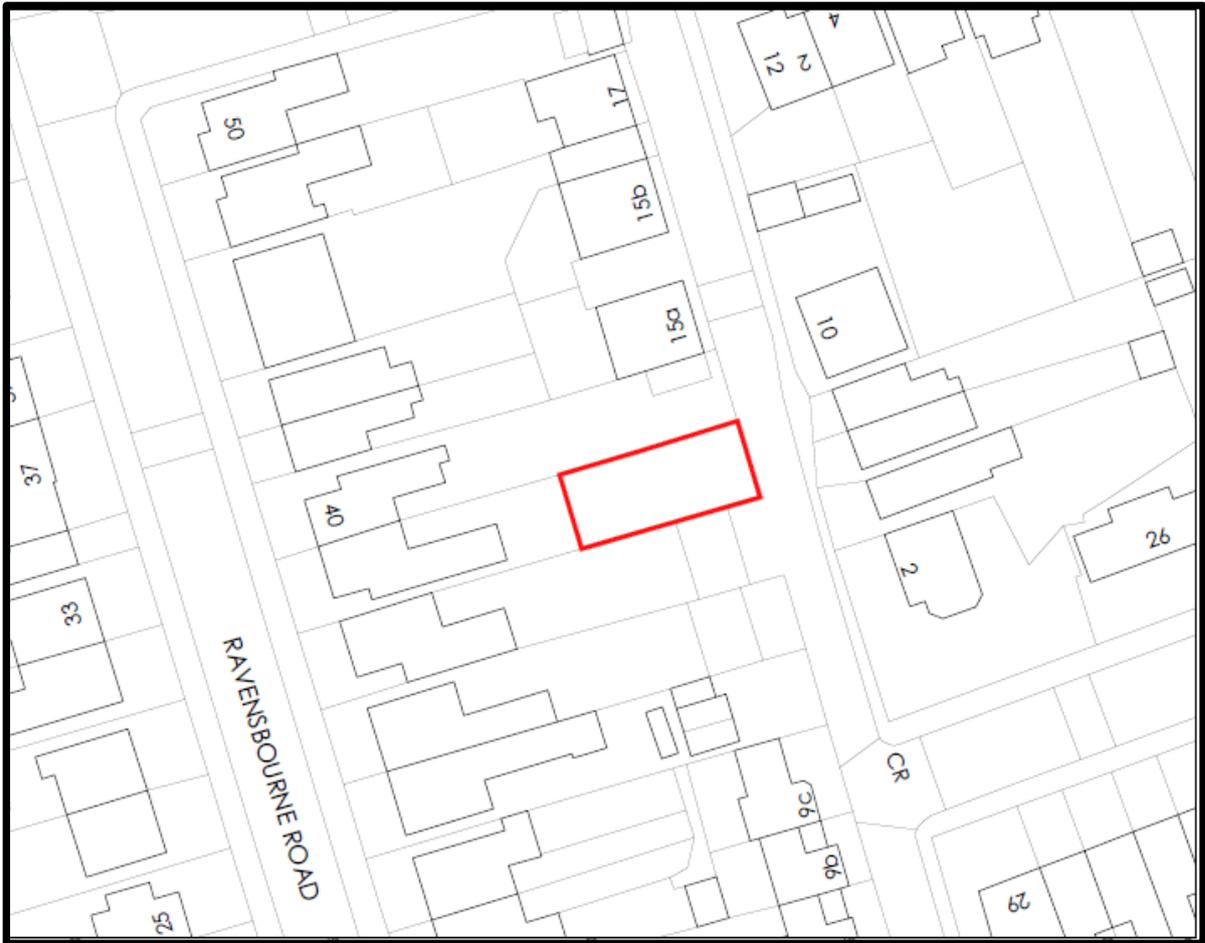


Figure 1 Site Location Plan

Character of area

- 4 The surrounding area is predominately residential in nature. Ravensbourne Road to the west is characterised by semi-detached and detached properties.
- 5 The residential properties on Blythe Hill Lane, vary in character, with some properties being Victorian and 21st century additions. A number of the newer dwellings on the same side as the application site have been built on former garden land/garage sites.

Heritage/archaeology

- 6 The application site is not within a conservation area but is designated as an Archaeological Priority Area.

Local environment

- 7 The site lies within in Flood Risk Zone 1.

Transport

- 8 The application site has a PTAL rating of 3, on a scale of 0 to 6b, with 0 considered to be poor and 6b is considered excellent.

3 RELEVANT PLANNING HISTORY

9 **DC/19/112710:** The construction of a two storey, two bedroom dwelling house on land to the rear of 38 Ravensbourne Road SE6, together with associated landscaping refuse and cycle parking. **Granted 04/09/2020**

10 At the time of the decision of DC/19/112710, the application was eligible to be decided by officers under the extended delegated authority arrangements which were in place until March 2021. These arrangements were facilitated by temporary changes to the Council Scheme of Delegation which were agreed by the Council's Strategic Planning Committee held on 9th June 2020 and changes made to the Council's Statement of Community Involvement which were agreed at a meeting of the Mayor and Cabinet held on 10th June 2020. These temporary arrangements were put in place in response to the Covid-19 pandemic. Application DC/19/112710 was reviewed by a chair person of one of the Council's planning committees who confirmed they were content for the application to be decided by officers under delegated authority.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

11 The present application is an application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments in connection with planning permission (DC/19/112710) dated 4 September 2020 for the construction of a two storey, two bedroom dwelling house on land to the rear of 38 Ravensbourne Road SE6, together with associated landscaping refuse and cycle parking, in order to allow the following changes:

- The re-siting of the dwellinghouse to increase the set-back from the front elevation
- The increase in depth of the dwellinghouse
- The removal of solar panels on the rear roof

5 CONSULTATION

5.1 PRE-APPLICATION ENGAGEMENT

12 No pre-application was undertaken prior to the submission of the application.

5.2 APPLICATION PUBLICITY

13 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 26 November 2020.

14 8 number responses received, comprising [7] objections and [1] support.

5.2.1 Comments in objection

Comment	Para where addressed
Increased parking demand and there is insufficient capacity on Blythe Hill Lane	Para 74
Overlooking and loss of privacy to properties opposite and to the rear	Para 79 and paras 80-84
Loss of trees	Established under DC/19/112710 and the amendments proposed do not propose amendments to the loss of trees on the site.
Loss of garden land	Established under DC/19/112710
The dwellinghouse would be closer to properties at the rear and associated overlooking from this	Paras 80-84
The dwellinghouse is not suitable for family accommodation.	Para 54
Impacts of the construction process	Paras 72-73
Highway safety concerns	Paras 72-73
Damage to trees on neighbouring properties	Para 93

5.2.2 Comments in support

15 The comment that was received in support was submitted by the applicant and as such will not be considered.

5.3 INTERNAL CONSULTATION

16 The following internal consultees were notified on 25 November 2020.

17 Highways: No objection raised to the amendments, comments provided on DC/19/112710 are still relevant. See section 7.5 for further details.

5.4 EXTERNAL CONSULTATION

18 The following External Consultees were notified on 25 November 2020.

19 Hopcroft Neighbourhood Forum: No response received.

6 POLICY CONTEXT

6.1 LEGISLATION

20 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).

21 On an application under Section 73 the local planning authority shall only consider the question of the conditions subject to which planning permission should be granted, and –

(a) if granted they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted they shall refuse the application

6.2 MATERIAL CONSIDERATIONS

22 A ‘material consideration’ is a consideration relating to the use or development which is reasonably considered relevant to the proposed development, when taking the decision in public interest. This may include, where relevant, ‘human factors’ such as personal hardship or circumstances of the occupiers, social policy objectives, or the value of particular kinds of business to the community. There must be sufficient connection to the development in question. Whether a consideration must or may be considered material in a particular case is a question of law that may be determined by the courts. Decision-makers are always required to have regard to the applicable planning policies of the Secretary of State and Council itself.

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

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

24 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)

- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

6.5 SUPPLEMENTARY PLANNING GUIDANCE

25 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Planning Obligations Supplementary Planning Document (February 2015)

26 London Plan SPG/SPD:

- Planning for Equality and Diversity in London (October 2007)
- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Accessible London: Achieving an Inclusive Environment (October 2014)
- Housing (March 2016)

7 PLANNING CONSIDERATIONS

27 The main issues are:

- Application Type
- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development

7.1 APPLICATION TYPE

28 Section 73 of the Town and Country Planning Act (1990) concerns applications for planning permission for the development of land without complying with conditions subject to which a previous permission was granted. Due to the proposed amendments, Condition 2 attached to DC/19/112710 is proposed to be amended to include updated drawing numbers to reflect the proposed amendments.

29 This section sets out an application of planning guidance to this issues for member's reference. Members should note that valid applications are to be determined against the provisions of the development plan and material considerations.

30 Guidance states, "a minor material amendment is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved". This is not a statutory definition. It is the judgement of the local planning authority, on an individual basis as to whether the alterations to the original scheme are non-material, minor material or material but not so substantial/fundamental as to warrant a new planning application.

- 31 If granted the legal effect of an application made under Section 73 is to generate a new planning permission with the amended condition then placed on the application.
- 32 The application seeks a number of changes to the approved scheme, including the setting back of the dwellinghouse and the increased depth of the dwellinghouse to the rear. The proposed amendments are not considered to be substantial in the context of the approved scheme (DC/19/112710), as such the proposed amendments to the drawings and conditions 2 are considered to be minor in the context of the above.

7.2 PRINCIPLE OF DEVELOPMENT

- 33 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.
- 34 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.
- 35 The new London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.
- 36 Policy H1 and table 4.1 identifies a total ten year housing target for net housing completions (2019/20 – 2028/29) of 16,670 for Lewisham, equating to an annual target of 1,667. To help achieve this target, a strategic priority of the PLP is to increase the rate of housing delivery from small sites. LPP H2 and table 4.2 sets a ten-year minimum target of 3,790 homes on small sites for Lewisham. LPP H2 states Boroughs should pro-actively support well-designed new homes on small sites (below 0.25ha). In doing so, Boroughs should recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.
- 37 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).
- 38 DM Policy 33 relates to 'Development on infill sites, backland sites, back gardens and amenity areas' and will be applied to the proposed development. The policy defines various types of development sites, outlining the suitability of residential development on each type of site. It does however recognise that there will be some instances where a particular site will not fall squarely within anyone of these definitions. The policy states that in these cases, the principles that will be applied will be taken from the appropriate parts of this policy.
- 39 Application DC/19/112710 established that whilst the proposed dwellinghouse would be built on back garden land, the application site has infill characteristics as the proposed development would be in the street frontage. Officers still consider the principle of development to be acceptable, given the infill characteristics of the site.

40 Officers highlight to Members not only has the principle of development already been established by DC/19/112710, that if the current application is refused, the original application will remain available and capable of implementation.

7.2.1 Principle of development conclusions

41 The principle of residential development is established with the original application and is still considered to be acceptable, subject to the other considerations in this report.

7.3 HOUSING

42 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; (iii) the standard of accommodation; and (iv) total affordable housing proposed and its tenure split.

7.3.1 Contribution to housing supply

Policy

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

44 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF sets out the need to deliver a wider choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

45 The NPPF encourages the efficient use of land subject to several criteria set out in paragraph 122. Paragraph 123 applies where there is an existing or anticipated shortage of land for meeting, identified housing needs and strongly encourage the optimal use of the potential of each site.

46 LPP H1 and H2 seek to increase the housing supply and to optimise housing output.

Discussion

47 The current application still proposes a two-bedroom dwellinghouse. The previous planning decision (DC/19/112710) established a two-bedroom dwellinghouse to be acceptable. Given that this application would not alter the number or type of unit, the provision of a two-bedroom dwellinghouse is still considered to be acceptable.

7.3.2 Affordable housing

Percentage of affordable housing

48 CSP 1 and DMP 7 seeks to provide a mixed of dwellings and provide affordable housing. CSP 1 requires major residential development to provide a proportion of family sized dwellings. These polices are not applicable to this application as the current application is not a major application as only one unit is proposed and no changes are proposed in respect of this compared to the approved application.

7.3.3 Residential Quality

General Policy

49 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 the relevant polices of the new London Plan (LPP D6),

the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

- 50 The previous application (DC/19/112710) established that the approved dwellinghouse would provide an acceptable standard of accommodation. Due to the proposed amendments, officers need to have regards to whether the proposed development would still provide an acceptable standard of accommodation.

Space standards

Policy

- 51 The Technical Housing Standards (2015), Mayors Housing SPG, LPP D6 and DMP 32 set out or make reference to the minimum internal space standards to achieve housing development that provide the highest quality of space internally in relation to its context.

Discussion

- 52 The table below sets out proposed dwelling size.

Table [1]: Internal space standards – proposed v target

Unit Type	Criteria	Size	Required	Compliance
2B3P	Dwelling Size	88m ²	70m ²	Yes
	Bedroom 1	12.8 m ²	11.5 m ²	Yes
	Bedroom 2	10.8m ²	7.5 m ²	Yes
	Floor to ceiling height	2.3m or above for at least 75%	2.3m or above for at least 75%	Yes
	Built in Storage	2.42m ²	2m ²	Yes
	Private amenity space	41.6m ²	6 m ²	Yes

- 53 The GIA of the dwellinghouse would be enlarged compared to the approved dwellinghouse and would exceed the minimum GIA requirements by 18m². The built in storage has also been increased to 2.42m², which exceeds the minimum requirements. The proposed rear garden would be reduced by 12.9m² to 41.6m², whilst this reduction is regrettable, the proposed private amenity space would substantially exceed the minimum requirement for private amenity space. The proposed standard of accommodation is considered to be acceptable.

- 54 Officers note that concern has been raised that the dwellinghouse would not be suitable for family accommodation. DC/19/112710 was for a 2-bedroom dwellinghouse which included a separate study. The current application shows the same dwelling type in an amended configuration. As the proposed dwellinghouse complies with the space standards, it is considered to be provide an acceptable standard of accommodation. Whilst officers note a 3-bedroom dwellinghouse is not proposed, the proposed dwellinghouse would comply with the GIA requirements for a 3 bedroom four person dwellinghouse.

Outlook, Privacy, Daylight and Sunlight

Policy

- 55 LP Policy D6 seeks high quality internal and external design of housing development and require developments to achieve 'appropriate outlook, privacy and amenity', this is also supported by the Mayors Housing SPG. DM Policy 32 expects all new development to provide a satisfactory level of privacy and outlook for future residents

Discussion

- 56 Application DC/19/112710 established that the proposed dwellinghouse would be provided with an acceptable level of outlook and privacy, typical for an urban setting. The setting back of the front elevation is considered to be acceptable in terms of outlook and privacy as the separation distance between the dwellinghouse and the properties opposite would be increased.
- 57 Officers need to have regards to the impact of the increased depth of the dwellinghouse on privacy. Given the separation distance of approximately 12m between the rear elevation of the proposed dwellinghouse and rear elevation of outrigger at No. 38 Ravensbourne Road and the urban context of the site, the increased depth of dwellinghouse which would bring the windows closer to the rear of the site by 1m, is considered to result in an acceptable level of privacy for the occupiers of the proposed dwellinghouse.
- 58 Officers also need to have regards to the impact of the increased depth in respect of daylight/sunlight and outlook of the proposed dwellinghouse. The proposed increase in depth of the dwellinghouse is not considered to have an unacceptable in terms of outlook as the outlook would be the rear garden of proposed dwellinghouse and would be set back sufficiently from the rear boundary. In regards to the daylight/sunlight received by the proposed dwellinghouse, whilst the no daylight/sunlight assessment has been submitted, all of the rooms in the dwellinghouse would be served by window openings of an adequate size which are considered to provide the dwellinghouse with an acceptable level of daylight/sunlight.

Summary of Residential Quality

- 59 Application DC/19/112710 established that the proposed development would provide an acceptable standard of accommodation. The proposed amendments are still considered to result in the proposed development providing an acceptable standard of accommodation.

7.3.4 Housing conclusion

- 60 Application DC/19/112720 approved a new dwellinghouse and significant weight needs to be attached to this. The amendments proposed to the development would still provide a dwellinghouse which is considered to provide good quality accommodation. The proposed development is still considered to comply with the NPPF, LPP D6, CSP 15 and DMP 32.

7.4 URBAN DESIGN

General Policy

- 61 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.
- 62 LPP D3 and D4 and CSP 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. Further to this, DMP 30 states that new

developments should provide a high standard of design and should respect the existing form of development in the vicinity.

Discussion

- 63 Application DC/19/112710 that the scale, massing and design of the proposed dwellinghouse is considered to have an acceptable impact on the streetscene.
- 64 Compared to the development approved by DC/19112710, the dwellinghouse would be set back by 0.7m, the depth of the dwellinghouse would be increased by 1m to the rear, and the removal of solar panels on the rear roof slope.
- 65 Figure 2 below shows the proposed amendments to the set back and the depth of the dwellinghouse; the blue dashed line is the dwellinghouse as approved under DC/19/112710.

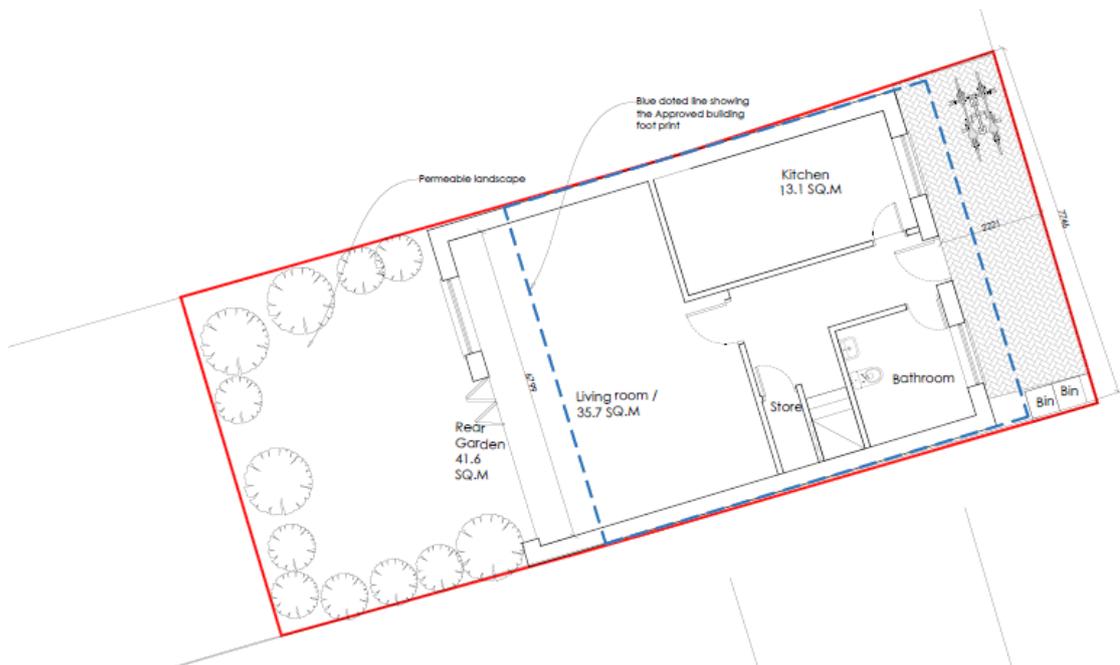


Figure 2 Footprint of the approved dwellinghouse overlaid on the proposed siting of the dwellinghouse

- 66 Figure 3 below shows the rear elevations as approved on DC/19/112710 and figure 4 shows the rear elevation as proposed on the current application.

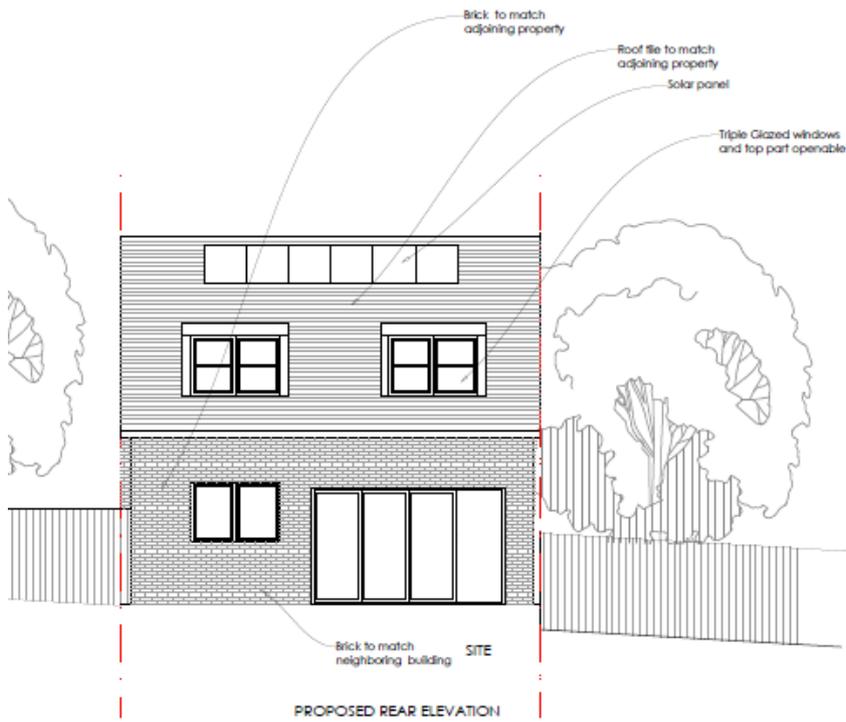


Figure 3 Rear elevation as approved on DC/19/112710

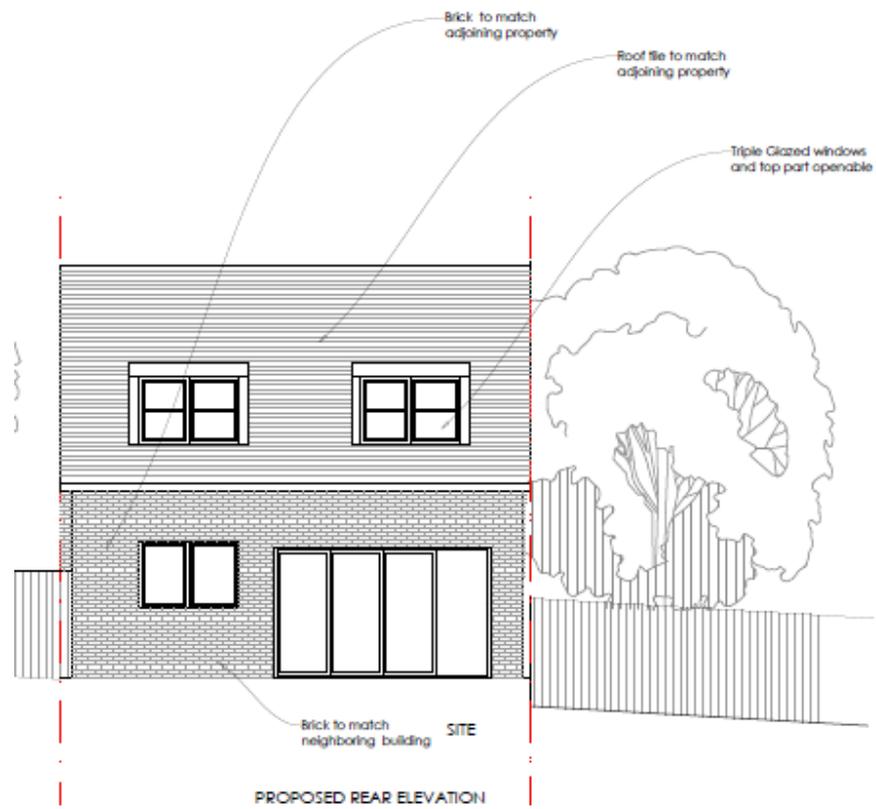


Figure 4 Rear elevation as proposed

67 The proposed increased setback, the increased depth of the dwellinghouse and removal of solar panels, considering their nature and location are not considered to have an unacceptable impact on the design on the dwellinghouse as approved nor on the character and appearance of the streetscene. Officers highlight when viewed from the street, the dwellinghouse would have the same appearance as approved on DC/19/112710.

68 The proposed materials are the same as proposed on DC/19/112710, as like on DC/19/112710, the details of the materials would be secured by condition.

69 As like on DC/19/112710, the details of the hard and soft landscaping would be secured by condition.

7.4.1 Urban design conclusion

70 The proposed amendments to the development approved by DC/19/112710 are considered to have an acceptable impact on the character and appearance of the approved scheme and the wider streetscene.

7.5 TRANSPORT IMPACT

General policy

71 Nationally, the NPPF requires the planning system to actively manage growth to support the objective the para 102. This includes: (a) addressing the impact on the transport network; (b) realised opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality design.

72 Highways Officers did not raise an objection to DC/19/112710 and requested conditions in respect of Construction Logistics Plan and Cycle Parking.

73 As this application is a Section 73 application only the aspects which are proposed to be amended can be considered; namely increasing the set-back of the dwellinghouse. As set out in section 5.3 of this report, Highways do not object to the proposed increased set back of the dwellinghouse subject to the conditions suggested for DC/19/112710 still being in place. To date neither of these conditions have been discharged and these conditions will remain as worded.

74 Officers note that neighbours have raised concern in regards to the parking issues and highway safety. Highways did not raise an objection in respect of these on DC/19/112710. As outlined above, this application can only consider the impacts of the proposed amendments and Highways do not raise objection to the proposed amendments.

7.6 LIVING CONDITIONS OF NEIGHBOURS

General Policy

75 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. At paragraph 180 it is stated decision should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of living conditions.

76 This is reflected in the London Plan (LPP D3), the Core Strategy (CSP 15) and the local plan (DMP 32).

77 DMP 32(1)(b) expects new development to provide a 'satisfactory level' of privacy and outlook and natural lighting for its neighbours.

78 Officers will only have regards to the impacts of the proposed amendments on neighbouring amenity.

Properties opposite on Blythe Hill Lane

79 This application proposes to set back the dwelling house 0.7m compared to the dwellinghouse approved on DC/19/112710. Given that the separation distance would be increased to the properties opposite, the proposed amendment is not considered to have unacceptable impact on the properties opposite on Blythe Hill Lane.

Adjoining properties

80 The impact of the amendments on No. 38 Ravensbourne Road and Nos. 36 and 40 Ravensbourne Road need to be considered.

81 No. 38 Ravensbourne Road is situated to the rear of the application site; No 38 is a two storey property which benefits from a two storey outrigger. The rear elevation of the outrigger at No.38 is set back approximately 7m from the shared boundary and the rear elevation of the main part of the dwellinghouse is set back approximately 15m. The proposed amendments would result in the dwellinghouse being 1m closer to the shared rear boundary between the properties compared to the approved dwellinghouse. The scale of the dwellinghouse as amended is not considered to have an unacceptable impact on amenities of No. 38.

82 It is also need to be considered if there would be an be an unacceptable impact in terms of overlooking and loss of privacy from the first floor windows as result of the proposed increase in depth. Officers acknowledge that the proposed windows would be 1m closer, given that the urban context of the site, the relationship between properties on fronting Blythe Hill Lane and Ravensbourne Road and the separation distance between rear elevations would be approximately 12m, the proposed amendment is not considered to result in an unacceptable impact in terms of overlooking and loss of privacy on No. 38.

83 No. 36 and 40 Ravensbourne Road adjoin either side of the application site, the rear gardens of these properties do not appear to have been formally subdivided to create new plots. Both Nos. 36 and 40 are two storey properties which benefit from two storey outriggers. The separation distance from application site boundary and rear elevation of the outriggers of these properties is approximately 7m and the separation distance to the main rear elevation is approximately 15m. The proposed dwellinghouse would still be situated on the shared side boundaries, however, officers need to consider if the increased depth of the dwellinghouse would an unacceptable impact on Nos. 38 and 40.

84 The proposed amendments would result in the dwellinghouse being 1m closer to the shared rear boundary between the properties compared to the approved dwellinghouse. The scale of the dwellinghouse as amended is not considered to have an unacceptable impact on the properties at Nos. 38 and 40. Officers need to consider if the amendments would have an impact on the rear gardens of these properties, it is still considered that given the size of the gardens and as both properties have garages in the rear gardens, the proposed dwellinghouse is still considered to have an acceptable impact upon the gardens of Nos. 38 and 40.

85 It is also need to be considered of the increase in depth of the dwellinghouse would result in an unacceptable impact in terms of overlooking and loss of privacy from the first floor windows. Whilst Officers acknowledge that the proposed windows would be 1m closer, given that the urban context of the site, the relationship between properties on fronting Blythe Hill Lane and Ravensbourne Road and the separation distance between rear elevations would be approximately 12m, the proposed amendment is not considered to result in an unacceptable impact in terms of overlooking and loss of privacy on Nos. 36 and 40.

The removal of solar panels on the rear roof

86 The removal of solar panels on the rear roof slope would not have an impact on neighbouring amenity.

7.6.1 Impact on neighbours conclusion

87 Officers consider that the proposed amendments to the dwellinghouse approved by DC/19/112710 would still have an acceptable impact on neighbouring amenity.

7.7 SUSTAINABLE DEVELOPMENT

88 NPPF para 148 sets an expectation that planning will support transition to a low carbon future. This is reflected in the London Plan and the Local Plan.

89 CS Objective 5 sets out the Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this. There is no policy requirement of a development of this scale to provide solar panels.

90 Application DC/19/112710 was approved with solar panels on the rear roof slope, this application proposes to omit them. Whilst it is regrettable that the no solar panels would be provided, given the scale of the proposed development and that there is no policy requirement for the provision of solar panels, the loss of solar panels is considered acceptable.

7.8 NATURAL ENVIRONMENT – TREES

Policy

91 S.197 of the Town and Country Planning Act gives specific duties in respect of trees

92 Paragraph 170 of the NPPF (2019) requires that the decisions should contribute to and enhance the natural and local environment. LPP G7 'Trees and woodlands' protects trees and replacement trees should be based on the existing value of the benefits of the trees removed. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

Discussion

93 It should be highlighted that the loss of trees on the application site was established on application DC/19/112710 and does not fall to be considered on this application.

94 There are mature trees along the boundary in neighbouring gardens. Whilst officers acknowledge that a Tree Protection Plan was not secured by condition on DC/19/112710, this application proposes the re-siting of the dwellinghouse and to increase the depth of the dwellinghouse. Considering, the re-siting of the dwellinghouse

and the increased depth of the dwellinghouse, a Tree Protection Plan would be secured by condition as to protect neighbouring trees during building operations.

8 LOCAL FINANCE CONSIDERATIONS

95 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).

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

97 The CIL is therefore a material consideration.

98 £7,920 Lewisham CIL and £5,232.86 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

99 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.

100 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.

101 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.

102 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>

- 103 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
- 104 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>
- 105 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

- 106 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
- 107 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.
- 108 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.
- 109 The landowners have a right to build subject to control under the Town and Country Planning Act. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence and the freedom to enjoy one's home are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

- 110 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 111 This application seeks amendments under Section 73 to DC/19/112710 which was granted planning permission on 4th September 2020.
- 112 The proposed amendments are considered to be minor material in the context of the approved scheme and as such the application type is considered to be the correct.
- 113 The proposed alterations to the approved scheme are considered to be acceptable in terms of design, standard of accommodation and impact on neighbouring amenity.
- 114 Subject to the imposition of conditions, the development is acceptable and in accordance with the development plan.

12 RECOMMENDATION

- 115 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

The development to which this permission relates must be begun not later than 4th September 2023.

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

2) APPROVED DRAWINGS

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

E-100 Rev D; E101- Rev D; E103- Rev D; E104- Rev D; E106- Rev D; E107- Rev D received 29th April 2021

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 LOGISTICS MANAGEMENT PLAN

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) 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

4) EXTERNAL MATERIALS

No development above ground shall commence on site until a detailed schedule and specification of all external materials and finishes/windows and external doors/roof coverings/other site specific features to be used on the building(s) 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.

5) REFUSE AND RECYCLING

(a) No development **above ground level** shall commence until details of proposals for the storage of refuse and recycling facilities for the residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with 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).

6) CYCLE PARKING

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

(b) 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).

7) BOUNDARY TREATMENTS

(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).

8) REMOVAL OF PERMITTED DEVELOPMENT – EXTENSIONS OR ALTERATIONS

No extensions or alterations to the building(s) 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

10) WINDOWS

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in the elevations of the building other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back

gardens and amenity areas of the Development Management Local Plan (November 2014).

11) OBSCURE GLAZING

(a) No development above ground level shall commence on site until details of the obscure glazing in the front elevation, has been submitted to and approved in writing by the local planning authority.

(b) The obscure glazing approved in (a) shall be retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, 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).

12) HARD AND SOFT LANDSCAPING

(a) No above ground works shall take place until a scheme of hard and soft landscaping (including detail of maintenance and management for a period of five years) shall be submitted to an approved in writing by the local planning authority

(b)(i) All hard landscaping works which form part of the approved scheme under part(a) shall be completed prior to occupation of the development.

(b) (ii) 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 of the details of the proposal and comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2016), 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).

13) TREE PROTECTION PLAN

No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures,

and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets 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).

12.2 INFORMATIVES

- 1) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: -<http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- 3) 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.
- 4) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.