

Committee	PLANNING COMMITTEE A	
Report Title	84 Ravensbourne Park	
Ward	Rushey Green	
Contributors	Samuel James	
Class	PART 1	21 JUNE 2021

<u>Reg. Nos.</u>	(A) DC/20/118492
<u>Application dated</u>	22.09.20 as revised on 15.02.21
<u>Applicant</u>	RPR Planning Ltd. on behalf of Newbourne Homes
<u>Proposal</u>	<p>An application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendment in connection with the variation of Conditions (2) and (23) and the addition of a Condition to the planning permission (DC/19/113216) dated 22 June 2020 for Demolition of the existing two storey building at 84 Ravensbourne Park, SE6, and construction of 9 self-contained flats together with car parking spaces, bicycle storage spaces and associated landscaping (as amended by Section 96a application DC/21/121926 dated 27/05/2021) in order to allow:-</p> <ul style="list-style-type: none"> - Internal configuration of the approved scheme to change the Unit mix from 3x 1 beds, 4 x 2 beds and 2 x 3 beds to 7x 2 beds and 2 x 3 beds; - Minor amendments to fenestration positioning
<u>Background Papers</u>	N/A
<u>Designation</u>	Existing residential use. PTAL 4.
<u>Screening</u>	N/A

1 SUMMARY

- 1 This report sets out Officer's recommendations for the above proposal. The application is before members for a decision as the recommendation is to approve and there are four valid planning objections. The application 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 under extended delegated authority arrangements which were in place until 10th March 2021, however the decision was not issued in time.

2 SITE AND CONTEXT

Site description and current use

- 2 The application site is a roughly rectangular plot of land, which has a 22.5m road frontage and averages 37m in depth. It contains an existing two-storey property with a flat roof, reflecting the style of the adjoining 4-storey flats in Iona Close immediately to the south. The site falls away in level from the road, setting the existing house at an appreciably lower level than the street. The northern and eastern boundaries of the site adjoin open land, whilst to the south of the site are large semi-detached and detached houses.

Character of area

- 3 The application site is situated on the east side of Ravensbourne Park, a residential street characterised by houses with deep, maturely landscaped front gardens and flats set in landscaped grounds.

Heritage/archaeology

- 4 The site does not fall within a conservation area, nor does it fall within the setting of a listed building.

Surrounding area

- 5 The surrounding area is residential in nature, and Catford District centre is an approximate 15 minutes walk to the east.
- 6 Ladywell fields, a large public park with children's play areas and sports facilities adjoins the site to the north and east. This is designated as Metropolitan Open Land (MOL) and 'Site of Nature Conservation Importance' (SINC)
- 7 Pendergast Ladywell School is approximately 350m to the north.

Local environment

- 8 The site is in flood risk zone 1, meaning there is minimal risk of river flooding; there are no other known sources of flood risk.
- 9 The site is in an air quality management area.

Transport

- 10 The PTAL rating of the site is 3 according to TFL's online planning tool, but it is directly adjacent to PTAL 5 land, meaning the site has average to good accessibility to public transport. A local bus route operates along Ravensbourne Park, whilst Catford and Catford Bridge Train Stations lie within 0.3 miles or an approximate six-minute walk. The site is therefore considered to be well connected to public transport.

3 RELEVANT PLANNING HISTORY

- 11 **DC/21/121926:** An application submitted under Section 96a of the Town and Country Planning Act 1990 for Non-Material Amendment in connection with planning permission (DC/19/113216) dated 22 June 2020 for the demolition of existing two-storey building at 84 Ravensbourne Park, SE6, and construction of 9 self-contained flats (3 x one, 4 x two

bed and 2 x three bed), together with 3 car parking and 14 bicycle spaces and associated landscaping in order to amended the description of development to read: Demolition of the existing two storey building at 84 Ravensbourne Park, SE6, and construction of 9 self-contained flats together with car parking spaces, and bicycle storage spaces and associated landscaping. Granted 27th May 2021.

- 12 **DC/19/113216:** Demolition of existing two-storey building at 84 Ravensbourne Park, SE6, and construction of 9 self-contained flats (3 x one, 4 x two bed and 2 x three bed), together with 3 car parking and 14 bicycle spaces and associated landscaping. Resolved to grant by Planning Committee A on 9th January 2020, subject to section 106 agreement and conditions. Decision issued 19th June 2020.

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

- 13 An application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendment in connection with the variation of Condition (2) of the planning permission (DC/19/113216) dated 22 June 2020 for the demolition of existing two-storey building at 84 Ravensbourne Park, SE6, and construction of 9 self-contained flats (3 x one, 4 x two bed and 2 x three bed), together with 3 car parking and 14 bicycle spaces and associated landscaping in order to allow:

- Internal configuration of the approved scheme to change the Unit mix from 3x 1 beds, 4 x 2 beds and 2 x 3 beds to 7x 2 beds and 2 x 3 beds;
- Minor amendments to fenestration positioning

- 14 It is noted that the application has been amended during the assessment period. As originally submitted, the proposal included the addition of private gardens to the ground floor flats in place of the approved communal wooded area, and the addition of a roof terrace to serve the top floor flat. These aspects were removed following advice from officers that the changes would not be acceptable.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

- 15 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 8th October 2020, and following revisions further letters were sent on 16th December 2020.

- 16 5 number responses were received, comprising 5 objections.

5.1.1 Comments in objection

Comment	Response / Paragraph where addressed
<i>Provision of private amenity gardens at ground floor level would result in loss of vegetation / trees within the site which were to soften impact of the development.</i>	72 Proposal has been amended since originally submitted, and private amenity gardens are no

	longer proposed. This is in line with the extant permission.
<i>Overlooking and loss of privacy</i>	101
<i>Loss of daylight and sunlight</i>	104
<i>Insufficient parking for proposed development</i>	91
<i>Additional occupants will lead to additional footfall and noise and disturbance from site</i>	105
<i>Windows are too reflective</i>	107

17 A number of other comments were also raised as follows:

18 *Amendment application appears a sly way of sneaking in changes:* the proposed amendments are assessed in the following report against the development plan. Any further future material changes would also require planning permission.

19 *Previous issues of antisocial behaviour on the site:* This has not been considered, as it is not relevant to the planning application.

20 *Scale of building too large / Proposed building should be lower:* The scale and height of the building is not proposed to be amended by this application.

5.2 INTERNAL CONSULTATION

21 The following internal consultees were notified on 8 October 2020.

22 Highways: No comments received

23 Arboriculture officer: No comments received

24 Ecology officer: No comments received

5.3 EXTERNAL CONSULTATION

25 No external consultees were required to be consulted for this application.

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).

6.1.1 Minor material amendments

27 Planning Practice Guidance (2014): Amended consultation requirements for applications under S.73 of the Town and Country Planning Act 1990 were brought into force on 1 October 2009, via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261).

6.2 MATERIAL CONSIDERATIONS

- 28 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.
- 29 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.
- 30 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.
- 31 The main issues to be considered for Section 73 applications are whether the proposed amendments would be acceptable with respect to the Development Plan and whether the proposed variation of conditions are minor in the context of the guidance as set out within the 'Flexible options for planning permissions' section of the Planning Practice Guidance (2014), whilst still adhering to the crux of the objectives of the relevant policies, in the context of the development proposals.
- 32 The Guidance states that "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 LPA, on an individual case basis, as to whether the alterations to the original scheme are non-material, minor material or so material as to warrant a new planning 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

33 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

34 Lewisham SPG/SPD:

- Planning Obligations Supplementary Planning Document (February 2015)

7 PLANNING CONSIDERATIONS

35 The issues to consider, insofar as this s73 applications allows, are as follows:

- Principle of development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport

7.1 PRINCIPLE OF DEVELOPMENT

General policy

36 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.

7.1.1 Principle of development conclusions

37 The new London Plan (March 2021) has been formally adopted since the original decision was made by Committee in January 2020.

38 The committee report for the original application refers to the Draft London Plan (2019) as a material consideration that was given some weight in officer's recommendation. As the London Plan (2021) has now been adopted, it forms part of the Development Plan, and the officers have given due consideration to the adopted policies where relevant in this report.

39 The principle of development, established as acceptable in the original permission is not affected by the proposed alterations, in consideration of the now adopted London Plan (2021).

7.2 HOUSING

40 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.

7.2.1 Contribution to housing supply

Policy

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

42 LPP D2 sets out that the density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure and be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs and services (including both PTAL and access to local services). It states for London to accommodate the growth identified in this Plan in an inclusive and responsible way every new development needs to make the most efficient use of land. This will mean developing at densities above those of the surrounding area on most sites.

Discussion

- 43 The proposed development would deliver 9 new homes, which is consistent with the original permission.
- 44 The amended unit mix would result in 4 x two-bedroom, three person dwellings; 2x two-bedroom, four person dwellings; and 2 x three-bedroom, 6 person dwellings. It would result in three additional bedrooms, and a maximum of three additional residents within the scheme. Tables 1 and 2 below compare the original scheme to the current proposal with regards to density and internal sizes of the dwellings.
- 45 The application site has an area of 0.175ha and is PTAL 3 in a sustainable urban location.
- 46 Table 1 below sets out the measures of density criteria required by the supporting text to LPP D3 (para 3.3.22 of the LP) for all sites with new residential units.

Criteria	Value		Criteria/area	
	<i>Approved</i>	Current Proposal	<i>Approved</i>	Current Proposal
Site Area (ha)	0.1	0.1	<i>n/a</i>	n/a
Units	9	9	<i>90 U/ha</i>	90 U/ha
Habitable rooms	27	30	<i>270 Hr/ha</i>	300 Hr/h
Bedrooms	17	20	<i>170 Br/Ha</i>	200 Br/Ha
Bedspaces	33	36	<i>330 Bs/Ha</i>	360 Bs/Ha

Table [1]: Measures of Density

Summary

- 47 The proposed density in terms of habitable rooms and number of bedrooms and bedspaces per hectare is marginally higher than previously consented. Whether the scale of development is appropriate for the site and surrounding area, the impact on neighbouring occupiers, and accessibility are all relevant factors when determining optimum density. As the scale of development would not change, and as the additional number of occupants would be a maximum of three, the increased density of approximately 3%, when measured by number of bedspaces, is minimal, and would not result in an over-intensification of the site. The proposed amended density is acceptable.

7.2.2 Residential Quality

General Policy

- 48 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 D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 49 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children's play space.

Internal space standards

Policy

- 50 The 'Technical housing standards – nationally described space standards' sets out the minimum floorspace requirements for dwellings.
- 51 DMP 32 'Housing design, layout and space standards' and LPPD6 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

- 52 The table below sets out proposed dwelling sizes of the proposal and the extant permission.

Unit No.	Approved unit size (target)	Amenity space (target)	Proposed Amendment (target)	Amenity space (target)
1 (GF)	100.2m ² 3b6p (95)	15 (9)	107m ² 3b6p (95)	15 (9)
2 (GF)	100m ² 3b5p (86)	16 (8)	104m ² 3b 6p (95)	16 (9)
3 (1F)	63.2m ² 1b2p (50)	6 (5)	67m ² 2b3p (61)	7 (6)
4 (1f)	75.5m ² 2b4p (70)	7.7 (7)	79m ² 2b4p (70)	8.8 (7)
5 (1f)	55.4m ² 1b2p (50)	7.2 (5)	63m ² 2b3p (61)	7.6 (6)
6 (2f)	63m ² 1b2p (50)	6.5 (5)	69.7m ² 2b3p (61)	7 (6)
7 (2f)	74.5m ² 2b4p (70)	7.6 (7)	82m ² 2b4p (70)	8.8 (7)
8 (2f)	75m ² 2b4p (70)	7 (7)	66.4m ² 2b 3p (61)	7 (6)
9 (3f)	79.6m ² 2b4p (70)	7 (7)	80m ² 2b4p (70)	6.3 (7)

Table [2]: Internal space standards – proposed v target

- 53 The replacement of the approved one-bedroom dwellings with two-bedroom dwellings is acceptable and no objections are raised to the amended dwelling mix now proposed. This is in accordance with policy and would deliver a suitable range of unit sizes to meet the local market requirements.
- 54 The proposed revised internal layouts of the dwellings would all provide a greater area than the minimum required Gross Internal Area for their respective number of occupants, and in this respect the standard of amenity would be very high. The rooms are all of a good layout, and the individual bedrooms meet the standards. Policy D6 of the London Plan states the minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling, and this would be exceeded, as demonstrated on the submitted Proposed Section (Plan No.PL-110 B).
- 55 The proposed internal layouts are considered acceptable, in line with the above policies.

Outlook & Privacy

Policy

56 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 openable windows on different elevations).

57 DMP 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

Discussion

58 The slightly revised positioning of windows would not have a negative impact on level of outlook and privacy provided to future residents.

Daylight and Sunlight

Policy

59 The London Housing SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces. LP Table 3.2 states that site layout, orientation and design of dwellings should provide privacy and adequate daylight for residents.

Discussion

60 The revised positioning of windows would not have a negative impact on level of daylight and sunlight provided to future residents.

Noise & Disturbance

Policy

61 The proposed amendments would not have an impact on levels of noise and disturbance experienced by future occupants.

External space standards

Policy

62 LPP D6 states that ‘a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant’.

Discussion

63 All proposed dwellings would be provided with private amenity in the form of terraces/balconies. As a result of the amendments, the top floor balcony would be reduced to 6.3m², which is 0.7m² short of the target. However, considering the proposed internal area of the dwelling would be 10m² greater than the target floor area, and the provision of communal amenity space, this is acceptable.

7.2.3 Housing conclusion

64 The proposed amendments are acceptable with regards to the impact on housing, and the standard of accommodation of the proposed dwellings, in line with the above mentioned policies.

7.3 URBAN DESIGN

General Policy

- 65 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.
- 66 CSP 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.
- 67 DMP 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.

7.3.1 Appearance and character

Policy

- 68 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.



Figure 1: Approved and proposed front elevations

Discussion

- 69 The alterations to the external elevations are minor in nature, and would result in alterations to positioning of window openings on each of the elevations. This would not have a harmful impact on the character and appearance of the surrounding area.
- 70 The scale of the proposed building would remain unchanged, though minor alterations are proposed to the roof level. These minor alterations would not perceptibly alter the overall appearance of the proposal.
- 71 Proposed materials are unchanged, and final details are to be secured by condition.
- 72 Objections relating to soft landscaping have been received. The current proposal does not amend the final scheme of landscaping, and this is still to be assessed and approved by officers. This is recommended to be secured by condition, in line with the original permission.
- 73 The current application as originally submitted included the provision of private amenity spaces to the ground floor flats at the rear of the site. The applicant removed this, as it was contrary to the original intention of the permission. The current proposal no longer includes the provision of these larger private amenity spaces at ground floor level, and the space is to remain communally landscaped. The previous Committee Report noted the following:
- *The majority of the soft landscaping around the building would not be accessible to residents, as it has been designed to create a green buffer around the building, in*

order that the character of the site be protected. The landscaping is proposed to be enjoyed by residents from their own private amenity terraces and balconies. This should help to ensure the long term survival of hedges and shrubbery that is proposed.

7.3.2 Urban design conclusion

74 The proposed external alterations are considered to be non-material in nature, and therefore no objections are raised.

7.4 TRANSPORT IMPACT

General policy

75 NPPF Paragraph 108 states that planning decisions should ensure safe and suitable access to the site for all users, and that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.

76 Para 109 of the NPPF states 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or on the residual cumulative impacts on the road network would be severe'.

7.4.1 Access

Policy

77 The London Plan policies comply with the NPPF aims in relation to sustainability. It aims to increase sustainable modes of transport through promoting cycling and walking within new development.

Discussion

78 Accessibility to the site is unchanged by the proposal.

7.4.2 Local Transport Network

Policy

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

Discussion

80 Due to the scale and nature of the proposed amendments, which would allow a maximum of 3 additional occupants at the site, there would be no material impact to the local transport network.

7.4.3 Servicing and refuse

Policy

81 DM Policy 32 requires new developments to have appropriate regard for servicing of residential units, including refuse.

Discussion

82 The total number of dwellings remains unchanged, and therefore no additional refuse or servicing requirements would be expected. Final details of refuse storage and delivery and servicing are to be secured by condition, consistent with the original permission.

7.4.4 Transport modes

Walking and cycling

Policy

83 LPP T5 cycling states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards (LDCS).

84 Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

85 CSP 14, amongst other things, states that the access and safety of pedestrians and cyclists will be promoted and prioritised.

Discussion

86 The original scheme was approved with space for 14 bicycle parking spaces, in line with previous London Plan Policy 6.9 (2016).

87 New London Plan Table 10.2 minimum cycle parking standards requires two cycle parking spaces for all dwellings of two bedrooms or more. 18 cycle parking spaces are therefore required for the proposed development, and details of these will be secured by condition, to ensure compliance with the LDCS.

Public transport

Discussion

88 The proposed amendments would not have a material impact on the public transport network.

Car clubs

Policy

89 LPP T6.1 states, outside of the CAZ, and to cater for infrequent trips, car club spaces may be considered appropriate in lieu of private parking. Any car club spaces should have active charging facilities.

Discussion

90 The extant permission included provision of 3 years free car club membership to future occupants of the development. The amendments have not altered the requirement for this, and no deed of variation is required to the agreed Section 106 in this respect.

Private cars

Policy

91 Policy T6 of the London Plan states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free

development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

Discussion

- 92 The addition of a maximum of three residents within the scheme would not lead to significant increased demand for parking, so the proposed three parking spaces, which are unchanged from the extant permission would be acceptable. The proposal would not cause additional parking stress to the surrounding area.

7.4.5 Transport impact conclusion

- 93 The proposed amendments would have no significant impact on the surrounding transport network, in line with the relevant local and national policies.

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 94 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 LPPD3, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA).
- 95 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.
- 96 The surrounding area is residential in nature.

7.5.1 Enclosure and Outlook

Policy

- 97 Policy DM32 expects new residential development to result in no harmful increased sense of enclosure and no significant loss of outlook to neighbouring dwellings.

Discussion

- 98 As the scale, massing and siting of the building remains unchanged, the proposed alterations would not harm the amenity of neighbours, with regard to enclosure and outlook.

7.5.2 Privacy

Policy

- 99 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.
- 100 DMPP 32 states that adequate privacy is an essential element in ensuring a high level of residential amenity. Unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation of 21 metres between directly facing habitable room windows on main rear elevations. This separation will be

maintained as a general rule but will be applied flexibly dependent on the context of the development.

Discussion

- 101 One additional second floor bathroom window, and two first floor bedroom windows facing towards Iona Close are proposed, and positioning of some windows would be slightly altered. However the footprint of the building would remain unchanged, and there would still be at least 21m between all facing windows and therefore, the proposal would not result in a materially different level of overlooking to the extant permission.

7.5.3 Daylight and Sunlight

Policy

- 102 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.
- 103 The Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight' 2011, sets out standardised criteria for the assessment of planning applications including the 25 degree, and 45 degree 'rules'.

Discussion

- 104 As the scale, massing and siting of the building remains unchanged, the proposed alterations would not harm the amenity of neighbours, with regard to daylight and sunlight.

7.5.4 Noise and disturbance

Policy

- 105 DM policy 32 requires new residential development to be neighbourly, and development in residential areas should not result in harm to existing residents through unsociable noise and disturbance.

Discussion

- 106 An additional 3 residents would not result in harmful additional noise and disturbance, compared to the extant permission.
- 107 An objection has been received relating to the proposed glass for windows, which the objector perceives will be harmfully reflective. Officers do not consider the use of reflective glazing would result in harmful impacts to neighbouring amenity at the distances involved. Notwithstanding this, final details of materials, including windows is recommended to be secured by condition.

7.5.5 Impact on neighbours conclusion

- 108 The proposed amendments would not result in harm to the amenity of neighbouring occupiers, in line with the aforementioned policies.

8 LOCAL FINANCE CONSIDERATIONS

- 109 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).

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

111 The CIL is therefore a material consideration.

112 £65,012.65 Lewisham CIL and £42,954.79 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 has been confirmed on a CIL liability notice dated 22nd October 2020.

9 EQUALITIES CONSIDERATIONS

113 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.

114 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.

115 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.

116 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>

117 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

118 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>

119 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

120 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

121 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.

122 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.

123 This application has the legitimate aim of providing a new building with residential uses. The rights potentially engaged by this application (above) are not considered to be unlawfully interfered with by this proposal.

11 LEGAL AGREEMENT

124 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of

changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

125 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

126 Officers negotiated with the applicant regarding the Section 106 requirements arising from the redevelopment proposals. A section 106 agreement was signed on 18th June 2020.

127 In this a contribution relates to the provision of new trees, and an obligation related to providing car club membership to future residents were considered necessary to make the development acceptable in planning terms. The following S106 requirements have been agreed with respect to the scheme:

- Financial contribution of £11,000: to local offsite tree replanting, subject to indexation
- Car club membership: 3 years free membership
- Parking permit restriction should a future CPZ be implemented: Developer required to notify prospective purchasers of the residential units that they will not be eligible for a resident's parking permit.
- Monitoring and Costs Meeting the Council's reasonable costs in preparing and monitoring the legal obligations. The monitoring costs were payable on or prior to completion of the s106 agreement as per the Planning Obligations SPD.

128 Officers are satisfied the impacts of the amended proposal would be commensurate with the approved scheme, with regard to the above heads of terms and therefore no deed of variation is required the Section 106 that has been agreed to the original scheme DC/19/113216 - permission dated 19 June 2020. The Agreement has been endorsed with the following: *"The obligations in the section 106 agreement relate to and bind to the land in respect of which a new planning permission reference has been granted pursuant to Section 73 of the Town and Country Planning act (1990)."*

129 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

12 CONCLUSION

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

131 The amended mix of dwellings, which would provide an additional three bedrooms, and a maximum of three bedspaces would not result in an over intensified density of the site, and the proposal would result in high quality residential accommodation for future

residents. Furthermore, there would be no significant impact on the surrounding transport network.

132 The proposed external alterations to the building are minimal and would not have a material impact on the appearance of the building or the surrounding area. The proposed amendments would also result in no material impacts to the residential amenity of neighbouring occupiers.

133 As no harm has been identified, and the proposed amendments are in line with the Development Plan, officers recommend approval of the current application.

13 RECOMMENDATION

134 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the following conditions and informatives:

13.1 CONDITIONS

1. The development to which this permission relates must be begun not later than 18 June 2022.

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:

070-LOC-P1; 070-EXSITE Rev.P1; 070EXGE01 Rev.P1; 070EXGA Rev.P1; 17-564-TPP-A;
156.RLA.RP.RP01.11; 156.RLA.RP.RP01.12; 156.RLA.RP.RP01.13;
156.RLA.RP.RP01.14; 156.RLA.RP.RP01.15; 156.RLA.RP.RP01.16;
156.RLA.RP.RP01.17; 156.RLA.RP.RP01.18; 156.RLA.RP.RP01.19;
156.RLA.RP.RP01.20; Energy Statement (Energy Test dated 16 July 2019) Received 23 July 2019;

070-StGE01 Rev.P1; 070-StGE02 Rev.P1; 070-StGE03 Rev.P1; 070-StGE04 Rev.P1
Received 28 Oct 2019

070-SITE Rev.P2 Received 09 Dec 2019

PL-100 Rev.B; PL-101 Rev.B; PL-102 Rev.B; PL-103 Rev.B; PL-104 Rev.B; PL-105 Rev.B; PL-106 Rev.B; PL-107 Rev.B; PL-108 Rev.B; PL-109 Rev.B; PL-110 Rev.B
Received 15 Feb 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. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

(a) Dust mitigation measures.

(b) The location and operation of plant and wheel washing facilities

- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) 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 related activity, including during peak school pick up and drop off times.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements.

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 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. The development shall be constructed in full accordance with the measures and recommendations to reduce CO2 emissions, including the enhanced building fabric and installation of a Communal Air Source Heat Pump, as set out in the submitted Energy Statement (Energy Test, H Davey dated 16 July 2019).

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy in the London Plan (2016) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

5. (a) Notwithstanding the details hereby approved, no development above ground level shall commence until detailed plans at a scale of 1:20 showing windows, doors, balconies, terraces, entrances 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 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. 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 and balustrades 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.

7. (a) No development above ground level shall commence until full details of proposals for the storage of refuse and recycling facilities for each 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).

8. (a) Prior to first occupation, full details of the cycle parking facilities (18 spaces required) 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 T5 of the London Plan (2021), and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

9. (a) Prior to above ground works drawings showing 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.

10. The development shall be implemented in full accordance with the tree protection measures specified in the submitted *Arboricultural Impact Assessment and Method Statement Rev.A* and Tree Protection Plan: *17-564-TPP-A* (Canopy Consultancy dated May 2019).

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 Development Management Local Plan (November 2014) DM Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

11. (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 climbing plants indicated on the elevation plans), and details of the management and maintenance of the landscaping for a period of 5

years from first occupation 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).

- 12. (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).

- 13. Details of the number and location of the bird and bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

- 14. (a) Details of the number and location of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving air quality in the London Plan (July 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

- 15. (a) Full details of the indicative biodiversity living roofs shown on plan no.070GARF Rev.P2 and Green Roof Proposal document ref:156.RLA.GR.PL (R.LA dated

May 2019), which shall allow for a substrate depth of 150 mm shall be submitted to and approved in writing by the local planning authority within 2 months of commencement of above ground works.

- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

- 16. (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 Policy 12 Open space and environmental assets of the Core Strategy (June 2011), DM Policy 27 Lighting, and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

- 17. a. The development hereby approved shall not be occupied until the vehicular access as shown on plan 070-GA00 Rev.P2 has been constructed in full accordance with the said plan.
- b. If, during construction works, any damage occurs to the highway or footway, the developer shall be liable to repair all damage caused, prior to first occupation of the dwellings hereby approved.

Reason: In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 18. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

19. a. The whole of the car parking accommodation shown on drawing no.070-GA00 Rev.P2 hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.
- b. The maximum number of cars, vans or other large motor vehicle parked on site at any one time shall not exceed three (3).

Reason: To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (2016).

20. a. No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 10am and 2.30pm, and 4pm and 6pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.
- b. 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 as well as the safety of school users, 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).

21. None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

22. The screening to the balconies on the southern elevation for Flats 5, 8 and 9 as shown on plan Nos.PL-101 Rev.B, PL-102 Rev.B and PL-103 Rev.B respectively, shall be installed prior to first occupation of the development, and retained and maintained thereafter.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

23. The mix of dwellings within the development hereby approved must consist of seven x two-bedroom and two x three-bedroom dwellings.

Reason: To ensure the mix of dwellings within the development remains as approved unless the local planning authority has assessed the impacts of any proposed changes; and to ensure compliance with Policy D6 Housing Quality and Standards, and Policy H10 Housing Size Mix of the London Plan (2021), Policy 1

Housing provision, mix and affordability of the Lewisham Core Strategy (2011), and Policy 32 Housing design, layout and space standards of the Development Management Local Plan (2014).

13.2 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 discussions took place which resulted in further information being submitted.
- B. You are advised that the approved development is subject to a Section 106 agreement. Please ensure that the obligations under the Section 106 agreement are addressed in accordance with the details and timeframes set out in the agreement. If you have any questions regarding the agreement or how to make a payment or submission required under the agreement, please contact the S106/CIL team on CII@lewisham.gov.uk, or the planning case officer.