

Committee	PLANNING COMMITTEE C	
Report Title	28 DUNDALK ROAD, LONDON, SE4 2JL	
Ward	Telegraph Hill	
Contributors	Thomas Simnett	
Class	PART 1	30 SEPTEMBER 2021

<u>Reg. Nos.</u>	DC/21/120302
<u>Application dated</u>	05.02.2021
<u>Agent on behalf of Applicant</u>	Mr Pattenden of Alma-nac Ltd
<u>Proposal</u>	Construction of a part one/part two storey dwelling house, together with the provision of 2 cycle spaces and associated landscaping on land at the side of 28 Dundalk Road SE4.
<u>Background Papers</u>	(1) Submission drawings (2) Submission technical reports and documents (3) Internal consultee responses
<u>Designation</u>	(1) PTAL 5 (2) Local Open Space Deficiency (3) Air Quality
<u>Screening</u>	Not applicable

## 1 SUMMARY

- 1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision as more than three individual objections have been received from local residents.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The application site is located to the west of No. 28 Dundalk Road, an end-of-terrace dwellinghouse located close to the junction of Dundalk Road and Avignon Road.
- 3 The site is bounded by the rear gardens of properties along Dundalk Road to the east and Avignon Road to the west
- 4 The site had been left derelict for a time following the development of the Old Carpenters Yard development.
- 5 The site's current condition is clear and secure with new 2m timber fencing on the eastern boundary and a new timber fence on top of the existing low level brick wall on the western boundary.



**Figure 1 – Site Location Plan**

***Character of area***

- 6 The surrounding area is predominantly residential with similarly built terraced dwellings situated on Finland Road and Revelon Road.
- 7 Houses here form attractive stock brick terraces with small-size front gardens. The terrace houses retained good cohesive appearance with the exception to window treatments, as this is not a conservation area a number of properties have lost their original timber sash windows, having been replaced with uPVC alternatives.

***Heritage/archaeology***

- 8 The site is not located within a conservation area, nor is it subject to an Article 4 Direction. The application site is not a listed building and it is not located close to any either.

***Surrounding area***

- 9 The site is located approximately 0.4miles away from the entrance to the Telegraph Hill Upper Park and Brockley Road is 0.7miles away which provides various shops, other facilities and services.

***Local environment***

- 10 It is also within an area of Local Open Space Deficiency and Air Quality Management Area.

***Transport***

11 The site has a Public Transport Accessibility Level (PTAL) score of 5 on a scale of 1-6b, 1 being lowest and 6b the highest. It is less than 500m from Brockley Station and about 800m from Nunhead Station.

### **3 RELEVANT PLANNING HISTORY**

12 Application DC/05/061362/FT for “the construction of a two-storey extension to the side of 28 Dundalk Road SE4 together with the alteration and conversion to provide 1 two-bedroom and 1 three-bedroom self-contained flats and the provision of refuse store and 2 bicycle parking spaces” was received in February 2006 and granted in April 2006.

#### **3.1 PRE-APPLICATION ADVISE**

13 The applicant had sought Duty-Planner Service advice (PRE/20/117087) in June 2020 for the construction of a one bed new build.

- Recommendation made for Concept meeting or Full pre-application meeting
- Concern with the proposal location, size of the site and whether it would be able to support residential development.

14 The applicant had sought pre-application advice (PRE/20/117759) in July 2020 for the construction of a one bed new build.

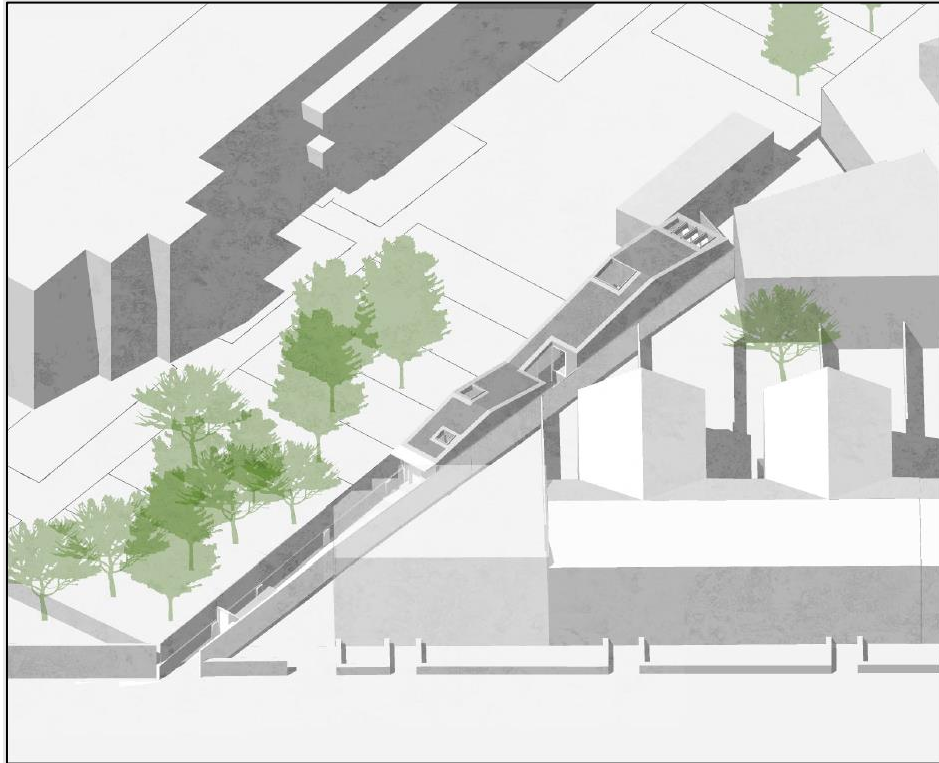
- No in-principal objection to the proposed residential development of the site.
- The unit would likely receive a good level of outlook, daylight and ventilation from all habitable rooms, whilst maintaining privacy.
- Preferred for a development to be car free
- Planning permission ref: DC/17/102552 included the proposal site, therefore residential use is supported for the proposed site.
- Advised to submit a Daylight/ Sunlight Analysis with any forthcoming application to allow an assessment on the effects the proposed unit could have on any neighbouring occupier outdoor amenity space.

#### **3.2 WITHDRAWN PLANNING APPLICATION**

15 A previous application (DC/20/118813) was withdrawn in December 2020 after discussion with a case officer. CURRENT PLANNING APPLICATION

#### **3.3 THE PROPOSALS**

16 The application proposes the construction of a part one/part two storey dwelling house, together with the provision of 2no cycle spaces and associated landscaping



**Figure 2 – Extract from Design and Access Statement demonstrating concept**

- 17 It would have an articulated roof with an extensive green roof covering and is proposed to be constructed out of a mixture of materials including brick, cement fibre board panels and tiles.
- 18 The proposed design is based around a ‘split section’ with the main living space located on the half level above the entrance level that contains the living room, kitchen and dining space, bathroom and central courtyard. The double bedroom is positioned at half level below the entrance level with a connected small courtyard. Cycle and refuse storage would be provided in separate stores. Rooflights would provide some additional lighting to the basement and ground floor levels.

## **4 CONSULTATION**

### **4.1 APPLICATION PUBLICITY**

- 19 Site notices were displayed on 10 March 2021.
- 20 Letters were sent to residents and business in the surrounding area on 09 March 2021 and the relevant ward Councillors on 11 February 2021.
- 21 11no responses received, comprising 9no objections, and 1no support.

#### **4.1.1 Comments in objection**

<b>Comment</b>	<b>Para where addressed</b>
<i>Urban Design</i>	
Overdevelopment of the site	Para 91

Limited windows in proposed scheme would be contrary to local plan policy	Para 92
The proposed property would have limited levels of daylight which is not consistent with the House Design, Layout and Space Standard	Para 92
Nature of the proposed build is out of character with the local area	Para 94
Housing	
Standard of Accommodation	Para 73
<i>Living conditions of neighbours</i>	
Loss of daylight and sunlight for neighbouring properties	Para 121 and 122
Inappropriate development of plot that will negatively impact on neighbouring properties	Para 129
Disruption during the course of the build in terms of the safety of local residents and school children.	Para 128 and Para 158
The construction will cause unacceptable levels of noise	Para 128
Overbearing impact and too high on the boundary	Para 108
Loss of privacy which will lead to proposed property overlooking existing properties on Dundalk Road and Avignon Road.	Para 109
Loss of outlook	Para 111
<i>Transport Impact</i>	
Access to the site is limited which could have an impact on the installation of utilities and access in the event of a fire.	Para 144

- 22 A number of other comments were also raised as follows:
- 23 Comments were received concerned regarding the impact of the proposed development on Dundalk Road in terms of lorries and skips, previous occasions where skips were left on Dundalk Road the landowner did not take the responsibility in clearing away the waste that surrounded the skip. That is not considered to be a material consideration in this case, however Officers would add an informative advising 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.
- 24 Comments were received regarding inaccuracies in the Daylight and Sunlight report and questioned the independence of the report and requested independent verification should take place. Officers do not consider this to be a material planning consideration as the report was conducted by a suitably qualified third party and the information which was used to aide their report was the submitted plans, there appear to be no obvious inaccuracies in the report.

- 25 Comments were received regarding the right to light of neighbouring properties, Officers do not consider this to be a material planning consideration as this is dealt with under separate legislation to planning.
- 26 Comments were received regarding the downward excavation of the proposed construction and the impact on flood risk. Officers have checked the Flood Risk Zone for the site and it is 1, as such Officers do not consider this to be a material planning consideration.
- 27 Comments were received regarding the clearing of the site prior to planning permission being granted which has led to the loss of trees, Officers will include a condition for soft and hard landscaping to ensure the scheme provides adequate soft and hard landscaping so there would be a positive impact on the environment. As the site does not lie within a Conservation Area and no record of a TPO exists for this site, there has been no breach of planning control from the clearance of trees.

#### 4.1.2 Comments in support

Comment	Para where addressed
Good development that tackles an unusual plot	Para 90

- 28 A number of other comments were also raised as follows:
- 29 A comment was received regarding the boundary treatment with the adjoining Monmouth House, the comment asked that an adequate dividing solution is provided.

#### 4.1.3 Neutral comments

- 30 A number of neutral comments relating to non-material planning considerations were also raised as follows:
- 31 Comments were received by ward councillor stating that there would be light impact on the neighbouring property and it would be a rather strange design. However, they had no strong opinion either way and it was best if trained colleagues on Planning Committee consider.
- 32 Comments were received that the proposed development construction would lead to an unacceptable level of noise. The scale of the proposed development is not likely to give rise to an unacceptable level of noise during construction and as such officers do not consider this to be a material planning consideration. However, Officers would add an informative advising 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.
- 33 Comments were received regarding the impact of the extensive excavation required for the proposed sunken area on the neighbouring houses and Carpenters Yard Development. This is a Building Control concern and therefore does not form part of this recommendation.
- 34 Comments were received concerned that neighbours were not consulted properly and given adequate time to review and comment on the plans. Officers ensured that neighbourhood consultation had been carried out in accordance with the Council's statutory obligations and the provisions of the SCI and any comments received during the lifespan of an application are included in Officer's assessment of the scheme.

35 A number of comments were received questioning how the scheme would be constructed without entering and disturbing neighbouring properties, Officers do not consider this to be a material planning consideration and would be covered by Party Wall Act. An informative will be added to remind the applicant that other agreements are necessary.

36 Comments were received regarding the developer having carried out minimal consultation with local residents and only provided one option for the development. Whilst we do advise that applicants consider pre-application consultation with local residents to ensure that any issues raised can be dealt with accordingly, Officers note that this is not a requirement and it is therefore not a material planning consideration in this recommendation.

## **4.2 INTERNAL CONSULTATION**

37 The following internal consultees were notified on 11 February 2021.

38 Ecology: raised no objections subject to conditions. See paras 165, 167 and 182 for further details.

39 Highways: raised no objections subject to conditions. See para 153 and 154 for further details.

## **5 POLICY CONTEXT**

### **5.1 LEGISLATION**

40 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).

### **5.2 MATERIAL CONSIDERATIONS**

41 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.

42 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.

43 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.

### **5.3 NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)

- National Design Guidance 2019 (NDG)

## **5.4 DEVELOPMENT PLAN**

44 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)

## **5.5 SUPPLEMENTARY PLANNING GUIDANCE**

45 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

46 London Plan SPG:

- Housing Supplementary Planning Guidance (SPG) (March 2016)

## **6 PLANNING CONSIDERATIONS**

47 The main issues are:

- Principle of Development
- Housing
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment

### **6.1 PRINCIPLE OF DEVELOPMENT**

*General policy*

48 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.

49 The 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.

50 Lewisham is defined as an Inner London borough in the London Plan, which 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.

- 51 DM Policy 1 of the Development Management Local Plan states that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions of the borough'

*Policy*

- 52 National, regional and local planning policies all indicate that development should aim to make the most effective use of land. Indeed, the London Plan makes housing a priority.
- 53 The current London Plan outlines through Policy H1 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sized and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment.
- 54 LPP H2 states that boroughs should increase the contribution of small sites (below 0.25 hectares) to meeting London's housing needs and sets a ten-year target for Lewisham of 3,790 new homes.
- 55 The Core Strategy (CSP) recognises the Borough's need for housing and outlines the objectives to achieve 18,165 new dwellings between 2009/2010 and 2025. The London Plan (LPP) at Policy H1 increases Lewisham's ten-year (2019/20 - 2028/29) housing target at 16,670, or 1,667 as an annualised average. Lewisham Core Strategy Spatial Policy 1 'Lewisham Spatial Strategy' that links to Core Strategy Objective 2 'Housing Provision and Distribution' supports the delivery of new housing to meet local need.
- 56 DMP 33 sets out the requirements for a variety of sites within residential areas that may come forward for development. Development on these sites require careful consideration due to the need to preserve the quality and amenity of residential areas. The main types of sites are infill sites, backland sites, back gardens and amenity area.



**Figure 3 – Proposed view from Dundalk Road**

*Discussion*

- 57 Officers consider this to be an Infill Site for the purposes of DMP 33, as it has a street frontage with access to Dundalk Road. There is an existing boundary structure that severs this land from the gardens of the frontage properties and this land was once originally part of the Old Carpenters Yard to the north which has recently been developed. No loss of amenity space would arise from this development.
- 58 Due to the unusual nature of the site, the proposed scheme is not fully compliant with DMP 33 (5): it would fail to repair the street frontage or provide additional natural surveillance, as it is set in from the street frontage. However, Officers assess this as a unique site and the site constraints here do not lend itself to providing a property that respects the building line of the existing terraced properties.
- 59 Due to the site's width, any proposal coming forward would find it difficult to repair the street frontage and also respect the character, proportions and spacing of the existing houses. Therefore, Officers consider the proposed scheme is an innovative solution to the site constraints as discussed further in the Urban Design section, it is in a sustainable location for residential development with a PTAL rating of 5 and as existing the site is redundant; the proposed development makes better use of the land and provides an additional residential unit.
- 60 The scheme would provide one additional residential dwelling. Although the contribution to the overall housing market would be small, this is a welcome contribution to the current annual target for Lewisham.

### 6.1.1 Principle of development conclusions

61 The principle of residential led-development of this largely redundant site would also achieve the wider benefit of providing an additional home within the Borough would therefore be acceptable, subject to matters including design, standard of accommodation, visual impact and highways matters.

## 6.2 HOUSING

62 This section covers the standard of accommodation.

### 6.2.1 Residential Quality

#### *General Policy*

63 NPPF para 130 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).

64 LPP D6 requires new homes to meet specific space and other standards. In addition, DMP 32 requires all new residential developments to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.

65 The main components of residential quality are: (i) internal and external space standards; (ii) outlook and privacy and overheating; (iii) daylight and sunlight.

#### ***Internal and external space standards***

#### *Policy*

66 LPP D6 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.1 of the London Plan.

67 The Technical Housing Standards (2015), Mayors Housing Supplementary Planning Guidance (SPG), London Plan Policy D6 and DM Policy 32 set out or make reference to the minimum space standards required for amenity space to achieve housing development that provides the highest quality of space externally in relation to its context. Standard 4.10.1 of the Mayor's Housing SPG 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*

68 The table below sets out proposed dwelling sizes.

**Table 1: Internal space standards – proposed v target**

No of bedrooms	No. of persons	2 storey dwelling proposed (target) m <sup>2</sup>	Bedroom size proposed (target) m <sup>2</sup>	Amenity space proposed (target) m <sup>2</sup>	Built-in storage proposed (target) m <sup>2</sup>
1b	2p	71.5 (58)	12.8 (11.5)	37.5 (5)	4.0 (1.5)

- 69 The proposed house would meet the requirements of LPP D6 in terms of total floor space.
- 70 The proposal would also meet the requirements of LPP D6 in terms of the size of bedrooms with the double bedroom measuring 12.8sqm. The bedrooms would also be policy compliant in terms of the width of the rooms. The floor to ceiling height of the dwellings would be 2.5m in accordance with DMP 32 and LPP D6, while the storage would also comply.
- 71 The proposed scheme would provide 37.5sqm of external amenity space, which exceeds the 5sqm minimum required by LPP D6. This is therefore acceptable.
- 72 The design has utilised the widest section of the site to the northern boundary, to locate the main living spaces of the dwelling to ensure that those rooms meet the space and room requirements that Lewisham and the London Plan requires.
- 73 Although there had been concerns raised by objections to the proposals in terms of the standard of accommodation, the proposed scheme has a greater GIA than the requirements of LPP D6, Officers therefore consider the standard of accommodation to be acceptable.

### ***Outlook, Privacy and Overheating***

#### *Policy*

- 74 LPP D1(8) requires development to achieve ‘appropriate outlook, privacy and amenity’
- 75 DMP 32 expects all new development to provide a satisfactory level of privacy, outlook and natural lighting for both its future residents, which is also supported by the Mayors Housing SPD. Furthermore, the London Plan Policy D6 requires the highest standards of sustainable design and construction to be achieved, including the avoidance of single-aspect units. The Lewisham Residential Development Standards SPD also requires a flexible 21m distance between habitable windows on main rear elevations.
- 76 London Plan Policies D6 and SI 4 seek to avoid internal overheating through design, layout, orientation, materials and the incorporation of green infrastructure. The Mayors Housing SPG also demonstrates that development proposals should achieve an appropriate design of dwellings to avoid overheating without heavy reliance on energy intensive mechanical cooling systems

#### *Discussion*

- 77 The bedroom would have somewhat restricted outlook into a sunken terrace; however, the ground floor would have a central courtyard which would give it good outlook. On balance this is acceptable, in light of the constrained nature of the site and the overall good standard of accommodation otherwise.
- 78 The dwelling would benefit from good levels of privacy.
- 79 The dwelling would be dual aspect and the windows on the lower floor would be screened to a certain extent by being located in a small courtyard. These measures are considered sufficient to avoid unacceptable overheating in this instance, having regard to the modest scale of the development.

### ***Daylight and Sunlight***

#### *Policy*

- 80 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents.
- 81 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.
- 82 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens.

*Discussion*

- 83 Officers consider the daylight and sunlight levels would be acceptable. No assessment has been provided but it is not considered necessary for this scheme given its modest scale and the benefits identified in the Design and Access Statement, namely: full height windows at basement level, double aspect ground floor, use of rooflights to the ground floor living spaces and extensive use of courtyards to increase the daylight and sunlight into the property.

### **6.2.2 Housing conclusion**

- 84 Overall, the proposed development would provide a good standard of residential accommodation in compliance with LPP D6 and DMP.

## **6.3 URBAN DESIGN**

*General Policy*

- 85 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 86 LPP D3 expects the highest quality materials and design appropriate to context.
- 87 Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 88 DMLP 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Lewisham Core Strategy and Lewisham DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. DM Policy 33 seek to protect and enhance the Borough's character and street frontages through appropriate and high-quality design.

*Discussion*

- 89 As addressed in para. 57, the proposed site is considered an infill development, and DM Policy 33 (a) will only support new development that is well designed; makes a high quality positive contribution to an area; would result in no significant overshadowing or overlooking and retains appropriate amenity space for adjacent dwellings; provides adequate privacy for future occupiers; provides appropriate amenity space in line with DM Policy 32; whilst respecting the character, proportions and spacing of existing houses. Although it fails to restore the street frontage, due to the site constraints this somewhat difficult to achieve, the proposed design is an innovative response to those constraints

and the contribution to the current annual target for Lewisham means that this scheme is considered acceptable.

- 90 The proposed scale, massing and layout of the 1-storey and basement is appropriate considering the context that it sits within, which includes terraced housing to the adjacent sites and the new development of flats Old Carpenters Yard to the north. The proposed design approach is well considered for a site of such constraints in terms of size and width of the plot. It uses an innovative design to accomplish a greater internal space standards than that set out in the London Plan at 73.2sqm and provides an appropriate amount of amenity space for future residents.
- 91 Officers do not consider that the proposed scheme would overdevelop the site, as the design tackles a unique site in terms of size and shape, while also providing over 37.5sqm of amenity space.
- 92 Although the site is constrained by adjacent properties meaning there can be no outward looking windows, the scheme tackles this site constraint through the use of internal courtyards and a sunken courtyard to the northern boundary. The design also utilises rooflights to provide additional daylight throughout the property which officers consider is acceptable in light of the site constraints.
- 93 From an urban design perspective, the proposed scheme has used the analogy of garden sheds or outbuildings along a Victoria ginnel in the development of the design to imagine a form of building similar to the language of a number of shed roofs at the end of the garden. As a result, the proposed development utilises an articulated roof to create building form and give character to the development, but also to respond to the site constraint of keeping the building as low as possible to respect the daylight available to the neighbouring homes and gardens.
- 94 An objection was received that considered that the nature of the proposed development was out of character with the local area. While Officers accept that the design of the proposed scheme differs to that of the adjacent Victorian terraced properties, the proposed scheme is contemporary in nature and of a high quality. An infill development of this nature is also not without precedence in the area with the neighbouring Old Carpenters Yard having previously been developed.
- 95 In terms of materiality, the palette would comprise:
- Cement Fibre Board Panels;
  - Brickwork;
  - White Render;
  - Tiles and;
  - PPC Aluminium Door System
- 96 Officers are not convinced with the proposed cement fibre board panel and recommend a condition be imposed to the submission of further details of all facing materials. A condition requiring boundary treatment, including walls and fences is also recommended.

### **6.3.1 Urban design conclusion**

- 97 Although the proposed design is not similar to adjacent properties, the proposed design takes inspiration from garden sheds and outbuildings which are commonplace in Victorian terraces like these, the design responds well to the constraints of this site, which would result in a high-quality development that would enhance the character of the area, subject to further details of materials.

98 The design approach of the new dwelling is therefore supported, with an appearance of a high quality. The proposal is therefore considered to satisfy the requirements of Core Strategy Policy 15 and Local Development Plan Policies DM 30, DM 31, DM 32 and DM 33.

## **6.4 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

99 NPPF para 130 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 para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. This is reflected in relevant policies of the London Plan, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL).

100 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMPs 32 and 33) and associated guidance.

101 LPP D3 states that development proposals should deliver appropriate impacts to outlook, privacy and amenity as well as mitigating noise levels.

102 DMP32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours.

103 Further guidance is given in Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL. The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly. 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.

### **6.4.1 Enclosure, Outlook and Privacy**

#### *Policy*

104 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries. Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

105 Privacy standards are distances between directly facing existing and new habitable windows and from shared boundaries where overlooking of amenity space might arise.

106 DMP 32 expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on main rear elevations.

#### *Discussion*

107 The properties most likely to be impacted by the proposal are Nos. 26 and 28 Dundalk Road. Other properties are considered sufficiently far from the site, or situated in such a way relative to the site, that no harm would arise.

- 108 The proposed building is modest in scale and due to its articulated roof would have a varying height to the eaves from 2.5m to 3.7 at its tallest. The location, mass and height of the building would mean that it would be in view from the neighbouring properties, however Officers do not consider it would give rise to an unacceptable level of enclosure or become an overbearing structure, due to the depths and orientation of the gardens.
- 109 The proposed dwellinghouse would incorporate only one lower ground floor opening to the rear elevation in the north, serving the double bedroom. Due to the location of this bedroom in the lower ground floor Officers do not consider this would give rise to any impact on the privacy of neighbouring properties.
- 110 As such, the proposals are considered to satisfactorily respond to the constraints of the site and the possible implications upon amenity by way of overlooking and sense of enclosure have been addressed in the design of the proposals.
- 111 The proposed dwelling-house would be single storey and basement, with the bedroom space set within the lower ground floor. Given the geographical orientation of the neighbouring properties and the positioning of existing windows serving habitable rooms, officers do not consider there would be any significant harm to existing occupiers of adjacent properties.
- 112 A condition is recommended to remove other relevant permitted development rights from this dwellinghouse, in light of the tight nature of this site.

#### **6.4.2 Daylight and Sunlight**

##### *Policy*

- 113 Daylight and sunlight are generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.
- 114 The NPPF does not express particular standards for daylight and sunlight. Para 125 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.
- 115 Paragraph 130 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 116 DMP 32 states that new development must be neighbourly, provide a satisfactory level of outlook and natural light for both its future residents and its neighbours. DMP 32(2) also states that new-build housing development, including the housing element of new build housing will need to respond positively to the site-specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.
- 117 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.' (GLA, 2017, Housing SPG, para 1.3.45).



118 In the first instance, if a proposed development falls beneath a 25-degree angle taken from a point two metres above ground level, then the BRE say that no further analysis is required as there will be adequate skylight (i.e., sky visibility) availability.

*Overshadowing of amenity space guidance*

119 This is measured Area of Permanent Shadow (APS)

120 The APS relates to sunlight to open space: the guidance states that gardens or amenity areas will appear adequately sunlit throughout the year provided at least half of the garden or amenity area receives at least two hours of sunlight on 21st March. If the reduction in APS is less than 0.8 times its former value then the impact is likely to be noticeable for the occupants.

*Discussion*

121 The application is accompanied by a Daylight & Sunlight Assessment (Daylight and Sunlight Report, prepared by Waldrams, ref 2564, date 13 October 2020). Due to the nature of the proposal, no analysis of impact on the habitable rooms of neighbouring properties was necessary. Instead, the Assessment focusses solely on the APS. The Assessment concludes that majority of the surrounding amenity spaces will be compliant with the criteria set out in the BRE Guidelines. The amenity area to the rear of 28 Dundalk Road would, however, experience a reduction in sunlight marginally beyond the criteria set out in the BRE Guidelines. Officers consider the impact on the rear amenity space of 28 Dundalk Road acceptable as it would retain 79% of its existing level of sunlight, only marginally beyond the 80% criteria stated in the BRE Guidelines.

122 The report demonstrates that the amenity areas to the rears of Nos. 22, 24, and 26 Dundalk Road, 1-21 Monmouth House, and 2-7 Old Carpenters Yard would meet the BRE Guidelines' criteria in that the amenity spaces would receive at least 2 hours of sunlight on March 21st to at least 50% of their area or they will retain at least 80% of their former values with the proposed development in place.

123 Whilst there is a modest transgression of the BRE Guidelines to one garden, Officers consider this to be acceptable and is not a reason to refuse the scheme.

*Summary*

124 The proposed development would have an acceptable level of impact on adjacent properties in terms of sunlight and daylight, although there will be a minor transgression with regards to the garden of No. 28 Dundalk Road

### **6.4.3 Noise and disturbance**

*Policy*

125 The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Para 185 states decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

126 The NPPG states LPAs should consider noise when new developments may create additional noise.

127 The objectives of the NPPF and NPPG are reflected in LPP D1 and D13, CS Objective 5 and DMP 26.

*Discussion*

128 The introduction of new residential properties within a residential area is not considered to result in any significant long-term material impacts in terms of noise and disturbance. The construction phase of development is likely to introduce short-term disturbances to the surrounding properties, however that is an inevitable consequence of development and is not considered a material consideration in this case. Hours of noisy work are controlled by other legislation, and an informative is proposed in order to draw the Applicant's attention to Lewisham's Good Practice guide.

#### **6.4.4 Impact on neighbours conclusion**

129 Officers consider that the proposed scale and siting of the residential development would be acceptable, and would have no significant harm upon the amenities of surrounding properties.

130 As addressed earlier, no undue loss of daylight, sunlight, outlook or privacy are considered to be generated upon any neighbour as a result of the proposals. The amenity impacts to existing occupiers is therefore considered to be acceptable.

131 Although objections were received that thought the development was inappropriate for the site and would negatively impact on the neighbouring properties, as detailed in the above assessment the impact the proposed development would be limited in nature and not give rise to an unacceptable level of harm to neighbouring amenity.

### **6.5 TRANSPORT IMPACT**

*General policy*

132 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise 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 places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

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

134 Regionally, the Mayor's Transport Strategy ('the MTS', GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.

135 Policy T1 of the London Plan (2021) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.

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

### **6.5.1 Local Transport Network**

#### *Policy*

- 137 The NPPF at paragraph 102 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

#### *Discussion*

- 138 The application site has a PTAL of 5, which is an excellent level of public transport accessibility. Officers are satisfied that the modest scale of development would prevent the need for any mitigation in terms of increased transport capacity and that any impacts to the local transport network could be accommodated within the existing transport services and infrastructure.

### **6.5.2 Servicing and refuse**

#### *Policy*

- 139 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.

- 140 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.

- 141 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.

- 142 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

#### *Discussion*

- 143 A refuse store for the development would be provided at the front of the site close to the entrance which would provide covered storage space for refuse, food waste and recycling bins. No further details were submitted with the application to ensure that the storage facilities for waste and recycling containers meets at least BS5906:2005 standard. In light of this, Officers consider it reasonable to secure the proposed details by condition, Officers consider it appropriate that the refuse store should feature a green roof to increase the biodiversity of the site.

- 144 Officers consider access to the site in the event of an emergency to be acceptable, there is sufficient access to the front of the property on Dundalk Road for emergency services to gain access to the property.

### **6.5.3 Transport modes**

#### ***Cycling***

#### *Policy*

145 Development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring area. Development should create places that are safe, secure and attractive, minimising the scope for conflicts between pedestrians, cyclists and vehicles

146 Cycle storage space should be provided in accordance with LPP T5, table 10.2 and London Cycle Design Standards. Developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards.

*Discussion*

147 The property would be provided with cycle storage for two bikes in accordance with the requirements of Table 10.2 of the London Plan. A condition is recommended to ensure that the store is secured and covered with a green roof and provided prior to occupation.

**Private cars**

*Policy*

148 LPP T6 supported by CSP 14 and DMP 29 require developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Table 10.3 of the London Plan sets the maximum car parking standards for residential developments.

*Discussion*

149 The proposed development is considered car-free, with no provision for off-street parking.

150 The site is in a PTAL 5 area, which indicates good access to public transport. The provision of a car-free development would be compliant with the principles of the development plan and as such is supported.

151 Parking survey data was provided by the applicant in support of this application. The document was prepared by Yes Transport as part of their January 2021 parking assessment and was carried out in accordance with the Lambeth Methodology on two consecutive days in mid-January 2021.

152 The independent parking survey submitted alongside this application, the results of which confirm the streets surrounding the application site do experience high levels of parking stress at 88%. An area is usually considered to be at capacity when parking stress exceeds 85%.

153 Objectors have raised concerns that the proposed scheme would exacerbate existing parking stress in the area.

154 The Highways Officer has reviewed the details of the application and has confirmed that a car-free development would be acceptable in this location, they consider this approach to car parking consistent with the parking standards in the London Plan.

155 Despite the high parking stress in the area, Officers consider the proposed new unit would not give rise to an unacceptable level of harm in terms of parking given that the site has a PTAL rating of 5, the dwelling is of modest size and that there is provision of cycle parking. Highways Officers consider the parking survey confirms that there is capacity to safely accommodate the small amount of parking likely to be generated by the proposal.

#### **6.5.4 Construction impact**

*Policy*

156 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road. Additionally, LPP T7 requires that construction logistic plans should be development in accordance with TfL guidance.

*Discussion*

157 The site constraints and the lack of space on the site for storage of materials and receiving deliveries, impose practical concerns for the construction phase of the development. Therefore, a detailed Construction Logistics Management Plan (“CLMP”) is required to confirm that all vehicles can approach, pull into and out of the designated loading area without overriding any kerbs or blocking the highway. A traffic management plan and further details of protection and temporary arrangements for pedestrians, including access to neighbouring properties would also be required within the plan. A site plan showing the location of storage for materials would be required. These details would be secured within the CLMP, to be agreed prior to the commencement of any works on site, including any site clearance or demolition.

158 An objection was received in relation to the impact that the proposed development construction would have on school children, the closest school to the proposed site is Drumbeat School on Revelon Road which is 0.2 miles from the site. Officers believe the proposed development would not have a direct impact on the school as it is a safe distance from the site, the CMLP will ensure that pedestrian walkways are not blocked during construction to minimise the impact on pedestrians in the area.

#### **6.5.5 Transport impact conclusion**

159 In summary, the proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above.

### **6.6 SUSTAINABLE DEVELOPMENT**

*General Policy*

160 NPPF para 152 sets an expectation that planning will support transition to a low carbon future.

161 This is reflected in relevant policies of the London Plan and the Local Plan.

#### **6.7 Urban Greening**

*Policy*

162 LPP G5 requires development to contribute to urban greening, including tree planting, green roofs and walls and soft landscaping, recognising the benefits it can bring to mitigating the effects of climate change.

163 LPP G7 requires development proposals that seeks the removal of trees should provide adequate replacement based on the existing value of the benefits of the trees removed.

- 164 CSP 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which in effect, comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity.

*Discussion*

- 165 The submission has been reviewed by Ecology Officers who considered that it was disappointing that the applicant had decided to clear the site of all vegetation between the previously withdrawn application and the current application. LPP G7 requires any removal of trees to be replaced, which the current proposal does not detail. The Ecology Officer stated that, given the value of trees for biodiversity and that no replacement trees are proposed, it is unclear how this development would achieve net gain for biodiversity by proposing a sedum blanket green. Officers' opinion is that the loss of the trees prior to this application was regrettable, but permitted since the trees were not subject to a TPO. As such, it is necessary to assess the biodiversity of the site as it is now, not its pre-existing condition with trees. As such, the provision of the green roof to the house is the only necessary measure to achieve an acceptable biodiversity outcome.
- 166 There are also trees in the adjacent gardens and it is unclear how these would be protected during construction. Those trees do not appear to be located in the vicinity of excavations for the foundations or lower ground floor, so the roots would not be at risk from excavation, however the crowns overhang the front part of the site and could be damaged during construction, while the roots could be affected by compaction from storage of materials.
- 167 Ecology Officers has recommended several conditions should this planning permission be granted in terms of a Tree Protection Plan, details of the house's Green Roof and soft landscaping plan. Officers also suggested that the applicant should consider integrated bird bricks and bug hotel and green roofs to the cycle and refuse storage to increase the biodiversity of the proposed site. Given the size of the site there is limited opportunity to secure improvements. In light of this, Officers consider it reasonable to secure the proposed improvements by condition.

## **6.8 Sustainable Urban Drainage**

*Policy*

- 168 LPP SI 13 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding. The LP expects development to contribute to safety, security and resilience to emergency, including flooding.
- 169 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 170 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance.
- 171 Policy G4 requires SUDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy. The supporting text to the policy recognises the contribution 'green' roofs can make to SUDS. The hierarchy within the policy establishes that development proposals should include 'green' roofs and that Boroughs may wish to develop their own green roof policies. To this end, CSP 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which in effect, comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity.

172 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems.

*Discussion*

173 The existing site does make some contribution to the sustainable urban drainage given that it is an undeveloped site with some vegetation and mainly soil. The proposal does include a green roof to the proposed building and there will be courtyards with some soft landscaping. However, no details were submitted to demonstrate how these soft landscaped areas would contribute to the sustainable urban drainage of this site. Given the size of the site there is limited opportunity to secure improvements. In light of this, Officers consider it reasonable to secure the proposed improvements by condition, with a particular emphasis on ensuring the permeability of surfaces through maximising areas of soft landscaping and the use of permeable surfaces atop a permeable substrate where hard surfacing is necessary.

### **6.8.1 Sustainable Infrastructure conclusion**

174 The proposal is acceptable in terms of Sustainable development, subject to conditions.

## **6.9 NATURAL ENVIRONMENT**

*General Policy*

175 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.

176 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

177 The NPPF at para 185 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

### **6.9.1 Green spaces and trees**

*Policy*

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

179 Paragraph 174 of the NPPF (2021) requires that decisions should contribute to and enhance the natural and local environment.

180 LPP G7 protects trees of value and replacements. New development should include additional trees wherever appropriate, particularly large-canopied species.

181 CSP 12 seeks to protect trees and prevent the loss of trees of amenity value, with replacements where loss does occur. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

*Discussion*

182 Officers consider it unfortunate that the site had been cleared prior to the submission of this planning application as it is unclear if there were existing trees on the site. However, the proposal does include plants within the courtyards and there is an extensive use of green roofs. The existing site makes little contribution to the natural environment due to its cleared state and given the size of the site there is limited opportunity to secure improvements. In light of this, Officers consider it reasonable to secure the proposed improvements by condition. In line with the Council's duties under S197 of the Act, it is appropriate to add conditions requiring a tree protection plan, informed by a tree survey, prior to the commencement of any works.

### **6.9.2 Air pollution**

#### *Policy*

183 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.

184 LPP SI1 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards.

185 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.

186 Further guidance is given in the Mayor of London's Air Quality Strategy.

#### *Discussion*

187 The site is located in an Air Quality Management Area. In mitigation, the site is set back from, and screened by the existing properties fronting, Dundalk Road. It is also modest in scale and benefits from dual aspect windows. For these reasons it is not considered to materially worsen existing air quality nor expose new sensitive receptors to unacceptable air quality impacts.

### **6.9.3 Natural Environment conclusion**

188 The proposal is acceptable in terms of Natural Environment, subject to conditions.

## **7 LOCAL FINANCE CONSIDERATIONS**

189 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).

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



190 The site would be liable to pay Mayoral CIL of £4290 and Lewisham CIL of £5005. However, the proposed dwelling may be for self-build exemption, subject to a separate application process.

## 8 EQUALITIES CONSIDERATIONS

191 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.

192 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.

193 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.

194 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>

195 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

196 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>

197 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.

## **9 HUMAN RIGHTS IMPLICATIONS**

198 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

199 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.

200 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.

201 This application has the legitimate aim of providing a new building for residential use. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 considered to be unlawfully interfered with by this proposal.

## **10 CONCLUSION**

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

203 The principle of developing the site for an additional residential dwelling in a sustainable urban location is acceptable and in accordance with the Development Plan, and weight is given to this planning merit.

204 The proposed development is acceptable in terms of its scale, form, design, materials.

205 The proposal would have no unacceptable impact on neighbours in terms of overlooking, loss of daylight/sunlight, noise or disturbance, aside from a minor transgression of the sunlight to a neighbouring garden that does not merit a refusal. It was also considered that the proposal would not negatively impact on the local transport network or parking.

206 In light of the above, it is recommended that this planning permission is approved subject to conditions and informatives.

# 11 RECOMMENDATION

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

## 11.1 CONDITIONS

### 1) FULL PLANNING PERMISSION TIME LIMIT

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

### 2) APPROVED PLANS

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

100 REV P3; 110 REV P1; 115 REV P1; 200 REV P1; 300 REV P2;

**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) MATERIALS

- a) No development above ground shall commence on site until a detailed schedule of all external materials and finishes/ windows and external doors/ roof coverings, pointing and mortar to be used on the buildings have been reviewed and approved in writing by the local planning authority.
- b) The scheme shall be constructed in those materials as approved under part (a) of this condition and in full accordance with state relevant plans mentioned in Condition 2.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the buildings 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, DM Policy 31 Alterations and extensions to existing buildings including residential extensions

### 4) LIVING ROOF

- a) Notwithstanding the submitted plans, no development (above ground level / beyond the superstructure) shall commence until of the blue roof with sedum planting is submitted to and approved in writing by the local planning authority. The drawing shall include section, landscaping design (number, species, etc.).
- b) The 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 Policy G5 Urban greening in the London Plan (March 2021) , 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).

5) **HARD AND SOFT LANDSCAPING**

- a) Prior to commencement of above ground works drawings showing soft and permeable 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 SI 12 Flood risk management in the London Plan (March 2021), 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.

6) **REMOVAL OF PART 1 PD RIGHTS**

The development allowed under Article 2, Schedule 2, Classes, A, B, C, D, E, F 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 not be carried out without the prior written permission of the local planning authority.

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

7) **CONSTRUCTION MANAGEMENT PLAN**

Prior to commencement of any works on site, including any site clearance or demolition, the Construction Management and Logistic Plan shall be submitted to and approved in writing by the local planning authority. The plan shall include the following:-

- a) Confirmation that vehicles that would be used during construction of the development can approach, pull into and out of the designated loading area without overriding any kerbs or blocking the highway
- b) A site plan showing the location of storage for materials
- c) Dust mitigation measures.
- d) The location and operation of plant and wheel washing facilities
- e) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- f) 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.
- (iii) Measures to deal with safe pedestrian movement including any temporary arrangements for pedestrians, including access to neighbouring properties
- g) Security Management (to minimise risks to unauthorised personnel).
- h) (Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

**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 SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

#### 8) **REFUSE AND RECYCLING**

- a) Notwithstanding the submitted plans, no development (**above ground level**) shall commence until details of refuse and recycling facilities including food waste bin and details of the biodiversity living roof have been submitted to and approved in writing by the local planning authority.
- b) The facilities as approved under part (a) of this condition 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).

#### 9) **CYCLE STORAGE**

- a) Notwithstanding the submitted plans, no development (**above ground level**) shall commence until detail of the cycle parking facilities that are safe, covered and weatherproofed including details of the biodiversity living roof shall be submitted to and approved in writing by the local planning authority.
- b) The cycle parking facilities approved under part (a) of this condition shall be provided in full 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 cycling and Table 10.2 of the London Plan (March 2021), Policy 14: Sustainable movement and transport of the Core Strategy (2011) and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

#### 10) **SURFACE WATER**

- (a) No development **above ground level** shall commence on site until a scheme for surface water management, including specifications of the

surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.

- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Policy SI 12 Flood risk management in the London Plan (March 2021) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011).

#### 11) **TREE PROTECTION PLAN**

- (a) No development whatsoever shall commence on site until a Tree Survey and Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should be informed by the Tree Survey and 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 and their crowns where construction activity cannot be fully or permanently excluded.
- (b) No works to prune or otherwise cut any part of the trees shall commence until a programme of tree works has been submitted to and approved by the local planning authority.
- (c) the development hereby approved shall only be carried out in full accordance with the details approved under (a) at all times.

**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) **BOUNDARY TREATMENTS**

- (a) Details of the proposed boundary treatments including any gates, walls and 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 first 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) **BAT AND BIRD BOXES/WILDLIFE**

Details of the number and location of the bird and bat boxes to be provided as part of the development hereby approved, in addition to other wildlife friendly measures shall be submitted to and approved in writing by the local planning

authority prior to commencement of above ground works and shall be installed in accordance with the approved details before occupation of the buildings and maintained in perpetuity.

**Reason:** To comply with 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).

## 11.2 INFORMATIVES

- A. 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.
- B. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- C. 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.
- D. The following pre-commencement condition attached to this decision notice is considered necessary in order to protect the amenities of future occupiers and users of the proposed development and encompasses ecological benefits, and to ensure that the proposed development results in a sustainable and well-designed scheme.
  - Construction Management Plan
  - Tree Protection Plan
  - Bat And Bird Boxes/Wildlife
  - Soft and Hard Landscaping