


LONDON BOROUGH OF LAMBETH

Delegated Register 21/03960/FUL

Approver:	 Andrew L Mulindwa 24 August 2022
-----------	---

Site: 121 Bedford Road London SW4 7RA

Description: Construction of a 3-bedroom single family dwellinghouse to the rear of 121 Bedford Road.

Drawings: Internal Daylight Assessment 27.09.2021; Design and Access Statement; Basement Impact Assessment-Screening and Scoping Stages; Energy and Sustainability Statement 27.09.2021; L01 Rev A; A01 Rev A; A02 Rev A; A03 Rev A; A04 Rev A; A05 Rev A; A06 Rev A; RA-149-003P; C01 Rev A; C02 Rev A; C03 Rev A; C04 Rev A; C05 Rev A; C06 Rev A; C07 Rev A; C08 Rev B; C09 Rev A; C10 Rev A; C11 Rev B; C12 Rev A; A07 Rev A; C13 Rev A; Fire Strategy 30.03.2022; Basement Method Statement Mar 2022;

Case officer: Ms Emily Leighton

Recommendation: Grant Permission

Recommendation date: 23.08.2022

Section 106: Yes – Car permit free, car club membership, cycle hire membership

1. Summary

Designations

Designation/constraint
Locally Listed Building - 199-121 Bedford Road Streets Under Conversion Stress - Bedford Road

Site area

Total site area (sqm)	Total site area (hectares(ha))
113sqm	

Floorspace comparison

Use class	Description	Existing floorspace (Gross External Area (GEA))	Proposed floorspace (GEA)
C3	Dwellings		119.47sqm

Housing details

Residential Type		No. of bedrooms per unit				
		1	2	3	4	5+
Existing	Private houses					
Proposed	Private houses			1		

2. Site Description

- 2.1 The proposal site is a backland area to the rear of a group of locally listed building. The subject site was originally the eastern portion of a long, narrow back-garden to No. 121 Bedford Road. The house was divided in to flats and its garden subdivided, with the western portion retained to serve the ground floor flat of No. 121, and the eastern portion subject to this application. The site presently supports a dilapidated greenhouse, and it is tightly enclosed with high boundary treatments.
- 2.2 The site is accessed via a small lane from Bedford Road, which also allows access to the allotments to the east. Neighbouring back-gardens abut the site to the north, west and south, and cumulatively, the allotments, adjacent gardens and the proposal site form a tranquil, open green space, framed by the backs of buildings.
- 2.3 The surrounding built environment is typified by a perimeter pattern of terraced/semi-detached development, with uniform front and rear building lines. Although many dwellings have substantial rear additions, there is very little precedent for independent, permanent backland development. Where an exception occurs, it is atypical of the immediate context and detracts from the openness and visual amenity of the area.
- 2.4 Adjacent buildings are predominantly in residential use and generally between three and four storeys in height. Nos. 121 to 125 Bedford Road are locally listed and the undeveloped, open nature of the gardens and allotments to the rear of the buildings contributes to their amenity.
- 2.1 A site visit was not undertaken for this scheme. In considering the proposals, Officers have had regard to publicly available aerial and streetview photography. Given the scale and nature of the proposals, Officers consider there to be sufficient information available to make an informed assessment.

3. Proposed Development

- 3.1 The application proposes the construction of a 3-bedroom single family dwellinghouse to the rear of 121 Bedford Road.
- 3.2 The dwelling will consist of a basement containing two bedrooms and living/kitchen/dining room and a ground floor element consisting of entrance ways and a bedroom/office/en-suite.
- 3.3 The proposed basement element will take up the whole site measuring the 16.10m x 7.07m. At ground floor level, the applicant proposes to demolish the existing pitched roof garden structure and construct a part-pitched, part-flat roofed element. The ground floor element will have a width of 6.48m along the rear boundary wall and a staggered depth of 3.2m along the

boundary shared with 119 Bedford Road and a depth for 7.28m along the site access. The structure will have a height of 2.93m at its highest point sloping to a height of 2.32m. The roof will be part green roof and part glazed.

- 3.4 The rear boundary wall of the site (to become the rear wall of the dwelling) will be increase in height from 2.46m to 2.47m at its highest point. The pitched roof will sit 0.8m above the boundary treatment adjacent the access way. An obscure glazed window measuring 1.07m x 0.34m is proposed 1.49m above ground level in the flank of the roof pitch.
- 3.5 Cycle storage and refuse storage will be provided within the front garden of the site.
- 3.6 The applicant proposes to cover the access route to the site (between 121 and 123 Bedford Road) with grasscrete.

4. Relevant Planning History

- 4.1 **11/00004/FUL** - Erection of a two storey dwelling house. Application refused on 11.03.2011 for the following reasons:
 - 1) The proposed two storey dwelling, by virtue of its bulky design, overdevelopment of the site, proposed material and scale would appear as a dominating development that would fail to harmonise with the architecture of the surrounding properties. The overall design of the dwelling given its boxed appearance would appear incongruous in the backland garden setting and as a result would harm the visual amenity of the surrounding area. As such the proposed development is contrary to Policies 33 and 38 of the Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011' and Policy S9 of the Lambeth Core Strategy (2011).
 - 2) The proposed two storey dwelling, by virtue of its material, height and siting in relation to neighbouring properties would have an unduly harmful impact upon the living conditions of occupiers of numbers 119 and 121 Bedford Road, giving rise to an unacceptable sense of enclosure and a detrimental impact on the outlook enjoyed by the occupiers of these properties. Contrary to Policies 33 and 38 of the Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011'.
 - 3) The proposed development, by virtue of the proposed windows at first floor level would give rise to a significant increase in the sense of being overlooked, to the detriment of the privacy of occupiers of No.117, 119, 123 and 125 Bedford Road. Contrary to Policy 33 of the Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011'.

- 4) The proposal contains insufficient information to demonstrate that there would not be a loss of daylight or sunlight to windows within the neighbouring properties at No.121 Bedford Road which would result in a detrimental impact on the living environment of neighbouring occupiers and therefore fails to fully satisfy Policy 33 of the Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011'.

4.2 **11/03522/FUL** - Erection of a two storey dwelling house (incorporating basement level) with green roof, together with the provision of cycle and refuse storage. Application refused on 25.06.2012 for the following reasons:

- 1) The proposed development would constitute an inappropriate backland development, resulting in the loss of garden space which in principle would fail to accord with paragraph 53 of the National Planning Policy Framework and Policy 38 (in particular c ii), iv), v) of the Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011' and Policy S9 of the Lambeth Core Strategy (2011).
- 2) The proposed dwelling, by virtue of its siting, scale, height, design, and materials in relation to neighbouring properties, in particular No.119, 121 and 123 Bedford Road would result in a detrimental impact on the outlook enjoyed by the occupiers of these properties. The closeness of the proposed building to boundaries and the existence of basement rooms would result in poor outlook for this property contrary to Policy 38 of the Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January (2011).
- 3) The proposed dwelling, by virtue of its bulky design, overdevelopment of the site, proposed materials and scale would appear as a dominating development that would fail to harmonise with the architecture of the surrounding properties. The overall design of the dwelling given its boxed appearance would appear incongruous in the backland garden setting and as a result would harm the visual amenity of the surrounding area. As such the proposed development is contrary to Policies 33 and 38 of the Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the LDF Core Strategy January 2011' and Policy S9 of the Lambeth Core Strategy (2011).

The applicant appealed this decision under appeal ref: APP/N5660/A/12/2179579. The Inspector advised that the main issues of the appeal were:

- The effect of the proposal on the character and appearance of the area with particular reference to the design, scale, materials and size of the development.

- Whether the proposal would harm the living conditions of both the occupiers of nearby properties and future occupiers of the proposed property with regard to the effect on their outlook and privacy.
- Whether the proposal would constitute inappropriate backland development.

The Inspector advised that the proposed dwelling, despite being single storey, due to its backland siting and uncharacteristic design would result in a prominent development that would be intrusive and incongruous in the largely open area formed by the gardens and allotments lying between the backs of the houses fronting onto Bedford road an Hetherington Road. The Inspector further concluded that the proposal would result in harm to the living conditions of 121 A and 119 Bedford Road. The proposed dwelling was considered to amount to inappropriate backland development. The Inspector dismissed the appeal.

4.3 **14/03515/FUL** - Erection of a new two-storey plus basement three-bedroom house. Application refused on 02.09.2014 for the following reasons:

- 1) By virtue of its overall height, the scale of development at ground floor level covering the full depth of the plot, the height and variety of elements along the southern boundary, and the variety of roof forms, the proposed development would result in a building that would have a cramped appearance, out of proportion with the size of the plot, and with an unduly visually prominent appearance, that would detract from the largely undeveloped and open nature of the backland setting. The proposed development would therefore fail to enhance the architectural character of the area, would fail to properly take into account the scale and character of the area, would not be compatible with the site, context, historic development, established gaps and open spaces of the area, would not be of a scale, massing and height that are appropriate to the site characteristics and setting, and would not relate sensitively to the nearby locally listed buildings. The application therefore fails to comply with policies 31, 33, 36 and 46 of Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the Core Strategy (2011), and Policy S9 of the adopted Lambeth Local Development Framework Core Strategy (2011).
- 2) By virtue of its overall height and the proximity and height adjacent to the western boundary of the site, the proposed dwelling would result in an undue sense of enclosure and significant loss of outlook from the rear of the ground floor and lower ground floor flat and rear garden of 121 Bedford Road. The application therefore fails to comply with policies 7, 33 and 38 of Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the Core Strategy (2011).

4.4 **15/00722/FUL** - Erection of a single storey plus basement three-bedroom house. Application refused on 13.05.2015 for the following reasons:

- 1) By virtue of its overall height and the scale of development at ground floor level covering much of the depth of the plot, the proposed development would result in a building that would have a cramped appearance, out of proportion with the size of the plot, and with an unduly visually prominent appearance, that would detract from the largely undeveloped and open nature of the backland setting. The proposed development would therefore fail to enhance the architectural character of the area, would fail to properly take into account the scale and character of the area, would not be compatible with the site, context, historic development, established gaps and open spaces of the area, would not be of a scale, massing and height that are appropriate to the site characteristics and setting, and would not relate sensitively to the nearby locally listed buildings. The application therefore fails to comply with policies 31, 33, 36 and 46 of Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the Core Strategy (2011), and Policy S9 of the adopted Lambeth Local Development Framework Core Strategy (2011).

- 2) By virtue of its proximity and height adjacent to the western boundary of the site, the proposed dwelling would result in an undue sense of enclosure and significant loss of outlook from the rear of the ground floor and lower ground floor flat and rear garden of 121 Bedford Road. The application therefore fails to comply with policies 7, 33 and 38 of Lambeth Unitary Development Plan (2007): Policies saved beyond 5 August 2010 and not superseded by the Core Strategy (2011).

The applicant appealed the Council's decision under Appeal ref: APP/N5660/W/15/3135066. The Inspector considered the main issues were:

- Effect of the dwelling on the character and appearance of the area;
- The effect of the dwelling on the living conditions of the occupants of neighbouring 121 Bedford Road with regard to outlook;
- Whether the scheme should make provision for affordable housing.

The Inspector considered that the proposed dwelling would represent a cramped, overdevelopment of the site and would introduce a prominent feature intruding on the openness of the area, failing to respect the existing pattern of development and significantly detract from the significance of the non-designated heritage assets. The Inspector found that the proposed dwelling would have an unacceptable overbearing effect and diminish the outlook from 121A Bedford Road significantly impacting the visual amenity of these occupiers. On the matter of affordable housing, the Inspector concluded that the proposal should make a contribution towards affordable housing. The Inspector went on to dismiss the appeal.

4.5 **15/05421/FUL** - Erection of a single storey plus basement three-bedroom house. Application refused on 23.02.2016 for the following reasons:

- 1) The proposed development, by virtue of its overall height, the scale and design of the building at ground floor level, the failure to set the building at ground level in from the boundaries and the absence of any opportunity to incorporate substantial landscape planting, would result in a building that would be unduly prominent and domineering, the development cramped and the site overdeveloped. As such it would detract from the largely undeveloped and open nature of the backland setting, causing harm to the character and appearance of the area. The proposed development is therefore contrary to Policies Q5 and Q14 of the Lambeth Local Plan 2015.
- 2) The proposed development, by virtue of the inadequate proportion of the original garden that would be, or could be, retained with the host building, would fail to retain sufficient curtilage with which to provide a setting appropriate to the host building, which is a building of local historic and architectural interest. The proposed development is therefore contrary to Policies Q5, Q14 and Q23 of the Lambeth Local Plan 2015.
- 3) The proposed development, by virtue of the scale, height and location of the building at ground level, would have an unduly harmful impact on the occupiers of no.119 Bedford Road, affecting their enjoyment of their garden, by reason of the extent to which the proposed building would overlap with the length of no.119's garden and so would affect the outlook from that garden. The proposed development is therefore contrary to Policy Q2 of the Lambeth Local Plan 2015.
- 4) The proposed development, in the absence of evidence to show that the rooms would have adequate light and outlook (the achievement of which may be restricted by the size, orientation and position of the lightwell on the north side of the site and by the size and shape of the bedrooms), and by virtue of the single aspect design of the ground level building (for which no exceptional circumstances have been advanced in justification of this approach) and the low ceiling heights, has failed to show that future occupiers would be provided with an adequate residential living environment. The proposed development is therefore contrary to Policies Q2 and H5 of the Lambeth Local Plan 2015.
- 5) The application fails to demonstrate that it would not be possible to make an appropriate contribution towards off site affordable housing provision and in the absence of any legal agreement to secure an appropriate contribution in lieu of on-site affordable housing provision would fail to provide the maximum reasonable contribution toward affordable housing and as such is contrary to Policy H2 of the Lambeth Local Plan 2015.
- 6) The proposed development, in the absence of evidence to show that there is scope within the scheme as proposed to mitigate any risk of localised flooding as a result of the construction of the basement, and that it would be possible to construct the basement

without risk to the stability of surrounding ground, is contrary to Policy EN5 of the Lambeth Local Plan 2015 and to paragraph 121 of the National Planning Policy Framework.

Planning Enforcement History

4.6 **02/000184/UNADEV** – Erection of 3 sheds in the garden. Case closed 26.02.2008.

5. Consultation

5.1 Public consultation was undertaken in accordance with statutory and council requirements as follows. Following the receipt of a corrected application form and certificate, the application was re-notified to all parties on 27.05.2022. A site notice was posted at the site on 07.06.2022. The applicant also advertised the application in the South London Press on Friday 3rd June 2022 in line with the requirements of serving notice on any person with an interest in the land under Certificate D:

Neighbours

Number of neighbours consulted:	25
Number of objections:	14
Number in support:	0
Number neither supporting nor objecting:	0

Comments can be summarised as follows and includes responses from both rounds of consultation:

SUMMARY OF REPRESENTATION	RESPONSE
Amenity	
Adverse impact of noise to neighbouring properties due to close proximity and lack of adequate outdoor amenity space.	<i>The proposal introduces a residential use within a residential area. It is not considered that there would be noise issues arising from the proposal out of character with the surrounding residential uses.</i>
Loss of privacy due to proposed windows and doors. Overlooking into rear gardens.	<i>Due to the low-level nature of the proposed dwelling and the proposed boundary treatments, overlooking into rear gardens would not occur.</i>
Will impinge on views from adjacent properties as sufficient gaps are not maintained.	<i>The proposed dwelling would be no higher than the boundary treatments and as such view would not be impacted by the proposed dwelling.</i>
Daylight assessment shows that the boundary treatments would be lowered between the site and 119 Bedford Road.	<i>The boundary treatments would not be lowered.</i>
Lack of amenity for future occupiers of application site.	<i>The proposal would result in a minimum of 30sqm amenity space for the future occupiers in accordance with Policy H5 of the LLP.</i>

Method Statement does not account for the disruption and dust levels that will arise from the proposal.	<i>A Method of Construction Statement has been secured by Condition 18 which requires information regarding how dust and disturbance of construction vehicles will be managed.</i>
Conservation and Design	
No other similar rear extensions in the area.	<i>The proposal is not a rear extension.</i>
On a road designated 'road under conversion stress'.	<i>Noted. The designation of 'road under conversion stress' relates to dwellings being converted into flats and does not apply to new houses.</i>
Plot not intended for new dwelling.	<i>Every application is based on its merits and no information has been submitted to show that plot was not intended to be built on.</i>
Dwelling would significantly harm the character and appearance of the area. Would set a precedent and intensify the use of the site.	<i>An assessment of the proposal against Policy Q14 has been undertaken in Section 7.4 of this report. Furthermore, the Conservation and Design Officer has advised that the proposal would not impact on the character and appearance of the area.</i>
The proposal fails to comply with the requirements of Policy Q14 and Q27 of the LLP with regard to maximum curtilage of 50% of the area noting the full footprint of the building is the whole site. Covers 100% of the site.	<i>An assessment against Policy Q14 and Q27 has been undertaken in Sections.... of this report. The site itself is 113.76sqm and the footprint of the building at ground floor level 45.86sqm covers 40% of the plot, thereby within the 50% coverage.</i>
<p>Fails to achieve compliance with the LLP as follows:</p> <ul style="list-style-type: none"> • It is backland development, residential, occupying almost the full width and depth of the plat. • It's a cramped overdevelopment. • Policy Q14A • Policy Q14 10.64 • EN1(A) • Q9. 	<i>A full assessment of the scheme has been set out within this report.</i>
Doesn't reflect the number of refused applications for this site.	<i>Officers note that there have been a number of refused applications on this site (see planning history in Section 4 of this report. The current proposal addresses the previous reasons for refusal and the concerns raised by the Planning Inspector. It is noted that the most recent Appeal Decision related to a scheme that was higher than the existing boundary treatments and would have been readily visible from the surrounding.</i>
Proposal would result in adverse impacts to the heritage value of the locally listed buildings to the southern wall of the site.	<i>The scheme has been assessed by the Conservation and Design Officers who have advised that there would be no harm to the nearby heritage assets.</i>
Unreasonable for the applicant to use the existing dwelling plot in their calculation for the curtilage calculation.	<i>Noted. The site itself is 113.76sqm and the footprint of the building at ground floor level 45.86sqm covers</i>

The land is clearly a separate plot.	<i>40% of the plot, thereby within the 50% coverage.</i>
Transport	
Will result in heavier daily traffic to the rear of multiple properties resulting in security risk.	<i>The accessway is already in use for a number of users to the allotment at the rear. It is not considered the introduction of this unit would increase traffic considerably.</i>
Alleyway is not wide enough to allow for construction vehicles to the site. Would result in large vehicles blocking Bedford Road.	<i>Noted. A Construction Management Plan would be required in the event of a permission.</i>
There is no right to park on the accessway.	<i>Noted. This is a civil matter between the applicant and those who have interest in the alleyway.</i>
Basement	
Basement Impact Assessment has not been submitted.	<i>A Basement Impact Assessment has been submitted and has been reviewed by the Building Control Officers who advise that it is satisfactory.</i>
Proposed basement does not comply with the requirements of Policy Q27.	<i>An assessment of the basement element has been undertaken in Section 7.10 of this report.</i>
Impact of basement construction – will result in impacts on ground water and flooding to houses on Bedford Road. Excavation of 100% of the development plot has potential to cause structural damage.	<i>Building Control Officers and Flood Risk Officers have advised that the submitted Basement Impact Assessment and Construction documents are satisfactory and would not result in construction damage.</i>
No measures have been given on how the boundary walls will be maintained noting the basement will be constructed up to the boundary walls.	<i>Building Control Officers and Flood Risk Officers have advised that the submitted Basement Impact Assessment and Construction documents are satisfactory and would not result in construction damage.</i>
Fire Safety	
How will this proposal be served noting that there is only one access point via the alleyway?	<i>The applicant has provided a Fire Strategy which has been reviewed by the Building Control Team who have advised that the details are satisfactory.</i>
The Fire Strategy takes no account that the alleyway may be blocked at the time of a fire.	<i>As above, the Fire Strategy has been reviewed by the Building Control team who advised that the details are satisfactory.</i>
Fire Strategy demonstrates that the distances required to be covered by fire hoses for this site (up to 50.65m) contravene the guidance in Approved Document B (fire Safety) to the Building Regulations (ADB) which states this must be within 45m of a pumping appliance.	<i>The Fire Strategy demonstrates that the pumping appliance would be situated within 45m of the proposed dwelling. As above, the Fire Strategy has been reviewed by the Building Control team who advised that the details are satisfactory.</i>
Landscaping and Biodiversity	

Does not have strong boundary treatments including trees and plants. Grasscrete will result in loss of biodiversity.	<i>Full details of boundary treatments, grasscrete and other materials would be secured in the event of a permission. The applicant proposes a green roof which will be conditioned in the event of a permission.</i>
Site is home to a large colony of sparrows, blue tits and other birds. The current application does not address the issues raised in the most recent ruling by the Planning Inspectorate: APP/N5660/W/15/3135066	<i>The Appeal Decision did not set out any biodiversity impacts. The current scheme proposes a green roof which in the event of an approval would be secured via condition to be a biodiverse roof.</i>
Loss of open space.	<i>The proposal at ground floor level would retain 60% of the plot, retaining the open space of the site.</i>
Proposal will disrupt a plum tree that has been trained along the rear boundary.	<i>The Arboricultural Officer has reviewed the scheme and has advised that there are not objections.</i>
Land is part of the garden of 121 Bedford Road. Land was separated 28 March 2011.	<i>Noting the land was separated, it is considered that this is no longer a part of the garden of No 121 Bedford Road.</i>
Other Matters	
Documents were unable to be viewed online (Nov 2021).	<i>Documents were made publicly available.</i>
Ambiguity over the right of way and ownership of the alleyway which is the main access to the development. Applicant does not have the right to change the surfacing of the alleyway.	<i>Noted. The lease agreements submitted show that the applicant has rights of way over the access strip. In the event that other users/persons who have interest in the access strip raise concerns, this would be a civil matter between all parties as to what surfacing could be undertaken.</i>
Inaccuracies in application: <ul style="list-style-type: none"> • Application form says there would be no loss of residential garden land; • Said no new water connections required; • Said no altered access from a public highways is proposed. 	<i>Noting the plot denotation on the lease, there would be no loss of residential garden space as the site has been separated from the host property. Water connections would be required for a new dwelling. The accessway to the site is that which already exists adjacent the property.</i>
States in Certificate D that the accessway is unregistered land. There are access rights along it by foot and vehicle to allow access to the allotments, No.s 121 and 123 Bedford Road and the Bedford/Hetherington Community Association.	<i>It is noted that there may be access rights, however the requirement of Certificate D is to notify anyone with an interest in any of the land within the red line site. In the instance where the owners are unknown (such as in the case with the access way) Certificate D is the correct form of notification regarding this piece of land. Should any of the users wished to comment, they were welcome to do so under the consultation process that has been undertaken with this application.</i>
Gates between the alleyway and Bedford Road do not belong to the site involved in the planning application.	<i>Noted. This is a civil matter and advised above the applicant has served Certificate D on whomever may own the alleyway.</i>
The site does not have electricity, gas, water or sewage amenities. It is assumed the applicant expects they	<i>Noted. This is a civil matter and advised above the applicant has served Certificate D on whomever may own the alleyway.</i>

can dig up the alleyway for this purpose.	
The applicant has not asked for permission to redevelop the alleyway or to replace the gates at Bedford Road end. I do not believe that they have the right to do this without agreeing any changes.	<i>Whilst planning permission can be given, any agreement from other owners/users of the land that is required to develop is a civil matter between the applicant and any relevant party.</i>
Allowing the application would result in a breach of the Human Rights Act 1998. Article 1 Protocol 1 of the European Convention on Human Rights is engaged and will be infringed.	<i>The application has been assessed against all relevant plans and policies – it is considered that there has not been a breach to the Human Rights Act.</i>

Consultees

Bedford Hetherington Community Association

Object to proposal. Comments are summarised as follows:

- Contrary to Policies Q14, Q27, Q6, EN1;
- Proposal will result in a loss of biodiversity on the site;
- No precedent for this type of development in the area;
- The dwelling will take over an area of garden required for open space and water drainage;
- Proposal is contrary to the recent appeal decision APP/N5660/W/15/3135066 – the inspector concluded that the proposal would be contrary to Policy Q7, Q14 and Q23 of the Lambeth Local Plan resulting in overdevelopment on the site.

Conservation & Urban Design

No objection subject to conditions.

Transport Lambeth

No objection subject to conditions and a Section 106 agreement to secure car free development.

Bioregional

Further information required – conditions have been recommended to secure this.

Flooding SUDS

No objection – low risk of flooding in this location.

Building Control

In terms of BIA – information satisfactory.

In terms of fire safety – information satisfactory.

Arboricultural Officer

No objection subject to conditions for soft landscaping and green roofing.

Waste Lambeth Planning App

No response

6. Policy

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Section 72 of the Planning (Listed Buildings and

Conservation Area) Act 1990 as amended advises that the Council has a duty to respect any building or land in conservation areas in exercise of planning functions and also advises that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 6.2 The development plan in Lambeth is the London Plan (2021) (hereon referred to as the LP), the Lambeth Local Plan 2020-2035 (2021) (hereon referred to as the LLP) and South Bank and Waterloo Neighbourhood Development Plan (2019) (hereon referred to as the SoW NDP). Please note that policies contained within the SoW NDP are not relevant for the determination of this application are only apply to development in the South Bank and Waterloo area of the Borough.
- 6.3 The updated National Planning Policy Framework was published in 2021. This document sets out the Government's planning policies for England including the presumption in favour of sustainable development and is a material consideration in the determination of all applications.
- 6.4 Set out below are those policies most relevant to the application, however, consideration is made against the development plan as a whole.

London Plan (2021) policies:

GG4 Delivering the homes Londoners need
Policy D4 Delivering good design
Policy D5 Inclusive design
Policy D6 Housing quality and standards
Policy D7 Accessible housing
Policy D10 Basement development
Policy D11 Safety, security and resilience to emergency
Policy D12 Fire Safety
Policy H1 Increasing housing supply
Policy H2 Small Sites
Policy HC1 Heritage conservation and growth
Policy G4 Open Space
Policy G5 Urban Greening
Policy G6 Biodiversity and access to nature
Policy G7 Trees and woodlands
Policy SI 1 Improving air quality
Policy SI 2 Minimising greenhouse gas emissions
Policy SI 3 Energy infrastructure
Policy SI 12 Flood Risk Management
Policy SI 13 Sustainable drainage
Policy T1 Strategic approach to transport
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car Parking
Policy T6.1 Residential Parking
Policy T7 Deliveries, servicing and construction

Policy DF1 Delivery of the Plan and Planning Obligations
Policy M1 Monitoring

Lambeth Local Plan 2020-2035 (2021) policies:

Policy D1 Delivery and monitoring
Policy D4 Planning obligations
Policy D5 Enforcement
Policy H1 Maximising housing growth
Policy H3 Safeguarding existing housing
Policy H4 Housing mix in new developments
Policy H5 Housing standards
Policy T1 Sustainable travel
Policy T2 Walking
Policy T3 Cycling
Policy T6 Parking
Policy T7 Servicing
Policy EN1 Open space, green infrastructure and biodiversity
Policy EN3 Decentralised energy
Policy EN4 Sustainable design and construction
Policy EN5 Flood risk
Policy EN6 Sustainable drainage systems and water management
Policy EN7 Sustainable waste management
Policy Q1 Inclusive environments
Policy Q2 Amenity
Policy Q5 Local distinctiveness
Policy Q7 Urban design: new development
Policy Q8 Design quality: construction detailing
Policy Q9 Landscaping
Policy Q10 Trees
Policy Q12 Refuse/recycling storage
Policy Q13 Cycle storage
Policy Q14 Development in gardens and amenity spaces
Policy Q15 Boundary treatments
Policy Q20 Statutory listed buildings
Policy Q23 Undesignated heritage assets: local heritage list
Policy Q27 Basement Development

Supplementary Planning Documents (SPDs) & Other Relevant Documents:

Lambeth

Parking Survey Guidance Notes
Refuse & Recycling Storage Design Guide
Lambeth Refuse and Recycling Storage Design Guide (2022)
Waste Storage and Collection Requirements - Technical Specification
Air Quality Planning Guidance Notes

London Plan Supplementary Planning Guidance (SPG)

Housing (March 2016)

Accessible London: Achieving an Inclusive Environment (October 2014)

The control of dust and emissions during construction and demolition (July 2014)

Character and Context (June 2014)

Sustainable Design and Construction (April 2014)

7. Planning considerations

7.1 The key planning considerations are:

- Land use
- Quality of residential accommodation
- Conservation and Design
- Amenity for neighbouring residential properties
- Transport and servicing
- Biodiversity and Landscaping
- Sustainability
- Basement development
- Fire safety
- S106 Obligations and CIL

7.2 Land use principle

Principle of residential use

7.2.1 The principle of residential use and intensification at the application site is considered acceptable by virtue of London Plan Policy H1 (Increasing Housing Supply) and Lambeth Local Plan Policy H1 (Maximising Housing Growth). This is supported subject to meeting other development plan policy requirements; and is contingent on the proposal being acceptable in terms of detailed housing policy, standard of accommodation, design, residential amenity, transport impact, and sustainable design and construction.

7.2.2 The National Planning Policy Framework (NPPF) promotes the effective use of land by anticipating the re-use of land that has been previously developed provided that it is not of high environmental value. The application site is currently host to garden structures.

7.2.3 LLP Policy H1 seeks to maximise the supply of additional homes in the borough to meet and exceed Lambeth's housing requirement.

7.2.4 The application site is deemed a small site under Policy H2 of the London Plan (under 0.25ha) – these sites are supported for adding to London's Housing stock. The scheme would provide 1 additional residential unit at the site and would be consistent with the aims of national policy in terms of the provision of housing and would contribute towards meeting the residential needs of the Borough as per LLP Policy H1.

7.2.5 Whilst the principle of residential use is considered to be acceptable in the context and this use is supported, backland development at the subject site will inevitably alter the character of the immediate vicinity by introducing a new use and generating increased activity levels in an area originally intended to be quiet and secluded.

Unit Mix

7.2.6 Policy H1 of the LLP seeks a mix of housing sizes and types to meet the needs of different sections of the community.

7.2.7 Policy H4 of the LLP requires that proposals for market housing provide a balanced mix of unit sizes and types to meet current and future housing needs, including family-sized accommodation.

7.2.8 The proposal would provide a 3-bedroom family sized dwelling meeting the requirements of Policy H1 and H4 of the LLP.

Principle of backland development

7.2.9 Policy Q14 of the LLP sets out the requirements for backland development to be acceptable.

7.2.10 It is noted in the Inspector's report in the appeal following the refusal of application 11/03522/FUL that the lawful use of the site is as a garden, although it's acknowledged that it hasn't been used for this purpose or some time. This view was carried through to the previous refusal. Application (15/05421/FUL) included a reason for refusal regarding policy Q14 of the LLP:

"The proposed development, by virtue of the inadequate proportion of the original garden that would be, or could be, retained with the host building, would fail to retain sufficient curtilage with which to provide a setting appropriate to the host building, which is a building of local historic and architectural interest."

7.3 The proposal therefore would need to demonstrate compliance with policy Q14 of the DRLLP, which includes an assessment on the retained garden space for the existing property at No.121 Bedford Road.

7.4 Overall, the principle of residential use of the site is accepted as it aligns with the objectives of Policy H1 of the LLP and Policy H1 of the LP. The principle of backland development is acceptable subject to compliance with Policy Q14 which is assessed in Section 7.6 of this report.

7.5 Quality of Residential Accommodation

7.5.1 Policy H5 of the LLP sets out the standards of housing expected in new-build dwellings including the need to provide adequate internal space for the intended number of occupiers. London Plan Policy D6 and table 3.1 sets out the minimum unit sizes for residential units in London. The London Plan requirements have been assessed against the maximum number of bedspaces/occupiers an apartment could accommodate. This as well as guidance

contained in The Technical Housing Standards – Nationally Described Space Standard (2015).

7.5.2 The proposal would result in 1 new dwelling as follows:

Size	Required	Bed spaces	Inbuilt Storage	Amenity Space	Dual Aspect
119.47sqm	93sqm	3b, 5p	3.99sqm	Approx. 41sqm	Y

7.5.3 The unit would be dual aspect across 2 floors (basement and ground). There would be 3 bedrooms provided; the bedroom at ground floor level is 13.6sqm, and there are two bedrooms at basement level, which are 12.86sqm and 10.14sqm. The minimum size for double bedrooms as outlined in the LP is 11.5sqm and the minimum for a single bedroom is 7.5sqm. Therefore, the proposal would provide a 3-bedroom, 5-person dwelling.

7.5.4 The proposed dwelling complies with the required room sizes, storage area and internal floor size for a 3-bedroom, 5-person house set out over 2 levels.

7.5.5 The floor to ceiling height at ground floor is varied, with the lowest point being 2.03m and the highest being 2.56m. The height in the basement is 2.5m. The LP outlines that the floor to ceiling height should be 2.5m through 75% of the total floorspace. The ground floor is 32% of the total floor area of the new unit. Given that there are sections of the ground floor which would meet or exceed 2.5m in height, it is considered that the proposal would comply with policy D6 of the LP.

Daylight/Sunlight

The applicant has submitted an Internal Daylight Assessment dated 27.09.2021 prepared by Elmstead Energy Assessments and Building Services. The report has assessed the Average Daylight Factor (ADF) of all three bedrooms and the Kitchen/Living/Dining room. All rooms exceed the minimum ADF for each of the rooms as seen in the following table:

	Room	Minimum Average Daylight Factor Required (%)	Calculated Average Daylight Factor (%)	Overall Result
New Dwelling	Master Bedroom	1.00	2.16	Pass
	Bedroom 1		3.14	Pass
	Bedroom 2 / Office		11.09	Pass
	Kitchen/Living/Dining	2.00	3.12	Pass

Outlook

7.5.6 Officers have raised concerns in relation to the level of outlook afforded to the basement accommodation, as the habitable rooms would be facing into an enclosed courtyard. Of note:

The boundary treatment along the south of the site would be planks with separation between each section, which would allow some outlook from the basement upwards in that direction. It is considered that this would not be sufficient.

From the mid-point of the middle habitable room (bedroom) which faces directly south, the angle upwards over the boundary would be 54.3 degrees. From the bottom of the wall (before the railings begin), the angle is 33.5 degrees. It is advised that outlook is reconsidered and improved.

7.5.7 To address the above, the applicant has undertaken an assessment on the basement rooms in order to demonstrate that there would not be a loss of outlook from these rooms. The assessment has taken into account both the room depths and the no skyline/daylight distribution for the rooms. The test undertaken for the no skyline/daylight distribution shows that all of the habitable rooms will achieve an area with a view of the sky greater than the recommended target of 80%, satisfying BRE guidelines. The calculations are set out in the table below:

Room	Total Room Area (m ²)	Area with View of the Sky (m ²)	Area with View of the Sky (%)	Result
Master Bedroom	9.26	8.92	96%	Pass
Bedroom 1	8.51	7.86	92%	Pass
Bedroom 2 / Office	13.99	13.99	100%	Pass
Kitchen/Living/dining	42.56	37.47	88%	Pass

Noise

7.5.8 The area within the immediate vicinity of the site is residential, therefore, it is considered that there would not be any noise disturbance which would exceed standard domestic levels, which would be unacceptable for the occupants.

Amenity Space

7.5.9 LLP Policy H5 requires that for new dwellings, 30sqm of private amenity space is required. Policy H5 of the LLP states that for new flatted developments, 10sqm amenity space per flat should be provide either as a balcony/terrace/private garden or consolidated with communal amenity space.

7.5.10 The proposal would provide a minimum of 41sqm at ground floor level and a further small courtyard area at basement level, exceeding the minimum requirement of 30sqm in accordance with Policy H5 of the LLP.

Accessibility

7.5.11 LLP Policy Q1 states that development should show how inclusive design will be incorporated.

7.5.12 LP policy D7 states that in order to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

- 1) at least 10% of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet building Regulation requirement M4(3) 'wheelchair user dwellings'.
- 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

7.5.13 The proposed dwelling would have level access at ground floor level. Whilst the dwelling has not been demonstrated to be wheelchair accessible, noting the excess floor area, the new dwelling has the ability to allow for adaptations to be made if required for the ambulant disabled or a wheelchair user. As such, the proposal would accord with the principles of LLP Policy Q1 and Policy D5 and D7 of the LP.

7.5.14 Overall, the quality of the residential accommodation is acceptable.

7.6 Conservation and Design

7.6.1 LLP Policy Q5 stipulates that the local distinctiveness of Lambeth should be sustained and reinforced through new development and proposals will be supported where it is shown that design of development is a response to positive aspects of the local context and historic character in terms of: i) urban block and grain, patterns of space and relationship, townscape/landscape character; ii) built form (bulk, scale, height and massing) including roofscapes; iii) siting, orientation and layout and relationship with other buildings and spaces; iv) materials; v) quality and architectural detailing (including fenestration and articulation).

7.6.2 LLP Policy Q7 states that new development will be supported if it is of quality; has a bulk and scale/mass, siting, building line and orientation, which preserves or enhances the prevailing local character.

7.6.3 LLP Policy Q8 states the council will seek to ensure that proposed building designs and submitted details are buildable and visually attractive.

7.6.4 LLP Policy Q14 states that development in gardens (or on land recently used as gardens) should not result in a loss of biodiversity, loss of trees of value or poor drainage.

7.6.5 Policy Q14A states that development in gardens (or on land most recently used as gardens) should not result in a loss of biodiversity, loss of trees of value, or poor drainage and accord with the requirements set out in parts (b), (c), (d) and (e). Officers note that part C (as updated in the Erratum Notice of 7.10.2021) is relevant to this scheme and an assessment against Q14C is set out below.

Policy Q14C Assessment

7.6.6 Q14 C states that new development in rear gardens (or on land last used as rear gardens) will be supported where:

- i. *outside of conservation areas, the total area of ground covered by buildings within the curtilage does not exceed 50 per cent of the total area of the curtilage excluding the ground area of the original dwelling; and*

Officer comment: The application site is not within a conservation area.

- The original site area (inclusive of 121 Bedford Road – not including the access leg): approximately 279.95sqm.
- The area of the original building: 62.05sqm
- Total curtilage: 217.9sqm
- Proposed building ground coverage: 47.45sqm at GF level
- Ground floor percentage: 21.7%

The proposal would therefore meet the criteria. The ground floor coverage has been reduced following preapplication feedback. The proposal is setback from its southern boundary by 1.41m which reduces the overall mass of the proposal compared to the pre-application scheme.

- ii. *Local Plan policy H5 requirements for external amenity space for both new and existing residential properties on the site are achieved, plus an additional 10m2 amenity space for every bedroom above three in the host building;*

Officer comment: As noted in Section 7.3 of this report, the proposed new dwelling is afforded an excess of 30sqm amenity space, meeting the amenity space requirement for new dwellings. Noting that 121 Bedford Road contains residential properties, the applicant needs to demonstrate that these are afforded external amenity space and 10sqm amenity space for any residential properties containing 3+ bedrooms. An external area of approximately 66.4sqm is retained for the host building. The applicant has submitted the Title information for Flat A (ground and basement flat), Flat B (first floor) and Flat C (second floor). The title information states that the garden area to the rear of 121 Bedford Road is for the lawful use of Flat A only. The application site is on a separate title to the flats within 121 Bedford Road. As such, whilst there are three units within 121 Bedford Road, only Flat A has access to an external garden space and this property retains the minimum requirement of amenity space. The proposed development would not alter/impact any existing amenity

spaces of the upper floor flats. The proposal would therefore comply with this element of Policy Q14.

iii. *it is subordinate in height and scale to the host building; and*

Officer comment: The proposal is subordinate in height to the host building and would accord with this aspect of the policy.

iv. *access arrangements meet relevant standards (including inclusive mobility guidance), are safe and direct; and*

Officer comment: The site is accessed via a gated route sited along the southern boundary of the site. The access provides access to an allotment located directly east of the site and the garage and garden of the rear of 123 Bedford Road. Photos of the route are provided in the DAS and show a dirt/grass road. Drawings indicate that the route will be resurfaced in Grasscrete which would be acceptable as it would provide a structured yet permeable surface. In the event that the application is permitted, the details of this surfacing would be secured via condition to ensure that a safe and easy access route to the development is able to be maintained.

The Draft Lambeth Design Code Part 3 provides additional guidance for 'new houses within existing residential curtilages'. Paragraph 3.23 Point 7 states that designers should '*pay particular regard to the provision of an attractive, direct, secure, inclusive external pedestrian access route from the street to the new dwelling. It should not harm the amenity of adjoining neighbours and be broad enough (minimum 2m) to accommodate soft landscaping and low-level lighting. Cramped and unattractive alleyway type access is unacceptable.*

The proposal would be consistent with the advice; it would have an access route which is 3m wide and includes soft landscape in the form of Grasscrete and low-level lighting. Details of the Grasscrete, its permeability and proposed low-level lighting would be secured by condition.

v. *there would be no unacceptable impacts on amenity.*

Officer comment: An assessment on the amenity of future occupiers of the application site has been undertaken in Section 7.3 of this report and outlines that there would be no adverse impacts on the future occupiers of this development. A full assessment on the amenity of neighbouring residential properties is undertaken in Section 7.5 of this report. Noting the modest height and location of the proposed dwelling, it is unlikely that there would be any daylight/sunlight issues arising to neighbouring properties and their gardens. Outlook from the dwelling would be contained within the application site and would not result in overlooking/loss of privacy to adjacent residential properties.

7.6.7 As such, the proposal would accord with the requirements of Policy Q14C of the Lambeth Local Plan (2021).

Architectural Quality: Appearance and Materials

7.6.8 The proposal would have a contemporary aesthetic. The intention is to create the appearance of a lightweight Pavilion within the English garden which officers consider an acceptable approach. The gable and sloped roofs result in an interesting roof form that reflects the characterful roofscapes in the context. The building would be clad in a dark metal that gives a crisp contemporary appearance that contrasts successfully with the traditional vernacular. The proposal includes green roof that would appear attractive in the garden setting when seen from the upper floors of neighbouring development. Overall, the appearance is well considered, resulting in an attractive proposal.

Heritage Assets

7.6.9 Policy Q20 of the Lambeth Local Plan (2021) states that development affecting listed buildings will be supported where it would conserve the special interest, not harm the setting and not diminish its ability to remain viable in use in the long term.

7.6.10 Policy Q23 of the Lambeth Local Plan (2021) states that the Council will resist the destruction of assets on the local heritage list (or harm to their settings) and expect applicants to retain, preserve, protect, safeguard and, where desirable, enhance them when developing proposals that affect them.

7.6.11 The application site lies to rear of two pairs of early 19th century locally listed semi-detached buildings, three storeys in stock brick. The pairs are defined as non-designated heritage assets, locally listed in 2012 for their architecture. Conservation Officers have carefully considered the impact of the proposal on these assets and concluded that the setting of these locally listed buildings would not be harmed as the proposal is located at the rear away from the assets and is low rise and subordinate.

7.6.12 Three grade II listed properties are located 58m south the site along Acre Lane (no 208, 210 and 212). The designated heritage assets are some distance from the site. Coupled with the low-rise scale of the proposal, the setting of the group of listed properties would not be impacted.

7.6.13 To conclude, Conservation Officers have advised that there would be **no harm** to the setting designated and non-designated heritage assets. As such, the proposal would accord with Policies Q20 and Q23 of the Lambeth Local Plan (2021) and the NPPF (2021).

7.7 Residential Amenity

7.7.1 LLP Policy Q2 of the local plan states that development will be supported if:

- (i) visual amenity from adjoining sites and from the public realm is not unacceptably compromised;
- (ii) acceptable standards of privacy are provided without a diminution of the design quality;

- (iii) adequate outlooks are provided avoiding wherever possible any undue sense of enclosure or unacceptable levels of overlooking (or perceived overlooking);
- (iv) it would not have an unacceptable impact on levels of daylight and sunlight on the host building and adjoining property.

119 Bedford Road

7.7.2 It is noted that there have been refusal reasons in relation to this neighbouring property, as it was considered that a building in this location would have a detrimental impact to the enjoyment of the garden, as there is a decked area to the rear of the garden of No. 119. It is noted that a portion of the ground floor element has been set back from the party line to address this. The rear part of the ground floor element would have the same dimensions as the existing outbuilding in terms of form and scale. It is therefore considered unlikely that the proposal would have a detrimental impact on the amenity of the neighbouring property, in terms of loss of light or overbearingness.

7.7.3 In terms of privacy, as the proposal would be concealed behind boundary treatments, and given that there are no side windows facing No. 119, it is considered that the existing levels of privacy would be unchanged.

121 Bedford Road

7.7.4 There would be three sections of glazing on the front of the proposal at ground floor; two would serve the ground floor bedroom and would be relatively modest in size at 0.86m and 0.81m in width. Views in and out of these openings are limited due to the siting of them within the room. There is also glazing on the façade with a width of 1.31m beside the entrance which does not have floorspace behind it, as it is a void that serves to give more light to the living/kitchen area within the basement. It is considered therefore unlikely that there would be an issue with loss of privacy or overlooking arising from the development.

7.7.5 There would be a space of 18.66m between the rear of the existing dwelling and the façade of the proposal. Given that the proposal is single storey and would be largely concealed behind boundary treatment between the properties, it is considered unlikely that an undue sense of enclosure or overbearingness would be created by the development. Nor is it considered likely that there would be detrimental impact on this neighbouring property in terms of loss of light, due to the siting of the proposal, as well as its scale.

123 Bedford Road

7.7.6 To the side of the site, there is an accessway then No. 123 Bedford Road; it is considered that there is sufficient separation distance between the proposed building

and the closest neighbouring property to the south (approximately 19.58m) and, coupled with the scale and location of the proposal, the amenity of No. 123 would not be unduly compromised.

Sites to the Rear

- 7.7.7 To the rear of the site are allotments; as the existing scale of the outbuilding would be retained in the proposal, the proposal would be concealed behind the party wall and views from the allotments would be unchanged.
- 7.7.8 The surrounding area is residential, and as the proposed use is also residential, the proposal would not be detrimental to the nature of the area, as this would be in line with standard domestic levels of activity and noise. It is considered that visual amenity would be retained within the area, due to the scale of the proposal.

7.8 Transport and Servicing

- 7.8.1 Policies T3, T6 and T7 of the LLP seek to ensure that proposals for development have a limited impact on the performance and safety of the highway network and that sufficient and appropriate car parking and cycle storage is provided whilst meeting objectives to encourage sustainable transport and to reduce dependence on the private car. If development would have an unacceptable transport impact, it should be refused in the absence of mitigation measures to make the development acceptable.

Accessibility and density

- 7.8.2 The site has a public transport accessibility lever (PTAL) score of 6a, which is considered 'Excellent'. Increased housing density is encouraged within areas of good public transport accessibility, as are car-free developments.

Access

- 7.8.3 Access to the proposed development is along an access road which is currently uneven. Whilst the site has an existing crossover, the access is blocked by a removable bollard which would prevent easy vehicles access. The applicant proposes to repave the existing access route to improve the surface for pedestrians, users of the allotment etc.
- 7.8.4 It is noted that the Transport Officer has requested that the existing dropped kerb serving the access way and allotments be stopped up and secured via a Section 278 agreement. However, noting that this serves the allotments to the rear it would be unreasonable to secure this element.

Car Parking

- 7.8.5 Policy T6 of the Lambeth Local Plan (2021) and Policy T6.1 of the London Plan (2021) states that in areas with PTAL of 4-6 schemes should be car permit free.
- 7.8.6 The site is located within a Controlled Parking Zone (CPZ). Transport Officers have requested that the applicant enter into a Section 106 agreement to secure the development as car permit free. The applicant agreed to this in their email of 17.05.2022.

Car Club

- 7.8.7 There is good Car Club coverage across Lambeth and the Council is aiming for Car Club bays within 400m of each other, to ensure convenient provision for all Lambeth residents.
- 7.8.8 Car clubs and pool car schemes are shared pools of cars available locally for short term hire and are a convenient alternative to car ownership. They allow for occasional car use but discourage unnecessary car journeys (see Lambeth Local Plan, Para. 8.35).
- 7.8.9 Car Clubs are required where appropriate, preferably on-street to facilitate ease of public use. Car Clubs and pool car schemes will also be promoted as an alternative to car parking and individual car ownership.
- 7.8.10 A car club membership for all residents needs to be provided for the period of three years to be secured by a Section 106 agreement. The applicant has agreed to this in their email of 17.05.2022.

Cycle Parking

- 7.8.11 Two cycle parking spaces are proposed within two stores close to the entrance of the property. Full details of the stores including specifications and dimensions of the proposed store and cycle parking to ensure suitability will be secured by condition. This should include Sheffield Stand style (horizontal) cycle parking for ease of use with a minimum 1m between stands. For the purposes of security for long stay cycle parking, the covered storage facility should be lockable so as to deter theft of bicycles.

Cycle Hire Membership

- 7.8.12 The Transport Officer has requested that the cycle hire membership for the future occupants are secured through a Section 106 agreement. This would be for a minimum of three years free membership of the Cycle Hire scheme for all residents regardless of

tenure in line with Lambeth Local Plan Policy T3. The applicant agreed to this in their email of 17.05.2022.

Construction Management

- 7.8.13 Policy T7 requires planning applications to be accompanied by a construction and logistics plan, demonstrating arrangements for construction traffic and how environmental, traffic and amenity impacts would be minimised.
- 7.8.14 Method of Construction and Demolition Statement must outline the build duration, programme, numbers of construction vehicle movements, and a commentary on how the site will be built out and impact on the operation of the highway. A full Method of Construction and Demolition Statement would be secured by condition.

Waste and Recycling

- 7.8.15 The proposed development would provide refuse/recycling storage in the front yard of the site. Noting that the development would result in a total of 1 new 3-bed residential unit on the site, the following refuse and recycling should be provided:
- 140L of storage for waste
 - 110L of storage for recycling
- 7.6.16 The applicant advised in their email of 17.05.2022 that the refuse and recycling requirements would be met. Full details of the refuse and recycling storage would be secured by condition.

7.9 Biodiversity and Landscaping

- 7.9.1 Policy EN1 (D) of the Lambeth Local Plan 2021 seeks to increase the quantity of open space in the borough. Policy Q9 seeks to protect existing planting and landscape features of value, and to maximise opportunities for greening. Policy Q10 seeks to protect existing trees and encourages the planning of new trees.
- 7.9.2 LLP Policy EN4(a) states that development, including construction of the public realm, highways and other physical infrastructure, will be required to meet high standards of sustainable design and construction feasible, relating to the scale, nature and form of the proposal.
- 7.9.3 Policy Q9 of the Lambeth Local Plan states that development will be supported where landscaping is attractive and well-designed, creates new habitats/areas of nature conservation interest and biodiversity value, provides sustainable drainage and minimises surface water run-off.
- 7.9.4 Policy G5 of the London Plan 2021 states that “*Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2 but*

tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development (excluding B2 and B8 uses)”

7.9.5 Policy G6 of the London Plan 2021 states that “*Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.*”

7.9.6 Given that the site is already in an established residential area and that the proposal would result in a single storey structure, slightly larger than that in-situ, it is considered that there would not be any significant loss of natural habitat that may benefit the local biodiversity. Additionally, the site is not protected by the LLP as having special nature conservation value.

Landscaping

7.9.7 The application has been reviewed by the Councils Arboricultural Officer who has advised that there is no objection to the proposal. In the event of a permission, the officer has requested a condition to secure details of the proposed green roof and a well-considered planting scheme to off-set the level of hardstanding. This will also be conditioned to include that biodiversity net gain must be achieved at the site. The proposal would accord with the principle of Policies Q9 and Q10 of the LLP.

7.10 Sustainability

7.10.1 The applicant submitted an Energy and Sustainability (prepared by Elmstead Energy Assessment and Building Services dated 27.09.2021) and this has been reviewed by the Council’s Sustainability Consultant and noted that this was partially compliant with the GLAs Energy Assessment Guidance 2020 and the London Plan policies. The Consultant advised that the following details would be secured by way of condition:

- As-built SAP calculations prior to occupation;
- An updated Energy Strategy to confirm the carbon emissions achieved at each stage of the energy hierarchy;
- An Energy and Sustainability Statement which demonstrates how sustainable design standards have been integrated into the design, construction and operation of the proposed development;
- Demonstrate that the internal water consumption will not exceed 105 litres/person/day;
- Details of water saving measures;
- Soft landscaping;
- Urban greening and biodiversity net gain.

7.11 Officers consider that the above information is acceptable to secure via condition.

7.12 Flood Risk and Basement Development

- 7.12.1 Policy EN5 of the Lambeth Local Plan (2021) states that the Council will seek to minimise the impact of flooding through the borough by applying a risk-based approach and permitting appropriate development in Flood Zone 1 subject to meeting the criteria set out in Annexe 4 of the Lambeth Local Plan.
- 7.12.2 LLP Policy EN6 requires proposals to ensure that the layout and design does not have a detrimental impact on floodwater flow routes across the site and demonstrate that there is capacity in the local networks to serve the development.
- 7.12.3 Policy Q27D of the Lambeth Local Plan (2021) states that basements will be supported where applicants can demonstrate that no unacceptable impacts will result to ground water, land stability, the ability of trees and landscaping to thrive without irrigation and no harm would come to designated and non-designated heritage assets.
- 7.12.4 Policy Q27E of the Lambeth Local Plan (2021) states that proposed basement accommodation will generally be expected to:
- i. have external features and details that respond appropriately to the character and materials of the host building and cause no harm to the visual amenity of the wider context;
 - ii. include a positive pumped device (or equivalent) to mitigate against the risk of sewer flooding;
 - iii. fully integrate plant and machinery in order to minimise visual and noise impacts;
 - iv. incorporate sustainable urban drainage measures or any other mitigation measures where required; and
 - v. where possible be naturally ventilated.
- 7.12.5 The application site is located in Flood Zone 1 (low probability) and shows on the flood maps as low-risk. The application was reviewed by the Council's Flood Risk Officer who has advised that according to Environment Agency mapping the site is at low risk of flooding.
- 7.12.6 The Building Control Team have reviewed the scheme and the submitted Method Statement for Basement Construction and advise that this is satisfactory. As such, the proposed basement would accord with the requirements of Policy Q27 of the Lambeth Local Plan (2021).

7.13 Fire Safety

- 7.13.1 Policy D12 (A) of the London Plan (2021) states that all development proposals must achieve the highest standards of fire safety.
- 7.13.2 The applicant has submitted an updated Fire Strategy prepared by FSEC. The Council's Building Control team have reviewed the strategy and advised that the plan is reasonably sound. As such, the proposal accords with Policy D12 of the London Plan

2021.

7.14 S106 Obligations and CIL

7.14.1 The LLP Policy D4 and Annex 9 sets out the Council's policy in relation to seeking planning obligations and the charging approaches for various types of obligation. For contributions that are not covered by Annex 9, the Council's approach to calculating contributions is guided by the Development Viability SPD (adopted 2017) and the Employment and Skills SPD (adopted 2018).

7.14.2 The planning obligations that are proposed are considered necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in kind and in scale to the development. They are therefore compliant with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

7.14.3 The proposed obligations that would be secured in the event of a permission are as follows:

Item	Details
Transport	<ul style="list-style-type: none">• Car permit free as site in CPZ• Car club membership for new unit for a minimum of 3 years• Cycle hire membership for new dwelling for minimum of 3 years
Monitoring fee	<ul style="list-style-type: none">• £500

8. Conclusion

8.1 Upon full assessment of the submitted material supporting the application, taking into account all material considerations, it is considered the objectives of the development plan have been met.

9. Equality Duty and Human Rights

9.1 In line with the Public Sector Equality Duty the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

9.2 In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human

Rights. The human rights impacts have been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.

- 9.3 The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

10. Procedural Note

- 10.1 The application has received one or more objections which are in part based on material planning grounds and as such the Local Planning Authority has given due consideration to clause 2 of the Planning Applications Committee terms of reference when determining the application.
- 10.2 Planning officers have used their professional judgement and are satisfied that in terms of the content of the objections that the application clearly complies with the relevant planning policies and as such a decision may be taken by officers without requirement to refer to Planning Applications Committee.

11. Recommendation

- 11.1 Grant Conditional Planning Permission subject to S106 agreement.

12. Conditions

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to conditions of this planning permission

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, improvement, alteration, building, or enclosure permitted by Schedule 2, Part 1, Classes A, B, C, D, E or F of the Order shall be carried out or erected without the prior written permission of the local planning authority.

Reason: In the opinion of the Local Planning Authority, the nature and density of the layout requires strict control over the form of any additional development which may be proposed in the interests of maintaining a satisfactory residential environment (Policy Q2 of the Local Plan (2021)).

DESIGN CONDITIONS

- 4 Prior to commencement of the development hereby permitted and notwithstanding the details shown on the drawings hereby approved, a schedule and details of the materials to be used in the external elevations (including RAL numbers where appropriate) shall be submitted to and approved in writing by the local planning authority. This shall include photographs of the sample panels and materials. The development hereby permitted shall be thereafter built, in accordance with the approved details.

Reason: To ensure that the external appearance of the building is satisfactory (policies Q2, Q7 and Q8 of the Lambeth Local Plan (2021)).

- 5 Prior to the commencement of development and notwithstanding the details shown on the drawings hereby approved, detailed construction drawings of all external elevations at a scale of 1:10 (including sections) including the following items shall be submitted to and approved in writing by the local planning authority:

- Details of all proposed windows and doors at scale 1:10;
- Details of soffits, fascia, cills and copings;
- Details of proposed roofs including green roof (plan and section);
- Details of all boundary treatments including external walls, external stairs, ramps, fences and gates, details of access route;
- Details of all rainwater goods;
- Proposed external lighting locations (including low-level lighting) and details;
- Proposed grasscrete details, its permeability and surfacing materials of accessway.

The development shall not be carried out other than in accordance with the approved details.

Reason: Development must not commence before this condition is discharged to ensure that the external appearance of the building is satisfactory so as to safeguard and enhance the visual amenities of the locality (Policies Q2, Q7, Q8, Q12, Q13 and Q14 of the Lambeth Local Plan (2021)).

- 6 No vents, pipes or extracts are to be applied to the approved development unless shown on the approved plans.

Reason: To ensure that the external appearance of the building is satisfactory (Policies Q2, Q7 and Q8 of the London Borough of Lambeth Local Plan (2021)).

- 7 Notwithstanding the approved plans, the property name and numbers shall be permanently displayed at the principal entrance into the site.

Reason: To ensure that the external appearance of the building is satisfactory (Policies Q2, Q7 and Q8 of the London Borough of Lambeth Local Plan (2021)).

AMENITY CONDITIONS

- 8 The flat roof areas of the above ground structures hereby approved shall not be used as a balcony, terrace, sitting out or other amenity area.

Reason: To safeguard the amenity of neighbouring occupiers (Policy Q2 of the Lambeth Local Plan (2021)).

SUSTAINABILITY CONDITIONS

- 9 Prior to first occupation of the development hereby approved, As Built SAP calculation an output of the National Calculation Method should be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved a minimum of 19% reduction in carbon emissions over that required by Part L of the Building Regulations 2013, in line with the approved Energy Statement (EEABS, September 2021).

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with Policy SI 2 of the London Plan (2021) and Policy EN4 of the Lambeth Local Plan (2021).

- 10 Prior to commencement of the development hereby approved, an Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority confirming the carbon emissions achieved at each stage of the Energy Hierarchy.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with Policy SI 2 of the London Plan (2021) and Policy EN4 of the Lambeth Local Plan (2021).

- 11 Prior to commencement of the development hereby approved, a Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority demonstrating how the development adheres to the guidance contained within the Mayor's Sustainable Design and Construction SPG across its lifecycle, including:

- a) confirming that responsibly sourced materials will be specified (for example, materials have BES6001/ISO14001 certification)
- b) prioritizing materials with a low embodied carbon
- c) use of non-toxic and robust materials to ensure longevity and a minimal impact on the health of occupants.
- d) all timber will have FSC/PEFC certification.
- e) waste will be minimized during construction and waste diverted from landfill, with targets set for these where possible.
- f) facilities will be provided to make it easy for residents to segregate and store recycling and general waste.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with Policy SI 2 of the London Plan (2021) and Policy EN4 of the Lambeth Local Plan (2021).

- 12 Prior to the commencement of the development hereby approved, a water efficiency calculator shall be submitted to and approved in writing by the Local Planning Authority, showing how water consumption rates of less than 105 litres per person per day shall be achieved for the dwelling.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with Policy SI 2 of the London Plan (2021) and Policy EN4 of the Lambeth Local Plan (2021).

- 13 Within six months of first occupation of the development hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that water metering and saving measures have been installed.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with Policy SI 2 of the London Plan (2021) and Policy EN4 of the Lambeth Local Plan (2021).

- 14 Prior to commencement of the development hereby approved, a detailed specification of the biodiverse green roofs shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the quantity, size, species, position and the proposed time of planting of all elements of the green roofs, together with details of their anticipated routine maintenance and protection. The green roofs shall only be installed and thereafter maintained in accordance with the approved details.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with Policy G6 of the London Plan (2021) and Policy Q2, Q9, EN1 and EN4 of the Lambeth Local Plan (2021).

- 15 If within 5 years of the installation of the green roof any planting forming part of the green roof shall die, be removed, or become seriously damaged or diseased, then either this planting shall be replaced in the next planting season with planting of a similar size and species, or otherwise the green roof shall be entirely removed from the site.

Reason: To safeguard the visual amenities of the area (policies EN1, Q2 and Q9 of the London Borough of Lambeth Local Plan (2021)).

- 16 Prior to commencement of the development hereby approved, a specification of all proposed soft landscaping and tree planting has been submitted to and approved in writing by the Local Planning Authority. The scheme of soft landscaping shall include details of the quantity, size, species, position and the proposed time of planting of all trees and shrubs to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection. In addition, all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape shall be similarly specified. The landscape design shall demonstrate how net biodiversity gain will be achieved. All tree, shrub and hedge planting included within the above specification shall accord with BS3936:1992, BS4043:1989 and BS8545:2015 and current horticultural / landscape best practice.

Reason: To ensure a satisfactory and appropriate landscape scheme relative to the development in order to comply with Policy Q9 of the London Borough of Lambeth Local Plan (2021) and Policy G6 of the London Plan (2021).

- 17 All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the

development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to introduce high quality soft landscaping in and around the site in the interests of the ecological value of the site and to ensure a satisfactory landscaping of the site in the interests of visual amenity (Policy Q9 of the Lambeth Local Plan (2021)).

TRANSPORT CONDITIONS

18 No demolition or development shall commence until full details of the proposed construction and demolition methodology, in the form of a Method of Construction and demolition Statement, have been submitted to and approved in writing by the local planning authority. The Method of Construction Statement shall include details regarding:

- a) The scope and nature of notifying neighbours with regard to specific works;
- b) Advance notification of road closures;
- c) Details regarding parking, deliveries, and storage;
- d) Details regarding dust mitigation and asbestos disposal;
- e) Details of measures to prevent the deposit of mud and debris on the public highway; and
- f) Any other measures to mitigate the impact of construction upon the amenity of the area and the function and safety of the highway network.
- g) Construction Logistics Plan (CLP), defining the timings and various activities to take place during the different phases of the demolition and construction periods.

No demolition or development shall commence until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site or otherwise during the construction period in accordance with the approved details. The demolition and development shall thereafter be carried out in accordance with the details and measures approved in the Method of Construction Statement.

Reason: Development must not commence before this condition is discharged to avoid hazard and obstruction being caused to users of the public highway and to safeguard residential amenity from the start of the construction process (policies T6 and T7 of the Lambeth Local Plan (2021)).

19 Prior to first occupation of the dwelling hereby approved, details of the proposed cycle parking storage (including elevation drawings and details of horizontal cycle Sheffield stands with a min 1m spacing), shall be submitted to and approved in writing by the Local Planning

Authority. The development hereby permitted shall be thereafter built in accordance with the approved details.

Reason: To provide for sustainable transport methods for future occupants of the development in accordance with Policies Q13, T1 and T3 of the Lambeth Local Plan (2021).

- 20 Prior to first occupation of the dwelling hereby approved, details of the waste and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. The waste and recycling storage areas/facilities should comply with the Lambeth's Refuse & Recycling Storage Design Guide (2013), unless it is demonstrated in the submissions that such provision is inappropriate for this specific development. The development hereby permitted shall be thereafter built, in accordance with the approved details.

Reason: To ensure suitable provision for the occupiers of the development, to encourage the sustainable management of waste and to safeguard the visual amenities of the area (Policies Q2 and Q12 of the London Borough of Lambeth Local Plan (2021)).

- 21 If Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW is required on site during the course of demolition, site preparation and construction phases, it must comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer must register all NRMM at <https://nrmm.london/user-nrmm/register> prior to bringing it on to site and shall keep the register up to date by listing all NRMM used during the demolition, site preparation and construction phases of the development.

Reason: To ensure that air quality is not adversely affected by the development (Policy SI 1 of the London Plan (2021)).

13. Informatives

- 1 This decision letter does not convey an approval or consent which may be required under any enactment, by-law, order or regulation, other than Section 57 of the Town and Country Planning Act 1990.
- 2 Your attention is drawn to the Statutory Wildlife Implications. Wildlife in the United Kingdom is afforded protection under the Wildlife and Country Act 1981 as amended by the Countryside and Rights of Way Act 2000. Statutory protection is given to birds (including nest sites), bats and other species that inhabit trees and existing structures. Tree work is governed by these statutes and advice should be sought before undertaking any works that may constitute an offence. For further information on this matter please contact Natural England at www.naturalengland.org.uk
- 3 Your attention is drawn to the provisions of the Building Regulations, and related legislation which must be complied with to the satisfaction of the Council's Building Control Officer.
- 4 Your attention is drawn to the provisions of The Party Wall Act 1996 in relation to the rights of adjoining owners regarding party walls etc. These rights are a matter for civil enforcement and you may wish to consult a surveyor or architect.

5 You are advised of the necessity to consult the Transport and Highways team within the Transport Division of the Directorate of Environmental Services, with regard to any alterations affecting the public footway. It is current Council policy for the Council's contractor to construct new vehicular accesses and to reinstate the footway across redundant accesses. The developer is to contact the Council's Highways team on 020 7926 9000, prior to the commencement of construction, to arrange for any such work to be done. If the developer wishes to undertake this work the Council will require a deposit and the developer will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.

6 Street Naming & Numbering

As soon as building work starts on the approved development, you must contact the Street Naming and Numbering Officer if you need to do any of the following

- name a new street
- name a new or existing building
- apply new street numbers to a new or existing building
- apply new numbers to internal flats or units

This will ensure that any changes are agreed with Lambeth Council before use, in accordance with the London Buildings Acts (Amendment) Act 1939 and the Local Government Act 1985. Contact details for the Street Naming and Numbering Officer are listed below:

Street Naming and Numbering, Lambeth Council, PO BOX 734, Winchester, SO23 5DG
email: StreetNN@lambeth.gov.uk telephone: 020 7926 2283