

Committee	PLANNING COMMITTEE C	
Report Title	36 Old Road, London, SE13 5SR	
Ward	Lee Green	
Contributors	Patrycja Ploch	
Class	PART 1	26 MARCH 2020

Reg. Nos. DC/19/114767

Application dated 22/11/2019

Applicant Purelake New Homes Ltd

Proposal Application under Section 73 of the Town and Country Planning Act 1990 to remove condition 5 (Code for Sustainable Homes Rating Level 4) of planning permission DC/14/87793 granted on 13th November 2014 for the demolition of existing workshop buildings at 36 Old Road SE13 and the construction of 9, three storey, four bedroom houses, a car shelter providing 12 parking spaces, cycle and bin storage.

Designation Lee Green Neighbourhood Forum  
Lee Manor Article 4(2) Direction  
Area of Archaeological Priority  
Air Quality

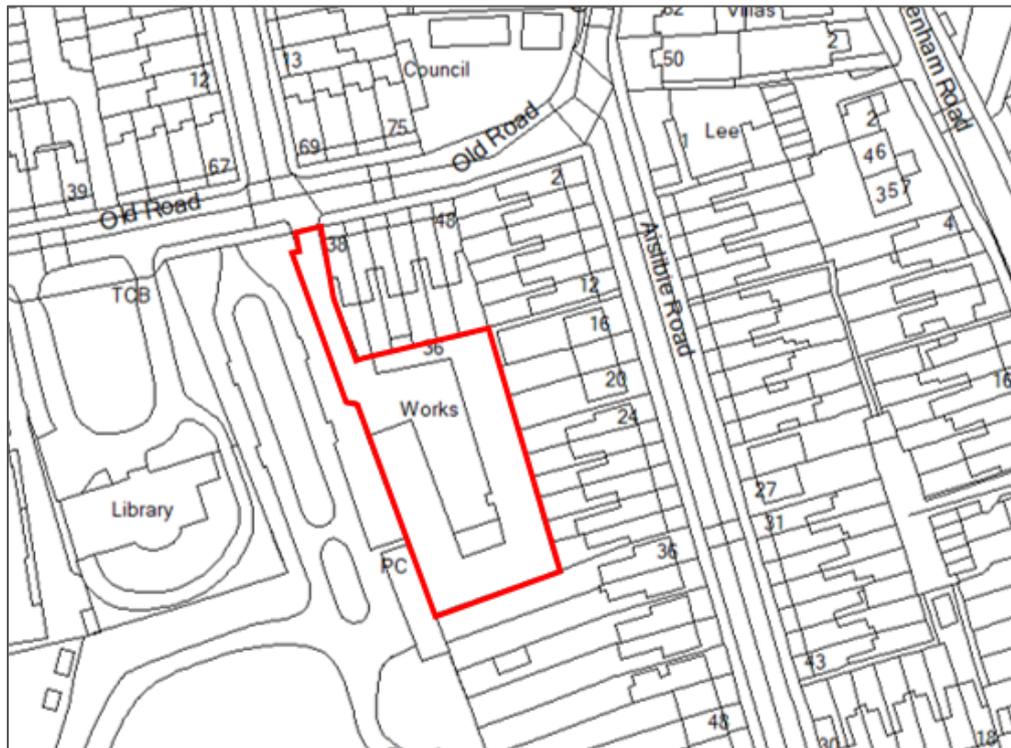
## 1 SUMMARY

1 This report sets out Officer's recommendation to **GRANT** the above application, subject to conditions. This case is brought before Members for a decision as permission is recommended to be granted and more than three objections have been received.

## 2 SITE AND CONTEXT

### *Site description and current use*

2 The application site is approximately 0.16 hectares and occupies land on the south side of Old Road. Access to the site is from the north side off Old Road, with a cobbled driveway leading into the site through a gated entrance.



**Map 1: Site location plan**

***Character of area***

- 3 Old Road has a number of residential terrace rows of differing design styles. To the east and south the proposal site adjoins the rear gardens of residential properties in Aislibie Road. Along the boundary, there is a 3.5m high wall, which is to be retained as part of the proposal and beyond the wall the houses on Aislibie Road have garden depths of between 6.5m - 14.5m.

***Heritage/archaeology***

- 4 The application site is not within the Conservation Area and is not listed. The site is also adjacent to the Lee Manor Conservation Area. The site is within an Area of Archaeological Priority.
- 5 To the west of the site is the Grade II\* listed Library building set within the grounds of Manor House Gardens, which is part of the Lee Manor Conservation Area.

***Local environment***

- 6 The site falls within Flood Risk Zone 1, and is therefore considered as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

***Transport***

- 7 The site has a PTAL rating of 2.

**3 RELEVANT PLANNING HISTORY**

- 8 Planning permission was granted for the demolition of existing workshop buildings at 36 Old Road SE13 and the construction of 9, three storey, four bedroom houses, a car shelter providing 12 parking spaces, cycle and bin storage on 13/11/2014 (LPA ref

DC/14/087793). This was granted subject to a number of conditions, including Condition 5 to which this application relates.

- 9 Other recent applications seeking to discharge other conditions of the 2014 permission have also been made and they are listed in the table below.

REFERENCE	DESCRIPTION	DECISION
DC/20/115796	Details submitted in accordance with Conditions 6 (External material schedule), 9 (Hard landscaping) and 18 (Obscured glass) of DC/14/87793, granted 01/11/2014 for the demolition of existing workshop buildings at 36 Old Road SE13 and the construction of 9, three storey, four bedroom houses, a car shelter providing 12 parking spaces, cycle and bin storage.	Under consideration
DC/20/115801	Details submitted in accordance with Condition 7 (Refuse and recycling facilities) of DC/14/87793, granted 01/11/2014 for the demolition of existing workshop buildings at 36 Old Road SE13 and the construction of 9, three storey, four bedroom houses, a car shelter providing 12 parking spaces, cycle and bin storage.	Under consideration
DC/20/115802	Details submitted in accordance with Condition 8 (Cycle parking facilities) of DC/14/87793, granted 01/11/2014 for the demolition of existing workshop buildings at 36 Old Road SE13 and the construction of 9, three storey, four bedroom houses, a car shelter providing 12 parking spaces, cycle and bin storage.	Under consideration

- 10 Members are advised that in the event that the above discharge of condition application(s) are approved before the decision is made on the current planning application to remove Condition 5. Officer would have delegated authority to remove the requirement for the applicant to submit further detail in relation to these applications.

#### 4 CURRENT PLANNING APPLICATION

##### 4.1 THE PROPOSAL

- 11 This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) for:

- the removal of Conditions 5 (Code for Sustainable Homes Rating Level 4) of planning permission referenced DC/14/087793 granted on 13th November 2014 for the demolition of existing workshop buildings at 36 Old Road SE13 and the construction of 9, three storey, four bedroom houses, a car shelter providing 12 parking spaces, cycle and bin storage.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

12 A site notice was displayed and letters were sent to residents and business in the surrounding area on 18th December 2019. A press notice was published in the local newspaper on 23rd December 2019.

13 A petition signed by eight (8) individuals and one (1) letter of objection were received.

14 Cllr Mallory also expressed his concerns with the application.

#### 5.1.1 Comments in objection

Comment	Para where addressed
Lowering of environmental standards	See paras 34 - 38

### 5.2 INTERNAL CONSULTATION

15 The following internal consultees were notified.

16 Environmental Sustainability: Raised no objections.

## 6 POLICY CONTEXT

### 6.1 LEGISLATION

17 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

### 6.2 MATERIAL CONSIDERATIONS

18 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.

19 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.

20 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 the test of reasonableness.

### 6.3 NATIONAL POLICY & GUIDANCE

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

## **6.4 DEVELOPMENT PLAN**

21 The Development Plan comprises:

- London Plan Consolidated With Alterations Since 2011 (March 2016) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

## **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

22 London Plan SPG/SPD:

- Sustainable Design and Construction (April 2014)

## **6.6 OTHER MATERIAL DOCUMENTS**

- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9th December 2019. This document now has some weight as a material consideration when determining planning applications. The relevant draft policies are discussed within the report (DLPP).

## **7 PLANNING CONSIDERATIONS**

23 The main issues are:

- Principle of Development
- Sustainable Development

### **7.1 PRINCIPLE OF DEVELOPMENT**

#### *General policy*

24 Section 73 of the Town and Country Planning Act (1990) concerns application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

#### *Discussion*

25 The Applicant is entitled to apply to the LPA to undertake their development without compliance with conditions subject to which the previous planning permission was granted. In determining such an application, the LPA shall only consider the question of the conditions subject to which planning permission should be granted.

26 In this case the Applicant is seeking permission to carry out the original planning permission without complying with Condition 5 (Code for Sustainable Homes Rating Level 4). Should Members be minded to grant planning permission, the effect would be

the issue of a new planning permission subject to all relevant original planning conditions with the exception of Condition 5.

27 The question before Members, therefore, is whether Condition 5 still meets the so-called Six Tests. NPPF para 55 states that “planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

### 7.1.1 Principle of development conclusions

28 This application under Section 73 of the Act is the appropriate mechanism for addressing this issue.

## 7.2 SUSTAINABLE DEVELOPMENT

### *Policy*

29 NPPF para 148 sets an expectation that planning will support transition to a low carbon future.

30 This is not a major development and therefore the full range of policies relating to sustainable development do not apply to this case.

31 CS Objective 5 sets out Lewisham’s approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

32 CSP 8 (3) is particularly relevant. It states “All new residential development (including mixed use) will be required to achieve a minimum of Level 4 standards in the Code for Sustainable Homes from 1 April 2011 and Level 6 from 1 April 2016, or any future national equivalent”.

33 The Code for Sustainable Homes (the Code) is an environmental assessment method for rating and certifying the performance of new homes. It was launched in 2006 and in practice replaced BREEAM for residential development. The Code covers nine categories of sustainable design:

- Energy and CO2 Emissions
- Water
- Materials
- Surface Water Run-off
- Waste
- Pollution
- Health and Well-being
- Management
- Ecology

### *Discussion*

34 Since the adoption of the Core Strategy, the Government has withdrawn the Code, except in legacy cases. A Written Ministerial Statement (WMS), published on 25 March 2015, detailed the replacement the Code with new national technical standards which comprise new additional optional Building Regulations regarding water and access as well as a national space standard. The Government, in the WMS, set out that from 1 October 2015, existing policies and guidance relating to matters formally controlled by

the Code should be interpreted by reference to the nearest equivalent new national technical standard. The Government's policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.

- 35 Officers are clear that there is no longer a policy basis for requiring compliance with the Code, except in legacy cases. Legacy cases are those where residential developments are legally contracted to apply a Code policy (for example where affordable housing is funded through the national Affordable Housing Programme 2015 to 2018, or earlier programme), or where planning permission has been granted subject to a condition stipulating discharge of a code level, and developers are not appealing the condition or seeking to have it removed or varied. In these instances it is possible to continue to conduct Code assessments. In this case, the Applicant has applied to remove this condition. This is therefore not a legacy case.
- 36 As an application is being made to remove condition 5 (Code for Sustainable Homes Rating Level 4), the Council is obliged to consider the application against current planning policy. Since 2015 the Council has not required developments of any scale to comply with Code, notwithstanding the wording of CSP 8 (3).
- 37 Referring back to the Six Tests, Officers are of the opinion that requiring compliance with Condition 5, in light of the above changed policy, would be unnecessary, not relevant to planning, unenforceable and unreasonable.
- 38 Turning to alternatives, the Code has been replaced by new national technical standards which comprise new additional optional Building Regulations (as set up by Section 42 of the Deregulation Act 2015) regarding to water and access and an optional nationally described space standard. Conditions 11 and 12 of the original planning permission require compliance with Lifetime Home Standards and to provide one wheelchair dwelling. Officers consider this adequately addresses access. Part G of the Building Regulations covers water efficiency, setting a target of 125 litres per person per day. Officers consider this adequately addresses water usage. Finally, Part L of Building Regulations sets CO<sub>2</sub> emissions target for new development. The 2013 Part L CO<sub>2</sub> emissions target are comparable with the CSH Level 4 CO<sub>2</sub> emissions targets.

### **7.2.1 Sustainable Infrastructure conclusion**

- 39 Officers are of the view there is no policy basis to resist the removal of this condition. Existing conditions would be re-imposed and these in conjunction with Building Regulations address the key issues previously covered by Code.

## **8 LOCAL FINANCE CONSIDERATIONS**

40 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).

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

42 The CIL is therefore a material consideration. No CIL is liable in this case as there is no increase in the previously approved floor area.

## 9 EQUALITIES CONSIDERATIONS

43 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.

44 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.

45 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.

46 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/services-public-functions-and-associations-statutory-code-practice>

47 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

48 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>

49 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 is concluded that there is no impact on equality.

## 10 HUMAN RIGHTS IMPLICATIONS [Amend to specific situation]

50 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:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

51 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.

52 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.

53 This application has the legitimate aim of providing a new building with and residential uses. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

## 11 CONCLUSION

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

55 Officers conclude the development can be carried out without compliance with Condition 5 (Code for Sustainable Homes Rating 4). This is because the Code has been withdrawn by the Government, except in a limited set of circumstances which are not applicable here. Current planning policy provides no basis for imposing a requirement to comply with Code, and other measures are in place to address key issues formally controlled by the Code. Condition 5 therefore is no longer necessary or reasonable: for these reasons, Condition 5 (Code for Sustainable Homes Rating 4) should be removed.

## 12 RECOMMENDATION

56 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives in the event that the discharge of condition application have not be approved.

57 If the discharge of condition application are approved the Committee should resolve to **GRANT** planning permission within condition Conditions 6 (External material schedule),

7 (Refuse and recycling facilities) and 8 (Cycle parking facilities), 9 (Hard landscaping) and 18 (Obscure glass).

## 12.1 CONDITIONS

### 1) TIME LIMIT

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of 13 November 2014 on which the original permission DC/14/87793 was granted.

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

### 2) DEVELOPMENT IN ACCORDANCE WITH APPROVED DRAWINGS

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

15/05/2014, OS.001 A, EX.000 B, EX.001 A, EX.002 A, EX.003 A, PL.000 G, PL.001 H, PL.002 G, PL.003 E, PL.004 E, EL.001 D, EL.002 C, EL.003, SE.001 C, DE.001 D, DE.002 D, DE.003 D, DE.004 D, DE.005 DE.006

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

### 3) CONSTRUCTION MANAGEMENT PLAN

Development shall be carried out in accordance with the approved Construction Management Plan approved under application reference DC/19/114763 granted on 28 February 2020.

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

### 4) CONTAMINATION

(a) Phase 2 Ground Investigation Report has been submitted and approved by the Local Planning Authority under discharge of condition application reference DC/15/00697 approved on 03 June 2015. The required remediation approved under this condition must be implemented in full.

(b) If during any works on the site, further contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

(c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

**Reason:** To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

#### 5) **MATERIALS**

No development shall commence on site until a detailed schedule and samples of all external materials and finishes, windows and external doors and roof coverings to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### 6) **REFUSE AND RECYCLING**

- a) The development shall not be occupied until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- b) The development shall not be occupied until the facilities as approved under part (a) have been provided in full 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 Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

#### 7) **CYCLE PARKING**

- a) The secure and dry cycle parking facilities shall be provided in full accordance with Drwg PL.000 Rev G hereby approved.
- b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- c) The development shall not be occupied until all cycle parking spaces have been provided and made available for use and shall be retained thereafter for the lifetime of the development.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

8) **HARD LANDSCAPING**

- a) No development shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- b) The development shall not be occupied until all hard landscaping works which form part of the approved scheme under part (a) have been completed in accordance with the approved scheme under part (a) and shall be retained thereafter for the lifetime of the development.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

9) **RETAIN BOUNDARY WALLS**

The existing boundary wall shall be retained in perpetuity at a height of 3.45m on the eastern and southern boundaries and at a height of 4.25m on the northern boundary and 4.5m on the western boundary as shown on drawings PL.001 H, EL.001 D, SE.001 C.

**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).

10) **LIFETIME HOMES**

Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. DE.001 D, DE.002 D hereby approved.

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Core Strategy Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

11) **WHEELCHAIR UNIT**

The wheelchair dwelling hereby approved shall be constructed to be easily adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) as shown on drawing DE.001 D, DE.002 D approved prior to their first occupation. For the avoidance of doubt a parking space shall be provided for the wheelchair unit.

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

12) **PERMITTED DEVELOPMENT RIGHTS RESTRICTED – EXTERNAL PIPES**

No plumbing or pipes, other than rainwater pipes, shall be fixed on the front elevation of the building(s) whether or not permitted under Article 3 to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) prior to written permission from the local planning authority.

**Reason:** It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) 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) **PERMITTED DEVELOPMENT RIGHTS RESTRICTED – NO EXTENSIONS OR ALTERATIONS**

No extension(s) or alteration(s) to the building(s) hereby approved whether or not permitted under Article 3 to Schedule 2, Part 1, Classes A, B, C, D, E or G of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), shall be carried out without the prior written permission from 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) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014)..

14) **PERMITTED DEVELOPMENT RIGHTS RESTRICTED – WINDOWS/OPENINGS**

No windows or other openings shall be installed in the elevation(s) of the building(s) hereby approved whether or not permitted under Article 3 to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) prior to written permission from the local planning authority.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with 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).

15) **RETAIN CAR PARKING**

The car parking area shown on Drawing No. PL.000 Rev G shall be used only for the parking or storage of private motor vehicles associated with the development hereby approved and for no other purpose.

**Reason:** To ensure the permanent retention of the parking spaces for parking purposes and to ensure that the development does not increase on-street parking in the vicinity and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

16) **CONSTRUCTION DELIVERY TIMES**

No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

17) **WINDOWS TO BE OBSCURED**

Prior to first occupation of the dwellings, details shall be provided of the etched glass for the first floor on the rear elevation as shown on drawing PL.002 G and EL.001 D. The etched glazing shall be retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 12.2 **INFORMATIVES**

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.

