

Committee	PLANNING COMMITTEE B	
Report Title	Lee Court, Lee High Road, SE13 5PE	
Ward	Blackheath	
Contributors	Jesenka Ozdalga	
Class	PART 1	17 September 2020

<u>Reg. Nos.</u>	DC/19/114627
<u>Application dated</u>	12 November 2019
<u>Applicant</u>	Mohsin Cooper Limited (on behalf of Applicant)
<u>Proposal</u>	The construction of an additional storey at roof level to provide 2x 1b/2p and 4x 2b/3p flats and construction of 1x 1b/2p house to the side of Lee Court, Lee High Road, SE13, together with the associated landscaping, bin and cycle storage.
<u>Background Papers</u>	(1) Core Strategy (June 2011) (2) Development Management Local Plan (November 2014) (3) London Plan (March 2016)
<u>Designation</u>	PTAL 2; Flood Risk Zone 1; Area of Archaeological Priority; Air Quality
<u>Screening</u>	LDD Monitoring

1 SUMMARY

- 1 This report sets out Officer's recommendation for the above proposal. The case has been brought before members for a decision as the recommendation is to approve and there are nine valid planning objections. In accordance with the extended delegated authority arrangements which are in place until 16th September 2020, facilitated by temporary changes to the Council Scheme of Delegation which were agreed by the Council's Strategic Planning Committee at a meeting held on 9th June 2020 and changes to the Council's Statement of Community Involvement which were agreed at a Meeting of the Mayor and Cabinet held on 10th June 2020, this application has been reviewed by a chair person of one of the Council's planning committees who has confirmed they require the application to be decided by Members at Planning Committee.

2 SITE AND CONTEXT

Site description and current use

- 2 The application relates to a four storey purpose built block of 48 flats located on the north side of Lee High Road. The existing building features a red brick façade and aluminium windows.

3 The application building adjoins a Telephone Exchange building to the east and Celestial Gardens, a residential development largely consisting of three storey buildings, to the north. To the west of the application building, beyond an access road to Halley Gardens, is a terrace of three storey buildings with commercial units at the ground floor and residential use above.

Character of area

4 Lee Court is an Art Deco purpose-built mansion block, probably dating from the early 1930s, and a relatively rare building type in the borough. This four storey building articulates itself along Lee High Road and is in six sections. There are eight flats in each section. Each section is of five bays. The two outer bays and the two inner bays feature pairs of windows, originally *style moderne* Crittall steel framed windows of which some remain for each flat.

5

Site location plan



01 | Location Plan
1:1250 @ A3

Heritage/archaeology

6 The site is not located within a conservation area, not subject to an Article 4 direction but it is a Locally Listed building.

7 Both application Lee Court building and adjacent Telephone Exchange building are on the Additional list of locally listed buildings and recognised to be of architectural and social historic interest.

8 Following the Mayor and Cabinets approval in September 2019 for Additional list of locally listed buildings to go out for consultation, the public consultation was carried out in accordance with the Council's adopted Statement of Community Involvement (SCI), and took place during the period from 07 November 2019 to 23 December 2019 (6 weeks and 3 days). It then went back to Mayor and Cabinets following public consultation on March 11th, 2020 and the local list was approved. This is the date that the application building was added to the local list.

Surrounding area

9 Lee High Road is a traditional high street with continuous and varied ground floor retail (A1 and A3) uses, typically with several floors of residential use above. Across the

application site is a four-storey block of flats and large car park, currently in use by car-rental service.

- 10 The application property is in Flood Risk Zone 1. As the site is in residential use it is not considered to have a risk of ground contamination. Due to the proximity to Lee High Road, potential air quality and noise impact on the proposal would be considered.

Transport

- 11 The application site has high PTAL of 2, however it is located on the main road and in close proximity to the town centre, which makes this a sustainable location in terms of transport links. Lee High Road is a Red Route, under the control of Transport for London. None of the existing 48 flats in this block have off-street car parking.

3 RELEVANT PLANNING HISTORY

- 12 **97/041469** - The installation of new balconies at the rear of Lee Court, Lee High Road SE13. **Granted.**
- 13 **DC/15/093738** - Partial demolition of the single storey estates office at Lee Court, Lee High Road SE13 and the construction of a four storey, three bedroom dwelling house, together with the provision of bin and cycle stores. **Granted, not implemented.**
- 14 **DC/16/099605** - Details submitted in compliance with Condition (3) Archaeology, (6) bin stores and (8)(a) means of escape of the planning permission referenced DC/15/93738, dated 4 February 2016 for the partial demolition of the single storey estates office at Lee Court, Lee High Road SE13 and the construction of a four storey, three bedroom dwelling house, together with the provision of bin and cycle stores. **Granted.**
- 15 **DC/18/110287** - Details submitted in compliance with Condition 7(a) Cycle Store of the planning permission referenced DC/15/93738, dated 4 February 2016 for the partial demolition of the single storey estates office at Lee Court, Lee High Road SE13 and the construction of a four storey, three bedroom dwelling house, together with the provision of bin and cycle stores. **Granted.**

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSAL

- 16 The proposal seeks permission for a construction of an additional storey to provide six new self-contained residential units. The proposed units would sit upon the top floor of the existing building and would be set back from the front, rear and side elevations.
- 17 The proposal also includes construction of a three storey 1b/2p self-contained dwelling to replace the existing estate office at the west side of the Lee Court building. A four storey dwelling was granted in 2015 in this location, however it was not implemented and the permission has now expired.
- 18 The proposed materials for the additional storey are: Standing seam zinc for the curved roofs to stair cores; rendered panel, dark grey pre-formed aluminium panels installed on hidden fixings as wall cladding and Crittall style design and aluminium frames for windows.

- 19 The proposed materials for the house to the side are brickwork to match the brick of the main Lee Court building and metal (aluminium or steel) fineline, white window frames.
- 20 Officers note that, following Council's Urban Design and Conservation officers' comments, the initially submitted design of the additional storey and house to the side was amended to reduce the depth of roof overhang, change the cladding colour, re-locate roof terraces to the rear of the building, remove balustrade at the front roof level and reduce the height and re-design the proposed house. These amendments were considered minor improvements to the scheme and re-consultation was not deemed necessary.

5 CONSULTATION

5.1 APPLICATION PUBLICITY

- 21 Site notice was displayed and certificate of site notice display signed on 09 December 2019.
- 22 Letters were sent to local residents on 20 November 2019 and consultation email was sent to relevant ward councillors on 20 November 2019.
- 23 Nine responses from local residents were received objecting the proposal.
- 24 No letters of support were received.

5.1.1 Comments in objection

Comment	Para where addressed
<i>Urban design</i>	
The proposed design would detract from the character and appearance of the block.	[para 60, 61, 62, 64, 65 and 66]
Lack of barriers to the front of the proposed flats.	[para 66]
<i>Highways and servicing</i>	
Cycle, refuse storage and car park issues.	[para 74, 75, 76 and 77]
<i>Impact on living conditions of neighbours</i>	
Noise and disturbance from construction works.	[para 85]
Potential overwhelming of existing rear garden that is already limited as amenity space.	[para 49 and 50]
Overwhelming on existing fire escape staircases and routes.	[para 64]
<i>Other matters</i>	
Structural impact on the existing block and Maintenance and potential leakage of the proposed void area above existing flat roof.	Structural impact is usually not a material planning consideration and Officers do not consider it to be one in this case. Structural matters are controlled by Building Regulations.

Whether existing servicing capacities of electric, water, gas and drainage would be sufficient and what kind of heating would be proposed for new flats.	Servicing capacities are not a material planning consideration. It is a building control matter.
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5.2 INTERNAL CONSULTATION

25 The following internal consultees were notified on 20 November 2019.

26 **Highways officers** were consulted, and provided comments which are included further in the report.

27 **Urban Design officers** were consulted and following amendments raised no objection to this proposal.

28 **Conservation officers** were consulted and following amendments raised no objection to this proposal.

5.3 EXTERNAL CONSULTATION

29 **Transport for London (TfL)** was consulted and raised no concerns to this proposal subject to details and compliance with London Cycling Design Standards (LCDS).

30 **Lee Neighbourhood Forum** was consulted and did not provide comments.

6 POLICY CONTEXT

6.1 LEGISLATION

31 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

32 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.

33 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.

34 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

35 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

36 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017. 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 (SoS) the Intend to Publish London Plan on 9th December 2019. The SoS issued a letter on 13 March 2020 directing modifications to the Local Plan, and the Mayor of London responded on 24 April 2020 indicating he will work with the SoS to achieve the necessary outcomes. Notwithstanding these requested modifications, this document now has some weight as a material consideration when determining planning applications.

7 PLANNING CONSIDERATIONS

37 The main issues are:

- Principle of Development
- Housing
- Urban Design and impact on locally listed building
- Transport
- Impact on living conditions of neighbours
- Sustainable Development

7.1 PRINCIPLE OF DEVELOPMENT

General policy

38 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

39 Lewisham is defined as an Inner London borough in the London Plan. LPP 2.9 sets out the Mayor of London's vision for Inner London. This includes among other things sustaining and enhancing its recent economic and demographic growth; supporting and sustaining existing and new communities; addressing its unique concentrations of deprivation; ensuring the availability of appropriate workspaces for the area's changing economy; and improving quality of life and health.

40 The Development Plan is generally supportive of extensions and alterations to the existing buildings to provide more homes, subject to details.

Discussion

41 The site lies within the established urban area and in very close proximity to the town centre with a good public transport accessibility. The principle of high density residential development in this location is considered acceptable. The proposal will optimise the potential of the site to accommodate development of seven additional homes within a sustainable and accessible location.

7.1.1 Principle of development conclusions

42 Officers that this type of the development would efficiently use the land and allow for additional residential accommodation in a sustainable location. Therefore, the principle of the development is acceptable.

7.2 HOUSING

43 This section covers: (i) the contribution to housing supply, including density; (ii) the dwelling size mix; and (iii) the standard of accommodation

7.2.1 Contribution to housing supply

Policy

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

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

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

Discussion

47 The proposal seeks to deliver 7 new residential units in a highly sustainable location. The proposed mix of units is as following:

Type of units provided	Number of units provided	Proposed GIA	Proposed amenity space area
1bedroom /2 person flats	2	50 m2	12 m2
1bedroom /2 person house	1	60 m2	Shared amenity space
2bedroom/3 person flats	4	61 m2	21 m2

Summary

- 48 The proposal would use the land efficiently and optimise density. This is a planning merit to which great weight is given.

7.2.2 Residential Quality

General Policy

- 49 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP 3.5), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA).

- 50 The main components of residential quality in this case are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight and (v) external space standards.

Internal space standards

- 51 LPP 3.5 seeks to achieve housing development with the highest quality internally and externally in relation to their context. Minimum space standards are set out in Table 3.3 of the London Plan.

- 52 Discussion

- 53 An approximate assessment of the proposal against required space standards is considered below. Numbers are taken from the submitted drawings and largely comply with officer's measurement.:

Unit Type	Measurement	Value	Required	Compliance
2 x 1b/2p Flat	Unit Size	50 m2	50 m2	Y
	Floor-Ceiling Height	2.5m	2.3m for at least 75%	Y
	Bedroom 1	11.5m2	At least 11.5m2	Y

<i>4 x 2b/3p Flat</i>	Unit Size	61 m2	61 m2	Y
	Floor-Ceiling Height	2.5m	2.3m for at least 75%	Y
	Bedroom 1	11.5m2	At least 11.5m2	Y
	Bedroom 2	7.5m2	At least 7.5m2	
<i>1b/2p House</i>	Unit Size	60m2	58m2	Y
	Floor-Ceiling Height		2.3m for at least 75%	Y
	Bedroom 1	11.5m2	11.5m2	Y

Outlook and privacy

54 All units would have dual aspect, are of appropriate layouts with good levels of outlook and privacy.

Overheating

Policy

55 LP5.9 states that proposals should reduce potential overheating beyond Part L 2013 of the Building Regulations reduce and reliance on air conditioning systems and demonstrate this in accordance with the Mayor's cooling hierarchy. Draft LPP SI14 echoes this.

56 DMP 22 reflects regional policy.

Discussion

57 Officers note that the new flats would have dual aspect, facing north and south. The ratio of solid/glazed areas of the proposed additional storey and new house to the side of the existing building is considered acceptable and not to result in increased overheating in new units.

Summary

58 It is considered that the proposal would meet this objective.

Daylight and sunlight

Policy

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

60 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards. This is not formal planning guidance and should be applied flexibly according to context. The BRE standards set out below are not a mandatory planning threshold.

61 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens.

Discussion

62 The proposed units are located on the top and to the side of the existing building and all of them have dual aspect. Proposed windows are of good size and as such, the proposed units are considered to receive sufficient levels of daylight and sunlight.

Summary

63 It is considered that the proposal would meet this objective.

Noise & Disturbance

Policy

64 Part E of the Building Regulations controls noise transmission between the same uses and is usually outside the scope of Planning.

65 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014.

66 This states the internal noise levels within living rooms must not exceed 35dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night –time (2300-0700).

Discussion

67 The proximity of Lee High Road may result in an increased noise from the traffic and therefore result in adverse impact on living conditions of future occupiers of the proposal, however no detailed assessment was provided.

68 As the majority of proposed units are located at the sufficient height from the main road and set back from the front elevation, external noise that may arise from the road is not considered to adversely impact living conditions of future occupant. Furthermore, the proposed amenity space/roof terraces are located to the back of the building and as such would allow the enjoyment of the outside areas as places to relax. The quality of proposed windows should be as such to minimise this impact and further details would be secured through the condition.

Summary

69 It is considered that the proposal would meet this objective, subject to condition on windows details.

Accessibility and inclusivity

Policy

70 LPP 3.8 and DLPP D5 require 10% of residential units to be designed to Building Regulation standard M4(3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users, with the remaining 90% to M4(2) 'accessible and adaptable dwellings'.

Discussion

71 LPP 3.8 under paragraph 3.48A states that: As set out in Approved Document M of the Building Regulations - Volume 1: Dwellings, to comply with requirement M4 (2), step free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entrance storey. The application of requirement M4 (2) has particular implications for blocks of four storeys or less, where historically the London Plan has not required lifts. Boroughs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. However, for these types of buildings this requirement may be subject to development-specific viability assessments and consideration should be given to the implication of ongoing

maintenance costs on the affordability of service charges for residents. Where such assessments demonstrate that the inclusion of a lift would make the scheme unviable or mean that service charges are not affordable for intended residents, the units above or below the ground floor that cannot provide step free access would only need to satisfy the requirements of M4(1) – VISIBLE dwellings of the Building Regulations.

72 In this instance, it is considered that the installation of lifts is not practical or viable as mean of access for new flats at the fifth storey level. However, the proposed new house to the side is considered adaptable to allow step free access to the ground floor and comply with provision of M4(1) – VISIBLE dwellings of the Building Regulations.

73 Summary

74 Subject to a condition, the proposal would meet this objective.

External space standards

Policy

75 Standard 4.10.1 of the Mayor's Housing SPG states that 'a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant'.

Discussion

76 The layout of the additional storey also includes external amenity area in form of the 1.5m deep roof terraces to the rear of the main building. This roof terrace area would be accessed from each flat. The provided amenity space area would be approx. between 12 and 21 sqm which is considered to be in excess of the above mentioned requirements.

77 Initially, the proposed house to the side had a roof terrace as a private amenity space, however, for design purposes, this was omitted from the application. Therefore, it is considered acceptable that the future occupants of the proposed house use shared amenity space to the back of the existing building.

7.2.3 Housing conclusion

78 Officers are satisfied that the proposed flats within the additional storey and the house to the side of the main building would be of appropriate layout, would have good outlook and receive good levels of daylight, sunlight and natural ventilation and would therefore provide high quality standard of accommodation and amenity space for future occupants. The new homes would make a modest contribution to housing supply, a planning merit to which moderate weight is given.

7.3 URBAN DESIGN AND IMPACT ON NON-DESIGNATED HERITAGE ASSET

General Policy

79 The NPPF at para 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

80 The NPPF at para 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated

heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

81 Urban design is a key consideration in the planning process. Part 10 of the NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

82 London Plan Policies 7.1-7.7 (inclusive), Draft London Plan Policy D2 and Core Strategy Policy CS 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

83 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

84 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. An adequate response to how the scheme relates to the existing street including its building frontages will be required including:

The quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice should be clearly justified in relation to the existing built context.

85 DM Policy 31 states that the Council will expect alterations and extensions to be of a high, site specific, and sensitive design quality and respect and/or complement the form, setting, period, architectural characteristics and detailing of the original building.

86 DM Policy 37 states that The Council will seek to retain and enhance locally listed buildings and structures and may use its powers to protect their character, significance and contribution made by their setting, where appropriate.

87 Section 5.14 Adding an additional storey of Alterations and Extensions SPD states that this type of extension is only likely to be acceptable on a flat roof and that the style of the extension must complement the appearance of the existing building and surrounding and must relate to the building proportions in terms of height and scale.

Discussion

88 The immediate locality of the site consists of different heights and this, combined with the spaciousness around the main building, allows an additional storey to be introduced without it appearing overdominant.

89 The proposed design of additional storey is lightweight with high quality materials and detailing to include dark grey aluminium cladding and Crittal style windows. As such it is considered to complement the architectural style of the existing building. The proposed set back of approx. 1.5m from each elevation would reduce the massing to create a subservient top floor which would not over-dominate the existing building.

90 The existing stair cores to the front (which are identified as positive features of the building) would be extended with a curved geometric form introduced which is considered to enhance the existing rhythm. The rear elevation of Lee Court is utilitarian and does not display the art deco features of the front elevation. The proposed treatment of the additional storey at the rear elevation is a continuation of the principle of the front elevation.

- 91 The existing rear emergency escape staircase is carried up one further storey to serve the upper units. It is further proposed that the top of the staircase (where servicing the proposed extension) be gated to prevent non-emergency use. The gate will be for emergency escape use only.
- 92 Officers are satisfied that this type of the roof extension is suitable in this instance, as the existing building features a flat roof. It is also considered that the proposal successfully addresses the provisions and requirements of the Alterations and Extensions SPD in terms of its scale and design and being subservient and suitably set back from the front and sides elevations of the host building.
- 93 It is noted that the proposal for the house to the west side of the main building was granted in 2015. However, within this scheme, the initially submitted proposal was revised to reduce the massing of the house by one storey and provide elevational design that is considered to better correspond to the main building.
- 94 Objectors raised concerns over the lack of the barriers at the roof level to the front elevation of the proposed additional storey. The initially submitted proposal included roof terraces as amenity space to the front elevation, with metal railings as a balustrade. However, the balustrade to the front elevation was considered overly prominent and would not sustain or enhance the character of this locally listed building. Therefore, the proposal was amended to include roof terraces to the rear of the additional storey only. The front part of the existing roof would be accessed for maintenance purposes only and no access is proposed from the existing flats. Furthermore, a condition is recommended to restrict any future use of these flat roof areas.
- 95 The application site is within an Area of Archaeological Priority and the proposal involves an element of demolition. The existing single storey estate office building would be demolished and it is proposed to rebuild the existing entrance and render features to match the existing details. If Members were minded to grant planning permission, a condition would be placed on the decision notice requesting that measures to be put in place in order to look out for any archaeological remains.

7.3.1 Urban design conclusion

- 96 Officers conclude the proposed additional storey and house to the west side of the main building would be of high design quality, evident in the detail and proposed materials, and relate successfully to the surroundings and sustain and enhance the host locally listed building.

7.4 TRANSPORT

General policy

- 97 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 102. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places.
- 98 Regionally, the Mayor's Transport Strategy ('the MTS', GLA, March 2018) sets out the vision for London to become a city where walking, cycling and green public transport become the most appealing and practical choices. The MTS recognises links between car dependency and public health concerns.

99 London Plan Policy 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions).

100 Draft London Plan Policy T4 requires transport assessments to be submitted with development proposals to ensure any impacts are fully assessed and Policy T6 states that car-free developments should be a starting point for all development proposals in places that are well-connected to public transport.

101 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

Discussion

7.4.1 Local Transport Network

102 The site is located close to Lewisham Town Centre and its shops, services, facilities and public transport links. The site also lies within PTAL 2, however, the site is located along Lee High Road with several bus lines. Therefore, this location is considered of good accessibility overall.

7.4.2 Car Park

103 Lee High Road is a Red Route, under the control of Transport for London. The site is in Blackheath CPZ. The existing flats currently have no parking on site. Similarly, the proposed flats would not provide off street car parking and this is welcomed and acceptable.

7.4.3 Cycle storage

104 The existing flats have no provision for cycle storage. Cycle storage is proposed for the new accommodation and is to be located to the rear of the property, at either end of the block for ease of access. Access to the cycle stores is to be via the existing paths at each end of the block. These paths would be gated.

105 Cycle storage is split between two stores, each housing up to 10 bicycles. The storage is secure and covered and Broxap type of storage is proposed. The number and type of proposed cycle storage is welcomed, however, the location of the cycle store on the eastern side is not easily accessible, as the gap between the building and boundary fence appears to be 1m at the narrowest point and there is insufficient space to manoeuvre a bicycle to the front of the storage unit. A revised plan is required with a reconfiguration of the rear space to accommodate the cycle stores and this would be secured by a condition.

7.4.4 Servicing and refuse storage

106 The submitted site plan indicates bin storage along the existing path behind the building. A total of 40 bins are shown on the proposed plan, but there is no information on what is existing. Further information is required and would be secured by the condition to detail and secure the existing and proposed capacity for both refuse and recycling along with the appearance of any enclosure.

7.4.5 Access

Policy

107 The NPPF requires safe and suitable access for all users.

Discussion

- 108 Transport for London (TfL) provided comment on this proposal and required that the footway and carriageway on A20 Lee High Road must not be blocked during the construction of the proposed development. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on A20 Lee High Road. The function and access to the adjacent bus stop must not be impacted during the construction of the proposed development. All vehicles associated with the construction of the proposed development must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions. No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time.
- 109 Officers acknowledge that the access to and around the site during the construction works would be constrained and therefore, submission of detailed Construction Logistics and Construction Management Plan would be secured through condition.

7.4.6 Transport impact conclusion

- 110 In line with TfL and Highways officer's comment, Officers are satisfied that the proposal would have an acceptable impact on transport in terms of car park free approach, encouraging sustainable modes of movement and accommodating the sites servicing needs, subject to conditions.

7.5 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 111 Relevant regional and local policies are London Plan Policy 7.6 and DM Policy 31.
- 112 The main considerations in terms of amenity in this case are: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas. Noise would be limited to that generated by domestic properties.

Discussion

7.5.1 Enclosure and Outlook

Policy

- 113 Overbearing impact arising from the scale and position of blocks is subject to local context. Outlook is quoted as a distance between habitable rooms and boundaries.

Discussion

- 114 The proposal is set back from the front, rear and side elevations of the building below and contained within the existing flat roof. The proposed three storey house to the side would largely remain within the footprint of the existing single storey estate office.
- 115 In regard to neighbouring buildings, and in particular the Telephone Exchange immediately to the east of Lee Court, the roof of the proposed addition remains at a lower level than the telephone exchange roof/parapet. Whilst there are side windows on the telephone exchange facing Lee Court, these only serve exchange rooms.
- 116 Directly opposite of the front of Lee Court, on the south side of Lee High Road, is a four storey block of modern flats and a separate Edwardian and modern terrace. The modern

flats are approximately 26m away across the road from the proposed extension. To the west of this block is an open area of commercial use (car rental). To the east of the modern flats, across Murillo Road, are traditional Edwardian terraces and a more modern terrace. The houses are three storeys in height and are approximately 25m away from the proposed extension. Given the distances involved, it is unlikely that overbearing, overlooking or loss of outlook would occur from the proposed extension.

Summary

- 117 The proposal would meet the objective in terms of enclosure and outlook. This is a planning merit to which great weight is given as it would not result in material harm to the living conditions of neighbours in terms of overbearing, enclosure and loss of outlook.

7.5.2 Privacy

Policy

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

Discussion

- 119 To the rear of Lee Court is Celestial Gardens, a development of flats across a number of separate blocks. The vast majority of these blocks are located a significant distance away from Lee Court. The closest block of Celestial Gardens is approximately 13.5m to the rear of Lee Court. This block is three storeys high with a sizable pitched roof. It is constructed with its flank wall facing Lee Court. There are three windows facing Lee Court and these are assumed to be serving bedrooms. The boundary between Lee Court and Celestial Gardens is lined with mature trees of significant height. The proposed extension is set back from the existing rear façade and flat part of the existing roof is proposed as amenity space in form of open roof terrace. Given the height of the roof terrace, it would largely overlook roofs of the blocks of Celestial Gardens and as such is not considered to result in a loss of privacy or increased overlooking on surrounding properties.

Summary

- 120 The proposal would meet objective in terms of overlooking and loss of privacy.

7.5.3 Daylight and Sunlight

General policy

- 121 Daylight and sunlight is generally measured against the Building Research Establishment (BRE) standards however this is not formal planning guidance and should be applied flexibly according to context.
- 122 The NPPF does not express particular standards for daylight and sunlight. Para 123 (c) states that, where there is an existing or anticipated shortage of land for meeting identified housing need, LPAs should take a flexible approach to policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site.
- 123 The GLA states that 'An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local

circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.’ (GLA, 2017, Housing SPG, para 1.3.45).

124 Alternatives may include ‘drawing on broadly comparable residential typologies within the area and of a similar nature across London.’ (ibid, para 1.3.46).

125 It is therefore clear that the BRE standards set out below are not a mandatory planning threshold.

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

127 **Daylight** is defined as being the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between sun rise and sunset. This can be known as ambient light. **Sunlight** refers to direct sunshine.

Daylight guidance

128 The three methods for calculating daylight are as follows: (i) Vertical Sky Component (VSC); (ii) Average Daylight Factor (ADF); and (iii) No Sky Line (NSL).

129 The VSC is the amount of skylight received at the centre of a window from an overcast sky. The ADF assesses the distribution of daylight within a room. Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced factors including the size of the window relative to the room area and the transmittance of the glazing, with the size of the proposed obstruction being a smaller influence. NSL is a further measure of daylight distribution within a room. This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.

130 In terms of material impacts, the maximum VSC for a completely unobstructed vertical window is 39.6%. If the VSC falls below 27% and would be less than 0.8 times the former value, occupants of the existing building would notice the reduction in the amount of skylight. The acceptable minimum ADF target value depends on the room use: 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. If the NSL would be less than 0.8 times its former value, this would also be noticeable.

131 While any reduction of more than 20% would be noticeable, the significance and therefore the potential harm of the loss of daylight is incremental. The following is a generally accepted measure of significance:

- 0-20% reduction – Negligible
- 21-30% reduction – Minor Significance
- 31-40% reduction – Moderate Significance
- Above 40% reduction – Substantial Significance

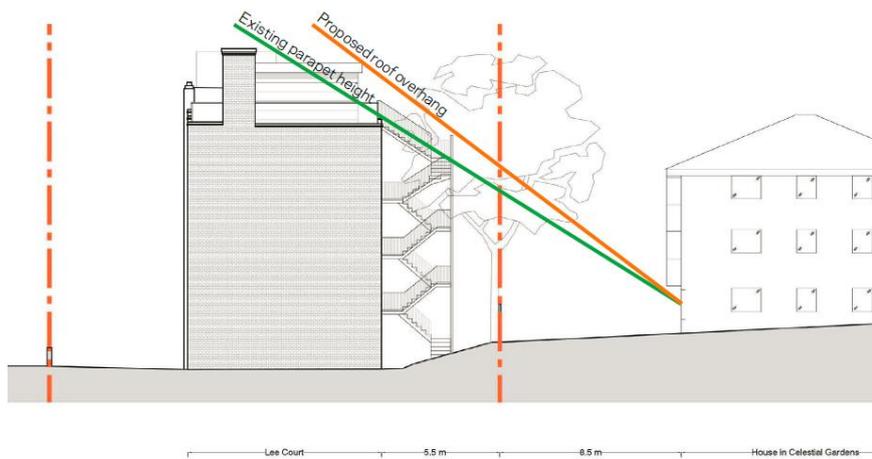
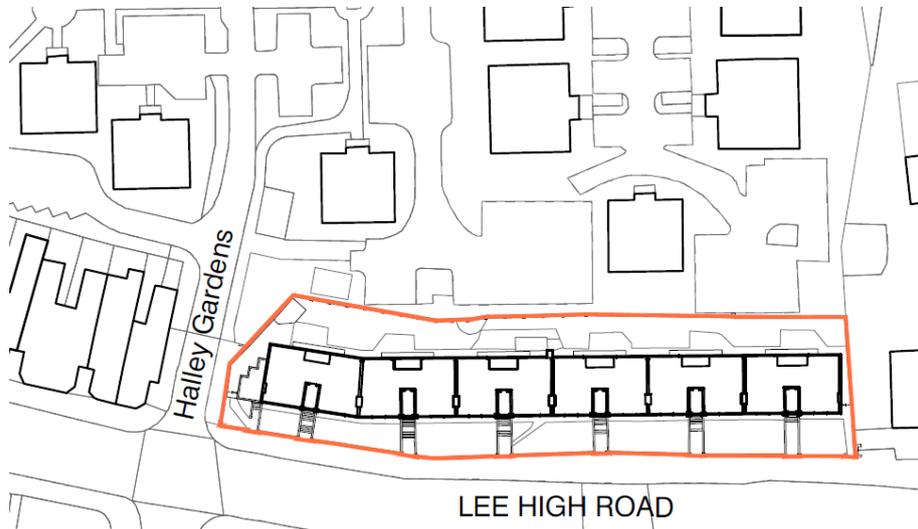
132 It is important to consider also the context and character of a site when relating the degree of significance to the degree of harm.

Sunlight guidance

133 Sunlight is measured as follows: (i) Annual Probable Sunlight Hours (APSH); and (ii) Area of Permanent Shadow (APS)

134 The APSH relates to sunlight to windows. BRE guidance states that a window facing within 90 degrees due south (windows with other orientations do not need assessment)

receives adequate sunlight if it receives 25% of APSH including at least 5% of annual probable hours during the winter months. If the reduction in APSH is greater than 4% and is less than 0.8 times its former value then the impact is likely to be noticeable for the occupants. The APS relates to sunlight to open space: the guidance states that gardens or amenity areas will appear adequately sunlit throughout the year provided at least half of the garden or amenity area receives at least two hours of sunlight on 21st March.





135

136 A Daylight and Sunlight Assessment (prepared by Energy View Consulting Ltd) was submitted in support of the application. According to the assessment of VSC (Vertical Sky component) demonstrates that there is no significant change between the VSC available to the windows analysed before and after the proposed development and the assessment of the APSH (Annual probable sunlight hours) demonstrates that all examined windows will achieve the minimum % requirement for compliance which corresponds to not less than 392 hours.

137 The report demonstrates that adjacent windows comply with the required standards. The proposed extension presents a minor change to the existing situation (see image above). Furthermore, Google Earth image above demonstrates that due to the large canopies of mature trees, it is considered that levels of daylight/sunlight or overshadowing are already established on the existing windows of adjacent Celestial Gardens buildings.

138 Therefore, the proposed additional storey would not result in an unacceptable impact in terms of overshadowing, loss of daylight and sunlight to the neighbouring amenity.

139 It is noted that to the west of the application site, corner property across Halley Gardens features flank wall with no windows. Therefore, and due to its proposed height and location, the three storey house to the west side of the main building is not considered to result in an adverse impact on neighbouring amenities in terms of loss of daylight and sunlight.

7.5.4 Noise and disturbance

140 Policy

141 PPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

142 Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved

- 143 Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- 144 Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- 145 No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected
- 146 If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.
- 147 The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors (as set out in the PPG) combine in any particular situation.
- 148 Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law. This includes noise affecting balconies and gardens.
- 149 Construction and demolition activity can result in disturbance from among things noise, vibration, dust and odour. This can harm living conditions for the duration of construction. Since some disturbance is inevitable, such impacts are usually not considered to be material planning considerations. In certain circumstances, particularly large or complex works may require specific control by planning.
- 150 A range of other legislation provides environmental protection, principally the Control of Pollution Act. It is established planning practice to avoid duplicating the control given by other legislation.
- 151 Further guidance is given in the Mayor of London's The Control of Dust and Emissions during Construction and Demolition SPG (2014).

Discussion

- 152 In terms of noise increase, officers consider that creation of additional storey for a flat would be complementary to the existing residential use in the building and as such, no additional increase in noise and disturbance beyond the expected for the buildings in residential use is foreseen.
- 153 Local residents raised concerns on the impact on the flats in the existing building in terms of potential damage, noise disturbance and safety.
- 154 Disturbance during constructions works are not normally a material planning consideration for a proposal of this scale. In this case, the impact of construction works are likely to be limited in their scope and short lived. Should Members be minded to grant planning permission, a condition is recommended to secure a Construction Management Plan.

7.5.5 Impact on neighbours conclusion

- 155 The proposal is considered to have an acceptable impact in terms of living conditions of neighbours in terms of overbearing, overshadowing, loss of daylight/sunlight, privacy and outlook. The impact during construction would be acceptable subject to the conditions attached to the decision notice.

7.6 SUSTAINABLE DEVELOPMENT

7.6.1 Energy and carbon emissions reduction

Policy

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

157 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.

Discussion

158 CSP8 seeks to minimise the carbon dioxide (CO2) emissions of all new development and encourages sustainable design and construction to meet the highest feasible environmental standards.

159 DMP22 require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling using the published hierarchy.

160 An Energy and Sustainability Statement has been submitted with this application. The proposed Lee Court scheme is defined as a minor development and so targets set by the London Borough of Lewisham apply. A reduction in CO2 emissions over Part L of the Building Regulations will be achieved through on-site solutions following the Energy Hierarchy. Given the likely structure (light gauge metal frame), the proposals will be thermally high performing relative to traditional building techniques.

7.6.2 Sustainable Infrastructure conclusion

161 Officers are satisfied with the submitted Energy and Sustainability Statement and mitigation measures proposed.

7.7 NATURAL ENVIRONMENT

General Policy

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

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

164 NPPF para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

165 LPP 2.18 sets out the Mayor of London's vision for Green Infrastructure as a multifunctional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

7.7.1 Living roofs

166 During the pre-application consultation it was suggested that the applicant consider providing a green roof to the proposed roof extension. Whilst the installation of a green

roof is considered favourably in principle by the applicant, the additional imposed loading requirements have been subject to a separate structural engineering report to determine structural viability. The report has investigated the additional loads and the likely impact on the proposals and the existing building. The report concludes that a green roof would result in excessive imposed loading. The current proposals are therefore unable to provide a green roof.

7.7.2 Green spaces and trees

Policy

- 167 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 168 LPP 7.21 protects trees of value and replacements should follow the principle of 'right place, right tree'. New development should include additional trees wherever appropriate, particularly large-canopied species.
- 169 Paragraph 170 of the NPPF (2019) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

Discussion

- 170 It is noted that the rear of the existing building features mature trees along the boundary with Celestial Gardens development. This proposal preserves existing soft landscaping areas and it would not result in an adverse impact on existing trees. However, officers consider appropriate to attach the condition requiring further details on soft landscaping around the new house to the side and improvement of the existing soft landscaping areas around the existing building.

7.7.3 Air pollution

Policy

- 171 NPPF para 170 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality. Proposals should be designed and built to improve local air quality and reduce the extent to which the public are exposed to poor air quality. Poor air quality affects people's living conditions in terms of health and well-being. People such as children or older people are particularly vulnerable.
- 172 LPP 7.14 states new development amongst other requirements must endeavour to maintain the best ambient air quality (air quality neutral) and not cause new exceedances of legal air quality standards.
- 173 CSP 7 reflects the London Plan. CSP 9 seeks to improve local air quality. DMP 23 sets out the required information to support application that might be affected by, or affect, air quality.
- 174 Further guidance is given in the Mayor of London's Air Quality Strategy.

Discussion

- 175 Officer's acknowledge that the application site is located on busy Lee High Road. However, the proposal would be located at the sufficient height from the road (fifth

storey), set back from the front elevation and no amenity space is proposed to the front of the existing building. As such, the proposal is deemed acceptable in terms of air quality and noise from Lee High Road.

7.7.4 Natural Environment conclusion

176 Subject to condition for soft landscaping improvement, the proposal would meet this objective.

7.8 PUBLIC SAFETY

General Policy

177 Policy D11 Fire safety of DLP states that in the interests of fire safety and to ensure the safety of all building users, development proposals must achieve the highest standards of fire safety and ensure that they provide suitable and convenient means of escape for all building users and adopt a robust strategy for evacuation which all building users can have confidence in.

Discussion

178 Existing staircases would be extended to allow access to six flats at the fifth floor. Existing fire escape staircases to the rear would also be extended to allow their use to the future occupants of fifth floor flats. The proposed house to the side would be accessed from the Lee High Road. The proposed access arrangements are considered acceptable.

179 Concerns were raised on whether the escape route at the ground floor would be sufficient as the details of the means of escape were granted under DC/16/099605 and were only allowing escape route in one direction, towards the east of the main building.

180 Officers also note that the current application allows access to the rear ground floor path from both sides of the main building (east and west). Nevertheless, officers consider appropriate to attach the condition requiring details of means of fire escape to be submitted.

7.8.1 Public safety conclusion

181 Subject to condition, the proposal would meet this objective.

8 LOCAL FINANCE CONSIDERATIONS

182 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).

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

184 The CIL is therefore a material consideration.

185 £29,346.86 Lewisham CIL and £19,389.89 MCIL (total of **£48,736.75**) is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

9 EQUALITIES CONSIDERATIONS

186 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.

187 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.

188 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.

189 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

190 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

191 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>

192 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

10 HUMAN RIGHTS IMPLICATIONS

193 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

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

194 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.

195 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights Off 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.

196 This application has the legitimate aim of providing a new residential units. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

11 CONCLUSION

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

198 In reaching this recommendation, Officers have given significant weight to the merit of efficient use of land to provide additional residential units, offering a good residential quality, in a sustainable location. Officers judge the scheme would sustain and enhance the character and appearance of this non-designated heritage asset. The living conditions of neighbours, including those within the block, would not be unacceptably harmed. Therefore, Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

12 RECOMMENDATION

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

12.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

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

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

2) DEVELOP IN ACCORDANCE WITH APPROVED PLANS

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

0279-P19; 0279-P30; 0279-P31; 0279-P32; 0279-S001; PD/277/SE/01 received on 12 November 2020.

0279-P50; 0279-P51; 0279-P52; 0279-P53; 0279-P54; 0279-P55 received on 26 June 2020.

0279-P56; 0279-P57; 0279-P60 Rev A; 0279-P61; 0279-P70 Rev A; 0279-P71 Rev A; 0279-P72 Rev A; 0279-P90; 0279-P91 received on 29 June 2020.

0279-P035 Rev A; 0279-P23 Rev A; 0279-P24 Rev A received on 10 July 2020.
0279-P80 Rev C received on 20 July 2020.

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) MATERIAL AND DESIGN QUALITY

No development shall commence on site until a detailed schedule and specification/samples/technical brochures of all external materials and finishes to be used on additional storey extension and new building to the side 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 design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

4) USE OF FLAT ROOFS

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof to the front and sides of the existing building shall be accessed for maintenance purpose only and as set out in the application and no development or the formation of any door providing access to these parts of the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

5) CONSTRUCTION DELIVERIES AND HOURS

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: By reason of the relationship between the development and existing residents, in order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

6) CONSTRUCTION MANAGEMENT PLAN

No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

(a) Dust mitigation measures

(b) Details of best practical measures to be employed to mitigate noise and vibration arising out of construction process

(c) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site and details of location for loading/unloading of materials with the intention and aim of reducing the impact on construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(d) Security Management (to minimise risks to unauthorised personnel)

(e) Location of storage of materials and any associated plant and workers accommodation on site.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order that the local planning authority may be satisfied that the construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties 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).

7) CYCLE PARKING AND STORAGE

- (a) **Prior to first occupation**, full details of the design, materials and location of cycle parking facilities to provide space for at least 13 cycles shall be submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

8) REFUSE AND RECYCLING STORAGE

- (a) **Prior to first occupation**, full details of the design, materials and location of existing and proposed storage of refuse and recycling facilities for existing building and flats and house hereby approved, shall be submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

9) SOFT LANDSCAPING AND MEANS OF ESCAPE

- (a) Prior to development commencing a detailed plan and details of the external routes around the hereby approved dwelling and existing Lee Court and shall be submitted and approved in writing by the Local Planning Authority in consultation with the London Fire Brigade. Details provided shall include emergency access and fire escape routes from all blocks to the front of the site, materials and dimensions of routes and management plan for these routes.
- (b) Prior to construction of the above ground works a scheme of soft landscaping, taking account of the details submitted under part (a) (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping, for a period of five years shall be submitted to and approved in writing by the local planning authority.
- (c) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (b). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

10) WINDOWS AND DOORS DETAILS

No development shall commence on site until details and detailed schedule and drawings/specification/samples/technical brochures of windows and doors to be used on additional storey extension and new building to the side 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 design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

11) ARCHAEOLOGICAL WORK

No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011)

12) ACCESSIBILITY

The development to the side of the original building (three storey house) should be built to comply with provisions of M4(1) – VISIBLE dwellings of the Building Regulations.

Reason: To ensure adequate step-free accessibility in compliance with Policy 3.8 Housing choice of the London Plan (July 2011).

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, positive discussions took place, which resulted in further information being submitted.

- 2) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- 3) You are advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- 4) The applicant attention is drawn to the requirements of Part E of Building Regulations in terms of vertical noise transmission between residential units.
- 5) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>