



## Planning Committee B

**Dirty South, 162 Lee High Road, London, SE13 5PR**

**Date:** 1 February 2022

**Key decision:** No.

**Class:** Part 1

**Ward affected:** Lee Green

**Contributors:** Alfie Williams

### **Outline and recommendations**

. This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of four objections from local residents and an objection from the Lee Neighbourhood Forum.

## Application details

**Application reference number(s):** DC/21/123592

**Application Date:** 21/09/2021

**Applicant:** The Wellington Pub Company

**Proposal:** The alteration and conversion of the first and second floors of Dirty South, 162 Lee High Road SE13 into 4 two bedroom self-contained flats, together with the replacement of the existing windows and installation new windows in the south facing elevation and the provision of bin and cycle storage.

**Background Papers:** (1) Submission Drawings  
(2) Submission technical reports and supporting documents  
(3) Internal consultee responses  
(4) External consultee responses

**Designation:** Air Quality Management Area  
Flood Risk Zone 3  
PTAL 4

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 The application site is a three-storey property located on the south-western side of Lee High Road at the junction with Weardale Road. The site is a brick building with ornate detailing including a bay window rising through the second and third storeys to the front elevation. The building accommodates a public house known as the Dirty South. The pub is arranged over the ground floor with ancillary space at basement level. The upper floors have historically been used as a HMO but have been vacant for approximately 12 years. The public house is currently vacant and has been since early 2020 due to the Covid-19 Pandemic.
- 2 On 2<sup>nd</sup> December 2021 the Dirty South was included on the list of the Council's Assets of Community Value (ACV), see Appendix 1 for the decision notice. In making this decision the Council concluded the following:
  - *There is a time in the recent past when the actual and main use of the Dirty South Pub, namely as a pub and music venue, offering a range of events and activities, furthered the social wellbeing or social interests of the local community and;*
  - *It is realistic to think that there can continue to be a main use of the building or land which will further the social wellbeing or social interests of the local community.*
- 3 This decision has subsequently been appealed by the freeholders of the property.

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*“Of architectural and social historic interest. 162 Lee High Road is a public house c1900, previously called the Rose of Lee. It is three storeys with a corner turret, feature chimney stack and broken pedimented gable with central clock, constructed of red brick with render banding and detailing and a slate tiled roof. Some arched headed casement windows and some plain. There is a continuous original decorative glazed frontage with ornate fanlights at ground floor level with two entrances. To the left of the building there is an arched entrance providing access to the rear of the building. Distinctive features of the building are the Dutch gable featuring a clock and a turret to the southwestern corner of the building. British singer Kate Bush made her first public performance here, fronting the KT Bush Band in March 1977. It is also a local landmark in this section of Lee High Road and is prominent in views in both directions.”*

### **Local environment**

- 8 The River Quaggy runs along the rear of the site so consequently the application site is located within Flood Risk Zone 3.

### **Transport**

- 9 The site has a PTAL of 4, which is a good level of public transport accessibility. The closest train station is Hither Green Station located approximately 750m to the south. Lewisham Station is also within walking distance, approximately 1km to the north-west, and provides National Rail and DLR services. Lee High Road (A2) forms part of the TfL Road Network and is served by several bus routes.

## **2 RELEVANT PLANNING HISTORY**

- 10 None relevant to this application.

## **3 CURRENT PLANNING APPLICATION**

- 11 The proposed development would see the alteration and conversion of the upper floors of the building to provide four two-bedroom self-contained flats. In order to facilitate the conversion two new timber sash windows would be installed in the southern side elevation at first floor level. The proposal also includes the replacement of the existing windows in designs and materials to match the existing. The residential units would be accessed via the existing residential entrance in the side (southern) elevation.
- 12 At ground floor level a timber structure would be provided in the side access to accommodate separate cycling and refuse facilities for the residential accommodation. A second timber structure would be constructed to enclose the refuse facilities for the public house. The works within the side access also include the provision of a new timber gate and a timber planter. The external metal staircase on the side (south) elevation would be removed as part of the works.

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## 4 CONSULTATION

### 4.1 APPLICATION PUBLICITY

13 Site notices were displayed and letters were sent to residents and business in the surrounding area and to the relevant ward Councillors on 1 October 2021.

14 Five responses were received, comprising four objections from local residents and an objection from the Lee Neighbourhood Forum.

#### 4.1.1 Comments in objection

Comment	Para where addressed
Impact to the public house (location of WC and Kitchen)	50
Lack of detail regarding the design of the windows and stores	85
Loss of Privacy	111
Increase noise and disturbance	118-119
Security	121

15 An objection also raised matters relating to fire safety, which is not a material consideration for this scale of development but is addressed within Building Regulations.

### 4.2 INTERNAL CONSULTATION

16 The following internal consultees were notified on 30 September 2021.

17 Conservation: no objection subject to a condition securing detailed drawings of the windows.

18 Environmental Protection: raised no objection to the proposal subject to conditions securing further details of the gas boilers and securing the recommendations of the Air Quality Assessment and Noise Impact Assessment.

19 Highways: did not submit comments.

### 4.3 EXTERNAL CONSULTATION

20 The following External Consultees were notified on 30 September 2021:

21 Environment Agency: raised no objections subject to a condition securing the recommendations of the Flood Risk Assessment.

22 Quaggy Waterways Action Group: did not submit comments.

23 TfL: raised no objections subject to conditions securing further details of the cycle parking, a Construction Logistics Plan and Delivery and Servicing Plan. TfL also requested that access to parking permits for the CPZ be prevented in order to secure a car-free development.

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## **5 POLICY CONTEXT**

### **5.1 LEGISLATION**

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

### **5.2 MATERIAL CONSIDERATIONS**

25 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.

26 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.

27 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

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

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

### **5.4 DEVELOPMENT PLAN**

28 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

### **5.5 SUPPLEMENTARY PLANNING GUIDANCE**

29 Lewisham SPD:

- Alterations and Extensions (April 2019)
- Small Sites (October 2021)

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30 London Plan SPG:

- Housing (March 2016)

## 6 PLANNING CONSIDERATIONS

31 The main issues are:

- Principle of Development
- Residential Quality
- Urban Design
- Impact on Adjoining Properties
- Transport
- Sustainable Development
- Natural Environment
- [Other site specific considerations]
- Planning Obligations

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

32 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.

33 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

#### *Policy*

34 LPP H1 seeks to optimise the potential of housing delivery, especially on sites with good public transport access level (PTALs) of 3-6 and close to town centres. The target set for Lewisham in the LP is 16,670 homes between 2019-29, or 1,667 as an annualised average. LPP H2 also recognised and supports the contribution of new homes on small sites below 0.25 hectares.

35 LPP D13 Agent of Change seeks to ensure new noise-sensitive development takes responsibility for mitigating the impact from existing noise and other nuisance generating activities to ensure they remain viable.

36 DLPP HC6 Supporting the night-time economy recognises the night-time economy as being increasingly important to London's economy and emphasises the importance of promoting London as a 24-hour city.

37 LPP HC7 seeks to protect public houses where, amongst other things, they have heritage, economic, social or cultural value to local communities. Development proposals that would compromise the operation or viability of the public house should be resisted. To overcome this, developers must put in place measures that would mitigate the impacts of noise and other nuisance for new residents.

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- 38 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. 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). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T
- 39 DMP 20 aims to prevent the loss of public houses and imposes criteria for assessing development proposals that would see the change of use of a public house.
- 40 DMP 26 attempts to reduce excessive noise or vibration that can be detrimental to human health and well-being

#### *Discussion*

- 41 The building is located within an accessible location in close proximity to a Town Centre and therefore the site is considered a sustainable location for intensification and increasing housing density. The contribution of four residential units towards the small sites and overall housing targets set by the London Plan is a planning merit of the scheme, which carries weight within the overall planning balance.
- 42 The public house has been identified as an Asset of Community Value (ACV). The London Plan identifies two main areas in which ACV designation is relevant to Public Houses. At para 7.7.5 the London Plan details that ACV designation gives local community groups the right to bid for public houses put up for sale. At paras 7.7.5 and 7.7.6 the London Plan highlights that ACV status is a material consideration for applications proposing a change of use resulting in the loss of a public house and can be used to establish the cultural and social value of pubs.
- 43 As the public house would be retained as part of the proposed development the ACV designation is not considered to have a significant impact on the assessment of this application.
- 44 The conversion of the upper floors of an existing building would also comply with the principles of the London Plan, making use of vacant floor space. However, the introduction of private residents separate to the pub use creates the potential for conflict between the right of residents to the quiet enjoyment of their homes and the operation of the pub. Therefore, the 'Agent for Change' principle is considered relevant. The 'Agent of Change' principle is defined within the NPPF and London Plan and is the maxim that the party responsible for any change in the noise environment is responsible for managing the impact of the change.
- 45 There is an increasing recognition that pubs are an important community resource, which can enhance the vitality of an area, particularly in terms of the night-time economy. Pubs can also be hubs for generating social interactions and can provide important space for community groups to meet. LPPs HC5, HC6 and HC7 support this interpretation.
- 46 BS:8233:2014 states that 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).
- 47 A Noise Impact Assessment (KP Acoustics, August 2021) has been submitted in support of the application and confirms that the noise impacts from the public house could be mitigated, to comply with BS:8233:2014. The assessment has been modelled

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using the criteria for acceptable night-time sound levels. The report provides a recommendation for the installation of sound insulation between the ground floor and first floor levels in order to control the internal transfer of noise and vibration between the floors. The report has been reviewed by the Council's Environmental Protection Officer who has accepted the conclusions of the report.

- 48 The noise impact of the public house has been modelled on a standard lock-up pub operation without significant noise generating activities such as live/amplified music. Officers recognise that the public house was a live music orientated operation in the past, as identified within the assessment of the ACV application and the local listing. This ceased approximately 10 years ago and the most recent pub operation was food-orientated and has been characterised as a gastropub by the applicant. A review of social media supports this characterisation, although it does appear that some form of live music offer remained. Notwithstanding this, the public house is currently vacant so there is no existing live-music orientated operation to protect.
- 49 Officers are satisfied that the assumptions made within the NIA are reasonable and are largely consistent with the most recent pub operation, taking into account the location which is not within a designated town centre. The report also recommends a specification for the glazing to mitigate external noise from the public house operation and wider noise environment, which have also been supported by the Environmental Protection Officer. Therefore, it has been demonstrated that the public house could operate beyond 11pm without harming the amenity of future residents.
- 50 The proposed development does not include any internal alterations to the public house at ground floor or basement level so there would be no loss of floor space or loss of facilities such as the kitchen or WCs. Therefore, Officers are satisfied that the development would not compromise the viability of the public house.

### **6.1.1 Principle of development conclusions**

- 51 In summary, the NIA demonstrates that the residential accommodation could coexist with a fully operational public house, similar to the previous pub operation. Furthermore, no onerous conditions on opening hours or the operations of the pub would be required. As such the public house could continue to operate viably and make a full contribution to the vitality of the surrounding area and its night-time economy as required by the London Plan. This is subject to conditions securing full details of the noise attenuation prior to the occupation of the residential accommodation as well as post installation testing. In addition a condition is recommended preventing live music and other amplified sound.
- 52 The provision of four residential units is a planning merit of the scheme and is afforded weight within the overall planning balance. This weight is limited by the modest scale of development.

## **6.2 RESIDENTIAL QUALITY**

### *General Policy*

- 53 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).

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54 The main components of residential quality relevant to this application are: (i) space standards; (ii) outlook and privacy; (iii) daylight and sunlight; (iv) noise and disturbance; and (v) air quality.

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

#### *Policy*

55 LP Policy D6 and Table 3.1 sets minimum standards for new housing developments. This is supported by CS Policy 15 and DMLP Policy 32. Table 3 below sets out proposed dwelling sizes in regards to the minimum internal space standard that needs to be provided.

56 LPP D6 states that for 1-2 person dwellings, a minimum 5sqm is required, with an extra 1sqm for every additional occupant. Additional guidance is provided within the London Plan Housing SPG at Standard 26.

#### *Discussion*

57 The table below sets out proposed dwelling sizes.

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

<b>Flat No.</b>	<b>Unit size</b>	<b>Required GIA M<sup>2</sup></b>	<b>GIA m<sup>2</sup></b>	<b>External amenity space</b>
<b>1</b>	<b>2b4p</b>	<b>70</b>	<b>78</b>	<b>0</b>
<b>2</b>	<b>2b4p</b>	<b>70</b>	<b>70</b>	<b>0</b>
<b>3</b>	<b>2b4p</b>	<b>70</b>	<b>76</b>	<b>0</b>
<b>4</b>	<b>2b4p</b>	<b>70</b>	<b>72</b>	<b>0</b>

58 All of the proposed flats would either meet or exceed the requirements of LP Policy D6 in terms of total floorspace, bedroom size and built-in storage. The floor to ceiling height for all of the dwellings would be a minimum of 2.7m throughout exceeding the 2.5m target for at least 75 per cent of the dwelling required by LPP D6.

59 None of the proposed dwellings would benefit from private external amenity space. This is because it would not be desirable or practical to attach balconies to the building due to the visual harm to the non-designated heritage asset and the potential loss of privacy to neighbouring buildings. The London Plan Housing SPG advises that failure to provide external amenity space is only justified in exceptional circumstances. The constraints imposed by converting the existing building qualify as a justified reason. In such circumstances the Housing SPG advises that future residents are compensated internally through oversized internal floor space. This has been achieved for Units 1 and 3, however, Units 2 and 4 are not adequately oversized.

60 In this case the failure to adequately compensate for the absence of external amenity space for the two units is balanced by the general high quality of the proposed accommodation, which includes dual aspect units, generous floor to ceiling heights and

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efficient layouts with minimal circulation space. Therefore, as a matter of planning judgement, the failure to provide policy compliant external amenity space throughout the development is not considered to warrant the refusal of the application.

### ***Outlook, Privacy and Ventilation***

#### *Policy*

- 61 DMLP Policy 32 expects all new development to provide a satisfactory level of privacy, outlook and ventilation for both its future residents.

#### *Discussion*

- 62 All of the proposed flats would be dual aspect as a minimum with the allocation of windows providing good levels of outlook for all of the habitable rooms. The provision of windows would also provide passive cross ventilation providing mitigation against overheating.
- 63 In privacy terms, the 4m distance between the southern side elevation and the north elevation of Waterside Court is below the 16m recommended for directly facing windows in the Small Sites SPD. The development has been designed to address this as far as is practical by proposing to obscure glaze and fix shut the secondary windows. This would leave one bedroom window per floor clear glazed and openable (Bedroom 2 – Flats 2 and 4). This is not ideal in privacy terms but it would not be desirable to have these window fixed shut or obscure glazed as it would limit light and outlook to the bedrooms.
- 64 The proposed solution is considered a reasonable compromise that balances levels of outlook, light and privacy for the bedrooms and is therefore supported by Officers. In coming to this conclusion Officers have given weight to the difficulties in converting existing buildings and the dense urban environment where levels of outlook, light and privacy are often more constrained.

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

#### *Policy*

- 65 DM Policy 31 (1) (b) expects new development to provide a 'satisfactory level' of natural lighting for its future residents.
- 66 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.
- 67 In new dwellings, the BRE minimum recommended average daylight factor (ADF) is 1 % for bedrooms, 1.5% for living rooms and 2 % for kitchens. For sunlight the measure is Annual Probable Sunlight Hours (APSH) with a target of achieving a minimum of 25% of annual sunlight hours.

#### *Discussion*

- 68 A Daylight and Sunlight Report (Herrington, September 2021) has been submitted with the application. The report provides an analysis of the internal levels of sunlight (APSH) and daylight (ADF) for the proposed residential accommodation against the relevant BRE standard. The report confirms that all of the habitable rooms would be compliant with BRE guidelines for daylight and all of the principle living spaces would be BRE

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compliant for sunlight. Therefore, the development is considered acceptable in regard to daylight and sunlight.

### **Noise & Disturbance**

#### *Policy*

- 69 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. 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). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T
- 70 DMP 26 attempts to reduce excessive noise or vibration that can be detrimental to human health and well-being

#### *Discussion*

- 71 An assessment of noise and disturbance from internal and external noise is provided at paras 43 to 47 above. The assessment concludes that the impact would be acceptable subject to conditions securing the recommendations of the Noise Impact Assessment in terms of the specification of the window glazing and sound insulation between floors. The EPO supports this position.

### **Air Quality**

#### *Policy*

- 72 NPPF para 170 states that planning decisions should among other things prevent new and existing development being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution.

#### *Discussion*

- 73 The proposed development would introduce new residential accommodation and with it additional sensitive receptors to an Air Quality Management Area. An Air Quality Assessment (AQA) has been submitted in support of the application. The AQA found that mechanical ventilation would be required to ensure that air quality for the proposed residential accommodation would be within acceptable levels. The AQA has been reviewed by an Environmental Protection Officer who accepted the recommendations of the report. Therefore, a condition is recommended securing details of a mechanical ventilation system prior to the occupation of the development.

### **Summary of Residential Quality**

- 74 The quality of the residential accommodation is considered to be acceptable and compliant with the relevant policies of the Development Plan.

## **6.3 URBAN DESIGN & HERITAGE IMPACT**

### *General Policy*

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75 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

*Policy*

76 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

77 Within Chapter 16, the NPPF makes clear that heritage assets may be designated or non-designated. DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets. LPP HC1 and CSP 16 are also relevant.

78 London Plan (Policy D3) and Core Strategy (Policy 15) design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30, seeks to apply these principles.

79 LPP D3 states that development proposal should respond positively to the existing character of a place by identifying the special characteristics and features of the locality.

80 CSP 18 relates to tall buildings and states that these need to be of the highest design quality and appropriately located

81 DMP 30 requires a site specific response that creates a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement.

82 DMP 31 states that development proposals for alterations and extensions, including roof extensions, will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context. Specific guidance is contained with the Alterations and Extensions SPD.

83 DM Policy 37 states that the Council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets.

*Discussion*

84 The site is locally listed so is considered to be non-designated heritage asset. The building therefore does not benefit from the protections afforded to statutorily listed buildings. However, the Development Plan is clear that that non-designated heritage assets should be sustained and protected. The proposed development would require some modest alterations to the exterior of the building. The most significant of which would be the installation of two timber sash windows in the side (south) elevation at first floor level. The windows would reflect the alignment, material and design of the existing second floor windows above and as such are not considered to introduce any visual harm to the building. Furthermore, the external staircase serving the door would be removed as part of the works, which would enhance the appearance of the building.

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85 The development would also see the replacement of the existing windows with timber windows to match the existing designs. The replacement of the windows is not considered objectionable as it is necessary to facilitate the upgrade of the glazing advised within the Noise Impact Assessment. A condition is recommended securing detailed drawings of the windows to ensure that the windows would be a close match to the design of the originals.

86 The proposed cycle and refuse stores would be installed within the side access thereby limiting their prominence from public viewpoints and with it the visual impact to the building. The use of timber is considered appropriate for secondary structures and is therefore supported. Full details of the design will be secured by condition to ensure a high standard of design quality.

### **6.3.1 Urban design conclusion**

87 The proposed development is considered acceptable in urban design terms and would ensure that the character and appearance of the non-designated heritage asset would be sustained.

## **6.4 TRANSPORT IMPACT**

### *General policy*

88 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of paragraph 106. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.

89 Para 111 states “Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

### **6.4.1 Local Transport Network**

#### *Policy*

90 The NPPF at paragraph 106 states that significant impacts on the transport network (in terms of capacity and congestion) should be mitigated to an acceptable degree.

#### *Discussion*

91 The application site has a PTAL of 4, which is a good level of public transport accessibility. Officers are therefore satisfied that the relatively modest scale of development could be accommodated by the existing transport infrastructure and network without any significant mitigation

### **6.4.2 Servicing and refuse**

#### *Policy*

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- 92 LPP T7 states that development proposals should facilitate sustainable freight movement by rail, waterways and road.
- 93 CSP13 sets out the Council's waste management strategy for new development and states that major developments should be designed to incorporate the existing and future long-term needs of waste management and disposal.
- 94 Storage facilities for waste and recycling containers should meet at least BS5906:2005 Code of Practice for waste management in Buildings in accordance with London Plan Housing Supplementary Planning Guidance (2016) standard 23.

#### *Discussion*

- 95 The site would be provided with an internal refuse store at ground floor level to be accessed from Mornington Road. The store would provide five 360L to be split between refuse and recycling provision. This would exceed the requirement for the development and is therefore acceptable. The refuse storage for the public house would be provided in separate area as required by the London Plan. A condition is recommended securing final details of the refuse facilities, including the appearance of the store, prior to the occupation of the development.
- 96 No details have be provided for deliveries and servicing connected to the public house. However, as the pub could be brought back into use without requiring further planning permission these details are not required. Officers are satisfied that deliveries relating to the residential accommodation could be undertaken from Weardale Road preventing potential obstruction to Lee High Road.

### **6.4.3 Transport modes**

#### ***Cycling***

##### *Policy*

- 97 Development is required to provide cycle parking in accordance with the requirements of Policy T5 and Table 10.2 of the London Plan.

##### *Discussion*

- 98 Eight long-stay spaces are required to comply with Table 10.2 of the London Plan. Cycle storage meeting this requirement would be provided within the side access. TfL have reviewed the cycle parking facilities and have assessed that the store is not large enough to accommodate cycle parking that would comply with the London Cycle Design Standards in terms of the spacing between the stands. However, TfL acknowledge that there is sufficient space within the side access to provide a policy compliant store and therefore final details of the cycle facilities, including the appearance, will be secured by condition.

#### ***Car Parking***

##### *Policy*

- 99 LP Policy T6, supported by CSP 14 and DMP 29, requires developments to take a restrained approach to parking provision to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use.

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100 LP Policy T6.1 and Table 10.3 states that maximum residential parking for sites in PTAL 4 and above should be car free.

*Discussion*

101 No off-street parking would be provided by the development, which is supported given the good PTAL. TfL consider that the PTAL justifies securing a car-free development in order to accord with the principles of LPPs T6 and T6.1. Therefore, future residents of the development would be prevented from obtaining permits for the local CPZ by legal agreement.

#### **6.4.4 Construction impact**

*Policy*

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

*Discussion*

103 No details have been provided for transport logistics. Therefore, a Construction Logistics Plan will be secured by condition to be submitted and approved prior to the commencement of the development. The CMP should include details of how disruption to London's strategic road network and to pedestrians and cyclists will be avoided and/or mitigated.

#### **6.4.5 Transport impact conclusion**

104 The proposed development is considered to have an acceptable impact on the surrounding highway and transport network subject to the imposition of the conditions recommended above and the relevant planning obligations.

### **6.5 LIVING CONDITIONS OF NEIGHBOURS**

*General Policy*

105 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

106 This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (London Plan Housing SPG 2017).

107 The main impacts on amenity that generally arise from this type of development include: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy; (iii) loss of daylight within properties and loss of sunlight to amenity areas; and (iv) noise and disturbance.

#### **6.5.1 Enclosure and Outlook**

*Policy*

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108 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of outlook for its neighbours.

*Discussion*

109 No extensions are proposed as part of the works and the only additional built form would be cycle and refuse stores that would be relatively modest in scale. Therefore, the proposed development would not introduce any material impacts to outlook at the neighbouring properties.

## **6.5.2 Privacy**

*Policy*

110 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy for its neighbours. Additionally, the justification for DMP 32 at paragraph 2.250 advises that there should be a minimum separation of 21m between directly facing habitable room windows on the upper floors of main rear elevations. The new Small Sites SPD revises this figure to 16m and is therefore considered more relevant.

*Discussion*

111 The new windows in the first floor of the southern side elevation would be located approximately 4m from the side elevation of Waterside Court, which is significantly below the 16m recommended in the Small Sites SPD. One of the new windows would be obscure glazed and fixed shut thus preventing intrusive views. The second window replaces an existing door that adjoins a raised platform and external staircase. The removal of the door and staircase would be beneficial to privacy levels at the neighbouring properties and therefore the views from the replacement window are not considered materially harmful. Above that, at second floor level, two of the three windows would be obscure glazed and fixed shut in keeping with the glazing of the existing windows. As such, no additional overlooking would be introduced.

## **6.5.3 Daylight and Sunlight**

*Policy*

112 DMP 32(1)(b) expects new developments to provide a 'satisfactory level' of sunlight and daylight for its neighbours.

113 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.

*Discussion*

114 No extensions or significant additional built form are proposed as part of the works. Therefore, the development would have a negligible impact on existing light levels and detailed analysis is not required.

## **6.5.4 Noise and disturbance**

*Policy*

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- 115 The NPPF at para 174 states decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. At para 180(a) of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life
- 116 LPP D14 states that residential development should avoid significant adverse impacts to quality of life.
- 117 DMP 26 states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician

#### *Discussion*

- 118 No long-term impacts are likely to arise from the provision of a residential development within a residential area. However, there is potential for short-term impacts during the construction phase of development. Therefore, a condition is recommended limiting the time of works and deliveries relating to the construction phase of development.
- 119 The proposed development does not include any significant alterations to the public house or its operations. As such, noise generated by the public house is not considered relevant to the assessment of the impacts to the amenity of the neighbouring properties.

### **6.5.5 Security**

#### *Policy*

- 120 Paragraph 92 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine quality of life.

#### *Discussion*

- 121 The proposed development would introduce activity to the vacant floor space on the upper floors of the building thereby increasing passive surveillance at the property and towards the neighbouring properties. Therefore, the proposed development is considered to be beneficial to the security of the neighbouring properties.

### **6.5.6 Impact on neighbours conclusion**

- 122 No adverse impacts have been identified to the surrounding residential properties and therefore the proposed development is considered acceptable and compliant with the relevant policies of the development plan.

## **6.6 SUSTAINABLE DEVELOPMENT**

#### *General Policy*

- 123 Para. 152 of the NPPF requires Local Planning Authorities to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes,

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and the risk of overheating from rising temperatures. Policies and decisions should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

- 124 CS Objective 5 reflect the principles of the NPPF and sets out Lewisham's approach to climate change and adapting to its effects. CSP 7, CSP 8 and DMP 22 support this.

### **6.6.1 Energy and carbon emissions reduction**

#### *Policy*

- 125 LPP SI2 stated that major development should achieve zero carbon and should minimise peak energy demand in accordance with the following energy hierarchy: Be lean: use less energy; Be clean: supply energy efficiently; and Be green: use renewable energy.
- 126 CSP 8 also states that developments of greater than 1,000sqm should fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.

#### *Discussion*

- 127 The proposed development falls below the threshold for a major development so the requirements of LPP SI2 and CSP 8 are not applicable to this application. However, the conversion of an existing building is consistent with paragraph 152 of the NPPF, which encourages the reuse of existing resources as part of the transition towards a low carbon future.

### **6.6.2 Flood risk**

#### *Policy*

- 128 NPPF para 159 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk. Para 163 states development should only be allowed in areas at risk of flooding where mitigation measure can be included.
- 129 LPP SI 12 expects development proposals to ensure that flood risk is minimised and mitigated.
- 130 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.

#### *Discussion*

- 131 A Flood Risk Assessment (FRA) has been submitted in support of the application. The FRA has been reviewed by the EA who have accepted the conclusions of the FRA and have recommended that a condition be imposed ensuring that the development would be carried out in full accordance with the FRA and that the residential accommodation shall be set at the first floor level and above, and not lower than 11.95 metres above Ordnance Datum (mAOD). Therefore, the proposed development is considered acceptable terms of flood risk vulnerability.

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### **6.6.3 Sustainable Infrastructure conclusion**

132 The proposal is acceptable in terms of Sustainable development, subject to the conditions detailed above.

## **6.7 NATURAL ENVIRONMENT**

### *General Policy*

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

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

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

### **6.7.1 Air pollution**

#### *Policy*

137 NPPF para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of 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.

138 LPP SI1, CSPs 7 and 9 and DMP 23 reflect the national guidance and are relevant. Further guidance is given in the Mayor of London's Air Quality Strategy.

#### *Discussion*

139 An Air Quality Assessment (AQA) has been submitted in support of the application and demonstrates that the development would be air quality neutral for the construction and operational phase of development. As such, the propose development is considered acceptable in air quality terms. The Council's Environmental Protection Officer has recommended that a condition be imposed to ensure that in the event that gas boilers are installed, the units would be Ultra-Low NOx Gas fired boilers.

### **6.7.2 Natural Environment conclusion**

140 Officers are satisfied that there would not be any significant adverse impacts to the natural environment.

## **7 LOCAL FINANCE CONSIDERATIONS**

141 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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- 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).

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

143 The CIL is therefore a material consideration.

144 £0 Lewisham CIL and £0 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## 8 EQUALITIES CONSIDERATIONS

145 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.

146 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.

147 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.

148 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>

149 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

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- 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

150 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>

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

## 9 HUMAN RIGHTS IMPLICATIONS

152 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

153 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.

154 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.

155 This application has the legitimate aim of providing new residential accommodation. 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.

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## 10 LEGAL AGREEMENTS

156 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

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

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

158 In addition to planning obligations that are entered into pursuant to the provisions of S106 of the Town and Country Planning Act 1990 the Council can pursuant to Section 16 of the Greater London Council (General Powers) Act 1974 enter into an agreement with the owner of land in connection with that land. In relation to the proposed obligations in the present application the Council will rely upon both powers to secure the necessary requirements.

159 The following are the draft Heads of Terms to which the applicant has agreed in writing:

### **Car Free Development**

- Prevent future occupiers from access to residents parking permits for the local CPZ (save for a disabled person's "blue badge" issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970).

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

## 11 CONCLUSION

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

162 The principle of the proposed development is supported given that onerous conditions would not be required to restrict the operations of the public house. Therefore, the public house would remain viable and could continue to contribute to the vitality of the surrounding area and its night-time economy. The provision of four residential units would contribute to local housing targets and as such carries weight within the overall

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planning balance. The standard of the accommodation provided by the residential units is considered to be of good quality and is generally compliant with the London Plan.

- 163 The application proposal would not result in any unacceptable impacts to the character and appearance of the locally listed building, the living conditions of neighbours, sustainable development or the natural environment. The proposed conditions and planning obligations are considered to ensure that any potentially adverse impacts to the local transport network would be mitigated.
- 164 Therefore, subject to the imposition of conditions and planning obligations, the development is judged acceptable and would accord with the Development Plan.

## 12 RECOMMENDATION

- 165 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and 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. Approved Plans

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

0128 - KLA - 00 - GF - DR - 18 001 Rev P01; 0128 - KLA - 00 - GF - DR - 18 002 Rev P01; 0128 - KLA - 00 - B1 - DR - 19 001 Rev P01; 0128 - KLA - 00 - GF - DR - 19 002 Rev P01; 0128 - KLA - 00 - 01 - DR - 19 003 Rev P01; 0128 - KLA - 00 - 02 - DR - 19 004 Rev P01; 0128 - KLA - 00 - RF - DR - 19 005 Rev P01; 0128 - KLA - 00 - XX - DR - 29 001 Rev P01; 0128 - KLA - 00 - XX - DR - 29 002 Rev P01; 0128 - KLA - 00 - XX - DR - 29 003 Rev P01; 0128 - KLA - 00 - XX - DR - 29 004 Rev P01; 0128 - KLA - 00 - XX - DR - 33 001 Rev P01; 0128 - KLA - 00 - XX - DR - 33 002 Rev P01; 0128 - KLA - 00 - B1 - DR - 10 001 Rev P01; 0128 - KLA - 00 - GF - DR - 10 002 Rev P01; 0128 - KLA - 00 - 01 - DR - 10 003 Rev P01; 0128 - KLA - 00 - RF - DR - 10 005 Rev P01; 0128 - KLA - 00 - XX - DR - 21 001 Rev P01; 0128 - KLA - 00 - XX - DR - 21 004 P01; 0128 - KLA - 00 - XX - DR - 30 001 Rev P01 received 27 September 2021;

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0128 - KLA - 00 - 02 - DR - 10 004 Rev P02; 0128 - KLA - 00 - XX - DR - 21 002 Rev P02; 0128 - KLA - 00 - XX - DR - 21 003 Rev P02; 0128 - KLA - 00 - XX - DR - 30 002 Rev P02 received 13 January 2021;

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

### 3. **Construction Logistics Plan**

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

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

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 to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

### 4. **External Sound Insulation**

- (a) The residential accommodation shall not be occupied until a scheme of sound insulation against external noise and vibration has been submitted to and approved in writing by local planning authority. The sound insulation shall achieve levels not exceeding 30dB LAeq (night) and 45dB L<sub>Amax</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided..

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(b) The residential accommodation shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 5. Internal Soundproofing

(a) The residential accommodation shall not be occupied until details have been submitted to and approved in writing by the local planning authority demonstrating that soundproofing of a specification for sound insulation against airborne noise and structural vibration to meet 30dB LAeq (night) and 45dB LAm<sub>ax</sub> (measured with F time weighting) for bedrooms and 35dB LAeq (day) for other habitable rooms, would be installed where walls and/or ceilings for the residential accommodation parties non domestic use.

(b) The residential accommodation shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety, including details of the noise limiter to comply with Section 6.2 of the Noise Impact Assessment (KP Acoustics, August 2021), and a report detailing the results of post-completion sound testing to demonstrate compliance with the part (a) scheme have been submitted to and approved in writing by the local planning authority. The report and installation of the noise limiter shall be undertaken by qualified independent acoustician. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with 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. Windows

(a) The residential accommodation shall not be occupied until detailed drawings, including sections at scale 1:5, of the windows have been submitted to and approved in writing by the local planning authority.

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(b) The works shall then be carried in full accordance with the approved details prior to the first occupation of the residential accommodation, and retained thereafter.

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

## 7. Refuse and Recycling Facilities

(a) Prior to the occupation of the residential accommodation, details of the refuse and recycling facilities 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 residential accommodation 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 appearance of the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

## 8. Cycle Parking Facilities

(a) Prior to first occupation of the residential accommodation, full details of the cycle parking facilities providing a minimum of 8 long stay spaces for the development shall be submitted to and approved in writing by the local planning authority.

(b) All cycle parking spaces shall be provided and made available for use prior to occupation of the residential accommodation and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

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## 9. Mechanical Ventilation Heat Recovery System (MVHR)

(a) Prior to the occupation of the residential accommodation, a Mechanical Ventilation Heat Recovery (MVHR) system report, to comply with the recommendations of the Air Quality Assessment (Hoare Lea, July 2021) and Noise Impact Assessment (KP Acoustics, August 2021), shall be submitted to and approved in writing by the Council. The report shall include the following information:

- Details and locations of the air intake locations of the mechanical ventilation system, or
- Details of filtration system to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, and Particulate Matter (PM2.5, PM10) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890.

Ventilation intakes shall be positioned a suitable distance away from chimney/boiler flues, ventilation extracts, and roads. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property.

(b) The facilities as approved under part (a) shall be provided in full prior to occupation of the residential accommodation and shall thereafter be permanently retained and maintained.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with Policy SI1 Improving Air Quality of the London Plan (March 2021) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

## 10. Obscured Glazed Windows

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the proposed obscure glazed windows in the southern elevation as identified on drawing 0128 - KLA - 00 - XX - DR - 21 002 Rev P02 shall be fitted as obscure glazed to a minimum of Level 3 on the 'Pilkington Scale' and fixed shut and retained in perpetuity.

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**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 and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

11. No works or deliveries in connection with construction works shall be undertaken 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 Paragraph 174 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).

12. Mains water consumption shall be compliant with the Optional Requirement set out in Part G of the Building Regulations of 105 litres or less per head per day.

**Reason:** In order to minimise the use of mains water and to comply with Policy SI5 Water infrastructure of the London Plan (March 2021)

13. In the event gas boilers are proposed, details of the Ultra-Low NOx Gas fired boilers proposed to be installed shall be submitted to and approved in writing by the local planning authority prior to installation. The Ultra-Low NOx Gas fired boilers to be provided for space heating and hot water shall have dry NOx emissions not exceeding 40 mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard, they should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

**Reason:** To manage and prevent further deterioration of existing low quality air across London in accordance with Policy SI1 Improving Air Quality of the London Plan (March 2021).

14. **Flood Risk**

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The development shall be carried out in accordance with the submitted Flood Risk Assessment (Motion, June 2021) and the following mitigation measure:

- residential accommodation shall be set at the first floor level and above, and no lower than 11.95 metres above Ordnance Datum (mAOD).

This mitigation measure shall be fully implemented prior to the occupation of the residential accommodation and shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of flooding to the development and future occupants and to comply with Policy 10 Managing and reducing the risk of flooding of the Core Strategy (June 2011).

## 15. Live Music

No live amplified music, live acoustic music (defined as acoustic instruments and singing), public address system or any other amplified sound shall take place at the site, and average noise levels (LAeq) from the proposed development should be at least 5dB below background levels (LA90) at the location of nearby sensitive receptors.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 174 of the National Planning Policy Framework, Policy D13 Agent of change of the London Plan (March 2021) and DM Policies 26 Noise and Vibration and 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, positive discussions took place which resulted in further information being submitted.
- 2) 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>

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- 3) The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

## **13 BACKGROUND PAPERS**

- (1) Submission Drawings
- (2) Submission technical reports and supporting documents
- (3) Internal consultee responses
- (4) External consultee responses

## **14 REPORT AUTHOR AND CONTACT**

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