

## PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 16 JULY 2020 TIME 7.30 PM**

PLACE: **MICROSOFT TEAMS- VIRTUAL MEETING**

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Aisling Gallagher (Chair)  
Alan Smith (Vice-Chair)  
Suzannah Clarke  
Silvana Kelleher  
John Muldoon  
Leo Gibbons  
Mark Ingleby  
Jim Mallory  
Sakina Sheikh**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Kim Wright  
Chief Executive  
Lewisham Town Hall  
London SE6 4RU  
Date: Tuesday, 7 July 2020**

**For further information please contact:  
Sarah Assibey Committee Co-ordinator  
2<sup>nd</sup> Floor Civic Suite  
Catford Road SE6 4RU**

**Telephone No:  
Email: [planning@lewisham.gov.uk](mailto:planning@lewisham.gov.uk)**



	<b>Order Of Business</b>		
<b>Item No</b>	<b>Title of Report</b>	<b>Ward</b>	<b>Page No.</b>
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 10
3.	16 MANOR AVENUE, LONDON, SE4 1PD		11 - 50
4.	CEDARS 34 SYDENHAM HILL, LONDON, SE26 6LS		51 - 190

Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 16 July 2020

Members are asked to declare any personal interest they have in any item on the agenda.

**(1) Personal interests**

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

**(2) Disclosable pecuniary interests** are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
  - (a) that body to the member's knowledge has a place of business or land in the borough; and
  - (b) either
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### **(3) Other registerable interests**

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

### **(4) Non registerable interests**

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

### **(5) Declaration and Impact of interest on member's participation**

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

**(6) Sensitive information**

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

**(7) Exempt categories**

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

This page is intentionally left blank

Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 16 July 2020

### MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 23 January 2020

This page is intentionally left blank



**LONDON BOROUGH OF LEWISHAM**

**PLANNING COMMITTEE B**

**THURSDAY 23 January 2020 AT 7.30 PM**

**MINUTES**

PRESENT: Councillor Aisling Gallagher (Chair), Councillors Alan Smith, Leo Gibbons, Mark Ingleby, Jim Mallory, Sakina Sheikh, Suzannah Clarke

APOLOGIES FOR ABSENCE: Councillors John Muldoon, Silvana Kelleher

OFFICERS: Planning Officers and Committee Officer

ALSO PRESENT: Kheng Chau- Legal Representative

Item no.

**1. Declarations of Interest**

No interests were declared

**2. Minutes**

The Minutes of the last meeting were held as an accurate record.

**3. Land on the corner of Duncombe Hill, Brockley Rise**

The Planning Officer gave an illustrative presentation recommending to refuse the planning application.

The application site comprises a small area of open space which is bounded on two sides by a knee high decorative fence. A group of five trees subject to a TPO are located on the application site itself. A further tree with a TPO attached is located just beyond the site on the remaining open space, which is owned by the Council.

The remaining area of Council owned open space which, excluding the application site, is a strip of land linking Duncombe Hill and Brockley Rise. The Crofton Park Ward information board faces Brockley Rise at the edge of this area.

A commercial centre and shopping parade are located along the eastern side of Stondon Road and Brockley Rise approximately 100 metres north of the site before the two roads merge to become Brockley Rise. This commercial character continues for a small section on the western side of Brockley Rise between Gabriel Street and Ackroyd Road, which is opposite the northern part of the application site. Honor Lea, a three storey purpose built residential institution is directly opposite the southern part of the site.

To the east of the site the land steeply rises towards Blythe Hill fields, with a residential area of suburban perimeter blocks. To the west towards Honor Oak is a residential area of urban terrace perimeter blocks. Southwards along Brockley Rise

the character is predominantly residential with a mix of two and three storey buildings.

The Officer recommendation to refuse the application is based on the fact that the development would have unacceptable impact on the character and amenity of the existing open space. It would create an unwelcoming environment to the existing Council land where the proposed development would be built on. The lack of privacy for future occupiers is also a reason for refusal, where the design is discordant with the surrounding environment and is too tall taking account of its prominent location, it is also flawed seen in the flats which would overlook the bus stop.

The removal of five mature trees in addition to the fact the landscape visualisations are misleading and unlikely to accurately reflect its appearance.

In giving his statement, the Objector endorsed the planning officer's presentation and emphasised that building any development on this site is unacceptable and that the Committee should consider the disregard that the developer has shown in his application and by his absence.

The Objector furthered that historic maps of the area date back to 1761, which shows that this site has never been built on in all this time which highlights a tangible link to the past when the area was an open countryside. In policy terms, the application site is an open space- paragraph 97 as highlighted in the report says that existing open space should not be built on unless 3 exceptions are satisfied, of which none are satisfied. From the perspective of the community, this is an open space that holds real value and there are only 2 open spaces along the entire length of Brockley Rise and is surrounded by houses and is well used by the community. There have been no issues of fly-tipping or any other anti-social behaviour which speaks highly of the area and community. Lastly, the intentional building of an illegal fence which has been taken down, speaks volumes of the disregard for the law and the area the developer has shown.

Councillor Anwar also spoke on this item. 5000 people signed a petition to have the illegal fence removed which the developer built outside of planning permission. There was a lot of rubbish and litter left around the area once the fence was removed. The report mentioned that this is a non-material objection, however, Councillor Anwar wanted to point out that if the developer has done any illegal action on the land before planning application has been granted, then this should be taken into consideration when making a decision. There has also been no local engagement from the developer despite the invitations to engage and discuss the construction. Any open plan development should only be done if completely necessary and if the space is no longer in use, and this is not the case.

The Legal Adviser pointed out that the term "illegal" being used to describe the building of the fence is incorrect. Although permission was not given, the construction of the fence itself was not illegal and the Committee noted this.

The committee noted the report. All Members voted against the application.

**RESOLVED**

That planning permission be REFUSED for the Construction of a part three/part four storey building on land at the corner of Duncombe Hill and Brockley Rise SE23, to provide 6 two bedroom and 1 one bedroom self-contained flats, together with landscaping, cycle storage and bin stores, for the reasons set out in paragraph 11 of the report

#### **4. Gillan Court, Rushey Green**

The Planning Officer presented the report, recommending that the proposed planning application is approved.

Gillan Court is a 4-storey residential block fronting Baring Road, with an undercroft providing vehicular access to the rear, which is the application site. The building is contains 22x two bedroom flats. The application site lies to the rear of Gillan Court, and it was formerly occupied by 22 garages, prior to their demolition in 2015. As existing, the site provides parking bays for the occupants of Gillan Court, as well as some informal amenity space.

To the immediate south and east of the site are residential buildings at Napier Court and Dilhorne Close, and to the North of the site is a Territorial Army Reserve/Training Centre. The proposal would involve the loss of 10 existing off-street car parking spaces to the rear of Gillan Court. 17 spaces would remain on site, and these are to be allocated to existing Gillan Court residents as detailed in the Parking Management Plan. The proposal also includes landscaping works to the front of Gillan Court, and the provision of a communal amenity / play area, for the benefit of existing residents and future residents of the proposal. A new main entrance would be constructed for the existing Gillan Court. Works would also be carried out to renovate and light the existing undercroft, including the provision of storage lockers for the existing Gillan Court residents. New private terraces would also be constructed for the benefit of the four existing ground floor flats at Gillan Court.

Dry and secure cycle parking spaces would be provided on site for future residents of the proposal, and these would be either within the covered area of courtyard, or in the private rear gardens. New and increased provision for the storage and collection of waste would be provided towards the front of Gillan Court.

The Applicant present their argument stating that the development is very family focused and the plan has been developed over 3 years. Neighbouring properties and surroundings as well as size and scale has been carefully considered and adapted over this period of time. The proposed development also has benefit for the existing residents of social housing and consideration has been given to the public realm. A daylight assessment of the property has been carried out to ensure sufficient and acceptable natural light is given to each home.

The Objector raised the following arguments against the application; the proposed development will lead to a loss of amenity in the area and the clause which states that the height and massing of the proposed building be subordinate to the main building and similar height to surrounding buildings should be considered. The effect of the close proximity means that some households will be overlooked in some areas of homes. Residents also have concerns about noise increase in the area as the 18m distance between the buildings is too close.

He also mentioned that the trees in the surrounding areas need to be protected. In previous years some mature trees were cut down reducing privacy between neighbouring homes- these cannot be simply replaced with some bamboo or smaller trees. The new trees will not be the same size and stature of the previous trees.

The Committee discussed some of the issues regarding the proposed development. There was particular concern shown for the trees planted around the development. Officers stated that reference to semi-mature tree planting can be placed within the conditions to give assurance that the trees planted will be of significant size.

The applicants agreed that they would accept the condition that the trees shown in the plan of the proposed development will not be removed without consent of the local planning authority, to be reflected in condition 19.

The Committee took to a vote, in which all agreed that planning permission be granted under the following:

#### RESOLVED

That planning permission be GRANTED for Construction of 3 a storey building to the rear of Gillan Court, 267 Baring Road, SE12, to provide 6 residential houses and 3 residential flats, refurbishment of existing undercroft, communal gardens, landscaping, car and cycle parking, servicing and associated works.

Members resolved to follow officer's recommendation as set out in the recommendations to grant the planning application subject to allowing officers to amend conditions 9 and 19 and the addition of an informative to seek the insertion of a clause in the lease to protect trees

The meeting finished at 9.20pm

Committee	PLANNING COMMITTEE B	
Report Title	16 Manor Avenue, London, SE4 1PD	
Ward	Brockley	
Contributors	Alfie Williams	
Class	PART 1	16 July 2020

<u>Reg. Nos.</u>	DC/20/115966
<u>Application dated</u>	02.03.2020
<u>Applicant</u>	Ms Mason
<u>Proposal</u>	Part retrospective application for the raising of the roof ridge by 150mm and construction of an extension to the rear roof slope at 16 Manor Avenue SE4, together with the replacement of the existing rooflights in the front roof slope with three conservation roof lights.
<u>Background Papers</u>	(1) Case File DE/105/16/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (November 2014) (4) The London Plan (March 2016)
<u>Designation</u>	Brockley Conservation Area Brockley Conservation Area Article 4 Direction PTAL 5

## 1 SUMMARY

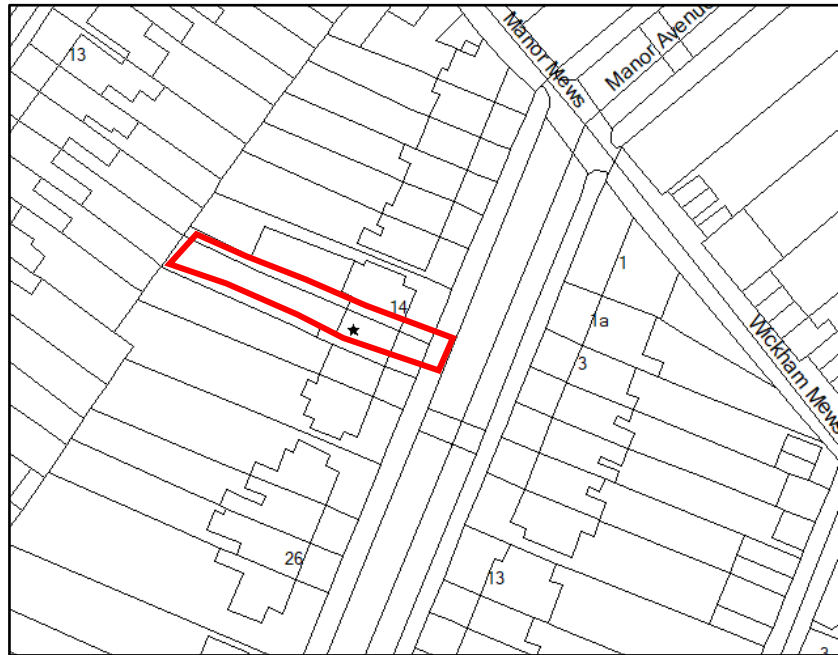
- 1 This report sets out the Officer's recommendation for the above proposal. The report has been brought before Committee for a decision as a local Ward Councillor has requested that the application be determined by Planning Committee.

## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 The application site is located on the western side of Manor Avenue in a primarily residential area. The site is occupied by a large four storey mid terraced Victorian property with lower ground floor and raised main entrance at ground floor level.
- 3 The application building forms part of a short terrace consists of four properties (Numbers 14 to 20) constructed in yellow London stock brick, with pitched slate roofs, a central leaded flat section and hipped sides at either end of the terrace. Each of the two end terrace properties also have an additional flat roofed side projection. The properties sit in generous plots with large rear gardens.

Figure 1. Site location



- 4 Planning permission was granted in September 2015 for works to the roof, comprising a glazed roof extension in the rear roof slope and the installation of two roof lights in the front roof slope. The works were not however carried out in accordance with the approved plans, as the roof ridge has been raised by 150mm, the pitch of the front roof slope has been altered, rear dormer window has been enlarged and an additional rooflight has been installed on the front roof slope.
- 5 The building is not listed, but the site is located within the Brockley Conservation Area and is subject to the Brockley Conservation Area Article 4(2) Direction.

### 3 RELEVANT PLANNING HISTORY

- 6 DC/13/84038: The construction of an extension to the rear roof slope of 16 Manor Avenue SE4, together with the installation of two rooflights in the front roof slope – The application was refused on 23 September 2013 for the following reasons:
- 1) *The proposed roof extension and alterations would be detrimental to the character and appearance of the existing building and the integrity of the adjacent terraced buildings within the Brockley Conservation Area as well as having a serious and adverse effect on the amenities enjoyed by the occupants of neighbouring properties in this location, reason of its unsympathetic design and materials, excessive depth and width, prominent setting, mass and scale. As such, the development is contrary to Policy 15 High quality design for Lewisham', Policy 16 'Conservation areas, heritage assets and the historic environment' of the adopted Core Strategy (June 2011), Policies URB 3 Urban Design, URB 6 Alterations and Extensions, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas, HSG 4 Residential Amenity and HSG 12 Residential Extensions in the adopted Unitary Development Plan (July 2004).*
  - 2) *The proposed roof extension balcony area by reason of its raised siting and proximity to neighbouring buildings and property boundaries would have a serious and adverse effect on the privacy and amenity enjoyed by the occupants of neighbouring properties in this location contrary to Policy 15 'High quality design for Lewisham', Policy 16 'Conservation areas, heritage assets and the*

*historic environment' of the adopted Core Strategy (June 2011), policies URB 3 Urban Design, URB 6 Alterations and Extensions, HSG 4 Residential Amenity, HSG 12 Residential Extensions in the adopted Unitary Development Plan (2004) and the Residential Development Standards SPD (adopted August 2006 amended May 2012).*

- 7 APP/C5690/D/13/2207370: Application DC/13/84038 was dismissed at appeal on the grounds that the proposal would not preserve or enhance the character or appearance of the Brockley Conservation Area, would have a harmful effect on the character and appearance of the host building, and the proposal would have a harmful effect on neighbours' living conditions with regard to privacy.
- 8 DC/15/90895: The construction of a glazed roof extension in the rear roof slope at 16 Manor Avenue SE4, together with the installation of 2 roof lights in the front roof slope – granted on 2 September 2015.
- 9 ENF/17/00476: Enforcement investigation into the allegation that the development was not built in accordance with the approved plans and was built without discharging all of the relevant conditions.
- 10 DC/19/113464: Retrospective planning application for the extension of the existing pitched roof to raise the ridge line by 150mm at 16 Manor Avenue SE4, together with the installation of conservation roof lights in the front roof slope. The application was refused on 21 January 2020 for the following reason:
- 1) *The raising of the roof ridge, the resulting contrasting roof pitch, and installation of three rooflights form an unsympathetic and visually obtrusive addition to the streetscene, which is detrimental to the historic roof form of the host property and the historic and cohesive nature of the immediate terrace of which it forms part, failing to preserve or enhance the character and appearance of the Brockley Conservation Area. As such it would be contrary to Part 16 Conserving and Enhancing the Historic Environment of the NPPF, Policies 7.4 Local character, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Lewisham Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Lewisham Development Management Local Plan (November 2014) and the Lewisham Alterations and Extensions SPD (April 2019).*

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

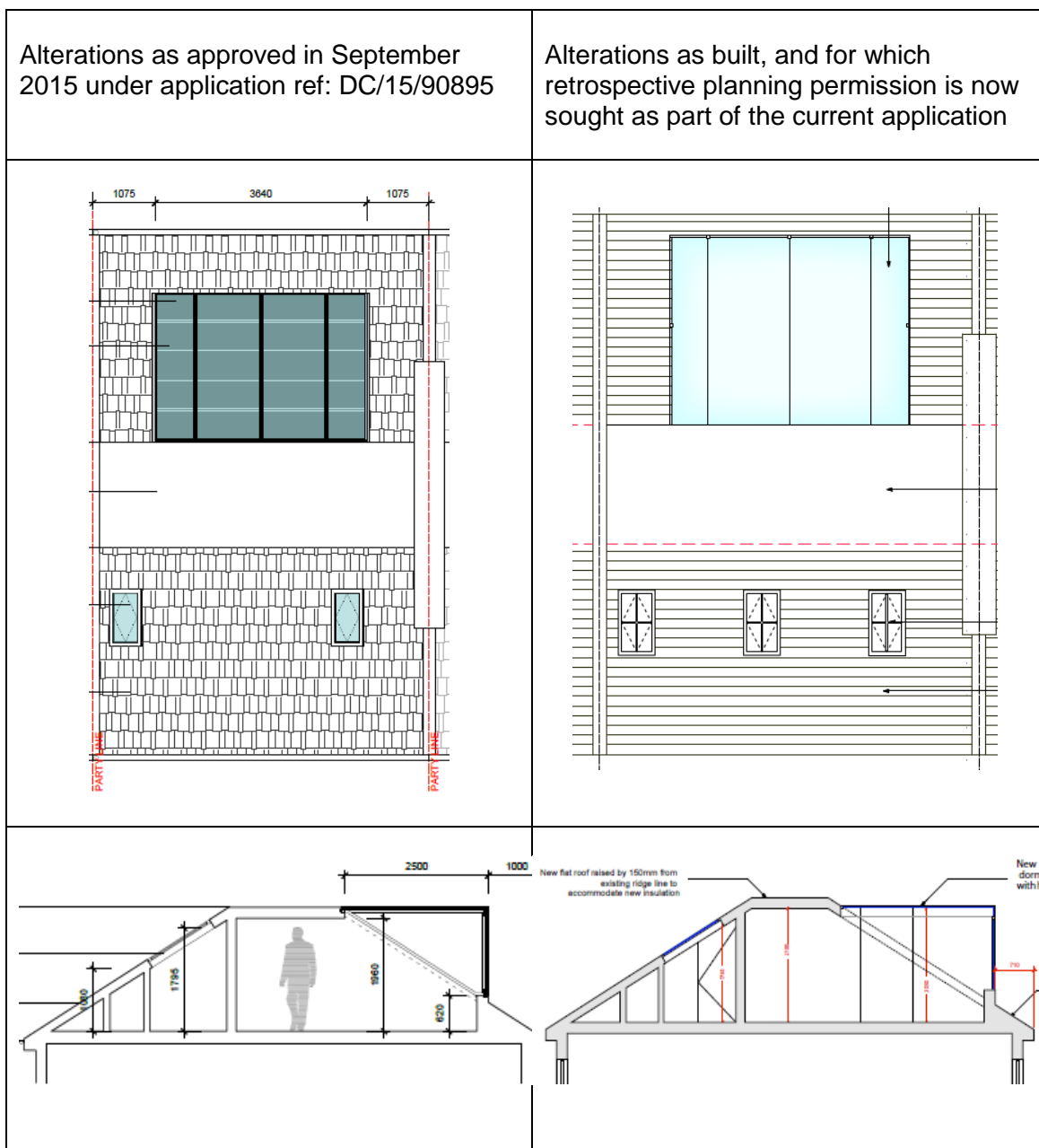
- 11 Retrospective planning permission is sought for alterations to the roof of the property. These include the raising of the ridge by 150mm and alteration to the pitch of the front roof slope which were carried out without the benefit of planning permission. The existing three Velux rooflights, also installed without planning permission, would be replaced in the same openings with lower profile conservation style rooflights, which would feature central horizontal and vertical glazing bars.
- 12 Resulting from the raising of the ridge, the rear dormer has not been constructed in full accordance with the approved plans. Retrospective permission is also sought for the

dormer extension to the rear roof slope. Measuring from the plans the rear dormer is 3.6m wide x 1.8m high x 2.8m deep, set in from both party walls by 1m, and set back from the eaves by 0.8m. The dormer is fully glazed with high reflective double glazing, which has aluminium frames.

## 4.2 COMPARISON WITH PREVIOUS SCHEME

- 13 The scheme differs in several ways from the one granted planning permission in September 2015 (reference DC/15/90895), which was not built in accordance with the approved plans contrary to Condition 2 of the decision notice.
- 14 The development is identical to the scheme refused in January 2020, reference DC/19/113464. However, more detail has been provided regarding the design of the proposed conservation rooflights

**Figure 2. Comparison between the approved scheme and as built**





15 Figure 2 above highlights some of the key differences between the alterations as approved, and the works as built for which retrospective planning permission is now sought. These include the increase to the number of rooflights on the front roof slope from two to three and reduction to the set up of the rear dormer from the eaves from the approved 1m to 0.8m, as measured from the plans.

## 5 CONSULTATION

### 5.1 APPLICATION PUBLICITY

16 Site notices were displayed and a press notice was published on 15 April 2020.

17 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 6 April 2020.

18 A total of 15 responses were received, comprising 15 letters in support.

#### 5.1.1 Comments in objection

19 The Brockley Society objected to the proposal due to the harmful impact of the raised ridge line and third rooflight. It was also noted that the existing rooflights are not conservation style as approved in 2015 and are not installed in the position indicated on the submitted plans. The society also objected to the 2.1m floor to ceiling height within the extended loft space.

#### 5.1.2 Comments in support

Comment	Para where addressed
Positive visual impact to the property and surrounding area	Para 45-54
Raised roof ridge not perceptible	Para 46
Three rooflights are a common feature of the Brockley Conservation Area	Para 53-54
Ecological benefits of the improved energy efficiency	Para 56

20 Cllr Adefiranye commented in support of the application and requested that the application be determined by Planning Committee.

### 5.2 INTERNAL CONSULTATION

21 The following internal consultees were notified on 3 April 2020.

22 Conservation: raised objections to the proposed development due to the harmful visual impact to Brockley Conservation Area resulting from the raising of the roof ridge and third rooflight. Full assessment of the comments have been incorporated in the planning assessment section of the report.

### 5.3 EXTERNAL CONSULTATION

23 Green Party: The proposed would result in better insulation of the proposed roof extension and therefore would contribute to energy saving which should be taken into consideration as well as the need to protect the rich architecture of the Borough.

24 Brockley Society: as there are no discernable physical differences of improvement offered to resolve the previous application (DC/19/113464) as refused on 21 January 2020 the Society stands by its previous comments of 11 December 2019 as attached below

## **6 POLICY CONTEXT**

### **6.1 LEGISLATION**

25 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).

26 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

### **6.2 MATERIAL CONSIDERATIONS**

27 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.

28 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.

29 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**

30 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**

31 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (December 2005)

## 6.6 OTHER MATERIAL DOCUMENTS

- Draft London Plan: The Mayor of London published a draft London Plan on 29 November 2017 and minor modifications were published on 13 August. The Examination in Public was held between 15th January and 22nd May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9 December 2019. On 13 March 2020 the Secretary of State wrote to the Mayor to direct a series of changes to the Intend to Publish London Plan that are required ahead of publication. The Intend to Publish London Plan now has some weight as a material consideration when determining planning applications, notwithstanding that more limited weight should be attached to those policies where the Secretary of State has directed modifications. The relevant draft policies are discussed within the report (DLPP).

## 7 PLANNING CONSIDERATIONS

32 The main issues are:

- Principle of Development
- Urban Design and Heritage
- Impact on Adjoining Properties
- Other Matter

### 7.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

33 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.

34 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.

#### *Discussion*

35 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

## 7.2 URBAN DESIGN & HERITAGE

### *Urban Design Policy*

- 36 The NPPF at paragraph 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG encourages decision takers to always secure high quality design; this includes being visually attractive and functional, however other issues should be considered.
- 37 London Plan Policy 7.6 requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design.
- 38 Core Strategy Policy 15 repeats the necessity to achieve high quality design.
- 39 DM Policy 30 states that all new development should provide high standards of design and should respect the existing forms of development in the vicinity.

### *Heritage Policy*

- 40 Section 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives local planning authorities the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and Listed Buildings.
- 41 London Plan Policy 7.8 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. DLPP HC1 reflects adopted policy.
- 42 Core Strategy Policy 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.
- 43 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

### *Discussion*

- 43 The rear dormer extension has been built broadly in accordance with the approved plans, however where on the approved plans the dormer was set back from the eaves by 1m, the submitted plans indicate that the dormer as built is set back from the eaves by 0.8m. Whilst this is regrettable and does increase the bulk and massing of the dormer extension, it is recognised that 0.8m still represents a reasonable level of set back and this combined with the visually lightweight materials and 1m set in from both party walls is considered to be sufficient to ensure that the rear dormer extension is subservient to the host property.

### Ridge and Pitch Alterations

- 44 Both DMP 31 and the Alterations and Extensions SPD state that roof extensions will generally not be permitted where any part is higher than the height of the ridge of the main roof. The property is located within Character Area 1 of the conservation area as defined by the Brockley Conservation Area Character Appraisal. The Character Appraisal references the short terrace as an importance housing typology within this character area.

45

The property is situated within the centre of the short terrace, which generally have consistent rooflines. As such, the raising of the ridge and associated alteration to the pitch of the front roof slope results in the roof of the property conspicuously projecting above those of the adjacent properties on either side. This is clearly perceptible from public viewpoints and unbalances the roofscape within short and longer views, resulting in a detrimental visual impact to the historic roof form of the host property and the cohesive nature of the immediate terrace, as is shown in Photograph 1 below.

**Photo 1. Front roof slope of No.16 Manor Avenue**



46

It is noted that the ridge of No.17 Manor Avenue located on the opposite side of the road has been raised by a similar amount. However, the angle of the pitch of the roof was not increased as a result of these works, as shown in Photo 2 below. It is the combination of the raised ridge and change to the pitch of the roof that creates the obvious contrast with the adjoining properties and unbalances the roofscape.

**Photo 2. Front roof slope of No.17 Manor Avenue**



47

DMP 36 is clear that the Council will resist development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the conservation area. Officers therefore consider that the harm caused by the alterations to the roof would be exacerbated by the

precedent established by this development and the potential for the piecemeal erosion of the consistent roofscape that would arise from similar alterations at other properties.

- 48 The raising of the ridge and alteration to the pitch of the roof is therefore harmful to the character and appearance of the Brockley Conservation Area, contrary to DMPs 30, 31 and 36 in addition to the Alterations and Extensions SPD.

### *Rooflights*

- 49 DMP 31 states that rooflights in the front roof slope of buildings should be considered in relation to the design of the dwelling and harmonise with the street-scene. Furthermore, the Alterations and Extensions SPD guidance for rooflights within conservation areas states that rooflights should be few in number and generally restricted to the rear or least visible roof slopes.
- 50 The planning permission granted in September 2015 provided for the installation of two rooflights in the front roof slope, to be installed within the middle third of the roof slope close to the party walls. However, on site it is clear that the rooflights have been installed closer to the ridge, which is contrary to the Alterations and Extensions SPD Guidance.
- 51 Having visited the property Officers consider that the provision of two rooflights combined with the large areas of glazing in the rear dormer extension, would provide adequate levels of natural light and outlook to the internal accommodation. As such, the third rooflight does not make a vital contribution to living conditions and is excessive.
- 52 The Character Appraisal identifies rooflights as a damaging element to the character of the Brockley Conservation Area due to the additional visual clutter to plain roofslopes, which were not historically pierced with openings. The proposal to install flush fitting conservation style rooflights in place of the existing rooflights is welcomed. The permission granted in September 2015 was for conservation style rooflights, however the rooflights that were installed do not reflect this approved specification and are more bulky in appearance. As part of the current application, it is proposed that the installed rooflights be replaced with conservation style rooflights. Drawing 7468\_10 (Proposed Roof Plan) indicates that the rooflights would be installed within the middle third of the roof slope, although this is likely to be an inaccuracy within the drawing given that it is the Officer's understanding that the rooflights would simply be replaced in their current position. Notwithstanding this, the improvements to the design and position of the existing rooflights are not considered to overcome the intrusive visual impact created by the excessive number of rooflights.
- 53 It is noted that three rooflights have been installed in the front roof slope of 64 Manor Avenue (DC/12/79671). This permission was granted prior to the adoption of the current Development Management Local Plan and Alterations and Extensions SPD and as such is not considered to constitute a precedent. Moreover, there are very few rooflights at the eastern end of Manor Avenue, which has maintained a reasonably well preserved roofscape.

### *Summary*

- 54 Overall, officers consider that the current proposal would lead to less than substantial harm to the character and appearance of the Brockley Conservation Area, which would set a harmful precedent within the conservation area that in the long term is likely to erode the cohesive appearance of the roofscape.
- 55 Paragraph 196 of the NPPF requires such harm to be weighed against any public benefits of the proposal. The applicant stated on site that the raising of the ridge was undertaken to install insulation to improve the energy efficiency of the loft conversion.

Officers consider that the public benefits of improving the energy efficiency of one property are relatively modest and no evidence has been provided to substantiate this claim. It is also possible to improve the energy efficiency of a building without raising the ridge of the roof and changing the pitch of the roof. Therefore, the public benefits of the development are not considered to outweigh the harm identified above.

56 Officers, having regard to the statutory duties in respect of Conservation Areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, consider that the proposal would fail to preserve or enhance the character or appearance of the Brockley Conservation Area.

### **7.3 LIVING CONDITIONS OF NEIGHBOURS**

#### *Policy*

57 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.

58 LP7.6, CP15, DMP32 and the provisions of the Alterations and Extensions SPD reflect this and are relevant.

#### *Discussion*

59 The main impacts on amenity arise from: (i) overbearing enclosure/loss of outlook; (ii) loss of privacy and (iii) loss of daylight within properties and loss of sunlight to amenity areas.

60 The increase to the height of the ridge does not have any significant impact on the living conditions of neighbouring properties given its siting within the centre of the roof and the modest increase. The rooflights have outlook towards the sky away from the neighbouring properties and such do not result in a perceptible loss of privacy.

61 The rear dormer roof extension is broadly similar to the massing approved in September 2015 under application DC/15/90895. The impact of the extension was considered to be acceptable at this time, and there have been not material changes to policy that would affect this assessment and therefore Officers maintain this judgement.

### **7.4 OTHER MATTERS**

62 The Brockley Society highlight that the 2.1m floor to ceiling height created by the loft conversion would fall short of 2.5m required by DMP 32 and the 2.3m stipulated within the Technical Housing Standards. Whilst this would not be considered acceptable for a new dwelling, these standards should be applied pragmatically when assessing alterations and extensions to existing homes to provide additional space and as such is not considered to warrant the refusal of this application.

## **8 LOCAL FINANCE CONSIDERATIONS**

63 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).

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

65 The CIL is therefore a material consideration and the relevant form has been submitted. In this case the application would not be liable to CIL.

## 9 EQUALITIES CONSIDERATIONS

66 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.

67 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.

68 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.

69 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>

70 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



71 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>

72 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**

73 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

74 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.

75 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.

76 This application has the legitimate aim of extending a residential building.

## **11 CONCLUSION**

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

78 The provision of three rooflights in the front roof slope, the raising of the ridge, and the alteration to the pitch of the front roof slope result in an incongruous visual impact to the roofscape that is detrimental to the integrity and form of the existing building and the terrace that it forms part. The development therefore fails to preserve or enhance the character and appearance of the Brockley Conservation Area and as such is contrary to LLP 7.4, 7.6 and 7.8, CSP 15 and 16, DMP 30, 31 and 36 and the Alterations and Extensions SPD.

## 12 RECOMMENDATION

79 That the Committee resolve to REFUSE planning permission for the following reason:

### REASONS FOR REFUSAL

- 1) The raising of the roof ridge, the resulting pitch of the front roof slope, and the installation of three rooflights form an unsympathetic and visually obtrusive addition to the streetscene, which is detrimental to the historic roof form of the host property and the historic and cohesive nature of the immediate terrace of which it forms part, failing to preserve or enhance the character and appearance of the Brockley Conservation Area. As such it would be contrary to Part 16 Conserving and Enhancing the Historic Environment of the NPPF, Policies 7.4 Local character, 7.6 Architecture and 7.8 Heritage assets and archaeology of the London Plan (March 2016), Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Lewisham Core Strategy (June 2011), DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens of the Lewisham Development Management Local Plan (November 2014) and the Lewisham Alterations and Extensions SPD (April 2019).

### INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought before the application was submitted. As the proposal was clearly contrary to the provisions of the Development Plan, it was considered that further discussions would be unnecessary and costly for all parties.
- 2) Applicant is advised to contact Planning Enforcement Team to discuss next steps.



This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Committee	PLANNING COMMITTEE B	
Report Title	34 Sydenham Hill, London, SE26 6LS	
Ward	FOREST HILL	
Contributors	GEOFF WHITINGTON	
Class	PART 1	16 July 2020

<u>Reg. Nos.</u>	DC/17/103386
<u>Application dated</u>	30 August 2017
<u>Applicant</u>	Danks Badnell Architects Ltd
<u>Applicants Plan Nos.</u>	<p>16/12/01; 16/12/25; 16/12/26; 16/12/46; 16/12/47; 16/12/48; 16/12/49; F0316 - 1; F0316 - 2; F0316 - B; F0316 - CH E; F0316 - CH F; F0316 - E1; F0316 - E2; F0316 - G; F0316 - S; F0316 - T; Tree Protection Plan; Heritage Impact Statement; Arboricultural Survey; Tree Constraints Plan; Preliminary Ecological Appraisal Survey; Daylight and Sunlight Assessment [Acorn Uk, 20 June 2017]; Transport Statement [Rapeed Group Limited, October 2017]; Site Location Plan (received 26 October 2017)</p> <p>16/12/41A; 16/12/42B; 16/12/43A; Landscape Vision Statement [October 2018]; Design and Access Statement [updated January 2020]; Planning Statement [updated January 2020]; Arboricultural Implications Assessment [Merewood, 24/5/2018] (received 3 February 2020)</p> <p>16/12/400C; 16/22/44K; 16/12/45D; 16/12/50D; 16/12/51E (received 28 May 2020)</p>
<u>Proposal</u>	<p>The alteration, conversion and change of use of Cedars 34 Sydenham Hill SE26, and the construction of a part single/part two storey extension at the rear, terraces at lower ground level and the provision of associated car parking spaces and bicycle storage to provide 11 self-contained flats, together with the demolition of the existing Coach House and the construction of 8 two bedroom cottages and associated landscaping and parking area, and the felling of mature trees.</p>
<u>Background Papers</u>	<ol style="list-style-type: none"> <li>(1) Core Strategy (adopted June 2011)</li> <li>(2) Development Management Local Plan (adopted November 2014)</li> <li>(3) Local Development Framework Documents</li> <li>(4) The London Plan (Consolidated with Alterations since 2011) (2016), and Mayors' SPG/SPDs, Best Practice Guidance</li> </ol>

Designation

PTAL 2  
Sydenham Hill Conservation Area  
Areas of Special Character

1 **SUMMARY**

1 Decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004).

2 The application is before Committee because more than 5 local objections, and amenity society objections have been received. The application has been reviewed by the Chair of Strategic Planning Committee at a Chair's Review Meeting (CRM) on 24<sup>th</sup> June, and the Chair has confirmed the planning decision should be taken by Committee as opposed to Officers.

2 **SITE AND CONTEXT**

3 The site is located on the east side of Sydenham Hill, which leads up to Crystal Palace to the south, and Forest Hill to the north-east. The site is currently occupied by a locally listed 3-storey with basement building that was formerly in use as a training centre for the Salvation Army (Use class D1), and two residential units (C3). The present building on the site, Cedars was constructed in 1898 by Charles Ash Body.

4 To the rear is a spacious garden area with trees and shrubs to the perimeter. To the south of the site is a 2-storey former Coach House building that is currently derelict, and is accessed by an existing vehicular passageway from Sydenham Hill.

5 The surrounding area is predominantly residential, characterised by large villas and smaller terraced houses, whilst a low rise block of flatted accommodation lies directly to the south.

6 The site is located within the Sydenham Hill Conservation Area, and designated 'Areas of Special Character'.

7 The site has a PTAL rating of 2 on a scale of 1-6, where 6 represents excellent access to public transport.

3 **RELEVANT PLANNING HISTORY**

8 There is no planning history relating to this site. The single-storey extension with terrace at the rear of the building does not appear to have planning permission, however due to the nature of the former use by the Salvation Army, the site likely benefitted from a special status that may have allowed for such development to be undertaken without express permission.

4 **CURRENT PLANNING APPLICATION**

9 The current application proposes two elements:

- The alteration, extension and conversion of the existing Cedars building fronting Sydenham Hill to provide 11no. self-contained flats; and
- The demolition of the Coach House building to the rear of the site, and the construction of 8no. 2-storey dwelling-houses.



### *Cedars*

- 10 The proposal includes the demolition of an existing single-storey extension to the rear of the Cedars building, and the construction of a replacement part single/part two storey extension. At the front of the building, the existing lower ground floor would be increased in width, with the formation of two openings. The existing basement level lightwell would be extended in depth to 3 metres deep.
- 11 Internal alterations would be undertaken in conjunction with the conversion of the vacant building to provide 11 self-contained flats, comprised of 3, one bedroom and 8, two bedroom self-contained units.
- 12 Cedars' occupiers would have use of the communal rear garden, accessed directly from the building, whilst ground floor and lower ground floor occupiers would be afforded private terraces.
- 13 11no. parking spaces would be provided for Cedars, of which two would be allocated to visitor parking, and one disabled bay.

### *Coach House Building*

- 14 To the southern part of the site, it is proposed that the unoccupied Coach House building would be demolished and replaced by 8no. 2 bedroom, 2-storey terraced houses with private rear gardens. Nine parking spaces would be provided for future occupiers of the dwelling-houses to the front of the units, which would include two electric charging points and a disabled bay.
- 15 In total, 20no. parking spaces would be provided across the site, together with 34no. dry and secure bicycle spaces.
- 16 Bins would be located in an enclosed communal refuse store adjacent to the western boundary close to the entry/exit point into the site.
- 17 A cluster of 9 trees close to the existing coach-house would be felled, including Sycamores, Yew and Lime. 9no. replacement trees would be planted within the rear garden to mitigate the proposed loss.
- 18 The application originally dates back to 2017, however following objections to the proposal, a series of revisions have been undertaken, with meetings between the applicant team and officers on a number of occasions. The changes include a reduction in units by one; revised parking layout; and design and landscaping amendments.
- 19 There were also issues with the applicant's intention for the scheme to be subject to Vacant Building Credit, however this has since been discarded following discussions over a period of time with officers. Subsequent to this, the applicant undertook a viability exercise to demonstrate that no affordable housing could be provided, which then required a viability review to be undertaken by a consultant on behalf of the Council. Following this, there was a further consultation process.

## 5 **CONSULTATION**

### **APPLICATION PUBLICITY**

- 20 The Council's consultation was undertaken in accordance with the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement. Officers have publicised the application in accordance with the relevant provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 by publication of a notice in a newspaper circulating in the locality.
- 21 Letters were originally sent to neighbouring residents in the surrounding area and the relevant ward Councillors on 26 October 2017. Additionally, the application was publicised by a site notice.
- 22 On 24 February 2020, further consultation was undertaken following the submission of amended plans. Subsequently, seven responses were received during the consultation periods.

23 Objections received are addressed within the planning considerations section of the report. A summary of the comments received is set out below:

<b>Material planning consideration</b>	<b>Paragraphs where addressed</b>
High density of development	100-104
Scale of development	80
Lack of affordable housing	113-117
Loss of trees	209
Privacy/ overlooking	79, 152
Increased vehicular and pedestrian traffic	167
Increased noise	166
Insufficient car-parking	172-179
Refuse collection concerns	184

24 The Sydenham Society object to the proposal on the grounds that the Coach House element represents backland development that is contrary to national and local policy.

25 The Society are concerned the siting of the Coach House development would cause loss of privacy and overlooking to the existing residents in Panmure Court and Farley House, and would cause significant damage to and possible destruction of the trees along the border with the Sydenham Hill Estate.

26 Comprehensive bat and environmental surveys should be completed in the appropriate season(s).

27 The Sydenham Ridge Neighbourhood Forum have objected for the following reasons:

The scheme should deliver a significant element of affordable housing to meet the aspirations of the Lewisham Mayor.

28 Victorian fencing along the perimeter with Sydenham Hill should be retained, not replaced by close boarded fencing. The open character of the Cedars Estate (and of other Estates of the Victorian period) is important to Sydenham Hill Ridge streetscape, to the characteristic of the Victorian development, and is characteristic of the Neighbourhood Area.

### **INTERNAL CONSULTATION**

29 The following internal consultees were notified on 3 February 2020

- Highways officer: Raise no objections.
- Environmental Health: Did not comment.
- Urban Design: Raise no objections.
- Conservation: Raise no objections.
- Tree Officer: Raise no objections.
- Ecology: Bat surveys required prior to commencement of works.

## 6 **POLICY CONTEXT**

### **LEGISLATION**

30 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).

### **MATERIAL CONSIDERATIONS**

31 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.

32 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.

33 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.

34 Draft London Plan (July 2019): The Mayor of London published a draft London Plan on 29 November 2017. The Examination in Public commenced on 15 January 2019 and concluded on 22 May 2019. The Inspector's report and recommendations were published on 8 October 2019. The Mayor issued to the Secretary of State the Intend to Publish London Plan on 9<sup>th</sup> December 2019. The Secretary of State issued a letter on 13 March 2020 directing modifications to the Local Plan, and the Mayor of London had not responded to the SoS to date. Notwithstanding these requested modifications, this document now has some weight as a material consideration when determining planning applications.

### **NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2019 (NPPF)
- National Planning Policy Guidance

### **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)

### **SUPPLEMENTARY PLANNING GUIDANCE**

36 Lewisham SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)

37 London Plan SPG/SPD

- Sustainable Design and Construction (April 2014)
- Housing (March 2016)

## 7 **PLANNING CONSIDERATIONS**

38 The main issues are:

- Principle of Development;
- Design and impact upon the character of the Sydenham Hill Conservation Area;
- Housing:
  - Standard of accommodation;*
  - Affordable Housing;*
- Residential Amenity;
- Transport and Highways;
- Waste management;
- Areas of Special Character and Ecology.

### **PRINCIPLE OF DEVELOPMENT**

#### **General policy**

39 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.

40 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.

#### **Policy**

41 The National Planning Policy Framework (NPPF) speaks of the need for delivering a wide choice of high quality homes, which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

42 The current London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sized and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment.

43 Locally, Core Strategy Policy 1 Housing provision, mix, and affordability sets out that housing developments will be expected to provide an appropriate mix of dwellings having regard to criteria such as the physical character of the building and site and location of schools, shops, open space and other infrastructure requirements (such as transport links).

- 44 DM Policy 1 of the Development Management Local Plan – proposed submission version, states that ‘when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions of the borough’.
- 45 The Council's policy relating to this is set out in Core Strategy Policy 12: Open Space and environmental assets, which states;
- ‘In recognising the strategic importance of the natural environment and to help mitigate against climate change the Council will:
- conserve nature;
  - green the public realm;
  - provide opportunities for sport, recreation, leisure and well-being.’
- 46 DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest states;
- Developments in areas of special local character should sustain and enhance the characteristics that contribute to the special local spatial, architectural, townscape, landscape or archaeological distinctiveness of these areas.
- 47 Core Strategy Policy 1 states the Council will seek an appropriate mix of dwellings within a development, having regard to:
- a. the physical character of the site or building and its setting;
  - b. the previous or existing use of the site or building;
  - c. access to private gardens or communal garden areas for family dwellings;
  - d. the likely effect on demand for car parking within the area;
  - e. the surrounding housing mix and density of population.

#### *Discussion*

- 48 The first issue relates to the principle of developing the site, which falls within the Sydenham Hill Conservation Area and an ‘Areas of Special Character’ designation.

#### *Demolition*

- 49 DM Policy 37 seeks to resist the demolition of unlisted buildings in areas of special character where they are considered to contribute to architectural and townscape merit and local distinctiveness of the area.
- 50 The existing Coach House building to the rear of the site, which does not form part of the local listing that has been afforded to Cedars, would be demolished as part of the proposals, and replaced with new housing.
- 51 The NPPF is clear at Paragraph 201 that not all elements of a Conservation Area will necessarily contribute to its significance. The building has limited design merit and is not in a prominent location, and while there is no current character appraisal for the CA, the building does not form part of any key group of buildings or character area and is not considered to make a significant contribution to the character of the Conservation Area as a whole or the

setting of Cedars. The building is not architecturally linked to Cedars. Additionally, the internal condition of the building has deteriorated, attributed to its long period of vacancy.

52 The Conservation Officer has reviewed the proposal and judges the demolition of the coach house building to be acceptable. Officers are satisfied that it does not meet the criteria of DM 37 to justify its retention and the removal of the building will not harm the character and appearance of the Conservation Area. The principle of demolition is therefore acceptable.

#### *Definition of Land*

53 An objection has been received in regard to the principle of developing upon existing 'garden' land that would conflict with DM Policy 33(C), which seeks to resist new development within back gardens in perimeter form residential typologies.

54 In this case, the application site is not a typical perimeter garden, but instead an extensive plot of 0.59Ha that extends considerably to the rear and sides of the main Cedars building. The Coach House building is pre-dated by Cedars, and so therefore it is assumed that this particular element was originally garden land that served the main building.

55 Whilst the Coach House may lie within the curtilage of Cedars, it has always retained an element of separation due to the distance between the two buildings. This is further demonstrated by the site being served by the existing vehicular route from Sydenham Hill.

56 It is clear that the main garden that now serves Cedars is the spacious lawned area that lies directly to the rear of the building, and not the element currently occupied by the Coach House. Officers therefore consider the Coach House site displays some 'backland' and some 'infill' characteristics, rather than those of a 'back garden'. No part of the site has not been used as a single family dwelling for many years.

57 'Backland' is defined in policy as 'landlocked' sites that are located at the rear of street frontages, whilst 'infill' includes areas to the side of houses and sites with street frontages – in this case, the Coach House lies a distance away from Sydenham Hill, however it has an element of frontage adjacent to the vehicular and pedestrian route sited within the neighbouring estate. Officers therefore consider the Coach House element of the site to be primarily of infill/backland character, and the development does not represent development on back garden land.

58 Policy DM33 states there will be some instances where a particular site will not fall squarely within any one of these definitions. DM33(a) and (b) acknowledges the challenges in achieving successful development on these sites, and sets out subsequent requirements to ensure such aims are met. This will be further explored in the design section of this report.

59 It is acknowledged that the building has historically been ancillary to Cedars, however considering the scale and nature of the site, and the largely redundant condition of the existing buildings, officers consider there is an opportunity for the site to be developed appropriately and the Coach House proposal does not represent the development of back garden land in principle.

60 The principle of residential led-development which would also achieve the wider benefits of providing additional homes within the Borough and brining a heritage asset back into functional use would therefore be acceptable, subject to matters including design, standard of accommodation, visual impact and highways matters, whilst ensuring a successful approach to respecting and maintaining the Conservation Area and 'Areas of Special Character' designation.

#### *Cedars*

61 In deciding any relevant planning permission that affects a locally listed heritage asset or its setting, the NPPF requires amongst other things that local planning authorities should take into account the desirability of sustaining and enhancing the significance of such heritage assets and of putting them to viable uses consistent with their conservation. They are also obliged to consider the positive contribution that conserving such heritage assets can make to sustainable communities including their economic vitality. Subject to scale and appearance, the principle

of extending the locally listed building that would seek to conserve the heritage asset appropriately and bring it back into use would be supported.

60 The existing Cedars building has been identified as a locally listed. Whilst local listing provides no additional planning controls, the fact that a building or site is on a local list means that it is considered as a heritage asset. This is a material consideration when determining a planning application.

61 In regard to the conversion of the existing building, considering its current vacant condition; its former mixed residential and training centre uses; the provision of existing flats within the building; and the predominant residential character of the surrounding area, officers raise no objection to the principle of converting Cedars into self-contained flats, subject to the proposed standard of accommodation and compliance with DM Policy 32: Housing design, layout and space standards.

### *Summary*

62 In summary, officers raise no objections to the principle of developing the largely redundant site for residential purposes, subject to matters including appropriate design that would respect the character of the locally listed building and Sydenham Hill Conservation Area, standard of accommodation, neighbour impact and highways.

## 8 **DESIGN**

### *General Policy*

64 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. Historic England and CABI state in 'Building in Context' that where new development affects heritage assets, design should be of the highest standard and new buildings 'recognisably of our age, while understanding and reflecting history and context'. In order to achieve a complementary relationship between the historic and new built forms, reference should be made to locally distinctive models, materials and key elements of design, which lend themselves to modern interpretation and assimilation.

65 Core Strategy Policy 15 and Local Plan Policies DM 30, and DM 31 set out the detailed considerations and issues that need to be considered and addressed by development applications in order to achieve the high standards of development required.

66 Core Strategy Policy 16 and Local Plan Policy DM 37 relates to conserving the value and significance of the borough's heritage assets and their settings, which includes conservation areas and non-designated assets.

67 DM Policy 30 goes on to outline detailed design issues under Part 5 and states that an adequate response to these matters will be required in planning applications to demonstrate the required site specific design response, including:-

- the creation of 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.
- height, scale and mass should relate to the urban typology of the area.

68 DM Policy 36 states the Council will not grant permission for new development or alterations and extensions to existing buildings that are incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

69 DM Policy 37 (Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest) states that the Council will protect the local distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets. Development proposals affecting non-designated heritage assets should be accompanied by a heritage statement proportionate to the significance of the asset and which justifies the changes to the asset.

70 LPP 7.6 expects the highest quality materials and design appropriate to context.

*Discussion*

*Cedars Building:*

71 The proposed external works would include:

- Demolition of existing single-storey rear extension (ballroom);
- Construction of a part single/part two storey extension at the rear;
- Alterations to the front of the building, including an enlarged lightwell, and the construction of an element adjacent to the existing bay window at basement level and fenestration.

72 The existing Cedars building has been identified as a locally listed building and is located within the Sydenham Hill Conservation Area. The local listing does not include the Coach House.

73 The principle of demolishing the ballroom and reconstituting space through a new rear extension is considered acceptable, considering that the ballroom is a later, out of character extension with little architectural merit in relation to the original building. The proposed replacement with a part single/part two storey extension is considered to be appropriate and in keeping with the existing structure.

74 The extension would be subservient to the main building, and would respect the setting of the locally listed building, serving to protect the local distinctiveness of the host building and surrounds by sustaining and enhancing the non-designated-heritage asset.

75 Regarding the enlarged lightwell to the front of the building, this has been subject to extensive discussions between officers and the applicant to ensure such works would not harm the architectural integrity of the non-designated heritage asset.

76 The lightwell would extend out from the front elevation by 3 metres to ensure sufficient outlook from the lower ground floor units, with a curved element to replicate the existing front bay window. A low level brick wall with railings would enclose the lightwell for safety reasons.

77 The Council's Alterations and Extensions SPD (2019) generally resists the formation of lightwells to the front of buildings to avoid any harmful impact upon the public realm, however in this case, the proposal would be sited a significant distance back from the edge of the pavement, therefore officers are satisfied there would be no harmful impact upon the public realm, subject to the submission of details relating to the appearance of the low level wall and railings. The Conservation Officer raises no objections to this approach.

78 Overall, officers are satisfied that the revisions undertaken would maintain and respect the character of the existing building and Sydenham Hill CA, whilst the increased depth of the lightwell would not harm the existing openness of the site.

*Coach House:*

79 As addressed in para.56, the Coach House site has backland and infill characteristics, and DM Policy 33 (a) and (b) will only support new development that is well designed; responds to the character and special distinctiveness of conservation areas, retains appropriate amenity space for adjacent dwellings; provides adequate privacy for future occupiers; provides a proper means of access, whilst considering the visual amenities of neighbouring occupiers.

80 The proposed scale, massing and layout of the 2-storey dwellings are appropriate considering the context that it sits within, which includes large blocks of flats to the adjacent site. The proposed design approach and materials are well considered and produce an attractive group that would be a suitable replacement for the existing redundant building.

81 From an urban design perspective, the proposed scheme has taken on board the architectural importance of Cedars, and its scale and siting would serve to complement the main building, and the wider setting of the



application site, whilst appearing as a sympathetic form of development that would respect the Conservation Area and special character designation.

82 In terms of materiality, the palette would comprise:

- Soft multi-brick;
- Gold standing seam roof;
- Powder coated aluminium windows.

83 Officers raise no objections in principle to the facing materials, however a Condition will require the submission of details, and the presentation of materials on-site, including a sample board of the proposed brick and mortar.

84 A condition requiring boundary treatment, including walls and fences will be included.

#### *Design conclusion*

85 In light of the above and on balance, officers have reached a view that the proposal would be acceptable, and would result in no detrimental harm upon the significance of the locally listed building. The proposal would serve to restore Cedars to optimum use following years of inactivity, whilst replacing the unsightly rear extension with one that complements and enhances the building.

86 The design approach of the new dwelling-houses is supported, with an appearance of high quality that would respect the suburban nature of the surroundings. Consequently, officers are satisfied that the relationship with the locally listed Cedars building would be appropriate, and the proposal overall would enhance the setting of the wider site, and the character of the Sydenham Hill Conservation Area.

87 The proposal is therefore considered to satisfy the requirements of Core Strategy Policy 16 and Local Development Plan Policies DM 30, DM 31, DM33, DM 36, and DM 37.

## **9 HOUSING**

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

### **Contribution to housing supply**

#### *Policy*

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

90 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.

91 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.

92 LPPs 3.3 and 3.4 seek to increase housing supply and to optimise housing output within the density ranges set out in the sustainable residential quality (SRQ) matrix.

93 The emerging DLP supports the most efficient use of land and development at the optimum density. Defining optimum is particular to each site and is the result of the design-led approach. Consideration should be given to: (i) the site context; (ii) its connectivity and accessibility by walking and cycling and existing and planned public transport (including PTAL); and (iii) the capacity of surrounding infrastructure.

- 94 The current London Plan sets an annual target of 1,385 new homes until 2025.
- 95 National and regional policy avoids specifying prescriptive dwelling size mixes for market and intermediate homes.
- 96 NPPF para 61 expects planning policies to reflect the need for housing size, type and tenure (including affordable housing) for different groups in the community.
- 97 LPP 3.8 states Londoners should have a genuine choice of homes, including differing sizes and types. Emerging DLPP H12 sets out that an appropriate mix of unit sizes should be informed by several criteria set out in the policy.
- 98 CSP 1 echoes the above with several other criteria however CSP 1 expects the provision of family housing (3+ bedrooms) in major developments.
- 99 Determining an appropriate mix of dwelling sizes for a site depends on several criteria in CSP 1, relating to: (i) the site's character and context; (ii) previous or existing use of the site; (iii) access to amenity space for family dwellings; (iv) likely parking demand; (v) local housing mix and population density; and (vi) social and other infrastructure availability and requirements.

#### *Discussion*

##### *Density:*

- 100 The proposal is for a total of 19 new dwellings, comprising 11 self-contained flats within the converted Cedars building, and 8 dwellinghouses to the rear. The site measures 0.59 hectares, located within a mostly residential area. Sydenham Hill has urban and suburban characteristics, attributed to the range of building types that includes large properties such as Cedars, smaller terraced houses, and blocks of flats of up to 4 storeys.
- 101 Assuming the site falls within a suburban setting, the resulting density of the development would be 91 habitable rooms per hectare, which sits below the indicative density range of 150-250 hr/ha for a suburban area of PTAL 2.
- 102 The London Plan advises that density should not be applied mechanistically and the Housing SPG (2016) confirms that the density ranges should be considered as a starting point rather than an absolute rule when determining the optimum housing potential of a particular site. Officers are mindful that it is important to take into account the quality of proposed residential accommodation and dwelling mix and the setting of heritage assets, whilst acknowledging the proposed footprint and height of the building upon constrained sites.
- 103 It must also be acknowledged that the emerging steer of the draft London Plan no longer provides an upper limit for density levels, instead promoting design led density.
- 104 The provision of 19 dwellings in this case would make a contribution to meeting housing targets, and this is of significant benefit given the demand in the locality. The development would and bring a disused heritage asset back into use. As such, officers consider the proposed scale of development and provision of residential units to be acceptable. The proposal is judged to balance reasonably efficiently use of land against the impacts of development to the setting of the Conservation Area and the historically open character of the site. The density of the development is acceptable.

#### **Affordable housing**

##### *Percentage of affordable housing*

##### *Policy*

- 105 The NPPF expects LPAs to specify the type of affordable housing required (para 62).
- 106 LPP 3.10 defines affordable housing. LPP 3.12 states the maximum reasonable amount of affordable housing should be sought, having regard to several criteria in the policy.
- 107 CSP1 and DMP7 reflect the above, with an expectation of 50% affordable housing, subject to viability.
- 108 The emerging draft London Plan intends to set the threshold approach as policy. DLPP H5 sets a strategic target of 50% for affordable homes.

## ***Affordable housing tenure split and dwelling size mix***

### *Policy*

- 109 The tenure split and dwelling size mix of affordable housing is prescriptive. LPP 3.9 promotes mixed and balanced communities. LPP 3.11 sets a tenure split of (i) 60% Social or Affordable Rent and (ii) 40% intermediate housing. The AVH differs with (i) 30% low cost rented homes – Social Rent or London Affordable Rent; (ii) 30% intermediate products – London Living Rent or London Shared Ownership; and (iii) the final 40% to be determined by the LPA based on identified need, with an expectation that will focus on Social Rent/London Affordable Rent (pp24-25). DLPP H7 would adopt this more recent tenure split.
- 110 CSP1 expects 70% to be Social Rent and 30% intermediate housing. This is consistent with the AHV and DLPP H7. The Lewisham Planning Obligations SPD (2015) allows for some flexibility to reflect site context (para 3.1.51), particularly in the south of the Borough where there is a high concentration of social/ affordable rented housing.
- 111 CSP1 also expects 42% of the affordable housing offer to be family dwellings (3+ bedrooms). DMP7 gives priority to providing family dwellings in the rented housing. The Lewisham Planning Obligations SPD (2015) states 16% of any intermediate housing is family-sized (para 3.1.47) with the remainder as socially rented. It also sets affordability thresholds for intermediate housing (para 3.1.64 and table 3.1).

## ***Review mechanisms***

### *Policy*

- 112 The AHV sets out when affordable housing review mechanisms should be secured. Fast-track schemes will be subject to an 'Early Stage Viability Review' (ESVR) if an agreed level of progress on implementation is not made within two years of permission being granted, or as agreed with the LPA. Viability tested schemes will be subject to the ESVR and a 'Late Stage Viability Review' (LSVR); this is triggered at the point at which 75% of units are sold or let. Longer term phased schemes may also require a mid-term review.

### *Discussion*

- 113 The provision of affordable housing is subject to a financial viability assessment to ensure meeting policy does not make development unviable. In this case, the applicant has proposed no affordable housing or off-site financial contribution, with the provision of 19 market units only. This has been supported in a viability assessment study completed by the applicant's consultants, Newsteer. This is attached as **Appendix 1**.
- 114 Subsequently, the financial information was assessed by an independent consultant – GL Hearn - on behalf of the Local Authority to provide assistance and advice to the Council. In their report, they challenged the applicant's viability assumptions, including site value, profit return (17.5%) etc, and concluded that the scheme would be unable to provide any on-site affordable units or an in-lieu payment due to a deficit of £960k. The applicant's viability concludes a deficit of £1.9m, with the discrepancy between both consultants relating to residual and benchmark values. GL Hearn's assessment of the applicant's submission is **Appendix 2**.
- 115 While there is some discrepancy between the professional assessments, it is agreed that the scheme would result in a significant deficit, and so would be unable to provide affordable housing. Officers note that in general the refurbishment of heritage assets can provide viability challenges and that the retention of internal features within Cedars are development costs.
- 116 The GLA Affordable Housing and Viability SPG (2017) seeks to maximise affordable housing delivery in the longer term and acknowledges the potential for significant changes in values in the housing market, therefore the use of review mechanisms are supported. This would include an early review which is triggered where an agreed level of progress on implementing the permission has not been reached after two years of the permission being granted. Following this, a late review would be applied once 75% of homes are sold. The SPG advises that the benefit of this approach is that the review can be based on values achieved and costs incurred. The review takes place prior to sale of the whole development to ensure that the review and any additional contribution arising from this are enforceable. The outcome of this review will typically be a financial contribution towards off-site affordable housing provision. These reviews are recommended to be secured by an S106 agreement.

117 The proposed development would give rise to additional demands on existing social infrastructure such as schools and health services. Funding of the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the Borough is now secured through Community Infrastructure Levy (CIL) payments.

## 10 Residential Quality

### General Policy

118 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 2016, GLA; Alterations and Extensions SPD 2019, LBL).

119 DM Policy 32 'Housing design, layout and space standards' and Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing development to be of the highest quality internally, externally and in relation to their context. These policies set out the requirements with regards to housing design, seeking to ensure the long term sustainability of the new housing provision.

120 In March 2015 the Government published the 'Technical Housing Standards - Nationally Described Space Standard', to rationalise the varying space standards used by local authorities.

121 London Plan Policy 3.5 and Table 3.3 set out minimum space standards which all proposed dwellings are expected to meet or exceed. DM Policy 32 (Housing design, layout and space standards) and Core Strategy Policy 15 also seek to protect and improve the character and amenities of residential areas in the Borough.

### Discussion

122 As shown in Table 1 below, the proposed internal floor areas of each unit would exceed the space standards set by Policy 3.5 of the London Plan, the National Technical Standard and DM Policy 32. In addition, all habitable rooms would accord with minimum guidance, as would floor to ceiling heights.

123 In regard to the coach-house dwellings, all would measure internal floor areas of 70sqm, which would accord with Policy for 2-storey, two bedroom 3 person units.

[Table 1: Unit Sizes]

Unit	Unit Type	GIA	Policy Requirement	Pass/Fail
<b>Cedars:</b>				
Flat 1	2 bedroom/ 4 person	72sqm	70sqm	Pass
Flat 2	1 bedroom/ 2 person	52sqm	50sqm	Pass
Flat 3	2bedroom/ 4 person (duplex)	136sqm	79sqm	Pass
Flat 4	2 bedroom/ 3 person	64sqm	61sqm	Pass
Flat 5	2 bedroom/ 3 person	117sqm	61sqm	Pass
Flat 6	2 bedroom/ 3 person	97sqm	61sqm	Pass
Flat 7	2 bedroom/ 3 person	88sqm	61sqm	Pass
Flat 8	2 bedroom/ 3 person	61sqm	61sqm	Pass
Flat 9	1 bedroom/ 2 person	52sqm	50sqm	Pass
Flat 10	1 bedroom/ 2 person	62sqm	50sqm	Pass
Flat 11	2 bedroom/ 3 person	76sqm	61sqm	Pass

## **Amenity Space**

### *Policy*

124 The Technical Housing Standards (2015), Mayors Housing Supplementary Planning Guidance (SPG), London Plan Policy 3.1 and DM Policy 32 set out or make reference to the minimum space standards required for amenity space to achieve housing development that provides the highest quality of space externally in relation to its context.

### *Discussion*

125 The proposed dwelling-houses would be afforded private external gardens, each compliant with London Plan thresholds.

126 In regard to Cedars, all lower ground floor units, and 2 of the 3 ground floor units would be afforded private amenity space.

127 Apart from Flat 11 at second floor, no other upper floor units would have private amenity space. In this case, it would be considered inappropriate for new balconies and terraces to be provided to the elevations of the Cedars building as they may serve to detract from the character of the locally listed building.

128 The London Plan Housing SPG advises that all new housing developments should provide private amenity space, however where there are site constraints that prevents such provision, a proportion of units may be provided with additional internal floor space equivalent to the area of private amenity space.

129 Five units would not benefit from private amenity, with four exceeding the minimum floor size requirements, however one would achieve an internal floor area equivalent to the area of amenity space.

130 Officers acknowledge the constraints of the existing building, attributed to its age and internal layout, and the subsequent challenge it presents to achieve a policy compliant provision of amenity space. All occupiers would have use of the communal garden to the rear, where a degree of isolation and privacy may be experienced due to the spaciousness of the grounds.

131 To this end, officers are satisfied that the proposed development would comply with the requirements of DM Policy 32 and Policy 3.5 of the London Plan (2016).

## **Outlook & Privacy**

### **Policy**

132 London Plan Policy 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1B(7) requires development to achieve ‘appropriate outlook, privacy and amenity’. Within the same document, policy D4E seeks to maximise the provision of dual-aspect dwellings (i.e. with two openable windows).

133 DM Policy 32(1)(b) expects new developments to provide a ‘satisfactory level’ of privacy, outlook and natural lighting for its future residents.

### **Discussion**

134 In regard to the Cedars building, the majority of units would have sufficient outlook, with most being dual aspect. Only one unit would be single aspect – Flat 8 at first floor, which would benefit from an existing south facing semi-circular rear bay containing a number of openings. Considering this is an existing building, the provision of only one single aspect unit would be acceptable.

135 The three lower ground floor units would all be dual aspect, with the front bedrooms looking toward a lightwell that would be enlarged in depth to allow for increased outlook. Due to the changing gradient of the site, the living rooms would be at ground level, with direct access to private terraces.

136 The proposed coach-houses would all be dual aspect, with sufficient openings to ensure good outlook for all habitable rooms. Officers are satisfied that all dwellings within the scheme would have sufficient privacy.

138 In light of the above, overall officers are satisfied that appropriate outlook, privacy and ventilation would be provided to future occupiers of the units.

## **Daylight and Sunlight**

### **Policy**

139 London Plan Policy 3.5 seeks high quality internal and external design of housing development. Emerging draft London Plan Policy D1(8) requires development to achieve 'appropriate outlook, privacy and amenity'. DM Policy 32(1)(b) expects new developments to provide a 'satisfactory level' of privacy, outlook and natural lighting for its future residents. The London Housing SPD and the Lewisham Alterations and Extensions SPD promote access to sunlight and natural daylight as important amenity factors, particularly to living spaces.

### **Discussion**

140 A daylight/ sunlight report has been submitted, which concludes that all future occupiers would be afforded sufficient natural light.

## ***Accessibility and inclusivity***

### *Policy*

141 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'.

142 CSP 1 requires major schemes to provide 10% of all units and each tenure type to be constructed as accessible. DMP 32 states that the Council will require new build housing to be designed to ensure that internal layout and external design features provides housing that is accessible to all intended users.

### *Discussion*

143 The applicant has confirmed that the Coach House development would be designed to comply with Part M of the Building Regulations in terms of access to and movement within the proposed buildings. In accordance with policy, 10% of the overall scheme would be capable of being fitted-out as 'wheelchair accessible dwellings' while all other dwellings would be 'accessible and adaptable dwellings.'

144 All dwelling-houses would be assured of step-free, level access with flush thresholds designed in accordance with M4.

145 The London Plan SPG Housing notes at Paragraph 2.3.10 that an analysis of viability and affordability should be undertaken and compliance with M4(2) may require 'bespoke' assessments of site-specific circumstances. The SPG notes that where necessary for developments of four stories or less, the requirements of Policy 3.8Bc should be applied flexibly to ensure that residential or mixed use development is deliverable.

146 The provision of wheelchair units within the Cedars building is acknowledged to be difficult due to existing steps to and within the building, and would be unviable to install a lift to provide access to the lower ground and upper floors. Therefore officers accept that only the dwelling-houses would be capable of being fully compliant given the viability assessment undertaken. The converted unit will be required to meet Part M(1) and on balance this is judged in accordance with flexible application of London Plan Policy 3.8.

147 The submission of details will be requested by Condition prior to any works commencing in relation to the Coach House site.

### **Housing conclusion**

147 Officers are satisfied that the design and layout of the proposed units would be acceptable, and the proposal would provide a high standard of residential accommodation.

148 The proposal would deliver high quality residential units, including family sized dwellings, for which there is an identified need in the area. The proposal is therefore considered acceptable in this regard, and in accordance with the aforementioned policies.

## **11 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

149 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 (LP7.6), the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2017, GLA; Residential Standards SPD 2012, LBL).

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

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

### *Discussion*

#### Enclosure, Outlook and Privacy

152 The proposed dwelling-houses would each incorporate only one first floor opening to the rear elevations, all serving secondary bedrooms.

153 Due to the distances away from the existing dwellings within the adjacent estate, and some boundary tree coverage, whilst there would be a degree of inter-visibility between properties, in this case, officers are satisfied that the proposal would result in no unacceptable overlooking/ loss of privacy or overbearing harm to neighbouring occupiers.

154 As such, the proposals are considered to satisfactorily respond to the constraints of the site and the possible implications upon amenity by way of overlooking and sense of enclosure have been addressed in the design of the proposals.

155 The proposed dwelling-houses would be 2-storeys, with the first floors set within the roofspace. Given the geographical orientation of the neighbouring properties and the positioning of existing windows serving habitable rooms, officers do not consider there would be any significant reduction in daylight or sunlight to existing occupiers, or their amenity spaces.

### **Daylight and Sunlight**

#### *Policy*

156 Paragraph 127 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 157 DMP 32 states that new development must be neighbourly, provide a satisfactory level of outlook and natural light for both its future residents and its neighbours. DMP 32(2) also states that new-build housing development, including the housing element of new build housing will need to respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area.
- 158 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.
- 159 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.
- 160 Standard 32 of the Housing SPG details that “All homes should provide for direct sunlight to enter at least one habitable room for part of the day.” The Housing SPG further states that where direct sunlight cannot be achieved in line with Standard 32, developers should demonstrate how the daylight standards proposed within a scheme and individual units will achieve good amenity for residents.
- 161 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).

#### *Discussion*

- 162 Considering the siting, scale and height of the proposed dwelling-houses, officers are satisfied that the development would be unlikely to result in any significant overshadowing or reductions to sunlight and daylight to adjoining dwellings given the 25 degree rule enshrined in BRE guidance. The proposal is for 2-storey houses, which are considerably lower in scale and height in comparison with the nearest buildings that are flats ranging between 3 and 6 storeys. Considering the orientation of the existing and proposed buildings, and positioning of existing openings, the scheme would comply with DM Policy 32 and paragraph 127 of the NPPF.

#### **Noise and disturbance**

##### *Policy*

- 163 The NPPF at 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 noise pollution. Development should help to improve local environmental conditions. Para 180 states decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 164 The NPPG states LPAs should consider noise when new developments may create additional noise.
- 165 The objectives of the NPPF and NPPG are reflected in LPP 7.15, Draft LPP D1,D12 and D13, CS Objective 5 and DMP 26.

##### *Discussion*

- 166 A Construction Management Plan will be required by Condition to ensure demolition and construction works are undertaken appropriately.



167 It is likely there would be an increase in vehicular movement within the site, particularly toward the dwelling-house end of the site. The proposal would retain the existing vehicular route into the site, whilst parking bays serving the residents of the new houses would lie a sufficient distance away from the site boundary.

#### *Summary*

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

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

## 12 **TRANSPORT IMPACTS**

### *General Policy*

170 Policy 6.1 of the London Plan (2016) sets out the Mayor's strategic approach to transport which aims to encourage the closer integration of transport and development. This is to be achieved by encouraging patterns and nodes of development that reduce the need to travel, especially by car; seeking to improve the capacity and accessibility of public transport, walking and cycling; supporting measures that encourage shifts to more sustainable modes and appropriate demand management; and promoting walking by ensuring an improved urban realm.

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

### *Discussion*

#### *Car Parking*

172 The application site is not well connected to the wider public transport network, reflected in the PTAL rating of 2. The site has existing entry and exit points, with a hardstand area to the front of Cedars for car parking. To the western side is a vehicular route that extends toward the former caretakers building at the rear. The application would retain the existing access points and vehicular route, whilst providing a dedicated pedestrian pathway adjacent to the access to ensure safety.

176 20no. off-street parking spaces would be provided. This would comprise 11 spaces associated with Cedars, of which two visitor spaces and a disabled space would be provided.

177 The dwelling-houses would have nine spaces, including two electric charging point bays, and a disabled bay.

178 Highways officers are satisfied that the overall provision of off-street parking would be sufficient, and would not significantly increase on-street parking stress levels within the vicinity of the site. It is noted there are unrestricted on-street parking opportunities along Sydenham Hill.

179 A Parking Management Plan will be secured by Condition to advise how the parking spaces would be allocated to residents.

180 In addition, a Construction Management Plan will also be requested by Condition prior to commencement of works to ensure that the demolition and construction process is carried out in a manner which will minimise noise, disturbance and pollution to neighbouring properties.

#### *Cycle Parking*

181 34no. dry and secure cycle parking spaces would be provided across the site; one store would be located adjacent to the western boundary that would accommodate 22 cycles.

182 The second store would serve the new dwelling-houses, providing 12 spaces, with additional stores within the rear gardens.

183 The provision would be in accordance with the London Plan. Details of the cycle parking facilities would be secured by Condition to ensure the stores would be accessible, and acceptable in appearance.

#### *Refuse Storage*

184 A bin store would be located to the western boundary, close to the exit point onto Sydenham Hill, and would be partially screened by existing trees.

185 The store would accommodate 4 no. 1100l bins, in accordance with BS 5906:2005. As the store would be located within 10 metres of the kerb, refuse workers would collect the bins directly from the store, with no need for the refuse truck to enter the site.

186 The Highways Team are satisfied with the refuse details.

#### *Conclusion*

187 In light of the above, the impact of the proposal on highways is acceptable, and no objections are raised. The proposed parking management plan; refuse and recycling storage; cycle facilities and a Construction Management Plan will be secured by condition.

## 13 **NATURAL ENVIRONMENT**

#### *Policy*

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

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

190 The NPPF at 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.

191 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.

#### **Ecology and biodiversity**

192 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard to the purpose of conserving biodiversity.

193 The NPPF at para 170 states decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. At para 175, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.

194 LPP 7.19 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.

#### *Discussion*

- 195 The application is accompanied by a Preliminary Ecological Appraisal Survey (prepared by Arbtech). The Report advises that it does not provide a complete characterisation of the site, and that as the site is closely located to dense deciduous woodland, this increases the likelihood of some protected species being found on the site.
- 196 P18 of the Report advises that with regard to the an existing single-storey garden shed that would be demolished, gaps under the hanging tiles 'could' provide roosting bats.
- 197 The Cedars building is in good structural condition with no notable gaps, therefore the presence of bat roosts are 'moderate'.
- 198 The caretakers building has some lead flashing around the dormers that have lifted and so could be 'exploited' by roosting bats, therefore the likelihood is 'high'.
- 199 The site could be further enhanced by providing roosting and nesting opportunities for bats and birds by installing a series of bat and bird boxes in suitable locations on retained trees, and bat bricks within the fabric of the new coach-houses. These will be secure by planning Condition.
- 200 Consequently, Arbtech confirm that bat surveys should be undertaken by qualified surveyors during the active season between May and September prior to the commencement of any development works. Officers have reminded the applicants of this requirement, and that the original survey was undertaken in 2017. A pre-commencement Condition will ensure appropriate surveys are undertaken prior to any development on-site.
- 201 The Report also advises that no invasive and non-native species were recorded on site, whilst proposing possible site enhancements including planting measures. The Council's Ecology manager has set out potential planting to consider, which is addressed in planning Informative (G).
- 202 Due to the pitched nature of the proposed dwellinghouse roofs, there are no provisions for the inclusion of a biodiverse living roof, however the applicant will consider the provision of either green walls/ a system to enable climbing plants on the wall or similar, in accordance with London Plan Policy 5.11. It is recommended that the following conditions are included:
- Details of bird and bat boxes;
  - Details of external lighting;
  - Soft landscaping details;
  - Planting to external wall details.

### *Summary*

- 203 The proposal is considered to be acceptable in terms of ecology and biodiversity, subject to appropriate conditions.

### **Green spaces and trees**

#### *Policy*

- 204 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 205 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.
- 206 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. The trees are also accorded statutory protection as they are located within a Conservation Area.

### *Discussion*

207 The application is accompanied by an Arboricultural Implications Report, (prepared by Merewood, September 2017), which concludes that of the existing 52 trees, none are considered to be Category A, 28 are Category B and 24 Category C.

208 9no. trees within the site, including sycamores, a yew and holly would be felled, due to their position close to the siting of the proposed dwellinghouses and adjacent parking bays. None of the trees within the curtilage of the site are subject to a Tree Preservation Order, and are either Category B or C. The trees are generally to the interior of the site.

209 The applicant held discussions with the Council's Tree officer, who has raised no objections to the removal of the existing trees, subject to a Condition requiring the submission of replacement tree details at appropriate locations across the site to comply with DM Policy 25, and to ensure that the site would continue to contribute to the existing well treed and green landscape character subsequent to the proposed development.

Subject to condition details the scheme will result in no net loss of on-site trees. In forming a view of the acceptability of the tree proposals for the scheme, the amenity value of the trees have been considered in relation to the Sydenham Hill Conservation Area. Subject to the pre-commencement re-planting condition giving rise to a no net loss of trees, the tree proposals are considered to preserve the character or appearance of the conservation area.

210 A Condition will require further details in regard to tree protection measures during construction works, and should any trees die within 5 years, they should be replaced.

## **14 SUSTAINABLE DEVELOPMENT**

### *General Policy*

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

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

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

#### *Policy*

213 LPP 5.1 seeks an overall reduction in carbon dioxide (CO<sub>2</sub>) emissions whilst LPP 5.2 (Minimising Carbon Dioxide Emissions) states that major development proposals should make the fullest contribution to minimising CO<sub>2</sub> in accordance with the following hierarchy: (1) be lean: use less energy; (2) be clean: supply energy efficiently; and (3) be green: use renewable energy.

214 In addition, LPP 5.2 sets targets for CO<sub>2</sub> reduction in buildings, expressed as minimum improvements over the Target Emission Rate (TER) outlined in national building regulations. The target for residential buildings is zero carbon from 2016 and non-domestic buildings from 2019, prior to which the target is as per building regulations (35%). LPP 5.3 advocates the need for sustainable development.

215 LPP 5.7 presumes that all major development proposals will seek to reduce CO<sub>2</sub> by at least 20 per cent through the use of on-site renewable energy generation wherever feasible.

216 Further guidance is given in The Mayor's Sustainable Design and Construction SPG (April 2014), which sets out targets and provides guidance as to how to achieve those targets as efficiently as possible.

### *Discussion*

217 The applicant has advised that the dwelling-houses will be designed to be energy efficient, with use of insulation measures, windows and installation of PV panels and air source heat pumps. The new dwellings will achieve a 35% reduction in carbon emissions on-site beyond Part L, with sustainability measure to be secured by condition.

- 218 A planning Condition will ensure that the water efficiency standards of all dwellings (both conversion and new) would achieve 105 litres per person per day.
- 219 London Plan Policy 5.2 states that overall carbon dioxide emissions reductions should reflect the context of each proposal, taking account of its size, nature, location, accessibility and expected operation. The current proposal combines conversion and new build development to be considered as a major scheme, but the dwellinghouses would not amount to major development if considered in isolation.
- 220 The existing Cedars building gives rise to clear difficulties in addressing sustainability requirements due to age and heritage constraints. Cedars is not suitable for photovoltaic generation or other sustainability measures given its age and location within the Conservation Area. The details of the proposed sustainability measures for the dwellings are subject to a planning conditions.
- 221 Officers consider that given separate site elements noted above, the comparative scale of the scheme and the acknowledged heritage and viability constraints, the new build dwellings achieving a 35% reduction is acceptable. The scheme is considered to be in accordance with London Plan Policy 5.2 having regard for the specific nature and the context of the proposal.

## 15 **FLOOD RISK**

- 222 The site lies outside of Flood Zones 2 and 3 and is therefore at low risk of flooding.

### **Air pollution**

#### *Policy*

- 223 The NPPF at 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.
- 224 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.
- 225 LP7.14 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. Draft LP SI1 echoes this.
- 226 Further guidance is given in the Mayor of London's Air Quality Strategy.

#### *Discussion*

- 227 A Planning Condition will require the submission of a Construction Management Plan that would request details including dust mitigation measures.

### **Light pollution**

- 228 The NPPF at para 180 states that development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

#### *Discussion*

- 229 Details of any lighting measures to be undertaken to external areas will be requested by Condition, ensuring that proposed levels would avoid glare and shadows to existing and future occupiers.

## PLANNING OBLIGATIONS

- 230 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. The NPPF 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 revised 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
- 231 Regulation 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis. A planning obligation cannot be a reason for granting planning permission, unless it satisfies the tests set out in Regulation 122.
- 232 The obligations secured need to be considered in the context the infrastructure payments covered by the Community Infrastructure Levy CIL
- 233 The following S106 requirements have been identified in respect of the scheme:
- Review mechanisms – Early stage review (if the development has not been substantially implemented within two years from the date of the planning permission, if granted) and a late stage review (percentage sales completion)

### ***Monitoring and Costs***

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations.
  - The monitoring costs in this instance would be payable on or prior to completion of the s106 agreement as per the Planning Obligations SPD.
- 234 As set out elsewhere in this report, the obligations outlined above are directly related to the development. They are considered to be fairly and reasonably related in scale and kind to the development and to be necessary and appropriate in order to secure policy objectives, to prescribe the nature of the development, to compensate for or offset likely adverse impacts of the development, to mitigate the proposed development's impact and make the development acceptable in planning terms. Officers are therefore satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations 2010

## LOCAL FINANCE CONSIDERATIONS

- 235 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).
- 236 The weight to be attached to a local finance consideration remains a matter for the decision maker.

237 CIL is therefore a material consideration. **£25,314** Lewisham CIL and **£38,314** 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.

## **EQUALITIES CONSIDERATIONS**

238 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.

239 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.

240 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.

241 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> and <https://www.equalityhumanrights.com/en/publication-download/services-public-functions-and-associations-statutory-code-practice>

242 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

243 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>

## **HUMAN RIGHTS IMPLICATIONS**

244 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

245 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.

246 This application has the legitimate aim of providing 19no. new residential dwellings. The rights potentially engaged by this application, including respect for your private and family life, home and correspondence and the freedom to enjoy one's home are not considered to be unlawfully interfered with by this proposal.

247 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.

## **CONCLUSION**

248 This Report has considered the proposals in light of adopted development plan policies and other material considerations or representations relevant to the environmental effects of the proposals.

249 The site is characterised by a locally listed building and substantial treed grounds within the Sydenham Hill Conservation Area and Area of Special Character, which a future development must seek to respect.

250 The proposal to convert the existing Cedars to provide self-contained flats would be appropriate in this case, providing 11 self-contained residential units that would provide a high standard of residential accommodation, whilst reoccupying the long standing vacant building. This weigh in favour of the proposal.

251 Proposed external alterations would be sympathetic to the locally listed building, and would not harm the character of the Conservation Area.

252 In regard to the loss of the existing detached building to the rear of the site, no objections are raised to its demolition, whilst the construction of 8 new dwelling-houses would be appropriate for this large site, and the quality of design, scale and height would accord with relevant policy.

253 The proposals have attracted a number of objections on a wide range of issues. Those material concerns expressed by local residents and local groups have been considered and where appropriate, addressed in earlier sections of this report.

254 Given the acceptability of the proposed use and policy compliance, the proposal is considered to be in accordance with the development plan as a whole.

255 The NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, and planning conditions in place, the scheme is consistent with national policy. For the reasons addressed in this report, there are no other material considerations which officers consider outweigh the grant of planning permission. In light of the above, on balance, the application is therefore recommended for approval.

256 For these reasons, it is therefore recommended that permission is granted, subject to appropriate conditions and the signing of a s106 agreement.

## **RECOMMENDATION**

257 **Grant Planning Permission**, and to authorise:-

- the Head of Law to negotiate and complete a legal agreement.



- the Head of Planning is delegated authority to issue the planning permission and impose conditions (and informatives).
- the Head of Planning is delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by Committee.

## CONDITIONS

### Time Limit

1. 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.

### Approved Plans

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

16/12/01; 16/12/25; 16/12/26; 16/12/46; 16/12/47; 16/12/48; 16/12/49; F0316 - 1; F0316 - 2; F0316 - B; F0316 - CH E; F0316 - CH F; F0316 - E1; F0316 - E2; F0316 - G; F0316 - S; F0316 - T; Site Location Plan (received 26 October 2017);

16/12/41A; 16/12/42B; 16/12/43A (received 3 February 2020);

16/12/400C; 16/22/44K; 16/12/45D; 16/12/50D; 16/12/51E (received 28 May 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.

### Construction Management Plan

3. 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) The location and operation of plant and wheel washing facilities
  - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
  - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
    - (i) Rationalise travel and traffic routes to and from the site.

- (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
  - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

The scheme shall thereafter be commenced in full accordance with the approved details.

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

#### **Refuse and recycling facilities**

4. (a) No development above ground level shall commence until details of proposals for the storage of refuse and recycling facilities for each residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) The 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).

#### **Tree protection**

5. No development of the dwelling-houses hereby granted, including demolition, shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping

and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

### **Hard landscaping**

6. (a) No development above first floor of the coach-houses shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

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

### **Soft landscaping**

7. (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location, the additional roosting habitat measures set out in Informative G) 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 prior to development above first floor of the dwelling-houses.
- (b) 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 (a). 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).

### **Tree replacement**

8. A detailed tree replacement plan to plant 9no. new trees within the site to mitigate the proposed felling of the existing trees shall be submitted to and approved in writing by the LPA prior to the commencement of the dwelling-houses hereby granted.

**Reason:** In order that the local planning authority may be satisfied as to the re-provision of trees within the site 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).

### **Boundary treatment**

9. (a) Details of the proposed boundary treatments including any gates, walls, fences and lightwell railings shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to first occupation of the buildings and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

### **Satellite dishes**

10. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on any elevations or the roof of the Cedars building.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

### **Plumbing and pipes**

11. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the front elevation of the Cedars building.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

### **Amenity spaces**

12. The whole of the amenity spaces as shown on the drawings hereby approved shall be provided prior to first occupation, and retained permanently for the benefit of the occupiers of the residential units hereby permitted.

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards DM Policy 3 Conversion of a single family house to two or more dwellings of the Development Management Local Plan (November 2014).

### **Car-parking**

13. The whole of the car parking accommodation shown on drawing **no.16/12/44K** hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

**Reason:** To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the building does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (2016).

### **Cycle parking facilities**

14. (a) A minimum of 34 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) Prior to first occupation, full details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the residential units hereby granted 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).

### **Deliveries**

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

**Reason:** 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).

### **Parking Management Plan**

16. (a) No development beyond piling shall commence on site until the Parking Management Plan indicating how the proposed car parking spaces will be allocated to the future residents has been submitted to and approved in writing by the local planning authority.
- (b) The Parking Management Plan shall be implemented prior to occupation of the building and retained in perpetuity.

**Reason:** In order to ensure adequate provision of car parking spaces for family size units and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

### **Refuse and recycling facilities**

17. (a) No development above ground level shall commence until details of proposals for the storage of refuse and recycling facilities have been 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).

### **Materials**

18. No development beyond piling shall commence on site until a detailed schedule and an on-site sample board of all external materials and finishes/ windows and external doors/ roof coverings to be used on the buildings have been reviewed and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the buildings and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest.

### **Bat and bird boxes**

19. Details of the number and location of the bird and bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

**Reason:** To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

### **Removal of PD Rights**

20. No extensions or alterations to the dwelling-houses hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that

Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

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

#### **Electric vehicle charging**

21. (a) Details of the electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

**Reason:** To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving air quality in the London Plan (July 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

#### **External lighting**

22. (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

#### **Planting measures to external walls**

23. (a) Details of either green walls or a system to enable climbing plants on the wall or similar to the dwelling-houses hereby granted shall be submitted to and approved in writing prior to commencement of piling works.
- (b) The details approved in (a) shall be implemented in full prior to first occupation of the Dwelling-houses.

**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).

**24. Water Efficiency - New Dwellings**

The sanitary fittings within all residential dwellings shall include low water use WCs, shower taps, baths and (where installed by the developer) white goods designed to comply with an average household water consumption of less than 105 litres/person/day.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2016) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

**25. Wheelchair Units**

(a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified below:

- (i) Two dwelling-houses shall meet standard M4(3) (Wheelchair user dwellings);
- (ii) All other dwelling-houses shall meet standard M4(2) (Accessible and adaptable dwellings)

(b) No development shall commence other than in relation to the Cedars building until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with Paragraph (a) of this condition in respect of such building.

(c) The development shall be carried out in accordance with the requirements of paragraphs (a) and (b) of this condition.

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

**26. PV Panel Details**

(a) Details of the PV panels to the dwellinghouses hereby granted shall be submitted to and approved in writing by the LPA prior to the commencement of any above ground works.

(b) The PV panels approved in accordance with (a) shall be installed in full prior to first occupation of the dwellinghouses hereby approved, and retained in perpetuity.

**Reason:** To comply with London Plan Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2016) and Core



strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

27 **Carbon Reduction – New Dwellings**

The dwelling houses hereby approve shall a 35% reduction in carbon emissions on-site beyond Part L of the Building Regulations.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, Core strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

28 **Lightwell: Cedars**

The increased depth of the existing front lightwell and installation of safety railings hereby granted shall be completed in full accordance prior to first occupancy of the Cedars building.

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards DM Policy 3 Conversion of a single family house to two or more dwellings of the Development Management Local Plan (November 2014).

29 **Ecological Survey**

Prior to commencement of any development works hereby granted, details of a bat survey and action to protect any bats shall be submitted to and approved in writing by the local planning authority. Any action as approved shall be implemented prior to commencement of any works.

**Reason:** To protect any bats on the site in accordance with the Wildlife and Countryside Act 1981.

**INFORMATIVES**

- A. **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.
- B. 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>

- C. 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.
- D. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- E. 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.
- F. The following pre-commencement condition attached to this decision notice is considered necessary in order to protect the amenities of future occupiers and users of the proposed development and encompasses ecological benefits, and to ensure that the proposed development results in a sustainable and well-designed scheme.
- Construction Management Plan
  - Bat survey
- G. In regard to the Soft Landscaping Condition, the applicant is advised to include details that seek to provide additional roosting habitat for species such as pipistrelle and the planting of species which attract night flying insects is encouraged as this will be of value to foraging bats, for example: evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea*, honeysuckle *Lonicera periclymenum* and fleabane *Pulicaria dysenterica*.

# Financial Viability Assessment in Respect of:

Cedars & Coach House  
34 Sydenham Hill  
London SE26 6LS

On behalf of:  
Sterlingbridge Property Development Group

27<sup>th</sup> September 2019

## Version Control

Document owner		Richard Garside				
Date created		27/09/19				
Next scheduled review						
Version number	Modified by		Modifications made	Date modified	Reviewed by	Date reviewed
0.1	Richard Garside			27/0/19	individual Name	27/09/19

## Table of Contents –

<b>1.</b>	<b>INTRODUCTION .....</b>	<b>6</b>
<b>2.</b>	<b>DEVELOPMENT PROPOSALS.....</b>	<b>8</b>
<b>3.</b>	<b>VIABILITY BENCHMARK LAND VALUE .....</b>	<b>9</b>
<b>4.</b>	<b>VIABILITY APPRAISAL INPUTS &amp; ASSUMPTIONS.....</b>	<b>17</b>
<b>5.</b>	<b>VIABILITY APPRAISAL RESULTS .....</b>	<b>22</b>
<b>6.</b>	<b>CONCLUSIONS.....</b>	<b>23</b>
<b>7.</b>	<b>THIRD PARTIES AND PUBLICATIONS.....</b>	<b>24</b>

## Appendices

<b>APPENDIX A: PROPOSED DEVELOPMENT DRAWINGS &amp; ACCOMMODATION SCHEDULE .....</b>	<b>25</b>
<b>APPENDIX B: AGENTS DETAILS .....</b>	<b>26</b>
<b>APPENDIX C: COMPARABLES FOR EUV.....</b>	<b>27</b>
<b>APPENDIX D: COMPARABLE RESIDENTIAL SALES EVIDENCE.....</b>	<b>28</b>
<b>APPENDIX E: COST PLAN AND INSPECTION PHOTOS .....</b>	<b>29</b>
<b>APPENDIX F: CIL SCHEDULE .....</b>	<b>30</b>
<b>APPENDIX G: ARGUS DEVELOPER VIABILITY APPRAISAL SUMMARY .....</b>	<b>31</b>

Date 27<sup>th</sup> September 2019

Our Ref: RLG

**PRIVATE AND CONFIDENTIAL**

London Borough of Lewisham  
Catford Road  
London  
SE6 4RU

**For the Attention of:** Geoff Whittington

Dear Mr Whittington

**Financial Viability Assessment in Respect of:-**

**Cedars & Coach House, 34 Sydenham Hill, London, SE26 6LS**

**EXECUTIVE SUMMARY**

This report has been prepared in support of a planning application submitted to The London Borough of Lewisham Council for the proposed redevelopment of the above property. The application seeks planning permission for the following development:

*“The alteration, conversion and change of use of Cedars 34 Sydenham Hill SE6, and the construction of a part single/part two storey extension at the rear, terraces at lower ground level and the provision of associated car parking spaces and bicycle storage to provide 3 one bedroom and 8 two bedroom self-contained flats, together with the demolition of the existing Coach House and the construction of 8 two bedroom cottages and associated landscaping and parking area, and the felling of seven mature trees.”*

This report considers the financial viability of the proposals and provides justification in economic viability terms for the level of affordable housing and other planning benefits included within the planning application.

Based upon the findings herein the proposed scheme contained within the application produces a Residual Land Value below what is considered an appropriate Benchmark Land Value for this type of development whilst adopting an appropriate developers return in accordance with published guidance on the financial viability in planning process. This is on the assumption of the following planning contributions:-

- Mayoral CIL payment of £24,000
- Local CIL payment of £34,268.
- Zero provision of affordable housing.

- Other benefits delivered by the scheme

## 1. INTRODUCTION

- 1.1 Newsteer have prepared this report on behalf of the applicant – Sterlingbridge Property Development Group – in order to consider the profitability resulting from the proposed development and demonstrate the ability of the scheme proposals to provide affordable housing taking account of the scheme revenue and costs together with the other planning benefits outlined above. This report constitutes a financial viability appraisal of the proposed scheme for planning purposes.
- 1.2 This report is provided on a private and confidential basis to support the planning application submitted to The London Borough of Lewisham Council. We understand that the report will be made available to the Council's advisors and are happy for this to occur however, we do not offer the Council or your advisors and or any third parties a professional duty of care.
- 1.3 This report must not be recited or referred to in any document, or copied or made available (in whole or in part) to any other person without our express prior written consent.
- 1.4 This report has been prepared in line with RICS valuation guidance and with regard to relevant guidance on preparing financial viability assessments for planning purposes. However, it does not constitute a formal "Red Book" valuation and should not be relied upon as such
- 1.5 We will assess the scheme using standard residual valuation methodology as follows:

<b>Gross Development Value of the residential and commercial elements of the scheme</b>
<b>Build costs, Section 106 costs and Mayoral CIL, cost of sale, finance costs</b>
<b>Developers profit</b>
<b>Residual Land Value</b>



- 1.6 The Residual Land Value is then compared with a Viability Benchmark Value (VBV) and if the Residual Value is lower or not sufficiently higher than the Benchmark Value the scheme is not technically viable.
- 1.7 We have undertaken development appraisals using the industry recognised ARGUS Developer Model (formerly Circle Developer)
- 1.8 The report will give a brief overview of the scheme; set out the Viability Benchmark Value considered appropriate in this case; detail the assumptions made in relation to the scheme residual appraisal and detail the appraisal results. This will allow conclusions to be drawn in respect of the level of contributions which the scheme is able to support.

## 2. DEVELOPMENT PROPOSALS

2.1 We attach as Appendix A the scheme development drawings and accommodation schedule in accordance with the submitted planning application. We detail a summary of the proposed accommodation below:-

Main Building			Alms Houses		
Ground Floor	Sq m	Sq ft	Unit No.	Sq m	Sq ft
Flat 1	72	775	No. 1	70	753
Flat 2	52	560	No. 2	70	753
Flat 3	136	1464	No. 3	70	753
Lower Ground Floor			No. 4	70	753
Flat 5	117	1259	No. 5	70	753
Flat 6	97	1044	No. 6	70	753
Flat 7	88	947	No. 7	70	753
First Floor			No.8	70	753
Flat 4	64	689			
Flat 8	61	657	<b>TOTAL</b>		<b>6028</b>
Flat 9	52	560			
Second Floor					
Flat 10	62	667			
Flat 11	76	818			
<b>TOTAL</b>		<b>9440</b>			

2.2 The scheme comprises a refurbishment and conversion of the main house to form 11 flats, the demolition of the coach house and its replacement with 8no. 2 bed Alms houses.

2.3 We also attach the original agents details which include useful measured floor plans indicating uses as Appendix B.

### 3. VIABILITY BENCHMARK LAND VALUE

3.1 In order to examine the economic viability of the proposed development the scheme needs to be tested against a base land value known as the Viability Benchmark Value (VBV).

3.2 There are a number of documents that provide guidance on viability appraisals for planning purposes:

- Homes and Communities Agency – HCA Development Appraisal Tool user manual;
- The Royal Institution of Chartered Surveyors (RICS) – Financial Viability in Planning Guidance Note 2012; and
- Greater London Authority – GLA Viability Toolkit Guidance Notes – January 2014.

3.3 However, these documents discuss different approaches with regard to reaching an acceptable Viability Benchmark Value. The RICS adopt the Market Value as the key benchmark whereas the GLA believe that the benchmark should be based around the Existing Use Value (EUV) plus a premium.

- The GLA believe that the dominant driver should be EUV (here it is worth noting that we believe they mean Current Use Value (CUV) which based upon the RICS definition thereof excludes all hope value including intensifications of existing uses) plus a premium, and;
- The RICS believe that the dominant driver should be Market Value (assuming that any hope value accounted for has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan).

3.4 Depending on the practitioners view different approaches have been taken, one area of particular discussion has been in relation to the justification of any premium added to a EUV or CUV. There are those that have in the past tried to disregard premiums which are meant to reflect landowner premium however it is hoped that the clarity provided within the National Planning Policy Framework (NPPF) which refers to 'competitive returns' will be heeded. What has not been established however is how the level of premium should be arrived at.

3.5 It is our opinion that the premium over EUV/CUV which reflects competitive returns for the landowner should be the percentage difference between EUV/CUV and Market Value. In other words, the landowner will seek to achieve the full return offered by the market, the difference between this and the EUV/CUV is the landowner premium for

bringing the site forwards. The level of premium will therefore vary depending on the existing use, the proposed use and the inherent risks in achieving planning for the proposed use.

- 3.6 In our opinion both approaches; EUV/CUV plus premium and Market Value should lead to the same value. The approach taken will depend on the circumstances of the case. Where there is clearly a valuable existing use it is perhaps more appropriate to adopt this and add a landowners premium to persuade him to forego this use in favour of an alternative which is more valuable. However in the case of a vacant site which will clearly not be used again for the previous use it is perhaps more appropriate to consider what the market would pay, including hope value for a more valuable use having regard to relevant planning policy.
- 3.7 We have had regard to the RICS's following guidance on deriving VBV's which states:
- a "Site Value as an input into a scheme specific appraisal or as a benchmark is defined in the guidance note as follows:- Site Value should equate to Market Value subject to the following assumptions that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan".
  - b "An accepted method of valuation of development sites and land is set out in RICS Valuation Information Paper (VIP) 12".
  - c "Reviewing alternative uses is very much part of the process of assessing the Market Value of Land and it is not unusual to consider a range of scenarios for certain properties. Where an alternative use can be readily identified as generating a higher value, the value for this alternative use would be the Market Value".
  - d "The guidance provides this definition in the context of undertaking appraisals of financial viability for the purposes of town planning decisions: An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, whilst ensuring an appropriate Site Value for the landowner and a market risk adjusted return to the developer in delivering the project".
  - e "Indicative outline of what to include in a viability assessment. "It is up to the practitioner to submit what they believe is reasonable and appropriate in the particular circumstances and for the local authority or their advisors to agree whether this is sufficient for them to undertake an objective review".

- f “For a development to be financially viable, any uplift from current use value to residual land value that arises when planning permission is granted must be able to meet the cost of planning obligations whilst ensuring an appropriate Site Value for the landowner and a market risk adjusted return to the developer in delivering that project (the NPPF refers to this as ‘competitive returns’). The return to the landowner will be in the form of a land value in excess of current use value but it would be inappropriate to assume an uplift based upon set percentages as detailed above and in Appendix E, given the heterogeneity of individual development sites. The land value will be based upon market value which will be risk-adjusted, so it will normally be less than current market prices for development land for which planning permission has been secured and planning obligation requirements are known”.
- g “Sales prices of comparable development sites may provide an indication of the land value that a landowner might expect but it is important to note that, depending on the planning status of the land, the market price will include risk-adjusted expectation of the nature of the permission and associated planning obligations. If these market prices are used in the negotiations of planning obligation, then account should be taken of any expectation of planning obligations that is embedded in the market price (or valuation in the absence of a price). In many cases, relevant and up to date comparable evidence may not be available or the heterogeneity of development sites requires an approach not based on direct comparison. The importance, however, of comparable evidence cannot be over-emphasised, even if the supporting evidence is very limited, as evidenced in Court and Land Tribunal decisions”.
- h “The assessment of Market Value with assumptions is not straightforward but must, by definition, be at a level which makes a landowner willing to sell, as recognised by the NPPF. Appropriate comparable evidence, even where this is limited, is important in establishing Site Value for a scheme specific as well as area wide assessments”.
- i “Viability assessments will usually be dated when an application is submitted (or when CIL charging schedule or Local Plan is published in draft). Exceptions to this may be pre-application submissions and appeals. Viability assessment may occasionally need to be updated due to market movements of if schemes are amended during the planning process”.

- j "Site purchase price may or may not be material in arriving at a Site Value for the assessment of financial ability. In some circumstances the use of actual purchase price should be treated as a special case".
- k "It is for the practitioner to consider the relevance or otherwise of the actual purchase price, and whether any weight should be attached to it, having regard to the date of assessment and the Site Value definition set out in this guidance".
- l "Often in the case of development and site assembly, various interests need to be acquired or negotiated in order to be able to implement a project. These may include : buying in leases of existing occupiers or paying compensation; negotiating rights of lights claims and payments; party wall agreements, over sailing rights, ransom strips / rights, agreeing arrangements with utility companies; temporary / facilitating works, etc. These are all relevant development costs that should be taken into account in viability assessments. For example, it is appropriate to include rights of light payments as it is a real cost to the developer in terms of compensation for loss of rights to neighbouring properties. This is often not reflected in Site Value given the different views on how a site can be developed ".
- m "It is important that viability assessments be supported by adequate comparable evidence. For this reason it is important that the appraisal is undertaken by a suitably qualified practitioner who has experience of the type, scale and complexity of the development being reviewed or in connection with appraisals supporting the formulation of core strategies in local development frameworks. This ensures that appropriate assumptions are adopted and judgement formulated in respect of inputs such as values, yields, rents, sales periods, costs, profit levels and finance rates to be assumed in the appraisal. This should be carried out by an independent practitioner and ideally a suitably qualified surveyor".
- n "The RICS Valuation – Professional Standards 2012 (Red Book) definition of Market Value is as follows:-
- The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's-length transaction after properly marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

- o The Red Book also deals with the situation where the price is offered by prospective buyers generally in the market would reflect an expectation of a change in circumstances of the property in the future. This element is often referred to as 'hope value' and should be reflected in Market Value. The Red Book provides two examples of where the hope of additional value being created or obtained in the future may impact on the Market Value:
  - The prospect of development where there is no current permission for the development; and
  - The prospect of synergistic value arising from merger with another property or interests within the same property at a future date.
- p The guidance seeks to provide further clarification in respect of the first of these by stating that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan.
- q The second bullet point above is particularly relevant where sites have been assembled for a particular development.

3.8 To date, in the absence of any guidance, a variety of practises have evolved which benchmark land value. One of these has been to adopt Current Use Value (CUV) plus a margin or a variant of this (Existing Use Value (EUV) plus a premium). The EUV/CUV basis is discussed below. The margin is an arbitrary figure often ranging from 10% to 40% above CUV but higher percentages have been used particularly in respect of green-field and rural land development. In the majority of sites already developed it is our experience that a percentage between 20%-30% has been adopted.

3.9 Existing Use Value may be defined as the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's-length transaction after properly marketing and where the parties had each acted knowledgeably, prudently and without compulsion assuming that the buyer is granted vacant possession of all parts of the property and required by the business and disregarding potential alternative uses and any other characteristics of the property would cause Market Value to differ from that needed to replace the remaining service potential at least cost.

3.10 The use of Existing Use Value is not appropriate for use as a VBV as property does not transact in the market at Existing Use Value and as

such is not what the landowner would expect as a competitive return. Most practitioners have recognised and agreed that EUV or CUV does not reflect the workings of the market as land does not sell at this level, but rather at a price reflecting its potential for development. Whilst the use of CUV plus a margin does reflect hope value by applying a percentage increase over CUV it is a somewhat arbitrary process and where possible we believe regard should also be had to Market Value while recognising that this is not always easy to establish as the majority of land transactions are conditional on planning being achieved.

- 3.11 With regard to Alternative Use Value, the Valuation Standards at VS6.7 state where it is clear that a purchaser in the market would acquire the property for an alternative use of the land because that alternative use can be readily identified as generating a higher value than the current use; and is both commercially and legally feasible, the value for this alternative use would be the Market Value and should be reported as such. In other words, hope value is also reflected and the answer is still Market Value. This is also consistent with the NPPF for willing sellers to receive competitive returns.
- 3.12 The GLA Viability Toolkit Guidance Notes state the following in relation to assessing viability and the Benchmark Land Value:
- 3.13 “In understanding whether development is viable, it is important for all parties to distinguish between ‘scheme viability’, and ‘site viability’. A scheme may ‘stack up’ for residential or mixed use development but if the value generated by that scheme does not exceed the value of the site in its current use, then the site will not come forward.”

*“It is important that not only the developer makes a reasonable return, but also the land owner. The land owner is, in most circumstances (compulsory purchase as an exception) in the driving seat in so far as the decision to bring a site forward is concerned.”*

*“At a site specific level, the return that the land owner requires will vary according to a range of factors including the market cycle, tax position and the long term investment potential of the site. In all circumstances, it is recommended that boroughs deal with the issue in a corporate way, considering land owner return as a key driver of scheme viability alongside developer margin.”*

*“In ‘Ensuring viability and deliverability’ the NPPF (para 173) states that ‘to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a*



*willing land owner and developer to enable the development to be deliverable.”*

- 3.14 It is our opinion that there is no one easy answer to the question; which is the most appropriate way to arrive at a Viability Benchmark Value. We believe that the figure should reflect the value a landowner could achieve in the market and where clear market evidence is available which ties in with the current planning situation relating to the subject site this is to be preferred. However this will often not be available and in such circumstances using the Existing or Current Use Value and making a considered uplift to it to reflect a return to the landowner and the hope value a bidder in the market might adopt is a reasonable approach.
- 3.15 Having considered all of the above we have adopted the following methodology as being the most appropriate in this case to arrive at a Viability Benchmark Value against which to consider the schemes viability:-
- 3.16 Cedars was purchased by the Army in 1944 for emergency accommodation but when this did not transpire it became the war-time offices of The Salvation Army Fire Insurance Corporation before being opened in 1950 as the International Staff College. In recent years it has been used by the Salvation Army as a training centre (Use Class D1) which contained two residential units (C3).
- 3.17 Cedars has a D1 and C3 use status (2 staff apartments). As such we have considered the value of comparable buildings having D1 consent and also office uses. Comparables are attached as Appendix C which suggest a capital value in the order of £250 psf. would be appropriate for the building area in D1 use. Perhaps the best evidence would be the Date Valley School in Mitcham particulars for which are also included within Appendix C. This is a similar sized property of similar age which was sold with a letting in place at circa £12.50psf on a gross basis. The letting to Busy Bees at Charlton Road, Greenwich suggests nurseries are prepared to pay rents significantly in excess of £12.50. The rent here is £187,500 and the sale price of £3.7m is considerably in excess of the sale price suggest here. The details of the Busy Bees property are also provided and others can be provided on request.
- 3.18 With regard to the staff apartments our residential valuer has put a value of £525psf on residential space on the assumption of self-contained accommodation. As these apartments are ancillary to the main D1 use rather than being self-contained we have made a deduction of 25% reflect this.
- 3.19 Our clients QS (Gavin Johnson of Johnson Associates has given us refurbishment costs for the building which have been deducted from the

capital values to arrive at a net value for the building. Scheme build costs including the refurbishment costs are included in Appendix D. Site Inspection photos are also included as part of this Appendix.

- 3.20 With regard to the Coach House this was originally built in Victorian times and remodelled in the 1980's to form a four bedroom residence with its own separate driveway. Our residential valuer has put a value on this reflecting the refurbishment cost provided by Gavin Johnson.
- 3.21 The total existing use value is set out below.

Existing Use Value				
<b>Flats</b>				
	Sq m	Sq ft	Value	£/psf
	52.5	565	£222,936	395
	100.9	1086	£428,462	395
<b>Commercial Space</b>				
	Sq m	Sq ft	Value	£/psf
	913.6	9834	£2,458,498	£250
	Refurb Costs		£769,000	
	Net Value		£2,340,895	
<b>Coach House</b>				
	Sq m	Sq ft	Value	£/psf
	178	1916	£1,100,000	574
	Refurb Cost		£149,000	
	Net Value		£951,000	
<b>Total Value</b>			<b>£3,291,895</b>	

- 3.22 We have then made an addition of 20% to this figure to reflect a fair return to the landowners to encourage him to bring the site forwards for alternative use giving a total value of **£3,950,000**

## 4. VIABILITY APPRAISAL INPUTS & ASSUMPTIONS

4.1 We consider below the various inputs and assumptions contained within the attached appraisal.

### Development Phasing & Timescales

4.2 Our development appraisal assumes a project timescale that is considered appropriate for this type and size of development. The detailed timings can be seen within the appraisal summary and are summarised briefly below:-

Phase	Number of Months
<b>Pre-construction</b>	<b>6</b>
<b>Construction</b>	<b>18</b>
<b>Sales</b>	<b>6</b>
<b>TOTAL</b>	<b>24</b>

### Market Residential Values

4.3 We attach as Appendix D details of the comparable evidence considered in valuing this scheme.

#### 4.4 Situation and Local Market

4.4.1 The subject property is a particularly attractive period villa on a good sized plot situated on Sydenham Hill in a good residential area. There are few new developments in the neighbourhood and the nature of the existing stock means that there will be limited opportunities for new schemes in the future.

4.4.2 The proposed scheme is a combination of converted and new build units, both of which are saleable in the locality and the quality of the existing main house should prove attractive to potential purchasers.

4.4.3 Sydenham Hill and Forest Hill railway stations are around 15 minutes walk from the property, the former going into London Victoria and the latter London Bridge stations; Forest Hill has the advantage of connecting to the London Overground.

4.4.4 There is a great deal of uncertainty in the market in London, primarily due to the confusion over Brexit and the previously overheated conditions prevalent in the last 8 years. Prior to the Brexit vote, the

market was already showing signs of slowing down and the vote to leave with its ensuing chaotic political turmoil has only exacerbated the problem. Help to Buy has supported the London new build market for an extended period of time and continues to do so; most of the larger housebuilders schemes in the capital would have certainly failed without this Government initiative. Local agents report that the market has been slow for a while, vendors still have high expectations and purchasers thinking the downturn should offer better opportunities which are not forthcoming, a fairly typical situation when the market has been booming and then plateaus in economic uncertainty.

#### 4.5 Comparable Evidence

- 4.5.1 Where there is a combination of new build and converted units in a scheme, the two types should be looked at differently. The quality of the existing house and its conversion will attract a different type of buyer to the more uniform new build houses to the rear. Prices in this part of Sydenham range from around £500 per sq ft to £675 per sq ft depending on condition and the quality of the accommodation. The proposed scheme looks to offer a higher end development, but the market is currently dominated by value for money, so buyers are reluctant to pay a huge premium for newly converted or built units at the moment.
- 4.5.2 Fortunately, there are two developments in relatively close proximity to the subject, both nearing completion of construction and still being marketed with live sales happening. Other surrounding stock is less useful, as it is mainly historic converted stock and it is difficult to properly compare the accommodation and condition. The immediate geographical location is important, the area is patchy in terms of value and if the comparable is too far from the subject, then the applied prices will not reflect the true value of the subject.
- 4.5.3 The main comparable is the Wells Park Place development by Crest Nicholson, currently close to final completion, offering a variety of both houses and flats. There are 46 market units out of a total of 96 units overall, 35 of which have sold so far (Sept 2019); the achieved prices range from £541 per sq ft to £682 per sq ft over the last 12 months. Houses have sold at £545 per sq ft but it should be noted that these were sold prior to completion (i.e. earlier than actually being built and few have been sold since) in a better market. Marketing has been taking place since July 2017 and is ongoing. The development is situated in a very similar location to the subject, is of larger quantum, but is a very good reflection of how the subject would sell in the current market. The largest flats sold at £540 plus, the smallest

pushed the £ per sq ft value to around £650, but, again, a number were sold prior to completion and there is a notable tail off of prices currently being achieved as opposed to those achieved 12 months ago.

4.5.4 The next nearest new build scheme is the Kitewood development at Lawrie Park Place, a development of 46 units, 27 of which are private, all houses. Of which, 17 of these are sold, and the prices achieved have dropped from over £600 per sq ft to around £580 per sq ft in January of this year. Actual sales have been ticking along, but it is difficult to discern exactly what the sales figures are for the units sold since then. The scheme is complete and there is still interest, but actual reservations remain slow, typically reflecting the market overall.

4.5.5 As mentioned above, if comparable evidence is sought further afield prices fall, as the subject property is well located, and many overtly similar comparables do not fit the criteria. Taking this into account and looking at the market overall, a pragmatic approach is required and, to this end, we feel that an average of £626 per sq ft for the converted element and £557 per sq ft for the new build element of the proposed are justified.

4.6 Having given consideration to this evidence we have arrived at the following sales values for this location:-

<b>Cedars, Sydenham Hill</b>									
<b>Valuation Schedule</b>									
<b>New Build</b>					<b>Existing</b>				
<b>Main Building</b>					Flats				
	Sq m	Sq ft	Value	£/psf	Sq m	Sq ft	Value	£/psf	
Ground Floor									
Flat 1	72	775	£495,000	639	52.5	565	£295,000	522	
Flat 2	52	560	£360,000	643	100.9	1086	£570,000	525	
Flat 3	136	1464	£895,000	611					
Lower Ground Floor									
Flat 5	117	1259	£775,000	615					
Flat 6	97	1044	£650,000	623					
Flat 7	88	947	£610,000	644					
First Floor									
Flat 4	64	689	£450,000	653					
Flat 8	61	657	£395,000	602					
Flat 9	52	560	£365,000	652					
Second Floor									
Flat 10	62	667	£390,000	584					
Flat 11	76	818	£525,000	642					

TOTAL		9440	£5,910,000	626				
<b>Alms Houses</b>					<b>Coach House</b>			
No. 1	70	753	445,000	591	178	1916	£1,100,000	574
No. 2	70	753	415,000	551				
No. 3	70	753	415,000	551				
No. 4	70	753	415,000	551				
No. 5	70	753	415,000	551				
No. 6	70	753	415,000	551				
No. 7	70	753	415,000	551				
No. 8	70	753	425,000	564				
Total		6028	3,360,000	557				
		15468	£9,270,000	599				

### Ground Rent & Capital Value

- 4.7 Having regard to the most recent Government thinking on ground rents we have excluded these from our valuation.

### Development Costs

- 4.8 We have been provided with budget construction costings prepared by the applicant's cost consultants, Gavin Johnson of Johnson Associates. These are included as Appendix E. The total estimated construction cost (including a 5% contingency) for the main house is £2.861m equating to £249psf overall. The total estimated construction cost (including a 5% contingency) for the Alms houses is £1.4171m equating to £235psf overall. We are of the opinion that this is a reasonable estimate for a development of this nature, taking into account the quality of specification required in order to achieve the sales values detailed above.
- 4.9 We have made an allowance of 12% for professional fees. This reflects the relatively small size of the project.

### Planning Obligations

- 4.10 We are not aware that any planning contributions other than affordable housing are being sought by the Council in this case.

### Mayoral Community Infrastructure Levy (CIL)

- 4.11 Mayoral CIL2 has been included within the appraisal at £24,000 reflecting a rate of £60 psm. This is based upon the net additional area of 400 sq m as set out in the CIL schedule attached as Appendix E.
- 4.12 Local CIL has been included within the appraisal at £34,268. This is based upon the net additional area of 400 sq m as set out in the CIL schedule attached as Appendix F and reflects the local CIL rate of £70psm plus an uplift based upon BCIS inflation between Q4 2014 and Q4 2018.

### **Marketing, Acquisition and Sales Fees**

- 4.13 Details of the estimated marketing, acquisition and sales fees are contained within our appraisal (attached as Appendix F). The fees have been applied having regard to industry standards for a development of this nature.

### **Development Profit**

- 4.14 For a commercially acceptable development to proceed, an acceptable level of developer's return is required from the project using the Viability Benchmark as a fixed land value within the appraisal. In the current market, an acceptable return for a development of this nature should be approximately 17.5% -20% of the gross development value. Having regard to the nature of the scheme we have adopted 17.5% in this case. This level of profit will also be a requirement in order to successfully achieve debt funding for the project.

## 5. VIABILITY APPRAISAL RESULTS

5.1 Attached as Appendix G is an Argus Developer development appraisal summary considering the proposed redevelopment in accordance with the submitted application. We detail below the results of this appraisal, based upon the inputs detailed above:-

Gross Development Value	£9,270,000
Residual Land Value	£1,989,884
Viability Benchmark Land Value	£3,950,000
Construction Costs	£3,986,458
Contingency @ 5%	£199,323
Professional Fees @ £12%	£502,294
Planning Obligations/CIL	£58,268
Marketing & Disposal Fees	£303,600
Finance	£518,925
Total Costs	£7,647,745
Profit	£1,622,255
Profit on Cost (%)	21.21%
Profit on GDV (%)	17.5%

5.2 It is evident from the above that the residual land value generated by the proposed development is below /does not exceed the Viability Benchmark Value based upon what would be considered as an acceptable return for a development of this nature.



## 6. CONCLUSIONS

- 6.1 Based upon the findings herein the proposed scheme contained within the application produces a Residual Land Value below what is considered an appropriate Benchmark Land Value for this type of development whilst adopting an appropriate developers return in accordance with published guidance on the financial viability in planning process. This is on the assumption of the following planning contributions:
- 6.2 The profit generated from the proposed development based upon the Viability Benchmark Land Value is below what would be considered as a commercially acceptable level. This is on the basis of the following planning contributions:
- CIL payment of £24,000
  - Local CIL payment of £34,268.
  - Zero provision of affordable housing.
  - Other benefits delivered by the scheme
- 6.3 Any requirement for further planning benefits may make the scheme undeliverable at the current time.

## 7. THIRD PARTIES AND PUBLICATIONS

- 7.1 This report contains commercially sensitive information and is private and confidential. Neither the whole nor any part of this report or any reference thereto may be included in any published document, circular or statement, nor published, reproduced or referred to any way without our prior written approval of the form and context in which it may appear.
- 7.2 This report has been prepared for the purposes of assessing the financial viability of the project and should not be relied upon by any third party. It does not constitute a formal valuation report and under no circumstances should be relied upon as such. Any figures contained within this report are specifically excluded from the provisions of the RICS Valuation Standards (The Red Book).
- 7.3 This document is confidential to those to whom it is addressed. This document, in whole, or in part and any specific information contained within is not to be provided to or discussed with any third parties other than the London Borough of Lewisham and their independent financial advisor. Should the Council wish to provide any of the information contained within to a third party, the third party will be required to enter into a written agreement with Newsteer, prior to the issue or discussion about such information.
- 7.4 Where we have relied upon information provided by third parties the accuracy of the report will depend upon on the accuracy of the information supplied by them. Should the information provided be inaccurate or incomplete then we would reserve the right to amend our report accordingly.

Yours faithfully



For and on behalf of

**Newsteer**



**GL Hearn**

Part of Capita Real Estate

**Cedars & Coach House,  
34 Sydenham Hill,  
London SE26 6LS**

**Independent Viability Review**

for  
London Borough of Lewisham

December 2019

**Prepared by**

GL Hearn Limited  
4<sup>th</sup> Floor  
65 Gresham Street  
London EC2V 7NQ

T +44 (0)20 7851 4900  
glhearn.com

## Contents

Section	Page
1 INTRODUCTION	4
2 GENERAL METHODOLOGY	6
3 CRITIQUE OF BENCHMARK LAND VALUE	9
4 THE PROPOSED DEVELOPMENT	14
5 VIABILITY APPRAISAL INPUTS & ASSUMPTIONS	15
6 VIABILITY APPRAISALS & CONCLUSIONS	26

## Appendices

- APPENDIX A: SUBJECT SITE MARKETING PARTICULARS
- APPENDIX B: ARGUS DEVELOPER APPRAISAL SUMMARY
- APPENDIX C: JOHNSON ASSOCIATES CONSTRUCTION COST ASSESSMENT
- APPENDIX D: 81 SYDENHAM HILL PARTICULARS

## Quality Standards Control

The signatories below verify that this document has been prepared in accordance with our quality control requirements. These procedures do not affect the content and views expressed by the originator.

This document must only be treated as a draft unless it has been signed by the Originators and approved by a Business or Associate Director.

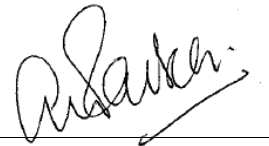
DATE  
December 2019

ORIGINATORS  
James Hall  
Development Director

APPROVED  
Alistair Parker  
Development Director



---



---

### Limitations

This document has been prepared for the stated objective and should not be used for any other purpose without the prior written authority of GL Hearn; we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned.

## 1 INTRODUCTION

- 1.1 GL Hearn has been instructed by the London Borough of Lewisham to undertake an Independent Viability Review in respect of a proposed development at Cedars and Coach House, 34 Sydenham Hill, Lewisham for which a planning application has been submitted by Sterlingbridge Property Development Group (the Applicant).
- 1.2 The subject site measures approximately 1.55 Acres (67,518 sq. ft.) and is comprised of a period building known as The Cedars built in 1899, which since 1944 has been owned by the Salvation Army and used recently as a residential in-service training centre. We understand The Cedars to measure approximately 11,483 sq. ft. Within the same site, there is also a four-bedroom Coach House which extends to approximately 1,904 sq ft.
- 1.3 We understand from the applicant's Financial Viability Assessment (FVA), undertaken by Newsteer that the property is in average condition. We have not inspected the property internally but note externally the property appears tired and dated in appearance.
- 1.4 We have not inspected, nor measured the property internally, but we have cross checked their measurements using scaled plans attached to the planning application.
- 1.5 The site is situated on the East side of Sydenham Hill approximately 0.2 miles north of Sydenham Wells Park. Sydenham Hill Road runs along the ridge of the hill which divides Dulwich and Sydenham and connects Crystal Palace and Forest Hill. Sydenham Hill Wood, a 10 hectare Local nature Reserve is located opposite the site. The site is bound by residential properties to North, East and South. The site is situated approximately 1.5 miles East of Sydenham Hill Overground station and 1.3 miles south east of Forest Hill Station, from which London Bridge can be reached in 15 minutes.
- 1.6 Newsteer Real Estate Advisers (Newsteer) is the lead author of the Financial Viability Assessment (FVA) but they have taken on sources of third-party advice. Specifically, the following information has been incorporated in their assessment: -
- Johnson Associate Limited – Budget Cost Plan
  - Danks Badnell Architects Limited – Scheme Plans

## The Application Scheme

1.7 Planning permission (DC/17/103386) is sought by the Applicant for the following;

*“The alteration, conversion and change of use of Cedars 34 Sydenham Hill SE26, and the construction of a part single/part two storey extension at the rear, terraces at lower ground level and the provision of associated car parking spaces and bicycle storage to provide 5 one bedroom and 7 two bedroom self-contained flats, together with the demolition of the existing Coach House and the construction of 8 two bedroom cottages and associated landscaping and parking area, and the felling of seven mature trees.”*

1.8 Newsteer has indicated that the assumed scheme results in an effective deficit of **£1,960,116** when the Residual Land Value is compared to Newsteer’s opinion of Benchmark Land Value, with the projected deficit indicated Newsteer has stated that the residual land value generated by the proposed development does not exceed the Viability Benchmark based upon what would be considered as an acceptable return for a development of this nature.

## 2 GENERAL METHODOLOGY

- GL Hearn's review of the FVA has had regard to the following documents as appropriate:
- RICS Guidance Note "Financial Viability in Planning" (adopted August 2012);
- RICS Professional Statement "Financial Viability in planning: conduct and reporting" (adopted May 2019);
- GLA London Plan (adopted March 2016);
- GLA London Plan Annual Monitoring Report 14 (adopted September 2018);
- GLA Draft London Plan (currently under Examination in Public);
- GLA Affordable Housing and Viability SPG (adopted August 2017);
- National Planning Policy Framework ("NPPF") (adopted July 2018, updated Feb 2019);
- Planning Practice Guidance on Viability (adopted July 2018);
- LB Lewisham Core Strategy (adopted June 2011).

2.1 We do not take issue with the overarching methodology used by Newsteer within their assessment. They have:

- Assessed the realisable value of the proposed scheme;
- Assessed the costs associated with delivering the scheme;
- Assessed a Benchmark Land Value (based on a reported EUV)
- Undertaken a residual appraisal to calculate the Residual Land Value which is compared against the Benchmark Land Value to establish whether the scheme is viable or not assuming the current level of planning obligations.

2.2 Newsteer has used the Argus Developer appraisal programme to assess the viability of the development. This is a commercially available, widely used software package for the purposes of financial viability assessments. The methodology underpinning viability appraisals is the Residual Method of Valuation, commonly used for valuing development opportunities:



<b>Gross Development Value of the proposed scheme</b>
<b>LESS</b>
<b>Build costs, Section 106 costs and CIL, cost of sale, finance costs</b>
<b>LESS</b>
<b>Developers profit / Risk return</b>
<b>=</b>
<b>Residual Land Value</b>

- 2.3 The approach adopted by Newsteer has been to adopt several assumptions in relation to the proposed scheme which produces the Residual Land Value. With this approach, if the Residual Land Value is lower than the Benchmark Land Value, then the scheme is deemed to be unviable and is therefore unlikely to come forward for development unless the level of policy compliant affordable housing and/or planning obligations can be reduced.
- 2.4 Newsteer has adopted a BLV of £3,950,000 based on the sales of properties with D1 consent and also office uses as well as residential sales comparable to the Coach House. This comprised their opinion of the Existing Use Value of the property at £3,291,895, then applying a 20% landowners' premium.
- 2.5 Newsteer has modelled the proposed development which results in a Residual Land Value of £1,989,884 and thus a deficit of -£1,960,116 when compared to the assumed BLV of £3,950,000. Despite the projected deficit, Newsteer indicate that the applicant is willing to bring the scheme forward.
- 2.6 Given that the calculations are being made well in advance of commencement of the development, the figures used in the applicant's appraisal can only be recognised as a projection. As such, it is essential that all assumptions are carefully scrutinised by the Council to ensure that they reflect current market conditions and have not been unreasonably depressed in respect of the value or overestimated in respect of the development costs.

- 2.7 GL Hearn's approach has been to critically examine all the assumptions on which the Newsteer appraisal is based.
- 2.8 It is also important to carefully scrutinise the applicant's methodology. In particular the measure of Benchmark Land Value has a fundamental effect on the viability equation.

### 3 CRITIQUE OF BENCHMARK LAND VALUE

- 3.1 Determining an appropriate Benchmark Land Value is often the most important factor in determining viability. Put simply, if the value generated by the development does not produce a positive figure, there is no financial incentive to bring forward the development with all its associated risk.
- 3.2 Arriving at an appropriate BLV is not a straightforward exercise and this is acknowledged at 3.4.6 of the RICS Guidance Note which states that:
- “The assessment of Site Value in these circumstances is not straightforward, but it will be, by definition, at a level at which a landowner would be willing to sell which is recognised by the NPPF.”*
- 3.3 In arriving at an appropriate BLV regard should be had to existing use value, alternative use value, market/transactional evidence (including the property itself if that has recently been subject to a disposal/acquisition), and all material considerations including planning policy. Existing Use Value is widely used in establishing Benchmark Land Value and is supported in the latest mayoral SPD and by the London Assembly Planning Committee.

#### Summary of Applicants Position

- 3.4 The subject site measures approximately 1.55 Acres (67,518 sq. ft.) and is comprised of a period building known as The Cedars built in 1899, which since the 1944 had been owned by the Salvation Army and used recently as a residential in-service training centre. In 2014, it was sold to the applicant. We believe the property to currently be vacant. We understand The Cedars to measure approximately 11,483 sq. ft. There are two staff apartments within the building which we believe measure 1086 sq ft in total. Within the same site, there is also a four bedroom Coach House which we understand to measure approximately 1,904 sq ft
- 3.5 Newsteer has adopted a BLV of £3,950,000 based on the sales of properties with D1 consent and C3 use status like the main house known as The Cedars. They valued the Coach house based on their residential specialist’s opinion, providing no transactional evidence. This comprised their opinion of the Existing Use Value of the property at £3,291,895, before applying a 20% landowners’ premium.
- 3.6 To inform their opinion of EUV, Newsteer has relied on sales of buildings with D1 consent in taking an average price per sq. ft. The sales range widely in terms of both location and value, but the dates of transaction are all within the last two years.

3.7 With respect to the additional evidence provided in Newsteers submission and we have undertaken our own research;

- **Date Valley School, Mitchem Court, Cricket Green, Surrey, CR4 4LB** We can confirm from the Land Registry that the property was sold in August 2018 for £2,270,000 which equates to a capital value of £256 psf. Newsteer considered this the best evidence as it's of a similar size and age to the subject property. In terms of location we would consider it to be inferior to the subject property as it's over 10 miles from central London. Saying this, it looks to be in better condition than the subject property
- **Busy Bees, 176 Charlton Road, Greenwich, SE7 7DW** We understand from the Land Registry that the property was sold in November 2018 at a price of £3,705,000. We understand that the tenant is paying a rent stipulated by Newsteer of £38.88 psf with a net initial yield of 4.75%. The capital value reflected was £768psf. However, the building is a modern build in a superior location so as a comparable it has limited use.

3.8 As well as reviewing Newsteer's comparable evidence, we have also undertaken our own research of comparable transactions:

- **71 Lordship Lane, Tottenham, London, N17 6RS** The former Magistrates Court is located on the junction of Lordship Lane with is approximately 1 mile from the centre of Tottenham. The site is approximately 0.3 miles southeast of the Bruce Grove Station. The building comprises a 19,202 sq ft two storey Grade II listed building which was built in the 1930's. It is of traditional brick construction, with two extensions having been added in recent years. The building consists of an old civic court with ancillary office accommodation (use class D1). The property was sold in March 2017 for £4,570,000 which equated to a capital value rate of £238 per sq ft. We would consider this a good comparable which is similar to the subject property
- **The Hippodrome and Land, rear of 5 North End Road, Golders Green, London, NW11 7RP** The property is situated in a prominent position on the junction of North End Road and Finchley Road. The building is a detached Grade II Listed Building of 39,942 sq ft previously used as a religious centre (D1 use). Built in 1913 as a 3,000 seater music hall the property was previously home to the BBC Concert Orchestra, but has had many uses over the years which include a music and concert venue, light entertainment venue and boxing arena. The interior is designed to mimic Roman splendour and includes an entrance foyer, auditorium with proscenium extended stage and two circles. The property consists of four floors, with

internal lower and upper circle floors. There are various office rooms and WCs over the interior levels. Similar to the subject property, the property is in need of refurbishment. The property was sold via auction with vacant possession on August 2017 for £5,250,000 which equated to a capital value rate of £131.45 per sq ft. We are of the opinion this is an inferior comparable to the subject though the subject is in a less prominent location.

3.9 Considering the above comparable evidence, we have adopted a capital value rate of £225 for the commercial element

3.10 Regarding the staff apartments, we have consulted internal residential valuers and discussed their value with local agents and arrived at the conclusion that the figure adopted by the applicant seems reasonable when considering that they are ancillary to the main D1 use rather than being self-contained.

3.11 In reaching the value for the Coach House we considered to following comparable evidence:

- **59 Longton Avenue, SE26** (1.1km south of the subject property): We understand from the Land Registry that the property was sold in July 2018 at a price of £1,000,000 reflecting a capital value rate of £472 psf. The property is a 4 bedroom terraced house which benefits from both a large front and rear garden. We understand that the property extends to a total size of 2,117 sq. ft. The property is in good condition both internally and externally, and contrary to JLL's report the kitchen is fitted to a good specification.
- **81 Sydenham Hill, SE26** (160m south west of the subject property): We understand from the Land Registry that the property was sold in May 2018 at a price of £905,000 reflecting a capital value rate of £413 psf. The property is a 4 bedroom detached house which benefits from a garage, large front and rear garden. We understand that the property extends to a total size of 2,193 sq. ft. The property is in good condition both internally and externally and benefits from a good modern specification internally, having recently been refurbished. Being so close to the subject property (0.1miles) means this is a very good comparable, it is slightly inferior in its location being on the busy Sydenham Hill Road but overall we would expect the capital value rate to be very similar for the subject property.
- **28 Kingswood Drive, SE19** (2km south west of the subject property): We understand from the Land Registry that the property was sold in December 2018 at a price of £825,000 reflecting a capital value rate of £461 psf. The property is a 4 bedroom detached house which benefits from a double garage and rear garden. We understand that the property extends to

a total size of 1,788 sq. ft. The property is in good condition both internally and externally and benefits from a good modern specification internally.

- **44 Great Brownings, SE21** (1km west of the subject property): We understand from the Land Registry that the property was sold in March 2019 at a price of £805,000 reflecting a capital value rate of £380 psf. The property is a 4 bedroom detached house which benefits from garage en-bloc and patio rear garden. We understand that the property extends to a total size of 2,114 sq. ft. The property is in good condition both internally and externally and benefits from a modest specification internally.

3.12 Considering the above recent transactional evidence, attaching the most weight to the sale of 81 Sydenham we have adopted a sales rate of £425psf.

3.13 The total existing use value is set out below:

Existing Use Value				
<b>Main Building</b>				
<b>Flats</b>				
	Sq m	Sq ft	Value	£/psf
	52.5	565	£223,175	395
	100.9	1086	£428,970	395
<b>Commercial Space</b>				
	Sq m	Sq ft	Value	£/psf
	913.6	9834	£2,212,650	£225
	Refurb Costs		£769,000	
	Net Value		£2,095,795	
<b>Coach House</b>				
	Sq m	Sq ft	Value	£/psf
	178	1916	£814,300	425
	Refurb Costs		£149,000	
	Net Value		£665,300	
<b>Total Value</b>			<b>£2,761,095</b>	

- 3.14 The refurbishment costs provided by the applicant were analysed by in-house specialists who advised that they were towards the top end of the spectrum. Having reviewed the BCIS price index, it's clear the cost for conversion is within the upper quartile range in Lewisham and therefore we have adopted the applicant's conversion cost.

### **Existing Use Value**

- 3.15 We note that the applicant purchased the site in April 2014 at a purchase price of £3,375,000. A copy of the marketing details is attached as Appendix B. However, because of the length of time since this sale, we have not placed much weight on it.

### **Premium**

- 3.16 Newsteer adopted a premium of 20% by way of a landowner's incentive to bring forward development. The latest Mayoral SPD states that premiums require justification and could be between 10 per cent and 30 per cent but must reflect site specific circumstances.
- 3.17 A 20% incentive is appropriate for standard existing built investment assets with a relatively high EUV relative to Market Value. We have also adopted a 20% premium.

### **Benchmark Land Value**

- 3.18 In arriving at £2,761,095, to which we have deducted purchasers' costs of 6.8%, and applied a landowner's premium of 20%, we have reached a benchmark land value of **£3,100,000**.

## 4 THE PROPOSED DEVELOPMENT

- 4.1 The site is located on the eastern side of Sydenham Hill Road, adjacent to Sydenham Hill Wood. The northern extremity of the road joins the A205 and to the South the A212. The area contains a mixture of Victorian and Edwardian properties such as the subject property and a large amount of ex local authority flats. When 34 Sydenham Hill was built in the late 1800's, there were many similar properties in the area with large gardens and individual driveways. Today, the site is bordered by Sydenham Hill estate to the South, which is typical for of the local authority flats in the area.
- 4.2 Sydenham Hill Road is connected to South Circular (A205) at the Northern End of the road. Dulwich is 0.7 miles North of the subject site and provides a number of local amenities.
- 4.3 In terms of connectivity, the site is located approximately 1.5 miles to the north east of Sydenham Hill Station and 1.3 miles to the South East of Forest Hill London Overground Station. The stations provide access to National Rail Services which provides direct access into central London. Bus services are also available on the subject road providing access to Lewisham to the north east and Croydon to the south west. The subject property has a PTAL rating of 2.
- 4.4 The scheme comprises a refurbishment and conversion of the main house to form 11 flats, the demolition of the coach house and its replacement with 8no. 2 bed Alms houses. It will provide the following accommodation:

	<b>The Cedars</b>	
Ground Floor	Sq ft	Sq m
Flat 1	775	72
Flat 2	560	52
Flat 3	1464	136
Lower Ground floor		
Flat 5	1259	117
Flat 6	1044	97
Flat 7	947	88
First Floor		
Flat 4	689	64
Flat 8	657	61
Flat 9	560	52
Second Floor		
Flat 10	667	62
Flat 11	818	76
<b>Total</b>	<b>9940</b>	



<b>The Alms Houses</b>		
Unit no.	Sq ft	Sq m
No.1	753	70
No.2	753	70
No.3	753	70
No.4	753	70
No.5	753	70
No.6	753	70
No.7	753	70
No.8	753	70
<b>Total</b>	<b>6028</b>	

4.5 The site will contain cycle storage and will have provision for car parking.

## 5 VIABILITY APPRAISAL INPUTS & ASSUMPTIONS

5.1 We consider below the various inputs and assumptions contained within the financial viability assessment provided by Newsteer.

### **Development Phasing & Timescales**

5.2 Newsteer has adopted the following development timings:

- Pre-construction: 6 months;
- Construction: 18 months
- Sales: 6 months
- Total: 24

5.3 We do not take issue with the timings above. We would expect a proportion of sales to be made prior to completion and a sales rate of 2-3 units per month post completion. Based upon the above timings we have assumed a total period of 24 months.

## **Market Residential Values**

- 5.4 Newsteer includes a schedule of sales prices of the comparable new build developments to arrive at a private sales rate of £626psf for the converted element and £557psf for the new build element. We have undertaken our own comparable research.

## ***General Market Commentary***

- 5.5 House prices have continued to grow with the Land Registry House Price Index (HPI) reporting an annual rate of growth across England at 1% despite a monthly change of -0.1% (September 2019). The average house price in England currently stands at £250,677. London experienced a decrease in the year to September 2019 at -0.4% but the average house prices in London remain significantly higher than the UK average at £474,601.
- 5.6 The recent General Election result, and the subsequent forming of a conservative government with a strong majority follows a hung parliament and a minority Government. Britain having voted to leave the EU and triggering Article 50, has seen a period of uncertainty as both the UK and indeed the world economy adjust to the implications. The short-term implications of the 2019 election will be one of further adjustment and will be dependent upon financial stability, while markets, both in the UK and internationally, find a level. Compounding this will be whether a deal can be agreed with the European Union in 2020, however the prospect of another General Election or Referendum now seems remote which could lead to a period of great stability compared to under the previous minority government but with the election being so recent, this remains to be seen.
- 5.7 The impact on the UK property market will similarly lead to a period of 'wait and see' with an on-going reduction in the number of comparable property transactions in what could be a fluid and potentially volatile macro-economic climate. Transactional volumes are already down annually and the result of a no deal with the European Union is only likely to compound this. A period of inertia might be expected and remains to be seen, although whether there is a more dramatic change, manifesting itself in a fall in values and disinclination to trade, is uncertain until it is clear how the market will be affected in the longer term.
- 5.8 Despite the uncertainty the new Government are seeking to promote business as usual by reassuring the markets that investment in major infrastructure projects will continue as planned, and that increasing the supply of housing remains a national priority.

- 5.9 Lewisham generally continues to be a popular destination for home buyers benefiting from strong transport connectivity and its proximity to Central London. Developer interest and demand for sites is strong across the borough.
- 5.10 In terms of residential values, the London Borough of Lewisham has an average residential property value of £425,474 as at September 2019. According to the same data, from the Land Registry, residential property values in Lewisham demonstrated annual increase of 3.8%.
- 5.11 Below are details of some recent sales of similar properties located in close proximity to the subject site, which share similar characteristics to the proposed scheme.

Address	Description	Sale Price	Agent
<b>1 Bed Flats</b>			
51 William Booth Road, London, SE20 8BX	5 <sup>th</sup> floor 1 bedroom flat in a modern new development with a balcony. 0.2miles from Anerley Overground Station. 664 sq ft.	£399,950 (£602psf)  Exchanged  August 2019	Rightmove House Prices
Catalpa Court, Hither Green Lane, London, SE13	1 bed flat in modern development with balcony. Second Floor. 504 sq ft.	£290,000 (£575psf)  Exchanged  February 2019	1 <sup>st</sup> Avenue
Purbeck Gardens, Dylon Works, Sydenham, SE26 5FG	1 bed flat in modern development with large balcony. High spec with video entry system. Second Floor. 535 sq ft.	£375,000* (£700psf)  Asking  (*Agent doesn't feel it will fetch this much) September 2019	Kinleigh Folkard & Hayward
Flat 32, Centralis OMS, Lewisham, SE13 7TG	1 bed 3rd floor flat in development completed mid 2018. Access to winter garden. 580 sq ft.	£375,000 (£646psf)  Sold October 2018	Peabody / Acorn
Flat 37, Centralis OMS, Lewisham, SE13 7TG	1 bed 4th floor flat in development completed Mid- 2018. Access to winter garden. 578 sq ft.	£377,000 (£652psf)  Sold	Peabody / Acorn

Address	Description	Sale Price	Agent
Flat 5, Zanara Court, 24 Sydenham Rd, Forest Hill SE25 5QW	First floor 1 bed new build flat with Balcony. Construction completed end of 2018. 592sq ft.	March 2019 £385,000 (£650psf) Sold June 2019	Acorn / Land registry
Flat 6, Zanara Court, 24 Sydenham Rd, Forest Hill SE25 5QW	First floor 1 bed new build flat with Balcony facing South. Construction completed end of 2018. 592sq ft.	£360,000 (£597psf) Sold November 2018	Acorn / Land registry

Address	Description	Sale Price	Agent
<b>2 Bed Flats</b>			
Apartment 5, 351 Sydenham Road, Sydenham, SE26 5SL	2 bed high spec flat in modern development. 1st floor. Close to both Lower Sydenham and Sydenham station. Open plan with 1 bathroom. 706sq ft.	£375,000 (£531 psf)  Sold  March 2019	Acorn, New Homes London
Apartment 9, 351 Sydenham Road, Sydenham, SE26 5SL	2 bed high spec flat in modern development. 3 <sup>rd</sup> Floor. Close to both Lower Sydenham and Sydenham station. Open plan with small Juliette Balcony and 1 bathroom. 576 sq ft.	£365,000 (£633psf)  Sold  June 2019	Acorn
Flat 2, Zanara Court, 24 Sydenham Rd, Forest Hill SE25 5QW	First floor 2 bed new build flat with 1 bathroom and storage space. Construction completed end of 2018. 689sq ft.	£390,000 (£566psf)  Sold  January 2019	Acorn
Flat 8, Zanara Court, 24 Sydenham Rd, Forest Hill SE25 5QW	Large open plan 2 bed new build flat. Duplex Split over the 2 <sup>nd</sup> and 3 <sup>rd</sup> floor. 1012sq ft.	£550,000 (£543psf)  Sold  May 2019	Acorn / Rightmove prices
Flat 12, Dane House, Exeter Place, Wells Park Place Lewisham, SE26 6AE	2 Bed new build flat in gated community. Access to communal gardens. 1 <sup>st</sup> floor. Views of London. Juliet Balcony. and 7 mins walk to Sydenham Hill Station. 797 sq ft.	£512,000 (£642psf)  Sold  October 2018	Crest Nicholson
Purbeck Gardens, Dylon Works, Sydenham, SE26 5FG	2 bed new build flat within development completed in February 2019. 3 <sup>rd</sup> floor with a balcony. 850 sq ft.	£495,000 within 5% of above (£582psf)  Exchanged  August 2019	Barnard Marcus

- 5.12 351-355 Sydenham Road is a relatively small development of 9 flats finished to a high specification in the centre of Lower Sydenham. It is located on the busy Sydenham Road close to the junction with Stanton Way, Bell Green and Southend Lane. It is located 1.7 miles to the East of the subject site. The agent Acorn New Homes London who also developed the site, advised that whilst the site was popular its proximity to a busy junction and an A road has impacted the sale prices the flats have achieved. We would therefore expect the scheme to achieve a slightly lower level of value compared the Cedars Development. This is illustrated by the sale of Apartment 9 in March 2019 for £375,000 (£531psf).
- 5.13 Zanara Court at 24 Sydenham Road is a new build development of 19 flats made up of three floors completed in 2018. It includes 1, 2 and 3 bed flats including several flats which are split over 2 floors. It is 1 mile east of the subject site and is in the centre of Sydenham, which according to local agents is a more desirable area than Lower Sydenham. 90% of the scheme has been sold. The scheme is in close proximity to both Sydenham Overground and Sydenham National Rail Station, from which London Bridge can be reached in 20 minutes. The scheme has a relatively high specification and many of the flats have balconies. The sales agent advised that Flat 16 had sold in March 2019 for £540,000 (£570psf).
- 5.14 Acorn advised that the local market has slowed down over the last 6 months and asking prices had not been achieved, but they noted that the 1 beds were the most popular and have consistently attracted the highest prices per square foot for developments in Sydenham.
- 5.15 Wells Park Place is a Chrest Nicholson Development which comprises of 26, 2 and 3 bedroom flats and 20, 4 bedroom terraces and townhouses. It's within a landscaped surrounding at the top of Sydenham Hill which offers far reaching views of London. The site is 0.4 miles to the south west of the subject site and is in close proximity to Sydenham Hill Rail Station, from which Victoria can be reached in 15 minutes and City Thameslink in 27 minutes. The sales agent advised that the apartments all sold 7 months post completion with only townhouses now remaining available. The agent also indicated that demand had been consistent. Typically, 2 beds have been selling for £500,000-£700,000. We would consider the Wells Park Place Development to have higher values than the subject scheme because of the nature of high specification development including the communal gardens / courtyards and the presence of 20 townhouses within the scheme which are fetching over £1,000,000 in the current market.

- 5.16 Centralis is a Peabody development of 49 homes completed at the end of 2018 comprised of 1, 2 and 3 beds spread over 6 floors. It is located in the centre of Lewisham, 2 miles to the North of the subject site. The agent Acorn informed that 80% of the development has now been sold but the remaining units were taking significantly longer to attract offers. Flat 32, a 1 bed 4th floor flat sold in March 2019 for £377,000 which equates to £652psf. The flat has access to a shared winter garden. We would consider the development to have many similarities with the subject scheme in terms of scale and specification but its superior location, being 200 metres from Lewisham Station and closer to central London, have resulted in higher values of £650psf.
- 5.17 Whilst we appreciate that the statistical average for house prices indicates a rise of 3.8% for Lewisham from October 2018 to October 2019, we are mindful that our sales evidence suggests that new build flats within close proximity of the subject site are not achieving asking prices and are taking longer to transact than anticipated. Accordingly, we have adopted the applicant's private market rate with an average of £626 per sq ft for the converted element and an average of £557per sq ft for the new development which we believe to be reasonable given recent market evidence of comparable schemes.
- 5.18 Having given consideration the above sales we have adopted the applicants proposed scheme values listed below

The Cedars				
Ground Floor	Sq ft	Sq m	Value	£/psf
Flat 1	775	72	£495,000	£639
Flat 2	560	52	£360,000	£643
Flat 3	1464	136	£895,000	£611
Lower Ground floor				
Flat 5	1259	117	£775,000	£616
Flat 6	1044	97	£650,000	£623
Flat 7	947	88	£610,000	£644
First Floor				
Flat 4	689	64	£450,000	£653
Flat 8	657	61	£395,000	£601
Flat 9	560	52	£365,000	£652
Second Floor				
Flat 10	667	62	£390,000	£585
Flat 11	818	76	£525,000	£642
<b>Total</b>	<b>9940</b>		<b>£5,910,000</b>	<b>£626</b>

The Alms Houses				
Ground Floor	Sq ft	Sq m	Value	£/psf
No.1	753	70	£445,000	£591
No.2	753	70	£415,000	£551
No.3	753	70	£415,000	£551
No.4	753	70	£415,000	£551
No.5	753	70	£415,000	£551
No.6	753	70	£415,000	£551
No.7	753	70	£415,000	£551
No.8	753	70	£425,000	£564
<b>Total</b>	<b>6028</b>		<b>£3,360,000</b>	<b>£557</b>
<b>Total</b>	<b>15468</b>		<b>£9,270,000</b>	<b>£599</b>

Existing Staff Apartments			
Flats			
Sq m	Sq ft	Value	£/psf
52.5	565	£295,000	£522
100.9	1086	£570,000	£525

Coach House			
House			
Sq m	Sq ft	Value	£/psf
178	1916	£815,000	£425



### **Affordable Housing**

- 5.19 The applicant is proposing a 100% private tenure residential scheme without any on-site affordable housing.

### **Development Costs**

- 5.20 For construction costs the applicant has used Johnson Associates to provide a cost plan. The applicant has adopted a total construction cost of £3,986,468.
- 5.21 We have consulted in-house specialists and reviewed internally whilst keeping BCIS rates for new builds in Lewisham in mind. Whilst the costs provided (minus preliminaries, contingency and external works) is towards the upper quartile we are happy to accept the Johnsons build costs as they fall within an acceptable range.
- 5.22 We have made an allowance of 10% for professional fees which is a standard assumption for this type of exercise. We note that the Applicant's FVA suggests that an equivalent allowance is adopted within its report of 12%.
- 5.23 The applicant has made an allowance of 5% for contingency within their appraisal which is reasonable. We have adopted the same figure in our appraisal.

### **Planning Obligations**

- 5.24 The Applicant has adopted figures of £24,000 for Mayoral CIL liability and £34,268 Borough CIL liability within their appraisal. They have provided a CIL schedule within the appendix.
- 5.25 We have calculated the total CIL liability to be £60,280. We have not been party to the discussions between the Council but have used the Lewisham CIL calculator with reference to the latest BCIS index available. We have adopted the mayoral CIL2 of £60psm and a local rate of £70psm. We would however recommend that the CIL calculations are provided to the Council's CIL Officer to carry out a full review.

### **Marketing, Letting & Sales Fees**

- 5.26 We note the applicant has adopted the following assumptions within their appraisal:
- Sales agent's fees of 1.5%
  - Sales legal fees of 0.5%
  - Marketing fees of 2.0%.
- 5.27 Whilst we agree with the sales agent's fee and sales legal fee, we have adopted a marketing fee of 1.0% which we have included within the appraisal.

### **Finance**

- 5.28 We note that the applicant has adopted a 6% finance rate in their appraisal. We would consider that the Applicant would be able to borrow at a rate of 6% and have therefore adopted this figure within our appraisal.

### **Developer's Profit**

- 5.29 For a commercially acceptable development to proceed, an acceptable level of developer's return is required from the project (as is detailed within the NPPF). Profit requirements extended significantly following the 2008 global downturn. Since the revival in the development market these margins narrowed but have more recently begun to extend again as risk appetite worsens given the uncertainty following the EU Referendum vote, uncertain national and local elections, growing interest rates and a slowing residential market across greater London.
- 5.30 Any expected return should reflect the risks to the developer and its funder's capital and together their potential liabilities. Accordingly, it should reflect the proposed uses, scale of development, site

issues and market (both macro and micro). A lower profit will be typically acceptable on a conventional residential development situated in an established market location for apartments with good transport connectivity. The proposed scheme falls within this category and will attract interest from both owner occupiers and buy-to-let investors alike thus reducing development risk.

5.31 Newsteer have adopted a 17.5% profit on GDV of the private development. Given the uncertain economic climate, we consider this figure to be reasonable and have therefore adopted it in our appraisal.

### Sensitivity Analysis

5.32 We have carried out the below sensitivity analysis to allow the Council to consider how changes in inputs to a financial appraisal affect viability and provide a greater understanding to arrive at an appropriate conclusion on the viability of the proposed scheme. The below table demonstrates the affect of the change in construction cost and sales on the residual land value:

		Construction Cost				
		-10%	-5%	0%	+5%	+10%
Sales Rate	-10%	£1,921,130	£1,717,508	£1,513,883	£1,310,264	£1,106,642
	-5%	-2,234,022	£2,030,400	£1,826,778	£1,623,156	£1,419,534
	0%	£2,546,914	£2,343,292	<b>£2,139,670</b>	£1,936,047	£1,732,425
	+5%	£2,859,805	£2,656,183	£2,452,561	£2,248,939	£2,045,317
	+10%	£3,172,697	£2,969,075	£2,765,453	£2,561,831	£2,358,209

## 6 VIABILITY APPRAISALS & CONCLUSIONS

6.1 Attached as Appendix A is an Argus Developer development appraisal summary considering the proposed redevelopment in accordance with the submitted application and out adopted assumptions.

6.2 Where our own market research has indicated that the inputs used have not been fully justified we have sought to illustrate the potential impact on Residual Land Value. In this respect we have undertaken our own residual appraisal using Argus Developer, which is a leading industry-standard development appraisal package commonly used by developers and agents to assess development viability.

6.3 Although this analysis does not constitute formal valuations under the provisions of the RICS Valuation Standards ('Red Book') it does provide robust evidence to inform the Council's decision-making process in respect of the applicants planning application.

6.4 In this instance we have been provided with a working appraisal by Newsteer for the development scenario. This has enabled us to ensure the model has been constructed properly and the inputs are timed correctly within the cashflow.

6.5 As has been highlighted in the previous section there are assumptions adopted within the proposed assessment which we are not in agreement with. Therefore, we have undertaken our own modelling applying our own assumptions which we believe to be more reflective of the market.

6.6 Given the above we have undertaken adjustments to;

- CIL Contribution
- Marketing and Professional Fees
- Benchmark Land value

6.7 Attached as Appendix A is an Argus Developer development appraisal summary reflecting our assumptions. The resultant Residual Land Value and Benchmark Land Value is summarised as follows:

Residual Land Value	Benchmark Land Value	Surplus / Deficit
£2,139,670	£3,100,000	-£960,330

6.8 It is evident from the above that the Benchmark Land Value generated by the proposed development, based on our assumptions, is greater than the Residual Value. Our appraisals from indicate that the proposed scheme cannot viably deliver affordable housing.

# Appendix A

Argus Appraisal  
(See Attachment)

# Appendix B

**Subject Site Marketing Particulars**  
**(See Attachment)**

# Appendix C

Johnson Associates cost assessment  
(See Attachment)



# Appendix D

## 81 Sydenham Hill Brochure

This page is intentionally left blank



This page is intentionally left blank

Document is Restricted

This page is intentionally left blank