

Committee	PLANNING COMMITTEE (A)	
Report Title	28 Sydenham Hill, SE26	
Ward	Forest Hill	
Contributors	Geoff Whittington	
Class	PART 1	30 March 2017

Reg. Nos. DC/15/094733

Application dated 28.11.2015

Applicant Abbeyfield Housing Society

Proposal Demolition of Hill House 28a Sydenham Hill SE26, the change of use, alteration and extension to 28 Sydenham Hill SE26 including the formation of front and rear lightwells, together with the construction of a part/two, part/three, part/four, part/five-storey building, to provide 40 self-contained 'Extra Care' home units comprising 19, two bedroom and 21, one bedroom flats, with the provision of 7 car parking spaces, cycle parking and associated landscaping.

Applicant's Plan Nos P01, P02, P03, P04, 05, P06, 07, P08 Rev A, P09, P10, P11, P12, P13, P14, E01, E02, E03, Site Plan, Block Plan, Impact on trees Report, Design & Access Statement, Transport Statement, Area Appraisal – conservation supporting information, Energy & Sustainability Statement, Planning Statement, Statement of public consultation received 28 November 2015; P15, Travel Plan Rev A received 5 December 2016.

Background Papers

- (1) Case File LE/345/28/TP
- (2) Local Development Framework Documents
- (3) The London Plan (2016)
- (4) The NPPF

Designation Core Strategy – Area of stability and managed change.

## **1.0 Property/Site Description**

- 1.0 The site is located on the south side of Sydenham Hill, lying opposite the borough boundary with LB Southwark. The site, which measures 0.19 Hectares, is currently occupied by a 3-storey plus roof space 1980s building (Hill House) located centrally within the site that was formerly in use as a care home for the elderly prior to its closure in 2014.
- 1.1 The building to the front of the site known as Highfield is a classically styled, locally listed building of the mid-19<sup>th</sup> century, which has been unoccupied since 2010. Although the Victorian Villa now stands isolated among dominant modern

buildings, it is an important reminder of the earlier pattern of development on Sydenham Hill.

- 1.2 The northern part of the site is flat, before sloping considerably toward the southern end. Existing perimeter trees are located to the front half of the site, whilst there is denser tree coverage to the rear.
- 1.3 The surrounding area is predominantly residential in character. To the west of the site is Droitwich Close, which is comprised of 3-storey blocks of flats. To the east are 3-storey flats (Porlock House), whilst to the south is a 5-storey block of flats (Greyfriars).
- 1.4 To the south-east is a 6-storey building accommodating flats (Wirrall House), and to the south-west is a 2-storey house. Directly to the north of the application site are 2-storey dwelling-houses lying within the London Borough of Southwark, bounded by an 8-storey block of flats and villa style properties.
- 1.5 The nearest local amenity is a public house to the west of the site on Crescent Wood Road, whilst the nearest retail store is located on Wells Park Road.
- 1.6 The only existing vehicular access into the application site is from Sydenham Hill. The site is served by two local bus routes, providing direct links to Sydenham and Crystal Palace. The site has a PTAL rating of 2 on a scale of 1-6, where 1 indicates poor access to public transport.
- 1.7 The site is not located within a conservation area, however it falls within a designated 'Areas of Special Character'.

## **2.0 Planning History**

- 2.1 Planning permission was granted 16 October 1987 for the construction of a part two, part three storey plus roof space home for the elderly on land at the rear of Goodliffe House, comprising 25 residential units and two flats for staff together with the provision of 5 parking spaces and the erection of a paladin enclosure to the side.

## **3.0 Current Planning Application**

- 3.1 The current application proposes the demolition of the existing care home building to the centre of the site, which has been unoccupied since 2014. The replacement building would vary in height between two and five storeys and would adjoin the existing locally listed Highfield building to the side and rear, whilst extending within close proximity of the western and southern boundaries of the site.
- 3.2 The development would provide 40 self-contained units comprising 19, two bedroom and 21, one bedroom flats. The proposal would create an extra care housing scheme incorporating specialist dementia care services for older people.
- 3.3 The facility would have associated communal facilities, including lounge/dining room, activity rooms, well-being suite and hairdressers. The central external area would be landscaped to form a communal garden for residents, measuring approximately 230sq.m.

- 3.4 Access to the building for residents would be through the existing building, which would be converted to provide office space, a reception area, amenity rooms and residential accommodation. Lightwells would be formed to the front of the building, with a 'bridge' providing access to the entrance.
- 3.5 The building would be staffed 24 hours a day, with 12 full-time employees.
- 3.6 The existing vehicular access to the eastern side of the development would be retained, with 3 parking spaces located at the rear, including 2 disabled bays. Four parking bays would be provided to the front of the site. A refuse store, and a cycle/buggy store would be located within an undercroft area to the front of the new building.
- 3.7 The predominant facing material of the proposed building would be stock brick, with extensive glazing to the western boundary. The elevation fronting Sydenham Hill would be of reconstructed limestone pre-cast panelling.
- 3.8 External driveway surfaces are proposed in concrete block paviors laid on a porous base. Existing driveway levels would be maintained to the east driveway to avoid ground disturbance in the tree root protection areas.

#### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site Notices were displayed. Notification letters were sent to 163 properties, local ward councillors, ward councillors from the London Borough of Southwark and Southwark Council whose boundary lies opposite the site.

##### Written Responses received from Local Residents and Organisations

- 4.3 Two letters received objecting to the proposal on the following grounds;
- (1) Overbearing form of development;
  - (2) Overlooking from west facing balconies and windows toward Leamington Court;
  - (3) Treatment of western façade – bris soleil is an inappropriate treatment, and would result in overlooking;
  - (4) Loss of existing trees;
  - (5) Poor contextual analysis undertaken with neighbouring buildings;
  - (6) Inadequate parking provision.
- (Letters are available to Members).

London Borough of Southwark Planning Department

4.4 No response.

Natural England

4.5 No response.

Thames Water

4.6 No response.

**Internal Responses**

Highways

4.7 No objections raised.

Environmental Health

4.8 No objections.

Tree Officer

4.9 The officer raises objections to the proposal. Their comments and observations will be addressed later in this report.

Conservation Officer

4.10 Raises concerns in regard to the visual harm upon the character of the existing locally listed building.

Ecology

4.11 The Ecology officer has commented that there has been no assessment or recognition of biodiversity, and there appears to be no mitigation and/or enhancements proposed.

4.12 Bird and bat boxes should be provided as the area is a hotspot for bats and other wildlife that use and commute between Sydenham Hill Woods, Sydenham Well Park, the Hill Crest Estate Woodlands and Crystal Place Park.

**5.0 Policy Context**

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and

- (c) any other material considerations.

A local finance consideration means:

- (a) 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
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Other National Guidance

5.5 Other relevant national guidance contained within the National Planning Policy Guidance is:

- Climate change
- Design
- Renewable and low carbon energy
- Use of Planning Conditions

#### Development Plan

5.6 The London Plan, together with the Core Strategy, the Site Allocations, the Lewisham Town Centre Local Plan, and Development Management Local Plan forms the borough's statutory development plan.

## Other National Guidance

5.7 The other relevant national guidance is:

Design

Health and wellbeing

Natural Environment

Planning obligations

Renewable and low carbon energy

Travel plans, transport assessments and statements in decision-taking

## London Plan (2016)

5.8 The London Plan policies relevant to this application are:

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 6.9 Cycling

Policy 6.13 Parking

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 8.3 Community infrastructure levy

## London Plan Supplementary Planning Guidance (SPG)

5.9 The London Plan SPG's relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2004)

Housing (2016)

Sustainable Design and Construction (2006)

## Core Strategy

5.10 The Core Strategy policies relevant to this application are:

Spatial Policy 5 Areas of Stability and Managed Change

Policy 1 Housing provision, mix and affordability

Policy 7 Climate change and adapting to the effects

Policy 8 Sustainable design and construction and energy efficiency

Policy 10 Managing and reducing the risk of flooding

Policy 12 Open space and environmental assets  
Policy 14 Sustainable movement and transport  
Policy 15 High quality design for Lewisham

### Development Management Local Plan

5.11 The Development Management Local Plan policies relevant to this application are:

DM Policy 1	Presumption in favour of sustainable development
DM Policy 5	Specialist accommodation for older people
DM Policy 22	Sustainable design and construction
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 37	Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

### Residential Standards Supplementary Planning Document (2006, updated 2012)

5.12 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

## **6.0 Planning Considerations**

6.1 The main issues to be considered in respect of this application are:

- a) Principle of Development
- b) Design, including relationship with locally listed building
- c) Housing
- d) Highways and Traffic Issues
- e) Trees and Ecology
- f) Impact on Neighbouring Properties
- g) Sustainability and Energy
- h) Planning Obligations

### Principle of Development

6.2 Paragraph 197 of the National Planning Policy Framework states '*in assessing and determining development proposals, local planning authorities should apply the presumption in favour of Sustainable development*'. 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'.*

6.3 Extra care accommodation promotes independent living while providing a level of support and intermediate health and social care for people who are vulnerable due to age or disabilities. In this case, the proposal is for 40 extra care units for people suffering from dementia.

6.4 A letter dated 17<sup>th</sup> January 2013 from the Council's Customer and Community Services Directorates to the Greater London Authority provides an overview of the need for extra care housing in the borough. The letter states:

*"The Council recently commissioned a review of older people housing in the borough in order to understand current and future housing demand and review existing housing supply. The study, which was undertaken by leading housing consultancy Campbell Tickell, identified that, by 2030, there will be a shortfall of 269 units of extra care housing within the borough after taking account of the existing provision by the Council, registered providers and private landlords and using POPPI projections to calculate demographic change.*

*'PCH currently have over 630 tenants who are aged over 60 and under occupying and 10% of these residents are already in receipt of a care package. Over 450 of these residents live in a three or four bed property, which includes 124 residents that are aged over 80, with eight of these residents living in four bed houses.*

*'Despite the expressed interest of current tenants to move to extra care, PCH do not have any extra care elderly housing schemes within their housing portfolio. In addition, there is a general lack of extra care housing in the south of the borough, and housing in the north and central Lewisham currently lacks modern facilities. The introduction of this scheme will provide quality housing options for these residents with an opportunity to relocate and free up much needed family accommodation in the borough.'*

6.5 It is acknowledged there is a shortage of high quality homes specifically designed for older residents in the Borough, and particularly homes which enable residents to maintain their independence at home for as long as possible. The Lewisham SHMA (2009) indicated that 17.9% of households in Lewisham were all older people and another 5.5% contained at least one older member of the household alongside younger members.

6.6 DM Policy 5 advises the Council will support proposals for specialist accommodation including sheltered housing, care homes and other appropriate models of accommodation for the elderly and those with particular needs. The policy also states that whilst a key criterion is the need for buildings to be designed so that they are fit for purpose for future occupiers. The relationship between a development and its surroundings is also important.

6.7 In summary, there is strong policy support for the creation of extra care provision in the Borough and given the predominant residential character of the surrounding area, the use of the site for the proposed purpose is supported in principle.



However, such need must be weighed against other planning matters, including design, scale and massing. These will be considered below.

### Design

- 6.8 Paragraph 64 of the National Planning Policy Framework states that 'permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions', whilst Standard 1 - Development Proposals of The London Plan Housing SPG (2016) requires development proposals to demonstrate how the design responds to its physical context, including the character and legibility of the area and the local pattern of building, public space, landscape and topology.
- 6.9 DM Policy 30 Urban design and local character states planning applications must provide an adequate response to detailed matters including the creation of a positive relationship to the existing townscape and topography, height, scale and mass.
- 6.10 Officers raise no objections to the demolition of the existing Hill House, which is a relatively modern building that has no significant architectural merit to warrant its retention. However, whilst its design is not exceptional, it is acknowledged that its form, lower scale/ height and positioning away from Highfield and the boundaries is more appropriate for this site, in contrast to the proposed scheme.
- 6.11 The proposal fails to achieve a high quality design, attributed to the required provision of 40 self-contained units. The scale and massing of the proposed building would be excessive and disproportionate to the size of the site. The western wing that connects to the front is overly large and would be visually obtrusive and over dominant when viewed from the open space of the adjacent flats, in particular Droitwich Close. The western wing also fails to take into consideration the sloping nature of the site towards the rear, maintaining its height when it should be seeking to step down accordingly with the change in gradient.
- 6.12 When viewed from the south, whilst the 5-storey height of the southern wing would be similar to the adjacent Greyfriars, due to its siting upon the significant slope, the building would appear approximately 3-stories higher, thereby dominating the skyline.
- 6.13 A limited contextual analysis of the immediate area has been undertaken to justify the proposed height of the building. Officers acknowledge the 5-storey buildings located nearby, however these are generally in context with the proportions of their plots.
- 6.14 Policy DM 37 (Areas of special character) states development in such areas should 'sustain and enhance the characteristics that contribute to the special local spatial, architectural, townscape, landscape or archaeological distinctiveness of these areas.'
- 6.15 The scale and height of the proposal are excessive for the site and fall well below the standard that would be expected for an area with such a designation. The building would represent an unsympathetic design approach that would be neither compatible or complementary with the surrounding urban typology.

- 6.16 The inappropriate slab-like design and overall expanse of the building, coupled with a lack of elevational articulation, contributes to the bulk and massing of the development, which in turn would serve to compound the harmful visual impact.
- 6.17 Subsequently, the proposal would fail to preserve or create an urban form that contributes to local distinctiveness, which includes building features, roofscape and open space. It is therefore considered contrary to DM policies 30 and 37, and further conflicts with policy when considering its impact upon the character of the locally listed Highfield.

*Relationship to locally listed building (Highfield)*

- 6.18 Para. 132 of the NPPF requires great weight to be given to the conservation of heritage assets and notes that significance can be harmed or lost through unsympathetic development within their settings. Para 135 advises that when determining applications, careful consideration must be given to the effect of a proposal on the significance of non-designated heritage assets.
- 6.19 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.
- 6.20 The NPPF requires 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.
- 6.21 The principle of a contemporary architectural approach to the proposed building is acceptable, however in this case, in addition to the concerns regarding the scale of the proposal detailed above, the proposed architectural treatment makes no reference to the stylistic qualities of the locally listed building, whilst the prominently sited, institutional under-croft is considered particularly alien. The new built form should not project forward of the rear (southern) building line of Highfield so that the existing building remains pre-eminent on the site when viewed from Sydenham Hill. The height of the new building should be stepped down towards its northern frontage so that it remains respectfully below the eaves level of the locally listed building (LLB).
- 6.22 The supporting statement maintains that interior connectivity between Highfield and the new structure is essential for effective functioning. While it is acknowledged that this is an important consideration, connectivity between the historic and modern buildings should occur to the rear of Highfield and take the form of a neutral glazed link, which allows the LLB and the new development to remain visually separate.
- 6.23 The bulk and alien form of the new building would overwhelm Highfield, and would serve to diminish both its individual significance and the special contribution it makes to streetscene character, contrary to Policy DM37.

- 6.24 In summary, officers are unable to support the proposed development due to the design, scale, height, massing and layout of the scheme being inappropriate for this site, demonstrated by the significant building mass to the western boundary adjoining Droitwich Close.
- 6.25 The high density redevelopment of this site in a sensitive location, confirmed by the special character designation, represents a significant over-development as evidenced by the severity of the impacts that the proposals have upon townscape, local character and the amenity of nearby occupiers, in addition to the character and setting of the locally listed Highfield building.

### Housing

- 6.26 The provision of housing is a key priority and pressure for the borough. Through Core Strategy Policy 1, the Council seeks to reduce inequalities and create socially mixed communities with a greater housing choice of mix, size, type and location in order to represent the needs of Lewisham's diverse community.
- a) Size and Tenure of Residential Accommodation*
- 6.27 The proposal includes 40 residential units consisting of: 19 x two-bedroom flats; and 21 x one-bedroom flats.
- 6.28 The applicants advise that *'the scheme proposal is of the highest quality currently proposed nationally in the field of Extra Care Housing and has been designed to meet the acknowledged exemplary standards for Extra Care and Dementia Care housing.'*
- 6.29 The proposal is a specialist type of housing, providing extra care facilities. The applicant proposes that all of the proposed units would be affordable rented units, exceeding the target of 50% affordable in schemes of 10 units or more set by Core Strategy Policy 1.
- 6.30 Given the specialist nature of this form of housing, the tenure is considered acceptable in this case. The applicants have advised that allocations would be via the Council's housing list, which together with the level of affordable housing and age criteria for the development would have been secured by planning obligation had permission been recommended.
- 6.31 The Council's 'Affordable Rent Study: Market Research & Affordability Analysis', published February 2014' which looked at affordable rent levels across the borough advised that:
- 6.32 Appropriate Affordable Rent levels would be:
- a. - 1-bed: 80% market rent
  - b. - 2-bed: 70 to 80% market rent
  - c. - 3-bed: Up to 65% or a proportion at the capped rent of 50%
- 6.33 The applicant proposes to set rent levels for the units at 80% of market rent and on the basis of the Affordable Rent Study, officers consider this acceptable.

### *Standard of Accommodation*

- 6.34 The one-bedroom units would measure 55sq.m, which exceeds the minimum 50sq.m as stated in the nationally described space standards, whilst the two-bedroom units would be 68sq.m, exceeding the minimum 61sq.m tolerance. All units would be afforded private balconies.
- 6.35 In terms of internal arrangement, the configurations of the units within the block in the proposed C shape are arranged around two projecting cores. The nature of this arrangement results in long corridors, which in turn mean that most of the rooms would be single aspect, thereby limiting the range of outlook and the amount of daylight received by the units. Whilst there would be no single aspect north facing units, which are not supported by policy, the lower level units facing the communal garden would be overshadowed by the 5-storey height of the southern wing, which would also result in sense of enclosure and impaired outlook.
- 6.36 In addition, the lower ground floor unit to the front of the building would be single aspect only, with all openings being sited less than 3 metres from the western boundary, resulting in poor outlook toward the boundary fencing and limited provision of sunlight.
- 6.37 The proposed communal garden would measure approximately 230sq.m, providing a mix of hard and soft landscaping measures. Its positioning below the established ground level, and proposed building heights surrounding it would result in the amenity space being significantly overshadowed and enclosed. Considering the nature of proposed tenure, the scheme should be seeking to provide residents with an outdoor setting they can enjoy and that enhances their well-being.
- 6.38 Overall, officers are concerned that living standards would be compromised significantly to enable the accommodation of the 40 units, indicating an unacceptable over-development of the site.

### Highways and Traffic Issues

#### *Parking*

- 6.39 The proposed level of off-street parking (7 spaces) would be insufficient to accommodate the parking demand generated by the development, which would be on a 'first come, first served' basis for residents, 12 members of staff and visitors. The Transport Statement that accompanies the application does not include a parking survey to demonstrate that the overspill parking generated by the development can be suitably accommodated in the streets that surround the site.
- 6.40 The access arrangement/ layout for the proposed off-street parking would be unacceptable. The vehicle access to the parking area to the rear of Highfield house would be of an insufficient width to accommodate two way vehicle movements, therefore vehicles would have to wait either on Sydenham Hill or within the parking area when the access is used by a vehicle travelling in the opposite direction.
- 6.41 The intervisibility would be poor between the disabled parking spaces in the parking area to the rear of Highfield house (parking bays 5 & 6) and vehicles accessing the site from Sydenham Road. There is not a clear line of sight so drivers would be unable to observe if the disabled spaces are available from Sydenham road before accessing the site. The lack of intervisibility would increase

the potential for conflict and would result in vehicles reversing out onto Sydenham Hill, which is unacceptable.

- 6.42 The layout for the parking area to the west of the site would also result in vehicles reversing out onto Sydenham Road, particularly parking bay 1. The vehicle movements associated with the disabled parking space (bay 4) would be in close proximity to the front doors for the building, which increases the potential for conflict.
- 6.43 A swept path analysis is not provided for any of the parking areas/ spaces to demonstrate that all vehicles could access/ egress the site in forward gear.
- 6.44 The transport statement does not illustrate where service vehicles would load to service the site.
- 6.45 The surveys provided within the Transport Statement of similar Extra Care facilities operated by Abbeyfield are unacceptable because the sites identified are not comparable to the application site. In addition, the survey information does not include the date or time when the survey was undertaken.
- 6.46 Given the issues outlined, the proposal is objectionable on Highways grounds.

#### Impact on Neighbouring Properties

- 6.47 DM Policy 32 Housing design, layout and space standards states that all new build residential development should be attractive and neighbourly and respond positively to the site specific constraints and opportunities.
- 6.48 Objections have been received from residents residing adjacent to the application site, stating that the development would be over-dominant, whilst resulting in overlooking.
- 6.49 As addressed earlier, the scale and massing of the development would be considerable on its western side, adjacent to Leamington Court. The eastern end of Droitwich Close has a grassed area that provides some amenity space for residents, with a green backdrop provided by the trees within the application site.
- 6.50 The proposed development would lie within close proximity of the western boundary, and due to the intended height and mass would serve to appear as an overdominant addition to the public realm. The scale of the western and southern elevations, at 5-storeys, would serve to impair the outlook of rear facing occupiers in Leamington Court, whilst creating an overbearing sense of enclosure on the adjacent amenity space within Droitwich Close. Whilst a Daylight/ Sunlight report does not form part of this submission, officers consider that due to the orientation of the proposed building, its height and close proximity to the western boundary, it would be likely to overshadow a considerable area of the amenity space.
- 6.51 In terms of overlooking, officers accept that the brie soleil approach and its 'high transparency' to the western elevation would mean users of the corridors would be visible to the adjoining plot, however it is considered this would not result in significant harm to neighbouring amenity. The nearest Leamington Court window would lie approximately 12 metres away, and the orientation of the existing and proposed buildings would negate any direct overlooking to their habitable rooms from the corridors.

- 6.52 The corridors would be unlikely to generate a regular flow of movement. Upper floor occupiers to the southern end of the proposed building would be likely to use the lift to the eastern side to exit the building, without a need to regularly use the western corridors.
- 6.53 The southern elevation of the proposed building would lie approximately 21 metres from the 5-storey block at Greyfriars to the south. All upper floor units would be afforded 1.5 metre deep balconies, which would be screened to some extent by the existing trees that lie adjacent to the application site. However, as advised later in this report, the Council's Tree officer is concerned the scale and close proximity of the development may compromise those trees.
- 6.54 In response, the applicant has submitted revised plans that propose to direct the view out from the south elevation balconies and living rooms at the upper stories away from Greyfriars by the provision of vertical light stainless steel louvres positioned on the edge of the balconies, which would allow for sufficient outlook and filtering of natural light. Whilst this approach may be acceptable - subject to appearance – the need to undertake such measures is another indication of an over-development of the site.
- 6.55 In summary, officers consider the proposed development would result in a significant overbearing impact upon the amenities of neighbouring occupiers due to its scale and prominent siting.

#### Trees/ Ecology

- 6.56 Core Strategy Policy 12 states that in “recognising the strategic importance of the natural environment and to help mitigate against climate change the Council will conserve nature” which will be achieved by “*protecting trees, including street trees, and preventing the loss of trees of amenity value, and replacing trees where loss does occur*”.
- 6.57 The site is located within a designated ‘Areas of Special Character’. Part 6 of DM Policy 37 refers to ‘Areas of Special Character’ and 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.’*
- 6.58 Given the importance of the site, the proposal must recognise the special character of the surroundings and ensure it enhances the local landscape. The site forms part of a ribbon of designated land that is described in the Site of Borough Grade 1 Importance for Nature Conservation as *‘Remnants of ancient woodland, once formed part of the Great North Wood, scattered around a housing estate. Some fine old oak and sweet chestnut trees link back to this time.’*
- 6.59 The Great North Wood was a natural oak forest that covered most of the rear of raised ground starting some four miles (6 km) south of central London, covering the Sydenham Ridge and the southern reaches of the River Effra and its tributaries. At its full extent, the wood's boundaries stretched almost as far as Croydon and as far north as Camberwell.

- 6.60 In 2016 London Wildlife Trust secured funding from the Heritage Lottery Fund to develop plans for a Living Landscape project based around the Great North Wood. The project aims to raise people's awareness of this largely forgotten woodland, encouraging residents to explore, enjoy and value its natural wealth.
- 6.61 It is therefore important to highlight the submitted 'Report on the Impact on Trees' (ref 1-38-3786), particularly section 6 Tree Protection Proposals, which identifies the need to protect existing trees that reflect the woodland character of the surrounding area in which the application site is situated, and to protect them in the long term from the pressures of intensive development.
- 6.62 The proposal to develop close to the plots boundaries would adversely affect the roots of mature trees along the west, south and east boundaries. In time, this would be likely to result in the loss of these trees, which serve to provide a vital public amenity contributing to the woodland character of the area, whilst also being relied upon by the developer to screen the proposed tall elevations from adversely affecting adjacent residents' woodland outlook.
- 6.63 It is regrettable that the scheme proposes to remove the tree group to the west of Highfield House, which includes the mature Ash T26 as this group is a significant feature on the frontage and provides public visual amenity to the street scene by continuing and linking with the tree and woodland character of adjacent sites and properties. The proposed side element would remove this tree group, which is a visual break to the buildings fronting Sydenham Hill. It would remove the softening effect and foil to the built form and cause a continuous built frontage to develop.
- 6.64 Root protection measures for the Hornbeam T4 to the east of the original building and on drawings 1-38-3786/P1, P2 & P3 are emphasised and welcome. Particularly measures to maintain and protect the existing ground levels from compaction and excavation within root protection zone RPA with permanent fencing.
- 6.65 However, the deep excavations below existing ground levels to create the living/ dining room on Level -2 are of concern as this would affect soil moisture levels and possibly damage tree roots.
- 6.66 The Tree officer has advised that proposals need to highlight in an Arboricultural Method Statement and working plan how tree protection measures would be implemented and incorporated into the construction on site phase - including where site huts, material storage, drainage pipe lines are proposed to avoid and protect the Root Protection Areas especially of T4 the mature hornbeam.
- 6.67 The Council's Ecology officer has reviewed the submission, and commented there is no assessment or recognition of biodiversity, and no mitigation and/ or enhancements proposed.
- 6.68 It is also considered that the submission lacks sufficient detail in regard to Sustainable urban drainage systems (SUDS), and how measures would be implemented to ensure sufficient managing of drainage within the site and to neighbouring plots. Had the scheme been considered acceptable, details would have been requested by officers for assessment.

## Sustainability and Energy

- 6.69 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. The NPPF requires planning policies to be consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
- 6.70 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 6.71 Core Strategy Policy 8 requires all non-residential floorspace to achieve BREEAM Excellent. Sustainability requirements have been absorbed into Building Regulations meaning the applicant does not have to comply with sustainability requirements at this stage of the development process.
- 6.72 The submitted Energy and Sustainability Statement confirms the scheme would achieve a policy compliant BREEAM Excellent rating, and a 35% improvement over Building Regulations 2013. Energy efficiency measures would include the installation of a communal CHP heating system and solar panels.
- 6.73 Building Control officers have advised they are satisfied with the initial approach at this stage.

## Planning Obligations

- 6.74 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:
- (a) Necessary to make the development acceptable
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development
- 6.75 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 6.76 The applicant provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development. Had permission been recommended, the following obligations would have been sought:
- Affordable Housing: - 100% of units to social rented;
- rent levels set at no more than 80% market;
  - Monitoring, legal and professional costs.



6.77 Officers are satisfied the obligations would meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

## **7.0 Local Finance Considerations**

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

- (a) 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
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

7.3 The Mayor of London's CIL is therefore a material consideration. CIL would have been payable on this application and the applicant has completed the relevant form.

## **8.0 Equalities Considerations**

8.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality. In this matter there is no impact on equality.

## **9.0 Conclusion**

9.1 This application has been considered in the light of policies set out in the development plan and other material considerations including representations from third parties.

9.2 Whilst the principle of continued care provision upon the site is supported, officers do not consider this should outweigh the adverse impact of the development. The overall scale and massing of the development would be excessive, failing to respond positively to the application site or wider area, whilst impacting significantly upon neighbouring amenity.

- 9.3 It is also considered that the development would provide sub-standard residential accommodation, with poor outlook and sense of enclosure to some units.
- 9.4 The relationship with the existing locally listed building is considered poor, whereby the proposal would not correspond in any way to the architectural language or character of Highfield. The shape and form of the building would not be subordinate, whilst the undercroft is not an appropriate design response to this frontage, highlighting the incongruous nature of the proposal.
- 9.5 The felling of trees upon the site, and the potential harm to those remaining also raises concern, whilst officers consider the development would have a harmful impact upon the designated special character of the area.
- 9.6 Finally, Highways officers raise objections due to insufficient provision of off-street parking, and the subsequent impact upon neighbouring streets.
- 9.7 For these reasons, it is recommended permission be refused.

## **10.0 RECOMMENDATION**

### **10.1 REFUSE PLANNING PERMISSION**, for the following reasons:

- 1) The proposal, by reason of excessive scale, height, bulk and massing would represent a significant over-development of the site, appearing as an overbearing and discordant form of development that would disrupt the established building form, and harm the designated 'Areas of Special Character', contrary to Policy 15 (High quality design for Lewisham), DM Policy 32 (Housing design, layout and space standards), DM Policy 33 (Development on infill sites, backland sites, back gardens and amenity areas) and DM Policy 37 (Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest) of the Development Management Local Plan (2014).
- 2) The proposed building would fail to respect or be sympathetic to the historic character and prominence of the locally listed building, resulting in a poor relationship that would compromise the setting of Highfield and existing streetscape, contrary to Policy 15 (High quality design for Lewisham), DM Policy 30 (Urban design and local character) and DM Policy 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 Development Management Local Plan (2014).
- 3) The proposed development, by reason of siting, scale and massing, would result in adverse harm upon the setting of Droitwich Close, appearing as an overbearing and incongruous introduction that would overshadow the existing amenity space and impair outlook to occupiers, contrary to Objective 10: Protect & Enhance Lewisham's Character & Policy 15: High Quality Design for Lewisham of the adopted Core Strategy (June 2011), and DM Policy 32 Housing design, layout and space standards and DM Policy 33 (Development on infill sites, backland sites, back gardens and amenity areas) of the Development Management Local Plan (2014).

- 4) The proposed standard of residential accommodation would be compromised significantly by virtue of the dense and overbearing scale and layout of the building, that would result in sense of enclosure, overshadowing and poor outlook to some units and the communal garden area, contrary to Policy 32 (Housing design, layout and space standards) of the Development Management Local Plan (2014).
- 5) The proposal, by reason of insufficient provision of off-street parking, and the likely demand attributed to the nature of the use, would result in potential increased parking to neighbouring streets, contrary to DM Policy 29 (Car parking) of the Development Management Local Plan (November 2014).