

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

Reg. Nos. DC/17/103386

Application dated 30 August 2017

Applicant Danks Badnell Architects Ltd

Applicants Plan Nos. 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)

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)

16/12/400C; 16/22/44K; 16/12/45D; 16/12/50D; 16/12/51E (received 28 May 2020)

Proposal 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.

Background Papers

- (1) Core Strategy (adopted June 2011)
- (2) Development Management Local Plan (adopted November 2014)
- (3) Local Development Framework Documents
- (4) The London Plan (Consolidated with Alterations since 2011) (2016), and Mayors' SPG/SPDs, Best Practice Guidance

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 24th 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:

Material planning consideration	Paragraphs where addressed
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 9th 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
Cedars:				
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 (CO₂) emissions whilst LPP 5.2 (Minimising Carbon Dioxide Emissions) states that major development proposals should make the fullest contribution to minimising CO₂ 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 CO₂ 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 CO₂ 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 regarding 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/myserives/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*.