



## Planning Committee A

**Report title:**

**34 Sydenham Hill, London, SE26 6LS**

**Date:** 26 October 2021

**Key decision:** No.

**Class:** Part 1

**Ward affected:** Forest Hill

**Contributors:** Geoff Whitington

### Outline and recommendations

This report sets out the Officer's recommendation to grant permission for this planning application. The case has been brought before Committee for a decision as more than 3 local objections, and 3 amenity society objections have been received.

## Application details

**Application reference number(s):** DC/20/118980

**Application Date:** 28 November 2020

**Applicant:** Danks Badnell Architects Ltd, on behalf of Sterlingbridge Property Developments Ltd

**Proposal:** The alteration, conversion and change of use of Cedars at 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.

**Background Papers:**

- (1) Submission drawings
- (2) Submission technical reports and documents
- (3) Internal consultee responses
- (4) Statutory consultee responses

**Designation:** PTAL 1b  
Sydenham Hill Conservation Area  
Areas of Special Character

**Screening:** n/a

## 1 SITE AND CONTEXT

### *Site description and current use*

- 1 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 (formerly Use Class D1, now F1(a)), and ancillary two residential units. The existing Cedars building was constructed in 1898 by Charles Ash Body.
- 2 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. This building is not locally listed.



**Site location plan**

**Character of area**

- 3 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.
- 4 Sydenham Hill Wood lies on the opposite side of Sydenham Hill.

**Heritage/archaeology**

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

**Transport**

- 6 The site has a PTAL rating of 1b on a scale of 1-6, where 1 represents poor access to public transport. Sydenham Hill is served by a single local bus route, with the nearest bus stop located 10m to the south of the application site. The nearest train station is Sydenham Hill located approximately 1.2km from the site.
- 7 There are no shops or other amenities within the immediate area.

## **2 RELEVANT PLANNING HISTORY**

- 8 In 2020, an application proposing, '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' was withdrawn by the Applicant. (DC/17/103386)

- 9 Prior to this, there is no planning history relating to the site. The single-storey extension with terrace at the rear of the building does not appear to have planning permission - 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. Whatever the case, the extension is now lawful by virtue of the passage of time.

## 3 CURRENT PLANNING APPLICATION

### 3.1 THE PROPOSALS

- 10 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*

- 11 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.
- 12 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.
- 13 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.
- 14 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.
- 15 11no. parking spaces would be provided for the occupiers of Cedars, of which two would provide active electric charging points, and one disabled space.

#### *Coach House Building*

- 16 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. Five parking spaces would be provided for future occupiers of the dwelling-houses, including two active electric charging points and a disabled bay.
- 17 A cluster of 5 trees close to the existing coach-house and car-parking area would be felled, including Sycamores, Yew and Holly. A minimum of 12no. replacement trees would be planted within the rear garden to mitigate the proposed loss.

- 18 In total, 16no. parking spaces would be provided across the site, together with 37no. dry and secure bicycle spaces.
- 19 Bins would be located within an enclosed communal refuse store adjacent to the western boundary close to the entry/exit point into the site.

## **4 CONSULTATION**

### **4.1 PRE-APPLICATION ENGAGEMENT**

- 20 The site was subject to pre-application discussions with the LPA in 2017 for the conversion of the existing Cedars building; the demolition of the former Coach-house building; and the construction of new dwelling-houses.

### **4.2 APPLICATION PUBLICITY**

- 21 Site notices were displayed on 3 December 2020 and a press notice was published on 9 December 2020.
- 22 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 17 November 2020.
- 23 Seventeen responses received, comprising 16 objections, 0 support and 1 comment.
- 24 Subsequently, a virtual local meeting was arranged for 20 May 2021, which was chaired by Cllr Gibbons, and attended by residents, the applicant team, and the planning officer. Minutes of the meeting are attached in **Appendix 1**.

#### **4.2.1 Comments in objection**

<b>Comment</b>	<b>Para where addressed</b>
Scale of development	162
Proposal does not respect the heritage of the existing building or its setting	62-71; 152-158; 173-182
Coach-houses are unsympathetic	160-163; 181
Formation of enlarged lightwell would harm the character of Cedars	156-158
Impact upon Sydenham Hill CA	67; 164-182
Loss of trees	291-298
Destruction of valuable green space and wildlife habitat	274-287; 291-298
No affordable housing	105-112
Cramped accommodation in Cedars	115-117
Amenity impact	218-235
Inadequate infrastructure	301-304
Highways concerns	199

Refuse collection	210-212
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25 The Sydenham Society have objected on the following grounds:

<b>Comment</b>	<b>Para where addressed</b>
Should provide affordable housing	105-112
Alterations to front of Cedars	156-158
Unsympathetic conversion	115-117
Excessive parking provision	197-198
Scale of Coach-house terrace would be dominant	160-163; 181
Overlooking and loss of privacy to Panmure Court and Farley House	218-221
Will interrupt a wildlife corridor	284-286
External lighting concerns	300
Lack of infrastructure	301-304
Poor choice of facing materials	162-163

26 Sydenham Hill Ridge Neighbourhood Forum have objected for the below reasons:

<b>Comment</b>	<b>Para where addressed</b>
Support renovation of Cedars building/conversion	-
Coach-houses are detrimental to character of CA	160-163; 181
Loss of green space and trees	274-287; 291-298
Excessive scale	162
Insufficient parking	197-198
Sustainability	241-245; 253-255
Refuse collection - unclear	210-212

27 The Forest Hill Society have objected to the proposal:

<b>Comment</b>	<b>Para where addressed</b>
Works to front of Cedars	156-158
No schedule relating to internal works	158
Demolition of Coach-house	65-71
Unacceptable backland development	72-79
Felling of mature trees	291-298

#### **4.2.2 Neutral comments**

- 28 One neutral comment received enquiring whether a public footpath could be provided to the southern edge of the site.

### **4.3 INTERNAL CONSULTATION**

- 29 The following internal consultees were notified on 17 November 2020.
- 30 Conservation: No objections to Cedars works. Acknowledges Coach-house is a non-designated heritage asset however demolition of Coach House acceptable on balance.
- 31 Highways: Raised no objections to the provision of off-street parking.
- 32 Trees: No objections to loss of trees, subject to suitable replacements.
- 33 Ecology: No objections, subject to conditions.
- 34 SuDS: No objections, subject to a condition.

### **4.4 EXTERNAL CONSULTATION**

- 35 The following External Consultees were notified on 17 November 2020.
- 36 Thames Water: Raised no objections.
- 37 Metropolitan Police (Designing Out Crime): Raises no objections.
- 38 Design Review Panel: The scheme has not been review by Lewisham's Design Review Panel (DRP). Section 6.9 of Lewisham's Statement of Community Involvement (SCI) states that major applications and applications proposing significant new buildings within conservation areas will be referred to DRP.
- 39 The Planning Practice Guidance (PPG) states that the design review process can inform and improve design quality, but it is not intended to replace advice from statutory consultees and advisory bodies, or be a substitute for local authority design skills or community engagement.
- 40 In this case, the new build element within the conservation area is set away from the streetscene at the rear of the site. The terrace of houses proposed are not judged to be significant new buildings. The scheme is a smaller scale major application, and a large number of units created are achieved through conversion of an existing building. Likewise, the external interventions to the locally listed structure on the site are limited, as is set out in design sections below.
- 41 Officers are therefore satisfied in this instance and with regard to the specific circumstances of this case that the scheme has been fully scrutinised in design terms by Development Management Officers and the Senior Conservation Officer. A formal review by DRP is not required.

## **5 POLICY CONTEXT**

### **5.1 LEGISLATION**

- 42 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).
- 43 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when considering whether to grant planning permission for development which affects a conservation area to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of that conservation area Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

### **5.2 MATERIAL CONSIDERATIONS**

- 44 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.
- 45 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.
- 46 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

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

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

### **5.4 DEVELOPMENT PLAN**

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

## **5.5 SUPPLEMENTARY PLANNING GUIDANCE**

- 48 Lewisham SPG/SPD:
- Alterations and Extensions Supplementary Planning Document (April 2019)
  - Planning Obligations Supplementary Planning Document (February 2015)
- 49 London Plan SPG/SPD:
- The control of dust and emissions during construction and demolition (July 2014)
  - Accessible London: Achieving an Inclusive Environment (October 2014)
  - Social Infrastructure (May 2015)
  - Housing (March 2016)
  - Homes for Londoners: Affordable Housing & Viability (August 2017)

## **6 PLANNING CONSIDERATIONS**

- 50 The main issues are:
- Principle of Development
  - Housing
  - Urban Design and Heritage Impacts
  - Impact on Adjoining Properties
  - Transport
  - Sustainable Development
  - Natural Environment

### **6.1 PRINCIPLE OF DEVELOPMENT**

#### *General policy*

- 51 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.
- 52 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.
- 53 Lewisham is defined as an Inner London borough in the London Plan, which 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*

- 54 The current London Plan outlines through Policy H1 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.
- 55 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).
- 56 DM Policy 1 of the Development Management Local Plan 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'.
- 57 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.'
- 58 DM Policy 36 states the Council will not grant permission where new development or alterations and extensions to existing buildings is incompatible with the special characteristics of conservation areas
- 59 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.
- 60 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*

- 61 The first issue relates to the principle of developing the site, which falls within the Sydenham Hill Conservation Area and designated ‘Areas of Special Character’.
- 6.1.1 Demolition of Coach-House**
- 62 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.
- 63 The existing Coach House building to the rear of the site would be demolished as part of the proposals, and replaced with 8 new dwelling-houses.
- 64 The building does not form part of the local listing afforded to Cedars, however it is considered to be a non-designated heritage asset, attributed to:
- originally being an essential facility for the servicing of the Cedars building;
  - evidential value (albeit limited due to alterations) of remaining physical elements that inform of its previous functioning;
  - moderate to high ‘historic’ value;
  - moderate architectural significance.
- 65 The main Cedars building is considered to be at the high end of moderate architectural significance, whilst in comparison, the Coach-House on its own merits is at the lower end of moderate significance. The importance of the Coach-House is closely affiliated with the Cedars building due to its historic relationship.
- 66 Paragraph 203 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 67 The loss of the Coach-House would detract from the historic integrity of the application site, however officers do not consider it would significantly harm the character of the Sydenham Hill Conservation Area or the Area of Special Character designation.
- 68 The extension and conversion works to the Cedars building is dependent upon the redevelopment of the Coach-House site. Considering the locally listed Cedars building would undergo significant internal and external improvements following a long period of inactivity; and the provision of new residential dwellings that meet with housing need in the Borough, this would outweigh the harm arising from the Coach-House demolition.
- 69 In accordance with balancing exercise Paragraph 203, the loss of the coach house is considered justified given the scale of the loss and the significant of the asset. This accords with the approach set out in Paragraph 204, which indicates that loss of heritage assets should not proceed without reasonable steps to ensure that redevelopment will proceed.
- 70 Officers therefore raise no objections to the loss of the existing Coach House building, subject to the wider site improvements noted above.

- 71 Officers consider it appropriate to require a programme of building recording by planning condition that would sustain the historic significance of the Coach-House beyond its lifespan. This is proposed to be secured by condition and in accordance with NPPF Paragraph 205.
- 6.1.2 Definition of Land**
- 72 Objections have 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.
- 73 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.
- 74 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.
- 75 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 'backland' and some 'infill' characteristics, rather than 'back garden'. No part of the site has been used as a single family dwelling for many years.
- 76 '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.
- 77 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.
- 78 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.
- 79 The principle of residential led-development which would also achieve the wider benefits of providing additional homes within the Borough and bring 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.

## **6.1.3 Cedars: Loss of Authorised D1 (reclassified F1(a) Use**

### *Policy*

- 80 NPPF para 120 (d) advises that decisions should promote and support the development of under-utilised land and buildings, including service yards, that can be used more effectively.
- 81 Policy S1(f) of the London Plan (2021) states that, "Development proposals that would result in a loss of social infrastructure in an area of defined need as identified in the borough's social infrastructure needs assessment required under Part A should only be permitted where;
- there are realistic proposals for re-provision that continue to serve the needs of the neighbourhood and wider community, or
  - the loss is part of a wider public service transformation plan, which requires investment in modern, fit for purpose infrastructure and facilities to meet future population needs or to sustain and improve services.

- 82 Part (g) advises that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan.
- 83 This is supported through Core Strategy Policy 19, which states that the Council will apply the London Plan policies relating to healthcare, education and community and recreational facilities to ensure that there is no net loss of facilities.

### *Discussion*

- 84 The site was formerly owned by the Salvation Army, who used the premises for training purposes (Use Class F1(a)), and ancillary residential. In recent years, it was also used as an 'International College for Officers' and 'Centre for Spiritual Life Development Institute.'
- 85 In 2014 the entire operation was relocated to larger premises in Sunbury Court in south-west London, and the Cedars building has since remained largely redundant.
- 86 Considering the former use dates back to the 1940s, officers are minded that the established use is F1(a) with ancillary residential.
- 87 Officers acknowledge that the building has been unused for a long period, and that there has been no net loss of F1(a) use as it has continued elsewhere, in accordance with CS 19 and LPP S1. The application site does not fall within an area of defined need for social infrastructure, which negates the requirements of LPP S1(f).
- 88 The site is not located within an easily accessible area, which CS 19 identifies as the preferred location for new community uses. Further, officers consider that the site does not lend itself to continued F1(a) use owing to it being surrounded by housing, and the subsequent potential for noise and disturbance to neighbouring occupiers.
- 89 For these reasons, officers raise no objections to the proposed development not including the provision of any form of social infrastructure, and are satisfied the proposal would not conflict with relevant planning policies.

#### **6.1.4 Cedars Proposals**

- 90 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.
- 91 Cedars has been identified as a locally listed building. Whilst local listing provides no additional statutory 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.
- 92 In regard to the conversion of the existing building, considering the current inactivity; its former training centre use; 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.

#### **6.1.5 Principle of development conclusion**

- 93 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; ecology; and highways.

## **6.2 HOUSING**

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

#### **6.2.1 Contribution to housing supply**

##### *Policy*

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

- 96 LPP D2 sets out that the density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure and be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs and services (including both PTAL and access to local services).

##### *Discussion*

- 97 The proposal is for a total of 19 new dwellings, comprising 11 self-contained flats within the converted Cedars building, and 8 dwelling-houses 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.

- 98 Assuming the site falls within a suburban setting, the resulting density of the development would be 91 habitable rooms per hectare, which sits significantly below the indicative density range of 150-200 hr/ha for a suburban area of PTAL 1.
- 99 It must be acknowledged that the London Plan (2021) no longer provides an upper limit for density levels, instead promoting design led density.
- 100 The provision of 19 dwellings in this case would make a valuable contribution to meeting housing targets. The proposal would use the land efficiently, and would contribute to the Borough's current annual housing target. This is a planning merit to which very significant weight is given by officers.

## 6.2.2 Affordable housing

### ***Percentage of affordable housing***

#### *Policy*

- 101 The NPPF expects LPAs to specify the type of affordable housing required (para 63).
- 102 LPP H5 states the maximum reasonable amount of affordable housing should be sought, having regard to several criteria in the policy, and sets a strategic target of 50% for affordable homes.
- 103 CSP1 and DMP7 reflect the above, with an expectation of 50% affordable housing, subject to viability.

### ***Review mechanisms***

#### *Policy*

- 104 The Affordable Housing Viability SPG (2017) sets out when affordable housing review mechanisms should be secured. This is enshrined in Policy H5 of the London Plan. 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*

- 105 The provision of affordable housing was subject to a financial viability assessment in 2019 within the withdrawn planning application DC/17/103386 to ensure meeting policy would not make development unviable.
- 106 In that case, the applicant proposed no affordable housing or off-site financial contribution, with the provision of 19 market units only. This was supported in a viability assessment study completed by the applicant's consultants, Newsteer.
- 107 Subsequently in 2020, 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 reviewed 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**.

- 108 Nevertheless, it was agreed that the scheme would result in a significant deficit in any event, and so would be unable to provide affordable housing.
- 109 The GL Hearn review was undertaken less than a year prior to the submission of this application; and the evident similarities between the two proposals (including an identical number and type of units) and the scale of the deficit, officers considered the previous submission sufficient for viability purposes in this instance.
- 110 London Plan Policy H5 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.
- 111 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.

#### ***Summary of Affordable housing***

- 112 The scheme is unable to deliver any on-site affordable housing, which has been supported in a review by an independent consultant on behalf of the Council. The S106 will secure early and late stage reviews to establish whether the development could provide affordable units or an in lieu payment, in compliance with the London Plan.

#### **6.2.3 Residential Quality**

##### *General Policy*

- 113 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users. This is reflected in relevant policies of the London Plan (LPP D6), the Core Strategy (CS P15), the Local Plan (DMP 32) and associated guidance (Housing SPD 2017, GLA; Alterations and Extensions SPD 2019, LBL).
- 114 The main components of residential quality are: (i) space standards; (ii) outlook and privacy; (iii) overheating; (iv) daylight and sunlight; (v) noise and disturbance; (vi) accessibility and inclusivity; and (vii) children's play space.

##### *Discussion*

- 115 As shown in Table 1 below, the proposed internal floor areas of each Cedars unit would exceed the space standards set by Policy D6 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.

- 116 In regard to the Coach-house dwellings, seven would measure internal floor areas of 70sqm, which would accord with Policy for 2-storey, two bedroom 3 person units. Dwelling 8 would be 2b 4p, measuring 99sqm, exceeding the minimum 79sqm.

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

<b>Unit</b>	<b>Unit Type</b>	<b>GIA</b>	<b>Policy Requirement</b>	<b>Pass/Fail</b>
Flat 1	2 bedroom/ 4 person	72sqm	70sqm	Pass
Flat 2	2 bedroom/ 4 person (duplex)	136sqm	79sqm	Pass
Flat 3	1 bedroom/ 2 person	52sqm	50sqm	Pass
Flat 4	2 bedroom/ 4 person	115sqm	70sqm	Pass
Flat 5	2 bedroom/ 4 person	95sqm	70sqm	Pass
Flat 6	2 bedroom/ 4 person	88sqm	70sqm	Pass
Flat 7	2 bedroom/ 3 person	64sqm	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

### ***Outlook & Privacy***

#### *Policy*

- 117 London Plan Policy D6 seeks high quality internal and external design of housing development. Development is required to achieve ‘appropriate outlook, privacy and amenity’, and should seek to maximise the provision of dual-aspect dwellings (i.e. with two openable windows).

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

#### *Discussion*

- 119 In regard to the Cedars building, the 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.

- 120 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 at the rear.

- 121 The proposed Coach-houses would all be dual aspect, with sufficient openings to ensure good outlook for all habitable rooms.

- 122 Officers are satisfied that all dwellings within the scheme would have sufficient privacy.

- 123 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*

- 124 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. LPP Table 3.2 states that site layout, orientation and design of dwellings should provide privacy and adequate daylight for residents.

*Discussion*

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

***Accessibility and inclusivity***

*Policy*

- 126 LPP D7 requires 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% being M4(2) ‘accessible and adaptable dwellings’.

*Discussion*

- 127 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.

- 128 In accordance with Policy D7, 12.5% of the Coach-house development would be capable of being fitted-out as a ‘wheelchair accessible dwelling – M4(3)’ while all other dwellings would be ‘accessible and adaptable dwellings – M4(2).’

- 129 All Coach-houses would be assured of step-free, level access with flush thresholds.

- 130 The provision of wheelchair units within the Cedars building is acknowledged to be difficult due to existing steps to and within the building, whilst it would be impractical to install a lift to provide access to the lower ground and upper floors. A ramped access is proposed to the front, thereby enabling the ground floor Flats 1, 2 and 3 to be M4(2) compliant. Details of the ramp will be subject to a planning condition.

- 131 The submission of wheelchair details will be requested by Condition prior to any works commencing in relation to the Coach-house site.

***External space standards***

*Policy*

- 132 The Technical Housing Standards (2015), Mayors Housing Supplementary Planning Guidance (SPG), London Plan Policy D6 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*

- 133 The proposed dwelling-houses would be afforded private external gardens, each compliant with London Plan thresholds.
- 134 In regard to Cedars, all lower ground floor units, and 2 of the 3 ground floor units would be afforded private amenity space.
- 135 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.
- 136 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.
- 137 Five Cedars units would not benefit from private amenity. Of the five units, one would achieve an internal floor area equivalent to the area of amenity space required.
- 138 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 extensive communal garden to the rear, where a degree of isolation and privacy may be experienced due to the spaciousness of the grounds.
- 139 To this end, officers are satisfied that the proposed development would comply with the requirements of DM Policy 32 and the London Plan (2021).

### ***Summary of Residential Quality***

- 140 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.
- 141 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.

### **6.2.4 Housing conclusion**

- 142 Officers consider that the proposed development would provide a high standard of residential accommodation that would contribute to the Borough's housing targets, which is a material public benefit that is afforded significant weight.

## **6.3 URBAN DESIGN**

### *General Policy*

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

- 144 Historic England and CABE 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.
- 145 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.
- 146 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.
- 147 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.
- 148 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.
- 149 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.
- 150 LPP D3 expects the highest quality materials and design appropriate to context.
- ### 6.3.1 Appearance and character
- Cedars Building:**
- Discussion*
- 151 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.

- 152 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.
- 153 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, subject to an assessment of proposed facing materials.
- 154 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.
- 155 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.
- 156 The lightwell would extend out from the front elevation by 3 metres to ensure sufficient outlook for the lower ground floor units, with a curved element to replicate the existing front bay window. A low level brick wall with railings were originally proposed to enclose the lightwell for safety reasons, however due to the topography of the landscaping to the front of the building, the wall and railings are no longer proposed.
- 157 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, and screened by the proposed landscaping measures, therefore officers are satisfied there would be no harmful impact upon the public realm. The Conservation officer raises no objections to this approach.
- 158 Overall, officers are satisfied that the proposal 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. A planning condition will require the submission of a method statement to set out the nature of internal works, including the retention and restoration of original features.

### ***Two-Storey Dwellings***

#### *Discussion*

- 159 As addressed in para.69, 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.
- 160 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 is well considered and would provide an attractive group that would be a suitable replacement for the existing redundant building.
- 161 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.

162 In terms of materiality, the palette would comprise:

- Soft multi-brick;
- Powder coated aluminium windows.

163 Officers raise no objections in principle to the facing materials, however a condition will require the submission of details, including the proposed brick, mortar and pointing. A condition requiring boundary treatment, including walls and fences will be included.

### **6.3.2 Impact on Heritage Assets**

#### *Policy*

164 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

165 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

166 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

167 Para 189 of the NPPF (2021) states that heritage assets 'are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'

168 LPP D3 states that development should among other things conserve and incorporate heritage assets where appropriate. Where it would affect heritage assets, development should be sympathetic to their form, scale, materials and architectural details. LPP HC1 reflects adopted policy.

169 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

170 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

171 DMP 37 sets out a framework for the protection of the borough's non-designated heritage assets.

#### *Discussion*

- 172 Para 199 of the NPPF (2021) requires great weight to be afforded to the significance of a designated heritage asset, in this case the Sydenham Hill Conservation Area.
- 173 Officers consider that the current proposal to demolish the existing Coach-House would lead to less than substantial harm to the Sydenham Hill Conservation Area, as addressed earlier in this report. The building is only minimally visible from the Conservation Area, and therefore does not make a positive contribution to the same extent as the large houses that front Sydenham Hill.
- 174 As set out in para 202 of the NPPF, the less than substantial harm should be weighed against the public benefits. In this case, officers consider the low degree of harm is outweighed by the benefits of refurbishment of the locally listed Cedars building, and the site overall, having regard to the tilted balance imposed by para 199.
- 175 The identified harm lies with the loss of the Coach House with regard to the wider site. The building does not form part of the Cedars local listing, however it is considered to be a non-designated heritage asset due to its historic relationship with the main Cedars building.
- 176 The NPPF (para.203) states ‘the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application’, and ‘a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’
- 177 As the Conservation Officer sets out, the loss of the Coach House and identified harm to the significance of the site containing the locally listed house could be mitigated to some extent by a programme of building recording secured by condition, and the results made available via the Greater London Historic Environment Record. This would sustain the historic significance, by record, and thereby partly meet the aims of DM37.
- 178 The public (heritage) benefit of refurbishment and reuse of the main house is substantial. There is no case made here for enabling development, but if the NDHAs are seen as interrelated, the Conservation Officer considers that the benefit of refurbishment and re-use (in the optimum viable use, which is likely to be its original function - residential) outweighs the harm to the group caused by loss of the Coach House. The Conservation Officer also notes the new build elements of the scheme to have an acceptable impact upon the character and appearance of the Conservation Area.
- 179 The application provides substantive evidence of the public benefits of the proposal. It is clear that the building requires repair and renovation in order to maintain its longevity and the proposals would be sympathetic to the character of the building in terms of design and appearance. The building forms a prominent feature of the Sydenham Hill Conservation Area, therefore the proposal would contribute significantly to maintaining the character of the designated heritage asset.
- 180 The provision of new residential accommodation that would comply with design standards would make an effective use of the site. Ecological and biodiversity benefits are proposed including an uplift in trees and planting measures. Officers therefore conclude that the social, economic and environmental public benefits arising from the proposals outweigh the harm identified above.
- 181 The new Coach-houses would represent a sympathetic form of development due to the proposed siting, design quality and low level scale of the new dwellings. Officers therefore consider the impact upon the character and significance of the Sydenham Hill

Conservation Area, and the wider Cedars site, would be acceptable, and is therefore supported

- 182 The refurbishment of the Cedars building lies at the core of the overall proposal, with the undertaking of the works requiring certainty to ensure the enhancements are delivered. It is therefore suggested that a planning condition should require the completion of the Cedars works prior to first occupancy.

#### *Summary*

- 183 Officers, having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, acknowledge that the demolition of the Coach House will detract from the historic integrity of the overall site, however it is considered that a programme of building recording and the public benefits of refurbishing and reusing the main Cedars building would outweigh its loss. Officers are satisfied the proposed external works to the Cedars building would be sympathetic. The scale and design of the new Coach-houses would be appropriate, and would respect the overall site, and the character of the Sydenham Hill Conservation Area. The scheme therefore is acceptable in heritage planning terms.

### **6.3.3 Urban design and heritage impacts conclusion**

- 184 Officers have reached a view that the existing Coach House is a non-designated heritage asset due to its historic link with the locally listed Cedars building. Its architectural merits however are considered to be at the lower end of moderate, having been externally altered over time.
- 185 The demolition of the Coach-House would detract from the integrity of the overall site, but there are mitigating public benefits to outweigh this harm. The loss of the building would cause a very low degree of harm (less than substantial) upon the character or appearance of the Sydenham Hill Conservation Area.
- 186 The proposed extension and alterations to the Cedars building 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 a long period of inactivity, whilst replacing the unsightly rear extension with one that in comparison would complement and enhance the building.
- 187 The design approach of the new dwelling-houses is supported, with an appearance of high quality. Consequently, officers are satisfied that the relationship with the locally listed Cedars building would be appropriate, and the proposal would preserve the setting of the wider site, and the character of the Sydenham Hill Conservation Area.
- 188 The proposal is therefore considered to satisfy the requirements of Core Strategy Policy 16 and Local Development Plan Policies DM 30, DM 31, DM 33, DM 36, and DM 37.

## **6.4 TRANSPORT IMPACT**

#### *General policy*

- 189 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Plans and decisions should take account of whether the opportunities for

sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 190 Policy T1 of the London Plan (2021) 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.
- 191 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.

#### **6.4.1 Car Parking**

##### *Policy*

- 192 London Plan and Core Strategy Policies encourage sustainable transport modes whilst recognising the need for operational parking for commercial uses and disabled parking facilities. Car parking standards within the London Plan should be used as a basis for assessment. Priority should be given to enhancing pedestrian and cycle routes and promoting use of sustainable transport through a Travel Plan.
- 193 London Plan Policy T6.1 Residential parking sets out in Table 10.3. that new residential development should not exceed the maximum parking standard to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use. Through the use of travel plans, it aims to reduce reliance on private means of transport.

##### *Discussion*

- 194 The application site is not well connected to the wider public transport network, reflected in the PTAL rating of 1b. 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 existing Coach House 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.
- 195 16no. off-street parking spaces would be provided, a reduction of 4 bays since the last application. This would comprise 11 spaces for the occupiers of the main Cedars building.
- 196 The Coach-houses would have five spaces, including two active electric charging point bays, and a disabled bay.
- 197 The provision of 16 spaces would equate to a ratio of 0.8 bays per dwelling. The London Plan requires up to 0.75 spaces per dwelling within Inner London areas of PTAL 1, which would equate to 14 bays in this case.
- 198 Whilst the parking provision would exceed the London Plan requirement, Highways officers raise no objections due to the low PTAL and lack of amenities within a short

walking distance. The scheme would not significantly increase on-street parking stress levels within the vicinity of the site - it is noted there are unrestricted parking opportunities along Sydenham Hill.

- 199 In terms of highways safety, vehicles would continue to exit the site in forward gear from the southern gate. It is acknowledged there would be additional movement to and from the site compared to at present, however officers are satisfied there is sufficient line of sight along this section of Sydenham Hill to ensure safe manoeuvring onto the highway that would not compromise passing vehicles or pedestrians. It is also noted that the speed limit along Sydenham Hill is restricted to 20mph.
- 200 A Parking Management Plan will be secured by Condition to advise how the parking spaces would be allocated to residents.
- 201 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.
- 202 Electric vehicle charging provision should be provided in accordance with Policy T6.1 of the London Plan, providing at least 20 per cent of spaces with active charging facilities, and passive provision for all remaining spaces.
- 203 In this case, 25% of spaces would be active. The Transport Statement incorrectly advises in para.5.5.3 that 20% would be passive, however the applicant has since confirmed that this would apply to all remaining bays, thereby in compliance with LPP T6.1. This will be secured by condition.

#### **6.4.2 Cycle Parking**

##### *Policy*

- 204 Cycle storage space should be provided in accordance with LPP T5, table 10.2 and London Cycle Design Standards. Developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards.

##### *Discussion*

- 205 37no. dry and secure cycle parking spaces would be provided across the site; a dry and secure store would be located adjacent to the western boundary that would accommodate a minimum of 22 cycles.
- 206 Remaining spaces would be provided within the gardens of the Coach-houses, and two short stay visitor spaces would be located adjacent to the existing vehicular route.
- 207 The provision would be in accordance with Policy T5 of the London Plan. Details of the cycle parking facilities would be secured by condition to ensure the stores would be accessible, acceptable in appearance, and provided in full prior to first occupation.

#### **6.4.3 Servicing and refuse**

##### *Policy*

- 208 CSP 13, Part 4, requires that recycling facilities are well designed and incorporated in the new development.

209 DMLP 29 requires new development to have no negative impact upon the safety and suitability of access and servicing.

*Discussion*

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

211 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, or for any bins to be left on the pavement on collection day.

212 Highways are satisfied with the refuse details.

#### **6.4.4 Transport impact conclusion**

213 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.

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

*General Policy*

214 NPPF para 130 sets an expectation that new development will be designed to create places that amongst other things have a ‘high standard’ of amenity for existing and future users. This is reflected in relevant policies of the London Plan, the Core Strategy (CP15), the Local Plan (DMP32) and associated guidance (Housing SPD 2016, GLA; Alterations and Extensions SPD 2019, LBL).

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

216 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.

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

*Policy*

217 Policy DM32 expects new residential development to result in no harmful increased sense of enclosure and significant loss of outlook to neighbouring dwellings.

*Discussion*

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

219 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.

- 220 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.
- 221 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 harm to existing occupiers.

### **6.5.2 Daylight and Sunlight**

#### *Policy*

- 222 Paragraph 130 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.
- 223 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.
- 224 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.
- 225 The NPPF does not express particular standards for daylight and sunlight. Para 125 (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.
- 226 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.
- 227 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, 2016, Housing SPG, para 1.3.45).

#### *Discussion*

- 228 The applicant has not provided a Sunlight/ Daylight report that considers neighbouring properties. 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. The proposal is for 2-storey houses, comparable in height to the existing Coach House, and 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 130 of the NPPF.

### **6.5.3 Noise and disturbance**

#### *Policy*

- 229 The NPPF at para 174 states decisions should among other things prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Development should help to improve local environmental conditions. Para 185 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.
- 230 The NPPG states LPAs should consider noise when new developments may create additional noise.
- 231 The objectives of the NPPF and NPPG are reflected in LPP D1 and D13, CS Objective 5 and DMP 26.

#### *Discussion*

- 232 A Construction Management Plan will be required by Condition to ensure demolition and construction works are undertaken appropriately.
- 233 Depending upon the level of car ownership, there would be an increase in vehicular movement within 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.

### **6.5.4 Impact on neighbours conclusion**

- 234 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.
- 235 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.

## **6.6 SUSTAINABLE DEVELOPMENT**

#### *General Policy*

- 236 NPPF para 152 sets an expectation that planning will support transition to a low carbon future.
- 237 This is reflected in relevant policies of the London Plan and the Local Plan.

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

### *Policy*

- 238 LPP SI 2 seeks an overall reduction in carbon dioxide (CO<sub>2</sub>) emissions, and states that major development proposals should make the fullest contribution to minimising CO<sub>2</sub> in accordance with the following hierarchy: (1) be lean: use less energy; (2) be clean: supply energy efficiently; and (3) be green: use renewable energy.
- 239 In addition, LPP SI 2 sets targets for CO<sub>2</sub> reduction in buildings, expressed as minimum improvements over the Target Emission Rate (TER) outlined in national building regulations. The target for residential buildings is zero carbon from 2016 and non-domestic buildings from 2019, prior to which the target is as per building regulations (35%). LPP advocates the need for sustainable development.
- 240 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*

- 241 The applicant has advised that the dwelling-houses will be designed to be energy efficient, with use of sufficient insulation measures, windows and use of PV panels.
- 242 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.
- 243 In regard to the Carbon offset fund, major schemes are expected to provide a financial contribution should zero carbon not be achieved. In this case, the Energy Statement confirms a 37% reduction for the Coach-house development, with a subsequent in-lieu payment of £18,096, which will be secured in the S106.
- 244 It should be acknowledged that whilst the existing Cedars building is being retained and converted to flats, there are clear difficulties in addressing the same energy requirements due to the age and constraints of the existing building. The installation of PV panels for example would not be supported as they would harm the character of the locally listed building. For this reason, the agreed payment arising from the Coach-house element is considered sufficient.
- 245 A condition has been included that requires the submission of an air quality assessment to the LPA prior to commencement of works.

## **6.6.2 Overheating**

### *Policy*

- 246 LPP SI4 states that proposals should reduce potential overheating beyond Part L 2013 of the Building Regulations, reduce reliance on air conditioning systems and demonstrate this in accordance with the Mayor's cooling hierarchy. Policy D6(c) states new development should avoid overheating.
- 247 DAMP 22 reflects regional policy.
- 248 Further guidance is given in the Sustainable Design and Construction SPG (GLA) and Chapter 5 of the London Climate Change Adaptation Strategy.

### *Discussion*

- 249 All proposed dwelling-houses and flats (other than the south facing Unit 7) would be dual aspect, which have greater capacity to address overheating.
- 250 The application proposes energy efficient design measures, including configuration of internal pipework to minimise heat loss; solar shading; and an efficient, low transmittant glazing.

### **6.6.3 Urban Greening**

#### *Policy*

- 251 LPP G5 requires development to contribute to urban greening, including tree planting, green roofs and walls and soft landscaping, recognising the benefits it can bring to mitigating the effects of climate change.
- 252 CSP 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which in effect, comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity.

#### *Discussion*

- 253 The submission has been reviewed by Ecology officers, who are satisfied that the development would maintain a high proportion of soft landscaping, with an uplift in the number of trees upon the site.
- 254 This accords with Policy G5 of the London Plan, which states that major development proposals should contribute to the greening of London by incorporating high quality landscaping.
- 255 A living roof will be constructed upon the cycle shed. Due to the pitched roofs to the Coach-houses and its location in a historically significant area, there is no opportunity to construct living roofs there.

### **6.6.4 Flood Risk**

#### *Policy*

- 256 LPP SI 12 requires development proposals to ensure that flood risk is minimised and mitigated.

#### *Discussion*

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

### **6.6.5 Sustainable Urban Drainage**

#### *Policy*

- 258 LPP SI 13 requires the mitigation of flooding, or in the case of managed flooding, the stability of buildings, the protection of essential utilities and the quick recovery from flooding. The LP expects development to contribute to safety, security and resilience to emergency, including flooding.

- 259 CSP 10 requires developments to result in a positive reduction in flooding to the Borough.
- 260 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance.
- 261 Policy G4 requires SuDS unless there are practical reasons for not doing so. In addition, development should aim to achieve greenfield run-off rates and ensure surface water is managed in accordance with the policy's drainage hierarchy. The supporting text to the policy recognises the contribution 'green' roofs can make to SuDS. The hierarchy within the policy establishes that development proposals should include 'green' roofs and that Boroughs may wish to develop their own green roof policies. To this end, CSP 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which in effect, comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity.
- 262 Further guidance is given in the London Plan's Sustainable Design and Construction Supplementary Planning Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems.

#### *Discussion*

- 263 The submission advises that the site lies within an area of 'very low risk' of surface water flooding, in accordance with the Environment Agency surface water flood maps.
- 264 A surface water network is proposed by the applicant, in addition to a SuDS strategy for the wider site. This may include a system of geocellular underground tanks that would temporarily store surface water prior to infiltration. Considering the number of trees upon the site, excavation works would need to be undertaken by hand to avoid damaging roots. The submission advises this should be discussed with an Arboriculturist prior to commencement of works.
- 265 Permeable paving would be laid to allow for surface water run-off – details will be subject to a planning condition.
- 266 The Council's SuDS manager has reviewed the submission details, and raises no objections to the proposals, subject to the submission of further details by condition.

## **6.7 NATURAL ENVIRONMENT**

#### *General Policy*

- 267 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.
- 268 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.
- 269 The NPPF at para 185 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.
- 270 LPP G1 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.

### **6.7.1 Ecology and biodiversity**

#### *Policy*

- 271 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.
- 272 The NPPF at para 174 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 180, it sets out principles which LPAs should apply when determining applications in respect of biodiversity.
- 273 LPP G5 seeks wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity.

#### *Discussion*

- 274 The previous planning application was accompanied by a Preliminary Ecological Appraisal Survey (prepared by Arbtech). The Report advised it did 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.
- 275 P18 of the Report advised that with regard to the an existing single-storey garden shed that would be demolished, gaps under the hanging tiles 'could' provide roosting bats.
- 276 The Cedars building is generally in good structural condition with no notable gaps, therefore the presence of bat roosts were considered 'moderate' at the time.
- 277 The Coach-House building has some lead flashing around the dormers that have lifted and so could be 'exploited' by roosting bats, therefore the likelihood is 'high'.
- 278 Arbtech confirmed 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.
- 279 Subsequently, a bat survey was undertaken in September 2020 by Middlemarch Environmental, following a Preliminary Bat Roost Assessment on 29 July 2020 that concluded both buildings had 'high' potential to support roosting bats, although no bats were observed within the buildings.
- 280 Following this, a dawn re-entry bat survey was conducted on 2 September 2020, and whilst 3 species of bat were observed within the Cedars' garden area, no bats were found to be roosting within the two buildings.
- 281 The Recommendation advised that the survey data would be valid for 12 months, ie 2 September 2021, therefore should works commence beyond that date, a further bat survey would be necessary. In light of this, the applicant commissioned a further survey in September 2021.
- 282 In the event, four bat species were seen during the dusk survey, with no emergences.

- 283 One species was seen during the dawn re-entry survey, with no detection of re-entries. Following the surveys, the consultant has again concluded there are no bat roosts present in the buildings.
- 284 The Council's Ecology manager is satisfied with the submission details and recommendations.
- 285 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 secured by a planning condition.
- 286 Neighbours consider that the site forms part of a wildlife corridor, and so are concerned that the Coach-house development would bring significant harm.
- 287 The footprint of the development would exceed the existing building and would be built upon an unkempt soft landscaped area, although an element would be retained to the south-eastern corner. The rear gardens of the Coach-houses would comprise lawned/seeded areas, therefore an opportunity for wildlife to thrive would remain. A condition will seek details of appropriate wildlife friendly measures to implement.
- 288 In regard to site enhancements including planting measures shown on plan 350/01A, the Ecology team is satisfied with the proposals, which includes the planting of 12no trees and various plant species. Other potential planting measures suggested by officers to consider are listed in planning Informative (G).
- 289 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 has proposed a living roof to the cycle store, and possible climbing planters to the flank walls of the Coach-houses. It is recommended that the following conditions are included:
- Details of bird and bat boxes;
  - Wildlife measures;
  - Details of external lighting;
  - Soft landscaping details;
  - Planting to external wall details.

### **6.7.2 Green spaces and trees**

#### *Policy*

- 290 S.197 of the Town and Country Planning Act gives LPAs specific duties in respect of trees.
- 291 LPP G7 protects trees of value and replacements. New development should include additional trees wherever appropriate, particularly large-canopied species.
- 292 Paragraph 174 of the NPPF (2021) requires that decisions should contribute to and enhance the natural and local environment. DM Policy 25 seeks to ensure that applicants consider landscaping and trees as an integral part of the application and development process.

#### *Discussion*

- 293 The application is accompanied by an Arboricultural Implications Report, (prepared by Merewood, July 2021), which concludes that of the existing 54 trees, none are considered to be Category A, 28 are Category B, 24 Category C, and 2 Category U.
- 294 The application proposes the removal of 6no. trees that lie close to the siting of the coach-house development. (Note the previous scheme proposed the felling of 9no. trees.) The affected trees are:
- T38: Deodar (Category C)
  - T39: Holly (C)
  - T46 & T47: Sycamores (B)
  - T48: Yew (C)
  - T50: Sycamore (C)
- 295 None of the trees are subject to a Tree Preservation Order.
- 296 12no. replacement trees are proposed, with the subsequent uplift complying with LPP G7, which requires any lost biodiversity to be compensated by an overall greater biodiversity value.
- 297 The applicant held previous discussions with the Council's Tree officer in regard to tree felling and planting. The officer has raised no objections to the removal of the existing trees, and generally accepts the proposed planting measures, which includes Acer Campestres and Carpinus.
- 298 Officers however consider there is an opportunity for an enhanced tree species proposal to ensure the site would continue to contribute to the existing well treed and green landscape character subsequent to the proposed development. A planning condition will therefore require the submission of further details.
- 299 In addition, a tree protection condition will be included to ensure appropriate measures are undertaken during construction works to safeguard existing trees. Details of building foundations will also be required.
- 300 Should any proposed trees die within 5 years, a condition will ensure they are suitably replaced.

### **6.7.3 Light pollution**

#### *Policy*

- 301 The NPPF at para 185 states that development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

#### *Discussion*

- 302 A planning condition will require the submission of any external lighting measures to ensure there would be no harmful impact upon wildlife, or neighbouring occupiers.

## **7 LOCAL FINANCE CONSIDERATIONS**

- 303 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).
- 304 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 305 The CIL is therefore a material consideration.
- 306 £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.

## **8 EQUALITIES CONSIDERATIONS**

- 307 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.
- 308 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.
- 309 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.
- 310 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>

- 311 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
- 312 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>
- 313 The planning issues set out above advises that due to the age and condition of the Cedars building, the upper floors would be unlikely to conform to Part M4(2) regulations with regard to the provision of wheelchair units and accessible and adaptable units, and therefore it is concluded that the proposal would impact on equality in this respect.

## **9 HUMAN RIGHTS IMPLICATIONS**

- 314 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
- 315 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.
- 316 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.
- 317 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.

## **10      LEGAL AGREEMENT**

- 318 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:
- (a) Necessary to make the development acceptable
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development
- 319 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- Review mechanism: 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 at 75% disposal of the residential units.
  - Carbon offset payment of £18,096
  - 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.
- 320 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

## **11      CONCLUSION**

- 321 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.
- 322 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.
- 323 Officers consider that the external alterations to the Cedars building, including the construction of a replacement rear extension and lower ground/ front lightwell works would be appropriate and respectful of the non-designated heritage asset. Planning conditions will require the submission of further details, including facing materials and new fenestration.

- 324 The principle of change of use from F1(a) Non-residential Institution (formerly D1 use) to residential is supported. 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.
- 325 In regard to the loss of the existing detached building to the rear of the site, its historic past and link to the main Cedars building contributes to it being considered as a non-designated heritage asset, therefore its loss would result in significant harm upon the wider site.
- 326 Nevertheless, the building on its own merits is considered to be on the lower end of moderate significance, and its loss would have less than substantial harm upon the character of the Sydenham Hill Conservation Area. The public benefits of the proposal would outweigh the retention of the building with regard to the renovation of the Cedars building, and the provision of additional residential accommodation, therefore officers raise no objections to its demolition, subject to a well-designed replacement.
- 327 The construction of 8 Coach-houses would be appropriate for this large site, and the quality of design, scale and height would respect the wider site and character of the Conservation Area, in accordance with the NPPF and planning policies. Officers are satisfied the impacts to designated and non-designated heritage assets are on balance acceptable with regard to the relevant tests enshrined in the NPPF.
- 328 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.
- 329 Given the acceptability of the proposed residential use and policy compliance, the proposal is considered to be in accordance with the development plan as a whole.
- 330 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.
- 331 For these reasons, it is therefore recommended that permission is granted, subject to appropriate conditions.

## 12 RECOMMENDATION

- 332 That the Committee resolve to **GRANT** planning permission subject to a S106 Legal Agreement and to the following conditions and informatives:

## **12.1 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; 16/12/45F; 16/12/55; 16/12/56; 16/12/57; 16/12/58; 16/12/59; 16/12/61; Proposed Coach-houses – 3D views (Received 12 November 2020);359/01A (Received 13 January 2021);

16/12/60A (Received 19 July 2021)

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

### **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 relates 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 SI1 Improving air quality and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

### **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.
    - (a) 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.
    - (b) All refuse bins shall be collected from within the curtilage of the Cedars site only.

**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 whatsoever of the Coach-houses hereby granted, including demolition or site clearance, shall commence 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, building foundations, 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), including pedestrian footpaths, 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 SI 12 Flood risk management in the London Plan (March 2021), 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 measures, in addition to 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 Coach-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 a minimum of **12no.** 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. Thereafter, planting of the approved trees shall be carried out in the first planting and seeding seasons following the completion of the development.

**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 and fences 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.16/12/55** 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 buildings 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 Policy T6.1 Car parking and Table 10.3 of the London Plan (March 2021)

### **Cycle parking facilities**

14. (a) A minimum of 37 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 122 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 a Parking Management Plan indicating how the proposed car parking spaces will be allocated to the future residents, and measures to restrict and enforce non resident parking, 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).

### **Materials**

17. 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, wheelchair ramp, pointing and mortar 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/ wildlife**

18. Details of the number and location of the bird and bat boxes to be provided as part of the development hereby approved, in addition to other wildlife friendly measures shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed in accordance with the approved details before occupation of the buildings and maintained in perpetuity.

**Reason:** To comply with 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**

19. No extensions or alterations to the Coach-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**

20. (a) Details of the electric vehicle charging points to be provided (including 25% active and 75% passive bays), 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 accordance with Policy T6 Car parking in the London Plan (March 2021), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

### **External lighting**

21. (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 flank walls**

22. (a) Details of either green walls or a system to enable climbing plants on the flank walls to the Coach-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 Coach-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).

**Water Efficiency - New Dwellings**

23. 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 GG6 Increasing efficiency and resilience, SI 5 Water infrastructure, SI 13 Sustainable drainage in the London Plan (2021) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

**Wheelchair Units**

24. (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) Coach-house 8 shall meet standard M4(3) (Wheelchair user dwellings);
  - (ii) All other Coach-houses, and Cedars Flats 1, 2 and 3 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).

**Lightwell: Cedars**

25. The increased depth of the existing front 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).

### **Living Roof: Cycle Store**

26. (a) Within 6 months of commencement of development above slab level, details of the biodiversity living roof, which shall allow for a substrate depth of 150 mm and shall be designed to support a water load of 12litres/m<sup>2</sup> (=12kg/m<sup>2</sup>) and a soil load of 150mm depth minimum (circa 225kg/m<sup>2</sup>) shall be submitted to and approved in writing by the local planning authority.
- (b) The biodiversity living roof shall be provided in accordance with the details approved under condition (a) before any dwelling is first occupied and such biodiversity living roofs shall thereafter be permanently retained and maintained in accordance with the approved details.

**Reason:** To comply with Policy G5 Urban greening in the London Plan (2021), Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

### **Travel Plan**

27. (a) No residential unit hereby approved shall be occupied until such time as a user's Travel Plan for the residential use, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

**Reason:** In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

### **Secured by design**

28. No part of the development hereby approved shall be first occupied until certification that the development has achieved Secured by Design in accordance with Part Q of the relevant building regulations has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that the local planning authority may be satisfied that the proposal reduces opportunities for criminal behaviour and makes a positive contribution to a sense of security and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

## **Conservation: Recording**

29. The Applicant is required to undertake an internal and external Level 3 recording of the existing Coach-house building, which shall be submitted to the Historic Environment Record and Local Archive Libraries prior to the completion of the works hereby granted. The Applicant is advised to confirm in writing to the planning officer when the recordings have been submitted.

**Reason:** To ensure the history of the site may be studied in the future, in accordance with DM Policies 37 and 38 of the Development Management Local Plan (2014).

## **Non-Road Mobile Machinery (NRMM)**

30. An inventory of all Non-Road Mobile Machinery (NRMM) shall be kept on-site during construction works, and registered on <http://nrmm.London/> showing the emission limits for all equipment and shall be made available to Local Planning Authority offices if requested. All NRMM of net power between 37kW and 560kW will be required to meet Stage IIIA of EU Directive 97/68/EC.'

**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 SI 1 Improving air quality of the London Plan (2021).

## **PV Panels**

31. (a) Details of the proposed PV panels shall be submitted to and approved in writing by the LPA prior to first installation.
- (b) The PV panels approved in accordance with (a) shall be installed in full prior to first occupation of the residential units hereby approved, and retained in perpetuity.

**Reason:** In order to comply with Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

## **Air Quality Assessment**

32. (a) Prior to the commencement of development, an Air Quality Assessment (AQA), prepared in accordance with best practice guidance shall be submitted to and approved in writing by the LPA.
- (b) The measures approved in part (a) shall be undertaken in full accordance.

**Reason:** In order that the local planning authority may be satisfied that the development will not result in significant health impacts to existing and future residents from a deterioration in local air quality and to comply with Development Management Local Plan (November 2014) DM Policy 23 Air quality.

## **Gas Boilers**

33. (a) Prior to first occupation, details of the Ultra-Low NOx Gas fired boilers proposed to be installed shall be submitted to and agreed in writing by the LPA.
- (b) The boilers submitted to address part (a) shall have dry NOx emissions not exceeding 30mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard,

they should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions.

- (c) Following installation in accordance with parts (a) and (b), emissions certificates will need to be provided to the LPA to verify boiler emissions. The approved details shall be fully implemented prior to the occupation of the development and thereafter permanently retained and maintained.

**Reason:** To manage and prevent further deterioration of existing low quality air across London, in accordance with Development Management Local Plan (November 2014) Policy 23 'Air quality.'

### **Surface Water Drainage**

- 34. No development (other than demolition of above ground structures) shall commence on site until a scheme for surface water management, including specifications of the surface treatments, management plan and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority. Thereafter, the approved scheme shall be implemented in full accordance prior to first occupancy.

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

### **Schedule of Refurbishment works**

- 35. (a) Prior to commencement of works to the Cedars building, a Schedule shall be submitted to and approved in writing by the LPA that details the extent of internal refurbishment works, including the retention and restoration of original fixtures and decorative features.  
  
(b) All refurbishment works relating to the Cedars building approved in (a) shall be completed in full compliance prior to first occupation of any residential unit.

**Reason:** To ensure the character of the locally listed building is preserved, in accordance with DM Policy 37 of the Development Management Local Plan (2014).

### **Wheelchair ramp**

- 36. Section plans of the ramped access to the Cedars building hereby permitted shall be submitted to and approved in writing by the LPA. The ramp shall be installed in full accordance prior to first occupation, and thereafter retained permanently.

**Reason:** In order to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

### **Details**

- 37. (a) Notwithstanding the details hereby approved, no development beyond piling shall commence until detailed plans at a scale of 1:50 showing; windows/ doors/ entrances/ junction between Cedars and rear extension; have been submitted to and approved in writing by the local planning authority.  
  
(b) The development shall be carried out in accordance with the approved details.

**Reason:** In order that the local planning authority may be satisfied as to the detailed treatment of the proposal 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.

## 12.2 INFORMATIVES

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: -  
<http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- C. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- D. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- E. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- F. The following pre-commencement condition attached to this decision notice is considered necessary in order to protect the amenities of future occupiers and users of the proposed development and encompasses ecological benefits, and to ensure that the proposed development results in a sustainable and well-designed scheme.
  - Construction Management Plan
  - Air Quality Assessment (AQA)
  - Tree Protection Plan
- 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*.
- H. Bat informative for applicants, agents and contractors:

- There is a possibility, due to the age, construction and/or location of the property, that bats could be using the existing roof void or parts of the roof structure. If you know your property is used by bats you should seek further advice before commencing work.
  - The bat survey conclusions submitted as part of this application will expire in September 2021.
  - The applicant and contractors should be aware that all bats and any structures used by them are protected by law, and that works likely to disturb bats or their resting places (even if undertaken at a time of year when the bats are absent) require a licence from Natural England.
  - Should a bat be encountered during development, work should cease immediately and advice should be sought from Natural England (tel. Batline 0845 1300228). Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained.
  - Particular care and vigilance should be taken when roof tiles or slates are removed (remove by hand and check underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Fascias, barge boards and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.
- I. The Applicant is advised that the installation of any flue, vents or ducts to the Cedars building would require the benefit of planning permission. An AQA shall identify site location and provide a brief description of the proposed development as it relates to air quality, including a description of all receptors. This should include any particularly sensitive receptors and may include ecological receptors. The AQA shall also:
- Assess the current air quality/dust/odour in the vicinity of the proposed development;
  - Provide full details of mitigation measures that will be implemented to maintain and to improve air quality in the vicinity of the development, and mitigation measures to protect the internal air quality of buildings;
  - Identify how the building works and related activities and the future operation and use of the development may impact upon local air quality (prediction of the impact of the proposed development);
  - Identify measures that will be implemented or continue to be implemented after the completion of the development with clear timescales of when information will be provided;
  - Include an Air Quality (Dust) Risk-Assessment giving detailed risk assessment for each construction sub-phase as outlined in the Control of Dust and Emissions during Construction SPG 2014, Mayor of London;
  - Include current baseline and future year projections of NO2 and PM10 based on monitoring data and the London Annual Emissions Inventory (LAEI) (20 m<sup>2</sup> grid reference);
  - Include at least three to six month NO2 data measurement, unless specified by the local planning authority that this will not be requested. For major developments, or sensitive areas, measured data will be requested. The techniques to be used will depend on the development (real-time monitoring might be required). Locations and methodology of monitoring shall be agreed by the local planning authority;

- Model the impact of the development (parking emissions, and building emissions) on local air quality through by the use of suitable modelling software. Data measurement shall be the latest available, and nearest full meteorological datasets (as outlined in the GLA SPG 2014 (or subsequent). The report of the model shall clearly state: datasets used, methodologies (monitoring, modelling, and scenarios), meteorological data, background concentrations, traffic data (flow, speeds, etc.), dispersion model type.
- Air quality modelling shall be carried out in accordance with the procedures outlined in EPUK's 'Development Control: Planning for Air Quality' and the GLA Technical Guidance for LLAQM TG (19) and with due regard to the Mayor's Air Quality Strategy for London. The Institute of Air quality Management has produced "Guidance on the assessment of odour for planning" to assist developers produce a suitable odour impact assessment.

## 13 BACKGROUND PAPERS

- 1) Submission drawings
- 2) Submission technical reports and documents
- 3) Internal consultee responses
- 4) Statutory consultee responses

## 14 REPORT AUTHOR AND CONTACT

Geoff Whitington

Email: [Geoff.whitington@lewisham.gov.uk](mailto:Geoff.whitington@lewisham.gov.uk)

Tel: 020 8314 9530