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<b>Item No.</b> 6.4	<b>Classification:</b> Open	<b>Date:</b> 13 March 2024	<b>Meeting Name:</b> Planning Committee (smaller applications)
<b>Report title:</b>	<b>Development Management planning application:</b> Application 23/AP/2875 for: Full Planning Application  <b>Address:</b> Nunhead Cemetery, Linden Grove, London, Southwark, SE15  <b>Proposal:</b> Demolition of existing Friends of Nunhead Cemetery cabin and construction of a new single storey replacement cabin.		
<b>Ward(s) or groups affected:</b>	Nunhead & Queen's Road		
<b>From:</b>	Director of Planning and Growth		
<b>Application Start Date</b>	24.10.2023	<b>PPA Expiry Date</b>	27.03.2024
<b>Earliest Decision Date</b>	13.03.2024		

## RECOMMENDATION

1. That planning permission be granted subject to conditions.

## EXECUTIVE SUMMARY

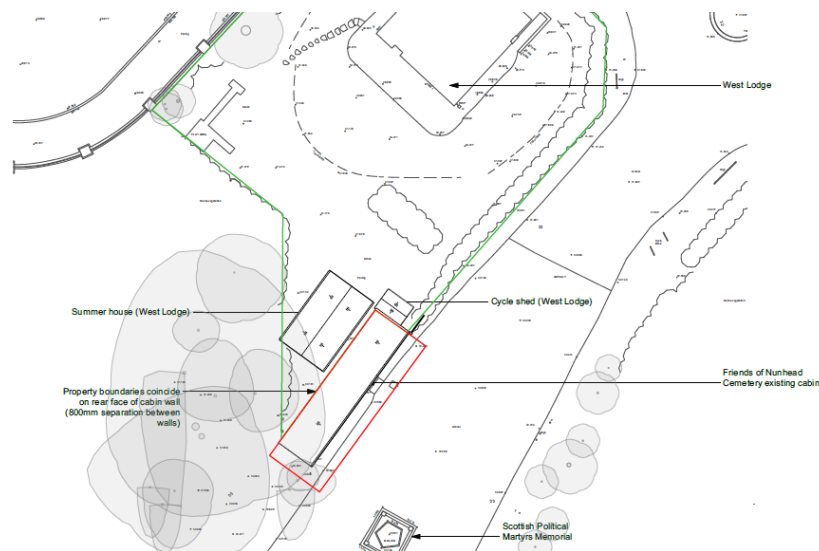
2. It is proposed to demolish the existing Friends of Nunhead Cemetery cabin and to construct a replacement cabin in the same location.
3. The application is for decision by the planning committee (smaller applications) as the application site lies within Metropolitan Open Land (MOL).
4. The application site lies within Nunhead Cemetery (All Saints) registered Historic park and garden (Grade II\*), the Nunhead Cemetery Conservation Area, Metropolitan Open Land (MOL), Site of Importance for Nature Conservation (SINC), Nunhead Area Vision, Green Chain Park, Local Nature Reserve, Peckham and Nunhead Action Area, and an Air Quality Management Area. The application site is also in close proximity to a number of statutorily listed structures; West Lodge (Grade II), East Lodge (Grade II), Entrance gates, piers and railings (Grade II) and the Scottish Martyrs Memorial (Grade II).
5. The existing cabin has been in situ since at least the 1980's and is in visibly dilapidated condition. The appearance of the existing cabin detracts from the heritage and open land setting of Nunhead Cemetery and is no longer fit for purpose.

6. The replacement cabin would not be a like-for-like replacement to the existing cabin with a slightly different footprint and massing than the existing. It would be constructed of modern, long-lasting materials and would present a significant improvement to the setting of Nunhead Cemetery and the other nearby heritage assets. It would facilitate the ongoing conservation work undertaken by Friends of Nunhead Cemetery (FONC).
7. Two comments were received in support of the proposals. Two comments were raised in objection to the proposed replacement cabin relating to amenity concerns regarding the proposed height of the boundary fence and the cabin (daylight / sunlight and overshadowing); the quality and appearance of external materials to be used on the cabin and the fence; accuracy of the proposed plans; construction management / construction sequencing. These matters are dealt with in full in the assessment section and consultation responses sections of this report.
8. In summary, the proposed replacement cabin would present an overall improvement to the Grade II\* registered park and garden, the conservation area and the setting of the nearby heritage assets. The cabin would comprise ancillary facilities that would contribute to the setting, accessibility and quality of the metropolitan open land. The proposal is therefore recommended for approval subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

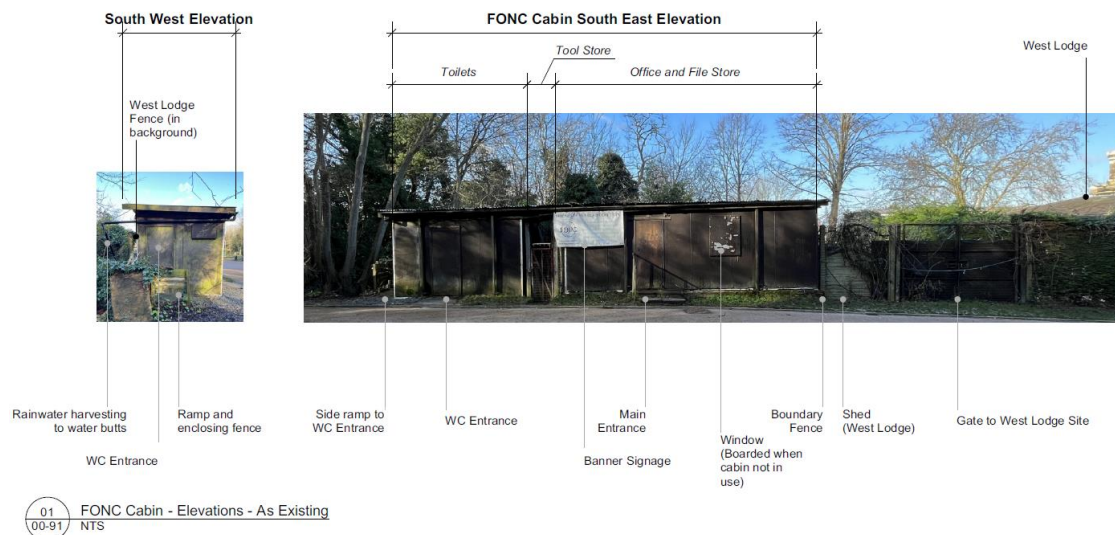
9. The application site is located approximately 40m southwest of the entrance gates to Nunhead Cemetery on Linden Grove and approximately 20m south east of the West Lodge.



10. The site is subject to a number of heritage designations. Nunhead Cemetery is a Grade II\* registered Historic Park and Garden, and is also designated as the Nunhead Cemetery Conservation Area. A number of statutorily listed assets lie within Nunhead Cemetery, those which are in closest proximity to the

application site are the Scottish Martyrs Memorial (Grade II), the West Lodge (Grade II), the East Lodge (Grade II) and the Gates, railings and gate posts to Linden Grove (Grade II).

11. The site is also subject to a number of other planning and environmental designations. This includes Metropolitan Open Land (MOL), Site of Importance for Nature Conservation (SINC), Nunhead Area Vision, Green Chain Park, Local Nature Reserve, Peckham and Nunhead Action Area, and an Air Quality Management Area.
12. While there is no planning permission on record for the existing cabin which is thought to date from the 1980's, it is considered to be immune from enforcement action due to no action being taken within 4 years of completion in accordance with section 171B of the Town and Country Planning Act (1990). It is a single storey structure with a mono-pitch roof, measuring 12.6m in width, 2.8m in depth and varying between 2.8m (south corner) and 3.3m (north corner) in height due to the varying ground levels. It was originally comprised of two structures, now unified under a single roof. It comprises a "mess room" and toilet cubical at one end, a roofed open storage area in the centre and a toilet block at the other. A structure occupying the same footprint appears on OS maps of the site from 1977 onwards.



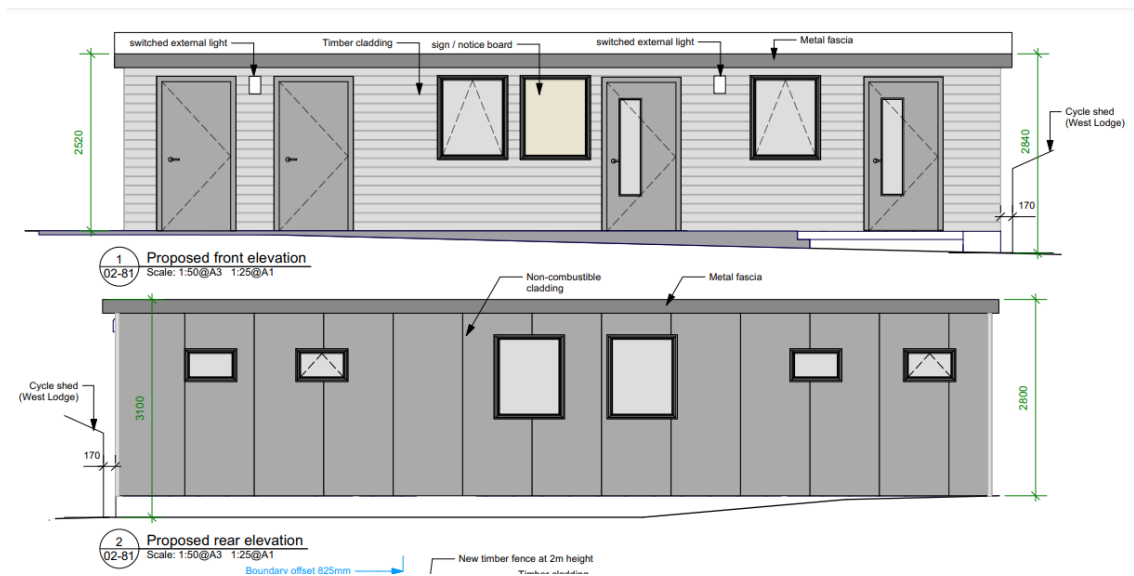
## Details of proposal

13. Planning permission is sought for the demolition of existing Friends of Nunhead Cemetery cabin and construction of a new single storey replacement cabin comprising a kitchenette / office, storage space and WCs.
14. The height of the cabin would measure between 2.52m (south corner) to 3.1m (north corner) from ground level due to the changes in ground level on the site. The cabin would measure 12.5m in width and would be 2.6m in depth. There would also be an access ramp / platform measuring 9.6m in width and 1.5m in depth.
15. Rather than positioning the proposed cabin within the precise footprint of the existing cabin, it would be pulled away from the boundary to the West Lodge

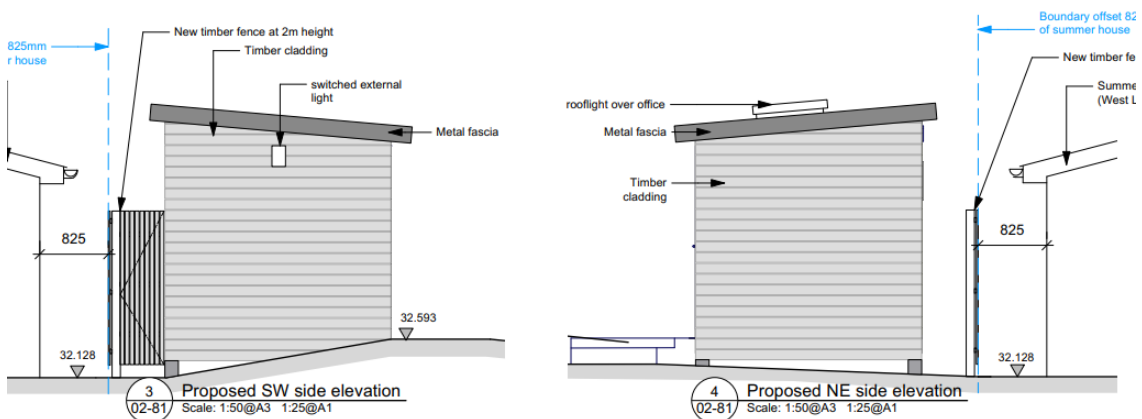
garden by 0.6m on the northwestern side to provide maintenance access to the rear of the cabin. There would be a 0.17m gap between the proposed cabin and the boundary to the West Lodge garden on the northeastern side. A 2m timber fence is proposed to the boundary between the application site and the West Lodge garden.

- The proposed cabin would have a monopitch roof that would have a metal finish with two rooflights. The front elevation (south east facing) and both return elevations would be finished with horizontal timber cladding. The rear elevation (north west facing) would be finished with non-combustible cladding.

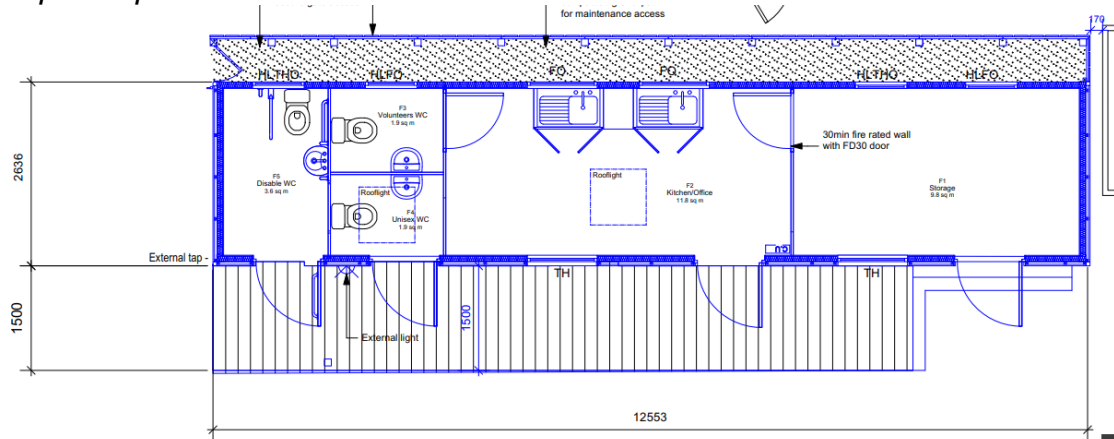
### Proposed front elevations



### Proposed side elevations



## Proposed plan



## Amendments to the application

17. The proposals were amended in response to comments from neighbours during the initial public consultation. The changes included:
  - Clarifications to the measurements on the plans (distance between proposed fence and summer house of the West Lodge revised from 800mm to 825mm, distance between bike shed and proposed cabin marked up as 170mm, height of fence revised from 3m to 2m)
  - External materials were revised to show timber cladding on both flank elevations to match the front elevation
  - Reduction in height of proposed fence to 2m.
18. The case officer also requested a more detailed proposed block plan better display the position of the replacement cabin relative to the surrounding existing features such as the existing drainage on the cemetery pathway, and for the measurements of the proposed cabin to be fully marked up on the plans.
19. Some additional information on archaeology and ecology was also submitted by the applicant following a request from LBS Archaeologist and LBS Ecologist. This is dealt with in the “assessment” section of the report.

## **Consultation responses from members of the public and local groups**

20. Two site notices were displayed on 30.10.2023. A total of 41 notification letters were sent to the surrounding residential properties on 30.10.2023. Following the provision of revised drawings, 41 neighbour notification letters were sent to the surrounding residential properties on 08.01.2024.
21. A total of 4 comments were received from members of the public. Under the first round of consultation, 1 response was received in support and 1 response was received in objection. Under the second round of consultation, 1 further response in objection and 1 further response in support was received.
22. The comments received in support of the application noted that the existing cabin has reached the end of its lifespan and requires replacement in order to

facilitate the ongoing work of FONC. The design is environmentally sympathetic, and has been designed to address concerns of residents of the West Lodge. Cemetery visitors have expressed support for the design. The second comment in support noted that the use of timber cladding on the visible elevations will improve the environmentally sympathetic design, and the reduced height to the boundary fence may improve natural light for users of the cabin.

23. The material considerations raised by members of the public in the objection letters are summarised as follows:
- Amenity concerns regarding the proposed height of the boundary fence and the cabin (daylight / sunlight and overshadowing);
  - The quality and appearance of external materials to be used on the cabin and the fence;
  - Accuracy of the proposed plans;
  - Construction management / construction sequencing.
24. Concerns relating to the height of the fence, external materials and accuracy of the proposed plans have been resolved following revision of the proposal. Matters relating to neighbouring amenity, the height of the proposed cabin and construction management / sequencing are addressed in the “assessment” section of this report.
25. A number of other matters, including the maintenance of the proposed cabin and fence, safety (including the use of ladders and storage of flammable materials) and matters relating to the boundary were also raised in the objection letters. These matters, including a party wall agreement, lie beyond the scope of planning control and are not addressed further in this report.

### **Planning history of the site, and adjoining or nearby sites.**

26. Any decisions which are significant to the consideration of the current application are referred to within the relevant sections of the report. It should be noted that pre-application advice was sought prior to the submission of this proposal.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

27. The main issues to be considered in respect of this application are:
- Principle of the proposed development in terms of land use specifically the designation of the development site as Metropolitan Open Land (MOL);
  - Design, including layout, building heights, landscaping and ecology;
  - Heritage considerations
  - Archaeology
  - Impact of proposed development on amenity of adjoining occupiers and surrounding area, including privacy, daylight and sunlight

- Ecology and biodiversity
- Planning obligations (S.106 undertaking or agreement)
- Mayoral and borough community infrastructure levy (CIL)
- Consultation responses and community engagement
- Community impact, equalities assessment and human rights

28. These matters are discussed in detail in the ‘Assessment’ section of this report.

## **Legal context**

29. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan comprises the London Plan 2016, the Core Strategy 2011, and the Saved Southwark Plan 2007. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision-makers determining planning applications for development within Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the Authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
30. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are highlighted in the relevant sections below and in the overall assessment at the end of the report.

## **Planning policy**

### **National Planning Policy Framework (NPPF)**

31. The revised National Planning Policy Framework (‘NPPF’) was published in September 2023 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.
32. Paragraph 224 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
33. The relevant chapters are:
- Chapter 8 Promoting healthy and safe communities
  - Chapter 12 Achieving well-designed and beautiful places
  - Chapter 13 Protecting Green Belt Land
  - Chapter 14 Conserving and enhancing the natural environment
  - Chapter 16 Conserving and enhancing the historic environment

### **London Plan (2021)**

34. On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater



London and forms part of the statutory Development Plan for Greater London.

35. The relevant policies are:

- Policy D4 Delivering good design
- Policy D12 Fire safety
- Policy HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G3 Metropolitan open land
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands

### **Southwark Plan (2022)**

36. The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036.

37. The relevant policies are:

- P13 Design of places
- P14 Design quality
- P18 Efficient use of land
- P20 Conservation Areas
- P21 Conservation of the historic environment and natural heritage
- P56 Protection of amenity
- P57 Open Space
- P60 Biodiversity
- P61 Trees

## **ASSESSMENT**

### **Principle of the proposed development in terms of land use**

#### Metropolitan Open Land

38. It is proposed to construct a replacement cabin within Nunhead Cemetery which is designated as Metropolitan Open Land (MOL). Metropolitan Open Land is afforded the highest degree of protection from inappropriate development in the National Planning Policy Framework (NPPF, 2023), the London Plan (2021) and the Southwark Plan (2022). The NPPF makes it clear that MOL should be treated in the same way as designated green belt land.

39. Policy P57 Open Space of the Southwark Plan (2022) states that development may be permitted on Metropolitan Open Land in exceptional circumstances when:

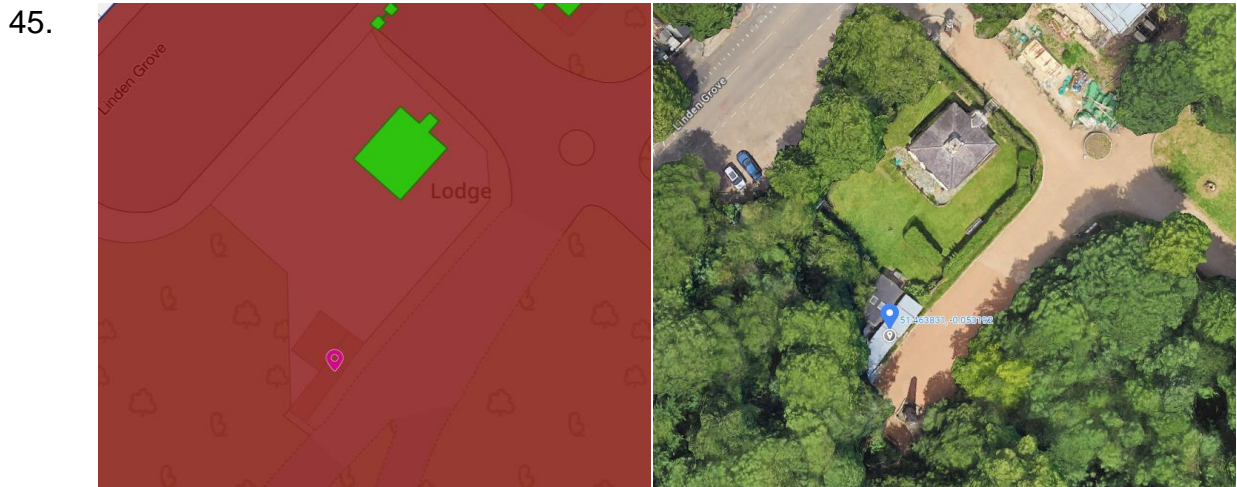
- (i) It consists of ancillary facilities that positively contribute to the setting, accessibility and quality of the open space and if it does not affect its openness or detract from its character. Ancillary facilities on MOL

- must be essential for outdoor sport or recreation, cemeteries or for other uses of land which preserve the openness of MOL and do not conflict with its MOL function; or
- (ii) It consists of the extension or alteration of an existing building providing that it does not result in disproportionate additions over and above the size of the original building; or
  - (iii) It consists of the replacement of an existing building, provided that the new building is no larger than the building it replaces.
40. The proposed cabin would be used by the Friends of Nunhead Cemetery (FONC) which is a charitable group whose objective is “to promote, for the public benefit, the preservation, care and improvement of Nunhead Cemetery as a place of historic and ecological interest and beauty and as a burial ground”. The group organises and plans events and tours relating to the cemetery and carries out practical conservation and woodland management on site. The proposed cabin would be used by the group in a similar manner to the existing cabin, providing mess and storage facilities as well as WCs for volunteers and the public when FONC events are taking place. There is therefore no change in land use implied by the proposals.
41. The proposed single storey cabin would measure a maximum of 3.1m in height when measured from ground level, it would be 12.5m in width and would be 2.6m in depth. It would be smaller than the existing cabin which measures 3.3m in height (maximum) but slightly wider and deeper measuring 12.6m in width x 2.8m in depth. The proposed cabin would be simple rectangular structure with a shallow mono-pitched roof and deck access to the front elevation. The replacement cabin would be of a similar scale as the existing and would not detract from the openness of the MOL by way of its height, form or massing. The architectural design includes timber cladding and landscaping and is considered to complement the woodland setting and therefore an improvement over the existing dilapidated cabin structure.
42. In providing essential storage and mess facilities for the Friends of Nunhead Cemetery (FONC) the proposed cabin would provide ancillary facilities that contribute to the ongoing maintenance and enjoyment of Nunhead Cemetery. It would comprise a replacement structure that is smaller in height than the existing cabin, and is of a simple architectural design and modest dimensions that would not detract from the openness of the MOL. For these reasons the proposed cabin would satisfy the requirements set out in part (i) (ii) and (iii) of Policy P57 Open Space of the Southwark Plan (2022).

### **Good design and heritage**

43. Paragraph 205 (Chapter 16) of the National Planning Policy Framework (NPPF) sets out that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

44. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that in the assessment of proposals affecting conservation areas “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”



*Map and aerial imagery of the site. The map shows the conservation area (brown) and nearby listed structures (green).*

46. The application site lies within Nunhead Cemetery which is a Registered Park and Garden (Grade II\*). The Cemetery is also designated as a conservation area (Nunhead Cemetery Conservation Area). A number of statutorily listed structures lie in close proximity to the site, including the West Lodge (Grade II) and The Scottish martyrs memorial (Grade II). While not forming the immediate context of the application site it should be noted that the East Lodge (Grade II) and the entrance gates piers, gates and railings to Nunhead Cemetery (Grade II) are also situated nearby.

47. Policy P20 Conservation areas of the Southwark Plan states that the demolition of buildings or structures that make a positive contribution to the historic character and appearance of a conservation area will not generally be permitted. The existing structure is made of plywood-style timber panels with timber and metal roofing and is elevated from ground level by brick bund walls. The structure is in visibly poor condition and most of the building materials appear to have reached the end of their functional lifespan, with visible areas of rot. The poor quality building materials, dilapidated appearance and temporary character of the existing structure are not in keeping with the historic garden character of the Nunhead Cemetery conservation area. The existing structure is not considered to make a positive contribution to the historic character or appearance of the conservation area due to its aesthetic appearance. Its demolition is therefore acceptable in accordance with policy P20 Conservation Areas of the Southwark Plan.

48. Policy P20 Conservation Areas of the Southwark Plan also sets out that any replacement structures must conserve or enhances the conservation area’s character and distinctiveness. This is echoed in policy P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2021) which

sets out that development must conserve and enhance the significance of designated and non-designated heritage and their settings including registered parks and gardens. The replacement cabin would have a simple architectural form and modest dimensions as set out above. The cladding materials that would be visible in important views of the proposed building within the conservation area (i.e. from the public open space of the cemetery) would be finished with timber cladding. The use of natural materials, particularly timber, would be an appropriate response to the surrounding context that is heavily characterised by the presence of trees and greenery. Non-combustible cladding is proposed to the rear elevation. This is considered to be acceptable in principle due to the 'back of house' character of this part of the cabin, however the colour and finish of the cladding should be suitably sympathetic – i.e. a matte, natural colour. The simple, modest design of the proposed cabin alongside the use of appropriate natural materials means that the cabin would sit unobtrusively within its setting and would conserve the significance of the Nunhead Cemetery Conservation area and Grade II\* registered park and garden, complying with policies P20 (Conservation Areas) and P21 Conservation of the historic environment and natural heritage of the Southwark Plan. The proposed cabin is considered to present a significant aesthetic improvement over the existing dilapidated structure. Samples of the proposed external materials are secured by condition. It should also be noted that external planting, including trellis planting, is secured under the landscaping condition and this would further soften the appearance of the cabin.

49. Policy P19 Listed buildings and structures of the Southwark Plan sets out that development relating to listed buildings or structures and their settings will only be permitted if it conserves or enhances their special significance. The settings of two Grade II listed assets would be affected by the proposed cabin: Scottish Martyr's Memorial (Grade II) and the West Lodge (Grade II). The proposed cabin would be positioned to the rear, approximately 17.5m from the West Lodge. It would be adjacent to the existing summer house and bike shed which lie within the curtilage of the West Lodge, and would be partially screened from the main dwelling by some shrubbery / planting. The West Lodge is primarily appreciated from its front and side elevations as they relate to the entrance and main avenue of the cemetery. It holds a positive relationship with the Grade II listed gates and piers, as well as the Grade II listed East Lodge. Due to the position of the proposed cabin away from these principal views of the West Lodge, as well as its unobtrusive massing and design which is sympathetic to the broader setting of the cemetery, the proposed cabin is considered to conserve the setting of the West Lodge. The setting of the Scottish Martyr's Memorial is indivisible from the Nunhead Cemetery Conservation Area and registered park and garden. Again, by way of its unobtrusive massing and design which is sympathetic to the broader setting of the cemetery, the proposed cabin is considered to conserve the setting of the Grade II listed Scottish Martyr's Memorial. The proposed cabin would conserve the special significance and appreciability of the Grade II listed West Lodge and Scottish Martyr's Memorial, and therefore complies with Policy P19 Listed buildings and structures of the Southwark Plan (2021) and the guidance set out in Historic England's Historic Environment Good Practice Advice in Planning Note 3: the

50. Due to the sensitive location of the proposal within a Grade II\* registered park and garden both Historic England and the Gardens Trust were consulted on the proposals. Historic England expressed general support for the proposals, but recommended that conditions should be imposed requiring the submission of materials samples and a landscaping plan, to ensure that the materials would be of a suitably high quality and that the landscaping contributes positively to improve the presentation of the area around the cabin. A materials sample condition and landscaping plan condition are therefore recommended. The Gardens Trust initially expressed that they did not wish to comment on the proposals. However, during the re-consultation period a full comment was provided. The Gardens Trust expressed general support for the proposals, but noted that the external materials and design of the cabin is somewhat utilitarian. It was suggested that external landscaping, such as climbing plants, could be used to mitigate against the general utilitarian aesthetic of the proposals. The installation of climbing plants on the exterior of the cabin is secured by condition, under the landscape plan condition.

### **Landscaping, trees and urban greening**

51. An arboricultural impact assessment and method statement, tree survey schedule, tree constraints plan and tree protection plan were submitted in support of this application. The proposal has been reviewed in consultation with the Council's Urban Forester, who has noted that a number of fruit and self-sown trees would require removal and that these should be replaced elsewhere in the vicinity. Three conditions were recommended to be imposed. The first requires the submission of a hard and soft landscaping scheme for approval by the council, including the replacement of the four fruit and self-sown trees that require removal. The second requires that all arboricultural supervisory elements are to be undertaken in accordance with the arboricultural method statement, and also requires the submission of the site supervision schedule and monitoring of the tree protection measures as approved in the tree protection schedule. The third condition requires that the existing retained trees shall be protected and managed in accordance with the recommendations contained in the arboricultural method statement. Subject to these conditions the proposal would be acceptable in respect of impact on trees.

### **Ecology and biodiversity**

52. A preliminary Ecological Assessment was submitted in support of this application. The proposal has been reviewed in consultation with the Council's Ecologist, who noted that the development should avoid damage to SINCS (Sites of Importance to Nature Conservation) and LNRs (Local Nature Reserves) and that development must contribute to gains in biodiversity through enhancement of LNRs and SINCS in accordance with Policy P60 of the Southwark Plan. Three conditions were imposed, requiring the submission of a CEMP (Construction Environment Management Plan), details of x4 bat boxes / bat roosting features and a bat-friendly lighting plan. Subject to these

conditions the proposal would be acceptable in respect of impact on ecology. Clarity was also sought on the number of trees to be removed due to a discrepancy between the submitted arboricultural method statement and the preliminary ecological assessment, which was accordingly revised.

## **Fire safety**

53. Policy D12 of the London Plan (2021) explains that Fire Statements should be produced by someone who is “third-party independent and suitably-qualified”. The council considers this to be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers, or a suitably qualified and competent professional with the demonstrable experience to address the complexity of the design being proposed. This should be evidenced in the fire statement. The council accepts Fire Statements in good faith on that basis. The duty to identify fire risks and hazards in premises and to take appropriate action lies solely with the developer.
54. A fire safety statement has been submitted in support of this application. The report concludes in section 5.0 that the proposed new building would comply with Policy D12 of the London Plan with regard to fire safety. A full technical assessment of the requirements of fire safety in the new building will be dealt with comprehensively at the building regulations stage. Officers are satisfied that the information provided satisfies the requirements of planning policy.

## **Archaeology**

55. The proposal has been reviewed in consultation with the Council’s Archaeologist, who noted that the key archaeological concern is that the proposals do not unnecessarily disturb human remains due to the location of the application site within a cemetery. Burial records were subsequently supplied by the applicant, indicating that no burials would be impacted by the proposals. LBS Archaeologist confirmed that there was no further archaeological interest in the development.

## **Impact of proposed development on amenity of adjoining occupiers and surrounding area**

56. Policy P56 of the Southwark Plan sets out that development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users. Amenity considerations that will be taken into account include:
1. The privacy and outlook of occupiers of both existing and proposed homes;
  2. Actual or sense of overlooking or enclosure;
  3. Impacts of smell, noise, vibration, lighting or other nuisances;
  4. Daylight, sunlight, and impacts from window and on microclimate;
  5. Residential layout, context and design.

57. The application site is surrounded by Nunhead Cemetery to the southeast and southwest. The site shares a boundary to the northeast and north west with the West Lodge, which is currently in residential use and which comprises the only residential neighbour to the site. The residential dwelling at the West Lodge is located 17.5m to the north from the application site, separated by the garden of the West Lodge including some hedge planting. There is a garden room (marked on the plans as the 'Summer House') positioned just over 800mm to the northwest of the site boundary, and a bike shed positioned 170mm to the northeast of the site boundary. During the course of a site visit it was confirmed that the Summer House is not in independent residential use and is incidental to the enjoyment of the residential dwelling (The West Lodge).

*Existing block layout showing relationship to the West Lodge residence*

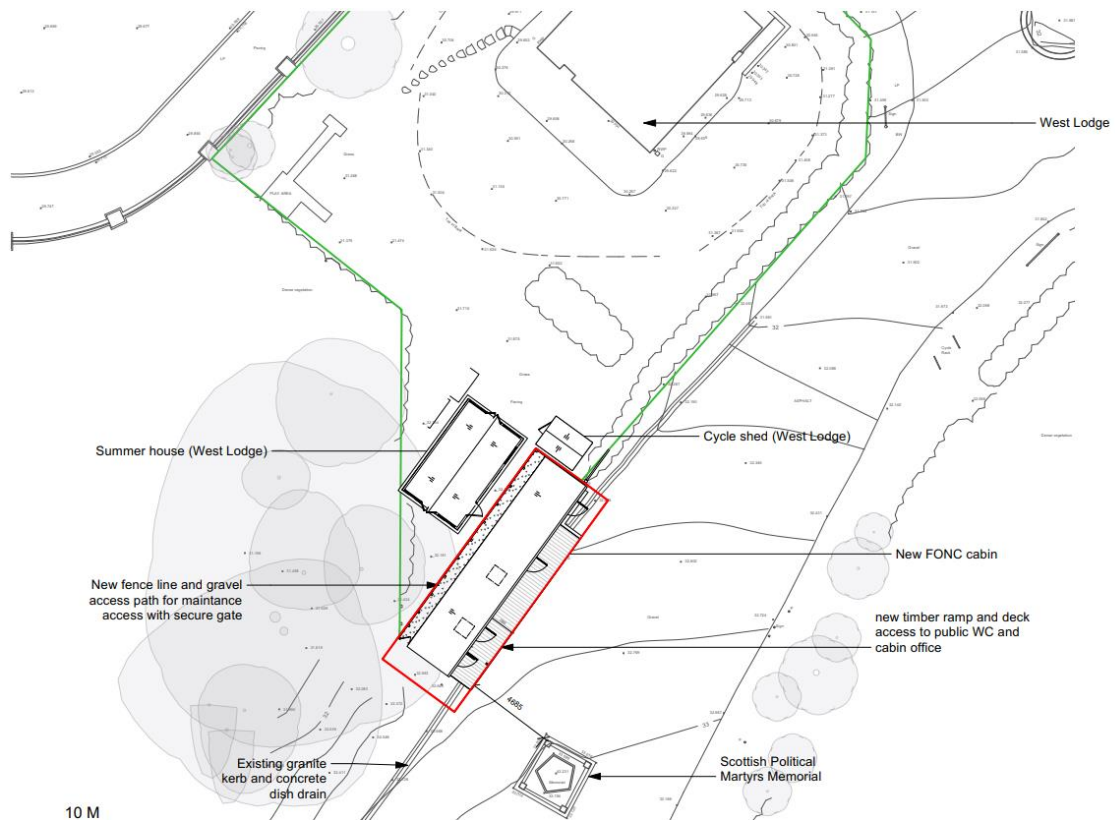
58.





## Proposed block layout showing relationship to the West Lodge residence

59.



### Outlook and privacy

60. Due to the 17.5m distance between the residential dwelling at the West Lodge and the proposed cabin, there would be no overbearing impacts on the outlook enjoyed by users of this residence from primary living spaces. Again, due to the distance between the cabin and the residential dwelling it is unlikely that there would be any unacceptable overlooking of the neighbours as a result of the development. It should be noted that there are windows on the rear elevation of the existing cabin. These are in a similar location to the windows which are proposed to the replacement cabin. However, it is noted that obscure glazing is proposed to all windows facing the West Lodge garden. While there is no primary living accommodation within the Summer House, the use of obscure glazing is welcome and would ensure that there would be no loss of privacy to the users of the West Lodge site by way of overlooking. A new 2m tall fence is proposed to form a boundary between the application site and the West Lodge garden. This would be a slatted timber fence with gaps of 22mm between the slats. The proposed fence constitutes an improvement on the existing arrangement where there is no visual boundary between the application site and the garden of the West Lodge. The fence, by way of its design and height, would effectively screen views into the garden of the West Lodge.

### Daylight and sunlight

61. Due to the 17.5m separation distance between the proposed cabin and the residential dwelling at the West Lodge, combined with the single storey height of the proposed cabin (3.1m at the tallest point from ground level) there would



be no detrimental loss of daylight or sunlight to the habitable rooms of the residential dwelling at the West Lodge. There is a window on the southeast facing elevation of the Summer House, however as established above the Summer House does not provide primary living accommodation. It should be noted that the proposed cabin would be positioned further away from the boundary between the sites, and would be lower in height than the existing cabin. Due to the position and height of the proposed cabin, there would be no detrimental impacts to the daylight or sunlight to the residential dwelling at the West Lodge.

### Overshadowing of amenity spaces

62. There is a small amount of paving directly in front of the Summer House which constitutes outdoor amenity space for the residents of the West Lodge. While the proposed cabin would be positioned to the south of this outdoor amenity space, the West Lodge is set within a sizeable garden. While the proposed cabin may cause a similar amount of overshadowing to this area as the existing cabin, the extent of overshadowing to the garden of the West Lodge is not considered to be detrimental or excessive given that only a small portion of the West Lodge garden would be affected.

### Other amenity impacts

63. The proposed cabin would provide office space, a small kitchenette, storage and WCs for the occasional use of FONC. As set out earlier in this report, there would be no change in use implied by the proposed cabin. The use of the cabin, including noise, light, smell or other nuisances would be similar to the existing and would not have an increased impact on the West Lodge or its garden.

### Conclusion on amenity of adjoining occupiers

64. Due to the position of the proposed cabin (over 17.5m from the nearest residential dwelling), the single storey height of the proposed cabin and the use of obscure glazing no unacceptable loss of amenity to the neighbouring residential dwelling at the West Lodge is anticipated as a result of the proposed development. It is noted that objections were made on the basis of loss of amenity to users of the Summer House and the paving directly in front of it due to the height and position of the proposed cabin. Since the Summer Lodge does not provide residential accommodation and only a very small portion of the garden of the West Lodge may be affected by the proposed development, no further concerns regarding the impact of the proposed development on neighbouring amenity are raised. The proposals comply with Policy P56 of the Southwark Plan as set out above.

## **Environmental matters**

### **Construction management**

65. While a preliminary construction management plan was submitted in support of this application, some concern was expressed in public comments regarding construction sequencing and management. The site also lies within Nunhead Cemetery and would be accessed for the purpose of demolition and construction via the walkways within the Cemetery. Given the sensitivity of the site location, in addition to the recommendation made by LBS Ecologist, it is recommended that a Construction Environment Management Plan (CEMP) should be secured by condition in order to ensure that the development is constructed with due consideration to neighbouring occupiers, users of the cemetery and the sensitivity of the site's MOL status.

### **Mayoral and borough community infrastructure levy (CIL)**

66. Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material 'local financial consideration' in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration. However, the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport invests in London as a whole, primarily Crossrail. Southwark's CIL will provide for infrastructure that supports growth in Southwark.
67. Most new development which creates net additional floor space of 100 square metres or more, or creates a new dwelling, is potentially liable for the levy. Due to the minor scale of the proposal it is not liable for the levy.

### **Other matters**

68. None identified.

## **Consultation responses from members of the public and local groups**

### **Members of the public**

69. As set out above, two rounds of public consultation were undertaken: a total of 41 notification letters were sent to the surrounding residential properties on 30.10.2023. Following the provision of revised drawings, 41 neighbour notification letters were sent to the surrounding residential properties on 08.01.2024. Four comments were received in total: two in support and two in objection.
70. The comments in support of the proposal were received on 23.11.2023 and 16.01.2024. Both comments in support were submitted on behalf of the Friends of Nunhead Cemetery (FONC), and raised the following points:
- The current cabin has reached the end of its lifespan and requires

replacement to facilitate the ongoing work of FONC;

- The cabin has been designed to address concerns raised by the occupants of the West Lodge, and cemetery visitors have also been consulted - a large amount of support has been expressed for the design;
- The design is environmentally sympathetic;
- [following amendment of the plans] the use of timber cladding on all visible elevations will improve the environmentally sympathetic design of the cabin, and the reduction in height to the boundary fence will increase natural light to the cabin.

71. *Officer response:*

Noted.

72. The first comment received in objection to the proposals was received on 20.11.2023. It should be noted that prior to the submission of the objection letter a phone call was requested with the case officer, which was made on 09.11.2023. The comment in objection raised the following points:

- A replacement structure is supported in principle due to the poor state of the existing cabin;
- The existing structure sits on the boundary between the application site and the West Lodge;
- The appearance of the building is important due to the location within a Grade II\* registered park and garden, timber cladding (which is a sustainable material) should be shown on all elevations;
- Concern was raised that the 3m tall fence could lead to a 4m high boundary to the West Lodge due to this change in ground level and concern was raised regarding the weight of the new structure;
- Concern was raised regarding the colour or finished appearance / thickness of the fence and the cabin;
- Concern was raised regarding the fixing mechanism of the fence to the base;
- Concern was raised regarding the future / long term maintenance of the fence and external cladding to the cabin;
- Concern was raised that the access / maintenance gap to the rear of the cabin would not be wide enough to accommodate a ladder;
- Concern was raised about construction sequencing and whether access would be required to the West Lodge garden in order to construct the new cabin;
- Concern was raised regarding the storage of flammable materials on site;
- Concern was raised regarding the accuracy of measurements on the plans (namely the distance between the fence and wall of the summerhouse should be 825mm instead of 800mm, and a separation distance of 180mm between the bike shed and the application site should be marked up on the plans;
- Objection was raised to the increase in height proposed which would impose on the amenity of users of the summerhouse and patio area of the West Lodge garden, (it was suggested that the original cabin is 2.5m tall);
- The amendments suggested by the objector included reducing the

height of the fence to 2m, set back the building by 75cm in each direction, timber cladding to be used on all sides, reduction in height to 2.5m and change the slope of the roof to the opposite direction.

73. *Officer response:*

A number of matters raised in this objection lie beyond the scope of planning control, including matters related to the boundary / party wall agreements, construction access, future maintenance responsibility and safety (including ladders and storage of flammable materials). Following the submission of this objection the case officer arrange a site visit with the objector to assess the impact of the proposed development on the amenity of the adjoining user. The site visit was conducted on 27.11.2023. During the course of this site visit the relationship between the application site and the garden of the West Lodge was inspected. The interior of 'Summer House' in the West Lodge garden was also inspected, and was found to be in incidental use to the main dwelling, i.e. not containing residential accommodation or habitable rooms. The other planning matters raised in this objection (i.e. residential amenity, appearance of the proposed cabin) are dealt with in the assessment section of this report. Some matters, including the detailed appearance of the external materials and construction management, are secured by condition.

74. Some amendments were made to the scheme in response to the objections raised above. The amendments included:

- Clarifications to the measurements on the plans (distance between proposed fence and summer house of the West Lodge revised from 800mm to 825mm, distance between bike shed and proposed cabin marked up as 170mm, height of fence revised from 3m to 2m)
- External materials were revised to show timber cladding on both flank elevations to match the front elevation.
- Height of fence was reduced to 2m and the drawings were clarified to show the fixings.

75. The second comment received in objection to the proposals was received on 27.01.2024, and raised the following points in relation to the amended plans:

- The reduction in height to the fence is welcomed;
- Concern was raised regarding the style of fence, which is described as a 'gapped picket fence' that would compromise privacy due to the gaps allowing visibility towards the summer house and the garden of the West Lodge;
- Concern was raised that the fence would be 'partial' on the side closest to the bike shed of the West Lodge;
- Excavations / levelling of the site to reduce height would be welcome;
- Strong objection was raised to the proposed cabin being taller than 2.5m, and it was suggested that the maximum height allowed by LB Southwark on a boundary is 2.5m. Concern was raised that a cabin taller than 2.5m would harmfully impact the daylight and sunlight of

- users of the adjoining site and would also cause overshadowing.
- Concern was raised that timber cladding would not be used on the rear elevation of the cabin;
  - Some matters from the first objection were repeated here, including the detailed appearance of the external materials and matters relating to the boundaries.

76. *Officer response:*

A follow-up phone call was held with the objector on 12.02.2024. While the mark ups on the drawings suggest a picket style fence, the drawings show a slatted timber fence. The use of a slatted fence is not considered to be contentious in this location. Slatted fences are commonly used as a boundary to front and rear gardens. The gap between the timber slats are shown on the plans to be 22mm wide – this is a very narrow gap that would effectively discourage visibility towards the garden. The proposed drawings confirm that the maximum height of the proposed cabin would be 3.1m when measured from ground level at the northern corner. This constitutes a reduction in height on the existing cabin, which measures 3.3m at this corner when measured from ground level. LB Southwark recommend reductions in height to development on a boundary where additional height would result in a harmful loss of amenity to the adjoining user, for example where development would result in a loss of daylight / sunlight or outlook to a window serving a habitable room or substantially overshadow a small garden. No such harmful loss of amenity has been identified in this instance, as set out in full under the Impact of proposed development on amenity of adjoining occupiers and surrounding area section above. Details of the external materials, including the rear cladding, are secured by condition.

**Conservation Area Advisory Group (CAAG)**

77. CAAG noted the works of demolishing and reinstating an ancillary structure within the cemetery in connection with the grounds maintenance and raised no objection.

78. *Officer response:*

Noted.

**Consultation responses from external and statutory consultees**

**Historic England**

79. Nunhead Cemetery is one of London's Magnificent Seven cemeteries established in the 19th century in response to the city's expanding population. In recognition of its very high degree of significance, the cemetery is listed at Grade II\* on Historic England's Register of Parks and Gardens (RPG). The cemetery's condition has deteriorated in recent years largely due to unmanaged vegetation growth which has damaged various monuments and reduced the legibility of the landscape. As such, the cemetery has been a long-standing entrant on Historic England's Heritage at Risk Register.

The existing portacabin is located near the Linden Grove entrance to the cemetery, and in an area sensitive to change due to its prominent position along a public pathway, and proximity to the separately listed Grade II listed West Lodge and the Scottish Martyrs Memorial, both of which are separately Grade II listed. The portacabin is understood to date from the 1980s and provides on-site facilities for the Friends of Nunhead Cemetery (FONC). Despite being relatively visually recessive, the structure detracts from the quality of the historic landscape due to its low-quality temporary-style construction and poor condition.

The submitted drawings indicate that the proposed replacement cabin would be of a similar single-storey scale, and broadly within the same footprint as the existing. In terms of its design, it would be a relatively plain and standardised timber-clad structure with a sloped roof. The new cabin would incorporate the existing service connections to accommodate improved facilities including a toilet and wash facilities for the FONC, and separately accessed toilets and wash facilities which we understand would be accessible to the visiting public.

By developing broadly within the footprint and height of the existing structure, and incorporating the existing servicing, we do not wish to raise any concerns in relation to the impact on the Grade II\* RPG and its component listed structures. The submitted design does suggest a fairly standard portacabin structure, and we suggest that conditions are attached to the planning permission to ensure that the materials would be high-quality and contextual to the Cemetery. We also suggest that a landscaping condition is imposed to improve the presentation of the area immediately surrounding the cabin and its integration with the adjacent gates and shed (which currently has a cluttered appearance).

#### Recommendation

Historic England broadly supports this application on heritage grounds in the interest of improving public access and the presentation of Nunhead Cemetery which we hope should reduce its At Risk status.

#### 80. *Officer response:*

Noted, material samples condition and landscaping condition has been imposed as recommended.

#### **The Gardens Trust**

81. Thank you for re-consulting the Gardens Trust (GT), a Statutory Consultee with regard to proposed development affecting a site listed by Historic England (HE) on their Register of Parks and Gardens. We have liaised with our colleagues in the London Gardens Trust (LGT) and their local knowledge informs this response.

You will be aware that when we recently responded to this, we did not submit any substantive comments. Whilst the design of the proposed building is not what we would ideally wish to see in such a sensitive historic location, we fully appreciate the financial constraints leading to the proposed choice of structure. On balance, we consider that the need for a base for the Friends is the more

important criterion, so that they can continue their excellent work. Other buildings in the Cemetery, The Chapel and the West Lodge are constructed in London stock brick with stone detailing, and although this would be far more desirable as a building material we would ask that should your officers allow this application, in order to mitigate the utilitarian appearance, an external surface treatment, such as climbing plants be used.

82. *Officer response:*

Noted, landscaping condition has been imposed as recommended.

## **Consultation responses from internal consultees**

### **Urban Forester**

83. A number of fruit and self sown trees require removal: 3 Category 'C' and 1 category 'U' grade.

Although these are of relatively minor contribution to amenity, the small number of trees should be replaced elsewhere within the vicinity.

Please see recommended condition wording (on uniform).

84. *Officer response:*

Noted, conditions related to trees have been imposed as recommended.

### **Ecology**

85. The site is located within Nunhead Cemetery which is a Local Nature Reserve, green chain park, SINC and MOL. The citation states:

One of London's most important Victorian cemeteries of historical and wildlife interest that has developed a character that is almost unique. The nearest large area of woodland and scrub to southcentral London, and an outstanding site for its location. It is largely an ash-sycamore woodland, natural in structure and growing amongst gravestones, with many remnants of the Victorian plantings also remaining, including mature horse chestnut, holm oak, turkey oak and pedunculate oak. There is also a well-developed shrub layer with native and non-native shrubs. The ground flora is limited in dense shade but in opens areas along rides and in proximity to the spring-fed pond, a wide range of herbs are present including most notably yellow loosestrife, agrimony, old man's beard, false woodbroom, cowslip, reed sweet grass and meadowsweet. A good list of breeding woodland birds includes at least 60 pairs of wrens, chiffchaff, blackcap, great spotted woodpecker, tawny owl, sparrow hawk and jay. The invertebrate fauna includes the nationally scarce white-letter hairstreak butterfly. Foraging and roosting bats are highly likely. This is a borough-owned site, managed in partnership with the Friends of Nunhead Cemetery. The Friends Group organise a conducted tour of the cemetery on the last Sunday of each month at 2.15 p.m., starting at the Linden Grove gates. Nunhead Cemetery is a Local Nature Reserve and a Grade II\* Listed landscape.

Policy P60 states that development should avoid damage to SINC's and LNR's. A CEMP should be in place to avoid effects on Nunhead Cemetery during construction. There should be no additional light spill onto Nunhead Cemetery from the development. Tree loss should be mitigated for with additional tree planting.

Policy P60 states that development must contribute to gains in biodiversity through enhancements of LNR/SINC's. It is recommended that green walls are installed on the external walls of the cabin. These could comprise of native pollinator friendly climbing plants such as honeysuckle and jasmine on a trellis. Planting of an elm such as new horizon will provide suitable habitat for the White letter hairstreak butterfly.

Bat boxes should be installed on adjacent mature trees.

The PEA suggests that no trees will be removed as part of the development, whereas the AIA states that 3 trees will be removed. The PEA states that trees adjacent to the building were surveyed for bat roosting potential with no suitable features found. Confirmation is required that the trees due to be felled were included within this survey, or an updated survey should be undertaken to include these trees.

Recommended conditions

PTC11- CEMP

AGW06- Bat boxes x 4

PTO14- Bat friendly lighting plan.

86. *Officer response:*

Noted, conditions related to the CEMP, bat boxes, bat friendly lighting and landscaping have been imposed as recommended.

### **Archaeology**

87. The key archaeological concern for this development is that the proposals do not unnecessarily disturb human remains. There is nothing in the documentation to suggest such an assessment has been undertaken. This should be confirmed with the applicants.

88. *Officer response:*

Noted. The applicants subsequently provided burial records, indicating that no burials would be impacted by the proposals.

### **Transport Policy**

89. As requested at pre-app stage, the applicant has provided further details of the gradient as well as a basic CEMP. Transport Policy have no comment on these documents and no objection to the proposal.



90. *Officer response:*

Noted.

### **Highways Development Management**

91. I have reviewed the documents received and we don't have any Highway comments on this planning application.

92. *Officer response:*

Noted.

### **Community impact and equalities assessment**

93. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights

94. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

95. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
  - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
  - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
  - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

96. The protected characteristics are: race, age, gender reassignment, pregnancy

and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

### **Human rights implications**

97. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
98. This application has the legitimate aim of constructing a cabin to replace the existing dilapidated structure. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### **Positive and proactive statement**

99. The council has published its development plan and Core Strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
100. The council provides a pre-application advice service that is available to all applicants in order to assist applicants in formulating proposals that are in accordance with the development plan and core strategy and submissions that are in accordance with the application requirements.

101. **Positive and proactive engagement: summary table**

Was the pre-application service used for this application?	Yes
If the pre-application service was used for this application, was the advice given followed?	Yes
Was the application validated promptly?	Yes
If necessary/appropriate, did the case officer seek amendments to the scheme to improve its prospects of achieving approval?	Yes
To help secure a timely decision, did the case officer submit their recommendation in advance of the agreed Planning Performance Agreement date?	Yes

### **CONCLUSION**

102. The proposal would contribute to the ongoing maintenance and enjoyment of Nunhead Cemetery and would not detract from the openness of the

Metropolitan Open Land. The design of the cabin is suitably unobtrusive within the sensitive setting of the MOL, Grade II\* registered park and garden and Nunhead Cemetery Conservation Area. It would respect the amenity of neighbouring properties and would present a significant improvement on the appearance of the existing cabin. Accordingly, it is recommended that planning permission be granted subject to conditions.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: 2522-F Application file: 23/AP/2875 Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 0207 525 0254 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

No.	Title
Appendix 1	Recommendation (draft decision notice)
Appendix 2	Relevant planning policy
Appendix 3	Planning history of the site and nearby sites
Appendix 4	Consultation undertaken
Appendix 5	Consultation responses received.

## AUDIT TRAIL

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Eleanor Heagney, Planner Design and Conservation	
<b>Version</b>	Final	
<b>Dated</b>		
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No



## Appendix 1: Recommendation

This document shows the case officer's recommended decision for the application referred to below.

This document is not a decision notice for this application.

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<b>Applicant</b>	Ms Nina Chantry London Borough of Southwark, Environment and Leisure, Par...	<b>Reg. Number</b>	23/AP/2875
<b>Application Type</b>	Minor application		
<b>Recommendation</b>	GRANT permission	<b>Case Number</b>	PP-12528220

### Draft of Decision Notice

**Planning permission is GRANTED for the following development:**

Demolition of existing Friends of Nunhead Cemetery cabin and construction of a new single storey replacement cabin.

Nunhead Cemetery Linden Grove London Southwark

**In accordance with application received on 13 October 2023 and Applicant's Drawing Nos.:**

Existing Plans

Proposed Plans

PROPOSED ELEVATIONS 1939-02-81 REV H received 01/02/2024

Other Documents

PROPOSED BLOCK PLAN 00-92 REV D received 05/01/2024

PROPOSED PLAN 02-80 REV F received 05/01/2024

**Time limit for implementing this permission and the approved plans**

2. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act (1990) as amended.

**Permission is subject to the following Pre-Commencements Condition(s)**

3. Prior to commencement of demolition works, a valid construction contract (under which one of the parties is obliged to carry out and complete the works of redevelopment of the site for which planning permission was granted simultaneously with this consent) shall be entered into and evidence of the construction contract shall be submitted to for approval in writing by the Local Planning Authority.

Reason:

As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act (1990) and to maintain the character and appearance of the Nunhead Cemetery Conservation Area, in accordance with the National Planning Policy Framework (2023); Policy HC1 (Heritage conservation and growth) of the London Plan (2021); Policy P19 (Listed buildings and structures), Policy P20 (Conservation areas) and Policy P21 (Conservation of the historic environment and natural heritage) of the Southwark Plan (2022).

4. No development shall take place, including any works of demolition, until a written CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to construction site management and to use all best endeavours to minimise off-site impacts, and will include the following information:
  - A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;

- Site perimeter continuous automated noise, dust and vibration monitoring;
- Engineering measures to eliminate or mitigate identified environmental impacts e.g. hoarding height and density, acoustic screening, sound insulation, dust control measures, emission reduction measures, location of specific activities on site, etc.;
- Arrangements for a direct and responsive site management contact for nearby occupiers during demolition and/or construction (signage on hoardings, newsletters, residents liaison meetings, etc.);
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme; Site traffic - Routing of in-bound and outbound site traffic, one-way site traffic arrangements on site, location of lay off areas, etc.;
- Site waste Management - Accurate waste stream identification, separation, storage, registered waste carriers for transportation and disposal at appropriate destinations; and
- A commitment that all NRMM equipment (37 kW and 560 kW) shall be registered on the NRMM register and meets the standard as stipulated by the Mayor of London.
- To follow current best construction practice, including the following:
  - Southwark Council's Technical Guide for Demolition & Construction at <https://www.southwark.gov.uk/construction>;
  - Section 61 of Control of Pollution Act 1974;
  - The London Mayors Supplementary Planning Guidance 'The Control of Dust and Emissions During Construction and Demolition';
  - The Institute of Air Quality Management's 'Guidance on the Assessment of Dust from Demolition and Construction' and 'Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites';

- BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Noise';
- BS 5228-2:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Vibration';
- BS 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from ground-borne vibration;
- BS 6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings - vibration sources other than blasting; and
- Relevant Stage emission standards to comply with Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999 as amended & NRMM London emission standards (<https://nrmm.london>).

All demolition and construction work shall be undertaken in strict accordance with the approved CEMP and other relevant codes of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with the National Planning Policy Framework (2023); Policy P50 (Highway impacts), Policy P56 (Protection of amenity), Policy P62 (Reducing waste), Policy P64 (Contaminated land and hazardous substances), Policy P65 (Improving air quality) and Policy P66 (Reducing noise pollution and enhancing soundscapes) of the Southwark Plan (2022).

**Permission is subject to the following Grade Condition(s)**

5. Prior to above grade works commencing (excluding demolition and archaeological investigation), material samples/sample panels/sample-boards of all external facing materials to be used in the carrying out of this permission shall remain on site for inspection for the duration of the building's construction and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.



Reason:

In order to ensure that these samples will make an acceptable contextual response to the setting of the Grade II\* Registered Park in terms of materials to be used, and achieve a quality of design and detailing in accordance with the National Planning Policy Framework (2023), Policy D4 (Delivering good design) of the London Plan (2021) and Policy P13 (Design of places) and Policy P14 (Design quality) of the Southwark Plan (2022).

6. Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme including the replacement of 4 trees, trellis planting on the external walls of the cabin and the treatment of all parts of the site not covered by buildings (including cross sections, available rooting space, tree pits, surfacing materials of any parking, access, or pathways layouts, materials and edge details), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the equivalent stem girth and species in the first suitable planting season.

Works shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction; BS3998: (2010) Tree work - recommendations, BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf); EAS 03:2022 (EN) - Tree Planting Standard.

Reason:

So that the Council may be satisfied with the details of the landscaping scheme, in accordance with: Chapters 8, 12, 15 and 16 of the National Planning Policy Framework 2023; Policies SI 4 (Managing heat risk), SI 13 (Sustainable drainage), G1 (Green Infrastructure), G5 (Urban Greening) and G7 (Trees and Woodlands) of the London Plan 2021; Policy P13 (Design of Places), Policy P14 (Design Quality), Policy P56 (Protection of Amenity), Policy P57 (Open Space), Policy P60 (Biodiversity) and P61 (Trees) of the Southwark Plan (2022).

7. Details of bat tubes, bricks or boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.

No less than 4 bat tubes, bricks or boxes shall be provided and the details shall include the exact location, specification and design of the habitats. The bat tubes, bricks or boxes shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The bat tubes, bricks or boxes shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Discharge of this condition will be granted on receiving the details of the roost features and mapped locations and the Local Planning Authority agreeing the submitted plans, and once the roost features are installed in full in accordance to the agreed plans.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with the National Planning Policy Framework (2023); Policy G1 (Green Infrastructure), Policy G5 (Urban Greening), Policy G6 (Biodiversity and access to nature) of the London Plan (2021); Policy P59 (Green infrastructure) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

### **Permission is subject to the following Pre-Occupation Condition(s)**

8. Prior to the new development being first brought into use/occupied a bat friendly Lighting Plan shall be submitted to and approved by the Local Planning Authority.

The recommended lighting specification using LED's (at 3 lux) because they have little UV. The spectrum recommended is 80% amber and 20% white with a clear view, no UV, horizontal light spread ideally less than 70° and a timer.

If required a 3D plan of the illumination level should be supplied so the Local Planning Authority can assess potential impact on protected species.

Reason:

To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act (1981), (as amended), and because bats are known to be active in vicinity of the development site.

### **Informatives**

## **Appendix 2: Planning Policies**

The revised National Planning Policy Framework ('NPPF') was published in September 2023 which sets out the national planning policy and how this needs to be applied. The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.

Paragraph 224 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.

The relevant chapters are:

- Chapter 8 Promoting healthy and safe communities
- Chapter 12 Achieving well-designed and beautiful places
- Chapter 13 Protecting Green Belt Land
- Chapter 14 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

### **London Plan (2021)**

On 2 March 2021, the Mayor of London published the London Plan 2021. The spatial development strategy sets a strategic framework for planning in Greater London and forms part of the statutory Development Plan for Greater London.

The relevant policies are:

- Policy D4 Delivering good design
- Policy D12 Fire safety
- Policy HC1 Heritage conservation and growth
- Policy G1 Green infrastructure
- Policy G3 Metropolitan open land
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands

### **Southwark Plan (2022)**

The Southwark Plan 2022 was adopted on 23 February 2022. The plan provides strategic policies, development management policies, area visions and site allocations which set out the strategy for managing growth and development across the borough from 2019 to 2036.

The relevant policies are:

- P13 Design of places
- P14 Design quality
- P18 Efficient use of land
- P20 Conservation Areas
- P21 Conservation of the historic environment and natural heritage
- P56 Protection of amenity
- P57 Open Space
- P60 Biodiversity
- P61 Trees

## **Supplementary Planning Documents and guidance**

Of relevance in the consideration of this application are:

- Heritage SPD (2021)
- Nunhead Cemetery Conservation Area Appraisal.

### **Appendix 3: Relevant planning history**

No relevant planning history

## Appendix 4: Consultation undertaken

**Site notice date:** 30/10/2023

**Press notice date:** 02/11/2023

**Case officer site visit date:** 27.11.2023

**Neighbour consultation letters sent:** 08/01/2024

### Internal services consulted

LBS Urban Forester  
LBS Transport Policy  
LBS Archaeology  
LBS Ecology  
LBS Highways Development & Management  
LBS Transport Policy  
LBS Urban Forester  
LBS Highways Development & Management  
LBS Ecology  
LBS Archaeology  
LBS Ecology  
LBS Ecology

### Statutory and non-statutory organisations

Historic England  
Historic England

### Neighbour and local groups consulted:

105 Linden Grove London Southwark	96 Daniels Road London Southwark
88 Daniels Road London Southwark	94 Daniels Road London Southwark
104 Daniels Road London Southwark	92 Daniels Road London Southwark
46 Daniels Road London Southwark	86 Daniels Road London Southwark
111 Linden Grove London Southwark	82 Daniels Road London Southwark
62 Daniels Road London Southwark	112 Daniels Road London Southwark
108 Daniels Road London Southwark	110 Daniels Road London Southwark
102 Daniels Road London Southwark	106 Daniels Road London Southwark
117 Linden Grove London Southwark	100 Daniels Road London Southwark
The Lodge Nunhead Cemetery Linden Grove	72 Daniels Road London Southwark
98 Daniels Road London Southwark	68 Daniels Road London Southwark
90 Daniels Road London Southwark	66 Daniels Road London Southwark
84 Daniels Road London Southwark	60 Daniels Road London Southwark
70 Daniels Road London Southwark	58 Daniels Road London Southwark
64 Daniels Road London Southwark	54 Daniels Road London Southwark
56 Daniels Road London Southwark	52 Daniels Road London Southwark
50 Daniels Road London Southwark	48 Daniels Road London Southwark
44 Daniels Road London Southwark	42 Daniels Road London Southwark
	119 Linden Grove London Southwark

115 Linden Grove London Southwark  
113 Linden Grove London Southwark  
109 Linden Grove London Southwark

107 Linden Grove London Southwark

**Re-consultation:**

## **Appendix 5: Consultation responses received**

### **Internal services**

LBS Urban Forester  
LBS Transport Policy  
LBS Archaeology  
LBS Ecology  
LBS Highways Development & Management  
LBS Transport Policy  
LBS Urban Forester  
LBS Highways Development & Management  
LBS Ecology  
LBS Archaeology  
LBS Ecology  
LBS Ecology

### **Statutory and non-statutory organisations**

#### **Neighbour and local groups consulted:**

The Lodge, Nunhead Cemetery Linden  
Grove Nunhead  
The Gardens Trust 70 Cowcross Street  
London  
33 Chalsey Road Brockley London  
The Lodge, Nunhead Cemetery, Linden  
Grove, Nunhead London SE15



