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<b>Meeting Name:</b>	Planning Committee (Smaller Applications)	
<b>Date:</b>	9 September 2024	
<b>Report title:</b>	<p><b>Development Management planning application:</b> Application for: Full Planning Application 23/AP/2919</p> <p><b>Address:</b> 29 EASTLANDS CRESCENT, LONDON SOUTHWARK SE21 7EG</p> <p><b>Proposal:</b> Demolition of existing two storey detached dwelling, and replacement with a new dwelling house and ancillary 2 bed annex, with basement, single storey side extension and dormers within the rear roof slope.</p>	
<b>Ward(s) or groups affected:</b>	Dulwich Village	
<b>Classification:</b>	Open	
<b>Reason for lateness (if applicable):</b>	Not Applicable	
<b>From:</b>	Director of Planning and Growth	
<b>Application Start Date:</b> 23 October 2023	<b>PPA Expiry Date:</b> 17 December 2023	
<b>Earliest Decision Date:</b>	24 July 2024	

## RECOMMENDATION

1. That planning permission be granted, subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

2. The application site is an existing two storey detached dwelling on the north eastern side of Eastlands Crescent. The site covers approximately 0.084 hectares. The existing dwelling on site is a 1930s detached dwelling constructed as part of the development of the Eastlands Estate in an Arts and Crafts style. The dwelling is not currently in use and the site is boarded up.

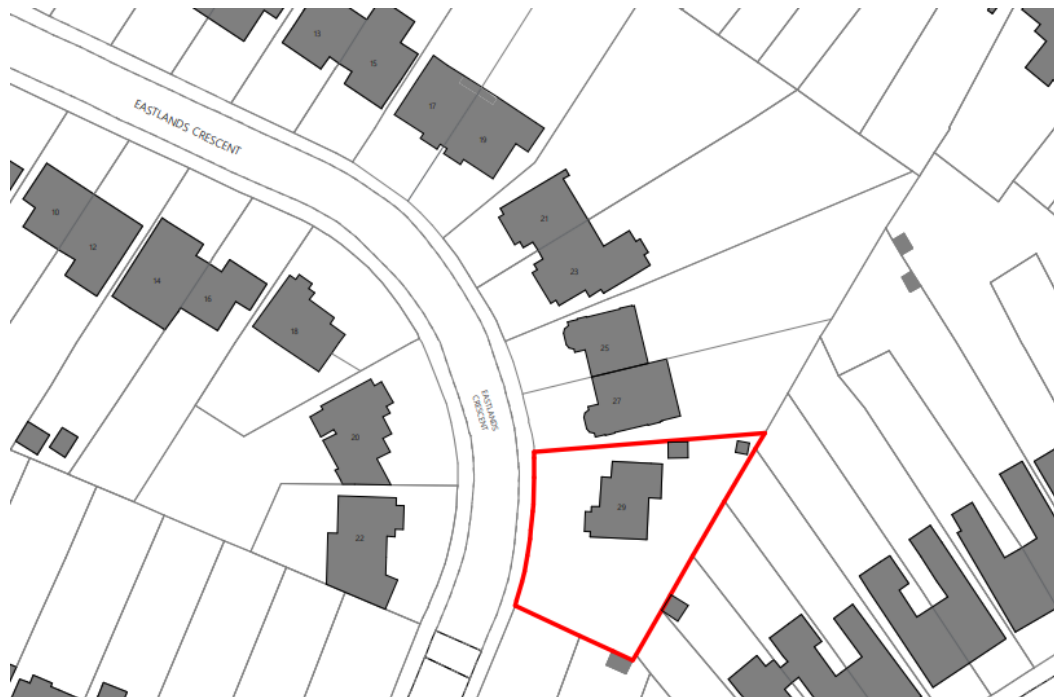
Eastlands Crescent connects Dovercourt Road to the west and Court Lane to the south. The rear of properties along Eynella Road are to the east.

3. The site is subject to the following designations:

- Dulwich Village Conservation Area
- Dulwich Area Vision Boundary
- Primrose Hill summit to the Palace of Westminster LVMF
- Alexandra Palace viewing terrace to St Paul's Cathedral LVMF
- Air Quality Management Area

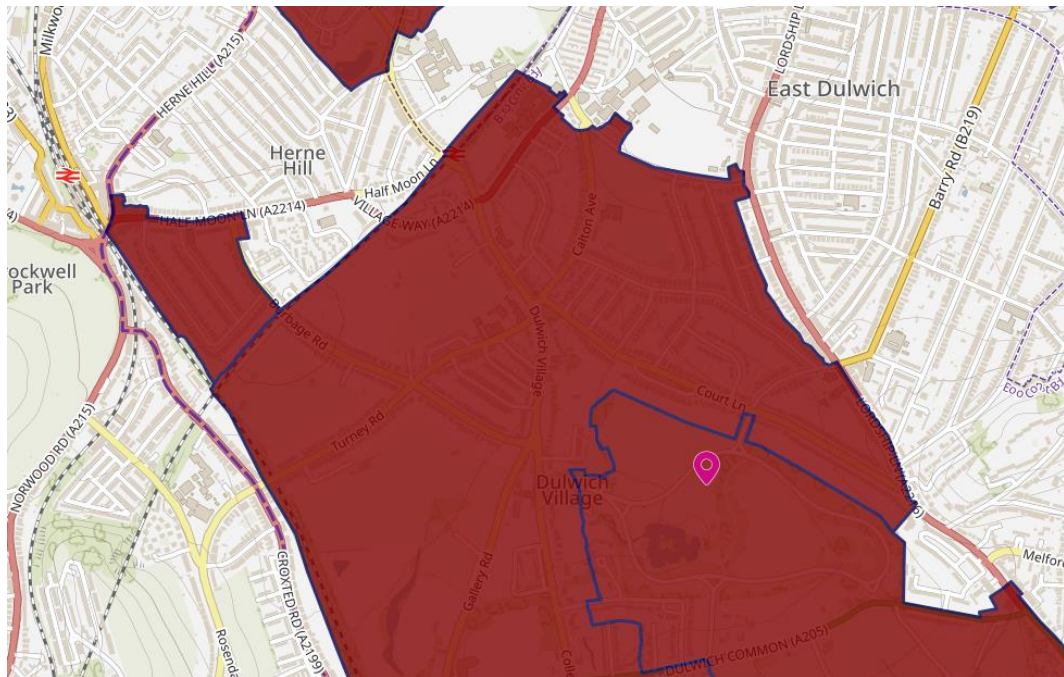
4. Dulwich Park approximately 180 metres to the south, beyond Court Lane is designated as a Green Chain Park, Metropolitan Open Land, a Site of Importance for Nature Conservation and a Critical Drainage Area.

*Figure 1: Site location plan*



5. The properties which line the street are all coherent in their architectural design, with the north side of the street mainly consisting of paired semi-detached houses and the southern side mainly detached houses. Despite extensions and alterations to most of the properties, the crescent maintains its pleasant suburban character.

Figure 2: Conservation area

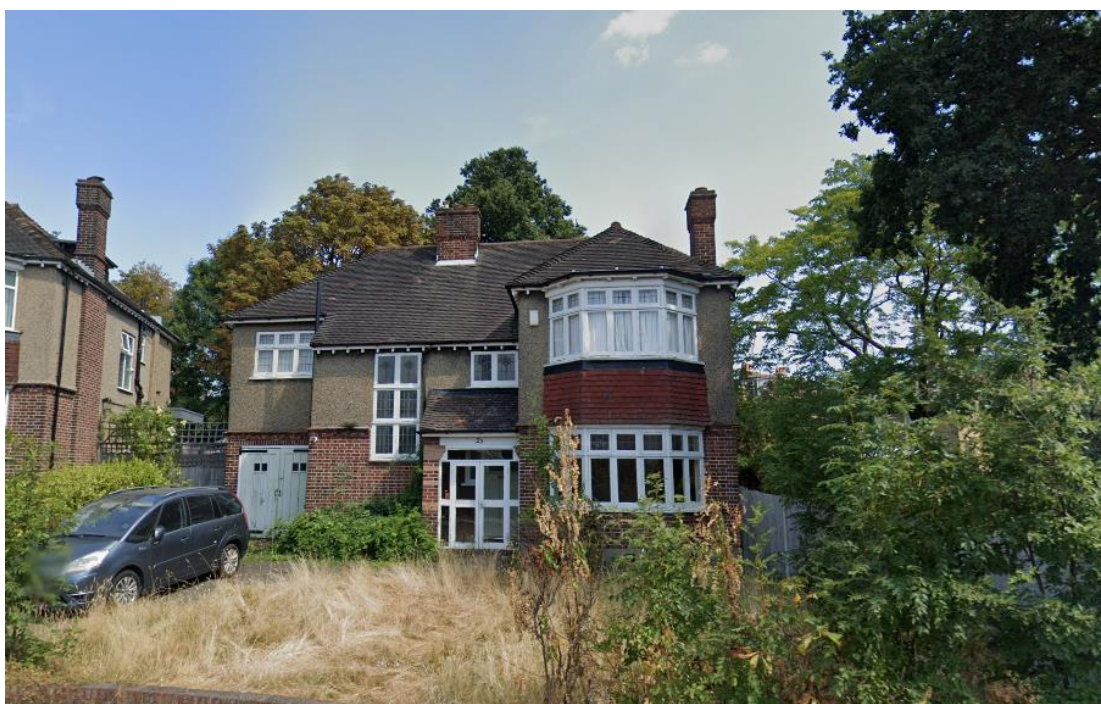


6. The site lies within the Dulwich Village Conservation Area. It is not statutorily or locally listed, nor does it form the setting of any listed heritage assets.

### Details of proposal

7. The proposed development is for the demolition of the existing two storey detached dwelling house and replacement with a 5 bedroom dwelling house, with an ancillary 2 bedroom annex.

Figure 3: Existing dwelling



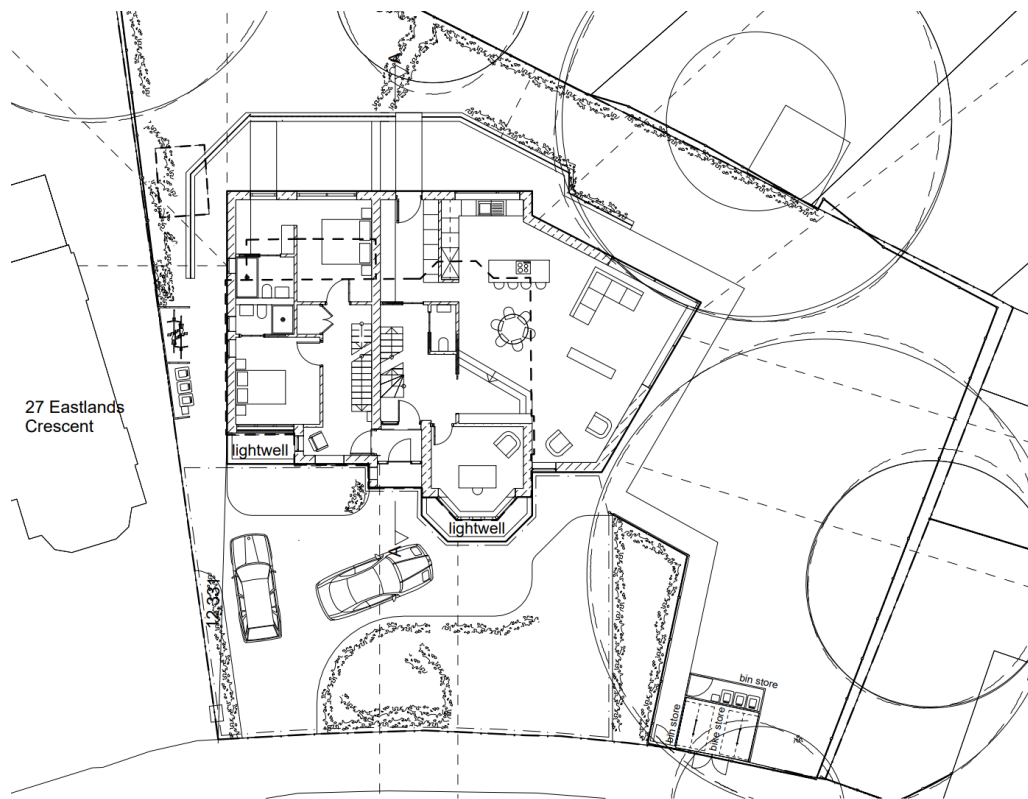
8. The proposal is arranged with a front door from Eastlands Crescent, with two separate front doors beyond leading to the main dwelling house and the annex.
9. The main dwelling house comprises day rooms at basement level, a WC study, utility room and open plan kitchen/living/diner at ground floor, 3 bedrooms with bathrooms and En-suites at first floor and a further bedroom and study at second floor. The annex comprises two bedroom with En-suites and a day room at basement level. There is a connecting door at basement level

*Figure 4: Proposed elevation*



10. The proposal reads as a single dwelling with a single storey side extension. The window arrangements, chimneys, bays and garage doors are very similar to the existing dwelling on site.

Figure 5: Proposed site plan



11. Lightwells are also proposed given the new basement level. The proposed site plan includes a separate bin store close to the front boundary, cycle storage along the boundary with 27 Eastlands Crescent and hard and soft landscaping within the front garden providing replacement car parking.

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

12. A site notice was displayed on 08/11/2023 and 8 neighbour letters were sent out on 07/11/2023.
13. 28 comments have been received in response to the neighbour notification, comprising 25 objections, 2 support comments and 1 neutral comment.
14. The objections raise the following material planning considerations:
  - Noise and dirt impacts
  - Impact of basement on neighbours and flooding
  - Impacts to trees and the environment
  - Impact on privacy of neighbours by overlooking
  - Demolition in a conservation area
  - Proposed dwelling house is too large
  - Proposed architecture is not cohesive
15. Many comments note an objection to the demolition of the existing housing as it is not necessary. This is not a material planning consideration.

Demolition of buildings in a conservation area is however a material planning consideration and is assessed within this report.

16. The support comments raise the following material planning consideration:

- There is a shortage of housing and this would bring the site back into use

17. Re-consultation was carried out on 15 May 2024 to all contributors for the following reasons:

- Basement Impact Assessment submitted
- Updated plans showing design changes to the garage doors submitted
- Arboricultural Method Statement submitted.

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

18. Planning permission (19/AP/0946) was granted on 01/10/2020 for ‘Demolition of existing two-storey detached dwelling and construction of x2 two storey semi-detached dwellings comprising ground, first, attic and basement floor level accommodation with associated car parking and landscaping.’ The planning permission has since lapsed.

*Figure 5: Visual of planning permission 19/AP/0946*



19. Tree Protection Order Consents were refused to fell (15/AP/0731 and 15/AP/5030) and an appeal was dismissed.

### **KEY ISSUES FOR CONSIDERATION**



## Summary of main issues

20. The main issues to be considered in respect of this application are:
- Principle of the proposed development
  - Affordable housing and viability
  - Quality of residential accommodation
  - Fire safety
  - Design, layout and heritage assets
  - Landscaping and trees
  - Impact of proposed development on amenity of adjoining occupiers and surrounding area
  - Transport and highways
  - Energy and sustainability
  - Ecology and biodiversity
  - Air quality
  - Ground conditions and contamination
  - Water resources and flood risk
  - Planning obligations (S.106 undertaking)
  - Mayoral and borough community infrastructure levy (CIL)
  - Consultation responses from internal and divisional consultees
  - Consultation responses from external consultees
  - Community impact and equalities assessment
  - Human rights
  - Positive and proactive statement, and
  - Other matters.
21. These matters are discussed in detail in the 'Assessment' section of this report.

## Legal context

22. 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 2021 and the Southwark Plan 2022. 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.
23. 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

24. The statutory development plans for the Borough comprise the London Plan 2021 and the Southwark Plan 2022. The National Planning Policy Framework 2023 and emerging policies constitute material considerations but are not part of the statutory development plan. A list of policies which are relevant to this application is provided at Appendix 3. Any policies which are particularly relevant to the consideration of this application are highlighted in the report.

## **ASSESSMENT**

### **Principle of the proposed development**

25. The proposed development is for the demolition of the existing dwelling house on site and the construction of a replacement 5 bedroom dwelling house with an ancillary 2 bedroom annex. The residential use of the site (Use Class C3) has already been established. The annex would be ancillary to the main dwelling house. There is no change in land use proposed and as such, the principle of development is acceptable. A condition has been recommended to ensure that the annex remains ancillary to the main dwelling house.
26. Policy D10 (Basement development) of the London Plan 2021 states that smaller-scale basement excavations, where they are appropriately designed and constructed, can contribute to the efficient use of land, and provide extra living space. The proposed dwelling would match the footprint of the development which was consented under 19/AP/0946 at basement and ground floor level. An updated Basement Impact Assessment has been submitted with this application and confirms that there would be no significant impacts as a result of the proposed basement. As such, the principle of the basement extension is acceptable.

### **Affordable housing and viability**

27. Policy P1 (Social rented and intermediate housing) of the Southwark Plan 2022 states that development that creates 9 homes or fewer (inclusive) must provide the maximum amount of social rented and intermediate homes or a financial contribution towards the delivery of new council social rented and intermediate homes with a minimum of 35% subject to viability.
28. The proposed development is for a replacement dwelling and ancillary annex. As such, there is no net uplift in the number of homes within the development. The delivery of new council social rented and intermediate homes as required by the Southwark Plan 2022 does not apply to this application.

### **Quality of residential accommodation**

29. The main dwelling house comprises day rooms at basement level, a WC, study, utility room and open plan kitchen/living/diner at ground floor, 3 bedrooms with bathrooms and En-suites at first floor and a further bedroom and study at second floor. The annex comprises two bedrooms with En-suites

and a day room at basement level. There is a connecting door at basement level.

30. The Gross Internal Area (GIA) of the proposed dwelling house at 193 square metres exceeds the minimum standards as set out in Policy P15 (Residential design) of the Southwark Plan 2022. Similarly, all the individual rooms meet or exceed the minimum space standards. There are study rooms which have vertical windows and exceed 7 square metres meaning they would exceed minimum standards for single bedrooms if used in this way. The proposed development would provide a good quality of accommodation in terms of room sizes.
31. All rooms from ground floor to second floor have vertical windows for outlook and receipt of daylight and sunlight. These are the principal living spaces. Lightwells are proposed to provide daylight and sunlight to the basement level; the rooms at basement level are not principal living spaces.
32. The application site covers approximately 0.084 hectares. A garden of approximately 163 square metres would be retained. This far exceeds the minimum of 50 square metres as set out within Policy P15 (Residential design) of the Southwark Plan 2022.

### **Fire safety**

33. Policy D12 (Fire safety) of the London Plan 2021 requires that all development must submit a planning fire safety strategy. The fire safety strategy should address criteria outlined in Policy D12 (A).
34. Paragraph 3.12.9 of the policy 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.
35. A Fire Safety Strategy has been submitted with the application. This sets out the proposed development would be constructed in materials to minimise the risk of fire spread. In terms of means of escape, a protected staircase would serve all floors and all rooms would have fire doors in compliance with Building Regulations. Fire and smoke alarms would be positioned throughout the dwelling house. Emergency vehicles would be able to access the dwelling house from Eastlands Crescent as per existing arrangements.

### **Design, layout and heritage assets**

#### Demolition

36. Policy P20 (Conservation Areas) of the Southwark Plan 2022 sets out that

the demolition of buildings or structures that make a positive contribution to the historic character and appearance of the conservation area will generally not be permitted, and that any replacement buildings or structures must conserve and enhance the conservation area's historic character and distinctiveness.

37. A case is made for demolition due to serious subsidence and structural issues is put forward in the submitted documentation. A resolution was made to grant consent for the demolition of the property under the previous planning permission 19/AP/0946. For this reason, the demolition of the existing property is not resisted in this instance.

*Figure 6: Front elevation*



### Urban design

38. The proposed dwelling largely follows the footprint of the development which was consented under planning permission 19/AP/0946 at basement and ground floor levels. Similarly, the overall height of the dwelling, while slightly taller than the existing dwelling, is in keeping with the previously approved scheme. The increase in height is modest and does not disrupt the unity of the street given the changes in level. The overall depth has been reduced at the upper levels. It is understood that this reduction in massing was sought by the Dulwich Estate. When viewed from the street, the proposed dwelling would have a height, massing and general architectural form that is in keeping with the previously approved scheme. The reduction in massing to the upper levels may help to alleviate the overall sense of bulk to the property when viewed laterally on approach from the south.
39. The front elevation would have a single protruding bay wing which is in keeping with the other detached dwellings on the street. The remainder of the building bulk progressively steps back, which is appropriate to the curve of the crescent and means that the building line of the street would be

preserved. The overall architectural effect of the building would therefore positively respond to the existing townscape character and context. The single storey element flanking the southern elevation would introduce a new architectural form and style within the street. However, the design of this element is suitably subservient in terms of its height and simplicity of form.

40. Overall, the height, scale, massing and arrangement of the proposed dwelling is considered to respond positively to the surrounding townscape, character and context.

#### Architectural design

41. The proposed dwelling would be constructed in a style that mimics the surrounding Arts and Crafts architectural design. The façade has been arranged to reflect that of the other detached dwellings on the street, with a single protruding double-storey bay feature with windows to match the others along the street, a central front door and large windows including large staircase window. It is noted that the front chimney positioned has changed from the previously consented scheme. While unusual, the proposed chimney position is not objectionable and the brickwork detailing to the chimney stack appears to be improved on the previously approved scheme.
42. The proposed elevations suggest that a good level of architectural detailing would be replicated on the proposed dwelling, which has taken its cue from the detailing of the existing and surrounding properties as shown on the existing typical details sheet. The detailing includes ridge roof tiles, brickwork detailing to the chimneys, dentil detailing to the eaves, expressed brick coursing, brickwork / clay tile detailing to the entrance pilasters, hung tiles to the bay window and projecting timber window sills. The suggested materials appear to have been chosen to be in keeping with the material palettes of the surrounding properties. The new dwelling would have a brickwork finish at ground floor level with white render to the upper storeys of the main dwelling. The roof, bay window and front porch would be finished with hung natural clay tiles to match the neighbours. The single storey flanking element would be finished with blackened timber cladding. This creates a clear contrast between the main dwelling which replicates the surrounding historic properties, and the contemporary architectural form within the street. The simplicity of the finish also relates well to the simple architectural form and also contributes to ensuring that this element remains suitably subservient to the main dwelling. Conditions are recommended for details of materials and façade details to be submitted.
43. The mock garage door would comprise of a fixed panel, with 8 smaller panels to the upper portion. It is expected that all external windows and doors (including the mock garage door) are made of timber, given the sensitive location of the site within a conservation area. Again, given the sensitive location of the new development in the conservation area and in order to ensure a good quality replica, design details of the proposed garage door are to be included within the façade condition.
44. The proposed elevation drawings suggest that the detailed architectural design and material finish of the proposed dwelling has been well considered.

The proposed finish is likely to be in keeping with the surrounding townscape character and context.

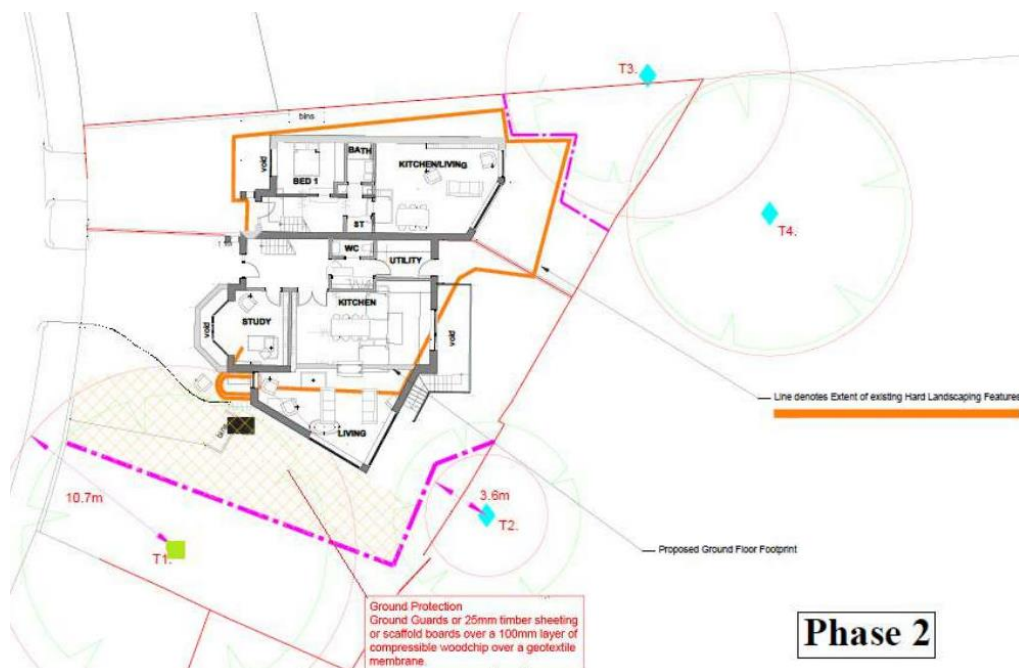
### Heritage impacts

45. The application site is not listed, but it is located within the Dulwich Village Conservation Area. As set out above, the footprint, form and massing of the proposed dwelling has been carefully established with reference to the surrounding context in order to sit comfortably and relate positively to the existing properties within the street. Furthermore, the main dwelling is proposed to be constructed in a style to match the existing 1930s dwellings on the street as set out above in terms of architectural detailing and material. The contemporary single storey flank extension has been designed to be suitably subservient and would not constitute harm to the character or appearance of the conservation area in terms of its height, form or massing. Overall, the proposed dwelling would constitute an appropriate replacement of the existing dwelling, and would preserve the character and appearance of the conservation area in terms of its relationship to the street, detailed architectural design and materials.

### **Landscaping and trees**

46. There is a TPO Oak tree (T1) on the application site and a further three trees within close proximity. The proposal does not involve the removal of any trees. The proposed dwelling would match the footprint of the development which was consented under 19/AP/0946 at basement and ground floor level. As such, any potential impacts to the surrounding trees would be the same.

*Figure 7: Tree protection plan*



47. A revised Arboricultural Method Statement was submitted during the course of the application. Trial pits conclude that a small ground pile system, either a

screw pile or a concrete pile, sheathed to prevent cement contamination to any adjacent roots or soils would be required in proximity to the Oak tree and the applicant will need to provide details of depth and system to be used for the living area. These piles can be located to avoid the larger roots uncovered by the inspection pits. Conditions have therefore been for details of the foundation design to be submitted and for the Arboricultural Method Statement to be complied with.

48. The Arboricultural Method Statement sets out the required works to trees as pruning the northern edge of the crown of T1, removing the lowest limb of T2 to the west and removing all timber and arising's from site. It notes that the retained trees shall be inspected after works and any remedial works required must take place.
49. A condition has also been recommended for full details of hard and soft landscaping to be submitted.

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

50. The nearest residential property is 27 Eastlands Crescent directly to the north. The rear of properties along Eynella Road are to the east and the rear of properties along Court Lane are to the south.

#### Basement development

51. The proposed dwelling would match the footprint of the development which was consented under 19/AP/0946 at basement and ground floor level. The Dulwich SPD 2013 required basement development to be subject to a Basement Impact Assessment. An updated Basement Impact Assessment has been submitted with this application.
52. The assessment concludes that the proposed basement development would result in 'negligible' (hairline cracks of less than 0.1mm) to 'very slight' (cracks of less than 1mm) damage from the basement construction phase through to final development. It sets out methods of safe practice to reduce the potential for any movement over and above that expected. A condition has therefore been recommended for the proposed development to comply with the submitted Basement Impact Assessment. On this basis and for the purposes of the planning application, the proposed development satisfactorily responds to the development plan.

#### Daylight, sunlight, sense of enclosure and privacy

53. There would remain adequate rear-facing separation distance of at least 22 metres between neighbouring occupiers and the proposed dwellings, exceeding the 21 metre back to back distance considered appropriate within the 2015 Technical Update to the Residential Design Standards SPD 2011. There would be an increase in the number of windows providing outlook from the rear elevation of the building, including at a new second floor mansard roof level, however these would be very similar to the existing environment, and the separation distance and orientation of the elevation would not result

in any significant increase in overlooking to the neighbours to the south east on Eynella Road.

54. The same separation distance as existing would be retained between the proposed development and 27 Eastlands Crescent. The slight increase in scale of the building on the application site, with a single storey extension to the south, would not be noticeable from this neighbouring property due to the orientation of the building on the application site. The increase in width of the total building would be noticeable by the neighbouring occupiers when in their garden but it would not be such an increase that would in planning terms incur a sense of enclosure or harm to amenity.
55. There is a southern facing side-return aspect of wrap-around glazing to the contemporary extension hosting a habitable room at the rear of 27 Eastlands Crescent. The proposed development would not transgress the 25 degree line measured perpendicular from this neighbouring window surface, meaning there would not be a noticeable loss of daylight received. Given the proposed development would be of a similar height to existing, upper floors windows of 27 Eastlands Crescent would not be affected.
56. Other neighbouring properties are of a distance and orientation that they would not be impacted in terms of daylight, sunlight or privacy. Given the similar footprint and single storey extension to the south along Eastlands Crescent, away from neighbouring properties, there would not be

## **Transport and highways**

57. A condition has been recommended restricting future occupiers from obtaining parking permits within CPZ. Two new car parking spaces are proposed to the front of the property to replace the existing spaces. Whilst the provision of car parking is generally not supported, in this case it would be acceptable as the spaces already exist and there would be no net uplift.
58. The vehicle crossover would remain as existing. The applicant would be required to enter into a Section 278 agreement to manage any footway resurfacing or replacement required once works for the proposed development are complete.
59. In accordance with Policy P53 (Cycling) of the Southwark Plan 2022, the proposed development must provide 3 short-stay cycle parking spaces and 1 long-stay visitor cycle parking space. The proposed ground floor plan shows location for cycle parking. A condition has been recommended for full details of cycle parking to be submitted to ensure that it complies with policy requirement in terms of quantum, type and location.
60. A compliance condition is recommended to ensure that refuse storage is provided and made available for future occupiers.

## **Energy and sustainability**

61. Objectors raised concerns that the demolition and new build construction



would cause an unacceptable amount of waste and harm to the environment, especially the high levels of 'embodied carbon' in the existing building and from the new build construction process. Objectors state that a renovation and repurposing of the existing property would be a more sustainable solution and would providing the opportunity to design additional living space.

62. The previously approved application reference number 19/AP/0946 was classified as a minor development (less than 10 residential units) and was below the threshold of a major developments (10 or more residential units) at which policy requirements involving specific technical environmental targets applied at the time (1 October 2020). The demolition of the existing dwelling was agreed under application 19/AP/0946 in October 2020, but in July 2021, the council adopted its Climate Change Strategy and Action Plan for tackling the climate emergency. The plan sets out how emissions in the borough can be reduced from buildings, transport and waste disposal
63. The applicant states that the existing house is in a poor state of repair and suffers from significant subsidence. The submitted Design and Access Statement summarises the reasons for demolition, namely:
- 2013: An insurance claim was made by the then owners in light of significant cracking and subsidence within the house.
- 2013: Technical and arboricultural reports concluded that subsidence was the result of mature tree roots and the roots should be removed.
- 2015: An application to remove the subject tree was refused.
- 2016: A structural engineer concluded that if the tree could not be removed, a piled rat foundation would need to be constructed beneath the house.
- 2017: An appeal on the refused application was dismissed.
- 2018: A structural engineer reviewed the proposal for a piled raft foundation and concluded this was almost impossible to construct.
64. The threshold requiring justification for the demolition of a residential unit, in the context of reduction of carbon emissions has not changed since planning permission 19/AP/0946 and remains only applicable to major developments (10 or more residential units) as per the Policy SI 2 (Minimising greenhouse gas emissions) of the London Plan 2021 which requires all major developments to be net zero carbon and Policy P70 (Energy) of the Southwark Plan 2022 which requires major residential development to reduce carbon emissions on site by 100% against Building Regulations. The demolition has been justified and the proposal complies with the development plan in this regard.
65. Further to this, Policy P70 (Energy) of the Southwark Plan 2022 requires all development to minimise carbon emissions on site in accordance with the energy hierarchy: Be Lean, Be Clean and Be Green. The application includes the following sustainability measures: a well-insulated building envelope, Passive House windows and ventilation with heat recovery systems.

## **Ecology and biodiversity**

66. The application site currently comprises the existing dwelling house and a mature, overgrown garden. Given that the proposed development essentially replaces the existing footprint, with a single storey addition, the ecology and biodiversity levels would not be significantly reduced.
67. The application was submitted prior to Biodiversity Net Gain requirements coming into effect. As such, the proposed development is not required to achieve net gain.
68. A condition has been recommended for a bat box to be installed as part of the proposed development.

## **Air quality**

69. The application site is located within an Air Quality Management Area. The proposal would not simultaneously create additional car parking, lead to an increase in localised car journeys and include a new combustion plant. As such, it is assumed that the proposed development would be air quality neutral which is acceptable.

## **Ground conditions and contamination**

70. The application site has historically been in residential use. It is not anticipated that there are any issues in terms of ground conditions and contamination when re-providing a residential use on site.

## **Water resources and flood risk**

71. The application site is not within a flood risk zone, nor a critical drainage area. In terms of subterranean flow, the submitted Basement Impact Assessment identifies that due to the presence of London Clay Formation at relatively shallow depths and the lack of groundwater encountered during an intrusive investigation, the proposed basement would neither compromise groundwater flows nor is it likely to be impacted by groundwater. Furthermore, there are no known sensitive springs, wells or watercourses located close to the site.
72. In terms of surface flow and flooding, there would only be minor changes in the areas of hard surface in comparison to existing, in terms of the building footprint and paved areas; all surface water generated on site would be direct off site meaning there would be no significant effects on surface water flooding as a result of the proposed development. Given that the proposed development would be of a similar scale to the existing dwelling house on site, there would only be a marginal predicted increase in foul water discharge and as such, flood risk from artificial drainage systems is considered to be low.

73. A condition, as requested by Thames Water, has been recommended to ensure that no piling takes place until a piling method statement has been submitted and approved.

### **Planning obligations (S.106 agreement)**

74. No planning obligations are required to be secured by legal agreement.

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

75. The proposed development would be subject to the mayoral and borough community infrastructure levy.

### **Consultation responses from internal and divisional consultees**

76. Summarised below are the material planning considerations raised by internal and divisional consultees, along with the officer's response where necessary.

77. Ecologist:

- Recommend one bat box.

78. Transport Planning Policy:

- Car parking is acceptable as it is re-provision.
- No parking permits should be obtained.
- Advise S278 works.
- Cycle parking appears undersized – condition required for full details to be submitted.

79. Urban Forester:

- Recommend conditions for compliance with the Arboricultural Method Statement, details of landscaping and foundation depths.

80. Design and Conservation Team:

- The proposed development is similar in height, scale and massing to the existing property and the consented scheme on site.
- There would be no adverse impact on the Dulwich Village Conservation Area.
- Recommend conditions for material and façade details.

81. Flood Risk Team:

- No comments.

### **Consultation responses from external consultees**

82. Summarised below are the material planning considerations raised by external consultees, along with the officer's response.

83. Thames Water:

- Request a condition for piling method statement to be submitted if piling is

to take place.

## **Community impact and equalities assessment**

84. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
85. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
86. 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.
87. 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**

88. This planning application engages certain human rights under the Human Rights Act 1998 (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.
89. This application has the legitimate aim of providing flood risk improvements to the park and common. 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**

90. The council has published its development plan 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.
91. 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.

### **Positive and proactive engagement: summary table**

Was the pre-application service used for this application?	NO
If the pre-application service was used for this application, was the advice given followed?	N/A
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 statutory determination date?	YES

### **CONCLUSION**

92. The proposed development is for the demolition of the existing dwellinghouse on site and the construction of a new 5 bedroom dwellinghouse, with an ancillary 2 bedroom annex. The design is consistent with the surrounding area and would contribute to the character of the Dulwich Village Conservation Area. A high quality of internal and external accommodation would be achieved, exceeding minimum policy requirements. There would be no adverse impacts on the amenity of neighbouring occupiers. It is therefore recommended that the application is approved, subject to conditions.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Environment, Neighbourhoods & Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 0524 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0254

## APPENDICES

No.	Title
Appendix 1	Recommendation - Draft Decision Notice
Appendix 2	Relevant planning history
Appendix 3	Planning policies
Appendix 4	Consultation responses received
Appendix 5	Consultation undertaken

## AUDIT TRAIL

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Andre Verster, Team Leader	
<b>Version</b>	Final	
<b>Dated</b>	12 June 2024	
<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	No	No
Strategic Director of Environment, Neighbourhoods and Growth	No	No
Strategic Director of Housing	No	No
<b>Date final report sent to Constitutional Team</b>	22 August 2024	

# 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>	Mr Tony Mckinlay	<b>Reg. Number</b>	23/AP/2919
<b>Application Type</b>	Minor application		
<b>Recommendation</b>		<b>Case Number</b>	PP-12539983

## Draft of Decision Notice

**for the following development:**

Demolition of existing two storey detached dwelling, and replacement with a new dwelling house and ancillary 2 bed annex, with basement, single storey side extension and dormers within the rear roof slope.

29 Eastlands Crescent London Southwark SE21 7EG

**In accordance with application received on 18 October 2023 and Applicant's Drawing Nos.:**

Proposed Plans

Plans - Proposed JB_02	PROPOSED BLOCK PLAN-A1 received 12/04/2024
Plans - Proposed JB_04	PROPOSED FRONT GARDEN PLAN-A1 received 12/04/2024
Plans - Proposed JB_10	PROPOSED SITE PLAN-A1 received 12/04/2024
Plans - Proposed JB_11	PROPOSED BASEMENT PLAN-A1NEW received 12/04/2024
Plans - Proposed JB_12	PROPOSED GROUND FLOOR PLAN-A1 received 12/04/2024
Plans - Proposed JB_13	PROPOSED FIRST FLOOR PLAN-A1 received 12/04/2024
Plans - Proposed JB_14	PROPOSED SECOND FLOOR PLAN-A1 received 12/04/2024

Plans - Proposed JB_15	PROPOSED ROOF PLAN-A1 received 12/04/2024
Plans - Proposed JB_20	PROPOSED SECTION A-A-A1 received 12/04/2024
Plans - Proposed JB_32	PROPOSED EAST ELEVATION-A1 received 12/04/2024
Plans - Proposed JB_31	PROPOSED SOUTH ELEVATION-A1 received 12/04/2024
Plans - Proposed JB_33	PROPOSED WEST ELEVATION-A1 received 12/04/2024

**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**

3. Prior to commencement, cross sections shall be provided to show surface and other changes to levels, special engineering or construction details required in order to facilitate demolition, construction and excavation. All foundation depths shall be in accordance with NHBC 4.2.13; or as engineer designed if below these depths.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality, in accordance with the National Planning Policy Framework 2023, Policies G1 (Green Infrastructure), G5 (Urban greening) and G7 (Trees and woodlands) of the London Plan 2021 and Policies P56 (Protection of amenity), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

**Permission is subject to the following Grade Conditions**

4. Prior to above grade works, samples of all external materials to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority and 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 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 Policies P13 (Design of places), Policy P14 (Design quality) and P20 (Conservation areas) of the Southwark Plan 2022.

5. Prior to above grade works, detailed drawings of the proposed façade detail design, at a scale of 1:10 for elevations and 1:2 for sections for all principal elevation detailing including the following to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority:
  - i. Roof ridge;
  - ii. Brickwork detailing to the chimneys;
  - iii. Eaves (including dentil detailing);
  - iv. Expressed brick coursing;
  - v. Brickwork / clay tile detailing to the entrance pilasters;
  - vi. Hung tiles to the bay window;
  - vii. Window and door lintels, window cills and external joinery;
  - viii. Mock garage door.

The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the architectural detailing is of a suitably high quality and appropriate to the context of the conservation area in accordance with the National Planning Policy Framework 2023, Policy D4 (Delivering good design) of the London Plan 2021 and Policies P13 (Design of places), P14 (Design quality) and P20 (Conservation areas) of the Southwark Plan 2022.

6. Prior to above grade works, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion of the development. Details shall include:
  - 1) a scaled plan showing all existing vegetation and landscape features to be retained with proposed trees, hedging, perennial and other plants;

- 2) Proposed parking, access, or pathway layouts, materials and edge details;
- 3) Location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving
  - b) tree pit design
  - c) underground modular systems
  - d) sustainable urban drainage integration
  - e) use within tree Root Protection Areas (RPAs);
- 4) Typical cross sections;
- 5) A schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 6) Specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 7) Types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed 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. Any trees, shrubs, grass or other planting 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.

Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting.

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 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 and Policies P13 (Design of places), P14 (Design quality), P56 (Protection of amenity), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

**Permission is subject to the following Pre-Occupation Conditions**

7. Before the first occupation of the development hereby approved full details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The agreed cycle storage shall be provided and made available to the users of the development. Thereafter, such facilities shall be retained and maintained in perpetuity.

Reason:

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with the National Planning Policy Framework 2023, Policy T5 (Cycling) of the London Plan 2021 and Policy P53 (Cycling) of the Southwark Plan 2022.

8. Before the first occupation of the development hereby approved, details of bat tubes, bricks or boxes shall be submitted to and approved in writing by the Local Planning Authority.

No less than 1 bat tubes, bricks or box shall be provided and the details shall include the exact location, specification and design of the habitats. The bat tubes, bricks or box 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 box shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

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, Policies G1 (Green infrastructure), G5 (Urban greening) and G6 (Biodiversity and access to nature) of the London Plan 2021 and Policies P59 (Green infrastructure) and P60 (Biodiversity) of the Southwark Plan 2022.

**Permission is subject to the following Compliance Conditions**

9. The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations (including facilitative pruning specifications and supervision schedule) contained in the Arboricultural Method Statement, prepared by Mick Jones, AC-MS-29EC. Revision 1, dated November 2023 and showing a phased approach to demolition and construction. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works shall adhere to BS5837: (2012) Trees in relation to demolition, design and construction; BS3998: (2010) Tree work - recommendations.

All Arboricultural Supervisory elements are to be undertaken in accordance with the approved Arboricultural Method Statement site supervision key stages (BS: 5837 (2012)) for this site, as evidenced through signed sheets and photographs.

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with the National Planning Policy Framework 2023, Policy G7 (Trees and woodlands) of the London Plan 2021 and Policies P13 (Design of places), P14 (Design quality), P56 (Protection of amenity), P60 (Biodiversity) and P61 (Trees) of the Southwark Plan 2022.

10. No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

Reason:

In accordance with the National Planning Policy Framework 2023, Policy T6 (Car parking) of the London Plan 2021 and Policy P50 (Highways impacts) of the Southwark Plan 2022.

11. The annex hereby approved shall remain ancillary to the main dwellinghouse hereby approved.

Reason:

In order to ensure that development hereby approved remains as a single dwelling house in accordance with the National Planning Policy Framework 2023 and Policies P1 (Social rented and intermediate housing) and P3 (Protection of existing homes) of the Southwark Plan 2022.

12. The developer shall enter into an agreement, under section 278 of the Highways Act, with the Highways Authority to carry out highways works. The development shall not be carried out otherwise than in accordance with this S278 agreement, and such works shall be completed within 3 months of first occupation of the dwellinghouse.

Reason:

To ensure that the proposal will not comprise any highway safety in accordance with the National Planning Policy Framework 2023 and Policy P50 (Highway impacts) of the Southwark Plan 2022.

13. The development hereby approved shall be carried out in accordance with the Basement Impact Assessment project no. 371819-00 (00) prepared by RSK dated December 2018.

Reason:

In order to ensure that there would not be any impacts on neighbouring amenity in accordance with the National Planning Policy Framework 2023 and Policy P56 (Protection of amenity) of the Southwark Plan 2022.

14. Before the first occupation of any part of the development hereby approved, the refuse storage arrangements shown on the approved plans shall be provided and made available for use by the occupiers.

The refuse storage facilities shall thereafter be retained and the space used for no other purpose.

Reason:

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with the National Planning Policy Framework 2023 and Policies P56 (Protection of amenity) and P62 (Reducing waste) of the Southwark Plan 2022.

### **Permission is subject to the following Special Condition**

15. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to

subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

## **Informatives**

- 1 Paragraph 3.12.9 of Policy D12 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.

The fire risk assessment/statement covers matters required by planning policy. This is in no way a professional technical assessment of the fire risks presented by the development. The legal responsibility and liability lies with the 'responsible person'. The responsible person being the person who prepares the fire risk assessment/statement not planning officers who make planning decisions.

- 2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

## APPENDIX 2

### Relevant planning history

Reference and Proposal	Status
<b>15/AP/0731</b> T1: Oak - Fell	30/04/2015
<b>15/AP/5030</b> T1: Oak - Remove.	03/02/2016
<b>18/AP/3379</b> Demolition of existing two-storey detached single dwelling and construction of 2 three-storey plus basement, semi-detached family houses and associated car parking and landscaping.	Application withdrawn 22/02/2019
<b>19/AP/0946</b> Demolition of existing two-storey detached dwelling and construction of x2 two storey semi-detached dwellings comprising ground, first, attic and basement floor level accommodation with associated car parking and landscaping.	GRANTED- Minor Application 01/10/2020

### Planning Policies

#### National Planning Policy Framework (the Framework) 2023

The revised National Planning Policy Framework ('NPPF') was published on 19 December 2023 and 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 from the Framework are:

- Chapter 2 Achieving sustainable development
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 8 Promoting healthy and safe communities
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed and beautiful places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change

#### The 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 D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D6 Housing quality and standards
- Policy D12 Fire safety
- Policy HC1 Heritage conservation and growth
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy T5 Cycling
- Policy T6 Car parking
- Policy H1 Increasing housing supply
- Policy H2 Small sites
- Policy H4 Delivering affordable housing
- Policy AI2 Minimising greenhouse gas emissions
- Policy S1 12 Flood risk management
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling



- Policy T6 Car parking

## **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:

- Policy P1 Social rented and intermediate housing
- Policy P3 Protection of existing homes
- Policy P13 Design of places
- Policy P14 Design quality
- Policy P15 Residential design
- Policy P18 Efficient use of land
- Policy P20 Conservation areas
- Policy P53 Cycling
- Policy P54 Car parking
- Policy P56 Protection of amenity
- Policy P60 Biodiversity
- Policy P61 Trees
- Policy P62 Reducing waste
- Policy P65 Improving air quality
- Policy P68 Reducing flood risk
- Policy P69 Sustainability standards
- Policy P70 Energy

## **SPDs**

Of relevance in the consideration of this application are:

- 2015 Technical Update to the Residential Design Standards SPD 2011
- Heritage SPD 2021
- Dulwich SPD 2013

## APPENDIX 4

### Consultation undertaken

**Site notice date:** 08/11/2023

**Press notice date:** 26/10/2023

**Case officer site visit date:** n30/05/2024

**Neighbour consultation letters sent:** 15/05/2024

#### Internal services consulted

LBS Urban Forester

LBS Design & Conservation Team

LBS Flood Risk Management & Urban Drainage Team

LBS Transport Policy Team

#### Statutory and non-statutory organisations

Thames Water

#### Neighbour and local groups consulted

95 Court Lane London Southwark

27 Eastlands Crescent London Southwark

97 Court Lane London Southwark

20 Eynella Road London Southwark

18 Eynella Road London Southwark

22 Eynella Road London Southwark

24B Eynella Road London Southwark

24A Eynella Road London Southwark

20 Eastlands Crescent London Southwark

16 Eynella Road London Southwark

22 Eastlands Crescent London Southwark

25 Eastlands Crescent London Southwark

24 Eynella Road London Southwark

## APPENDIX 5

### Consultation responses received

#### Internal services

LBS Urban Forester

LBS Flood Risk Management & Urban Drainage Team

LBS Transport Policy Team

LBS Design & Conservation Team

#### Statutory and non-statutory organisations

Thames Water

#### Neighbour and local groups

4 Eastlands Crescent Dulwich London

27 Eastlands Crescent Dulwich London

97 Court Lane London Southwark

24 Eynella Road London SE22 8XF

14 Eastlands Crescent London SE21 7EG

95 Court Lane London SE217Ef

12 Eastlands Crescent 12 Dulwich London SE217EG

20 Eynella Road London SE22 8XF

8 Eastlands Crescent London SE21 7EG

17 Eastlands Crescent London SE21 7EG

27 Eastlands Crescent London SE21 7EG

16 Eynella Road East Dulwich SE22 8XF

95 Court Lane London SE21 7EF

17 Eastlands Crescent London SE21 7EG

13 Eastlands Crescent London SE21 7EG

14 Eastlands Crescent London se217eg

2 Eastlands Crescent Dulwich London  
22 Eastlands Crescent London Southwark  
23 Eastlands Crescent, Dulwich, London SE21 7EG London SE21 7EG  
91 Court Lane London SE21 7EF  
6 Eastlands Crescent London SE21 7EG  
21 Eastlands Crescent London SE21 7EG  
27 Eastlands Crescent London SE21 7EG  
17 Eastlands Crescent London SE21 7EG  
21 Eastlands Crescent London SE21 7EG  
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