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Item No. 7.3	Classification: Open	Date: 29 January 2020	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 19/AP/1005 for: Full Planning Application		
	Address: VACANT SITE AT RED POST HILL, REAR OF 19 VILLAGE WAY, LONDON SE21 7AN		
	Proposal: Erection of 2 no. two-storey detached dwellinghouses (2 x 4 bedrooms) with associated landscaping works.		
Ward(s) or groups affected:	Dulwich Village		
From:	Director of Planning		
Application Start Date	03/04/2019	Application Expiry Date	29/05/2019
Earliest Decision Date			

RECOMMENDATION

1. Grant planning permission subject to conditions and a S106 agreement.
2. In the event that a legal agreement is not completed by 31/03/2020, that the director of planning be instructed to refuse planning permission in accordance with paragraph 81 of the report.

BACKGROUND INFORMATION

Site location and description

3. The application site is a vacant plot close to the inter-section of Village Way and Red Post Hill in Dulwich. It forms part of the curtilage of an early 18th Century detached dwelling- Lyndhurst House and its house and extensive grounds. Lyndhurst House and the brick wall enclosing its curtilage are both Grade II Listed. The site is in the Dulwich Village Conservation Area, which is characterised by its substantial mature landscape and residential properties set well back from the street.
4. There are a number of trees within the site which are covered by a Tree Preservation Order (TPO) which includes a woodland TPO to the north and west of the site while the individual protected trees are along the southern boundary of the identified application site adjacent to the boundary with Lyndenhurst House.
5. The site is located within an Air Quality Management Area and an Archaeological Priority Zone.

The surrounding area

6. The surrounding area is predominantly residential in nature with the aforementioned Lyndenhurst House to the south of the site, a row of 5, two storey terraced properties to the north and further residential properties to the west of the site. To the east of the

site is Red Post Hill where there are further residential buildings as well as some small commercial uses adjacent to North Dulwich Station. A memorial garden, including a plaque, for residents who perished in the Marchioness Disaster in 1989 is located along the Red Post Hill frontage, just north of the site.

Details of proposal

7. The proposal is for the erection of two two-storey detached dwellinghouses (2 x 4 bedrooms) with associated landscaping works; the development would be car free. The proposal would require the upgrading of the existing pedestrian access onto Red Post Hill and would also require some tree removal from the site in order to allow for creation of the dwellings.

Planning history

8. See Appendix 1 for any relevant planning history of the application site.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

9. The main issues to be considered in respect of this application are:
 - Principle of the proposed development in terms of land use;
 - Density;
 - Quality of residential accommodation;
 - Design, layout, heritage assets
 - Landscaping and trees;
 - Impact of proposed development on amenity of adjoining occupiers and surrounding area;
 - Transport and highways;
 - Noise and vibration;
 - Ecology and biodiversity;
 - Archaeology;
 - Planning obligations (S.106 undertaking or agreement);
10. These matters are discussed in detail in the 'Assessment' section of this report.

Legal Context

11. 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.
12. 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 (the Framework) 2019

13. 2. Achieving sustainable development
5.Delivering a sufficient supply of homes
11. Making effective use of land

- 12.Achieving well-designed places
- 14.Meeting the challenge of climate change, flooding and coastal change
- 15.Conserving and enhancing the natural environment
- 16.Conserving and enhancing the historic environment

London Plan 2016

14. Policy 3.3 - Increasing housing supply
- Policy 3.4 - Optimising housing potential
- Policy 3.5 - Quality and design of housing developments
- Policy 3.7 - Large residential developments
- Policy 5.2 - Minimising carbon dioxide emissions
- Policy 5.3 - Sustainable design and construction
- Policy 6.9 - Cycling
- Policy 6.10 - Walking
- Policy 7.8 - Heritage assets and archaeology
- Policy 7.15- Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
- Policy 7.19 - Biodiversity and Access to Nature
- Policy 7.21 - Trees and Woodlands
- Policy 8.2 - Planning Obligations
- Policy 8.3 - Community Infrastructure Levy

Core Strategy 2011

15. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:

- SP1 - Sustainable development
- SP2 - Sustainable transport
- SP5 - Providing new homes
- SP6 - Homes for people on different incomes
- SP7 - Family homes
- SP12 - Design and conservation
- SP13 - High Environmental standards
- SP14 - Implementation and delivery

Southwark Plan 2007 (saved policies)

16. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:

- Policy 3.1 - Environmental effects
- Policy 3.2 - Protection of amenity
- Policy 3.6 - Air quality
- Policy 3.7 - Waste management
- Policy 3.9 - Water
- Policy 3.11 - Efficient use of land
- Policy 3.12 - Quality in design
- Policy 3.13 - Urban design
- Policy 3.15 - Conservation of the historic environment

- Policy 3.16 - Conservation areas
- Policy 3.18 - Setting of listed buildings, conservation areas and world heritage sites
- Policy 3.28 - Biodiversity
- Policy 4.2 - Quality of residential accommodation
- Policy 5.2 - Transport impacts
- Policy 5.3 - Walking and cycling

Supplementary Planning Documents

17. 2015 Technical Update to the Residential Design Standards 2011
Section 106 Planning Obligations and Community Infrastructure Levy SPD 2015
Sustainable Design and Construction 2009
Dulwich SPD 2013

ASSESSMENT

Summary of Consultation Responses

18. A total of 29 responses have been received to the application, all in objection to the proposed development on the site. The objections raise the following issues:

- Principle of development of the site within black land site.
- The erosion of the conservation area as a result of additional housing.
- Concerns over the impacts on the listed wall from construction.
- Impacts of the proposed houses on the amenity of the surrounding properties.
- Loss of privacy, outlook and daylight and sunlight.
- Concerns have been raised about the pedestrian access opening onto a busy footpath adjacent to the bus stop.
- Concerns about how the site would be serviced.
- Concern about any potential disturbance to the memorial garden alongside the site.

Principle of the proposed development in terms of land use

19. The site is located within a predominantly residential area and as such there are no in principle objections to the introduction of additional housing in this location. However, the application site is a vacant plot of land located within a residential area and would provide a more efficient use of the site, contributing to new housing. However, the proposal represents a back-land development, for which the Dulwich SPD (2013) provides further guidance. The SPD states that:
20. 'Back-land development can have a significant impact on amenity, neighbouring properties and the character of the area. Dulwich is generally not considered to be a suitable area for back-land development due to the character of the area and the large plot sizes which are characteristic of the area and contribute to its historic value. Dulwich is characterised by being leafy, open and green, with mainly low-rise suburban buildings. Building new dwellings or garden buildings that are disproportionately larger than the plot size in back gardens would alter and harm the character of Dulwich'.
21. However, there may be some exceptions where back-land development is acceptable where it meets the following criteria:
 - i. It is on previously developed land.
 - ii. The development would not compromise historic plots that reflect the heritage of the area, including the historic patterns of development and the cumulative impact of similar developments.
 - iii. There is adequate and safe access, suitable for entry and egress of vehicles,

cyclists and pedestrians; and

- iv. The development would not contribute to or add to parking problems in the area; and
- v. There is no loss of privacy or amenity for adjoining houses and their back gardens; and
- vi. Schemes larger than 1 dwelling will require space for refuse storage and collection and the separation of pedestrian and vehicular access; and
- vii. Suitable consideration is given to the retention of tree canopy cover and mitigation of any loss; and
- viii. It can be demonstrated that proposals sustain and enhance the character and setting of designated or undesignated heritage assets.

22. In this instance, the proposal is for two houses within the former walled garden of Lyndenhurst House. The walled garden stands to the rear of the house and has been divided into two by a substantial mature coniferous hedge for some considerable time almost 30 years. The rear part of the garden has been overgrown for some time.
23. The heritage statement that accompanies the application states a survey of historic maps shows the site utilised as a service area with stables, outbuildings and vegetable plots rather than landscaped pleasure gardens that would be associated with the setting of Lyndenhurst House, which outlines that the site has been previously developed in part, and this has been confirmed from viewing the Council's own historic maps which show buildings within part of the site and as such would meet this clause of the guidance.
24. In terms of whether the proposal would compromise the historic plots, the site is very unusual and this area has no uniformity in terms of plot character and large plots are still retained as existing for the adjoining residential properties. Furthermore the buildings would largely be hidden by the circa 2m height wall fronting Red Post Hill and the level drops within the site, and as such would be acceptable in this regard.
25. No vehicular access is proposed which is acceptable given the close proximity to North Dulwich Station and bus services, is considered acceptable. Furthermore, the pedestrian and cycle access would in essence be retained as existing through the existing gated entrance off of Red Post Hill and as such the proposal would not result in any public safety impacts as a result of the proposal.
26. The remaining elements of this guidance are looked at in further detail within the design and conservation and transport sections below but; the development would comply with the criteria where back-land development is acceptable.

Density

27. The proposal would result in a density of approximately 110.88 habitable rooms per hectare and as such would be below the suburban density zone expected density range of 200 to 350 habitable rooms per hectare. However, given the sensitive nature of the site within the curtilage of a grade II listed building, this is considered appropriate.

Quality of residential accommodation

28.	Schedule of accommodation for dwelling type 5 bed dwelling 1			
	Room	Floor area (sq. m)	Minimum floor area requirement (sq. m)	Complies?
	Lounge	37.1	15	Yes

Kitchen/Diner	28.5	12	Yes
Double bedroom	13-19.8	12	Yes
Study/single bedroom	10.1	7	Yes
Bathroom	3.68	3.5	Yes
Built-in storage	4	4	Yes
Dwelling	Area (sq. m)	Minimum area requirement (sq. m)	Complies?
Gross Internal Floor Area	221.3	134	Yes
Private outdoor space	668	50	Yes

29.

Schedule of accommodation for dwelling type 5 bed dwelling 2

Room	Floor area (sq. m)	Minimum floor area requirement (sq. m)	Complies?
Lounge	35	15	Yes
Kitchen/Dining	29	12	Yes
Double bedroom	14.1-18.5	12	Yes
Study/Single bedroom	10.1	7	Yes
Bathroom	3.98	3.5	Yes
Built-in storage	4.9	4	Yes
Dwelling	Area (sq. m)	Minimum area requirement (sq. m)	Complies?
Gross Internal Floor Area	214.9	134	Yes
Private outdoor space	709	50	Yes

30. Given the above, the proposal would meet all of the required internal floor space requirements as well as benefitting from large gardens, as the proposal would provide a high quality of accommodation.

Design, layout and heritage assets

31. The application site is the part of the former garden at the rear of Lyndenhurst, 19 Village Way. The house is Grade II listed and located in the Dulwich Village Conservation Area. The existence the walled garden around garden is an inherent part of the architectural and historic interest of the house and is of historic and architectural interest in itself.
32. Historic maps (1879) show stables and outbuildings immediately behind and to one side of the house (which still exist in some form) with a formal layout of paths behind this on the part of the garden to be developed. The map shows trees along the boundary with the adjacent listed Pond House but no other formal arrangement of planting or trees
33. Listed building consent was granted in 1991 to divide the garden in two with a brick wall. This was not implemented but since that time a coniferous hedge (now quite mature and substantial) has divided the garden. Since this separation the rear part of the garden (the subject of this application) has become derelict and overgrown. Other than its continued existence as a walled garden associated with the house it

contributes very little in its overgrown state to the setting of the house or to its architectural or historic interest. There are however some specimen trees, particularly a large weeping willow close to the boundary hedge.



34. The Conservation Area Appraisal states with regard to the Lyndenhurst and its garden and the adjacent Pond House :
35. 'Particularly notable are Lyndenhurst and Pond House, Nos. 19 and 20 Village Way. Lyndenhurst, a listed building of early 18th century origin, occupies a key position acting as a focus to views looking north along Dulwich Village. Its setting is enhanced by its fine 18th century brick boundary wall which continuous along the west side of Red Post Hill. Pond House is an equally fine mid-18th century house whose reduced setting demonstrates the unfortunate consequences of allowing the great part of its garden to be developed for new housing. Lyndenhurst's large rear garden, by contrast, has not developed, although half of it has been separated off. This garden setting positively enhances the listed building. It is important for the proper preservation of the character of the conservation area that the open setting (the rear garden of Lyndenhurst House) is preserved and that both parts of the former garden remain undeveloped."
36. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes the duty on local planning authorities to have special regard to the desirability of preserving or enhancing a listed building and its setting or any features of special architectural or historic interest which it possesses. Further, special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This is also reflected in the NPPF and supporting National Planning Practice Guidance which requires all development to conserve or enhance heritage assets

and their setting and avoid causing harm. Designated heritage assets include Statutory listed buildings and designated conservation areas.

37. Turning to the proposal, by building in the garden space that was intended as a part of the setting of the listed building and which still exists as a part of the special interest of the site as a whole, any development will cause some heritage harm.
38. There is little to no prospect of restoring the overgrown and separate rear garden and no prospect of unifying it with the remaining garden to form a single entity. This is a particularly the case given the size of the garden which is very large. It is also the case that the overgrown nature of the garden detracts from the character of the area and from the setting of the house at present.
39. In contrast, development offers the opportunity to clear the garden and bring it back into use. It would also help to ensure that its key remaining built feature, its garden wall, is maintained in perpetuity. This can be weighed against the less than substantial heritage harm which includes the development within a historic garden of a Grade II listed building, caused by present proposals for the construction of two houses within the garden. In this respect the two houses will be spaced well apart with ground remaining between and in front of them be partially sunken into the ground so as to reduce their visual impact, and such that they are very much subservient in scale and bulk to the listed house have a bespoke design that ‘wraps’ each house around a specimen tree retain other specimen trees- particularly the a large willow fit between the previously existing paths through and across the garden have a single landscape design with informal planted boundaries that reinforce the character of the garden a single space and which keeps key trees.
40. Overall, the small harm caused by the building of new houses within the garden will be mitigated by the ‘openness’ of the design concept. This concept is one of the new buildings reading as individual pavilions or structures within a large garden rather than development that simply removes a proportion of the garden, or which changes it so much that in can no longer be understood as garden. In this respect the proposal is far removed from the very ordinary estate development that has removed a large proportion the former grounds of the adjacent Pond House.
41. In addition, the removal of overgrown self-seeded trees and undergrowth and their replacement with a considered landscaping regime is a heritage gain which will help to restore some sense of unity between the rear garden that is subject to the development proposals and the garden that now forms the immediate curtilage of Lyndenhurst House.
42. The proposal is further enhanced by the bespoke design of the houses themselves. They will have a complex folded form that breaks down their apparent scale and which relates to selected specimen trees. Materials will be a rustic brick which relates very well to that of the existing boundary wall, with rusted steel above. The steel is itself quite a rustic, crafted material which will allude to the colour of the tree trunks and trees within the garden.
43. It should also be noted that the retention of mature trees within the site and along boundaries plus the fact that the houses are sunken within the garden and sunk relative to external ground levels means that the houses will be reasonably discrete features as viewed from outside the site. They will not therefore impact greatly on the character of this part of the conservation area. As importantly, the garden boundary wall enclosing trees and planting inside will remain a dominant feature of the area. The proposal would not therefore cause undue harm to the special character and appearance of this part of the conservation area.

- 44. In terms of assessing the harm of the proposal on the heritage assets, Paragraph 196 of the NPPF states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 45. In this case the harm to the setting and the garden of the designated heritage asset of the listed building is much less than substantial. It is further mitigated by the bespoke design of the development which will allow the restoration of the garden which currently is very overgrown and offers little amenity value to the setting of the listed building and wider conservation area. Given the long abandonment of the garden, this is a heritage gain in itself as well as amounting to an optimum viable use. In this respect the development is justified and thus considered acceptable in design and conservation terms.

Landscaping and trees

- 46. The site has a number of large trees as well as a number of self-seeded smaller trees throughout the site which are covered by Tree Protection Orders which includes 10 individual trees and two separate tree group areas. The Northern boundary forms an important habitat corridor and screening to and from 1-9 Red Post Hill, its contribution has been evaluated and worthy of a Tree Preservation Order, this would be retained to the North of the site (above the pathway) with some allowance for selective thinning, therefore only partial removal of Groups G2, G14 and G20 are deemed an acceptable loss.
- 47. T9 (Laburnum) provides excellent mid canopy cover and was in full flower at time of site visit. This would be required to be retained with a sympathetic reduction towards the proposed property. It is thought that transplanting at this site ensures little to no potential for success.
- 48. The proposal would require the removal Two category B trees, seven category C trees, two category U trees and five category C groups (or parts of groups) will be removed to facilitate the proposed development. Mitigation for the loss of these trees would need to be met through a Section106 agreement. In terms of total girth loss, a Capital Asset Value for Amenity Trees (CAVAT) valuation in line with policy has been calculated on the basis that it does not include any U classified trees. The applicants have agreed to pay an off-set fee in order to mitigate the loss of trees within the site and provide additional canopy cover off-site.
- 49. A site visit and agreed methods of tree protection are covered by a recommended pre-commencement condition, whilst detailed hard and soft landscaping plans will also be conditioned and it will be required that additional appropriate tree planting would be required to be provided within the site.
- 50. When taking account of the abovementioned mitigation through a new replanting programme and an off-set contribution towards additional trees to be planted off site, the proposed loss of trees on site is considered acceptable when taking into account the public benefit of provided two new family dwellings.

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

- 51. Overlooking:
In terms of the potential overlooking of the proposed dwellings into surrounding properties, the distances to the closest building to the south (Stables dwelling at 19 Red Post Hill) would be approximately 21.3m from the closest habitable windows

which would exceed the required 21m separation distance as required by the Council's residential design standards. Furthermore, there is a mature planting screen along this southern boundary which would further reduce any sense of overlooking into this property.

52. In terms of the potential impacts to the properties to the west of the site (Pond Mead), there would not be any windows at first floor on the side facing elevation and as such there would not be any direct overlooking in this respect. A window would be placed at ground floor in the side elevation however, the boundary treatment of the site would ensure that there would not be any direct views from this window. There is a window on the first floor southern elevation that faces obliquely towards these properties, however the distance from this window to the adjacent property would be in excess of 22m.
53. In terms of impacts of overlooking to the north of the site (1-9 Red Post Hill), there are no habitable windows on the north elevation and as such there would not be any overlooking into these properties. A condition is however recommended to ensure that the non-habitable hallway windows on this elevation are secured as obscure glazed. No overlooking impacts would be had to the east of the site as this faces onto Red Post Hill and the distances would significantly exceed the required 12m separation distance across a road.
54. **Daylight and Sunlight:**
The applicants have provided a note from a daylight and sunlight consultant who argues that the proposal would not result in any noticeable daylight or sunlight impacts on the surrounding properties.
55. Officers have reviewed sectional drawings for the development, which show that the proposed dwellings would be sunken below the natural ground level of the buildings to the north, the proposal would meet the 25 degree rule as outlined within the BRE guidance on daylight and sunlight and as such there would not be any material impact on daylight and sunlight for neighbours.
56. Overall, the proposal is not considered to result in any significant amenity impacts on the surrounding neighbouring properties.

Noise and vibration

57. In terms of noise, the proposal would introduce two new houses into a predominately residential area which in itself does not raise any additional noise concerns. The Environmental protection team have recommended conditions in relation to internal noise levels for the dwellings which has been included within the draft recommendation.

Transport Impacts

58. The site is located with a PTAL of 3, which is moderate, however it is within short walking distance of North Dulwich Train station and bus routes on Red Post Hill. There is a northbound Bus stop cage directly adjacent to the site pedestrian entrance along the sites frontage on Red Post Hill.
59. Due to footway width restrictions the site is currently inaccessible to vehicular access. Pedestrian access is from Red Post Hill via existing pedestrian gateway. There is a listed high brick boundary wall along the sites frontage on Red Post Hill.
60. The applicant has proposed the provision of four no cycle parking spaces per dwellinghouse totalling 8no cycle parking spaces at ground level within cycle store

with access via the main residential pedestrian pathway. Given the layout of the development proposal, refuse collection would be from Red Post Hill which is acceptable. Refuse/recycling will be accommodated within secured store within the site in refuse holding area adjacent to the sites pedestrian access. Servicing will be accommodated on-street along the sites frontage on Red Post Hill. Additionally, the applicant has proposed the use of loading bay layby adjacent to North Dulwich Train station which is approximately 40meteres from site entrance which is acceptable given the relatively low level of servicing which would likely result from 2 dwellings. Whilst it is noted that objectors have raised some concerns about how the site would be serviced, however given the location of a nearby servicing bay the servicing from this development can be accommodated within this area without the need to stop directly outside of the sites entrance and as such there would not be any impediments to the buses accessing the bus stop. Any vehicles that would stop in this restricted area would be subject to highways enforcement.

61. Concerning the vehicle movements ensuing from this development proposal, the applicant's consultants have estimated that the development would generate negligible adverse impact on the public highway. The council's own estimate has indicated that this development will not have a significant adverse impact on the prevailing vehicle movements on adjoining roads. In addition, the applicants' consultant has stated a willingness to accept that future inhabitants of the development will not be eligible for parking permit for controlled parking zone adjacent to site on adjoining highway and this would be secured within the S106 agreement.
62. Given the location of the proposed development and existing highway constraints, the applicant is required to submit a construction management plan detailing logistics of construction vehicle activity within proximity to northbound and southbound Bus stops on Red Post Hill.
63. Initially the location of bin store within Dwelling 2 would have exceeded the maximum refuse dragging distance at approximately 37 metres which is 12 metres over the Waste management guidance for residential development. However a revised ground floor site plan has been provided which indicates that the refuse bins would be stored within a holding bay directly adjacent to the access gate and as such the proposed refuse strategy would meet the required distance. A compliance condition is proposed in order to ensure that the refuse details are provided as outlined on the revised plan ref: 1999 Rev A - Proposed Site Access Plan.

Ecology and biodiversity

64. The applicants have provided a habitat survey as well as a bat survey to assess the potential harm of the proposal on biodiversity within the site. These have been reviewed by the council's ecologist who has noted that the proposed surveys outline that a number of bat species visited the site and as such mitigation is required in order to mitigate the loss of any habitats. The mitigation as outlined within the submitted assessments includes the need for a minimum of five woody plants should be planted per metre of hedgerow and should be managed on an annual rotation, whereby half of each hedgerow is cut in any one year and this is considered appropriate. This will be secured through the landscaping strategy which is recommended to be conditioned.
65. It is also recommended that a sensitive artificial lighting strategy be adopted during both the construction and operational phase of the proposed development in order to avoid illumination of retained bat foraging and commuting habitats as well as provision of bat roosts within the development and this will be secured by condition. Roosts and bird nesting boxes have been proposed to be included within the structure of the two houses, however a condition is recommended to provide further details of this.

Ground conditions and contamination

66. The council's environmental protection team have reviewed the submitted details and have recommended that a condition is required that If, during development, contamination not previously identified is found to be present then details must be provided to the council alongside a mitigation strategy.

Water resources and flood risk

67. The site is located within flood risk zone 1 and as such would not represent any significant tidal flood risks. In terms of drainage the site would predominantly retain its soft landscaping and as such would not give rise to any significant drainage concerns, The council's Flood and drainage team have been consulted and have not raised any concerns with regards to flood risk or drainage.

Archaeology

68. The application site is located within the Dulwich Village Archaeological Priority Zone. The applicants have provided a desk based survey demonstrating the potential risks of the development on archaeological remains which consist of the potential for remains of a walled garden.
The application site is located within the Dulwich Village Archaeological Priority Zone. The applicants have provided a desk based survey demonstrating the potential risks of the development on archaeological remains which consist of the potential for remains of a walled garden.
69. The study has been reviewed by the Councils Archaeologist who has confirmed the acceptability of the report however they have requested that a number of conditions are attached in order to provide further assessments of any potential remains on site.

Planning obligations (S.106 undertaking or agreement)

70.

Planning obligation	Mitigation	Applicant's position
Energy, Sustainability and the Environment		
Precautionary tree loss offset	Total Girth Loss: 728.84 cm Total replacement Girth: 60cm. CAVAT Valuation: £22,124.00 Minus Replacements: -£4,490.00 Total sum to be paid under a S.106 Agreement: £17,634.00	Agreed
Contribution to Car Club	Contribution for future occupiers to provide car club membership.	Agreed
Removal of Parking permit rights	N/A.	Agreed
Administration fee	Payment to cover the costs of monitoring these necessary planning obligations calculated as 2% of total sum.	Agreed

71. If in the event that a S106 has not been agreed by March 31st 2020 then the Director of the Planning be instructed to refuse planning permission for the following reason:

In the absence of a signed legal agreement, the proposal would fail to provide suitable mitigation in terms of planning gain, contrary to saved policies 2.5 (Planning Obligations) and 3.15 (Conservation of the historic environment) of the Southwark Plan, policies SP11 – Open spaces and wildlife and SP14 (Implementation and Delivery) of the LB Southwark Core Strategy 2011 policies (7.21 - Trees and Woodlands) and 8.2 (Planning Obligations) of the London Plan 2016, and Sections 4. Decision-making and 5. Delivering a sufficient supply of homes of the NPPF 2019.

Mayoral and borough community infrastructure levy (CIL)

72. The application would be both Mayoral CIL2 and Southwark CIL chargeable. The Southwark CIL charging rate would be £54 per square metre and the MCIL charging rate would be £60 per square metre.

Consultation responses, and how the application addresses the concerns raised

Consultation responses from members of the public

73. Summarised below are the material planning considerations raised by members of the public.
74. Principle of development and proposed land uses:
- The development of houses in back gardens is contrary in principle to Council guidance and the conservation area appraisal.
75. Design quality and site layout:
- The erosion of the conservation area as a result of additional housing.
 - Concerns over the impacts on the listed wall from construction.
- Officer response: The proposal does not require any amendments to the listed wall, and the construction management of the site would be subject to condition. If any alterations to the listed wall then this would be subject to a separate Listed building consent application.
76. Neighbour amenity impacts:
- Impacts of the proposed houses on the amenity of 1-9 Red Post Hill as the development would be close to these properties.
 - Loss of privacy, outlook and daylight and sunlight.
77. Transport, parking, highways, deliveries and servicing matters:
- Concerns have been raised about the pedestrian access opening onto a busy footpath adjacent to the bus stop.
 - Concerns about how the site would be serviced.
78. Other matters
- Concern about any potential disturbance to the memorial garden alongside the site.
- Officer response: It is understood that the memorial garden is not located within the application site. The development itself would be set in from all of the boundaries and as such it is unlikely that there would be any impacts on adjacent sites from construction.
79. These matters are addressed comprehensively in the relevant preceding parts of this report.

Consultation responses from internal and divisional consultees

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

81. Environmental Protection Team:

- No objections, recommend conditions on contamination and noise.

Officer response to issues raised: Conditions have been included. However not all of the noise conditions have been included as these would not be relevant to detached houses.

82. Design and Conservation Team:

Officer response to issue(s) raised: Comments have been incorporated into the main body of the report.

83. Flood Risk Management Team:

- No objections.

84. Ecologist:

- No objections subject to conditions on lighting, bat and bird boxes and landscaping.

Officer response to issue(s) raised: All conditions have been included.

Consultation responses from external consultees

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

86. N/A.

Community impact and equalities assessment

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

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

89. 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.
90. 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

91. 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.
92. This application has the legitimate aim of providing new family residential dwellings within a predominantly residential area. 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

93. 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.
94. 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.

95. **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 statutory determination date?	Yes
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Other matters

96. None identified.

Conclusion

97. The proposal would provide two new family dwellings within what is a predominantly residential area and this is supported in principle. Furthermore, as outlined within the main body of the report, the proposal would meet the requirements of the Dulwich SPD with regards to back land development.
98. Given the scale of the proposed dwellings it is not considered that there would be any significant amenity impacts on the surrounding residential units. Whilst it noted that there would be some harm as a result of developing within the former grounds of a Grade II listed building, this harm would be less than substantial and the proposed public benefit of bringing an untidy vacant piece of land back into use and the provision of new family housing would outweigh this harm.
99. Given the small scale residential use of the site it is not considered that there would be any significant impacts on the transport network subject to conditions. Furthermore, the impacts on the biodiversity of the site and trees would also be mitigated through the use of a S106 agreement and planning conditions in order to ensure that there would be net benefits as a result of the proposed development.
100. Overall, subject to conditions and the completion of a S106 agreement, the proposed development is considered acceptable and as such officers recommend that planning permission is granted.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP 2076-19	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403
Application file: 19/AP/1005		Planning enquiries email: planning.enquiries@southwark.gov.uk
Southwark Local Development Framework and Development Plan Documents		Case officer telephone: 0207 525 0254 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Relevant planning history
Appendix 4	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Alexander Cameron, Team Leader	
Version	Final	
Dated	14 January 2020	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		
17 January 2020		

Appendix 1: Consultation undertaken

Site notice date:

Press notice date: n/a.

Case officer site visit date: 06.05.2019

Neighbour consultation letters sent: 17/04/2019

Internal services consulted

Archaeology

Design and Conservation Team [Formal]

Urban Forester

Ecology

Flood Risk Management & Urban Drainage

Statutory and non-statutory organisations

N/A.

Neighbour and local groups consulted:

- | | |
|---------------------------------------|--|
| 5 Red Post Hill SE21 7BX | 2 Red Post Hill London SE21 7BX |
| 39 Pond Mead London SE21 7AR | 6A Red Post Hill London SE21 7BX |
| 34 Pond Mead Village Way London | 9 Red Post Hill London SE21 7BX |
| 37 Pond Mead Village Way London SE21 | 10 Red Post Hill London SE21 7BX |
| 7AR | 8 Red Post Hill London SE21 7BX |
| 1 Red Post Hill London SE217BX | 6 Red Post Hill London SE21 7BX |
| 35 Pond Mead Village Way SE21 7AR | 7 Red Post Hill London SE21 7BX |
| 30 Pond Mead Village Way Dulwich | 22 Pond Mead London SE21 7AR |
| 9 Red Post Hill London SE21 7BX | 23 Pond Mead London SE21 7AR |
| 7 Red Post Hill London SE21 7BX | 21 Village Way London SE21 7AN |
| 9 Red Post Hill London SE21 7BX | 19 Village Way London SE21 7AN |
| 6A Red Post Hill London SE21 7BX | 20 Village Way London SE21 7AN |
| 9 Red Post Hill Dulwich London | 24 Pond Mead London SE21 7AR |
| 38 Pond Mead Village Way London | 28 Pond Mead London SE21 7AR |
| 26 Red Post Hill London SE24 8JQ | 29 Pond Mead London SE21 7AR |
| 37 Pond Mead Village Way Dulwich SE21 | 27 Pond Mead London SE21 7AR |
| 7AR | 25 Pond Mead London SE21 7AR |
| 14 Red Post Hill London SE24 9JQ | 26 Pond Mead London SE21 7AR |
| 4 Red Post Hill London SE21 7BX | 62 Fawnbrake Aveune London SE24 0BZ |
| 5 Red Post Hill London SE21 7BX | 213 East Dulwich Grove London SE22 8SY |
| 3 Red Post Hill London SE21 7BX | 25 Kingsthorpe Road Sydenham SE26 4PG |
| 1 Red Post Hill London SE21 7BX | |

Re-consultation:

APPENDIX 2

Appendix 2: Consultation responses received

Internal services

Incorporated into the main body of the report.

Statutory and non-statutory organisations

Neighbour and local groups consulted:

- | | |
|---------------------------------------|--|
| 5 Red Post Hill SE21 7BX | 7 Red Post Hill London SE21 7BX |
| 34 Pond Mead Village Way London | 23 Pond Mead London SE21 7AR |
| 1 Red Post Hill London SE217BX | 29 Pond Mead London SE21 7AR |
| 30 Pond Mead Village Way Dulwich | 25 Pond Mead London SE21 7AR |
| 9 Red Post Hill London SE21 7BX | 26 Pond Mead London SE21 7AR |
| 7 Red Post Hill London SE21 7BX | 213 East Dulwich Grove London SE22 8SY |
| 9 Red Post Hill London SE21 7BX | 62 Fawnbrake Aveune London SE24 0BZ |
| 9 Red Post Hill Dulwich London | 31 Pond Mead Village Way London SE21 |
| 38 Pond Mead Village Way London | 7AR |
| 26 Red Post Hill London SE24 8JQ | 7 Red Post Hill London SE21 7BX |
| 37 Pond Mead Village Way Dulwich SE21 | 21 Pond Mead SE21 7AN |
| 7AR | 26 Pond Mead Village Way London |
| 3 Red Post Hill London SE21 7BX | 6A Red Post Hill London SE21 7BX |
| 6A Red Post Hill London SE21 7BX | 33 Pond Mead Village Way London |
| 9 Red Post Hill London SE21 7BX | 37 Pond Mead Village Way London |
| 6 Red Post Hill London SE21 7BX | |

APPENDIX 3

Appendix 3: Relevant planning history

09/AP/0470 and 0471 – Planning and Listed Building consent were granted for Demolition and reconstruction of part of a garden boundary wall on 05/05/2009. A number of applications for similar works prior to this were submitted and refused as they were not considered acceptable replacements to the listed wall.

17/EQ/0329 – A pre-application enquiry was submitted for the erection of three two-storey detached dwelling houses (1 x 2 bed and 2 x 3 bedrooms) and associated landscaping. The response outlined that the redevelopment of the site would help provide a more efficient use of the site, however it was concluded that the design would fail to respect the setting of Grade II listed Lyndenhurst House or the character and appearance of the wider Dulwich Village Conservation Area.

17/EQ/0482 – A revised pre-application enquiry was submitted for the erection of three two-storey detached dwelling houses (1 x 2 bed and 2 x 3 bedrooms) and associated landscaping. Concerns were still raised at this point with the design of the proposal and the potential impacts on the large Willow tree within the site.

18/AP/1626 - Construction of 3 part single, part two-storey detached dwellinghouses (1 x 2 bed and 2 x 3 bed). This application was subsequently withdrawn on 09/01/19 as there will still some impacts on trees within the site and the design of the proposed buildings.

APPENDIX 4

Appendix 4: 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.

Applicant	-- Red Post Limited	Reg. Number	19/AP/1005
Application Type	Minor application		
Recommendation	Minor - GRANTED	Case Number	2076-19

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Erection of 2 no. two-storey detached dwellinghouses (2 x 4 bedrooms) with associated landscaping works.

Vacant Site At Red Post Hill Rear Of 19 Village Way London SE21 7AN

In accordance with application received on 2 April 2019

and Applicant's Drawing Nos.:

Proposed Plans

Landscape Plan (Possible Pond Location) 2009
PROPOSED SITE ACCESS PLAN 1999 A
PROPOSED GROUND FLOOR PLAN 2000
PROPOSED FIRST FLOOR PLAN 2001
PROPOSED ROOF PLAN 2002
PROPOSED GROUND FLOOR PLAN DWELLING 2 2003
PROPOSED FIRST FLOOR PLAN DWELLING 2 2004
PROPOSED ROOF PLAN DWELLING 2 2005
PROPOSED SOUTH EAST SITE ELEVATIONS 2100 A
PROPOSED NORTH WEST SITE ELEVATIONS 2101 A
PROPOSED NORTH EAST SITE ELEVATIONS 2102 A
PROPOSED NORTH WEST ELEVATION 2103
PROPOSED SOUTH EAST ELEVATION 2104
PROPOSED NORTH EAST ELEVATION 2105
PROPOSED SOUTH WEST ELEVATION 2106
PROPOSED NORTH WEST ELEVATION DWELLING 2 2107
PROPOSED SOUTH EAST ELEVATION DWELLING 2 2108
PROPOSED NORTH EAST ELEVATION DWELLING 2 2109
PROPOSED SOUTH WEST ELEVATION DWELLING 2 2110
PROPOSED SECTION A-A 2200
PROPOSED SECTION B-B DWELLING 2 2201
INTEGRATED BAT AND BIRD BOXES 2112
TREE RETENTION PLAN 2008
EXISTING TREE LOCATION PLAN 2007

NORTH WEST ELEVATION SITE ELEVATIONS 2111

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. Details of bird and/or bat nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby granted permission.

No less than [number] nesting boxes / bricks shall be provided and the details shall include the exact location, specification and design of the habitats. The boxes / bricks 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 nesting boxes / bricks 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 nest/roost features and mapped locations and Southwark Council agreeing the submitted plans, and once the nest/roost features are installed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the nest/roost features have been installed to the agreed specification.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 5.10 and 7.19 of the London Plan 2011, Policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy.

4. Prior to works commencing, including any demolition, an Arboricultural Method Statement and Arboricultural Survey shall be submitted to and approved in writing by the Local Planning Authority. The documents shall include the following details:

a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.

b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.

- c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

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 contained in the method statement. Following the pre-commencement meeting 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 must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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 2019 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

the parking of vehicles of site operatives and visitors;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction;
a scheme for recycling / disposing of waste resulting from demolition and construction works

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), and the National Planning Policy Framework 2019.

6. Before any development hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the details of the programme of works for the archaeological mitigation are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2019.

7. Within six months of the completion of archaeological work on site, a report detailing the results of the works, proposals for post-excavation works, publication of the site and preparation of the archive shall be submitted to and approved in writing by the Local Planning Authority and that the works detailed in this report shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that the archaeological interests of the site are secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2019.

8. Before any development hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological walkover survey and reporting works in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the applicants supply the necessary archaeological information to ensure suitable mitigation measures and/or foundation design proposals be presented in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011, Saved Policy 3.19 Archaeology of the Southwark Plan 2007 and the National Planning Policy Framework 2019.

Permission is subject to the following Grade Condition(s)

9. Prior to the commencement of the use hereby granted permission, a 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.

Reason: To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended) and in accordance with policies: 5.10 and 7.19 of the London Plan 2011, Policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy.

10. HARD AND SOFT LANDCAPING

Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, 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 same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

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 2019; Strategic Policies 11 (Open Spaces and Wildlife), 12 (Design and conservation) and 13 (High Environmental Standards) of The Core Strategy 2011, and; Saved Policies 3.2 (Protection of Amenity), 3.12 (Quality in Design) 3.13 (Urban Design) and 3.28 (Biodiversity) of the Southwark Plan 2007.

11. SAMPLE MATERIALS/PANELS/BOARDS

Prior to above grade works commencing, material samples of all external facing materials to be used in the carrying out of this permission shall be submitted to 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 in terms of materials to be used, and achieve a quality of design and detailing in accordance with The National Planning Policy Framework 2019, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

Permission is subject to the following Compliance Condition(s)

12. PROVISION OF CYCLE STORAGE

Before the first occupation of the building/extension, the cycle storage facilities as shown on the drawings hereby approved shall be provided and made available to the users of the development.

Thereafter, such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

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 2019; Strategic Policy 2 (Sustainable Transport) of the Core Strategy, and; Saved Policy 5.3 (Walking and Cycling) of the Southwark Plan 2007.

13. PROVISION OF REFUSE STORAGE

Before the first occupation of the building hereby permitted, the refuse storage arrangements shall be provided as detailed on the drawings hereby approved and shall be made available for use by the occupiers of the dwellings/premises.

The facilities provided shall thereafter be retained and shall not be used or the space used for any 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 2019; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policies 3.2 (Protection of

Amenity) and 3.7 (Waste Reduction) of The Southwark Plan 2007

14. REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning General Permitted Development Order 2015 (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises shall be carried out to the dwellinghouses without planning permission.

Reason:

To safeguard the character and the amenities of the premises and adjoining properties in accordance with Strategic Policy 13 - High environmental standards and Strategic Policy 12 - Design and conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity, 3.12 Quality in Design of the Southwark Plan 2007 and the National Planning Policy Framework 2019.

15.

The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 35dB LAeq T†, 30 dB LAeq T*, 45dB LAFmax T *

Living rooms- 35dB LAeq T †

Dining room - 40 dB LAeq T †

* - Night-time 8 hours between 23:00-07:00

† - Daytime 16 hours between 07:00-23:00.

Reason:

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2019.

16.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority [LPA]) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13 'High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2019."

17.

The windows on the north elevation of the buildings shall be obscure glazed and fixed shut and shall not be replaced or repaired otherwise than with obscure glazing.

Reason:

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at 1-9 Red Post Hill from undue overlooking in accordance with: the National Planning Policy Framework 2019; Strategic Policy 13 (High Environmental Standards) of the Core Strategy 2011, and; Saved Policy 3.2 (Protection of Amenity) of the Southwark Plan 2007.

