

<b>Item No.</b> <b>2.</b>	<b>Classification</b>  OPEN	<b>Decision Level</b>  PLANNING COMMITTEE	<b>Date</b>  06/07/2004
<b>From</b> INTERIM DEVELOPMENT & BUILDING CONTROL MANAGER		<b>Title of Report</b>  DEVELOPMENT CONTROL	
<b>Proposal</b> (04-AP-0763 )  Construction of a 6-storey block comprising 19 self contained flats and lower ground car parking.		<b>Address</b>  Land Adjacent to 6 Dog Kennel Hill, SE22  <b>Ward</b> South Camberwell	

### **PURPOSE**

1. To consider the above application which is for Committee consideration because of the number of objections received.

### **RECOMMENDATION**

2. That the Development and Building Control Manager be authorised to grant planning permission subject to a legal agreement to secure an in-lieu payment of £319, 204 for off site provision for affordable housing.

### **BACKGROUND**

3. The application site comprises approximately 530 square metres of vacant land on the south west side of Dog Kennel Hill. It lies to the south of residential dwellings fronting Dog Kennel Hill, to the east of Birdsall House and is separated from an adventure playground to the south by a public footpath which is designated MOL. Two single-storey buildings were located at the rear of the application site which were formerly used as scout huts but recently demolished which has left the site vacant. The site is bounded by a two metre mesh fence to the south and to the south west and north with a dilapidated concrete wall. The site, due to the absence of any uses, is plagued by fly-tipping and the boundary treatments are covered in graffiti.
4. The residential dwellings that surround the site are a mix of two-storey owner occupied semi-detached houses with rear gardens and off-street parking amenity which front Dog Kennel Hill and local authority housing. The local authority housing comprises a 5 storey block of flats known as Birdsall House which is located to the west of the site and a large estate of dwellings north and east of the site across Dog Kennel Hill, which comprises largely 5 storey blocks of flats. Dog Kennel Hill itself is a dual carriageway which is the main thoroughfare between Camberwell and East Dulwich. The route hosts a number of facilities including a primary school, an adventure playground and provides the access to Dulwich Hamlet Football club and a Sainsbury's superstore.
5. This application follows the granting of outline planning permission subject to a legal agreement for the construction of a part three/four storey building with a lower ground floor comprising 17 residential units and associated landscaping by Council Members

on 30th July 2003.

6.

The approved scheme would provide 25% affordable housing. An application for 23 residential units (04-AP-0086) is also to be presented to Planning Committee for a decision on 6 July 2004.

The current application refers to the erection of a part seven and five storey building including basement car parking comprising 19 residential units and 14 car parking spaces, 2 of which are for disabled people. The scheme also provides associated screened refuse and cycle storage. The scheme does not include any on-site provision for affordable housing due to the constraints of the site. The applicant has agreed to make an in-lieu payment of £319,204 for affordable housing. All of the units are two bedroomed maisonettes spread over two floors. The application includes a communal garden of 127 square metres which is located in the north western corner of the site.

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

7. The main issues in this case are the principle of the development, the density, the scale and design of the proposal, the impact upon surrounding residential amenity, the standard of accommodation provided.

### **Planning Policy**

8. Southwark Unitary Development Plan 1995 [UDP]:  
E.1.1 Safety and Security in the Environment - Complies  
E.2.3 Aesthetic Control - Complies  
E.3.1 Protection of Amenity - Proposal complies with Building Research Establishment (BRE) guidelines to all adjacent residential properties.  
E.2.1 Layout and Building Lines - Complies  
E.2.4 Access and Facilities for People with Disabilities - The scheme includes a lift to all floors and 2 disabled parking spaces but most of the units are maisonettes served by stairs however access to the building is via stairs.  
E.2.5 External Space - Complies  
H.1.4 Affordable Housing - Complies  
H.1.5 Dwelling Mix of New Housing - Complies  
H.1.8 Standards for New Housing - Complies  
T.1.3 Design of Development and Conformity with Council Standards and Controls - Complies with more recent Council, Regional and national guidance  
Supplementary Planning Guidance for Standards, Controls and Guidelines for Residential Development - Complies with accommodation sizes and layouts, there is a shortfall in the provision of amenity space.
9. The Southwark Plan [Revised Deposit Unitary Development Plan] March 2004  
Policy 3.2 Protection of Amenity - Complies  
Policy 3.11 Quality in Design - Complies  
Policy 3.14 Urban Design - Complies  
Policy 3.10 Efficient Use of Land - Complies  
Policy 3.15 Designing out Crime - The grass verge to the south of the site does not make a clear establishment of ownership.  
Policy Policy 4.2 Quality of Residential Accommodation - Complies  
Policy 4.3 Mix of Dwellings - Complies  
Policy 4.4 Affordable Housing - Complies  
Policy 5.4 Walking and Cycling - Complies  
Policy 5.6 Car Parking - Complies

Policy 5.7 Parking Standards for the Mobility Impaired - Complies  
Supplementary Planning Guidance for Residential Design Standards- Complies

### **Consultations**

10. Site Notice: 27/05/2004                      Press Notice: 03/06/2004
11. Consultees:  
1-6 (inc) Dog Kennel Hill, SE22 8AA  
1-34 Birdsall House, Champion Hill Estate, SE5 8DP  
  
Champion Hill Tenants and Residents Assoc C/o Crown House Neighbourhood Office,  
41-43 East Dulwich Road  
London  
SE22 9AN  
  
Leisure Services, 15 Spa Road, Bermondsey SE16 3QW  
  
Dog Kennel Hill Adventure Playground, Dog Kennel Hill  
LONDON  
SE5  
  
Walcot House, TA The Chair East Dulwich Estate, Tenants Association, 10 Fernie  
House, Quorn Road, London, SE22 8BW  
  
Garry Martin, Education at Southwark Council, 285 Albany Road, SE17  
East Dulwich Estate, C/O 20 Melbreak House, Pytchley Road, London SE22 8AL  
  
Crime Prevention Officer  
Traffic Group  
Design Officer  
Senior Housing Project Officer  
Public Protection

### **Replies from:**

12. A petition containing 42 signatures from residents in Birdsall House  
The proposal will result in a loss of light, privacy, it will spoil the surrounding area and will make the path at the rear of the site unsafe, particularly for those using the adventure playground.
- 8 Birdsall House  
The proposal would result in a loss of light to a habitable room, it will also result in a loss of privacy and views from inside the flat and from the balcony. The proposal will also generate noise, security and parking problems.
- 30 Birdsall House  
The development would unacceptably change the character of the area and the profile of Dog Kennel Hill.
- Ivanhoe Residents Association  
The site is green and therefore should not be built on, the proposal will not enhance the area and as Southwark has reached saturation point and no more building should be allowed.
- Dog Kennel Hill Adventure Playground Management  
The building represents an improvement to the area. The works and improvements to

the path is considered a valuable benefit as it will result in a safer environment for the children.

Crime prevention Officer

CCTV should be installed in the communal hall, the lift should not give access to the car park from communal areas.

Public Protection

Confirmation should be provided to the Council that there is no soil contamination of the site.

Senior Housing Project Officer

The provision of an in-lieu payment contribution is acceptable as this money will be used as a Council contribution to future housing projects.

Traffic Group

No objections, the applicant must however pay for works to the highway in order to allow vehicular access on to the site.

Conservation and Design

No additional comments to those made regarding application 04-AP-0086.

An excellent design; although the scale of the building is out of context with the immediate surrounding buildings it fits into the wider setting of the building types in the vicinity. It is judged overall that given the quality of the design and the improvements to the public realm any issue regarding the scale of the building is outweighed by the positive aspects.

## **PLANNING CONSIDERATIONS**

Principle of the Development

13. The principle of residential development on the site has been accepted by the Council in the granting of outline permission for 17 residential units (03-AP-0618) in 2003.

Scale and Design

14. The surrounding area comprises residential accommodation in a variety of scale and densities. The immediately adjacent property (north) is a two storey semi-detached dwelling with five storey residential blocks east across Dog Kennel Hill and to the rear of the site (west), all the buildings sit well within the context of the area due to its varying topography.
15. The principle of a part three and part four storey building on the site has been accepted by the approval of the previous application. This proposed building is part five, part six storey building with a seventh 'penthouse' floor, these storeys include a basement car park. The massing of the building is predominately four storeys with the part of the basement car park comprising the ground floor, a recessed sixth storey and a penthouse arrangement comprising the top floor (or seventh storey). The sixth storey is set forward of the western boundary of the site away from Birdsall House with the penthouse located on the southern part of the site which abuts the public footpath. The scheme is set 13.5 metres from the southern elevation of 6 Dog Kennel Hill.
16. It is acknowledged that the part five, part 6 and 7 storey building does not immediately reflect the context of the adjacent row of semi-detached dwellings but given the fall away in ground levels from the houses in Dog Kennel Hill and the distance of the building from the semi-detached dwellings the proposed building does not appear over dominant in the street scene. The scheme is considered to be in context with the majority of buildings around the site which are large and densely massed housing

blocks. It is therefore considered that because of the topography of the surrounding area and the scale and massing of the surrounding buildings the development will not appear out of context within the street scene. The design is considered to enhance the quality of the built environment representing high quality in both urban design and architectural terms although it does not replicate the form of the surrounding buildings.

17. The materials proposed for the construction of the building are varied including slate grey terracotta, weathered zinc, sand blasted and clear glazing and timber screening. This combination of materials will give the building a modern appearance and are considered to ensure a high quality finish. It is accepted that the materials are not the same as those used in the construction of the surrounding buildings however this element of the design will enhance the street scene and bring visual interest to Dog Kennel Hill.

#### Impact upon Residential Amenity

18. The Council has received a number of objections from residents in Birdsall House pertaining mainly to the loss of light, views and privacy that will result from the building, the safety of the children using the playground and overdevelopment of the site are also issues raised. Birdsall House is located 12.1 metres north west of the site and 20 metres away from the part six, part seven storey element at its nearest point. The seventh storey of the building comprises four unconnected roof pods set 1.5 metres in from the edges of the sixth floor roof and therefore is set further away from Birdsall House. There are windows and screened balconies that are west facing (towards Birdsall House). This northern elevation is 16.7 metres from Birdsall House and although does not comply with the Council's distance standards. The windows are shown to be set behind screened balconies and the hallway windows are obscured. Given these measures it is not judged that small part of Birdsall house and 6 Dog Kennel Hill that front the northern elevation of the site will suffer any unacceptable loss of privacy.
19. It has been accepted that a four storey building on the site will not have an unacceptable impact upon the amenity of the occupants of Birdsall House in terms of a loss of light. The additional height of the two contained storeys is 5.4 metres and the roof pods which are 2.4 metres in height have been designed to accord with the BRE (Building Research Establishment) guidance. The building line of Birdsall House projects directly behind the rear of the site and therefore the bulk of the building will not over shadow the south facing windows of Birdsall House. It is accepted that the building will have some impact upon Birdsall House as at present the occupants enjoy uninterrupted views and light across the vacant land, however any loss of light would not be so significant as to warrant refusing planning permission on such grounds. Views and outlook carry no material weight when determining planning applications.
20. The principle of a three storey building adjacent to no. 6 Dog Kennel Hill has been accepted as part of the approval of application 03-AP-0618. It was accepted that the proposal would result in the loss of the view across the site. As discussed views carry no material weight when determining planning applications. It was also accepted that the proposal will not result in an unacceptable loss of light to the windows in the southern elevation of no.6 given the distance of the site from the southern elevation. This scheme will represent a greater distance of 13.5 metres between the two buildings. The additional 2.9 metres in height which is now proposed would not be considered to exacerbate any loss of light to these windows given the increased distance of the two buildings.
21. It was agreed by elected Members at Planning Committee on 30.07.2003 that any disruption to the path at the south of the site can be controlled by an informative instructing the applicant to keep the path free from plant equipment and building materials in order to ensure that the pedestrian access from Dog Kennel Hill to Birdsall

House is kept clear. It is judged reasonable to repeat the informative on any permission granted for this application. It was further agreed that the Adventure Playground to the south of the site is compatible with the proposed residential scheme due to the restricted opening times of the playground and the distance between the two sites.

22. Standard of Accommodation, Density, Amenity Space and affordable housing  
The floor areas are suitably sized and the internal layout and ventilation of the units comply with the Council standards contained within Supplementary Planning Guidance. The mix of units is also judged acceptable as there is a predominance of 2no. bedroom units within the scheme which is appropriate for the location of the site.
23.  
The density of the scheme is 641 habitable rooms per hectare which complies with the typical density range for an Urban Zone in which this site is located. The range for the Urban Zone is 300-700 habitable rooms per hectare as the area is characterised by lower-scale development. The density therefore complies with policy 4.1 Density of Residential Development of the Revised UDP (March 2004). The scheme also accords with central government guidance contained within Planning Policy Guidance Note 3 (Housing) which advocates that disused urban land be redeveloped to such a degree as to realise its full beneficial use.
24.  
The communal amenity space provided is 127.7 square metres and all the flats intended for private ownership have balconies of 4.5 square metres. The provision of amenity space is considered acceptable although there is a shortfall of 27.5 square metres overall, this deficiency is considered minor.
25. In-lieu Affordable Housing Contribution  
It is considered that an in-lieu affordable housing contribution is acceptable. The constraints of the site are such that in order to provide the requisite amount of affordable units on site and to make the proposal profitable the building will need to encompass a strip of MOL (Metropolitan Open Land) to the south of the site which is in the ownership of the Council. The Council's adopted Supplementary Planning Guidance for Affordable Housing (February 2002) states that when in-lieu payments are judged acceptable they must reflect at least 33% of the on-site private market accommodation in order to maintain the overall 25% minimum requirement. This percentage is calculated as a contribution of £31,204 and will be secured through a legal agreement.
26. Traffic and Refuse Implications  
The scheme provides 14no. parking spaces, 2no. of which are for disabled people, additionally the scheme provides 14no. cycle storage spaces. The parking provision complies with the Council's recent parking standards contained within the Revised Unitary Development Plan (March 2004) which reflects the policies for parking standards contained in both the London Plan and Planning Policy Guidance Note no.13 (Transport). The provision of cycle storage is 5 spaces short of the 2004 UPD requirement which is 1 space per unit plus 1 space per 10 units for visitors. Although the scheme should ideally provide 21 spaces a shortfall occurs because of the constraints of the site, it is not possible to add the additional 5 spaces into the designated secure cycle storage area located in the eastern corner of the site fronting Dog Kennel Hill. Given the site constraint it is not considered that the shortfall in cycle storage provision is a justifiable reason for refusal.
27.  
The scheme provides an adequate amount of refuse storage for the scale of the development, the location and accessibility of the refuse storage has been agreed by the Council's Traffic Group. The storage does not however include recycling facilities but provision for this can be secured by condition in order to comply with policy 3.8 'Waste Management' of the Revised UDP (March 2004).

28. Designing Out Crime

The proposal is considered to comply with the Council's policy for Safety and Security in the Environment (E.1.1) and policy 3.15 'Designing Out Crime' of the Revised UDP (March 2004) as it will result in a good surveillance of the public footpath that runs along the south of the site which at present is not over-looked and has attracted some anti-social behaviour such as graffiti. The presence of an active frontage along this footpath is considered to make the walk from Dog Kennel Hill to Birdsall House more safe as it will eliminate disused site which flanks the path and creates a dark and secluded area along the public footpath. The issues raised by the Council's Secure By Design officer pertain largely to security measures that the building management company should take once the scheme is completed as they refer to issues of building security rather than those pertaining to the wider area.

**EQUAL OPPORTUNITY IMPLICATIONS**

29. The development provides adequate disabled access via a lift to all the units and the car park, the scheme also provides disabled parking facilities.

**LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS**

30. The proposal does not provide specific refuse storage facilities that allow waste to be sorted for recycling. As discussed it is considered that this detail can be addressed through a condition.