

# Planning Sub-Committee B

Tuesday 11 December 2012

7.00 pm

Room G02a, 160 Tooley Street, London SE1 2QH

## Supplemental Agenda

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Date: 11 December 2012

# Agenda Item 7

<b>Item No:</b> 7.	<b>Classification</b> Open	<b>Committee:</b> Planning Sub-Committee B	<b>Date:</b> 12 December 2012
<b>From:</b> Head of Development Management		<b>Title of Report:</b> <u>Addendum</u> Late observations, consultation responses, and further information.	

## PURPOSE

- 1 To advise Members of observations, consultation responses and further information received in respect of the following planning application on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

## RECOMMENDATION

- 2 That Members note and consider the late observations, consultation responses and information received in respect this item in reaching their decision.

## FACTORS FOR CONSIDERATION

- 3 Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:

### 3.1 Item 7.1 – 34-36 Verney Road SE16

### 3.2 Condition 3: amended wording

The applicant shall enter into an agreement with the Council's Highway Department to ensure that the crossover is enlarged as shown on the approved plans and double yellow lines are painted on the road to secure a space of 4.5m west of the crossover. This work shall then be carried out within 6 months of the date of this permission. In the event that the works are not undertaken, then the use hereby approved shall cease.

Reason:

To ensure that the crossover is sufficiently wide and a space of 4.5m to the west of the crossover is kept clear to allow adequate space for coaches to manoeuvre in the front year, in accordance with the NPPF 2012, Strategic Policy 2 Sustainable Transport of the Core Strategy and Saved Policy 5.2 Transport Impacts of the Southwark Plan 2007.

### 3.3 The following statement of positive engagement has been added to the recommendation:

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.

The description of the use has been amended to 'retention' of the operations centre as it is understood that the use began in April 2012.

### 3.4 **Recommendation:** Remains grant.

### 3.5 **Item 7.2 Charles Dickens Primary School Lant Street SE1 1QP**

- 3.6 Two late representations have been received from a local resident and the Council's Early Years Group

#### Summary of the further representation from the local resident

Raised concern that the public nature of objecting to the application made some local residents reluctant to respond as there is a perception that this could affect the selection of students for places at the school

Expressed concern over the stance that the school has taken has and is still damaging the local community, and the school has taken no interest in engaging with local residents....

Emphasised that the local area and the school need to engage with each other because this approval represents a permanent change to the local townscape.

Suggested that further mediation is required to allow parties to arrive at solution which benefits both the local residents and to make best use of the land which is to become integrated into the community school.

#### Comments from the Council's Children's and Adults' Services are as follows:-

*'Very few of our primary schools meet education guidance standards for external playspace and Charles Dickens is no exception. Access to sufficient high quality external space is very important in primary years and I fully support Charles Dickens proposals to invest in their amenity space. Any reduction in that space would be detrimental to the school and the learning experience of the children. It is important to note that schools are inspected on the quality, including size, of their outdoor space, especially in the early years and I feel the space currently proposed is only just sufficient.'*

*Further to this, as you may know, there is pressure on primary places across the borough. Charles Dickens is one of the schools that is being considered for expansion in 2013/14 and as a popular 1.5 form of entry school it is likely that investment will be progressed in order to expand the school to 2 forms of entry in the near future. Ahead of this we intend to progress proposals early next year to support a temporary expansion at the school. Both the temporary and any future permanent expansion will require the use of playspace to deliver it and as such we need to ensure that no space is lost to other purposes as this would limit the scope of any such expansion.'*

### 3.7 Changes to the Recommendation

Statement of positive engagement, as set out below, should be added to recommendation, as required from 01 December 2012 pursuant to Article 31 of the Development Management procedure Order 2010 (DMPO).

'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'.

### 3.8 List of consultees

The list set out at Appendix 1 of the committee report sets out the consultees, although in précised form. All properties adjoining the application site itself and the wider school site were consulted by letters to occupiers, and two site notices were posted, one at each end of the

site on Lant Street. The full list of consultees is available on line and will be available at the meeting.

### 3.9 Inaccuracies in the Planning History Section

Councillor Morris, Ward Member for Cathedrals Ward noted that there are errors in the report in regard to the planning history.

### 3.10 Head of Development Management

The additional comments raised by the Tenants' and Residents' Associations have been covered in the report, except for the issue regarding the school threatening legal action. Should the Council refuse permission the school's recourse would be to appeal to the Planning Inspectorate.

Councillor Morris is correct in that it was the Planning Committee not the Borough and Bankside Community Council as quoted in paragraph 42 who subsequently approved planning permission for the planning application 04/CO/0151 and therefore there is an error in paragraph 2 as the road closure of Lant Street was not agreed by the Planning Committee until 2008.

3.11 **Recommendation** remains to grant planning permission, subject to conditions.

### 3.12 **ITEM 7.3 4-10 LAMB WALK AND 7-9 MOROCCO STREET, LONDON, SE1 3TT**

### 3.13 Affordable Housing and Viability

Paragraphs 65 to 73 of the Main report explain that work would continue, in the period up to the Committee meeting, on the assessment of viability in the proposed development. Since the publication of the report Officers have engaged with an external specialist to provide a thorough assessment of the applicants build costs associated with the development, and to determine whether these can be agreed. Officers have now been advised that the conclusions of the viability report can be substantiated, and that there is not adequate residual value in the development scheme, to support a payment of £346,140 towards the councils Affordable Housing Fund. The applicant has however offered to contribute £150,000 towards the Fund, and the appraisal demonstrates that the development could not support more than this sum if it is to remain viable.

By securing the contribution as a financial in-lieu payment to the Councils Affordable Housing Fund, it can be pooled with payments secured from other sources, and used to meet the development cost of building affordable homes by the Council.

It is therefore recommended that the £150,000 sum is secured through the S106 agreement, it being reflective of what the scheme could currently support. As set out in para 73 of the main report, the development would also be subject to further review if the permission is not substantially commenced within 18 months of the date of the permission, or if construction works on site then cease for a period of more than 6 months. If this future viability appraisal finds greater residual value in the scheme, for instance because housing sales values have increased in the intervening period, then a larger sum of up to a total of £346,140 could then be sought by the council to contribute to the Affordable Housing Fund.

### 3.14 Conditions

Condition 21 'Environmental Management Plan' requires approval of a plan describing detailed works forming part of the demolition and construction phases, by the Local Authority, prior to the commencement of the development. It is recommended that in the event that planning permission is granted, the wording of this condition is altered to further protect the

amenities of surrounding residents, restricting deliveries and collections to/from the site to outside of rush hour times (not between the hours of 8am to 10am or 4pm to 6pm); and that a description of how vehicle movements associated with the development will be managed for example by a Traffic Marshall.

It is recommended that the condition wording be changed to the following (alterations in *italics*):-

### **Environmental Management Plan**

No development shall take place, including any works of demolition, until an Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site during demolition and construction and will include the following information for agreement;

- i. A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures;
- ii. Engineering measures, acoustic screening and the provision of sound insulation required mitigating or eliminating specific environmental impacts;
- iii. Arrangement for publicity and promotion of the scheme during construction;
- iv. A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme registration; and
- v. *Measures to control vehicle movements associated with the demolition / construction, including restriction of hours of vehicle movements to between 10:00 and 16:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays ( and not at all on Sundays or bank Holidays) .*

All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance, 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).

### **3.15 Conclusion of Head of Development Management**

Having considered the alterations above, the recommendation remains that planning applicant entering into a legal agreement by 21 December 2012.

### **3.16 Item 7.4: HILLSIDE, 9 FOUNTAIN DRIVE, LONDON SE19 1UP**

#### **3.17 Additional objection received from the Dulwich Society**

Object to the application on the grounds that the houses would be excessively overbearing in appearance, due to their height and proximity to the road. The 3-storey block would be closer to the road than the outline permission and other properties in Fountain Drive are lower in height and set further back from the road.

The materials for the front and other elevations are visually unacceptable in that the narrow timber vertical slates will allow the backing sheathing material to be visible. The vertical timber slates have a limited lifespan and require re-staining every few years. The houses would quickly deteriorate in appearance. Solar panels are shown on the plans and it is not

clear if they would be angled or flat. If they are flat, they would be affected by the green roofs and if they are angled they would have a visual impact on the street. Insufficient information has been provided to make an informed decision regarding their appearance and sustainability.

There is insufficient area in front of this number of houses for visitors and service vehicles due to the houses being so close to the road.

### 3.18 Head of Development Management:

Members are referred to paragraphs 57-60 of the officer report which sets out the assessment of the design of the proposal. The site is located within an area of mixed and varied character and the choice of materials is considered to be appropriate in this location; condition 8 requires the timber cladding to be weather treated. The dwellings would each have good sized gardens, the standard of accommodation would be acceptable and the density would fall below the Councils recommended density range for this area, therefore it is not considered that any overdevelopment of the site would occur.

Members are referred to paragraph 3.14 of the addendum which recommends an additional condition requiring detailed drawings of the solar panels to be submitted for approval.

Members are referred to paragraphs 51-56 of the officer report which sets out the assessment of the transport impacts of the proposal. There would be manoeuvring space at the front of each dwelling for vehicles to turn so that they could enter and exit the site in a forward gear. Servicing associated with the development is likely to be low and refuse collection would take place from the street.

### 3.19 Letter received from a solicitor representing the current occupier of Hillside, 9 Fountain Drive:

The property known as Hillside is owned by a trust comprising Rose MacDonald (currently residing at the premises), Peter MacDonald and Helen Williams. All three are registered proprietors of both the freehold and leasehold titles of Hillside, in their role as trustees. Our client has advised that she will not agree to the sale or redevelopment of Hillside and has written to the applicant's agent informing them of this. Hillside cannot be sold or redeveloped without the agreement of all of the trustees; therefore the proposed development inevitably will not be carried out even if permission is granted.

### 3.20 Head of Development Management:

Land ownership is a private matter and cannot be taken into account in the determination of planning applications. The applicant has completed ownership certificate B on the application form which applies when the applicant does not own all of the land to which the application relates, therefore the correct procedure has been followed. If the sale of the Hillside part of the site does not go ahead, it may well be that only three of the houses would be built. In light of this Members are referred to paragraph 3.12 of the addendum which amends condition 3 of the recommendation to remove permitted development rights from all of the dwellings. This is to ensure that in the event that only three of the houses are built, the site at Hillside would not be blighted by future alterations.

### 3.21 Amend the title to paragraph 37 of the officer report as follows:

11 Fountain Drive (Northside)

### 3.22 Impact on trees

Section 61 of the officer report details how the proposal would require the removal of 9 trees in order to facilitate the development, based on an Arboricultural report submitted with the application. The applicant has since contacted officers to advise that this is incorrect, and

that whilst the original Arboricultural report is rather unclear, only two trees would need to be removed in order to facilitate the development, T15 and T19, an Elder and a Sycamore, both of which are described as being of low quality and value. The other trees on the site would remain, albeit with some pruning works required. The applicant has submitted an addendum to the Arboricultural report detailing this, and it is recommended that the draft decision notice be amended to include this document within the drawing list. It is also recommended that condition 11 of the landscaping plan be amended to require 2 replacement trees to be provided, rather than the 9 stipulated.

3.23 Amend condition 3 to read as follows:

Notwithstanding the provisions of Classes A, B, C or E of Part 1, Schedule 2 of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alteration shall be carried out to the dwelling houses hereby permitted without the prior written consent of the Council, to whom a planning application must be made.

Reason

In the interests of the amenity of neighbouring residential properties and to ensure that no blight would occur to adjoining sites, in accordance with saved policies 3.2 'Protection of amenity' and 3.11 'Efficient use of land' of the Southwark Plan (2007) and strategic policy 13 'High environmental standards' of the Core Strategy (2011).

3.24 Amend condition 11 to read as follows:

'Before any above grade work hereby authorised begins, detailed drawings (scale 1:50) of a hard and soft landscaping scheme showing provision for the planting of at least 2 replacement trees and details of the treatment of all parts of the site not covered by buildings (including boundary treatment, surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority...'

3.25 Add the following condition:

Prior to the commencement of above grade work, detailed drawings including sections (scale 1:50) of the solar panels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the streetscene and the visual amenity of the area, in accordance with saved policies 3.12 'Quality in design' and 3.13 'Urban design' of the Southwark Plan (2007) and strategic policy 12 'Design and conservation' of the Core Strategy (2011).

**REASON FOR LATENESS**

4. The comments reported above have all been received since the agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

**REASON FOR URGENCY**

- 5 Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the Sub-Committee and applicants and objectors have been invited to attend the meeting to

make their views known. Deferral would delay the processing of the applications/enforcements and would inconvenience all those who attend the meeting.

Lead Officer: Gary Rice - Head of Development Management

Background Papers: Individual case files.

Located at: 160 Tooley Street London SE1.