

Planning Sub-Committee B

Tuesday 22 July 2014

7.00 pm

Room G02, 160 Tooley Street, London SE1 2QH

Supplemental Agenda No.2

List of Contents

Item No.	Title	Page No.
7.	Development management items	1 - 60
	Addendum - Late observations, consultation responses, and further information.	

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Item No: 7.	Classification: Open	Date: 22 July 2014	Meeting Name: Planning Sub-Committee B
Report title:		Addendum Late observations, consultation responses, and further information.	
Ward(s) or groups affected:			
From:		Head of Development Management	

PURPOSE

- 1 To advise the sub-committee of observations, consultation responses and further information received in respect of the following planning applications 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 the sub-committee 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 1 82 -90 Lordship Lane

Paragraph 95 should read;

'A total of 25 letters have been received in response to the application 19 in objection and 6 in support, (these include where more than one letter has been sent from a single address).'

The following objections from no. 11 Ashbourne Grove is omitted from Appendix 2

3.2 11 Ashbourne Grove – Objects

Lack of safe and suitable access to the entrance to the flats

By relocating the access to the flats to the rear of the property, the occupiers (and personal and commercial visitors) will be forced to access and exit from their properties through an intrinsically unsafe goods delivery yard. The access route provided has not been isolated from delivery truck movements by any physical barrier. The drawings show several conflicts between the pedestrian

(and employee cycle) routes and the travel of the delivery lorries. There is no consideration for the types of persons likely to use this access.

Specifically child safety

At present, the only children accessing the rear of the store arrive and leave with parents or carers. However, the occupancy of the flats will undoubtedly include children. It is unrealistic to imagine that these children will only ever enter and exit the property with their parents or carers. The times of the morning deliveries will coincide with leaving for school. Children cannot be relied upon to recognise the dangers in what is effectively their backyard. Visiting children will be at even greater risk.

Uncertain and unproven benefit to the community

Many of the supposed benefits of this scheme rely upon the finished retail development being occupied by Marks & Spencer. There is no certainty that this will be the case, either initially, or in the future. Consequently, no decision should be made that relies upon this presumed occupancy.

Lack of detail to the drawings provided

There are several architectural details, in particular relating to screening, that are insufficiently dimensioned or specified in the drawings provided. If this application were allowed, the actual finished construction could be even more detrimental to the neighbouring properties than is suggested by the plans as drawn.

The lack of suitable parking provision for customers with limited mobility

I recognise that the current parking provision is not fully utilised at all times of every day, however, it provides safe and direct access for anyone with limited mobility. I can see the car park from my house and witness regular use by customers who would have great difficulty without this accessibility. The only alternative supermarkets with regularly available spaces adjacent to the entrance require too much walking within the store for anyone with mobility problems to use without assistance.

3.3 A second letter is also received from this property; objection on the following grounds;

The first objection is to the change of use of the commercial portion of the building to residential use. The recent changes to the General Permitted Development Order which allows a change of use from B1(a) (offices) to C3 (residential) without an application does not apply in this instance and the change needs to be considered under the original rules for the following reasons:

1. The new residential space proposed exceeds the boundaries of the existing office space. The new external walkways and the entrance passage to the flats is proposed to be an addition to the rear of the building and exists within the current A1 (retail) use of the building.
2. The order states the LPA "take into account any representations made to them as a result of any consultation ..". This would include previous applications for the site and therefore any previous objections made on grounds of change of use should be taken into account.
3. The order makes reference to "a use" in the singular when referring to the residential use. This would rule out the change to multiple residential units.

4. The proposed removal of the entrance hall to the offices and existing flats is a change to A1 (retail) use.

Grounds for change of use objection.

- The council should maintain a proper mix of residential, commercial and retail throughout the SE22 postcode. The Southwark Plan calls for Lordship Lane to be "A district town centre, serving the local community and providing local employment." The removal of much needed office space goes against this.
- Contrary to the argument that there is an excess of office space put forward in the application, research done recently and for the previous applications indicate the opposite to be true. In the past I have visited two commercial estate agents on Lordship Lane that deal with office property in East Dulwich and both said that if anything came up it would normally go very quickly. Overall they said that there is a shortage of commercial properties in SE22. A search on the internet looking for office space and checking local commercial estate agents brings up just a single desk space being offer on North Cross Road and a dance studio that could be changed to office use. The data put forward with this application is in some cases well over two years old and has absolutely no relevance to the current market.
- In the "Report on Financial viability of existing office space 2012-12-07" it purports, without any evidence, that even in a refurbished state the premises would not achieve over £5/sqft. This seems highly unlikely as the dance studio, come office space, is being offered at £25/sqft. If one uses a figure that reflects what other landlords in the surrounding areas are asking for of around £15 to £18/sqft, this would give a payback period of less than a year for the proposed refurbishment costs.

In the "Report on Marketability of Premises 2012-12-07" it says that the property agent has used three methods for marketing the office space, namely 1) Internet, 2) Mail shot to local agents and 3) Marketing Board. Neither in July or in December of 2012 was I able to find the details for this office space listed on the internet or on the agent's own website. This is still the case. The two photographs below (the first dated 7/6/2012 and the second dated 12/12/2012) show the current marketing board in use with the words "OFFICES LET" in large letters, sending a clear message to any potential occupier that the offices are unavailable. Again this is still the case. A view of the marketing board on Google Streetview (date May 2012) also shows the same. The information given with the application does not give a convincing picture of sufficient effort being made to the renting out of these offices as is required.

The second objection is on the grounds of increased noise, for the following reasons.

- Deliveries are stated to start from 7:00am on weekdays. This is unacceptable. Currently there is an agreement put in place by the Council's Environmental Protection team that prohibits the arrival of lorries before 8:00 am on weekdays and Saturdays. I see no reason for this not to continue and I do not understand why the planning department have taken the unilateral decision to scrap this. I, for one, am woken by the current deliveries. I sleep at the back of my house to avoid the noise of the road and as I do not work because of my ill health (I have chronic leukaemia), I am still asleep at 8:00am. If the council does grant

planning permission to allow earlier deliveries I will approach the Council for an abatement notice.

- Deliveries are stated to finish at 10:00pm on week nights and 9:00pm and 6pm on Saturday and Sunday respectively. As the majority of the bedrooms at that rear of the houses that overlook the site are occupied by young children, who go to bed well before 10:00pm especially on school nights, it would be sensible to impose a 6:00pm limit for the last delivery. This is what happens at present as there are no evening deliveries. The latest application has increased the time that the retail unit operates on Sunday from 5:00pm to 6:00pm. Currently Iceland closes at 4:00pm and I ask that the Sunday closing time can be limited to this.
- The provision of a roof terrace / outdoor recreational area at a height of 4.1 metres from ground level without adequate acoustic screening is unacceptable. (A person standing on this area would be about level with my second storey bedroom window.) As far as I can ascertain from the plans there is no definition for the privacy screening that surrounds the roof terrace. Unless it is made a requirement of planning permission that screening will be of a suitably sound deadening material and with a permanency to it (e.g. brick wall) and a minimum height of 2 metres (as currently drawn this feature scales to 2 metres in height) then this would be unacceptable.
- Inadequate consideration has been given to the noise likely to be generated by the proposed open walkways to the flats. With the upper level of the flats being even higher than the roof terrace, this would again mean that the surrounding houses will be subjected to additional noise. (Currently we are able to hear conversations held in "Iceland's" car park so having people coming and going from the flats or standing outside smoking late into the night will cause more noise). If the height of the glass shielding to the flat entrances were raised from the proposed hip height to above head height this, I suspect, would ease noise problems without robbing the flat occupants of daylight.
- Insufficient attention has been paid to reduce the additional noise from the extra lorries and people using the rear of the building. With the floor space of the retail unit being increased by 85% and the opening hours being proposed as 25% longer than the existing hours (see Application Form sections 18 & 20), this could mean that the site receives about 2.3 times the number of deliveries that occur at present. This is not borne out by the servicing frequency levels outlined in paragraph 4.5 of the Transport Statement 2014-02-06 document which states there will be approximately 4 deliveries per day. Iceland has one bread and two articulated lorry deliveries a day as a minimum. With the deliveries likely to increase 2.3 fold this would take the likely number of deliveries to 8 ($2.3 \times 3 + 1$) including the extra newspaper delivery, not the approximately 4 as stated.
- With the proposed 57 full and part-time staff (see Application Form section 19) and the 28 occupancy available in the flats, this could mean that around 70 people would come and go from the rear of the site on a daily basis. On top of this there would be friends, relatives, the postman, deliverymen, meter readers, repair men, all making their way to the flats.

- The drawings of the proposed manoeuvring of a 10.7m articulated lorry show the ideal path for the vehicle to travel and yet the articulated lorry comes within 0.3 metres (1 ft.) of the North boundary fence (approximate scaling from drawings 14682-AR-11.2 & .3 (service vehicle swept paths)), 0.5 metres of the West boundary fence, collides with the Data Cupboard door when open and 0.4 metres of the rear wall of the building as well as giving no clearance to the parking bay on Chesterfield Grove. This indicates that there is an insufficient manoeuvring space which will result in the articulated lorries going backwards and forwards multiple times. The plans only indicate a single vehicle on site at anyone time. There is no reason to assume that multiple vehicles will not be present and the plans do not show how they would be accommodated. (Not to mention the necessity for certain vehicles to have closer access to the rear of the flats, e.g. furniture delivery or emergency vehicles).
- I can find no information of when staff would be expected / limited from arriving and leaving from work. If night-time restocking of shelves is envisaged, will there be staff coming and going throughout the night. Also, there must be staff arriving before the first delivery / opening time of 7:00 am and leaving sometime after the store closes at 10pm.
- "Iceland" has a lockable gate to the car park area which limits the hours that the space behind the store can be in use. There is no such gate proposed for the scheme. One assumes that anyone will be free to use this area as they please during the night.
- There is no alternative retail waste management strategy put forward to take into account that the retail space may be occupied by another tenant other than Marks and Spencer plc either now or in the future. Unless a condition is put on the granting of the application, that all retail waste is taken off-site using the delivery lorries as put forward, then an alternative waste management plan needs to be submitted so the neighbours may comment on how this would effect them.
- There is also no information on the staff smoking area. One assumes that this would be placed at the rear of the building also causing noise.
- The Noise Impact Assessment report contains errors, questionable conclusions and some oversights giving a misleading and inaccurate picture of the noise levels that the neighbours will be subjected to.
- Under section 5.2, there is no mention of the houses of Ashbourne Grove. However, basic scaling from the satellite image (Design and Access Statement page 3) shows that the rear façade of No.3 Ashbourne Grove is arguably the closest to the proposed air conditioning and refrigeration plant located on top of the extension. Further calculations are required to show how this property and its immediate neighbours are affected. The report submitted is incomplete.
- The maximum level of plant noise allowable is the lowest figure for LA90,(from the data supplied), 39.4 dB, (3:15am, Rear façade), less 10 dB, as the requirement set out by Ms Lester. This gives a figure of 29.4 dB. Using the final calculated figures that one could expect from the plant from table 5 (section 5.5) we see that this figure is achieved for all the night-time locations considered. However, these figures become somewhat spurious as they are

not supported by a figure for the tolerance of the accuracy of the calculations. One might presume a figure of +/- 5dB, but it might actually be anything from +/- 1dB to +/- 10 dB. (I am sure that the model used for these calculations will have had some form of independent verification of the theoretical results when compared with the real world results.) Without sight of the calculations, the following questions need to be answered.

1. Are the noise levels for the various pieces of plant, as given in Appendix 3, generic or for the actual plant that will be used?
 2. Do the calculations of the noise from the plant area take into account the expected reflection of the sound from the privacy screening adjacent to the plant area directing the sound back towards the houses and gardens of Ashbourne Grove and Chesterfield Grove and, if they do, what material was assumed as there is no listing for it in the "Schedule of materials and Finishes"?
 3. Contrary to the comment made in section 2.16, I believe the stipulation of a 10 dB reduction of LA90, as outlined in 2.13, is fair given that, presumably, the noise figures for the plant are for new equipment and there has been no allowance for aging and wear of the plant within the calculations (the equipment will become noisier with time). This figure of 29.4 dB corresponds to the value for "Good Design" of 30 dB as defined for bedrooms under BS8233 (section 2.10) and I believe that the council would be looking for "Good" design over "Reasonable" .
 4. The report is dated 20th April 2012 and is for the previous planning application but one (12/AP/1340). The design around the plant area has been altered but there have been no new calculations. In the first application there was a proposed brick parapet 1.10 metres high near the plant area and this use of solid material would have helped to reduce the noise from the plant and no doubt this effected the calculations done. As this brick parapet has been replaced by steel balustrading, this additional noise protection is lost and the calculations in the report are now incorrect.
- The last point relating to noise is the notable figure in table 5 (Noise Impact Assessment, section 5.5) that shows that the noisiest place, of those locations considered, is the Chesterfield Grove garden. I presume that this was based on the actual acoustic screening specified (Slimshield SL-300; Schedule of Material and Finishes). The screen is a series of louvers that allow for ventilation but as these are positioned from 4 to 6.6 metres above ground this causes the sound from the plant to bathe the adjacent gardens.

The third objection is on the grounds of increased parking and the stress on the available parking in the surrounding streets.

With the proposed removal of the "Iceland" car park and with the shop area to increase by 83% this will undoubtedly cause more parking problems. More people are envisaged to visit the store, some will do this by car and with nowhere to park on site they will do this in the neighbouring streets. This is a simple fact. In the previous application for the site it was stated that there would be "a reduced vehicle demand to the proposed Marks and Spencer store" (section 6.7 of Transport Statement Part 2 of 4, application 12/AP/3773). Now the consultants are saying there will be a peak demand of 1-4 spaces (section 6.1 of Transport

Statement). Once again this statement lacks any credibility. It is totally inappropriate, and inaccurate, to draw conclusions from a survey done at Marks and Spencer store on the Walworth Road as the retail environment is completely different from Lordship Lane.

The fourth objection is on the grounds of health and safety. The National Planning Policy Framework (point 32) requires "safe and suitable access to the site can be achieved for all people".

- With this in mind I would like to draw the planning officer's attention to a portion of the drawing of the Ground Floor Proposed (Plan 1121/P (--)110 rev C, Transport Statement, Appendix A) which shows the track of the trailer of a 10.7m articulated lorry entering the site. I have highlighted, in cyan, the area where the corner of the trailer sweeps over the raised pedestrian pavement that is supposed to provide safe access for any pedestrian entering or leaving the site. As you can see this is not acceptable. The raised pavement is suppose to offer the user a safe way of accessing the site.
- In addition to this, with the placement of the cycle racks at the furthest most point from the road, the retail employees who cycle are denied safe entrance and exit as they will need to traverse the length of the yard leaving them vulnerable to being trapped at numerous pinch points by a manoeuvring articulated lorry. I have highlighted these areas in red on the plan below. The plans only show a single vehicle at any one time on site. The situation would be made worse with two or more vehicles waiting to be unloaded.
- Lighting is essential to the safe access of the residents and staff. With deliveries to continue until 10:00pm the whole of the rear external space including the walk-ways to the flats will need to be illuminated to ensure safety. No plans for this external lighting has been submitted even though the council has raised the issue with the applicants. Excusing this lack of design by putting a condition on it will just mean that the neighbours will once again need to be consulted.

As the plans stand, I ask the planning committee to reject this application.

However, if the council is so minded to accept this application then I ask that the following conditions are applied.

1. The external lighting at the rear is subject to further planning approval and that the building can not be occupied until this condition is met.
2. The glass balustrades on the walkways to the flats be raised to above head height.
3. A suitable sound deadening material and height specification is defined for the wall surrounding the recreational area.
4. The design of the air conditioning unit enclosure is revised to use a more appropriate shielding system to prevent flooding of noise into the neighbouring gardens, and a limit of 30dB is applied to anywhere outside this enclosure.
5. The delivery hours are limited to 8:00 am to 6:00pm on Monday to Saturday, and between 10:00am and 2:00pm on Sunday.

6. Staff are not allowed to come and go from the rear exit of the building outside the opening hours of the shop.
7. Details on the retail refuse collection be submitted and approved before the building can be occupied, or a condition that states all retail refuse will be removed by the delivery lorries as proposed.
8. A condition for a minimum employment level is set to ensure that the development is employment enhancing. (The application states 50 part-time and 7 full time workers for the retail space.)
 - a. The Sunday opening hours are restricted to between 10:00am and 4:00pm.
9. Funding for the provision of additional disabled parking bays at the front of the building.
10. A condition that employees do not take breaks (including smoking) at the rear of the building.
11. Additional screening is erected to the Northerly and Westerly boundaries to provide better screening of general noise and the effects of any lighting on the surrounding properties.
12. Suitable foundations for the ground floor extension are agreed with the Council in order to protect the trees on the northern boundary, particularly the Red Horse Chestnut tree T3.

3.4 A further e-mail has been received from no. 11 Ashbourne Grove around the marketing of the offices above Iceland;

It states in the officer's report in paragraph 29 that the property was marketed for over 24 months. This I believe to be untrue. The documentation with the application states that the marketing was begun on 1st December 2010, (see page 79 of the document "compendium of reports on Marketing 2014-02-06"). However, in my letter of objection to this application I provide a photograph that shows that the offices were no longer for let dated 07/06/2012. This date can be verified because I sent the same picture to you on 11/06/12 as part of my objection to 12/AP/1340. (This letter is logged in the file of Neighbour Consultation Replies 2012-06-21.) None of the additional information within the document "compendium of reports on Marketing 2014-02-06" shows any marketing activity during 2012. December 2010 to June 2012 is only 18 months. It is quite possible that the sign stating the offices were let went up much earlier. Since the sign appears to have made up the bulk of their marketing effort, I think it would be completely wrong to state that the premises had been marketed for 24 months.

The same sign is still attached to the building and still proclaims that the offices have been let.

3.5 An objection was received from Chesterfield Grove, including a representation on behalf of 92 Lordship Lane, due to the length and images included with the objection this has been appended as a separate document to the addendum.

3.6 An objection has been received from 21 Chesterfield Grove stating we have enough trouble parking as it is in the street, so I'm concerned that the new plan will generate more need for parking spaces, and as I understand it, the current Iceland carpark is being repurposed, so no additional car parking will be provided.

I'm also concerned that big delivery lorries are inappropriate up and down a residential road full of families – I understand there will be even more deliveries than we currently have for Iceland.

3.7 An objection has been received from a resident of Chesterfield Grove unable to attend this evening and states;

1. Parking should be protected for local residents and new pressures acknowledged and dealt with where new development occurs.
2. Deliveries MUST be planned from Lordship Lane rather than trying to squeeze lorries into what will be an even tinier space at the back. This is ok for the co-op why not M&S?

Lorries find the entrance impossible now - it will be more so with reduced turning space in the back. The number of deliveries for this type of shop mean we have huge lorries going up and down a residential street - this is really unpleasant, and easy to solve with deliveries planned for the Lordship Lane entrance.

3. Delivery times MUST be restricted. Being awoken at unsocial hours with the reverse beeping is unpleasant and not in keeping with residents interests.
4. If the application is approved are M&S going to work with residents to ensure construction and operations are in keeping with our needs?

May I suggest a point person from the residents be in contact with similar from the M&S side - that way we can assure that we can keep the conversation going?

5. It is clear the residents from Chesterfield Grove are more affected than most by this proposal. Our parking, the noise, the increased traffic will all impact us more than others. Being opposite this building makes us particularly vulnerable to the situation and think that our views, along with those of our close neighbours should be given priority.

3.8 The Environmental Protection team have commented that they do not have any objections to the proposal subject to conditions, which have been included within the officer recommendation.

3.9 Three further letters of support have been received, one from 46 Whateley Road, 4b Crawthow Grove and one from SE22 8PZ.

3.10 Officer response

Many of the points raised are dealt with within the officer report or by conditions within the recommendation. The applicant has been able to provide further information on the specific issues raised.

Servicing and Noise

Frequency of deliveries – there will be a maximum of up to 6 deliveries per day, excluding Tuesdays and Fridays when this is likely to amount to 4 deliveries per day. The prospective occupier, Marks and Spencer, has provided a Code of Practice for deliveries that outlines how they would go about the servicing at this site and measures that will be taken to reduce noise disturbance at the property and to surrounding occupiers. This is based on the TfL approach for servicing in built up areas. The applicant is happy to accept the condition as currently drafted (Condition 3) that requires the details of this arrangement to be agreed in writing with the Council officers prior to the commencement of the retail use.

Noise from Communal and Private Amenity Space

The proposal provides amenity space far in excess of the Council's standards at first floor level. Each first floor unit has access to private space. The second floor units have access to communal amenity space also at first floor level.

In respect of the communal amenity space, a privacy screen is installed on the northern edge, 2.02m from the boundary with No. 82A. This set back and screen will assist in reducing disturbance between properties in this location.

The service core, cycle stores and planted areas of the communal space, located on the back edge (western edge) of the terrace provide a buffer between the residents of the development and the nearest existing residential occupiers on Chesterfield Grove.

The private amenity space provides outside space of between 4.7m – 6m deep. In the case of each of the units, this private amenity space is accessed from living room areas.

Sensitive bedroom areas are located to the front of the new units putting these habitable rooms a total distance of 14m (at the nearest point) from the communal amenity areas. This layout is also reflected within the residential units at second floor level.

The proposed new units will provide high levels of insulation to prevent noise disturbance and transference as far as possible.

The proposal seeks to strike a balance between the Council's amenity space standards, and in this instance has had the opportunity to exceed the maximum standards. At the same time the proposal has carefully considered and mitigated the noise implications for existing and future residential occupiers.

Security

For the future residents of the property, a delineated, lit access will be provided from Chesterfield Grove to the entrance of the residential properties.

A glazed canopy will provide a sanctuary to enable residents to access the property safely and easily.

Each residential unit will have a video entry system to allow residents to safely and securely allow access for visitors into the building itself.

The applicant would be willing to accept a condition to this effect on any resulting planning permission.

3.11 A further condition should be added as follows:

Before any above grade work hereby authorised begins, details of a vehicular and pedestrian security gate on the Chesterfield Grove entrance shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In the interests of security and in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 Design and conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity, 3.14 Designing out crime of the Southwark Plan 2007

3.12 Item 2 – Land adjacent to 1 Dog Kennel Hill, SE22

This application has now been withdrawn from this agenda due to potential amendments to the scheme.

3.13 Item 3 – Prospect House, Gaywood Estate, Gaywood Street

3.14 Late queries have been raised with regards to heritage impacts and sustainability. It is argued that officers have not adequately considered the impacts of the proposals on views into and out from the adjacent conservation areas; and further that the sustainability performance of these new windows has not been sufficiently considered having regard to the Council's Sustainable Design and Construction SPD.

3.15 Heritage impacts

In respect of the first matter officers can advise as follows:

While paragraph 2 of the officer's report correctly states that the site is not within a conservation area, there are two conservation areas nearby: Elliot's Row to the east and West Square to the south and west. The special interest and significance of the Elliot's Row conservation area lies in its cohesive townscape that comprises development from the 19th and early 20th centuries with well defined streets and interesting frontage development. West Square meanwhile is a notable example of a late Georgian and mid 19th century townscape with a number of significant public buildings. Prospect House is separated from the West Square conservation area by other buildings not in the conservation area along St Georges Row and Garden Row to the south and west respectively. It is not in fact visible from the West Square conservation area apart from a very restricted view between Wardroper House and Newman House. As such the site is not considered to be within the setting of the West Square conservation area.

Elliot's Row however is immediately to the east of the site as it includes dwellings on Gaywood Street. Importantly, Prospect House is not visible from the areas of this conservation area that are of significance such as the street frontages. One would have to continue north and west along Gaywood Street to view Prospect House in the context of the Elliot's Row conservation area and in such a view, only the rear of the western terrace along Gaywood Street is visible. In this context, the impact on the significance of the Elliot's Row conservation area would be minimal.

The National Planning Policy Framework advises that where a proposal would lead to less than substantial harm to a heritage asset, the harm should be weighed against the public benefits of the proposal. Officers consider that the development would not lead to any harm to the conservation area and the public benefits for people living in Prospect House would be considerable, leading to warmer, drier and safer dwellings.

3.16 Sustainability

The Sustainable Design and Construction SPD applies to the refurbishment of existing buildings and as such sustainability is a material consideration in this case. The existing single glazed timber windows/doors and frames are in a poor condition, with the casements and frames rotten resulting in poor thermal performance and inadequate draught proofing. Their replacement with double glazed PVCu units will greatly improve thermal performance, reduce draughts and result in dry and warm homes. This in turn has the potential to reduce energy consumption by reduced demand for heat and as such is considered an improvement to the sustainability and energy efficiency of the existing building and can be considered in line with the aims of the SPD.

3.17 **Item 4 – 87 Court Lane, SE17**

3.18 To inform the sub-committee of an additional representation received from an occupier of Court Lane SE21 stating

'Since writing and delivering our comments and objections to the above planning application in papers dated 30/12/13 and 14/7/14, we have seen the recommendations made by the Council Officers. We wish to draw attention to the following :-

1. In our paper dated 14/7/14 we described how the work by 'Energist' was fundamentally unsound and that it does not support their conclusion about the effect of the rear extension of number 87 on the sky-light reaching the lounge windows of number 85.

2. In contrast the Council Officers, in their report dated 10/7/14, seem to have accepted most of the opinions of 'Energist'.

We submit that, as detailed in our 14/7/14 paper :-

- The work described in Council Officers' Paragraph 22 (COP22) is seriously flawed and must be rejected.
- That the conclusion reached in COP23, with respect to daylight, is false.
- That since neither of our papers complains about blockage of sunlight there is no issue here and COP24 and 25 are redundant and should be ignored. On the northerly side of a building it is the sky-light which is important.
- COP26 repeats the 'Energist' highlighting of number 85 having a similar rear extension to that completed at number 87. That is to say that a 1.3 square metre rear new build in number 85 is similar to one of 31 square metres in number 87! New building at numbers 83 and 85 caused no loss of amenity on either side and both sides consulted each other from the beginning. Therefore this 'Energist' point lacks substance.
- We disagree with most of the contents of COP27, 28 and 29, though the actual meaning some of the wording is obscure. We have lived in number 85 for 40 years and appreciate its architecture and its quality. We deplore the cynical

manipulations by which owner and architect of number 87 appear to be attempting to abuse the planning process and in so doing, reduce our amenity.

This email should be read in conjunction with the comments and objections dated 30/12/13 and 14/7/14, which we sent to Southwark Planning, and to which we still hold.'

Response to points raised by the objector

2. Officers have no reason to dispute the findings in the report submitted by 'Energist'

Paragraph 22 contains typing errors and should have read that the extension does not fail the 45 degree angle approach although further investigation had been carried out.

Paragraph 23 is said to be false, and that guesstimates had been used by the writer of the report who had not carried out a site visit. The applicant should be present at the meeting and may be able to advise further here.

The objector has stated they are not concerned about sunlight, however, other residents may have been and hence the need to consider this issue. They are concerned about a building on the northerly side of the building and the sky light component.

The comparison between the extensions at 85 and 87 relate to the projection of the extensions being similar, however, as with this proposal it is agreed that they do not demonstrably impact on the amenity of adjoining occupiers.

Officers consider that the proposal will not create a sense of enclosure which would warrant refusal of permission. Officers have visited both the application site and the objectors' property on a number of occasions and consider that the extension does not demonstrably harm the amenities of adjoining occupiers.

Careful consideration was not only given to amenity of residents but also to the impact of the proposal on the character and appearance of the existing property and the Dulwich Village Conservation Area. It was considered that the proposal preserved the appearance and character of the property and the area.

While it is regrettable that work was carried out without the benefit of planning permission, the planning acts do allow proposals to be retrospectively considered, as here. The proposal should be considered on its planning merits.

3.19 It is considered that no significant new planning issues have been raised and the recommendation remains to grant permission.

3.20 Item 5 Harris Girls Academy East Dulwich, Homestall Road

3.21 Environmental Protection have advised that the following condition should be added to any permission.

Site Contamination

a) Prior to the commencement of any development, a site investigation and risk assessment shall be completed in accordance with a scheme to assess the

nature and extent of any contamination on the site, whether or not it originates on the site.

- i) The Phase 1 (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations.
- ii) Any subsequent Phase 2 (site investigation and risk assessment) shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.

b) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development, other than works required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed shall be submitted to and approved in writing by the Local Planning Authority.

d) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

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 off-site 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 2012.

REASON FOR URGENCY

- 4 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.

REASON FOR LATENESS

- 5 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403

APPENDICES

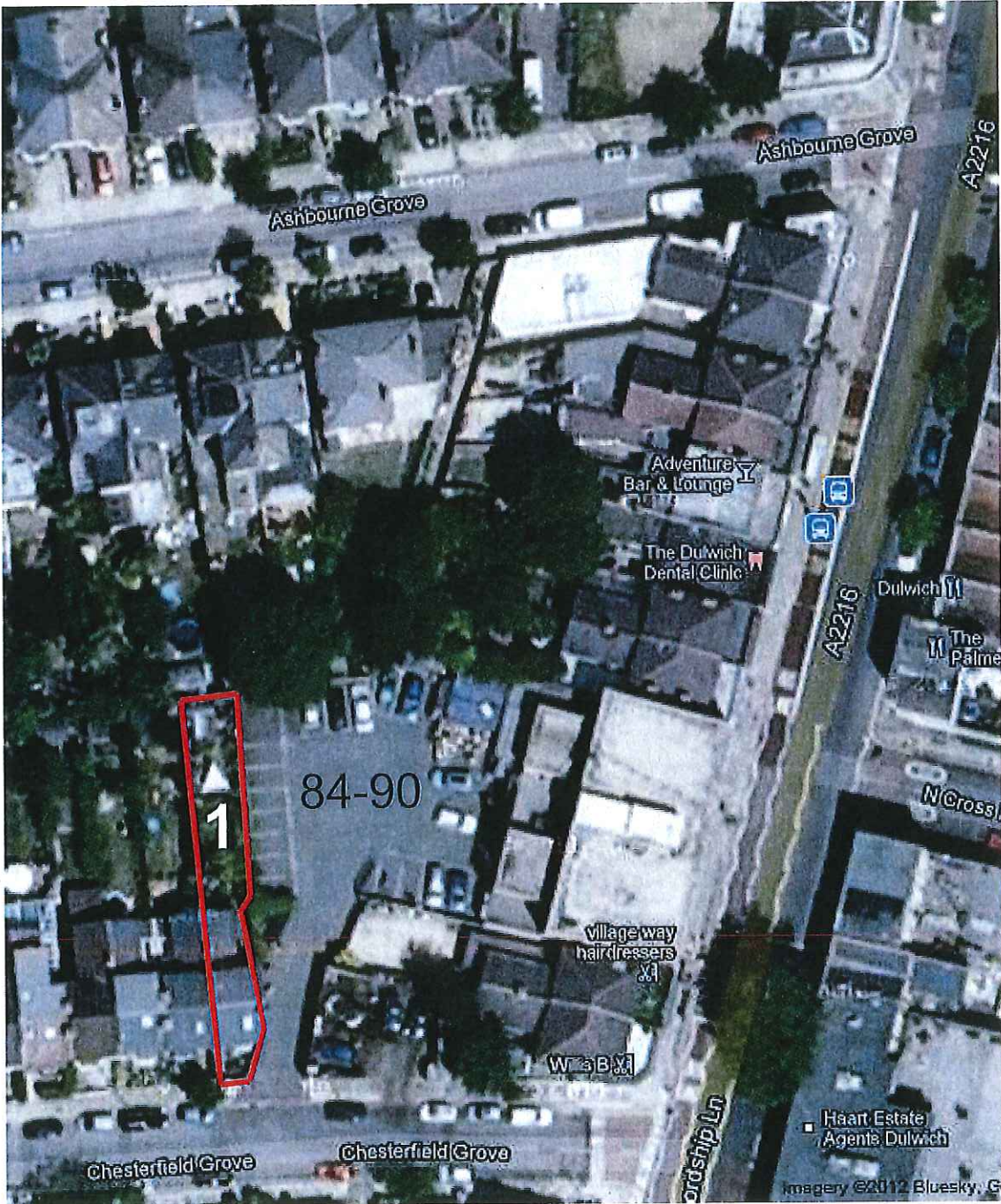
No.	Title
Appendix 1	Objections and comments by Chesterfield Grove resident

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Rob Bristow, Group Manager; Sonia Watson, Team Leader; Terence McLellan, Team Leader; Dipesh Patel, Team Leader; Michele Sterry, Team Leader	
Version	Final	
Dated	22 July 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director of Finance and Corporate Services	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		22 July 2014

Objections and comments on the planning application at 84-90 Lordship Lane London Se22 8HF. Reference 14/AP/0280.

Report written by [REDACTED]



Contents

1. Introduction, conflicts between vehicles and pedestrians unsafe environment, revised documents. Lack of upkeep of the property boundaries.
2. Refused planning application July 1991.
3. Existing restriction to property title 84 to Lordship Lane, and implications to proposed planning application 14/AP/0280.
4. Objection and comments on behalf of the owners of 92 lordship Lane.
5. Application Architectural drawings contains errors and ambiguities.
6. Current delivery arrangement by Iceland.
7. Objection to location of refuse bins serving the flats. Objection to the proposed refuse strategy.
8. Objection to proposed new reduced service yard, conflict with pedestrians and restricted access to articulated lorries and box vans.
9. Objection to increased noise levels and disruption from the restricted service yard.
10. Loss of parking.
11. Noise impact statement.
12. Over development of the site.
13. Security.
14. Architectural matters
15. Conclusion

Appendix 1 Sketches of entrance proposals August 1991

Appendix 2 Objection letter to application TP2315-84

Appendix 3 Email from Iceland regarding times of delivery.

Appendix 4 Letter and minutes of meeting by Tessa Jowell MP

Appendix 5 Extract of HSE Pedestrian site safety information sheet WPT16

Appendix 6 Extract of HSE Segregation information sheet WPT21

Appendix 7 Extract of HSE Waste Management information sheet WPT25

Appendix 8 Extract of HSE Reversing information sheet WPT20

1.00 Introduction.

1.01. This is my objection and comments report on application 12/AP/3773 at 84-90 Lordship Lane, London SE22 8HF. I note that this is a new application in planning terms, but in reality has arisen from a separate applications made by the same owners back in May 2012 (old reference 12/AP/1340). This was withdrawn and I was informed by letter on 5th October 2012 by Southwark Planning division. Another application principle the same submitted on 7th November 2012, refused by notice dated 10th April 2013. The applicant took this decision to appeal on 18th September 2013, and planning inspectorate concluded that the appeal should not succeed. The Planning Inspectorate appeal decision only focused on the main issue assuming because of time issue, but did briefly mention other matters in point 25 which what my document deals with. I can firm that the bollards were installed to prevent damage to property on either side, and are being constantly hit by delivery vehicles even now. If they are removed and entrance width is reduced as proposed then vehicle will start hitting the adjacent properties again see item 1.05.

The applicant has in principle submitted the same application with some additional supporting information and few a architectural amendments and only tries to address the main issues of the Planning inspectorate report. They do not attempt to address the other matters that the Planning Inspectorate refers, and is dealt with in detail by report. The main change in the information is the transport statement has been re-written by tpp consulting. Their document does not contain the vehicle track plots that the previous application had, they simply quote:

'Vehicle tracking using AutoTrack has shown that a 10.7m articulated lorry will be able to comfortably use the rear service yard whilst entering/leaving in a forward gear, which was shown in the previous application submission.'

My comments on this matter in this document demonstrates from experience that vehicles will not able exit the yard comfortably. At present it is not uncommon for a vehicle to be stranded there for hours and in recent case a day. As the refrigeration unit had to be shut off to the vehicle all the contents had to be thrown away. My drawings are produced on CAD and I used the tracking advice criteria from the National Freight Association. I request that the local authority highways department formally look at the issue again, and provide comment that should be made available. The track plots should be included in the application. Some people who may wish to comment on this but will not able unless they know where to look in the old application. All relevant information should include in this application. I therefore formally request that this is reissued and that the consultation process need to commence again.

1.02. Conflict between traffic and pedestrians.

In this document I go into detail on this matter in section 8. In tpp document they quote the National Frame Work and the following:

- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians

In there conclusion no mention is made whether this has been achieved. Now the problem that is faced by this legislation in that it is not inline with the requirements of the Building Act and the Health and Safety legislation. The HSE advice states that pedestrian movements need to be managed to make sure they don't conflict with other vehicle movements. The Building Act requires that all building should be safe to all users.

As a retail Architect with over 20 years' experience I consider it is important to avoid and design out conflicts between traffic and pedestrians. I also remove cycle parking from service yard because of risk of injury from accidents with manoeuvring vehicles. Unfortunately I have experience where similar a design conflict occurred where lorries entering a service yard crossed a pedestrian route (Eden Centre High Wycombe). At the point where the pedestrians and the vehicles met it was not clear to either of them who had the right of way. So the pedestrian kept walking even though it was the vehicle right of way. It very lucky that nobody was killed after several near misses. The local authority High Wycombe district council stepped in and issued the appropriate legal notices, that was resolved

by a complete redesigned of the roundabout exit to the service yard that stopped the vehicle before crossing the pedestrian route.

In this design a vehicle leaving the service area has to turn and manoeuvre immediately over the pedestrian access route to the flats. This may cause the same indecision to whose right of way by the lorry driver and leading to possible collision with one of the flats residents or visitors. Pedestrians leaving the flat entrance there is insufficient visibility when reaching the demarcated pedestrian route across the service yard to see what in fact a vehicle is doing. Equally the driver cannot see people leaving the flat entrance until he is on the pedestrian crossing. There is a real possible scenario that a resident leaving with young children, and one of them slips their control and runs out across on the demarcated path while a vehicle is manoeuvring to leave. The driver will not likely see and that child and has no space stop and could it be killed. The Architects have made a slight adjustment on drawing 1121P(-)110 P3, but the conflict is still there and has only been minimised not avoided or designed out. The lorry is also located on the pedestrian crossing when using M&S loading bay and sissor lift, item 3.07 page 14.

This I consider is the main planning issue is the safety of people using the proposed development, and that it should not be considered until it is avoided completely. The only way to design this out is to have residents entrance off Lordship lane which is where the current office entrance is. The use of banks man fully employed in the service yard by the tenant would not stop the conflict but would only minimise it.

I assume there is reason why the local authority do not view this matter in the same way. I therefore request that they confirm their policy on this that they are satisfied to follow that of minimising conflicts between vehicles and pedestrians, and not seeking to have them avoided. I will also be raising my concerns with Councillor James Barber on this policy to seek clarification.

1.03 A summary revised documents from previous application. Apart from new documents, three architectural drawings have been revised:

- 1121/P(-)10 rev P3 Ground floor existing.
- 1121/P(-)110 rev P3 Proposed ground floor
- 1121/P(-)154 rev P3 Section A.A. proposed

My comments on these amended drawings are:

1. Drawing 1121/P(-)110 rev P3. Where bin storage area has been relocated this parcel of land can only be accessed from a strip 1275mm wide from Chesterfield Grove. There are no other rights of access to this land, meaning the bins are not accessible, again this will be discussed in full in section 3. The access to these bins are not in their control.
2. Drawing 1121/P(-)110 rev P3. All vehicle protection to the side and corner of my property has been removed. Instead a raised paving area has been installed both for my access and to the flats. I object to this as this will block up the air bricks that occur on the flank wall of my property. These air bricks are located at the same level of the existing finished surface. They provide ventilation to my existing suspended timber floors within the property, and they are required under building regulations. The raised pavement will also mean that I no longer have a level access to my property on the side, and it may cause flooding as water is now directed into my property and not away as the present condition, again I object to this. The path needs to be at the same level as the current external surface. This would mean the removal of the kerb, and additional vehicle protection would be required, and this would have to be in a form of a fence and bollards as required under the Health and Safety legislation and HSE guidance see appendix 6. Also this path will create additional noise from the resident using this access to the flats particularly at night, again I object to this. As there is no other location for safe access to the flats, a new entrance from Lordship is required, we assume this cannot be achieved a M&S require a continuous frontage and a clear zone for their checkout area. The location of the flat entrance and risk of vehicles hitting resident will be discussed latter.

3. Drawings 1121/P(-)111 rev P2 Plan and 1121/P(-)151 rev P2 Elevation, the edge of the building that runs along the northern boundary to No 82 Lordship Lane has chamfered profile to try and reduce the impact on the property. It is my view this has little effect on reducing the amenity loss to this property. During the winter months in particular this property will suffer from lack of sunlight, and most of will be in the shadow cast by the development. This can only be overcome if the extension is built some 5 metres away this boundary. The full height of the extended area is retained to the boundaries to No 1 & 3 Ashbourne Grove. This will be discussed later in the document. Overlooking to No 82 Lordship lane is still an issue.
4. Drawing 1121/P(-)110 rev P3, shows that the bollard has been that protects the corner of the property to 94 Lordship Lane. Building protection is both a Building Act 1984(Building Regulation 2011), British Standard requirement. Unless this is provided the scheme is not in accordance with planning legislation that requires the works to be fully compliant with the Building Act 1984(Building Regulations 2011).

1.04 Since the present owner has bought the property, they have not carried out any maintenance to the fencing to adjacent properties. With the recent high winds the bottom area of fencing of my property that is fixed on their side has failed. The bolts supporting the post to top of the brick wall have pulled out, and it now temporarily secured. I would require a condition to be considered where all the fencing is replaced with an acoustic type in accordance with BS EN 1793-1:2012 and BS EN 1793-2:2012. This would partly overcome the additional noise from the closer proximity of vehicles manoeuvring. The type should be agreed with all the interested parties. I would suggest close boarded timber type similar to Acoustic premier fencing. The minimum height should 2.5 m, anti climb, and self supporting. This means it fixed on the developers side and not to the 1200mm high 215mm wide existing brick wall. It should provide the maximum sound reduction some quote as much as 32db. We would also require an acoustic timber gate installed where our existing one is. This work I would require a party wall notice. It would also be important that the present plants that use the present wall for support are maintained.

01-03-2014 [REDACTED] Rev 1

1.05. I have been resident [REDACTED] for over twenty four years. My property has common boundary with western edge of the site. We also share access with the property to my rear entrance that leads into the garden and to my rear kitchen door. I have been involved over the years in trying to resolve the access and service issue to the present store, both with Iceland (Bejams before they were bought out by Iceland) and the local authority. The present layout was designed by Fitzroy Robinson and Partners in September 1974. The entrance was formed with land that belonged originally [REDACTED]. The rear garden to [REDACTED] reduced and this area formed almost a third of current joint car park and service area. The front garden to No1 was altered and splayed to allow vehicle approach from western end off Chesterfield Grove via Melbourne Grove. It was not designed for lorries to gain access from Lordship Lane, because of the tight right hand corner and lack of splay to the pavement (unlike the western side) and the blind spot where pedestrians could not be seen on the eastern boundary of the entrance. Approaching from the west allows vehicles reasonable views of pedestrian walking out of the car park.

1.06. Iceland vehicles always try and approach the site from Melbourne as mentioned above. There is also a benefit that junction between Chesterfield Grove and Melbourne Grove is wide and will allow the lorries to turn around, unlike the restricted junction off Lordship Lane see image 1.

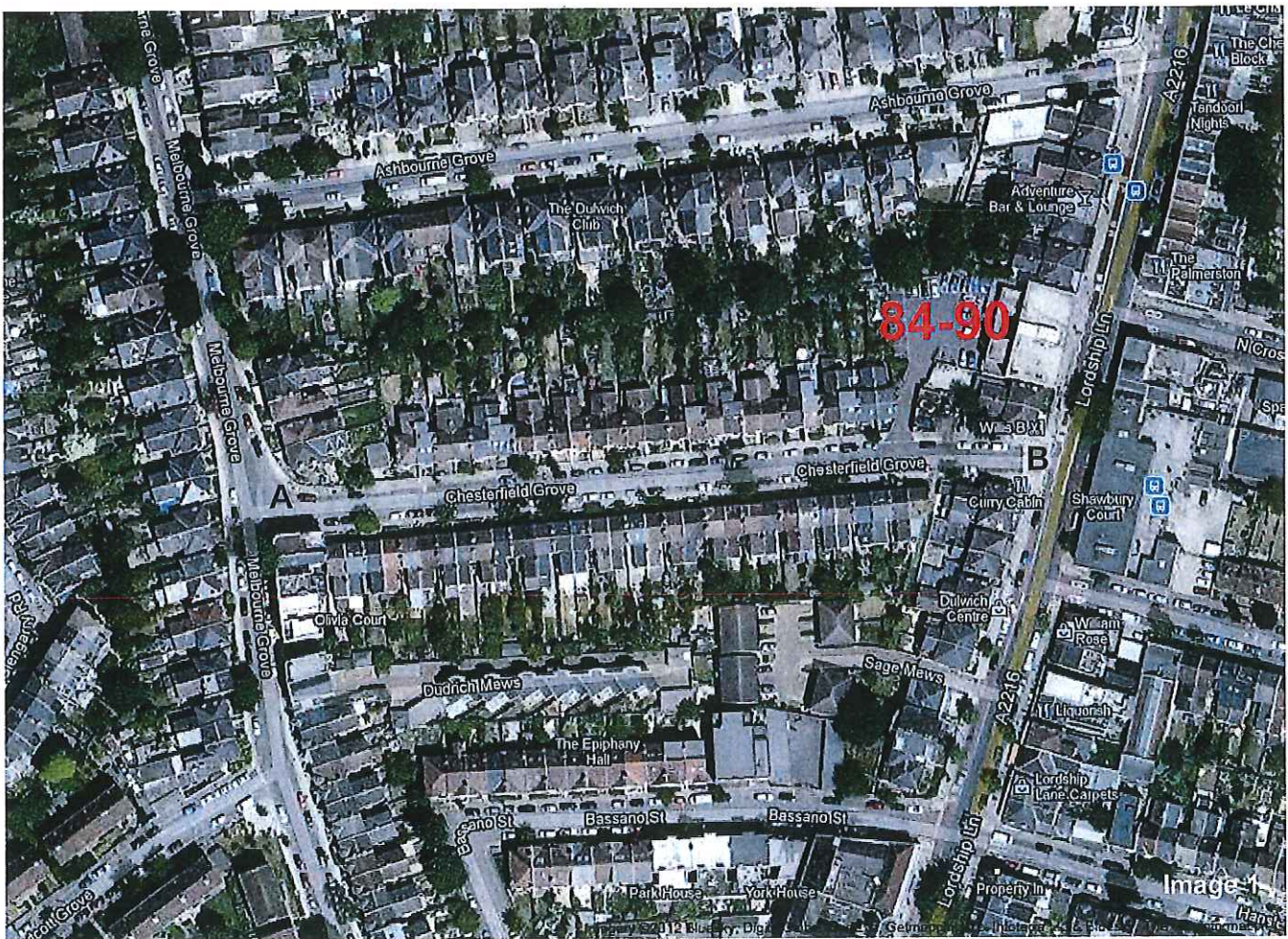


Image 1 Item A Melbourne Grove junction with Chesterfield Grove. Item B Lordship Lane junction with Chesterfield Grove.

1.07. In July 1991 an application was made to extend the present unit which I will discuss in further detail in section 2. As part of my objection to this development I produced some sketches showing how the entrance could be improved see appendix 1. The application was refused and my proposal were not implemented. The bollard that flank the entrance that protect the properties on both side, were put in by me with the cost met by Bejams the tenant at the time, after the corner of my house was hit by lorry entering from Lordship lane. The driver when turning in managed to get the vehicle trapped and the out swinging front of the trailer behind the cab hit the corner of my property. With the introduction of these bollards it both protects my property and the wall to the property on the eastern side, and discourages drivers from approaching the site form Lordship Lane. The application does not show these bollards in plan or the vehicle protection on the side of my property.

The entrance was only designed to be used by short rigid base lorries, not the present day articulated vehicles. You see in the applicants report a picture of this entrance and the angle of the bollard on the eastern side that is being constantly struck by vehicles, this demonstrates how inadequate this access is for modern articulated trucks.

2.00 Refused planning application July 1991. Planning reference TP2315- 84

2.01. In July 1991 an application was made by Iceland Properties for 84-90 Lordship Lane. The application was No TP 2315-84, and comprised of a new shop front and rear extension into the service yard/car park, a new air conditioning plant on the roof and repositioning of the escape stair from the office and flats above.

2.02. I wrote an objection letter on 13th August 1991, a scanned copy of this letter is included in appendix 2. My objection to this scheme included the following items:

- Height of extension
- Air conditioning plant
- Building line
- Refuse
- Escape stairs
- Servicing
- Car parking and access
- Protection barriers to buildings

The application was refused on the grounds that were identified in my letter. The application appealed. I was asked by the inspector to attend the initial discussion on site, and answer any technical questions that had been raised in my letter. The inspector agreed with the objection and it was refused at the appeal.

2.03. The present scheme is not different in principle to this application in the desire to make the existing unit larger. The new application but does not resolve the issues from the previous one, but adds additional issue such as the risk of pedestrian using a service road. Since this application, planning legislation has changed, Building Regulations revised, new British Standard brought, new Health and Safety provisions, which together meant more work needed to be carried out to justify the design, I do not believe this to be the case. The main difference is that the extension is larger, it has reduced the servicing area to such an extent that I believe it is not workable, this is discussed later in sections 6. It has not tried to solve the issue of the restricted access to the site. It is more insensitive to the existing building lines. It has complete disregard to the adjoining properties to the site that currently enjoy unhindered external amenity space.

2.04. I consider the precedence has been set by the refusal of the 1991 application, and this has to be applied to the present application, and when we consider the additional issues and risk from it, unless it completely redesigned it can only be refused. The rest of my report will go into detail on these matters and justify the point on which the new application should be refused, unless they can

be resolved. In the case of creating an entrance that is suitable for modern vehicle and is wide enough for a separate pedestrian access, this can only be done by using land that is not in the ownership of the applicant. This is further discussed in the next section regarding land ownership.

2.04 I note the comments by the Planning Inspectorate in item 6, and I agree legislation has changed, but there are still principles from this rejected proposal that are issues that should be resolved in any proposal, as discussed in the last section.

3. Existing restriction to property title 84 to Lordship Lane, and implications to proposed planning application 12/AP/3773.

3.01. Image 2 below shows an extract of the plan from the registry land title to 84 to 90 Lordship Lane, title number SGL 190523. It shows the title comprises of two parcels of land, a rectangular area edge in red, and a triangular piece of land edge in red and lettered A. Land registry have confirmed that area lettered A refers to all of the triangle as coloured blue. The area A was added to the title in April 1982. I believe the reason for this was the application made 1974 included part of rear garden [REDACTED] No 1 Chesterfield Grove, a line can be seen in the plan below, but this did not receive planning approval, and as works had commenced on this development some of the built works had to be amended, and it probably took until 1982 to sort out both a new planning application

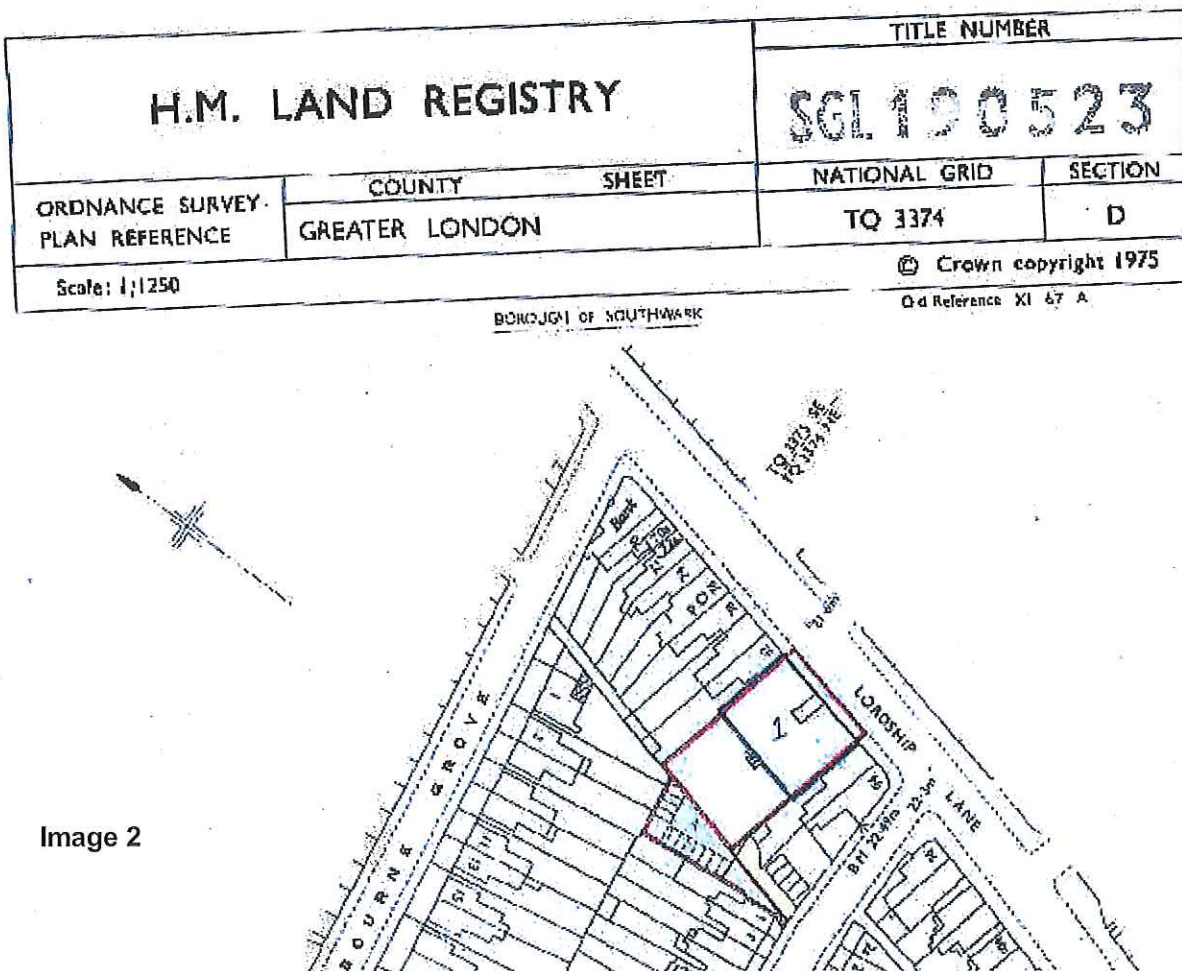


Image 2

3.02. The shape to the parcels of land that forms the land title to 84 to 90 Lordship Lane can be explained by looking at previous title boundaries. Image 3 below shows the approximate title boundaries in 1972, of No 1 Chesterfield Grove, 94, 92 and 84 to 90 Lordship Lane.



3.03. Image 3 shows the land titles in 1972. 1 Chesterfield Grove is tinted yellow, 94 Lordship lane tinted blue, 92 Lordship lane tinted green. The title areas to 84 to 90 Lordship lane tinted purple. The purple area corresponds to the rectangular parcel of land shown on current registry land title to 84 to 90 Lordship Lane, SGL 190523 shown in image 2. The area enclosed by blue shape outlines the access to the rear of 84 to 90 Lordship lane from Chesterfield Grove. This route to the area tinted purple of 84 to 90 Lordship lane has been maintained in the current registry land title, and this the only access to the site.

3.04. Image 4 on page 8 shows the registry land title to 92 Lordship lane (tinted green) and to 94 Lordship Lane (tinted blue with the current site layout of 84 to 94 lordship Lane



Image 2 shows the land titles to 92 and 94 Lordship lane with the current access to 84 to 90. The current access is via lockable metal gates, item A

02-01-2013 [REDACTED] rev 2

3.04. The following is an extract from the register title to 84 to 90 lordship lane, title number SGL 190523:

A: Property register

This register describes the land and estate comprised in the title.

SOUTHWARK

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 84 to 90 (even numbers) Lordship Lane, London.
- 2 The land in this title has the benefit of a right of way over the land tinted brown on the filed plan.
- 3 The land edged and lettered A in red on the filed plan added to the title on 13 April 1982.
- 4 The land edged and lettered A in red on the filed plan does not have the benefit of the right of way over the land tinted brown on the filed plan referred to above.

3.05. The above listed items has been added to image 5 below that shows the existing site with the outline of the proposed planning application, and proposed vehicle service route. Image 5 illustrates that the planning proposal does not consider the restriction that occur in title regarding access to land A item 4. The only access to land lettered A from Chesterfield Grove is by a strip 1275 mm wide (item B on image 2). This strip also contains rights of way to No 1 Chesterfield Grove.



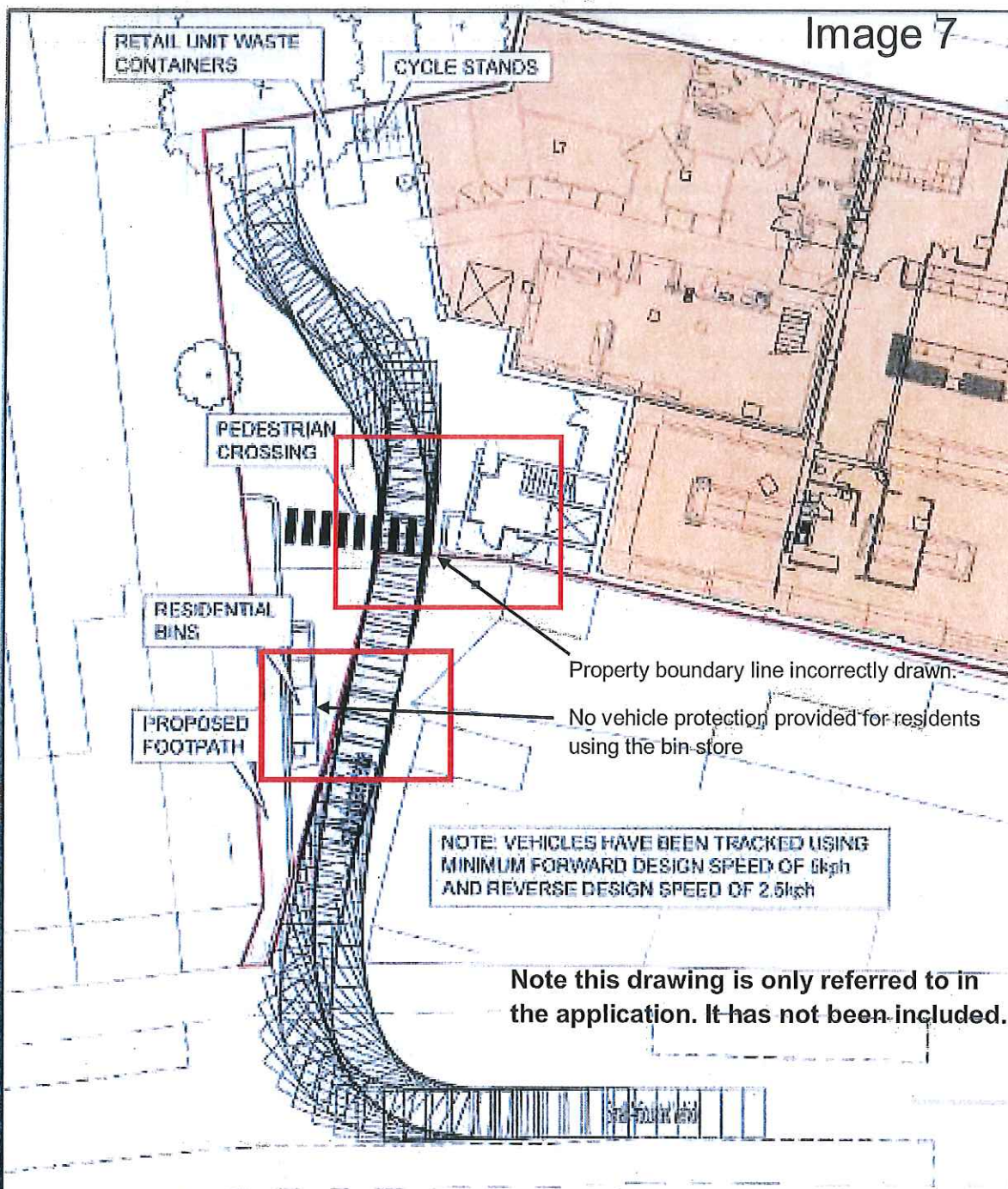
Image 6




3.06 Image6. The existing access to the land marked item 11 edged in red, is via 2 (tinted brown) and through the present gates. There is no right of way granted over land tinted brown (2) to land lettered A (tinted blue). The applicant should provide a design for planning that complies with this legal requirement, and that had been established on older registered titles as discussed in section 3.03. The access to land A by vehicle is only from the rectangular area item 1

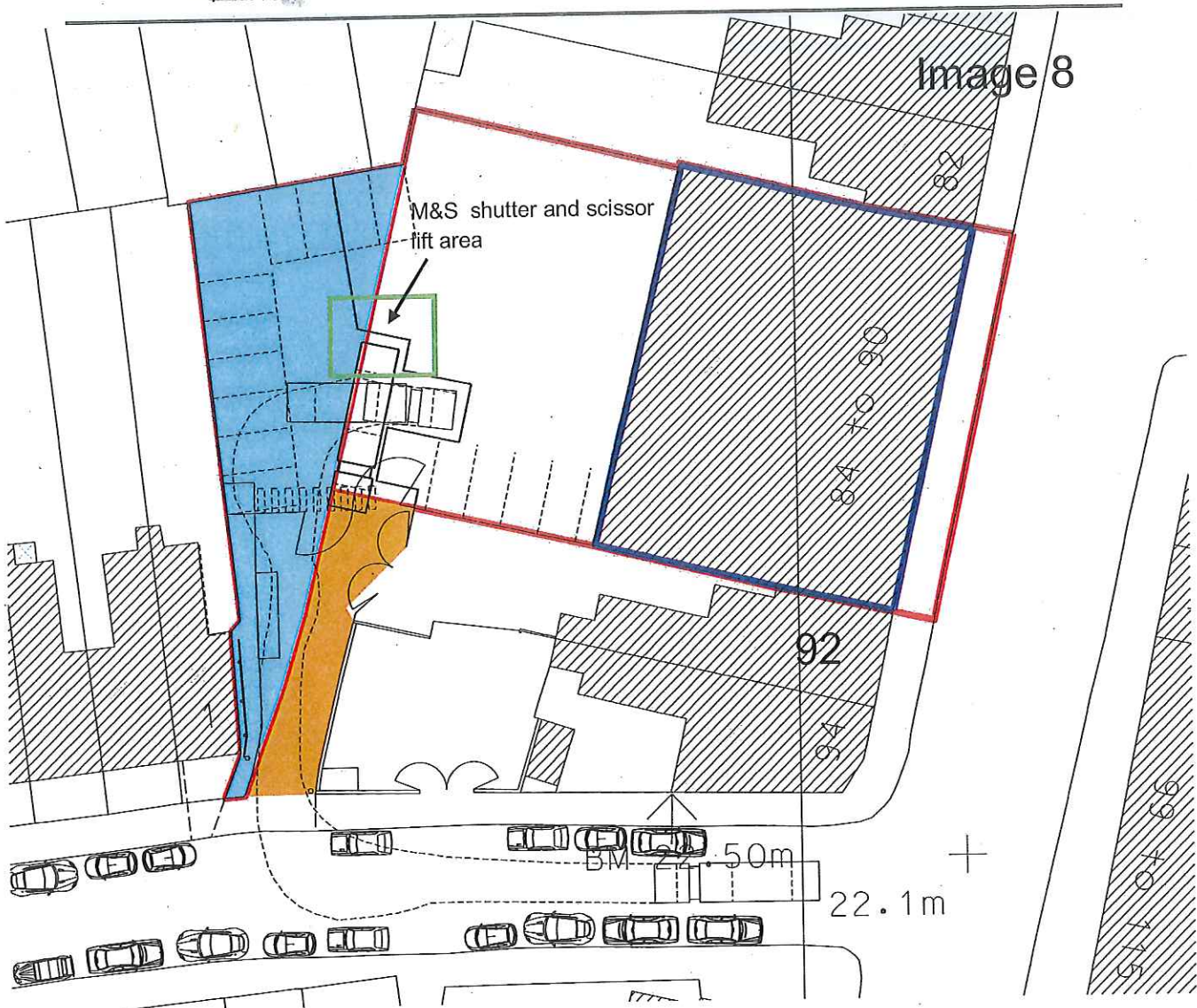
3.07 Image 7 on the next pages shows the current over optimistic swept path. This is only referred to in the application. The red line boundary shown on this drawing is incorrect. The vehicle is shown accessing the parcel of land marked A from tinted brown area, that has no rights of way to, as item 4 recorded in the property register. Ironically the present way the site is accessed is via Melbourne Grove, and this manoeuvre would comply in part with property title restrictions. The restricted access to the bin stores, and the danger that people face when using them from vehicles hitting them because of the lack of room, has been ignored by the traffic engineers drawings, this will be discussed later in the document, section 4 and 8.

Image 7



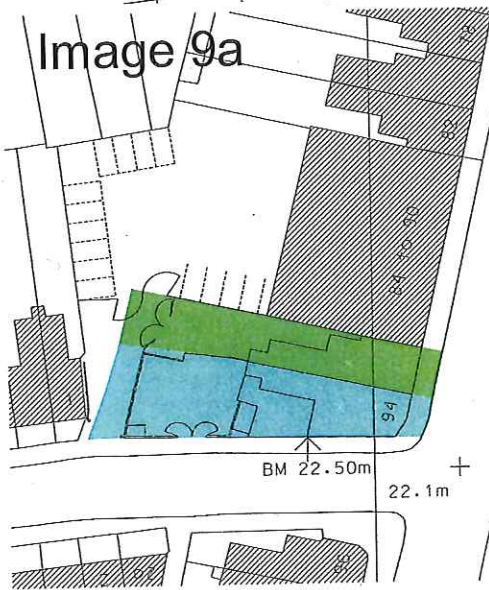
DESIGNANCE SURVEY MAP LICENSE No. 156501
NOTE: THE INFORMATION ON THIS DRAWING AND DESIGN IS NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE WITHOUT THE WRITTEN PERMISSION OF DESIGNANCE

Chesterfield Grove				M&S	
Service vehicle swept paths Small Articulated Vehicle (10.7m) Movement 1 - In				SBA <small>Site Survey & Analysis</small> 	
<small>DRAWN</small>	<small>DRAWN BY</small>	<small>DATE</small>	<small>SCALE</small>	<small>PROJECT/REF</small>	<small>REVISION</small>
DW	AS	02/04/2012	1:250 @ A4	14682-AR-11.1	E



3.07. Image 8 above shows the shutter access to the goods storage. Drawing 1121/P (-) 110 rev P3 notes that there is scissor lift located behind the shutter as required by M&S. For lorry to use this it would have to reverse up to shutter as shown above in image 7. It is noted that vehicle is located such that it blocks access to the flats, and sits on land that only has rights of access over. Also I believe the shutter area is too small to include bollard protection that is an M&S requirement. The architectural drawing should be re-issued to show a vehicle using this shutter with sufficient room for building protection, and not block or endanger residents using the entrance to the flats. To do this would mean the back of house area to the M&S unit would be greatly reduced and no longer fit the store criteria.

3.08. The entrance area shown on all the drawings issued with this application are in correct and misleading. The information shown on my drawing reflects existing conditions for example the gated entry to number 92, and the removal of the old shed to number 92 are all shown, I would expect the same level of information shown on the applicant's drawing.



4. Objections and comments on behalf of the owners of 92 lordship lane.

4.01. I have been asked by the owners of 92 Lordship Lane to include these objections and comments in my document. Image 9 shows the current application proposal with the land registry restriction as discussed in section 3 tinted as previously. Items A to E illustrate and mark these comments and objection to current application. Image 9 shows the registry land title to 92 Lordship lane (tinted green) and to 94 Lordship Lane (tinted blue with the current site layout of 84 to 94 lordship Lane.

4.02. Item A is an objection to any work being constructed on there land. Drawing 1121/P(-)110 rev P3 (see image 11 on page 17) has been amended from refused application all works is now on the applicants land They also require the entrance of the flats to be located away from their rear vehicle entrance to there property. They consider there is possible risk of residents walking into there entrance and being hit by a car reversing out.

4.03. Item B, the location of the articulated lorry when using the shutter entrance to the rear of the M&S unit need to be moved so that it does not park on land it has no rights to.

4.04. Item C the owners do wish to have any lorries manoeuvring near there entrance as it will restrict the use of it.. At present lorry manoeuvring is contained well within the site and should be maintained. They also require existing entrance and rights of way to be maintained in accordance with the land registry titles. The design as shown severely restrict the use of there current rear access, and is not acceptable.

4.05. Item D, they object to the location of refuse bins for the flats on safety ground. They consider that resident when using this facility could be hit by vehicle coming out from there rear entrance, and consider it should protected accordingly. They are also concerned that the bins will be collected via there property, but no rights of way exists for this. They consider that this could be resolved by introducing bollard on there rear boundary as shown by the thick black line in image 8. However if these were installed then only vans would be able access the site, and this would be of little use to M&S delivery requirement. The owners do note that the present access and gate arrangement although not perfect does work and should be retained. Even if part of there land is tramped by the closed gates when closed.

4.06. Item E, they object to the scale of the building on there northern boundary, and the effect it has on there current amenity space. They also object to the overlooking issue to there flat above the shop. They consider that building should be constructed away from there boundary. They also question why the chamfered roof that is now being shown on the boundary with No 1 Ashbourne Grove has not been considered on there boundary. They also object to the scale of the lift and stair entrance near the boundary of the property, and the increased noise cause by residents accessing there flats, and the disruption this may have on there flat. As item A suggests for a different reason the entrance to flats need to be relocated .

5. Application drawings contain errors and ambiguities.

5.01 All the architectural drawings contain the following ambiguous note shown in Image 10. As the planning authority you have issued this via Southwark planning web site. This means that any body in the world who has internet can access this information, but this note suggest this cannot happen because the Architect would consider them to be an unauthorised person, obviously this cannot be controlled. All the local planning authorities I have recently dealt with have requested notes such as this to be removed. I expect Southwark planning authority are no different, and will be requesting all drawing should be re-issued with this note removed. Also please request the Architects to correctly fill in the revision column, with written note stating what has been revised.

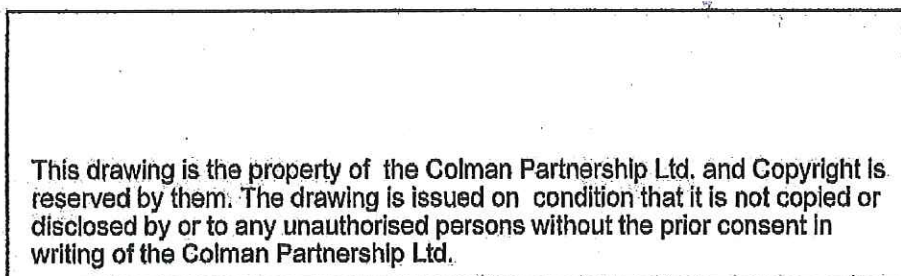


Image 10

Revision	Notes	Date
P2	Issued for Planning	02/10/12

5.02. Drawing 1121/P(-) 110 P2 has the red line property boundary incorrectly shown for 84 to 90 lordship Lane. The applicant has shown works on land that do not own. This has been objected to by the owners of number 92, see section 4.02. Image 11 shows an extract of this drawing below that highlights the error. This drawing should re-issued with the correct title boundary shown on with all items raised in section 4 addressed, as they are mostly to do with title boundaries and rights of way. They must ensure that this drawing reflects accurately the items recorded in the property register for title number SGL 190523, as raised in section 3.

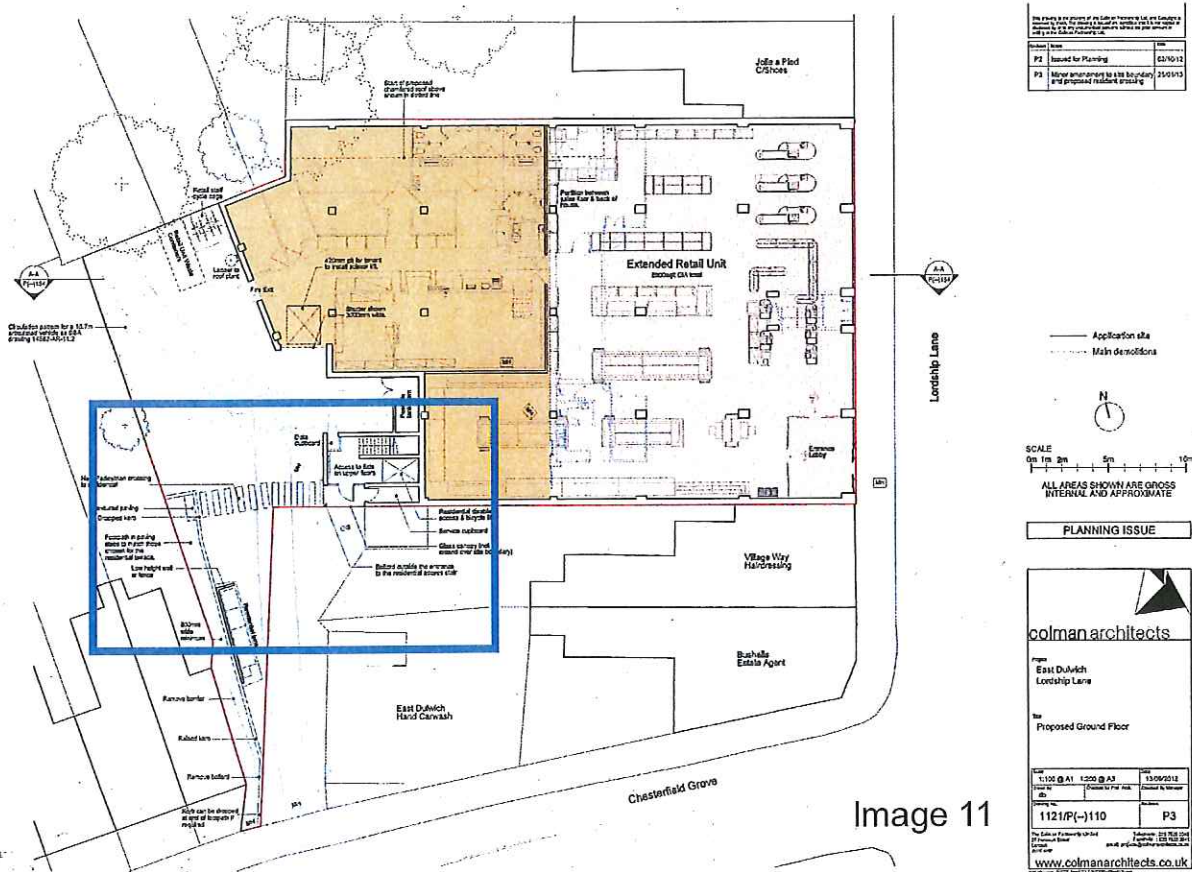


Image 11

5.03. Proposed roof plan drawing 1121/P(-)113 Rev P2 shows the existing plant enclosure on the roof removed. Section drawing 1121/P(-)154 Rev P2 shows the plant enclosure retained, one of them is wrong, Drawing 1121/P(-) 154 has been amended and issued P3 with enclosure removed.

5.04. Image 12 on the next pages shows the northern boundary of this site and a large mature horse chestnut tree, whose canopy extends into the application area. A tree report has been issued generally in accordance with BS 5837:2012 (Tree in relation to Construction). However it critically make no recommendation on how this tree can kept without the construction works affecting it. It appears to consider that the large mature horse chestnut that is located in No 1 Ashbourne Grove garden is not worth saving as it can a have short life span, but they have confirmed it will be effected by the development. If the development is not redesigned it will probably kill the tree and shorten its life span further. The applicant need to readdress this matter and fully respond to BS 5837:2012 and give appropriate recommendation on how not to kill/affect this tree, and the others on the boundary. I would suggest that building is relocated away from the tree routes accordingly.



6. Current delivery arrangements by Iceland.

6.01. Iceland now use 10.7m articulated lorry with a 8 metre trailer that has rear steering. The trailer's air conditioning units are suppressed. They make two deliveries a day between Monday and Saturday. The final delivery in the morning cannot be made before 8am. They also have one bread supplier delivery every morning after 8am, Monday to Saturday. This vehicle is a long rigid type and only makes deliveries from either Chesterfield Grove or Lordship Lane, as it is not able to use the service yard/car park because of the restricted entrance. Iceland refuse is collected by lorry that can enter the service areas/car park, turn round and leave head on. The current flat occupier, has to wheel his refuse bin to Chesterfield Grove for collection.

I have enclosed a copy of an email sent by [REDACTED] Grove asking Iceland in 2000 to reconfirm their delivery times. In this email response from Iceland they confirmed the restrictive access to the site and the use of smaller articulated vehicles. They also confirm that access is approached from Melbourne Grove into Chesterfield Grove. The drivers are also be instructed to stop shortly before the store and switch off their fridge motors before accessing the unit.

6.02. The constant issue of servicing to this unit and the restricted access has generated a number of complaints over the years and has led to the involvement of MP's and councillors. Appendix 3 shows the action taken by the RT HON Tessa Jowell MP.

6.03. Image 12 to 16 show how lorries leaving the site often get stuck by cars legally parked in the street, and the assistance that is given. Under the road traffic act it is illegal to block the public highway and for the general public to help guide manoeuvring vehicles. This regularly occurs by default because of the existing entrance and the increased pressure of parking places in Chesterfield Grove.



Image 12

Image1. Shows a vehicle getting stuck as it leaves the site. Note the Audi is legally parked. This picture is taken from the front of No1



Image 13

Image 12 Photo taken looking towards Lordship Lane and the entrance from 84-90 Item A identifies the entrance.

Image 13. To get out the driver has to start reversing back towards and onto part of the pavement area, endangering any pedestrian using it. The driver would not be aware of any pedestrians in the area directly behind the trailer.



Image 14



Image 4. To get out the driver has now left his cab to get assistance in reversing from one of the staff from the store. In doing this he has completely blocked Chesterfield Grove, with vehicles backing up to Lordship lane.

Image 5 shows another typical example of a vehicle getting stuck leaving when leaving the site



6.04. The current delivery strategy should be placed as a condition to the proposed application. I object to the increase in number of deliveries that are recorded in the transport statement item 8 of the draft servicing management plan.

6.05. I object to the earlier delivery times of 6:30am stated in section 10. Delivery at this time will cause sleep disturbance to my family and is not in accordance to the Planning Policy Guidance note 24: Planning and Noise. As deliveries are planned to take place every day of the week there will be no respite to us or the adjoining owner and this will intrude on the enjoyment of our external amenity space. I am concerned that the confined service yard will amplify the noise of the vehicle, and operatives carry out unloading duties. The transport statement will need to be re-written to reflect the current delivery number. The new application should not increase the number of deliveries, as this would cause added disruption to adjoining owners and the residents of Chesterfield Grove.

6.06. The additional noise arising from this application intended delivery regime may not meet the guidelines in BS 4146 1990, and if not what proposal is the application going to make to meet the criteria.

6.07. We note that Southwark Transport have commented on delivery time being proposed. However I object under the Building Act 1984 and the Building Regulation section 4, extract of this is shown below

Requirements relating to building work

4.—(1) Subject to paragraph (2) building work shall be carried out so that—

- (a) it complies with the applicable requirements contained in Schedule 1; and
- (b) in complying with any such requirement there is no failure to comply with any other such requirement.

(2) Where—

- (a) building work is of a kind described in regulation 3(1)(g), (h) or (i); and
 - (b) the carrying out of that work does not constitute a material alteration,
- that work need only comply with the applicable requirements of Part L of Schedule 1.

(3) Building work shall be carried out so that, after it has been completed—

- (a) any building which is extended or to which a material alteration is made; or
 - (b) any building in, or in connection with, which a controlled service or fitting is provided, extended or materially altered; or
 - (c) any controlled service or fitting,
- complies with the applicable requirements of Schedule 1 or, where it did not comply with any such requirement, is no more unsatisfactory in relation to that requirement than before the work was carried out.

The above is saying that under the regulation any new works or development should be no more unsatisfactory to that requirement (existing delivery times) than before the work was carried out. At present there is no out of hours deliveries carried out by Iceland, as the yard is closed when the shop is. By allowing out of hours deliveries this is not in accordance with the act as it makes development more unsatisfactory than it was before. Therefore delivery restriction should be put in place to make it compliant with the act. I would suggest the following to be included as a planning condition, however this should be agreed with all stakeholders before finalising

Weekday delivery times, first to after 8am, and last at 7pm.

Saturday delivery times, first after 9am, and last at 7pm

Sunday delivery times, first 10am and last 5pm

6.8 The times suggested above are reasonable for this type of inner city residential area. These times are common place in other London Boroughs such as the Royal Borough of Kensington and Chelsea. My wife is a very light sleeper and is often awoken by the delivery trucks, and the car wash opening too early. She has local business and get up and 8pm Monday to Friday. The present 8am delivery time should be kept. The Planning Inspectorate agree with principle of latter delivery times as recorded in Item 20 of his appeal decision:

20. I note the fallback position available to the appellant in respect of deliveries to the existing retail premises. However, the proposal entails a considerable enlargement of the existing building. This could result in an increase in the number of deliveries. Moreover, from the history of complaints made to the Council and the representations received at application and appeal stages, there is little doubt in my mind that if deliveries were to be undertaken before 07:00 hrs (Mon-Fri) and/or at the start of the weekend delivery times sought by the appellant (or earlier) the end result would entail the serving of an abatement notice. **No useful purpose would be achieved by granting planning permission in the knowledge that action would eventually have to be taken to cease 'unneighbourly' activities on the site.**

This action has already taken place I refer to my appendices 2, 3 and 4. And in particular to the letter from RT Hon Tessa Jowell MP..

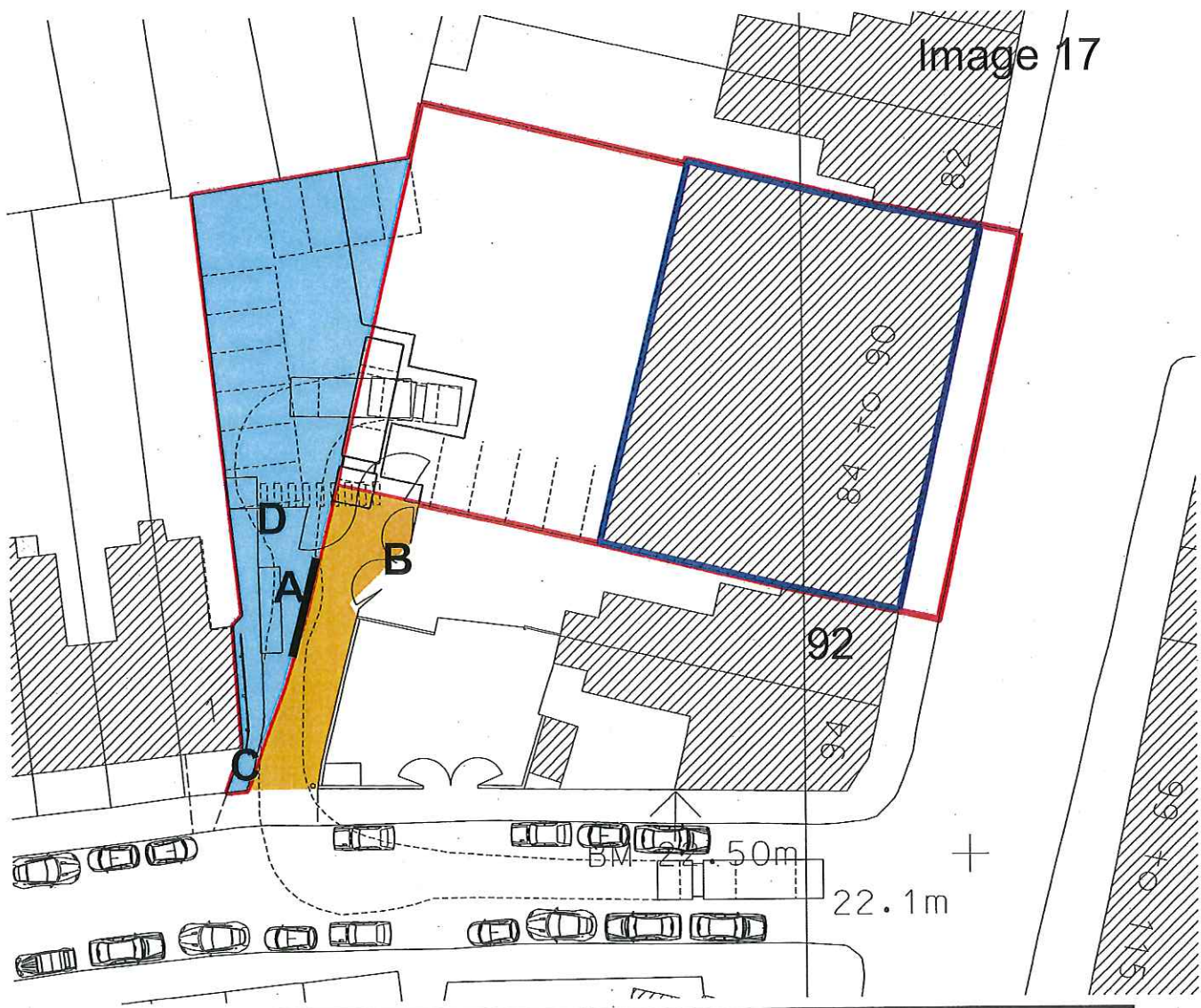
7. Objection to the location of refuse bin serving the flats. Objection to the proposed refuse strategy.

7.01. Image 17 below shows current location below. This location in part respect my right of way entitlement across this parcel of land, this is shown in image 18 & 9 on the next page.

7.02 I have several objections to the location of the refuse bins. Item A, the bins are accessed on the east side. For this to happen the people using them will require some protection from the vehicles and cars accessing the site as already raised in Section 4. The thick black line suggest where protection could be installed, on the boundary of the applicants land. Unfortunately this would allow only vans to service the proposed M&S units. If the bin are not protected they are then not in accordance with the Building Act, and Health and safety legislation.

7.03. Item B the bins can only taken to Chesterfield Grove, down the path runs along the boundary of my property, as they have no right of access from this land to area tinted brown as discussed previously. I would therefore object to the additional noise that will created when they are move for collection. The other issue is that there is no nearby for the local authority to collect them, except Chesterfield Grove, but this would simply clutter the pavement and make it impassable see item C on image 17.

7.04 Item D, the bin store is located over the public sewer that connects 5,3 and 1 Chesterfield Grove. Either the bin store is relocated or the sewer is?



A: Property Register

Image 18

This register describes the land and estate comprised in the title.

SOUTHWARK

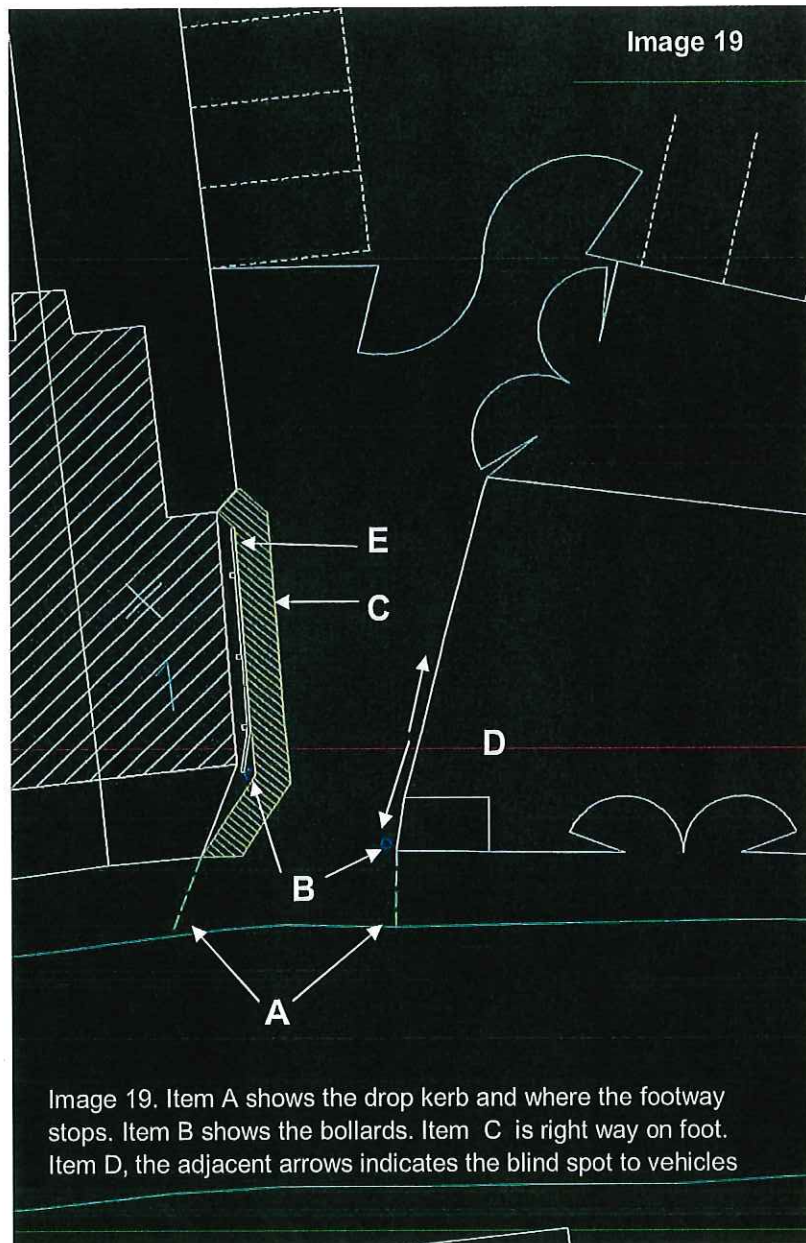
1 (30.04.1919) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 1 Chesterfield Grove, Camberwell. (SB22 8RP).

2 The land has the benefit of a right of way on foot only over the land tinted brown on the filed plan. **A**

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Image 7 Item A shows the highlighted section referring to benefit of right of way on foot.



7.05. There is no information in the application on what it looks like? A Refuse bins should be located in an enclosed area, in accordance with the following

- Making space for waste. A practical guide for developers and local authorities
- Southwark Council. Waste management and guidance notes for residential development.
- BS 5906: 2005

7.06. The design of the waste storage for the flat should also consider the following;

- Easy and safe access for waste protection, including older persons or person with disabilities. Placing the bins in the entrance of service yard is not safe. Placing residential bins in a restricted service entrance is not safe
- Easy and safe access for collection and collect vehicle. As discussed in 3 because of restricted rights of the title the bins can only accessed from Chesterfield Grove (7.3), or within the restricted service area. If accessed in the service yard this is then over ten metres away from Chesterfield Grove. This will not provide easy or safe access for collection and collect vehicles. This need to be reviewed by Southwark waste management department
- Protection against animal scavenging of waste. Open collection points not maintained will not prevent this.
- Aesthetic of the development. Placing bins seen from the street in this manner is not aesthetically acceptable. Images 20 and 21 show the standard of enclosure and location that is acceptable.



8. Objection to the reduced service yard, conflict with pedestrians, and the restricted access for articulated lorries and box vans.

8.01 In sections 3, 4 and 7 I have raised numerous unsafe aspect to this scheme. It is not clear that applicants is fully aware of the implication of the Building Act of 1984 and that works must be compliant as part of planning process, and a legal requirement. On the next page I have included an extract of the Building Act chapter 55 section 1 that relates to the building regulations. The purpose is 'securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by building or matters connected with buildings. The present building, servicing, parking arrangements were designed prior to this act (as discussed previously), and the raft of legislation that supports it. Building regulation deals with this matter in Part 2 'Control of Building work, Section 4 'Requirements relating to building works, that I previously discussed in 6.07. It states that under the regulation any new works or development should be no more unsatisfactory to that requirement than before the work was carried out. For example having a restricted service yard with an entrance to residential units and the possible clash of pedestrian and vehicles is making the development more unsatisfactory than before, where previously people using the offices and the two flats could access from :Lordship lane.

8.02 In the appendix D there are revised swept path diagrams for service vehicles, I have the same comments on all of them, however I am only going refer to drawings , 14682-AR-11.1 Rev E, 14682-AR-11.3 Rev E, 14682-AR-12.1 Rev D, and 14682-AR-12.2 Rev D. All the manoeuvres show in these drawing are far tighter than the previously withdrawn application, because of the footpath and location of the refuse bin located in the entrance to the site. All the swept paths shown do not comply with the Freight Transport Association 'Designing for Deliveries' who recommend larger manoeuvring areas as a matter of good practice. It is important when designing for deliveries that all drivers are considered in particular the agency ones who have no prior knowledge of the site and often get stuck when using the current entrance. Image 22 shows a more realistic swept path that an agency driver would be comfortable in attempting because of there unfamiliarity with the site.



ELIZABETH II



Building Act 1984

1984 CHAPTER 55

An Act to consolidate certain enactments concerning building and buildings and related matters.

[31st October 1984]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

BUILDING REGULATIONS

Power to make building regulations

- 1.—(1) The Secretary of State may, for any of the purposes of—
- (a) securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings,
 - (b) furthering the conservation of fuel and power, and
 - (c) preventing waste, undue consumption, misuse or contamination of water,

make regulations with respect to the design and construction of buildings and the provision of services, fittings and equipment in or in connection with buildings.

A 4

Image 23

8.03. Image 24 page 27, comments on Drawing 14682-AR-11.1 Rev E. Item A to get into the site the lorry has to positioned itself on the line parked cars. There appears to be very little room for error, and would expect car to be hit on regular basis. If van parked there it would be impossible for the lorry to make it in one manoeuvre. Item B the lorry has mount the pavement to gain access, this is dangerous to any pedestrians , and is illegal. The large bollard protection to 94 has been removed to ease the restricted access. It appears from this swept path that vehicle will hit the corner of this property. Building need to be protected is requirement of the Act. Item C no protection provided to residents using refuse area. The ownership boundary is in correct on this drawing. There is very little room to accommodate a resident with push and children who exit from the flats before they find themselves in the service road. There is nothing to prevent a child from running out from the entrance straight into an on coming vehicles, the design of this area is unsafe. Item D the drawing also show the existing ground floor plan on top of the proposed, this need to be removed.

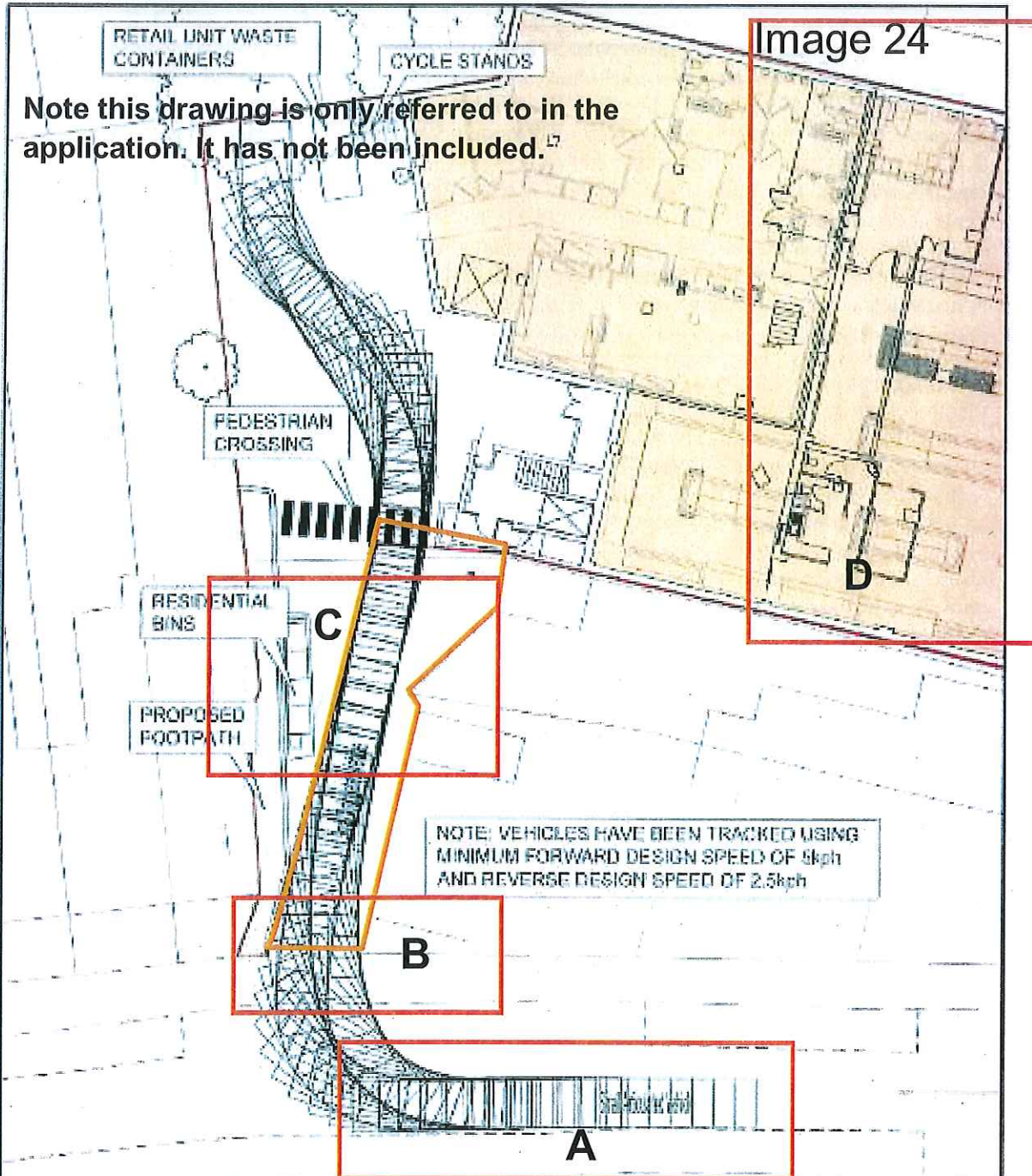
8.04. Image 25 page 28, comments on Drawing 14682-AR-11.3 Rev E. Item E, it appears that the rear trailer will go over the pedestrian route. It is clear from this drawing that there is insufficient space in the service yard to carry out this manoeuvre. Item F, the ownership boundary is in correct on this drawing. Note the crossing was moved north on drawing 1121/P(- -)110 P03 , and this has reduced the space further for a vehicle and will add to risk of hitting a residents approaching the flat entrance. The brown tinted line shows the access rights that the applicant has, and the vehicle leaving the site does not adhere to this, see section 3. Item G no protection provided to residents using refuse area, more space required by the vehicle when it leaves. Item H, when the vehicle leaves it appears to hit the corner of the property of 94, and then mounts the pavement again, the blue line marks the kerb line.

8.05. Image 29 page 29, comments on Drawing 14682-AR-12.2 Rev D a Box van leaving the site. Item I, the ownership boundary is in correct on this drawing. When the crossing is moved north onto the applicant land, there appear even less room for a box van to manoeuvre when leaving the site. It appears dangerously close to footpath used by the flat residents. It has to turn into the pedestrian crossing when leaving also dangerous manoeuvre leaving the driver unsighted to residents from the flat entrance. Item J there is even less space for residents to access the refuse bins when a box van is leaving. When protection is added a box van will find it difficult to leave the site. However that is not the real issue as the Box van is not adhering to access rights, and can only leave via the area marked by the brown tinted line. Item K the Box van also mounts the pavement when leaving, the blue line marks the kerb.

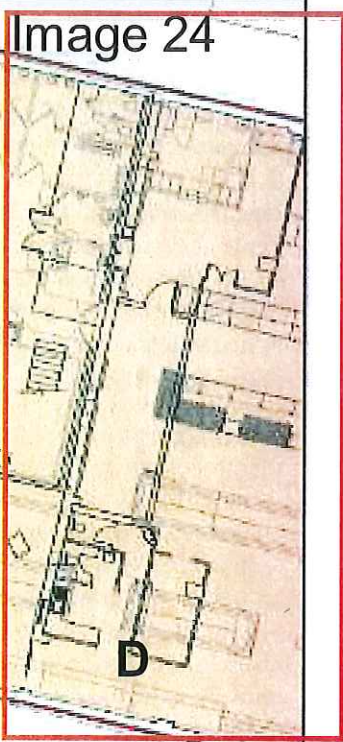
8.06. The overall design of the service yard does comply with this information sheet WPT16 (extract included in appendix 5). The design does not comply with HSE information sheet WPT21 Segregation (extract included in appendix 6).

8.07. This information sheet WPT21 also raises the discussion about cyclists being vulnerable when vehicles are being used. Planning a cycle rack for staff at the far end of a tight service yard does not comply with the guidance and is considered unsafe. The cycle rack should be relocated to safe area where the conflicts vehicles are mitigated, the present scheme cannot accommodate as all space on the site has been taken up by the required area needed for viable M&S food store.


8.08. The conflict of vehicles, pedestrian and staff in the design of the service yard in respect of the refuse collection for both retail and residential again do not comply with those of the guidance issued by HSE, information sheet WPT25. Waste management (extract included in appendix 7) Please note there are other guidance's, British Standard and Approved documents that deal with these matter, but HSE information sheet are clearer documents.

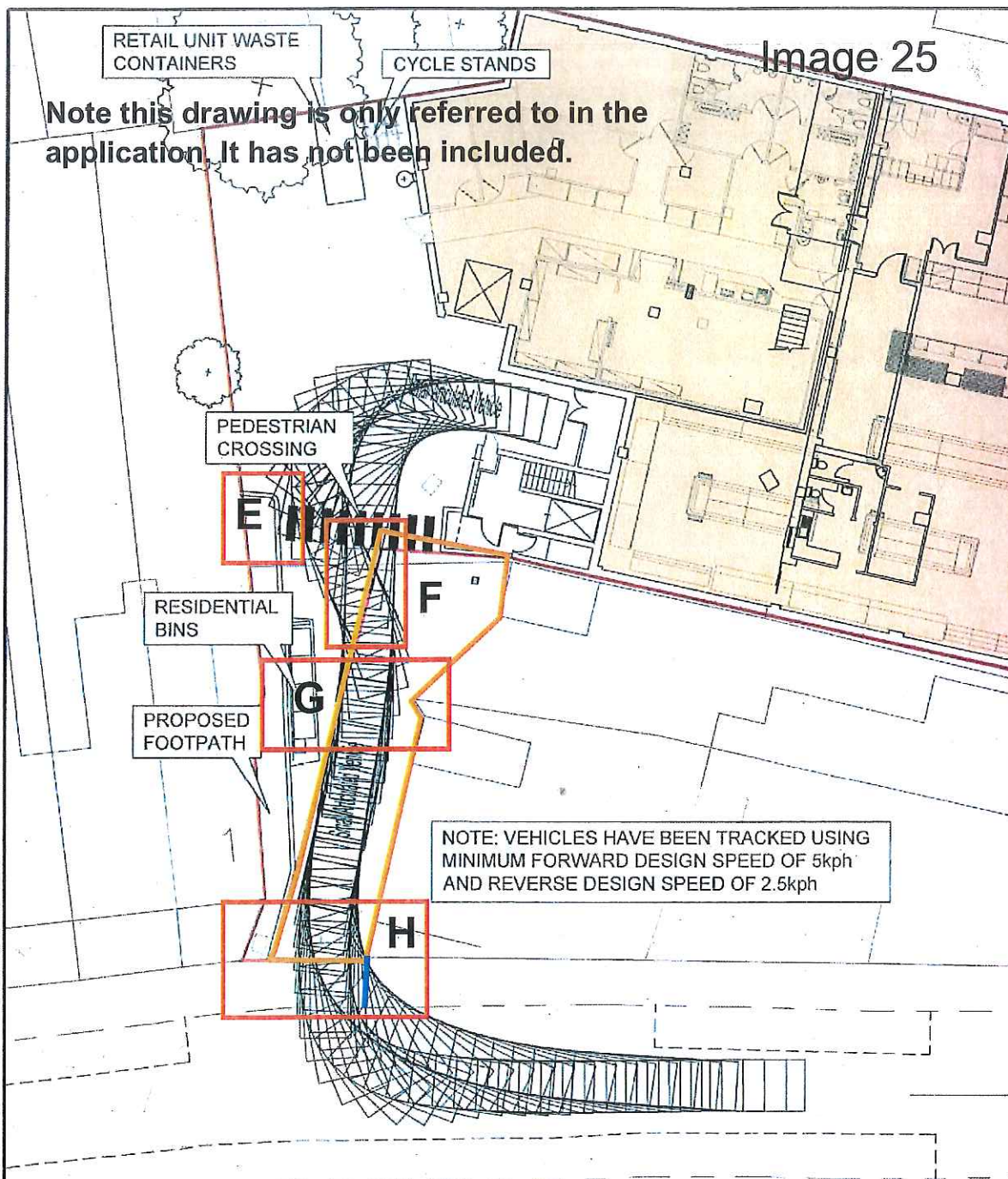


Note this drawing is only referred to in the application. It has not been included.¹⁷




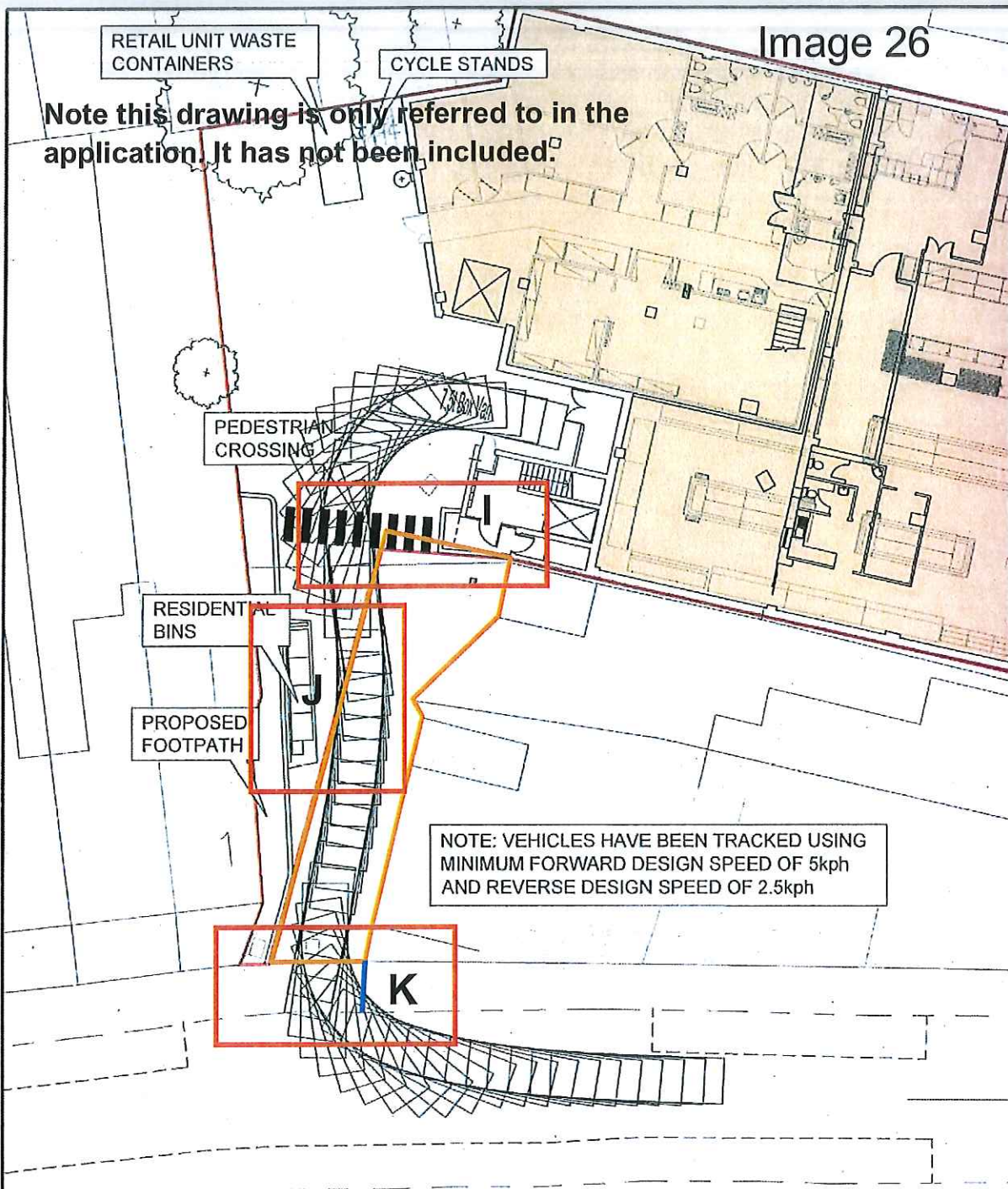
ORIGINATOR SURVEY MAP 1 (GENRE No 11 5201)
 SBA'S THE INFORMATION IS THE INFORMATION AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF SBA

Chesterfield Grove		M&S	
Service vehicle swept paths Small Articulated Vehicle (10.7m) Movement 1 - In		SBA <small>CONSTRUCTION SERVICES</small> <small>0203 250 0000</small> <small>100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200</small> 	
DATE	SCALE	DATE	SCALE
DW	A5	02 04 2012	1:250 @ A4
DRAWING NUMBER		REVISION	
14682-AR-11.1		E	



ORDNANCE SURVEY MAP LICENSE No (IF USED):
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Chesterfield Grove				M&S	
Service vehicle swept paths Small Articulated Vehicle (10.7m) Movement 3 - Out				SBA <small>part of the WYG group</small>  <small>100 St. John Street London EC1M 4EH t: 020 7580 8544 f: 020 7580 5818 e: sba@snaac.co.uk</small>	
<small>DRAWN:</small> DW	<small>CHECKED:</small> AS	<small>DATE:</small> 02.04.2012	<small>SCALE:</small> 1:250 @ A4	<small>DRAWING NUMBER:</small> 14682-AR-11.3	<small>REVISION:</small> E



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Chesterfield Grove				M&S	
Service vehicle swept paths 7.5t Box Van - Out				SBA part of the WYG group 100 St. John Street London EC1M 4EH t: 020 7550 5811 f: 020 7580 8518 e: sba@sba.co.uk	
DRAWN:	CHECKED:	DATE:	SCALE:	DRAWING NUMBER	REVISION:
DW	AS	02.04.2012	1:250 @ A4	14682-AR-12.2	D

9. Objection to increase noise level and disruption from the proposed restricted service yard.

9.01. The existing service doors to unit are located 30 metres away from my property. Any disturbance or noise from unloading, clinking of trolleys or opening of shutter door is minimal because of the opened yard and distance. The proposal will move the servicing activities onto my present eastern boundary. The extension at the closes point will be under 10 metres away. The rear extension including the brick parapet is 5 metre high. I am concerned that this closeness and the height and shape of the extension will amplify any noise in this area caused by servicing activities. The increased noise and disturbance will disrupt my private enjoyment of my external amenity area, and within the property itself.

9.02. A delivery noise assessment is required. This should confirm the current noise levels from servicing activities of the existing unit as the base figure. If the applicant is unable to demonstrate that the levels are not increased, they will need to provide information on what measures can be put in place to mitigate them, this will require input from the proposed operator, and could be included as a planning condition. It is important that these measures are acceptable to all adjoining owners of the site.

10. Loss of parking

10.01 At present there is onsite parking for the offices, flats and shoppers. With the proposed extension all parking is removed. The proposal contains 8 flats, some of the residents will have cars and will need to park. This will add to the already congested streets and this will mean more illegal parking, and the higher probability of delivery vehicles to the getting stuck in Chesterfield Grove. With the existing car park being available parking in the street just about functions.

11. Noise impact statement

11.01. The noise impact statement is based on sound readings only taken around the existing building. No sound readings have been taken in the adjoining property. It would be expected that these reading would provide lower a basic background noise as they are further away from Lordship Lane and are more acoustically protected. These back level should be used as they may be more onerous. These background levels are important to determine if the mitigation measures taken with the enlarged plant area complies with the -10db or more criteria. The noise from the existing plant area is masked by its location to the majority of the adjoining owners. The new plant area is more open in location and sits on the first floor roof. This will mean that every adjoining owner could be disrupted by the noise. The applicant has to demonstrate that he has taken this into account and has used the more onerous back ground figures from the adjoining properties otherwise complaints may occur.

11.02. It is not clear from the noise impact statement that the plant area is open as shown on the Architects drawings, this needs to be clarified.

11.03. The acoustic louvres specified by the Architects in the material schedule the slimshield is only effective if the plant area has a roof. Is in the intention of the applicant to have attenuation on the plant equipment only, this needs to be confirmed. If this is not case and some attenuation will be provided by suitably specified louvres, how will this work with the flats on second floor that are above the open plant area, this will also affect the taller adjoining properties. I suspect that noise impact statement has not been coordinated with the Architects drawing, this is potential problem/risk and should be resolved.

12. Overdevelopment of the site.

12.01 The rear extension stretches the full width of the existing building, that means a 5m high flank is being built on adjoining owners fence/party wall boundary. This will affect the light and the enjoyment of the external amenity space by these residence. I consider this approach to be intrusive and architectural insensitive. The flank wall should be set back sufficiently not to reduce the light aspect to these external areas. Unfortunately the only architectural process in this design is to provide the area necessary to meet the criteria of the prospective retail tenant and any other issue are secondary. I consider this approach has created overdevelopment on this site.

13. Security

13.01 The present service yard has a gate and is secured overnight. I understand that security has become an issue recently when the service yard has been left open overnight and a person has climbed over into a property on the north boundary and broken in. The residents on the northern boundary have at their own cost extended the boundary fence section at the top with timber trellis. The trellis acts as an additional deterrent as it feels unsafe to climb. With the yard open at the time, this will affect the security to my property and adjoining ones to the north and I object accordingly.

13.02. I suggest that the police are consulted on this matter. They may also have a view on the rear elevation and the inset areas may allow people to hide, and this may present a risk to tenants approaching late at night to the flat entrance when the store is closed. I also note that people will use these recesses to urinate it, we have this issue already in the area. Another problem with an open service yard it may attract unwelcome graffiti This can only be resolved by gating the service yard, or providing twenty four hour security on the site.

13.03. Late December 2012 the existing gate lock had broken. Within days prior to Iceland repairing someone drove a van into the yard late at night and stole all the cages. An open service yard unless it is manned by security guards 24hrs, will attract the same issues even with camera installed

14. Architectural matters

14.01 An Ecohomes report has been included in the application, and it suggests they are trying to achieve a very good rating. From my experience it is quite a challenge to obtain this on a new build scheme, but on an existing building its is very difficult to achieve. BREEAM who regulated Ecohomes provide guidance on existing properties on what rating can realistically achieved. The report appears to ignore that a building built in 1976 may have been constructed with un-insulated brick cavity construction. To achieve the thermal value to the external fabric of building as required by this report will require additional insulation to be installed inside the building, and this will reduce the space for the flats accordingly.

14.02 The flat layout shown, what space standard are they based on? The middle flats on both floors 2,3,6 & 7 have bathroom that can be accessed by a wheel chair. Flats 1,4,5 and 8 do not appear to have disabled accessible bathroom. All bathrooms should be accessible to meet the Life-times Homes criteria, item 14.

14.02 The flat layout shown, what space standard are they based on? The middle flats on both floors 2,3,6 & 7 have bathroom that can be accessed by a wheel chair. Flats 1,4,5 and 8 do not appear to have disabled accessible bathroom. All bathrooms should be accessible to meet the Lifetimes Homes criteria, item 14.

14.03. Disabled parking should be provided on site or nearby, this is not the case, this should be reviewed by the planning case office

14.04. The lift access only goes to the first floor, there is no disabled access to the second floor flats. This does not meet criterion 5 Lifetimes Homes. This could be viewed as discrimination in accordance with the DDA

14.05. Levels should be provided on the elevation and section drawings.

14.06. The drawings do not show any protection to the boundary walls of adjoining properties. The barrier should be in accordance with BS 6180 Protection Barriers in and about Buildings. In this current application vehicle protection has been removed from the corner of property 94 Lordship lane.

14.08. How is fire brigade access being provided. How will deliveries be accessed to the flats in consideration that it is also a service road.

14.09. If a lift is to be provided to the second floor, the access will have to be widened to allow a wheel to turn into the entrance door.

15.Conclusion

The main constraint on this proposed development is the limited service access for vehicles and in my opinion should lead to it being refused. The problems of delivery to the site will be increased by this proposal and will be perceived as an unneighbourly activity. This has to be resolved and become a prerequisite before any proposal can be considered. Also any proposal must not make the use of the site by pedestrian or vehicles any more unsatisfactory that presently exists, in accordance with the Building Act of 1984, and Building Regulations.

The restriction of access stated in the registry documents to 84-94 lordship Lane discussed in section 3, may mean the property is blighted. It is difficult to develop this site without the full control of the vehicular access to it.

The conflict between vehicles and pedestrian must be avoided and designed out, in accordance with current Health and Safety Legislation, I do not think it is acceptable just to minimise the risks, this will not prevent people being injured from this conflict.

Appendix 1 Sketches of entrance proposals August 1991

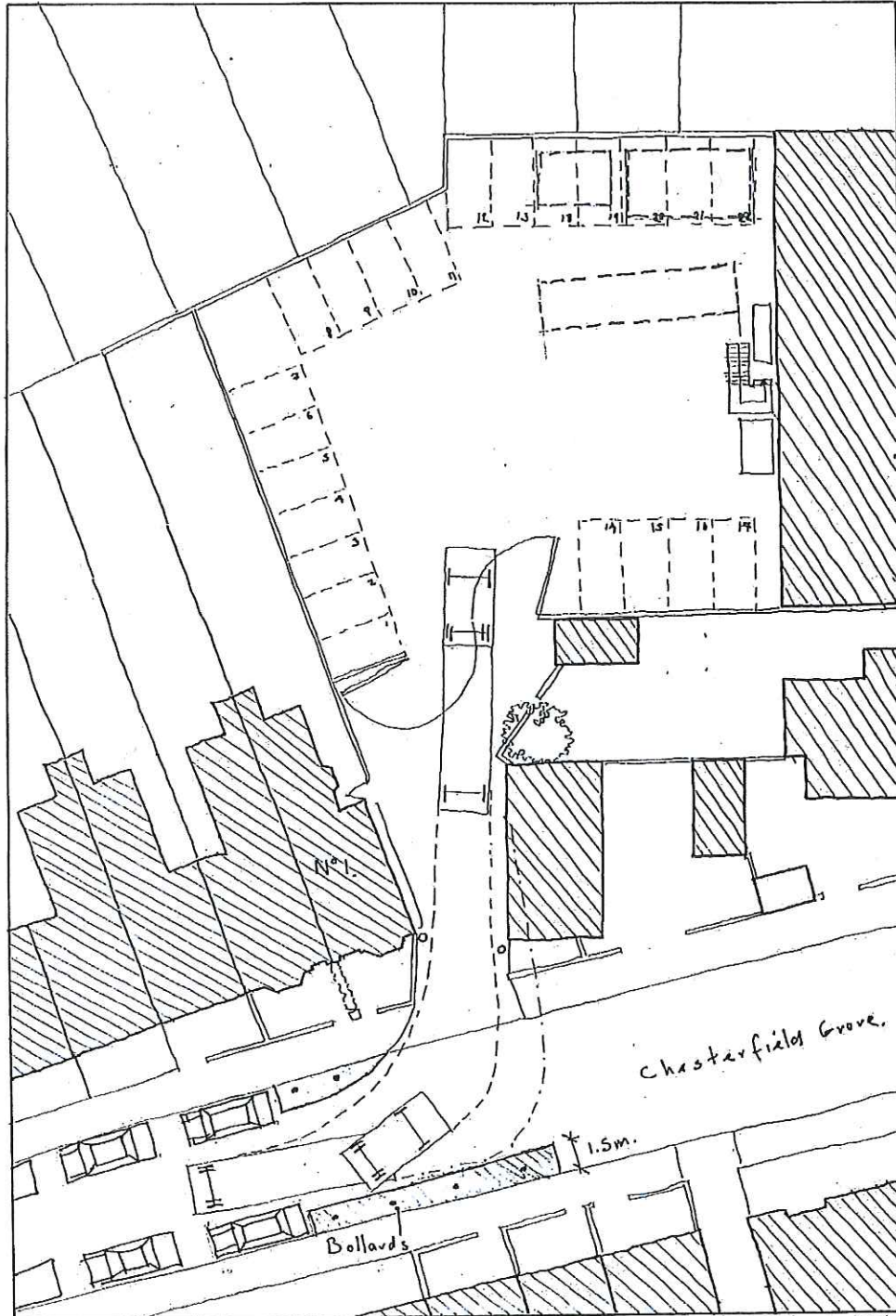


Diagram 3.

Access could be improved, by extending the pavement with bollards, to maintain clear access at all times. Note this would also provide some protection to the house south on Chesterfield Grove.

01-03-2014 [REDACTED]

Appendix 2 Objection letter to application TP2315-84, page 1

[REDACTED]
EAST DULWICH
LONDON
[REDACTED]

Richard Young
Southwark Planning
Council Offices
Chiltern House
Aylesbury Estate
Portland Street
London
SE17 2ES

13th August 1991

Dear Mr Young

**FULL APPLICATION FOR A NEW SHOP FRONT AND REAR EXTENSION INTO SERVICE YARD
NEW AIR CONDITIONING PLANT ON ROOF, REPOSITIONING OF ESCAPE STAIR
90 LORDSHIP LANE EAST DULWICH
REF NO: TP2315-84**

Further to your letter of 4th July 1991 and our meeting on 22nd July 1991, I am writing to confirm my objections to the above planning application on the following grounds:

1. Application Form

On the form Part 3 item 5a asks for the total floor space of all the buildings which the application relates, the Applicant has stated that this area is 7,120 sq ft, clearly this does not include the 5,200 sq ft of the offices or flats over. This point requires clarification otherwise the application may be invalid.

- 1.1 On the form Part 3 item 9 the Applicant should provide further details of vehicular flow to include all lorries and shoppers cars entering the site. This could be done over a six day period and then averaged out. It is interesting to note that on some occasions, by 8am there can be two articulated lorries waiting in Chesterfield Grove to deliver goods.

2. Height of Extension

The proposed rear extension extends to both north and south boundaries at a height of 4.2m, this decreases the amount of light to the adjoining properties. The existing building acknowledged this problem with a small area of sloping roof which reduced the height of the building at the boundary. The Applicant is also proposing to remove these areas of sloping roof and increase it to a height of 4.2m.

3 Air Conditioning Plant

The Applicant proposes to place new air conditioning plant on top of the roof extension, this will be most unsightly unless adequately screened. New air conditioning plant should also conform to current noise attenuation levels. I also note that the position of plant may reduce the amount of light entering the offices behind.

Appendix 2 Objection letter to application TP2315-84, page 2**4. Building Line**

The proposed rear extension does not conform with existing building lines.

5. Refuse

The Applicant has not shown in his plans any area for waste collection disposal ie. palladins or crushing machine, this requires clarification.

6. Escape Stairs

Repositioning of escape stairs have increased the potential for overlooking to the adjoining owner.

7. Servicing, Car Parking, Access**7.1 Existing Condition.**

At present the area at the rear of the building serves the retail outlet and approximately 5,200 sq ft of offices and flats. There are approximately 23 spaces of which 9 are for the use of the offices and the flats, I presume as a result of the original planning application. Access to the service yard is via a small entrance from alongside No.1 Chesterfield Grove. The largest lorry entering the service yard is limited by Iceland to an artic lorry with three axles, 13.9m long (see diagram 1). At present the servicing of this unit is often extremely disruptive to an essentially residential area. Diagram 2 illustrates this point plus I have enclosed some correspondence relating to this matter between [REDACTED] of No.2 Chesterfield Grove and Iceland Frozen Foods Plc, for your information.

If on the odd occasion an artic, or any other lorry, cannot get into the rear yard, they stop and unload in Chesterfield Grove causing further congestion to an already busy road. This matter could be resolved by extending the pavements by approximately 1.5m around the entrance area (see diagram 3). I also note that the existing number of spaces for customer's cars is inadequate for this type of modern frozen food outlet.

7.2 Proposed Extension.

With the Applicant's proposal to decrease the area of the rear yard by 7.7m this would add further to the above problems mentioned in item 7.1 for example diagram 4, 5 and 6 demonstrates how an articulated lorry would manoeuvre within this yard. This manoeuvre could only be undertaken if the yard was completely devoid of all cars (cars for office users and cars for customers) presumably when this car park is full and an artic has gained access to yard, it would only be able to exit by reversing into Chesterfield Grove which would be both dangerous and against traffic policy within the Borough. Finally by increasing the trade area of the store this would also increase the number of customers using the store particularly car borne, this again would severely congest further an area which is already highly congested.

Appendix 2 Objection letter to application TP2315-84, page 3**8. Protection Barrier**

The Applicant has not shown any protection to the boundary or fences of adjoining properties - diagram 4. The barrier should be in accordance with BS 6180 1982 Protection Barriers in and about Buildings.

If you require to meet with the undersigned to discuss some of the enclosed objections further, and possible solutions, I would be most happy to do so.

Thank you for your assistance in this matter.

Yours faithfully

[REDACTED]

01-03-2014 [REDACTED] Rev 1

Appendix 3 Email from Iceland regarding times of delivery.

Author: [REDACTED]
 Date: 25/06/2000 23:59
 Normal

[REDACTED]
 Subject: Re: East Dulwich Iceland access via Chesterfield Grove

----- Message Contents -----

Dear [REDACTED]

I am in receipt of the email you sent to Malcolm Walker and Nick Fox on the delivery issues of Iceland vehicles at the store at East Dulwich. Malcolm is out of the office at the moment, but as I am responsible for distribution within Iceland perhaps it is more appropriate I deal with the matter. I will, of course, ensure Malcolm is aware of our discussions.

Although I have not visited East Dulwich personally I have access to diagrams and to reports by Distribution Managers who have attended the store to investigate the situation. I have also spoken to the Store Manager who is our representative in the area and with whom you may wish to keep in close contact with while we endeavour come to an appropriate outcome.

The problem as I am led to believe is that deliveries to the service area behind the store are made via the service access road off Chesterfield Grove and Melbourne Grove. These deliveries must be completed by 9am otherwise car parking in the area prevents access or egress by our vehicles. Due to the difficult physical access we have to use smaller vehicles and therefore need to use at least two per day. The rule our distribution depot is working to is that deliveries must be between 7am and 9am. Access is via the Service Area at the back of the store due to the position of the Zebra crossing outside the front of the store.

In the short term I believe our only option is to deliver to the rear of the store. However there are things we can do to minimise the effect on local residents.

The drivers will be instructed to stop shortly before the store and switch off their fridge motors before accessing the store. For the temperature controlled products, frozen and chill, this will not affect the quality of the products for this short period of time.

The delivery window of 7am to 9am will be reduced and drivers will be instructed to access the service area on or after 8am. Due to increasing car parking the vehicles will need to be departing by 9am. This turnaround time is very short and I have spoken to the store who will help. Appropriate car parking by the residents will ease the access and will cut down on the manoeuvring by the drivers and hence the noise. The reduced delivery window will apply to Saturday, as per the rest of the week as the access equally apply to Saturday.

The driver will switch off the reversing bleeper upon accessing the service area. This will reduce some of the noise involved in the delivery.

You mention the possibility of using Lordship Lane to deliver. This would require the Zebra crossing to be moved. At this point I am not personally aware of all the issues involved in this solution. However I will review this to establish whether this is a long term option. It would help me if you could give me the name of your contact at Southwark Council who offered to move the crossing.

In the short term our commitment is to minimise the effect of our operation on local residents, while recognising that deliveries are necessary.

Appendix 4 Letter and minutes of meeting by Tessa Jowell MP

THE RT. HON. TESSA JOWELL, M.P.
 Member of Parliament for Dulwich & West Norwood



HOUSE OF COMMONS

23 March, 2001

LONDON SW1A 0AA

Tel: (020) 7219 3409

Fax: (020) 7219 2702

jowellt@parliament.uk

To: residents in Ashbourne, Chesterfield, Melbourne Groves and adjoining streets

Dear Resident,

Report Back – Traffic Problems in your Area

I am writing once again to report back on last week's meeting that I called to discuss problems with traffic in your area and to outline the next steps in seeking solutions. I would like to thank everyone who managed to get along to the meeting. The tremendous turnout was very important in showing the strength of feeling over this matter and in allowing a good opportunity for discussion.

The main issues identified as areas for concern were:

- ◆ the junction of Melbourne Grove and East Dulwich Grove. Residents clearly feel that this is one of the most important areas for attention with some sort of traffic signalling including a pedestrian phase being a preferred option. This would improve the safety for people travelling to East Dulwich Station, the local GP surgery, and local schools.
- ◆ the problem of roads being used as rat-runs and the speed of traffic passing along them. There was particular concern about the dangers posed to pedestrians by cars travelling at very high speed and about particular points of danger at junctions and bends.
- ◆ the disruption caused by deliveries using large lorries, particularly to the Iceland store. I do think that this issue needs to be looked at very carefully with an imaginative approach to try to develop a solution that will limit the impact the lorries are currently having on residential streets.
- ◆ parking problems had also been raised with me previously, but these were not fully aired at the meeting.

I have pursued these issues through a letter to Cllr Nick Dolezal and further discussions with him and I have stressed the need for urgency in taking action. Residents have been waiting a long time for a resolution of these problems and I am hopeful that it will be possible to get the formal consultation process – relating to specific proposals – underway in the near future.

Yours sincerely,

Tessa Jamm

Appendix 5 Extract of HSE Pedestrian site safety information sheet WPT16



Health and Safety
Executive

Pedestrians

Workplace transport site safety information sheet WPT16

This information will be useful to anyone who uses workplace transport or who works where it is used. It will help employers, managers and supervisors to assess their workplace and make improvements. The checklists will help you to prepare your risk assessment.

Pedestrians and cyclists are vulnerable road users, particularly when sharing routes with vehicles. By law, pedestrians and vehicles must be able to use a traffic route without causing danger to their health and safety or that of people working near the traffic route.

Pedestrian movements need to be managed to make sure they don't conflict with other vehicle and cycle movements.

When relevant, pedestrian issues have been considered in all the site safety information sheets in this series.

Common problems

Problems occur when pedestrians are not provided with safe routes and crossing facilities and conflicting movements occur. Common pedestrian problems include:

A lack of clearly marked, signed and segregated pedestrian routes and crossings: Pedestrians should be separated from vehicles wherever possible. Segregated routes and safe crossing points should be accompanied by a pedestrian strategy that clearly outlines where pedestrian routes are and the procedures and safe working practices (eg wearing high-visibility clothing) that they should follow.

Floorly marked and signed routes are difficult to follow and may cause pedestrians to become lost or stray from the route they should be taking. Routes that are not clearly segregated by barriers, bollards or guard rails can leave pedestrians at risk.

Blocked pedestrian routes: Blocked footpaths and crossings can cause pedestrians to divert into vehicle routes and put themselves at risk of injury. Blockages can be caused by delivery vehicles, parked vehicles or equipment. Where blockages are unavoidable, such as when a delivery is being made from the public highway, you should provide a safe alternative route.



Pedestrians taking short cuts: Pedestrian behaviour is difficult to control. If there is a quicker and more direct route than the one that has been provided they will try to use it. This can cause pedestrians to stray from designated safe routes into vehicle routes or dangerous and restricted areas such as loading bays and turning circles.

Large numbers of pedestrians and vehicles using the same route at peak periods: Large numbers of vehicles and pedestrians can be travelling on the same route at peak periods, particularly on sites where shift work takes place. Often, routes are not wide enough for the volume of traffic using them so they become congested and there is an increased risk of accidents caused by conflicting movements.

Unsuitable and dangerous pedestrian routes: Pedestrian routes can be dangerous if they are poorly maintained. If the surface of a footpath is cracked, damaged or uneven it can become a trip hazard. If guard rails, barriers and bollards are damaged or not correctly used then pedestrians will be vulnerable and at an increased risk of being hit by vehicles.

Pedestrian routes can also be lit either too brightly or too dimly. This can cause problems with glaring lights and

Appendix 6 Extract of HSE Segregation information sheet WPT21



Health and Safety
Executive

Segregation

Workplace transport site safety information sheet WPT21

This information will be useful to anyone who uses workplace transport or who works where it is used. It will help employers, managers and supervisors to assess their workplace and make improvements. The checklists will help you to prepare your risk assessment.

Where transport is used in a workplace, it is important that vehicles and pedestrians are kept apart whenever possible. To allow people and vehicles to move safely, the best approach is to separate vehicles from pedestrians entirely. This is called 'segregation'.

Pedestrians (and cyclists) are vulnerable where vehicles are being used. As well as segregating people from moving vehicles, you also need to keep them away from the area that a vehicle moves through when it is working, eg the area that a body of an excavator moves through.

The most effective way of protecting pedestrians is to provide separate routes away from vehicles, where possible.

Common problems

Pedestrians and vehicles sharing the same routes: Problems can arise where shared routes are used if drivers don't see pedestrians. This may happen for several reasons, including blind corners, poor lighting or vehicles travelling too fast or going out of allocated areas. It may also happen if people are not following site rules or if they have not been made aware of the safety rules.

Reversing vehicles: Reversing vehicles cause particular problems for pedestrians as the driver of a wagon is unable to see anything directly behind.

Site rules not followed or enforced: If people don't follow site rules they may leave their designated routes and cross into the path of oncoming vehicles, or into areas where vehicles are reversing.



Checklist – what to look out for

- Pedestrians and vehicles sharing the same space.
- Poor visibility – for pedestrians seeing vehicles, and drivers seeing pedestrians.
- Misunderstanding or lack of enforcement of site rules, eg speeding or pedestrians crossing at unofficial crossing places.

How can you deal with common problems?

Many common problems are easy to avoid and overcome. There are many ways to increase segregation – think carefully about the best type of segregation for your site.

Footbridges and subways: These are useful on larger sites so that pedestrians don't have to cross a traffic route. Bridges over traffic routes should not interfere with high loads and access for disabled users must be provided.

Barriers: Protective barriers provide visible segregation to keep vehicles away from pedestrians. Barriers are useful but will not fully protect pedestrians if they are hit by a vehicle. Road markings to set apart vehicle and pedestrian routes are also effective. Where needed, you should provide suitable barriers or guard rails at the entrances and exits to buildings; at the corners of buildings; and in places to

Appendix 8 Extract of HSE Reversing information sheet WPT20



Health and Safety
Executive

Reversing

Workplace transport site safety information sheet WPT20

This information will be useful to anyone who uses workplace transport or who works where it is used. It will help employers, managers and supervisors to assess their workplace and make improvements. The checklists will help you to prepare your risk assessment.

Reversing can be dangerous in a workplace particularly when vehicles and pedestrians are both using a restricted space. Nearly a quarter of all deaths involving vehicles at work occur during reversing. Reversing is often necessary where there are loading and turning areas, but it should be minimised and carefully controlled.



Common problems

Many problems with reversing are caused by site layout, incorrect procedures and driver behaviour.

Poor visibility: When visibility is poor reversing becomes more difficult and dangerous. Blind spots, environmental conditions (eg heavy rain) and poor lighting can all make drivers less likely to see pedestrians, other vehicles and buildings, increasing the risk of an accident occurring.

Unnecessary reversing: A poor site layout and/or procedures will encourage drivers to reverse unnecessarily and put other vehicles and pedestrians at risk. For example, delivery drivers often have to reverse because there is no drive-through loading bay. Unnecessary reversing can result in damage to buildings, equipment and vehicles, and injury to site users.

Reliance on reversing aids: Drivers can over-rely on reversing aids. This can lead to complacent behaviour.

Reversing in non-segregated areas: To maximise visibility, reversing areas should be kept clear of pedestrians, other vehicles and obstructions at all times. When reversing vehicles are not segregated from other vehicles and pedestrians, conflicting movements can occur, leading to accidents.

Checklist – what to look out for

- Poor visibility for reversing vehicles. This may be due to blind spots or poor lighting.
- Unnecessary reversing caused by poor site layout or procedures.
- Driver reliance on reversing aids.
- Non-segregated reversing areas.
- Damage to buildings, equipment and other vehicles that have been hit by reversing vehicles.
- Site users who have been hit by reversing vehicles.

How can you deal with common problems?

Eliminating the need to reverse will remove many of the common problems relating to reversing. Where possible, this is the first thing you should do. Measures that can prevent or reduce (if prevention is not possible) the need for reversing include:

Provide planned and clearly marked reversing areas: Areas where vehicles reverse should be clearly marked and planned so that the need for reversing is minimised. These areas should be large enough for the size of vehicles being used. Where vehicles are reversing and turning, turning

Appendix 7 Extract of HSE Waste Management information sheet WPT25



Health and Safety
Executive

Waste management

Workplace transport site safety information sheet WPT25

This information will be useful to anyone who uses workplace transport or who works where it is used. It will help employers, managers and supervisors to assess their workplace and make improvements. The checklists will help you to prepare your risk assessment.

Workplace transport accidents are one of the most common causes of fatalities in the waste management industry. Around 140 accidents involving people being struck by vehicles in the waste management industry are reported to HSE every year. Although the number of incidents is low, their severity is high. It is therefore important that transport on site is managed correctly.

This information sheet covers most types of waste management facilities, such as landfill sites, recycling plants and transfer stations. It focuses on workplace transport issues relating directly to waste management. Further information on a wide range of workplace transport issues can be found in other information sheets in this series.

Common problems

Problems relating to waste management are usually caused by unsafe working practices, sites and vehicles.

Drivers not receiving the appropriate information, training and supervision: Driver behaviour is a major cause of accidents. This is often because they are not trained or competent for the job they are doing, particularly if they are driving specialist vehicles and handling hazardous waste. Drivers who are unfamiliar with the site layout, rules and procedures are more likely to work in an unsafe way that puts themselves and others at risk of an accident.

Drivers not wearing the necessary personal protective equipment (PPE): If drivers aren't wearing appropriate PPE (eg high-visibility clothing and hard hats) they won't be easily seen by other site users, or protected from any potential hazards (eg falling objects, moving vehicles and low structures).

Unsafe procedures and systems of work: Accidents, particularly those that result in injury, are often caused by unsafe working practices. Waste management activities



need to be carefully controlled and supervised to make sure they are made safely, as unsupervised activities can lead to procedures not being followed, which may lead to:

- conflicting vehicle movements;
- buildings, equipment and people being struck by vehicles;
- falling loads;
- vehicles turning over; and/or
- accidents while securing or sheeting loads.

A lack of clear, segregated pedestrian routes:

Pedestrians are often injured in accidents when they are hit or crushed by vehicles or plant. This is a particular problem where pedestrians are present in the same areas as moving or tipping vehicles.

Unsafe loads that have the potential to fall or harm site users: Loads can be unsafe because they are not properly secured or sheeted. Loads may also be hazardous and require secure and safe containment. When the correct vehicles and working practices are not used, site users are put at risk.

Additional traffic caused by the use of contractors: If additional traffic generated by waste management contractors is not safely controlled, conflicting movements with other vehicle and pedestrian activities may occur. There may not be enough parking or vehicle routes on site to cope with the extra traffic.

Poor communication with contractors and visitors: A lack of co-operation and communication between those