

## Planning Sub-Committee A

Wednesday 27 June 2018

6.30 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

## Supplemental Agenda No. 1

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<b>Item No:</b> 7	<b>Classification:</b> Open	<b>Date:</b> 27 June 2018	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>		<b>Addendum</b> Late observations, consultation responses, and further information.	
<b>Ward(s) or groups affected:</b>		Rye Lane, Peckham and Old Kent Road	
<b>From:</b>		Director of Planning	

### **PURPOSE**

1. To advise Members 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 Members note and consider the late observations, consultation responses and information received in respect of each 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:

**Item 7.1 – Application 17/AP/3997 for: Full Planning Permission – Quarry Court, 2 Dunstons Grove, London SE22 0HN**

4. Members are advise that a copy of the Appeal Decision Notice is appendix 1.

**Item 7.2 – Application 18/AP/0716 for: Full Planning Permission – 134 – 136 Rye Lane, London SE15 4RZ**

5. Site location plan 170501-D-001D superseded by 170501-D-001E as shown in appendix 2 to show adjoining land within the applicant's control.
6. Indicative floor plans provided in appendix 3 to show access arrangements to the two upper floors at no. 138.

#### Additional condition

7. The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

#### **Reason**

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core

Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007.

**Item 7.3 – Application 18/AP/0269 for: Full Planning Permission – 97 Peckham Road, London SE15 5LJ**

Additional condition

8. Before any above grade work hereby authorised begins, details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity (green/brown) roof(s) shall be:
  - a) biodiversity based with extensive substrate base (depth 80-150mm);
  - b) laid out in accordance with agreed plans; and
  - c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Discharge of this condition will be granted on receiving the details of the green/brown roof(s) and Southwark Council agreeing the submitted plans, and once the green/brown roof(s) are completed in full in accordance to the agreed plans. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 2.18, 5.3, 5.10, and 511 of the London Plan 2011, saved policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy.

9. Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance for the Reduction of Obtrusive Light (January 2012). Details of any external lighting (including: design; power and position of luminaries; light intensity contours) of all affected external areas (including areas beyond the boundary of the development) shall be submitted to and approved by the Local Planning Authority in writing before any such lighting is installed. The development shall not be carried out otherwise in accordance with any such approval given. Prior to the external lighting being commissioned for use a validation report shall be submitted to the LPA for approval in writing.

**Reason**

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the amenity and privacy of adjoining occupiers, and their protection from light nuisance, in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 Design and Conservation and Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.14 Designing out crime of the Southwark Plan 2007.

Informative

10. The application shall enter into a S278 agreement with the relevant highways authority for any alterations required to the footway or carriageway.  
Reason: To ensure compliance with Strategic Policy 2 - Sustainable Transport of the Core Strategy 2011 and saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

**Item 7.5 – Application 17/AP/4193 for: Full Planning Permission – Flat 49A - Grenier Apartments, 18 Gervase Street, London SE15 2RS**

11. One late representation has been received which raises objection to the scheme which largely picks up on comments which have already been received by the Local Planning Authority. For clarity, these refer to
- Loss of light to neighbours
  - Loss of privacy of above flats
  - Loss of outlook to neighbours
  - Errors in measurements and non-compliance with National Described Space Standard

Additional condition

12. The proposed courtyard area, including the external staircase, glass screen and balustrades, shall be implemented as shown on plan number 043-002 Rev G before occupation and retained permanently thereafter unless approved in writing by the local planning authority.

Reason

To ensure a good level of outlook and access for future residents of the flat in accordance with The National Planning Policy Framework 2012 and saved policies 3.2 Protection of Amenity and 4.2 Quality of Residential Accommodation of the Southwark Plan 2007.

Informatives

13. The finished floor level of the living room and bedroom shall be set no lower than existing (0.71 m above sea level).

Reason

To reduce the risk of a flooding in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy Saved Policy 3.9 Water of the Southwark Plan 2007.

14. The new courtyard shall be set at a maximum level of 0.60 m above sea level.

Reason

To reduce the risk of a flooding in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy Saved Policy 3.9 Water of the Southwark Plan 2007.

**REASON FOR URGENCY**

15. 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 Planning 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 and would inconvenience all those who attend the meeting

### REASON FOR LATENESS

16. The new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the committee 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	APP/A5840/W/16/3164939 – Appeal Decision
Appendix 2	Site location plan - 170501-D-001E
Appendix 3	Indicative floor plans

## Appeal Decision

Site visit made on 28 March 2017

**by Richard S Jones BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 April 2017**

**Appeal Ref: APP/A5840/W/16/3164939**

**2 Quarry Court, Dunstan's Grove, Southwark, London SE22 0HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Pavilion London PLC against the decision of the Council of the London Borough of Southwark.
- The application Ref 15/AP/5181, dated 16 December 2015, was refused by notice dated 8 June 2016.
- The development proposed is the refurbishment of existing building and erection of a 3 storey rear extension to the building to provide the existing units with a second bedroom and an additional floor created in a modified roof space, creating a three bed unit.

### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The appellant has submitted amended plans as part of the appeal and has requested that the appeal be granted on the basis of the scheme shown on drawing numbers: 196-PL20P00 PL8; 196-PL20P01 PL8 and 196-PL20E01 PL8. These would replace the earlier revisions referred to in the Council's decision notice. The changes increase the size of a number of the combined living/kitchen/dining areas and include high level windows on the ground floor of the rear extension.
3. The amendments therefore relate to the quality of the internal accommodation. As such the scheme is essentially that which was considered by the Council and on which interested people's views were sought. The Council has also had opportunity to comment on the proposals and essentially confirm that its third and fourth reasons for refusal have been addressed. I find no reason to take a contrary position and I am satisfied therefore, that in applying the 'Wheatcroft Principles', I am able to accept the amended plans and determine the appeal on the basis of the same.

### Main Issues

4. The main issues are:
  - the effect of the proposed development on the character and appearance of the area; and
  - the effect of the development on the living conditions of the neighbouring residents with particular reference to outlook.

**Reasons***Character and appearance*

5. The appeal relates to a three storey block of flats situated in a prominent location on the corner of Dunstan's Road and Dunstan's Grove. The rear of the site is presently open with a small grassed area and surface car parking. Although there is a variety in the design of dwellings in the area, there is, in my view, a coherent pattern of development made up of terraces and other tightly spaced dwellings set back from the road frontage along clear building lines.
6. The appeal proposal would replace the existing pitched roof of the building with a mansard style roof. Even though the maximum height would not be raised above the existing ridgeline level, the proposal would add significant bulk to the building at roof level, which would be compounded by the dormer style projections. I recognise that the neighbouring property on Dunstan's Road is of comparable scale to the existing appeal building, however, the predominant scale of the area is that of much more modest two storey dwellings. The existing building therefore already contrasts with this scale and this contrast would become significantly more pronounced as a result of the appeal proposal.
7. Moreover, roof forms in the area typically comprise pitched roofs and to a lesser extent, concealed roofs behind front parapet walls. Again the appeal proposal would strongly contrast with this style and would introduce a building which is top heavy in its design with an uncharacteristic mansard roof form, front facing dormer projections and a high level terrace area.
8. The overall massing of the building would also be substantially increased by the proposed rear extension, which would be three storeys in function but with the added bulk created by an obscurely glazed enclosure to a terrace above. Whilst I accept it would be subordinate in scale to the enlarged main building, the extension would, nevertheless extend an inappropriate scale and massing further into the much more domestic scale of Dunstan's Grove, where proposal would appear particularly overbearing.
9. I appreciate that efforts have been made to overcome the Council's concerns and that the existing building, which does not fall within a conservation area, is of no particular merit and does not positively contribute to the street scene. Nevertheless, the existing building is significantly smaller than that proposed and has a relatively recessive presence within the street scene. In contrast, the appeal proposal would create a building with a domineering and overly prominent appearance, entirely out of character with both Dunstan's Road and Dunstan's Grove. Such harm would not be materially alleviated by any benefits arising from relocating the main entrance to Dunstan's Road.
10. I therefore conclude that the proposal would result in unacceptable harm to the character and appearance of the host building and the surrounding area, contrary to Saved Policy 3.12 of the Southwark Plan (SP) and Strategic Policy 12 of the Core Strategy (CS), which require, amongst other matters, that developments should achieve a high quality of architectural and urban design. It therefore follows that I also find conflict with paragraphs 17, 56, 58 and 60 of the National Planning Policy Framework (the Framework) which require high quality design that responds to the character of the area and promotes or reinforces local distinctiveness.

11. Whilst the appellant has made reference to Policy DM10 of the Proposed New Southwark Plan, I have not been provided with a copy of that policy or an explanation of its stage of preparation. I cannot therefore be certain of the weight which should be attributed to it. Nevertheless, I do not consider that the proposal would benefit from its support on the basis of the extract provided by the appellant, as I do not find that the proposal would amount to an innovative design that is specific to the site's context or constraints.

#### *Living conditions*

12. The proposed rear extension would be centrally positioned to the host building and as such would be off-set from the boundary to No 17 Dunstan's Road. However, given the size of the rear extension with terrace above, and the added bulk of the proposed roof form, the proposal would create an imposing and domineering form of development when viewed, in particular, from the rear garden of No 17.
13. Although the rear extension would project further towards No 6 Dunstan's Grove, this would be towards its blank side elevation. The main elevations for that property are orientated away from the appeal site and would therefore be largely unaffected. Moreover, given the separation, the proposal would not unduly affect the outlook from the rear garden of No 6.
14. Given the positioning of the building relative to the nearest residential properties, I am satisfied that the proposal would not materially affect levels of daylight and sunlight. I am also satisfied that on the basis of an obscurely glazed enclosure to the terrace, that the proposal would not result in unacceptable overlooking and loss of privacy to the occupants of neighbouring properties.
15. Nevertheless, the outlook from the rear garden of No 17 would be dominated by a mass of built form in a way which I consider would be overbearing and harmful to the living conditions of the occupants concerned. This would be contrary to Saved SP Policies 3.2 and 3.13, CS Strategic Policies 12 and 13 and the Council's 2015 Technical Update to the Residential Design Standards (2011) Supplementary Planning Document, which state, amongst other matters, that planning permission will not be granted where it would cause loss of amenity.

#### **Other matters**

16. I accept that the proposal would improve the size of the existing accommodation and would increase the supply of housing in a sustainable location. This benefit would however be limited due to the modest increase in the number of residential units. The proposal would also utilise an existing building within an urban area and would contribute to the economic dimension of sustainable development, albeit for a limited time during the construction phase.
17. However, on the basis of the harm to the character and appearance of the area and to the living conditions of neighbouring residents, the proposal would fail to meet the social and environmental dimensions of sustainable development. Accordingly, the proposal would not amount to sustainable development, having regard to the advice at paragraphs 7 of the Framework. Not being

sustainable development, it follows that no such presumption, as anticipated by paragraph 14 of the Framework, applies.

**Conclusion**

18. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

*Richard S Jones*

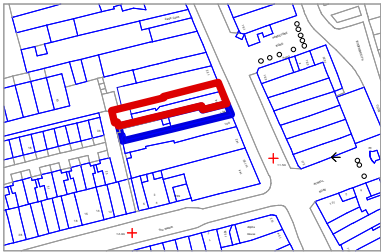
INSPECTOR

APPENDIX 2

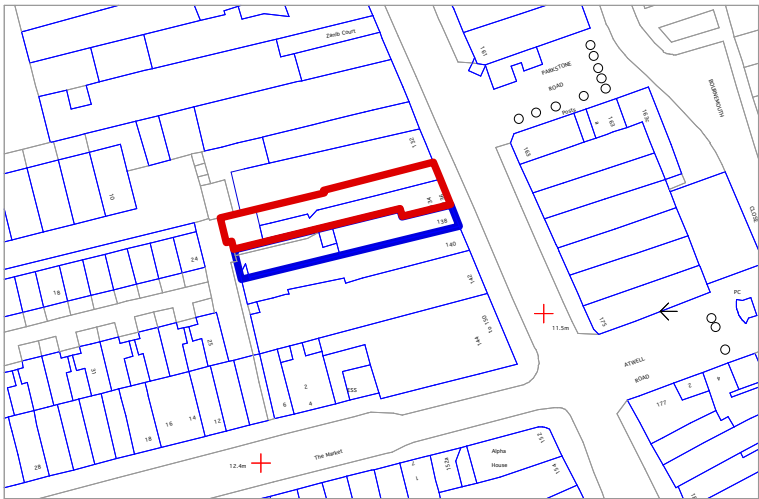
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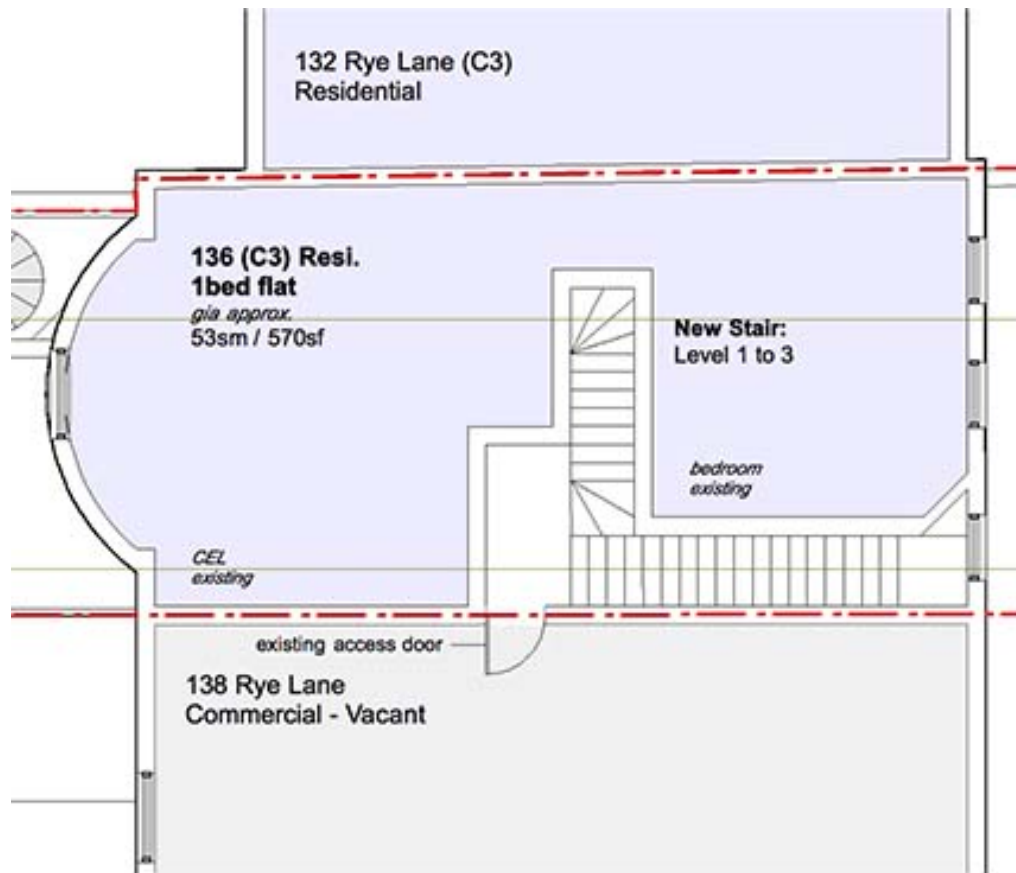
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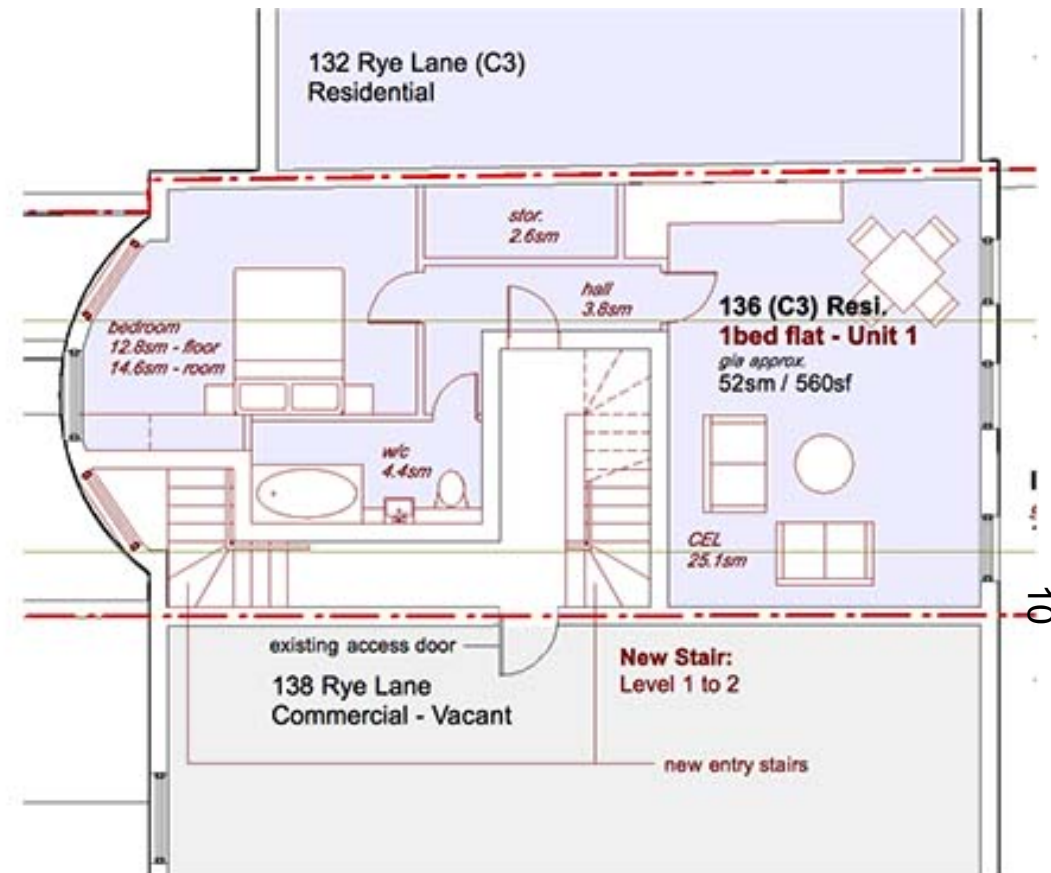
134-136 RYE LANE  
Peckham

Drawing  
PLAN: SITE LOCATION

Drawing No.  
170501-D-001E



134-136 & 138 Rye Lane, Peckham  
Existing Level 1 Access to 138 Rye Lane



134-136 & 138 Rye Lane, Peckham  
**Retained** Level 1 Access to 138 Rye Lane