

Camberwell Community Council Planning

Wednesday 15 February 2012
7.00 pm

Walworth Methodist Church, 54 Camberwell Road, London SE5 0EN

Supplemental Agenda

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Agenda Item 6

Item No . 6.	Classification Open	Committee: Camberwell Community Council	Date: 15 February 2012
From: Head of Development Management		Title of Report: <u>Addendum</u> Late observations, consultation responses, and further information.	

PURPOSE

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

RECOMMENDATION

2. That Members note and consider the late observations, consultation responses and information received in respect of these items in reaching their decision.

FACTORS FOR CONSIDERATION

3. Item 6.1 11AP4053 Unit 2 191 – 199 Southampton Way, London SE5 7EJ

- 3.1 The following updates can now provided:

- 3.2 Further representations

Two further representations objecting to the scheme were received since the planning report was completed. The objections are summarised as follows.

- 3.3 119 South City Court, 52 Peckham Grove – objections on grounds of:

- Loss of retail space, (existing retail uses such as Tesco have resulted in the area becoming safer and the shop is a valuable asset to the community; more such uses would be valued and enjoyed)
- Parking – inadequate car parking available in the vicinity for patrons of the proposed facility both on the streets and in the South City Court car park to the rear of the site.
- Public transport is inadequate to cater for the demands of the activity.
- Noise pollution – impacts such as from singing and other forms of praise on weekends and evenings would harm the amenities of residents.
- Waste management – such an establishment would be likely to have a significant impact on the generation of waste; the shared facilities at South City Court sometimes prove inadequate despite regular removal.

- 3.4 No address provided - objections on grounds of loss of amenity, and parking pressure, as outlined in more detail below:

- Southampton Way needs a wider range of shops and services and the current vacancy may reflect the current market conditions or because of failure of the owner to find a tenant owing to marketing.
- Using the unit as a [place of worship would exclude a large proportion of the local - community whilst also preventing its use for as more beneficial purpose such as a shop.
- Concerns that the applicant's transport assessment contains flaws both in relation to modal split and the availability of parking spaces locally, as well as the use of averages.
- The comparison with other premises at New Cross gate, Scylla Rd and Coldharbour Lane are not valid as those sites have a higher public transport accessibility level (PTAL) and as such more worshippers would arrive by car to this site at Southampton Way which is not served as well.
- Concern that the use of average car usage at the other sites does not accurately - reflect what would happen in the event that the higher numbers were reflected in what happened, every time, at Southampton Way – considers that in all cases the 'worst case scenario' should be used to predict car usage and parking demand.
- Parking availability – concerned that the applicant has taken into account parking spaces that are more than 200m from the site and from which distance people may not be prepared to walk and tables results of writer's own survey on a Sunday afternoon within a 200m radius which found fewer spaces available than the applicant has claimed are available.

3.5 Applicants' response

The applicants have responded on the above points, via two rebuttal statements which can be summarised as follows:

- Regarding loss of amenity: they submit that extensive opportunity has been given to find potential occupiers for shops and offices at this location to no avail.
- On modal split, they submit that the key factor here is that the proposed site will be closer to a large number of worshippers, which will result in a higher number walking to the site.
- On Use of Averages: They contend that it is fair to consider average congregation numbers rather than a potential worse case, as the latter relates to one meeting per year where special effort is made to increase car capacity through special measures such as making double trips to escort additional visitors.
- On Availability of Parking Spaces: they submit that they have followed a reasonable approach and the survey undertaken was robust and does not rely on streets where parking is prohibited.
- Overall they submit that their assessment has been endorsed by the Council's Transport officers and that this should therefore be given due consideration by Members.

3.6 Officers' response to the matters raised:

- Concerns relating to loss of retail, more beneficial use should be found, proposed use not being available to everyone in the community, noise and waste; are all addressed in the agenda report.
- In respect of the transport representations above the transport group have made the following comments:

Modal split.

The Transport team are happy to accept that the travel patterns of the users of the proposed place of worship are likely to be similar to the existing sites. The reason is that this site is being developed to "plug a hole", this offsets the comparably lower PTAL score when compared with the existing sites submitted within the transport assessment, and reassures the transport team that the travel patterns of the users of the new development will be similar to the existing sites.

The use of averages and worst case scenario.

Averages have been used and would not normally be accepted, however given the very local nature of the congregation (highlighted in appendix 3) and the fact that this permission is being made personal to the applicants (due to their particular mode of operation) the use of averages are acceptable especially when coupled with a worst case scenario car occupancy level. In effect a worst of worst case scenario has been accidentally assumed via the 1 person per car occupancy level (for other D1 applications in this area an average car occupancy level of 2.4 people per vehicle has been agreed). The use of averages in this instance would not therefore warrant a standalone reason for refusal.

The applicants' rebuttal also touches on the fact that the increase in car usage is made up of new people being escorted to the church via car, once these people are familiar with the location of the site, the transport team are confident that they will use the travel plan to choose sustainable modes of transport to access the development, therefore increase in car levels may be taken as a worst case scenario. The travel plan will also look to generate a constant modal shift toward sustainable modes of transport, in turn reducing the level of car use associated with the site.

Parking Survey

The applicant has used the Lambeth parking survey methodology (an industry standard document) to ascertain the current level of on street parking stress. The 200m survey radius is the distance the planning inspectorate deems a reasonable walking distance to find available parking spaces (it has been tested many times at public enquiry). The Lambeth parking survey methodology states that if a street is dissected by the 200m radius, the parking survey is carried out to the next junction. We believe the applicant has carried out the survey in line with an industry standard document, and therefore has provided a robust parking survey and assessment of the current on street parking situation.

Had this representation be made earlier a member of the transport team would have personally undertaken a parking survey at the peak times of development operation (Sunday Morning).

I accept that within the immediate proximity of the site there are a number of roads that may be heavily parked (mainly the lower/upper sections of roads that abut Southampton Way). Within the survey area there are ample parking spaces that car users accessing the development can park in without creating a significant impact on the performance and safety of the surrounding highway network.

The applicant has also discounted a number of streets as "Estates parking only". The parking restrictions on these sites are believed not to be operational at peak times of the proposed development's operation and therefore are eligible to be parked in.

General Comments on the Application

In meetings with the applicant they have stressed that sustainability is key to their teachings. Ultimately this is highlighted by the desire to provide a place of worship within an immediate proximity of a large number of its congregation. This is the reason why the transport team requested that the permission be made personal to the applicant.

The existing A1/B1 use is a potentially significantly more intensive use, and likely to generate a higher number of trips should it be operational, in turn generate a significantly higher level of parking stress toward the times of peak residential parking demand and impact on local residents parking amenity. The operation of the near by Tesco's highlights this.

The previous application was refused as the applicants had not supplied any information on the impact of the development. The pre application enquiry contained a vast amount of quality information that alleviated the previous concerns raised by the transport team.

3.7 Response from applicant to recommended conditions

Condition 3 – personal permission

Currently the condition would restrict the consent to the benefit of the applicant, being 'Trustees London Bermondsey Congregation'. The applicant has requested that the name be amended to the trustees of 'London Congregations', which they state would cover any eventuality which may arise in the future whereby the administrative titles and/or geographic boundaries of the various Jehovah's Witness congregations are changed.

For the reason that the suggested amendment would have the effect of retaining the use of the premises for the specific occupation of the Jehovah's Witnesses and whose specific operational characteristics were assessed in this application, the change is considered to be acceptable. A revised Condition 3 is recommended below.

Conditions 5, 6 and 7 (noise mitigation)

The applicant has advised that they consider that the conditions as presently drafted are more appropriate for a building which has yet to be approved and constructed rather than one which is already built and substantially occupied.

They consider that the sound insulation measures and materials incorporated within the original design are sufficiently robust to provide the levels of protection which should prove necessary, given that the original application (i.e. the original permission for the site development) envisaged mixed uses within the overall structure. However, they state that since the desire of both sides is to ensure that the residential occupiers of South City Court are not subjected to unreasonable levels of intrusion, they have offered alternative conditions which may be more appropriate. This includes the recommendation that a supplementary acoustic report be devised and approved by the Council before work can start on the development. Their suggested conditions are set out below.

Protection from internal sound transmission - Sound insulation

The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration generated from internal activity within the development, so that they are not exposed to noise levels indoors of more than NR30 or 35 dB $L_{Aeq, 16 \text{ hrs}}$ daytime.

Protection from noise breakout from the internal activity

The 'A' weighted sound pressure level from the internal activity within the [INSERT site description/address]; use hereby permitted, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property. The background level should be expressed in terms of the lowest $L_{A90, 15 \text{ mins}}$ during the permitted hours of use. The activity-specific noise level should be expressed as $L_{AeqTm,}$, and shall be representative of the activity operating at its noisiest.

Supplementary Acoustic Report

You must apply to us for approval of details of a supplementary acoustic report demonstrating that the sound insulation will comply with the Council's noise criteria as set out in Condition [INSERT]; of this permission. You must not start work on this part of the development until we have approved what you have sent us.

3.8 Officers' response

Having taken further advice from an Environmental Protection viewpoint Officers consider that the conditions as set out in the recommendation remain the most appropriate means of mitigating potential harm by reason of outbreak of noise from the premises. The conditions are considered to be justified as the originally consented uses were retail and offices, whose occupancy and characteristics would be unlikely to have the same or similar impacts in relation to noise as the impacts of premises attracting people for worship especially in relation to evening and weekend use.

Officers therefore recommend that the conditions as set out in the agenda be imposed if consent is granted, with the revision to condition 3 below:

Revised conditions

Revised condition 3 - This permission shall be personal to Trustees London Congregations for the purposes of Kingdom Hall (place of worship) within Use Class D1 and shall not endure for the benefit of the land.

Reason

In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and considers that under the management of Trustees London Congregations the proposal would not give rise to a loss of amenity or harm in relation to transport impacts in accordance with Strategic Policies 2 - Sustainable transport and 13 - High environmental standards of The Core Strategy 2011 and Saved Policies 2.2 Provision of new community facilities, 3.2 Protection of Amenity, 5.2 Transport impacts and 5.6 Car parking of the Southwark Plan 2007.

3.9 **Item 6.2 - 11AP3030 - 8 and 8A Coldharbour Lane**

Further representations

Four further representations were received in response to re-consultation on the revised Valmar Rd elevation and the revised refuse storage details. The objections are summarised as follows.

3.10 5 Valmar Rd – further objection on the following grounds:

- The three proposed porthole windows are not considered to be appropriate within this conservation area.
- The introduction of one commercial waste bin is welcomed but will not be enough and should not be positioned into a door opening as proposed.
- Under Southwark's new domestic alternate week waste/recycling collection arrangements the four bins for the proposed flats will not be enough.

- Waste arrangements are impractical - concern that the applicant's expectations that the refuse collection operators would collect the rubbish from within the gated area are unrealistic; surely the tenants, commercial and domestic, will have to put the bins out on collection day.
- More provision should be made for waste bins on the site as refuse storage is more important than bike storage.
- The applicant has still made no provision for protection of the tree on the Valmar Rd footpath.
- Apart from the impractical bike storage the revised plans don't address objections raised previously (these are summarised in the agenda report).

3.10 Top floor flat, 2 Valmar Rd –objection on the following grounds:

- The plans are unacceptable especially for those directly opposite, e.g. the unnecessary and unsightly huge shop front windows are out of place on Valmar Road.
- The waste arrangements and cycle storage are inadequate and unacceptable, there are existing problems with current rubbish provision and the scheme would make these problems worse.
- Spice and Nice are already a problem with rubbish spilling out of bins regularly, blocking public pathways and attracting vermin; they have effectively turned the Coldharbour end of the road into a takeaway for which they have no permit or licence.

3.11 7 Valmar Rd – revisions don't overcome previous objections; the waste issue remains as being unacceptable and the round windows make the building look like Legoland; the applicant should have turned the whole building into residential use and used the end of the building for refuse storage.

3.12 Address not stated - revisions don't overcome previous objections; in particular:

- The application is based on the false understanding that the applicant has rights of way over the rear access (from Valmar Rd); the applicant has a right of way meaning he can cross the land but does not have a right to block the access with his bins or by any other means; what will be done with the refuse once it is taken out the gate; the applicant has no right to allow the gates to be left unlocked or to allow refuse collectors to enter the gates – security issues arise as well as this is private property.
- Concern that refuse would be left on the street on collection day which would be unsightly, would smell and be an obstruction on the footpath.
- Concern about the way the application has been handled, with the applicant being permitted to amend the scheme and with inaccurate information about his rights over the access way.

3.13 Officer response to further representations:

Design – this matter is addressed in the report where officers consider that the amended design with the additional round windows would preserve the character and appearance of the conservation area, likewise the shop front alterations fronting Valmar Rd are considered to be acceptable.

Waste – officers agree with residents that it is unlikely that it would be practicable for the refuse collection operatives to enter via gates to the access way at the rear whether locked or unlocked on collection day to get the bins; residents would have to place rubbish out on the street on collection day. Whilst bins would be out on that day, which is not ideal for the reasons residents have alluded to (potentially blocking footpath, odour), this is the existing arrangement in relation to the 4 flats and is not considered to be so harmful an impact as to refuse the scheme. If the proposed number of bin stores within the applicant's property in the rear yard are inadequate there is enough space for more enclosures to be provided.

Tree protection – a condition has been recommended in the agenda report to secure measures of tree protection if consent is granted

Comparison/reference to Spice and Nice – This scheme does not relate to the Spice and Nice shop at the ground floor of the site. The commercial unit which this scheme relates to at the rear ground floor level on Valmar Rd already exists and no change of use is proposed.

3.14 **Item 6.3 - 11AP3603 - Unit 2, Valmar Trading Estate**

3.15 **Response from applicant to recommended conditions**

At present condition 7 as recommended requires, amongst other measures, that, ' . . . No cask washing or storage associated with the micro brewery use shall be carried out outside the building, in accordance with the email from Antic-Ltd dated 2/2/2012'.

The applicant has objected as they believe that the wording of the condition means that a lorry would have to wait for longer during unloading / loading and potentially cause operation problems. They have requested that the condition be amended as follows:

' . . . No cask washing associated with the micro brewery use shall be carried out outside the building, in accordance with the email from Antic-Ltd dated 2/2/2012.

3.16 **Officers' response**

Officers don't consider that the condition as currently worded would cause the operational problems feared by the applicant. In practice, if equipment and so on is unloaded and left outside the building for a short period of time before being collected and taken inside, this is unlikely to be construed as being 'storage' and there are unlikely to be adverse effects arising. On the other hand if equipment is unloaded and left outside for a longer period of time, for example more than a day, then this could be construed as being 'storage' and should not be occurring.

3.17 Officers therefore recommend that the condition be kept as it is.

3.18 **Item 6.4 - 11AP1139 - South City Court, 52 Peckham Grove**

3.19 **Revised plans**

Following a meeting on site 6/2/2012 with the case officer, the applicant and a number of objectors to the scheme, a revised floor plan and elevations were submitted. These were submitted following confirmation that one of the electricity sub-stations at the south end of the site, fronting the street and positioned in between Flats 4 and 5, was redundant.

3.20 The area occupied by the sub-station is therefore to be incorporated into Flat 4, to make the sole bedroom larger. There would also be a front door positioned to allow access from the street to this flat. The door at the back, which is accessible by a very narrow raised footpath around the building, would remain as a secondary entrance.

- 3.21 This amendment has the effect of increasing the floor area within Flat 4 to 64sqm making Flat 4 compliant with the Council's internal space standards (it was originally 1 sqm short), and also gives it an entrance from the street, which is considered to be an improvement from the plans as existing.
- 3.22 The amendment results in a revised street elevation and floor plan. The materials for the new door and the windows that would be in place of the existing sub-station doors would match the doors and windows that are proposed elsewhere in the building. The effect of the amendments is considered to be minor and re-consultation was not considered to be necessary.
- 3.23 It has also come to our attention that the figures quoted for the S106 agreement in para 65 of the report have discrepancies. The correct total financial contribution will be £73,085 (as opposed to £74,409 as quoted in the main report) and will be comprised as follows:
- Education - £12,481
 - Strategic transport - £6528
 - Health - £15,314
 - Public Realm - £10,500
 - Open Space - £15,949
 - Employment during construction - £10,064
 - Employment during construction management - £816
 - Administration fee @ 2% - £1,433

Total £73,085

3.23 Revised recommendation

The plan numbers listed in the recommendation should be replaced by the plan numbers listed below (this is as a result of the amendment described above).

Site plan (site-01A), 492-100 Rev E (ground floor plan as previously approved), 492-400 B, 492-900 E, 492-401 A, 492-905 A, 492-902 A, PV-001, 20% target briefing note.

3.24 Revised condition 2 (Approved plans)

The plan numbers listed in condition 2 should be replaced by the plan numbers listed below (this is as a result of the amendment described above).

492-400 B, 492-900 E, 492-401 A, 492-905 A, 492-902 A, PV-001

REASON FOR LATENESS

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

REASON FOR URGENCY

- 5 Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the Sub-Committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications/enforcements and would inconvenience all those who attend the meeting.

Lead Officer: Gary Rice - Head of Development Management

Background Papers: Individual case files.
Located at: 160 Tooley Street London SE1.