

Planning Sub-Committee B

Tuesday 22 July 2014

7.00 pm

Room G02, 160 Tooley Street, London SE1 2QH

Membership

Councillor Cleo Soanes (Chair)
Councillor Maria Linforth-Hall (Vice-Chair)
Councillor Nick Dolezal
Councillor Chris Gonde
Councillor David Hubber
Councillor Eleanor Kerslake
Councillor Leo Pollak

Reserves

Councillor Evelyn Akoto
Councillor Claire Maugham
Councillor Darren Merrill
Councillor David Noakes
Councillor Rosie Shimell
Councillor Kath Whittam

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Gerald Gohler on 020 7525 7420 or email: gerald.gohler@southwark.gov.uk

Website: www.southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 14 July 2014



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Planning Sub-Committee B

Tuesday 22 July 2014
7.00 pm
Room G02, 160 Tooley Street, London SE1 2QH

Order of Business

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1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 5
	To approve the minutes of the meeting held on 1 April 2014 as a correct record of the meeting to be signed by the chair.	
7.	DEVELOPMENT MANAGEMENT ITEMS	6 - 10
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Date: 14 July 2014



PLANNING SUB-COMMITTEE

Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the sub-committee.
3. Your role as a member of the planning sub-committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the sub-committee (if they are present and wish to speak) for **not more than 3 minutes each**.

(a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.

(b) The applicant or applicant's agent.

(c) One representative for any supporters (who live within 100 metres of the development site).

(d) Ward councillor (spokesperson) from where the proposal is located.

(e) The members of the sub-committee will then debate the application and consider the recommendation.

Note: Members of the sub-committee may question those who speak only on matters relevant to the roles and functions of the planning sub-committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the sub-committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.

Note: Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report.

6. This is a council committee meeting, which is open to the public and there should be no interruptions from the audience.

7. No smoking is allowed at council committees and no recording is permitted without the consent of the meeting on the night, or consent in advance from the chair.

The arrangements at the meeting may be varied at the discretion of the chair.

Contacts: The Head of Development Manager
Chief Executive's Department
Tel: 020 7525 5437; or

Planning Sub-Committee Clerk, Constitutional Team
Corporate Strategy Division
Tel: 020 7525 7420



Planning Sub-Committee B

MINUTES of the section of the Planning Sub-Committee B held on Tuesday 1 April 2014 at 7.00 pm at Room G02, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Darren Merrill (Chair)
 Councillor Nick Stanton (Vice-Chair)
 Councillor Nick Dolezal
 Councillor Richard Livingstone
 Councillor Wilma Nelson

OTHER MEMBERS PRESENT: Councillor James Barber

OFFICER SUPPORT: Dennis Sangweme (Development Management)
 Sadia Hussain (Legal Officer)
 Alex Gillot (Legal Officer)
 David Cliff (Development Management)
 Neil Loubser (Development Management)
 Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

The chair welcomed councillors, members of the public and officers to the meeting.

2. APOLOGIES

There were apologies for absence from Councillor Neil Coyle.

3. CONFIRMATION OF VOTING MEMBERS

The members of the committee present were confirmed as the voting members.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to item 7.1 – development management items.

6. MINUTES

RESOLVED:

That the minutes of the meeting held on the 11 February 2014, be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

ADDENDUM REPORT

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during that time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation, responses, additional information and revisions.

RESOLVED:

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports on the agenda be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports and draft decision notices unless otherwise stated.
3. That where reasons for the decision or condition are not included in the report relating to an individual item, that they be clearly specified.

7.1 211 GRANGE ROAD, LONDON SE1 3AA

Planning application reference number: 13/AP/2187

Report: See pages 14 to 27 of the agenda pack.

PROPOSAL

Change of use from restaurant (A3) to a restaurant with takeaway (A3/A5) together with improvements to the existing flue.

The sub-committee heard an introduction to the report from a planning officer.

Members heard a representation from a spokesperson for the objectors to the application, and asked questions.

The applicant made representations to the sub-committee and answered members' questions.

There were no supporters living within 100 metres of the development site, or ward councillors, who wished to speak.

Members debated the application.

A motion to grant planning permission was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That planning permission for application number 13/AP/2187 be granted subject to the conditions set out in the report and the addendum report, including:

- an amended condition 1 to stipulate that the extractor fan be used at all times during the hours of operation, and
- an additional condition stipulating that a satisfactory waste management plan be submitted to the local planning authority.

7.2 47 NORTH CROSS ROAD, LONDON SE22 9ET

Planning application reference number: 13/AP/3205

Report: See pages 28 to 39 of the agenda pack.

PROPOSAL

Installation of new shopfront (to include removal of front access to flat above); erection of single storey, rear extension (L-shaped) with rear refuse storage area and proposed glass/aluminum side roof section to ground floor shop; new rear access with steps to flat above; and new decked patio with fold out doors to flat at first floor level.

The sub-committee heard an introduction to the report from a planning officer, and asked questions of the planning officer.

Members heard a representation from a spokesperson for the objectors to the application, and asked questions.

The applicants made representations to the sub-committee and answered members' questions.

There were no supporters living within 100 metres of the development site, who wished to speak.

Councillor James Barber spoke in his capacity as a ward member. Members of the committee asked questions of Councillor Barber.

Members debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That planning permission for application number 13/AP/3205 be granted subject to the conditions set out in the report, and the addendum report, including an amended condition 3 to stipulate that prior to the use of the decked area, a screen to the height of 1.6m high should be in place.

7.3 GEORGE ELLISTON HOUSE, OLD KENT ROAD, LONDON SE1 5ET

Planning application reference number: 13/AP/4420

Report: See pages 40 to 65 of the agenda pack.

PROPOSAL

Construction of 13 residential units comprising 5 x 2 bed units within a new 6 storey building located between the Elliston and Wilkins buildings and 8 further residential units (4 x 1 bed, 2 x 2 bed and 2 x 3 bed) within a single storey extension creating a fifth floor across both Elliston and Wilkins buildings. Associated circulation space, bike store (providing 20 cycle spaces), bin store and 1 disabled parking space.

The sub-committee heard an introduction to the report from a planning officer, and asked questions of the planning officer.

Members heard a representation from a spokesperson for the objectors to the application, and asked questions.

The applicant made representations to the sub-committee and answered members' questions.

There were no supporters living within 100 metres of the development site, or ward councillors, who wished to speak.

Members debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That planning permission for application number 13/AP/4420 be granted subject to the conditions set out in the report and addendum report, including an additional

condition stipulating that a satisfactory construction management plan be submitted to the local planning authority.

**7.4 LAND TO THE SOUTH OF SOUTHWARK EDUCATION AND RESOURCE CENTRE,
CATOR STREET, LONDON SE15 6AA**

Planning application reference number: 13/AP/2901

Report: See pages 66 to 92 of the agenda pack.

PROPOSAL

Erection of a three and four storey building to provide 42 'extra care' dwellings (39 x one bedroom and 3 x two bedroom) with associated communal facilities, plant, staff areas and landscaped courtyard.

The sub-committee heard an introduction to the report from a planning officer, and asked questions of the planning officer.

Members heard a representation from a spokesperson for the objectors to the application, and asked questions.

The applicant's agent made representations to the sub-committee. Members asked no questions of the applicant's agent.

There were no supporters living within 100 metres of the development site, or ward councillors, who wished to speak.

Members debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That planning permission for application number 13/AP/2901 be granted, subject to the conditions set out in the report.

The meeting ended at 9.35pm.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 22 July 2014	Meeting Name: Planning Sub-Committee B
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
 - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
 - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
 - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the council's case at appeal which may be substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

12. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the head of development management shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the head of development management is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the director of legal services, and which is satisfactory to the head of development management. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the director of legal services. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is

contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
16. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
 - a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related to the scale and kind to the development.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

18. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer as listed or Gary Rice 020 7525 5437

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Kenny Uzodike, Assistant Constitutional Officer Jonathan Gorst, Head of Regeneration & Development Team	
Version	Final	
Dated	6 November 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Head of Development Management	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		6 November 2012

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE B

on Tuesday 22 July 2014

Appl. Type Full Planning Permission
Site 84-90 LORDSHIP LANE, LONDON SE22 8HF

Reg. No. 14-AP-0280
TP No. TP/2315-84
Ward East Dulwich
Officer Sonia Watson

Recommendation GRANT WITH UNILATERAL UNDERTAKING
Proposal

Item 7.1

Change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant.

Appl. Type Full Planning Permission
Site LAND ADJACENT TO 1 DOG KENNEL HILL, LONDON SE22 8AA

Reg. No. 13-AP-3998
TP No. TP/2134-1A
Ward South Camberwell
Officer Dipesh Patel

Recommendation GRANT SUBJECT TO LEGAL AGREEMENT
Proposal

Item 7.2

The erection of a terrace of 9, five storey plus basement, three bedroom houses with gardens, underground car park and associated bicycle, refuse and recycling storage areas.

Appl. Type Council's Own Development - Reg. 3
Site 1-63, PROSPECT HOUSE GAYWOOD ESTATE, GAYWOOD STREET

Reg. No. 13-AP-4030
TP No. TP/H1042
Ward Cathedrals
Officer Terence McLellan

Recommendation GRANT PERMISSION
Proposal

Item 7.3

Replacement of existing single glazed timber windows and doors with PVCu double glazed windows and doors [excluding flat front entrance doors].

Appl. Type Full Planning Permission
Site 87 COURT LANE, LONDON SE21 7EF

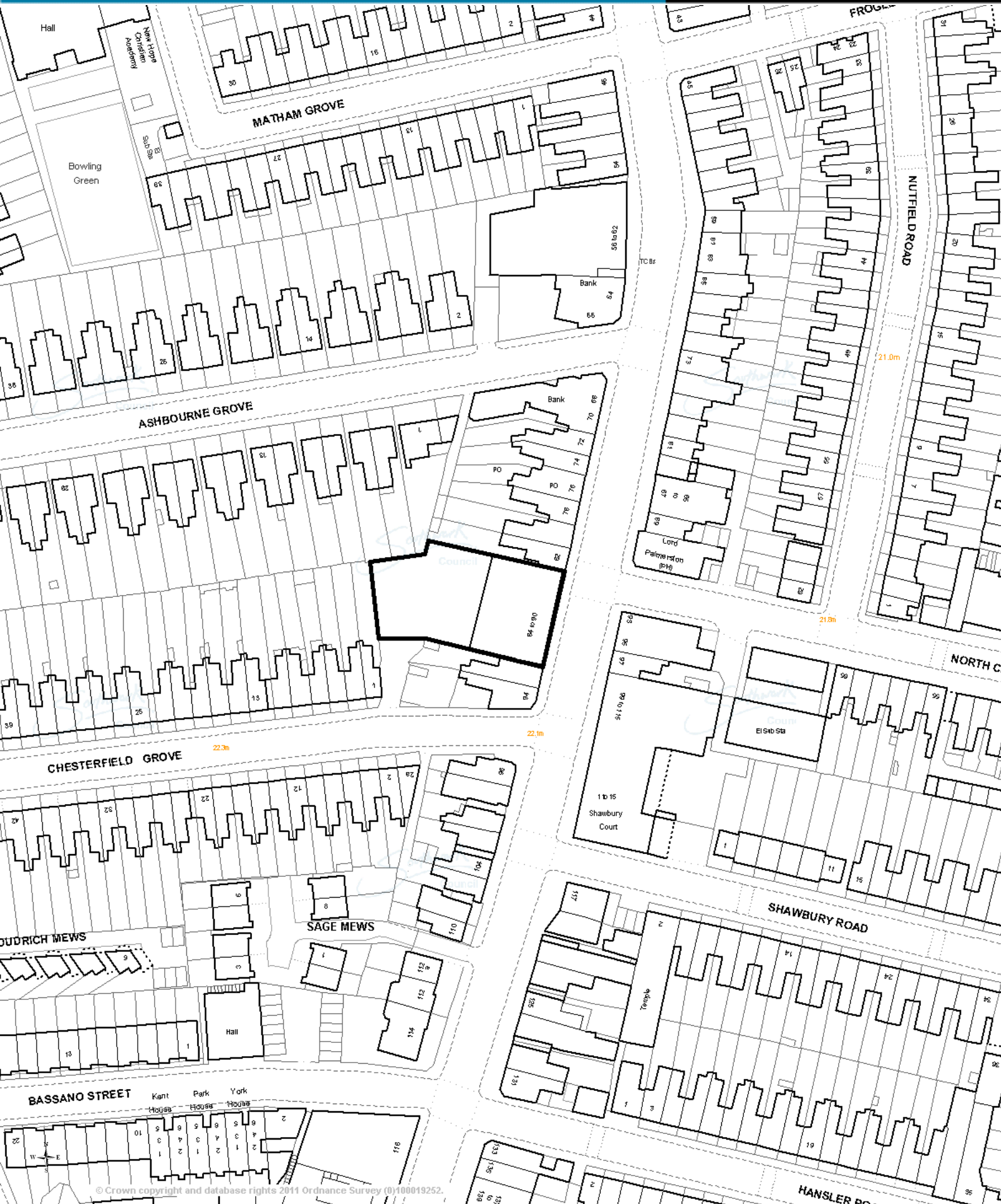
Reg. No. 13-AP-3477
TP No. TP/2563-87
Ward Village
Officer Anthony Roberts

Recommendation GRANT PERMISSION
Proposal

Item 7.4

The retention of a rear single storey extension to provide additional accommodation to dwellinghouse

Date 9/7/2014



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Item No. 7.1	Classification: OPEN	Date: 22 July 2014	Meeting Name: Planning Sub Committee B
Report title:	Development Management planning application: Application 14/AP/0280 for: Full Planning Permission Address: 84-90 LORDSHIP LANE, LONDON SE22 8HF Proposal: Change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant.		
Ward(s) or groups affected:	East Dulwich		
From:	Head of Development Management		
Application Start Date 28/01/2014		Application Expiry Date 25/03/2014	
Earliest Decision Date 05/03/2014			

RECOMMENDATION

- 1 That Members consider this application due to a referral request made by ward councillors; and that Members resolve to grant planning permission subject to conditions and a unilateral undertaking to secure car club membership for 3 years in respect of the 8 residential units proposed.

BACKGROUND INFORMATION

Site location and description

- 2 The application site is located on the western side of Lordship Lane, close to the junction with Chesterfield Grove. It comprises a 3-storey flat roofed building currently occupied by Iceland on the ground floor, with vacant offices on the first and part of the second floor and two residential units at second floor level which are also understood to be vacant.
- 3 The buildings either side are predominantly 2-storeys high comprising commercial space on the ground floor and residential above. Number 82 is occupied by a shoe shop at ground floor level (Jolie a Pied) with residential on part of the ground floor and on the first floor. Number 92 is occupied by Village Way, a hair and beauty salon with a flat above and 94 is occupied by Bushells estate agents on the ground floor and a possible flat above. East Dulwich Hand Car Wash is located at the rear of 94 Lordship Lane, accessed from Chesterfield Grove.
- 4 There is a servicing yard and 17 space customer car park at the rear of the site, which is reached by an accessway at the rear of numbers 90 and 92 Lordship Lane and the flank elevation of 1 Chesterfield Grove, a residential property.
- 5 The site is subject to the following designations on the proposals map to the Core

Strategy (2011):

- Suburban Density Zone;
- Protected shopping frontage 34;
- Air quality management area
- District town centre.

There are no listed buildings or conservation areas in the vicinity of the site.

Details of proposal

- 6 Full planning permission is sought for refurbishment of the existing retail store at ground floor level to include a single storey rear extension with associated plant, and change of use of the first and part of the second floor from office (Class B1) to form 8 x 2 bedroom flats (Class C3).
- 7 The development proposes the extension of the existing retail unit in the rear service yard and car park to provide an additional 382sqm of retail floorspace. The tradeable area would take up the space currently occupied by Iceland, and a small section of the extended area at the rear. The rear extension would span the full width of the rear elevation and provide be for storage areas and staff facilities. The extension would extend to the end of 82 Lordship Lane's rear garden and would then project part way along the end of the rear gardens of 1 and 3 Ashbourne Grove. It would then step back and in relation to 92 Lordship Lane it would project 14.5m beyond the rear elevation of the existing building, comprising an extension to the retail store and access to the flats on the upper floor level.
- 8 Access to the proposed flats and servicing for the extended retail unit would both take place from the rear, and it is proposed to install a pedestrian walkway next to the side elevation of 1 Chesterfield Grove and a pedestrian crossing leading to the proposed flats.
- 9 The extension would incorporate stairs and a lift leading onto its flat roof which would provide an access deck to the first floor flats and which would incorporate a communal terrace area, cycle parking and a plant enclosure. Another set of stairs would lead to the second floor of the building with the flats at this levels being accessed via a cantilevered walkway.
- 10 Alterations are proposed to the front elevation of the building comprising new entrances and re-cladding of the front elevation which is currently brick and brown / buff hanging tiles with new cladding panels in terracotta, Old Rose and Salmon colours. It is proposed to install a green roof to the existing building.
- 11 Servicing hours for the extended retail store would be as follows:

Monday to Friday - 07:00-22:00
 Saturday - 08:00-21:00
 Sunday - 10:00-18:00.
- 12 10.7m articulated lorries would be used which are the same size as those currently used by Iceland and up to 6 deliveries per day are anticipated. Refuse storage and cycle parking for both the retail and residential components would be provided at the rear of the building, with the residential refuse store near to the flank wall of 1 Chesterfield Grove.

Planning history

- 13 12-AP-3733 - Planning permission refused on 10/04/2013 for the change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant. The application was refused for the following reason:

The proposed development, owing to the loss of the customer car park and increase in vehicle trips associated with the extended retail unit would increase parking stress on the surrounding streets in the area which already experiences a high level of on-street parking. This would result in an unacceptable loss of amenity to neighbouring residents, contrary to saved policies 3.2 'Protection of amenity' and 5.6 'Car parking' of the Southwark Plan (2007), the Sustainable Transport SPD (2010), strategic policy 2 'Sustainable transport' of the Core Strategy (2011), policy 6.13 'Parking' of the London Plan (2011) and section 4 of the NPPF.

A subsequent appeal was made and dismissed on 2 October 2013. The Inspector in his assessment of the scheme felt that benefits resulting from the development did not outweigh the harm to the living conditions of neighbouring residents in respect of noise disturbance from servicing the site.

- 14 12-AP-1340 - Redevelopment of the existing building to involve the following:
- Retention and refurbishment of ground floor retail store (A1).
 - Single-storey rear extension to retail store with associated plant on roof.
 - Installation of new shopfront.
 - Change of use of first and second floors from part office/part residential (B1/C3) to form eight two bedroom flats (C3)
 - Erection of a two-storey rear residential access core.
 - Demolition of first floor projecting areas.
 - Creation of a first floor residential amenity space.
 - Rear cantilevered walkway at second floor level.
 - Cladding of front and rear elevations.
 - Provision of green roof.
 - Cycle parking (10 residential and 4 retail).

This application was WITHDRAWN in October 2012.

- 15 95/29b - Change of use of first floor and part of second floor from offices to 4 x 2-bedroom and 4 x 2-bedroom flats. Planning permission was GRANTED in June 1995.
- 16 9200306 - Change of use of first floor from offices to retail, together with alterations and formation of a new shopfront. Planning permission was GRANTED in July 1992.
- 17 TP2315-84 - Erection of a rear extension over part of service / parking area together with a new shopfront, air-conditioning and cooling plant on the roof of the extension and repositioning of the fire escape stairs. Planning permission was REFUSED in 1991 for the following reasons:
1. The proposed rear extension over part of the rear yard would result in a smaller area for servicing and parking. The remaining space would be of insufficient size to provide for both the number of parking spaces proposed and the amount of manoeuvring space required for the size of vehicles which service the store. This

would lead to an increase in parking in Chesterfield Grove which already suffers severe on-street parking and also the likelihood of on-street servicing of the store from Chesterfield Grove or Lordship Lane adding to traffic congestion on those roads.

2. The proposal makes inadequate provision for access and parking for people with disabilities.
- 18 An appeal was subsequently lodged and was DISMISSED, the Inspector concluding that the reduction in the size of the manoeuvring area would result in delivery and servicing vehicles being reversed when entering or leaving the site which would add to the traffic hazards and congestion in Chesterfield Grove, and that the loss of 3 off-street parking spaces (from 22 to 19) would result in further demands for on-street parking in the already congested residential roads in the vicinity. The Inspector noted the appellant's suggestion that deliveries take place outside of opening hours, but noted that residents had already complained when this took place and that the noise and disturbance associated with such deliveries would significantly worsen the living conditions of the people living nearby.
(reference: T/APP/A5840/A/91/194804/P8).

Planning history of adjoining sites

- 19 13/AP/3380 - 92 Lordship Lane
Decision pending for alterations to roof to incorporate a dormer roof extension to the rear; erection of single storey rear extension to create 1 x studio flat over rear ground, first floor above the existing hair dressers (on the ground floor) to create 1 x 1 bed flat and 1 x 2 bed flat with the second bedroom created in the dormer roof extension.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 20 The main issues to be considered in respect of this application are:
- a) principle
 - b) amenity
 - c) transport
 - d) design
 - e) trees
 - f) planning obligations
 - g) sustainability

Planning policy

Core Strategy 2011

- 21 Strategic Policy 1 - Sustainable Development
Strategic Policy 2 – Sustainable transport
Strategic Policy 5 – Providing New Homes
Strategic Policy 10 – Jobs and Businesses
Strategic Policy 11 - Open Spaces and Wildlife
Strategic Policy 12 - Design and Conservation
Strategic Policy 13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

- 22 The Council's cabinet on 19th March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council

satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

1.4 Employment sites outside the preferred office locations and preferred industrial locations (part saved)

1.7 - Development within town and local centres

3.2 Protection of Amenity

3.4 Energy Efficiency

3.7 Waste Reduction

3.11 Efficient Use of Land

3.12 Quality in Design

3.13 Urban Design

3.14 Designing Out Crime

3.28 Biodiversity

5.1 Locating Developments

5.2 Transport Impacts

5.3 Walking and Cycling

5.6 Car Parking

Supplementary Planning Documents

- 23 Residential Design Standards (2011)
Sustainable Design and Construction (2009)
Sustainable Transport SPD (March 2010)
Draft Dulwich SPD (2009)
Planning Obligations SPD (2007)

London Plan July 2011 consolidated with revised early minor alterations October 2013

- 24 2.15 Town centres
3.3 Increasing housing supply
4.2 Offices
4.7 Retail and town centre development
5.2 Minimising carbon emissions
5.3 Sustainable design and construction
5.7 Renewable energy
6.10 Cycling
6.13 Parking
7.4 Local character

National Planning Policy Framework (NPPF)

- 25 Section 1 - Building a strong, competitive economy
Section 2 - Ensuring the vitality of town centres
Section 4 - Promoting sustainable transport
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 11 - Conserving and enhancing the natural environment

Principle of development

Loss of B class floorspace

- 26 The proposed development would result in the loss of 501sqm of office space (net internal area) on the upper floors of the building. Strategic policy 10 of the Core Strategy states that the Council will protect existing employment floorspace (B use class), in the Central Activities Zone, Strategic Cultural Areas, Town Centres and on classified roads. Lordship Lane is a classified road and therefore the existing B class

floorspace is afforded protection under this policy, and saved policy 1.4 of the Southwark Plan which sets out the circumstances in which the loss of employment floorspace may be considered acceptable. It states that:

- 27 Outside the Preferred Office Locations, and Preferred Industrial Locations, on sites which have an established B Class use and which meet any of the following criteria:
- i) The site fronts onto or has direct access to a classified road; or
 - ii) The site is within a Public Transport Accessibility Zone; or
 - iii) The site is within the Central Activities Zone; or
 - iv) The site is within the Strategic Cultural Area.
- 28 Development will be permitted provided that the proposal would not result in a net loss of floorspace in Class B use. An exception to this may be made where:
- a) The applicant can demonstrate that convincing attempts to dispose of the premises either for continued B Class use, or for mixed uses involving B Class, including redevelopment, over a period of 24 months have been unsuccessful;
 - b) The site or buildings would be unsuitable for re-use or redevelopment for B Class use or mixed uses including B Class use, having a regard to physical or environmental constraints;
 - c) The site is located within a town or local town centre in which case accordance with policy 1.7 suitable Class A or other town centre uses will be permitted in place of Class B uses. Where an increase in floorspace is proposed, the additional floorspace may be used for suitable mixed or residential uses.
- 29 A marketing and viability report has been submitted with the application which sets out that the office space has been marketed by Marcus King & Company since 1st December 2010. This was carried out by way of a marketing board displayed on the premises, details posted on the internet, a mail shot to all local agents and the details sent to any enquires raised from the marketing board. The premises was originally marketed at £30,000 and was subsequently reduced to £25,000 following a lack of interest. The marketing exercise generated ten enquires and three viewings, but no offers were received. Feedback provided from the enquires raised concern regarding lack of DDA compliance, the condition of the building, lack of parking and lack of showering facilities. The information submitted demonstrates that the office space has been marketed for over 24 months and it has not been possible to find a tenant. It is noted that concerns have been raised regarding the adequacy of the marketing exercise, but the evidence has been reviewed by the Council's Planning Policy Team who have raised no objections to the loss of the B class floorspace.
- 30 The policy requires compliance with parts a, b or c in order to justify the loss of B class floorspace and officers consider that the requirements of part a have been met. The applicant has however, investigated the cost of refurbishing the property and the report concludes that the investment required to do so would not be economically viable.
- 31 Given that the loss of the office space would comply with saved policy 1.4 of the Southwark Plan, residential is considered to be an appropriate alternative use of the upper floors in this town centre location. The proposal includes extending the retail unit on the ground floor by 382 sqm which would employ 7 full time and 50 part time members of staff.
- 32 Extension of retail unit
 Saved policy 1.7 of the Southwark Plan states that most new developments for retail and other town centre uses should be accommodated within existing town and local

centres, and as the site is within a district town centre no objections are raised to the proposed extension of the retail unit. Concerns have been raised that it would be harmful to existing independent retailers which largely characterise Lordship Lane and that there is no need for an additional supermarket; other supermarkets in the vicinity include the Co-Operative and Sainsburys Local on Lordship Lane, Tesco Metro on East Dulwich Road and Sainsburys on Dog Kennel Hill. Whilst these concerns are noted, the extension would increase the retail floorspace by 382sqm which would not be significant. Concerns have been raised that the proposed occupiers, Marks and Spencer, would not be affordable to residents but the Council has no scope to control the end occupier because no change of use is proposed. It is also noted that representations have also been received in support of the application on the grounds that it would benefit the area and the local community by adding to the retail offer and attracting people to the area.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

33 82 Lordship Lane

It is not considered that the proposed development would adversely impact upon the continued operation of the shop which occupies the ground floor of this building.

34 82A Lordship Lane

82a Lordship Lane is a residential unit which occupies part of the ground floor and the first floor of the building. It has a well planted garden at the rear, the southern boundary of which is currently enclosed by a high wall. The plans show this building with an L-shaped footprint at the rear but that is not correct, and the area immediately next to the site has been built upon and forms part of the dwelling. The layout of the accommodation has been verified through a site visit and at ground floor level comprises a bathroom and an open plan kitchen / living space with patio doors leading out to the garden. These doors are located next to the site boundary and with the exception of three rooflights, are the only source of light to the living space. At first floor level two windows facing down the rear garden both serve bedrooms; there is a first floor window in the side elevation but this serves a landing and is obscure glazed.

35 The proposed extension to the retail unit would extend the full depth of the rear garden to 82a, but at 3.1m it would be the same height on the boundary as the existing building and its roof would slope away from number 82. In light of this it is not considered that the extension would result in any significant loss of light or outlook to the ground floor accommodation of this property.

36 Outlook from the first floor accommodation would undoubtedly change, as it would be in close proximity to a large terrace which is proposed to serve the flats. This would however, be set 2.5m back from the boundary and enclosed by a timber privacy screen on a low brick parapet, and a condition to secure this would be required to ensure no loss of privacy to number 82. A door into flat 1 is shown on the plans next to the boundary and it is considered that this proximity would be harmful to the amenities of number 82. There would be another door into this flat and it would be preferable if the door next to the boundary were omitted and the privacy screen pulled further back, and this could be secured by condition.

37 Views from the rear windows of the first floor flats would be onto its amenity area and although the second floor flats would have some views over the neighbouring gardens, there are already 2 flats within the building and if the office space were reoccupied it would have the same views. Concerns have been raised regarding noise from use of the roof terrace, although any undue noise nuisance is enforced under environmental protection legislation.

- 38 A plant compound is proposed on the flat roof of the extension which would be located approximately 12m from the rear elevation of number 82, and concerns have been raised by a number of residents in relation to noise. A noise report has been submitted with the application and reviewed by the Council's Environmental Protection Team (EPT), and a condition limiting noise output would be required.
- 39 92 Lordship Lane
There is a flat above 92 Lordship Lane and permission has recently been granted for a flat above number 94 although this is further from the site. The proposed rear extension would project 17m beyond the rear of the existing building but given that the ground floor of number 92 is in commercial use with a yard at the rear, no objections are raised.
- 40 With regard to the first floor flat, its outlook would undoubtedly change because the proposed extension would incorporate a taller element to enclose the lift and stairs leading to the first floor terrace. The planning history for this property suggests that a first floor window in the side elevation serves a kitchen and another in the rear elevation of its outrigger serves a bathroom. There is understood to be a bedroom window in the rear elevation of the main building facing towards the access road. Outlook from the kitchen and bedroom windows would undoubtedly change and become more enclosed, although they are already enclosed to a degree by the existing building. The rear window to the outrigger serves a non-habitable bathroom but this window would in any event retain a good level of outlook in the direction of number 94.
- 41 East Dulwich Hand Car Wash
Given the commercial nature of the use no loss of amenity would occur and it has its own access directly from Chesterfield Grove.
- 42 1 Chesterfield Grove
The flank wall of this end of terrace Victorian house adjoins the western side of the access road leading to the car park. The building then steps in and has a 2-storey outrigger at the rear which has windows visible at first floor level facing towards the site. There is a gate from the access road leading directly into the rear garden of the house, and at the time of the site visit a number of wheelie bins were located on the access road next to the flank wall. Bollards have been installed either side of the access road next to number 1 Chesterfield Grove and the car wash.
- 43 It is considered that the proposed extension would be sufficiently far from this property (approximately 22m from the main back wall of number 1) to ensure that no loss of amenity with regard to light or outlook would occur. The taller element of the extension incorporating the residential access would be approximately 14m away from the main back wall, also sufficient to ensure that no loss of amenity would occur.
- 44 With regard to privacy, the first floor terrace would be enclosed by screening, the plant enclosure and the taller part of the extension therefore views towards the rear of number 1 would be limited. The window-to-window distance between the side windows in the outrigger and the proposed flats would be approximately 31m, well in excess of the 21m required by the Residential Design Standards SPD.
- 45 1, 3, 5 and 7 Ashbourne Grove
These properties adjoin the northern boundary of the site. The proposed extension would adjoin the end of the rear gardens to numbers 1 and 3 Chesterfield Grove, but as these gardens measure approximately 22 and 19m respectively, it is not considered that any unacceptable loss of light or outlook would occur and any views from the first floor terrace or upper floor windows of the proposed development would be over the end of these rear gardens; there would be no unacceptable overlooking of habitable rooms or garden space immediately outside the dwellings.

46 With regard to security, concerns have been raised that there would be no gates across the accessway therefore access to the rear part of the site could be obtained by anyone throughout the day or night. Whilst this is noted, it would be in the interests of the applicant to ensure the rear of the store is secure, and the provision of gates and lighting could be secured by condition.

47 Impact of servicing and delivery

As stated, delivery times for the extended retail unit would be as follows:

Monday to Friday - 07:00-22:00

Saturday - 08:00-21:00

Sunday - 10:00-18:00

48 Servicing would be carried out using transit vans and 10.7m articulated lorries, which are the same size as those currently used by Iceland and up to 6 deliveries per day are anticipated. The frequency of deliveries to Iceland are not known, although as the store predominantly sells frozen goods it may well be less than what is proposed. There are no conditions to restrict when these can take place, but residents have advised that there is an informal agreement in place that no deliveries are made before 8am.

49 These hours are revised in respect of the weekend delivery times following on from the Inspectors appeal decision in which he states:

'Whilst the 07:00 hrs delivery start time during this part of the week would be earlier than the current informal agreement it would be unlikely to interrupt sleep patterns or result in serious noise disturbance for neighbouring residents. I note that the Council is agreeable to this earlier start time for deliveries.'

50 Although working patterns have changed over time many people continue to enjoy a slower start at the weekend especially on Sunday mornings when a 'lie-in' and a period of quiet relaxation can reasonably be expected. Whilst noting the appellant's noise survey and other acoustic evidence, I share the concerns of the Council and some of the neighbouring residents regarding the proposed weekend delivery times... commencing at 07:00hrs start on a Saturday and at 08:00 hrs on a Sunday, would be unacceptable on this site.'

51 The delivery times proposed as part of this application are in line with the advice given by Environmental Protection Officers and are considered to take account of the Inspectors concerns quoted above. In this regard it is considered that the reason for refusal around the proposed delivery times has been adequately addressed.

Impact of adjoining and nearby uses on occupiers and users of proposed development

52 Future occupiers

Saved policy 4.2 of the Southwark Plan requires all residential developments to provide a good standard of accommodation for future occupiers, and further guidance is contained in the Residential Design Standards SPD.

53 All of the units would exceed the minimum overall flat sizes set out in the Residential Design Standards SPD, with the 2-bed 3 person units measuring 75sqm (61sqm is required) and the 2-bed 4-person units measuring 75sqm (70sqm is required). With regard to the individual room sizes, the kitchens would be 1sqm undersized at 6sqm rather than 7, but the combined living and dining spaces would comfortably exceed the minimum standard and overall no objections are raised.

- 54 With regard to amenity space, the flats at first floor level would have access to a private terrace ranging from approximately 21sqm to 30sqm, which would exceed the minimum requirement of 10sqm. No private amenity space would be provided for the top floor flats, although the terrace would provide approximately 154sqm of communal amenity space incorporating planting and a seating area therefore no objections are raised.
- 55 The Environmental Protection Team has recommended a condition to ensure that noise levels within the flats would fall within acceptable levels and this could be secured by a condition.
- 56 Refuse storage
Refuse storage for the extended retail unit would be located at the rear of the building and delivery vehicles taking produce to the store would at the same time collect the refuse and take it to a central depot. The residential refuse store would be at the side of 1 Chesterfield Grove and whilst its location would not be ideal, given the limited space that would be available at the rear of the building as a result of the proposed extension and the need to retain adequate manoeuvring space for vehicles, there are limited options as to where this could be located. The Transport Planning Team has not raised any concerns regarding its location.

Transport issues

- 57 Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions; 5.3 requires the needs of pedestrians and cyclists to be considered and 5.6 establishes maximum parking standards.
- 58 The site has a PTAL (public transport accessibility level) of 4 (medium) and is not located in a controlled parking zone. There is a pedestrian crossing outside the site on Lordship Lane, and a bus lane and on-street loading bay. Chesterfield Grove is a 2-way residential street which is within a 20 miles per hour zone and has had traffic calming measures installed. A pair of bollards has been installed at the entrance to the accessway leading to the car park and a low crash barrier has been installed along the flank wall of 1 Chesterfield Grove.
- 59 A number of residents have raised concerns regarding the loss of the existing 17 space customer car park for the retail unit and that this would increase parking demand on the surrounding streets. Concerns have also been raised that there would be insufficient space on the site for vehicles to manoeuvre and that deliveries are already difficult without building over most of the manoeuvring space. A number of representations in support of the application have advised that the car park is underused, that there is free parking available on-street, and that the provision of a car park only adds to the traffic on the road.
- 60 This concern translated into part of the reason for refusal in respect of the 2012 application. In the appeal decision the Inspector considers the argument put forward by the appellant that new food outlet would be aimed at customers walking to the site and travelling by bus rather than car. The site has a PTAL of 4 (medium) and the proposed loss of the car park could assist in 'persuading' some shoppers/visitors to travel to the area by an alternative means of transport rather than a car. In accordance with CS 2 Sustainable transport and 5.6 Car parking.
- 61 In his summing up the Inspector considers the overall planning merits of the scheme against the disbenefits to residential amenity and concludes as follows:

'The benefits of the scheme would outweigh the harm to the living conditions of

neighbouring residents in respect of car parking. However, when the harmful noise disturbance is also weighed the balance tips against an approval.

- 62 In the consideration of this application the appeal decision carries considerable weight in respect of its assessment. Whilst it is recognised that there will be some harm arising in terms of residential amenity, given the revision of the servicing hours within this new application the potential level of harm arising weighed up against the benefits of the development is not considered sufficient reason to withhold planning permission.
- 63 Appendix 15 of the Southwark Plan sets out the Council's parking standards for food supermarkets and for a store of up to 2,500sqm with a PTAL of 4, 1 space per 30sqm is required. The existing store is 445sqm and an additional 382sqm is proposed, totalling 827sqm. This would require 27.5 parking spaces to serve the store. It is noted that the equivalent parking standard for policy 6.13 of the London Plan, a more up-to-date document, requires between 18-25 parking spaces per sqm for areas with a PTAL of between 2 and 4.
- 64 No off-street parking would be provided to serve the proposed development. Transport Planning has advised that 2011 census details indicate that the proposed flats would generate between 5-6 cars. Whilst not of concern as a stand alone issue, when combined with the loss of the existing customer parking and an increase in the number of vehicle trips arising from the extended store, this would create unacceptable parking stress on the surrounding streets and a consequent loss of amenity for neighbouring occupiers.
- 65 The Inspector acknowledges however, '...it is far from certain that this modal shift would occur and, given the largely unrestricted parking in the neighbouring streets, some customers could continue to drive and compete for the few available on-street parking spaces. This 'overspill' parking could include disabled drivers who would not be catered for as part of the proposals. In addition, some incoming occupiers of the proposed flats may not be deterred by the 'parking stress' and could choose to own a car and also compete with the existing residents for neighbouring residents and, in so doing, harm their amenity and conflict with Saved Southwark Plan Policies 3.2 protection of amenity and 5.6 car parking.'
- 66 At the appeal both parties agreed that if permission were to be granted a condition could be attached to an approval requiring membership of a Car Club for a period of three years for future occupants of the proposed new flats. The Inspector advises that this matter could only be dealt with by way of a planning obligation, and such an obligation has been submitted as part of this application.
- 67 Cycle Parking
The Southwark Plan minimum standard for A Class uses is 1 space per 250sqm, with a minimum of 2 spaces to be provided. Four cycle parking spaces for the extended retail unit would be provided in a cage at the rear of the proposed extension. The Council's Transport Planning Team has advised that this would be an acceptable provision and no objections are raised.
- 68 10 cycle parking spaces for the flats would be provided on the communal terrace at first floor level, accessed via a lift. Whilst a rather unusual arrangement, the spaces would be in a secure, convenient and weatherproof location and no objections are raised.
- 69 Vehicle, pedestrian and disabled access
The accessway at the rear of the site would be used by delivery vehicles servicing the extended shop and pedestrians associated with the flats; there would be a 0.8m wide pedestrian footpath and pedestrian crossing. The Transport Planning Team has

reviewed the application and advised that although the solution of the shared access arrangements would not be ideal, the layout and the limited number of vehicle trips is such that the potential for conflicts would be minimised.

70 Servicing

The Transport Statement submitted with the application advises that the servicing vehicles currently turn right from Lordship Lane onto Chesterfield Grove and right into the site, and exit by turning left back onto Chesterfield Grove and Lordship Lane and that they enter and leave in a forward gear. Some residents have suggested that this is not always the case and that lorries drive up Chesterfield Grove, turn in Melbourne Grove and then turn left onto the site because they are unable to make a right hand turn onto the site from Chesterfield Grove.

71 As stated there would be up to 6 deliveries per day, and this would be managed by a member of staff in a high visibility jacket being on hand to manage entering vehicles and a goods-in manager to monitor and review the processes.

72 Concerns have also been raised that there would be insufficient space on the site for vehicles to manoeuvre and that deliveries are already difficult without building over most of the manoeuvring space. Tracking diagrams have been submitted which show that there would be sufficient space for vehicles to turn on site so that they could enter and exit in a forward gear.

73 This issue was raised at the appeal and the Inspector states:

'While there would be very limited space for lorries to manoeuvre, the Council has not raised any highway issues..... Vehicles manoeuvring within the site would be slow moving and would be able to see any pedestrians that could be present when deliveries occur. In the absence of any technical evidence to refute the appellant's and Council's assessment, it would be difficult to justify withholding permission on highway safety grounds.'

74 Very specific concerns have been raised within some of the residential objections in respect of this matter. The Council's transport team have reviewed these comments and do not dispute the concerns raised, however given the existing situation and the proposed arrangements the applicant has agreed to put in place it is felt that on balance there is insufficient reason to justify refusal on this ground and subject to conditions officers are satisfied that the proposal can be undertaken safely without compromising pedestrian safety or causing damage to property. Conditions are suggested requiring details of the delivery servicing arrangements, including site specific measures. This combined with hours restricting the times that servicing can be undertaken would give the LPA far more control over the use than currently exists, and has to be considered preferable to the existing unfettered A1 use

Design issues

75 Concerns have been raised that the proposed extensions to the building would be out of keeping, overly large and visually intrusive. Representations in support of the application consider that the existing car park is unsightly and blighted by litter, and that the proposal would improve this.

76 There are no objections to the re-cladding of the front of the existing building and the provision of a new shopfront. The existing building is somewhat tired in appearance and would benefit from being updated; separate advertisement consent would be required for the signage shown on the proposed new shopfront.

- 77 A large amount of additional bulk would be added to the rear of the building, including the extension, plant enclosure and the taller element of the extension containing the stairs and lift. The additions would be quite large but would sit below the level of the top floor windows and as such would appear as subservient additions and no objections are raised. The use of matching brick would help the structures to blend in with the existing building. The principle of the extensions were generally agreed and did not form part of the reason for refusal for the 2012 application, therefore no objections are raised in this regard.

Impact on character and setting of a listed building and/or conservation area

- 78 None

Impact on trees

- 79 There are 5 trees along the northern boundary of the car park which are situated within neighbouring gardens but which overhang the site boundary. An arboricultural report has been submitted with the application which states that no adverse effects are likely to be caused to these trees. However, the Council's Urban Forester has advised that excavation required for foundations for the extension would result in root severance, particularly to a Chestnut tree (T3). This however, could be mitigated through planning conditions were the application to proceed to a positive recommendation.
- 80 The design and access statement proposes timber decks for private gardens at first floor level, together with block paved communal areas separated by free standing and built-in planters. The amount of screening provided would be minimal given the available space and so the size and number of planters should be increased; again this could be secured by a condition were the proposal found to be acceptable in all other respects. In order to successfully provide the quality and longevity of landscape aspired to the design would need to ensure sufficient weight loading, soil volumes and irrigation is provided to support mature planting within the planters; cross sections and details of maintenance would be required.
- 81 The Urban Forester has advised that screening should be provided to the rear ground level to ameliorate the effect of large vehicles reversing within the proposed supermarket access area. This should be composed of evergreen hedging and climbing plants which could be located so as not to conflict with access requirements. These matters could be addressed through a condition for a landscaping plan.

Planning obligations (S.106 undertaking or agreement)

- 82 A unilateral undertaking is provided with the application which provides for car club membership for residents of the flatted accommodation for a period of 3 years. It is considered that this will alleviate parking pressures within the area in terms of providing a more sustainable form of transport for the proposed new units.
- 83 Mayoral CIL
A Mayoral CIL contribution is required as there is an increase in floorspace as a consequence of the application. The new floorspace equates to 382 sq metres, therefore a total of £13,370 CiL contribution is required to be paid.

Sustainable development implications

- 84 Whilst this is not a new build scheme the applicant is looking to achieve a BREEAM rating of 'very good' in respect of the retail unit.
- 85 As the residential element of the scheme would be through a conversion, the applicant

has submitted an ecohomes assessment rather than Code for Sustainable Homes and would achieve a rating of 'very good'. In the event that the application were acceptable in all other respects, this could be secured by way of a condition.

- 86 It is proposed to install a green roof on the existing building and a detailed specification has been provided. This measure is welcomed, as it would contribute to increasing biodiversity and reducing surface-water run-off.

Other matters

- 87 In respect of the conversion of the upper floors to residential it should be noted that The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 Part allows for the change of use of offices to residential via a Prior Approval mechanism.

Conclusion on planning issues

- 88 There are no objections to the principle of the proposed development in land use terms, as the loss of the existing B class floorspace has been adequately justified and the provision of an extended retail unit and flats would be appropriate in this town centre location. The physical impacts of the proposed extensions would not result in any significant loss of amenity to neighbouring occupiers and although there are concerns in relation to servicing hours and plant noise, these issues could be mitigated through planning conditions. The design of the proposal would be acceptable and impacts on trees overhanging the site could also be mitigated through conditions.
- 89 There are still concerns raised, around parking stress due to the increased number of vehicle trips associated with the extended retail store together with the loss of the customer car park and overspill parking from the proposed flats. However these concerns should be balanced against the overall benefits derived from the scheme and regard should also be given to the Inspectors decision and the view that this matter in itself can not be seen as an overriding reason for refusal. The further issue of the servicing arrangements can be divided into two parts the hours permitted for servicing the store and the feasibility of servicing the store from the existing rear access on Chesterfield Grove.
- 90 In terms of the hours, these were set by the Inspector who agreed with the Council's environmental officer around what would be reasonable, it is therefore considered that the Council's position is to accept these revised hours and condition any consent accordingly. The issue of servicing the store, although raised at the appeal hearing was not explored with any depth due to the lack of technical information provided by any party. It is understood that Chesterfield Grove is a residential road not designed to carry large vehicles, nonetheless there is in existence a retail store with its service access gained via this route. As detailed in the officer report there are currently no restrictions on the use of this accessway, albeit there has been a long standing agreement between the current occupiers and immediate neighbours. Whilst it is acknowledged that the store is being enlarged, the use does remain the same, (Class A1 retail). It is proposed to condition the servicing arrangements to ensure that these do not compromise highway safety. It is considered that the opportunity to condition an existing unregulated use would offer better safeguards for residents in terms of the future use of this store. On this basis it is recommended that planning permission be granted.
- 91 In reaching this conclusion regard has been had to the provisions of the NPPF and the need to encourage and facilitate sustainable forms of development. It is considered that any harm caused would not outweigh the benefits of the proposal and as such it would comply with the provisions of the NPPF, London Plan, Core Strategy and Saved Southwark Plan Policies.

Community impact statement

92 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) No unmitigated impact on any group with the above protected characteristics is envisaged as a result of this decision.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as car parking and servicing.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are to condition the servicing arrangements as well as the hours of operation and for residents of the proposed development to have be given 3 years membership to a car club scheme.

Consultations

93 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

94 Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

95 A total of 16 letters have been received for the application, 10 objecting and 6 in support. The detailed content of the letters are included within Appendix 1. The concerns in brief are as follows:

- Loss of privacy and increased noise due to high level roof terraces and plant to the rear
- Lack of parking provided with the proposed use for shoppers and residents
- Impracticality of service arrangements to service the new store
- Size and design of the proposed extension
- Servicing hours
- Inadequate refuse provision leading to odours and infestation

Human rights implications

96 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

97 This application has the legitimate aim of providing new residential housing and an extended retail unit. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

98 N/A

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2315-84 Application file: 14/AP/0280 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Sonia Watson, Team Leader Development Management	
Version	Final	
Dated	7 July 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Finance and Corporate services	No	No
Strategic Director, Environment and Leisure	Yes	Yes
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	9 July 2014	

APPENDIX 1**Consultation Undertaken****Site notice date:** 10/02/2014**Press notice date:** N/A**Case officer site visit date:** 10/02/2014**Neighbour consultation letters sent:** 07/02/2014**Internal services consulted:**

Transport
 Urban Forester
 Design and conservation

Statutory and non-statutory organisations consulted:

Thames Water

Neighbours and local groups consulted:

107-109 LORDSHIP LANE LONDON SE22 8HU
 102 LORDSHIP LANE LONDON SE22 8HF
 94 LORDSHIP LANE LONDON SE22 8HF
 100 LORDSHIP LANE LONDON SE22 8HF
 FLAT A 70 LORDSHIP LANE LONDON SE22 8HF
 84-90 LORDSHIP LANE LONDON SE22 8HF
 79 LORDSHIP LANE LONDON SE22 8EP
 FLAT B 70 LORDSHIP LANE LONDON SE22 8HF
 111-115 LORDSHIP LANE LONDON SE22 8HU
 98B LORDSHIP LANE LONDON SE22 8HF
 98A LORDSHIP LANE LONDON SE22 8HF
 92 LORDSHIP LANE LONDON SE22 8HF
 72 LORDSHIP LANE LONDON SE22 8HF
 93 LORDSHIP LANE LONDON SE22 8HU
 81 LORDSHIP LANE LONDON SE22 8EP
 21A ASHBOURNE GROVE LONDON SE22 8RN
 95A LORDSHIP LANE LONDON SE22 8HU
 2A CHESTERFIELD GROVE LONDON SE22 8RW
 21B ASHBOURNE GROVE LONDON SE22 8RN
 83A LORDSHIP LANE LONDON SE22 8EP
 8 CHESTERFIELD GROVE LONDON SE22 8RW
 93A LORDSHIP LANE LONDON SE22 8HU
 80A LORDSHIP LANE LONDON SE22 8HF
 87B LORDSHIP LANE LONDON SE22 8EP
 87A LORDSHIP LANE LONDON SE22 8EP
 92A LORDSHIP LANE LONDON SE22 8HF
 74A LORDSHIP LANE LONDON SE22 8HF
 85-87 LORDSHIP LANE LONDON SE22 8EP
 81A LORDSHIP LANE LONDON SE22 8EP
 77A LORDSHIP LANE LONDON SE22 8EP
 FLAT 8 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
 FLAT 7 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
 FIRST FLOOR AND SECOND FLOOR FLAT 97 LORDSHIP LANE LONDON SE22 8HU
 FLAT 9 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
 FLAT 4 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
 FLAT 3 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
 FLAT 6 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
 FLAT 5 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
 REAR OF 94 LORDSHIP LANE LONDON SE22 8HF
 FIRST FLOOR AND PART SECOND FLOOR 84-90 LORDSHIP LANE LONDON SE22 8HF
 113-115 LORDSHIP LANE LONDON SE22 8HU
 MAISONETTE BASEMENT GROUND FLOOR REAR AND FIRST FLOOR 104 LORDSHIP LANE LONDON SE22 8HF
 82A LORDSHIP LANE LONDON SE22 8HF
 SECOND FLOOR FLAT B 84-90 LORDSHIP LANE LONDON SE22 8HF
 SECOND FLOOR FLAT A 84-90 LORDSHIP LANE LONDON SE22 8HF
 77B LORDSHIP LANE LONDON SE22 8EP

8 SAGE MEWS LONDON SE22 8EZ
FLAT 2 10 CHESTERFIELD GROVE LONDON SE22 8RW
FLAT 1 10 CHESTERFIELD GROVE LONDON SE22 8RW
1 SAGE MEWS LONDON SE22 8EZ
80 LORDSHIP LANE LONDON SE22 8HF
7 SAGE MEWS LONDON SE22 8EZ
6 SAGE MEWS LONDON SE22 8EZ
FLAT 14 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
FLAT 13 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
FLAT 2 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
FLAT 15 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
FLAT 10 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
FLAT 1 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
FLAT 12 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
FLAT 11 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ
83 LORDSHIP LANE LONDON SE22 8EP
77 LORDSHIP LANE LONDON SE22 8EP
LORD PALMERSTON 91 LORDSHIP LANE LONDON SE22 8EP
89 LORDSHIP LANE LONDON SE22 8EP
68 LORDSHIP LANE LONDON SE22 8HQ
76 LORDSHIP LANE LONDON SE22 8HH
75 LORDSHIP LANE LONDON SE22 8EP
73 LORDSHIP LANE LONDON SE22 8EP
98 LORDSHIP LANE LONDON SE22 8HF
96 LORDSHIP LANE LONDON SE22 8HF
1 ASHBOURNE GROVE LONDON SE22 8RN
97 LORDSHIP LANE LONDON SE22 8HU
74 LORDSHIP LANE LONDON SE22 8HF
104 LORDSHIP LANE LONDON SE22 8HF
82 LORDSHIP LANE LONDON SE22 8HF
78 LORDSHIP LANE LONDON SE22 8HF
4 SAGE MEWS 110A LORDSHIP LANE LONDON SE22 8EZ
FIRST FLOOR AND SECOND FLOOR FLAT 75 LORDSHIP LANE LONDON SE22 8EP
99-101 LORDSHIP LANE LONDON SE22 9DQ
103-105 LORDSHIP LANE LONDON SE22 9DQ
5 SAGE MEWS 110A LORDSHIP LANE LONDON SE22 8EZ
2 SAGE MEWS 110A LORDSHIP LANE LONDON SE22 8EZ
78A LORDSHIP LANE LONDON SE22 8HF
3 SAGE MEWS 110A LORDSHIP LANE LONDON SE22 8EZ
FLAT 3 110 LORDSHIP LANE LONDON SE22 8HF
FLAT 2 110 LORDSHIP LANE LONDON SE22 8HF
FIRST FLOOR FLAT 94 LORDSHIP LANE LONDON SE22 8HF
LIVING ACCOMMODATION LORD PALMERSTON 91 LORDSHIP LANE LONDON SE22 8EP
FLAT 2 108 LORDSHIP LANE LONDON SE22 8HF
FLAT 1 108 LORDSHIP LANE LONDON SE22 8HF
FLAT 1 110 LORDSHIP LANE LONDON SE22 8HF
FLAT 3 108 LORDSHIP LANE LONDON SE22 8HF
9 CHESTERFIELD GROVE LONDON SE22 8RP
14 CHESTERFIELD GROVE LONDON SE22 8RW
12 CHESTERFIELD GROVE LONDON SE22 8RW
3 CHESTERFIELD GROVE LONDON SE22 8RP
23 CHESTERFIELD GROVE LONDON SE22 8RP
7 CHESTERFIELD GROVE LONDON SE22 8RP
5 CHESTERFIELD GROVE LONDON SE22 8RP
24 CHESTERFIELD GROVE LONDON SE22 8RW
22 CHESTERFIELD GROVE LONDON SE22 8RW
6 CHESTERFIELD GROVE LONDON SE22 8RW
4 CHESTERFIELD GROVE LONDON SE22 8RW
18 CHESTERFIELD GROVE LONDON SE22 8RW
16 CHESTERFIELD GROVE LONDON SE22 8RW
20 CHESTERFIELD GROVE LONDON SE22 8RW
2 CHESTERFIELD GROVE LONDON SE22 8RW
3 ASHBOURNE GROVE LONDON SE22 8RN
19 ASHBOURNE GROVE LONDON SE22 8RN
7 ASHBOURNE GROVE LONDON SE22 8RN
5 ASHBOURNE GROVE LONDON SE22 8RN
13 ASHBOURNE GROVE LONDON SE22 8RN
11 ASHBOURNE GROVE LONDON SE22 8RN
17 ASHBOURNE GROVE LONDON SE22 8RN
15 ASHBOURNE GROVE LONDON SE22 8RN
17 CHESTERFIELD GROVE LONDON SE22 8RP
15 CHESTERFIELD GROVE LONDON SE22 8RP
21 CHESTERFIELD GROVE LONDON SE22 8RP
19 CHESTERFIELD GROVE LONDON SE22 8RP
1 CHESTERFIELD GROVE LONDON SE22 8RP
9 ASHBOURNE GROVE LONDON SE22 8RN
13 CHESTERFIELD GROVE LONDON SE22 8RP
11 CHESTERFIELD GROVE LONDON SE22 8RP

Re-consultation:

N/A

APPENDIX 2**Consultation Responses Received****Internal services**

Urban Forester - No objections subject to conditions

Transport - Concerns raised around parking overspill from residents and shoppers, acknowledges this can not be controlled due to lack of CPZ, but welcomes the provision of car club membership for the residential element.

Design - No objections

Statutory and non-statutory organisations

Thames Water - Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Neighbours and local groups**Cllr James Barber - Objects**

My specific objections are:

Policy 3.2 – Protection of Amenity

Saved Policy 3.2 advises that planning permission for development will not be granted where it would cause loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site.

Policy 5.6 - Car Parking

Saved Policy 5.6 advises that new development should prevent or mitigate the loss of amenity, including inconvenience to local residents caused by overspill parking and increased pressure on on-street spaces.

As you will be aware this application is similar to the development proposal which was refused by the London Borough of Southwark on 10 April 2013 [Ref 12/AP/3773] and subsequently dismissed by the Planning Inspectorate on 02 October 2013 [Ref: APP/A5840/A/13/2198122]. I have therefore focussed my comments to those matters which have been amended in the current application, namely the Servicing Management Plan and Parking Survey.

Car Parking

Whilst the applicant has claimed that the new scheme would result in a reduction in car

parking, the updated Transport Statement (January, 2014) includes a number of erroneous assumptions and biased statistical analyses, such that it cannot be considered a reliable assessment of the number of vehicle trips that would be generated by the extended retail store and new residential units.

As you will know, the applicant's trip generation assessment relies on a TRAVL survey conducted at a Marks and Spencer store in Earls Court (May 2012) and a customer questionnaire survey undertaken at a similar 'Simply Food' store along Walworth Road in Southwark (February 2013) - though this also sells clothes. Whilst the applicant has been careful to apply a floor area uplift to reflect the difference in size between the Earls Court store (450m²) and the proposed new store on Lordship Lane (827m²), the assessment fails to take into account the different public transport accessibility levels (PTALs) of these locations.

As can be seen from the attached appendices, both Earls Court and Walworth Road have excellent PTALs of '6a' and '6b' respectively, with access to multiple modes of public transport. In contrast, Lordship Lane has a PTAL of 4 (medium) with access limited to bus and train. Despite these obvious differences, the applicant's assessment assumes that 15 per cent of all trips to the new store in Lordship Lane will be made by the London Underground network – a scenario that is unlikely if not impossible!

Similarly, the trip generation assessment ignores the different levels of car ownership in East Dulwich, Earls Court, North Southwark (Walworth Road) and their surrounding areas (see attached appendices). As the planning inspector made clear, East Dulwich suffers from severe 'parking stress' with as few as 7 parking spaces available within 200m of the proposed development at some points during the week. The area therefore has very limited capacity to accommodate any additional demand for on-street parking within the adjacent residential streets.

Despite the applicant's assurance that any additional demand arising from the net increase of 6 residential units could be controlled by requiring membership of a Car Club for three years, this would be difficult to enforce and no doubt problematic for future occupiers of these flats. Therefore it should be assumed that demand for parking would increase by many spaces.

Finally the assessment fails to take into account the fundamental difference in characteristics between mid-range stores of up to 650m² (which tend to promote top-up and convenience shopping) and larger stores of 850m² or more (which encourage one-stop shopping). Naturally the greater the number of items purchased, the more likely customers are to arrive and depart by car – and given the unrestricted parking available in neighbouring streets it is unlikely that customers would be deterred from arriving by car simply due to the loss of the existing on-site car park.

In summary I believe the above application would result in a level of on-street parking demand that would significantly inconvenience existing local residents who would face increased pressures on local parking, leading to a loss of residential amenity.

Delivery Times

Whilst a revised Servicing Management Plan has now been submitted – with amended delivery times proposed for Saturday and Sunday – serious questions remain over whether all 10.7m articulated lorries would be able to comfortably use the rear service yard whilst entering and leaving in forward gear. Clearly there is a risk of significant noise disturbance for a number of neighbouring residents. Nevertheless, if the council is minded to approve this application, conditions on the hours of commercial delivery, and hours of loading and unloading, must be included to ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Saved Policy 3.2 of the Southwark Plan. I would also urge for deliveries to be through the front of the shop on Lordship Lane, as is the case for the Cooperative

Store.

Roof Terrace

Similarly there is potential for surrounding occupiers to be impacted as a result of noise and disturbance emanating from the first floor roof terraces at the rear of development. This will be a loss of amenity to many residents in neighbouring properties. However, if the council is minded to support this application, then I would urge mitigation by way of condition – for example by restricting the hours of use – to ensure that adjoining occupiers in the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

3 Ashbourne Grove - Objects

Privacy and Noise

1) The development of eight flats with private and communal amenity space at an elevated level will generate noise not only from day to day activities but also grouping within that amenity space with potential for loud music, parties and barbecues. This will generate significant noise, particularly in summer months, when other people wish to enjoy their outdoor space peaceably. This will also be an issue with my child sleeping in her rear facing room and mean we are unable to leave the window open for cooling and ventilation. For this reason I strongly object. No other residence in this area has such an elevated outdoor communal space. Indeed I understand that the previous owner of my property had an application refused for development of an outdoor space on top of a ground floor extension.

This noise would have an adverse effect on all the surrounding properties and their enjoyment of their own outdoor space. Indeed the National Planning Policy Framework (2012) also states (11.123): "Planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions."

The 'Southwark Council Dulwich Supplementary Planning document 2013' (section 5.2.3) also states that development should "... not result in a loss of privacy and amenity for adjoining houses and their back gardens". The proposal will affect privacy of the surrounding properties including my own and I thus object.

The proposed development with all this outdoor private and communal amenity space is unnecessary and could be re-designed so as to not have this negative impact. People renting or purchasing 1st or 2nd floor flats do not expect direct outdoor space. I feel it could be redesigned to become an indoor communal space with a glass roof to allow natural light.

2) Deliveries - see below.

3) I am concerned about the roof plant area being located so close to the my residential property. I understand this has been assessed for noise however I would be interested to know what guarantees there are that the noise levels will be acceptable, particularly in summer months

when bedroom windows are open and we wish to enjoy our outdoor space.

Security

Currently the gates are locked at night affording protection to the houses which border this development. Previously when the gates were unlocked there were break-ins and residents erected raised trellis fencing at the rear of their properties to prevent this.

1) The removal of the gates and the creation of a dark secluded area at the back of the proposed development will create a significantly increased security risk to the properties bordering this plot of land and other adjacent properties. No contingency has been made for this in the planning provided and I thus object.

2) The creation of a first floor platform and the positioning of the 'retail staff cycle cage' and 'retail unit waste containers' along the fence of the bordering Ashbourne Grove properties will lead to easy access to potential burglars to directly access the rear of the properties of numbers 1, 3 and 5 Ashbourne Grove and also increase the risk to properties further along the road. As such I object as the consequences of this development will be against the National Planning Policy Framework (2012) which states (7.58): "Planning policies and decisions should aim to ensure that developments ... create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion".

Refuse

The proposed plans will put the retail unit waste containers directly behind our rear fence which borders the development. This will be approximately 2 metres away from our child's play area and play house. This will lead to:

- 1) Refuse smells in our private garden reducing our enjoyment of this space.
- 2) Increased risk of flies, rats and foxes in this area with potential risk of disease within close proximity of a child's play area, raising health and safety issues to this proposal.

No other local resident stores their refuse in their back garden so why should we suffer refuse smells from this new development? (In the current arrangement, the Iceland refuse is stored at the opposite corner next to their own building).

Deliveries

1) There have been minor modifications to the hours of delivery in the morning. I understand that the proposals still include deliveries up until 10pm at night and 9pm on Saturdays. I consider this too late in a residential area and well past my child's bedtime. This will impact on her ability to sleep especially in the summer months when windows are necessarily open. I therefore object to the modified delivery times and any proposal that would see earlier delivery times, significantly more deliveries or an increase in noise levels from the current situation.

2) In the document "Code of practise for out-of-hour's deliveries and servicing", M+S acknowledge the potential noise problem by stating a number of aims to reduce noise during deliveries. This includes that they will use "Use newer and quieter vehicles and equipment where

possible". The use of 'where possible' means this is not binding and can use any vehicle they wish. I would like to see the council stipulate precisely what vehicles can be used for deliveries. Why doesn't the council go really eco-friendly and insist on electric vehicles which could then be recharged while unloading in an indoor garage area?

Parking

There is already significant parking stress on the surrounding roads. This I understand was witnessed by the inspector at the last submission of this proposal which has not been addressed in any way by this resubmission apart from a new parking report. I dispute the accuracy of this report.

It should be noted from the 'Southwark Council Dulwich Supplementary Planning document 2013' (section 2.2.3) that "There is a high level of car ownership and use with Dulwich". Thus I feel there will be significant draw to a new store from the surrounding Dulwich area which lacks convenient public transport to Lordship Lane as evidenced from the planning document section 7.3.2 which states " In particular, there are poor north-south links across Dulwich" and "...other parts of Village ward and parts of College ward suffer from a lack of access to public transport."

I think it is obvious to any sensible person that the parking stress in the area will be increased by:

- a) Significantly increased footfall through the proposed M+S store
- b) The creation of 8 residential flats (6 new)
- c) Loss of the small car park

It is clear for these reasons that the number of people seeking parking will significantly increase. The reliance on a new report by ttp consulting, commissioned by the developers, is worrying and I believe this report is significantly flawed and designed to show what the developers want. Specific comments about this are:

1) I agree with the report that the site has good public transport from certain areas (see above). But so does Wembley stadium and it still needs parking spaces!

The document correctly states that the store location has a good PTAL of 4. It fails to mention that it is close to the border of PTAL 3 and that a large area immediately south of the development has a PTAL varying between 1 and 3. 2) I disagree that the removal of the existing car parking will minimise the number of vehicles attracted to the site. I believe that the M+S brand will attract significantly more vehicles to the site. It will also bring convenience shoppers who would usually drive past and stop at Sainsbury's or Tesco's (where there is specific parking) - issues such as this are not even considered in this parking assessment.

3) I disagree with statement 4.10 regarding the inability to provide off-street parking due to the "constraints of the site". As off street parking is currently available, the inability to provide it is due to the over-ambitious plans for the site!

4) With regard section 5.12 I cannot understand how contributing to a car club for 3 years solves the long-term parking issues and highlights to me that the developer acknowledges the issues with parking.

5) I have major issues with section 5 which is misleading and flawed

in making the comparison with certain other M+S sites in Earls Court and Walworth Road. Both of the comparison sites are within controlled parking zones, with the Earls Court store having some of the highest pay and display charges in London (£3.30 or £4.40 per hour)!

In these areas, it is thus not surprising that if there is no off-street or on-street parking then the number of trips by car is low! Please see images in Appendix 1 regarding lack of parking on main road and nearby streets in the two comparison sites. Please also note that Earls Court is M+S next to a major London Underground connection and on a road usually heavily congested. I CANNOT believe that none of this is even described in the report which to me makes this deliberately misleading and should thus (in my opinion) be disregarded as the trip generation data (which is based on this misleading comparison) and subsequent predicted parking demand cannot be believed.

In fact, one could even use this report to make a further assumption - That similar M+S shops require controlled parking areas around them due to their popularity!

6) In the 'Design and Application Statement Part 1' it is stated that the current footprint is below the minimum required by the potential tenant (M+S). However in this parking assessment it is stated that the Earls Court store only has an overall gross floor area of 450m² - almost identical to the existing Iceland floor area (445m²). Thus clearly M+S could use the existing building structure if they wished as they do elsewhere.

7) With the car parking restrictions of other nearby M+S stores (Walworth Road and Brixton), you could argue that anyone wishing to travel by car to an M+S will preferentially travel to East Dulwich thus further exacerbating parking stress.

8) In Section 5.1.4 of the transport assessment, it is claimed that there will be a requirement for an additional 3 parking spaces for the 6 additional flats. In fact, in Southwark's own guidance 'Sustainable Transport Sustainability Planning Document (2010)' section 4.2.10, it is stated that in the Suburban Zone (including Dulwich) "There are some bus routes and railway stations, however the level of access by public transport is lower than in the rest of Southwark. Less development is going to happen in the Suburban Zone and we allow more car parking to a maximum between 1.5 or 2 spaces per flat or house". Thus by Southwark's own planning document, an additional 9 to 12 car parking spaces should be allowed for.

24 Chesterfield Grove - Objects

1. Visual Intrusion

The proposals are cited as being a modest single storey extension with 2 storey access core, residential amenity at 1st floor and a cantilevered walkway at 2nd floor level. These proposals are not modest and would be a significant visual intrusion from Chesterfield Grove street level and in particular from the residential gardens of adjacent properties. The scale of the proposed extensions are not in keeping with the adjacent residential properties, would not respect the existing character of the area nor would it be a subordinate element in the street elevation.

In particular the 2 storey access core, amenity area at 1st floor level and cantilevered walkway at 2nd floor level would be a visual intrusion from both street level and from the adjacent residential properties gardens. The visual aspect from the elevated extensions would remove the privacy from private residential amenities which in my view would be an unacceptable loss of personal amenity.

I believe a more suitable and less visually intrusive solution can reasonably be attained for gaining access to the proposed residential redevelopment which does not require such significant and intrusive external structures to be erected.

2. Deliveries and Access at Rear

The documentation provided does not show delivery vehicles being able to comfortably enter the rear of the premises and turn and exit in a forward motion as stated in the Transport plan. The AutoTrack plots (included on plan drawings only) show the vehicles only entering the site and reversing into the delivery bay. To exist without reversing is impossible without traveling over the pavement and with considerable shunting within the yard. There is no evidence supplied to substantiate the statement in point 20 of the Transport Plan regarding Highway Safety. The access and aggress proposed cannot be done as planned and cannot be shown to have addressed the hazards of pedestrian safety and access across the footpath with little visibility. The applicant has not complied with the requirements of the Statutory CDM Regulations (2007) in designing out significant hazards.

The plots also show the vehicles overhanging the pedestrian access route (in reality these plots do not even allow for vehicle wing mirrors which overhang further than the plots) now proposed and would clash with the existing bollards protecting the neighbouring properties. The plots attempt to show sufficient access with the additional walkway. It is clear at present that access is severely restricted and there is no walkway. Under CDM Regulation 2007, this proposed access does not address a significant hazard of vehicle pedestrian interaction and worsens the already difficult turning circle into the yard. I have never witnessed a delivery vehicle making the shown access from Chesterfield Grove into the Yard from the Lordship Lane direction successfully but have seen drivers attempting to reverse back having failed.

The Transport Plan document does not align with the revised times of deliveries in the application and should be re-submitted prior to any consideration of the application.

The access route proposed crosses the street footpath and there is insufficient visibility to see vehicles exiting when coming from Lordship Lane end. This Hazard has not been addressed under CDM Regulations 2007 and existing use which is dangerous is not acceptable as evidence of suitability. Any development should address hazards in context of current legislation

It should also be considered that the applicant does not appear to own the access route as it falls outside of the red-line boundary of this application. Given that the access is a part of the application I would have considered the usage being outside the red-line boundary to be an infringement of planning guidelines and should be ground for dismissal of accepting deliveries at the rear of the premises. Please confirm what right of access they have and what covenants are in place to secure this in the future.

There is insufficient available kerbside space to accommodate unloading of delivery vehicles within Lordship Lane and I would request the Planning

Committee consider limitations in any permission as to the quantity and time of day such deliveries could take place utilising the residential streets given the intrusion this could present.

I would like to put to the Planning Committee that any approved plans would need to address deliveries to provide adequate and suitable delivery parking and access from Lordship Lane mitigating the need to access via Melbourne and Chesterfield Groves. Especially in light of the increased shop floor space and nature of high turnover goods which would inevitably require a greater volume of delivery vehicles.

Any successful application should have a Planning Condition attached to it confirming the maximum size of delivery vehicle, times of delivery and route for access to be from Lordship Lane onto Chesterfield Grove and not from Melbourne Grove onto Chesterfield Grove as this is the access routes depicted in the Servicing Management Plan and should be a condition of any successful application.

3. Parking

I find the assertion within the documentation submitted that the removal of all parking spaces at the existing Iceland car park will result in a decrease in vehicles attracted to the site to be wholly inaccurate and an attempt to mislead the Planning Officers and the Public.

There are to be 8 flats of 2 x double bedrooms. It is likely that between 16 and 32 residents would reside there. A typical car ownership of flat dwellers is more in the region of 1:3 and 5 to 10 cars should be considered as additional.

The shop staff are expected to be 35 Full time equivalent. If just 1:8 drives this adds a further 4 plus vehicles.

The survey undertaken of shoppers on Walworth road claimed only an average of 1 driver at any one time, this survey was not 100% of those in the shop at any one time and is thus fundamentally flawed in reaching such a conclusion. If just 10% capture rate applied this is more like 10 drivers at any one time.

Overall a peak rate of 19 to 24 is not an unreasonable assessment and more realist than the arbitrary figures used by the applicant without any substantiation or truly equivalent comparisons.

In my opinion at least 10 parking spaces for residents/staff should be considered as the minimum required.

The Transport Plan submitted states in Appendix F that parking is above 90% capacity use for almost all times considered. The Mayor of London Transport Strategy states that where parking is above 90% in use this is considered as parking stress and the number of vehicles concurrently looking for spaces would outnumber the available spaces. Increase to vehicles parked by residents and staff would increase usage and make this situation significantly worse.

Please also consider the impact of a similar convenience food shop on Lordship Lane, Sainsbury, and note that it is clearly visible there is a near constant movement of vehicles in the day and early evening of people picking up small amounts of shopping. It is my opinion that a similar use of vehicles to access the proposed store from a wider catchment will persist and the application fails to acknowledge this or provide any evidence with transport modeling to substantiate such a categoric view entirely to the applicants benefit. It is simply untrue that no shoppers would come by car. Additionally the enlarged store will

require more staff some of whom will drive to work. The Planning Officers should insist on a Trip Generation modeling to be conducted with context to similar stores within the area.

I do not accept the assertion that this type of convenience store would not generate additional vehicle travel to access it. Lordship Lane is a defined District Centre and as such attracts shoppers from neighbouring districts, many of whom drive to access the amenities on offer. A convenience store which would by its nature attract shoppers seeking smaller quantities and thus a greater footfall would be likely to attract those where public transport is not a convenient option from their residence to Lordship Lane and would be likely to drive putting further pressure on an already stretched parking amenity. In particular the type of shop proposed would appeal to a predominantly car owning demographic who prefer to drive to a shop than take public transport. This would be to the detriment of local residents whose needs should be equally considered.

The proposals claim that all residential dwellings proposed would utilise the (agreeably) extensive public transport facilities but fail to take account of the fact that many residents still maintain a car for weekend and occasional weekday use despite making use of public transport to commute, socialise or shop. I do not in my opinion accept the assertion that no vehicles will be kept by the residents of the additional dwellings and as such object to the lack of provision of any car parking for at least a proportion of residents. The burden on local residential streets from additional parking demand will adversely affect the amenity value of the current residents which is already pressured. The Transport Statement itself declares Chesterfield Grove to be at 95% utilised during the evening and at night.

The Parking survey and stress test undertaken was only done to consider residential parking needs and in no way addressed consideration of shoppers. The store is likely to attract daytime and early evening traffic on the return school run and post train commuting (many people are collected at stations). It was conducted at night and early evening when no shoppers or local business users would have been adding to the parking. This aspect should not be regarded by the planning officers as representative and the conclusions ignored.

I believe that due consideration should be given to maintaining at least the same provision for off street parking as currently provided to the rear of these premises. In my view insufficient evidence has been tabled to justify the removal of parking provision.

4. Specific Planning Policy not being sufficiently addressed.

5. Noise

The additional service equipment at first floor level has the potential to be a nuisance to local residents, particularly during the night-time. The submission does not provide a baseline noise survey at the Chesterfield Grove or Ashbourne Grove residential receptors, nor does it provide acoustic modelling to support the design proposals to attenuate noise. I would request that the Planning Officer request sufficient modelling is undertaken together with a S106 obligation to attain a 10dBA reduction against ambient baseline of noise at residential receptors from any new plant and equipment. Additionally the use of the roof terrace area which is at roof level of residential houses will contribute significant additional noise for neighbouring properties. Such use should also be modeled.

6. Not in keeping with other rejected applications in immediate vicinity.

It should be noted that an application for a modest extension at residential first

floor level of No 1 Chesterfield Grove (Ref 05-AP-1214) was refused on the following grounds. The proposed rear extension and 2 storey access shaft of the application noted above would be significantly more dominant in nature to the residential proposal which was refused and would not be consistent with consideration for keeping within context with the decision made for this application.

9 Ashbourne Grove Objects

Car Parking

Whilst the applicant has claimed that the new scheme would result in a reduction in car parking, the updated

Transport Statement (January, 2014) includes a number of erroneous assumptions and biased statistical analyses, such that it cannot be considered a reliable assessment of the number of vehicle trips that would be generated by the extended retail store and new residential units.

As you will know, the applicant's trip generation assessment relies on a TRAVL survey conducted at a Marks and Spencer store in Earls Court (May 2012)

Whilst the applicant has been careful to apply a floor area uplift to reflect the difference in size between the Earls Court store (450m²) and the proposed new store on Lordship Lane (827m²), the assessment fails to take into account the different public transport accessibility levels (PTALs) of these locations.

As can be seen from the attached appendices, both Earls Court and Walworth Road have excellent PTALs of '6a' and '6b' respectively, with access to multiple modes of public transport. In contrast, Lordship Lane has a PTAL of 4 (medium) with access limited to bus and train. Despite these obvious differences, the applicant's assessment assumes that 15 per cent of all trips to the new store in Lordship Lane will be made by the London Underground network – a scenario that is unlikely if not impossible!

Similarly, the trip generation assessment ignores the different levels of car ownership in East Dulwich, Earls Court, North Southwark (Walworth Road) and their surrounding areas (see attached appendices). As the planning inspector made clear, East Dulwich suffers from severe 'parking stress' with as few as 7 parking spaces available within 200m of the proposed development at some points during the week. The area therefore has very limited capacity to accommodate any additional demand for on-street parking within the adjacent residential streets.

Despite the applicant's assurance that any additional demand arising from the net increase of 6 residential units could be controlled by requiring membership of a Car Club for three years, this would be difficult to enforce and no doubt problematic for future occupiers of these flats. Therefore it should be assumed that demand for parking would increase by many spaces.

Finally the assessment fails to take into account the fundamental difference in characteristics between mid-range stores of up to 650m² (which tend to promote top-up and convenience shopping) and larger stores of 850m² or more (which encourage one-stop shopping). Naturally the greater the number of items purchased, the more likely customers are to arrive and depart by car – and given the unrestricted parking available in neighbouring streets it is unlikely that customers would be deterred from arriving by car simply due to the loss of the existing on-site car park.

In summary I believe the above application would result in a level of on-street parking demand that would significantly inconvenience existing local residents who would face increased pressures on local parking, leading to a loss of residential amenity.

Delivery Times

Whilst a revised Servicing Management Plan has now been submitted – with amended delivery times proposed for Saturday and Sunday – serious questions remain over whether all 10.7m articulated lorries would be able to comfortably use the rear service yard whilst entering and leaving in forward gear. Clearly there is a risk of significant noise disturbance for a number of neighbouring residents. Nevertheless, if the council is minded to approve this application, conditions on the hours of commercial delivery, and hours of loading and unloading, must be included to ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Saved Policy 3.2 of the Southwark Plan. I would also urge for deliveries to be through the front of the shop on Lordship Lane, as is the case for the Cooperative Store.

Roof Terrace

Similarly there is potential for surrounding occupiers to be impacted as a result of noise and disturbance emanating from the first floor roof terraces at the rear of development.

This will be a loss of amenity to many residents in neighbouring properties. However, if the council is minded to support this application, then I would urge mitigation by way of condition –for example by restricting the hours of use – to ensure that adjoining occupiers in the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

34 Chesterfield Grove Objects

I would ask you to take into account the increase in cars parking on nearby roads if this change happens due to the loss of the car park in the current Iceland store.

I live on Chesterfield grove and we already feel a great pressure and increase in cars on our road due to the clients at the car wash at the bottom and the increase generally in people coming to east dulwich, which is of course a good thing for the local economy but the loss of a car park will only make the area less attractive to residents and those trying to use the facilities.

Please also consider the increase in noise and general disturbance of m and s lorries delivering in the early hours of the morning to local residents. As they don't seem to say when exactly they will deliver it would be very important to get an agreement that they will follow the same times as current Iceland deliveries.

Also, adding to the congestion on the road is the lack of turning space for delivery lorries. Currently Iceland lorries enter from the Melbourne grove end of chesterfield grove as it's not physically possible to enter from lordship lane, can you take this into consideration as m and s seem to think they can enter from the Lordship lane end. If this were to happen there will need to be some changes to the parking on chesterfield gr (lordship lane end) in order to allow the lorries to turn. Currently the Iceland lorries have

problems even when the cars are parked legally.

15 Ashbourne Grove - Objects - My major concern has been the open walkway to the flats which will overlook our gardens, reducing privacy and creating noise from potential parties etc. I would urge the planners to reconsider the change of use from office to flats and this stair access and roof garden. This really does overlook our gardens and will disturb residents.

Whilst I recognise Marks and Spencer's have reduced their opening hours, this will not reduce noise from the flat owners.

The loss of the car park at Iceland is a significant issue, when we lost Somerfield currently Co op's car park we were told that the flats above would not own cars, and this would not increase parking problems. The loss of this car park has affected parking in the area and our car is frequently blocked in by shoppers thinking they can nip to the shops. The residents above the Co op do own cars and park them in our road, one of which remained untaxed outside our house for one month! I have spoken to Jonathan Mitchell about the parking problems in the area on several occasions; it is naïve to think people won't drive so parking is a necessity. Loosing a car park which is already in use appears complete madness or sheer greed.

8 Chesterfield Grove Objects

Whilst we would not object in principle to the arrival of Marks and Spencer's and the change of use of the offices to flats, apart from what can only be described as a token concession in the minor change to the servicing schedule, a number of areas of concern around the impact on the immediate local community have still not been addressed in this latest application. In summary:

- The claims of the supporting documentation that there will be little/no impact on parking in the local area, are entirely unconvincing and in being so one-sided are lacking in credibility. This view was backed up by Southwark Council's decision to reject the original application.
- The Council's apparent suggestion that this would be mitigated by the offer of a three-year car club membership for residents of the flats is plainly ridiculous.
- There will be a significant increase in disruption to the local community in terms of traffic and noise created by the service arrangements for the shop, which are more extensive than for the current shop.
- The scale of the development is wholly inappropriate and overly ambitious for the size of the site and its proximity to local residents.

For these reasons we object to the development as it is currently proposed.

In particular I would like to draw the following issue to attention:

The applicant has made quite clear the application is almost identical to the previous one, and that the main change is to the AM weekend servicing hours, following a meeting with Southwark in December 2013 where this was apparently discussed.

However the reasons given by Southwark Council for refusing the first application relate to the impact on parking, not servicing arrangements. The following explanation is taken from Southwark Council's online planning portal:

"Discussions were held with the applicant and further information received during the

course of the application, but it was not possible to overcome the concerns raised and permission was refused.

The proposed development, owing to the loss of the customer car park and increase in vehicle trips associated with the extended retail unit would increase parking stress on the surrounding streets in the area which already experiences a high level of on-street parking. This would result in an unacceptable loss of amenity to neighboring residents, contrary to saved policies 3.2 'Protection of amenity' and 5.6 'Car parking' of the Southwark Plan (2007), the Sustainable Transport SPD (2010), strategic policy 2 'Sustainable transport' of the Core Strategy (2011), policy 6.13 'Parking' of the London Plan (2011) and section 4 of the NPPF"

This new application makes no attempt to address this parking issue, despite Southwark being clear and categorical about it being the reason for refusal, and therefore Southwark can surely have no other course of action available other than to reject it once again.

Below I set out my objections to this application.

Parking

We have serious concerns about the manifest over-development of the site with the application proposing an increase in floorspace of no less than 85%.

Paragraph 7.2 of the Transport Statement states that as a worst-case scenario the development is likely to generate a parking demand of 4-7 spaces. Given that the proposal would remove a car-park of 17 spaces which is currently well-used, add 8 flats, and bring a very attractive large store to the area, this conclusion is simply not credible. This is a ridiculous claim, which I hope Southwark planning officers are astute enough to recognise as being so.

The reality is that parking in the surrounding streets (in particular Chesterfield Grove) already has to cater for:

- a. local residents and their visitors.
- b. shoppers to Lordship Lane.
- c. commuters using East Dulwich Station – who park all day.
- d. at the east end of Chesterfield Grove, many people trying to park while waiting to get attention at the car-wash facility right at the entrance to this site.

The assumption that people coming to shop in M&S will use public transport is baseless. To the contrary, it is a matter of common sense that a major top-end food shop will attract people to do their weekly food-shops, which are not easily carried away from the shop by public transport. If people wish to use their cars they will, regardless of what the Council wishes they would do. The Survey is therefore totally inadequate for any consideration of this issue.

The offer of a car-club membership for residents of the flats is nothing more than a token gesture. It is hard to believe that planning officers at Southwark really think that this would mitigate the additional parking stress. Such an assumption does not factor in the following:

- d) The buyers of the flats may already own cars.
- e) The buyers of the flats may not wish to enter into such a scheme.
- f) It does not offer any mitigation for the increased numbers of people who will want to park in the immediate locality to use the shop. It is simply not realistic to claim that this will not happen.

g) It does not offer any mitigation for the 57 members of staff of the shop.

In addition, it is only for three years, so even if it did offer even basic mitigation, that effect would expire after three years, leaving the street with an exacerbated parking problem.

In summary, compared to the present site occupation (with the office space on the market for over 2 years):

- a. The retail space will increase by 85%.
- b. 57 staff will be employed and need to attend the site.
- c. Numbers of service vehicles will significantly increase
- d. 8 new homes will be developed
- d. 17 existing car park spaces will be reduced to zero.

It completely defies common sense for the Transport Advice to conclude that there will be no significant increase in trips and as a consequence no increased pressure on the very limited parking in neighbouring streets.

Saved Policy 5.6 of the Southwark Plan states that amongst the issues to be considered is "*The impact on overspill parking*" and manifestly once again this has not received proper consideration.

Reality has to be faced that on this constricted site with very restricted access these proposals are manifestly over-developing the site without at least some provision for car parking.

Deliveries/Noise

Iceland's servicing has created persistent problems – significant noise, traffic constriction with large lorries often blocking Chesterfield Grove, lorries trying to back out of the site and repeated damage to local vehicles, let alone being a safety issue for the many children living on the street. Suggestions in the initial submission that there have been no problems were completely untrue. Indeed, Tessa Jowell MP has got involved with this issue on behalf of local residents in the past.

With a 85% increase in floorspace (and the corresponding increase in demand for deliveries) servicing problems will only increase. This will impact greatly on local residents (who are already subject to significant noise caused by the car wash). Not only does the noise of revving engines while trying to reverse carry a long way, but the bleeping noise and broadcast voice warning in reverse is hugely intrusive especially at quiet hours. And every service vehicle to the rear of the site has to reverse in to the service bay. Any servicing plan must be restricted to ameliorate this for local residents.

The inference from this application is that the council consider deliveries can take place on a residential street at 10pm on weekdays or 8am on a Saturday and not impact on the residents' amenity. We wholeheartedly disagree; on the contrary this is highly intrusive when it is an entirely reasonable expectation for this to be a quiet time.

We note that the suggestion by Victoria Lewis (in her email of 15 August 2012 to Stephanie Weeks) that consideration should be given to using the loading bay at the front of the store for early deliveries has been ignored by the applicant. Given that the Co-Operative, just metres down the road, loads from the front of the shop (as do all other shops on Lordship Lane), there is no reason why M&S could not load from the front as well. Southwark should make this binding condition preferably for all deliveries, but if not then at the very least for deliveries outside core 0830 – 1800hrs. M&S are of course not going to volunteer to do this, so it is up to Southwark to impose it upon them – there is

no reason why this would not be possible. Given the repeated application it is clear that M&S want to open this shop, so we think it is entirely reasonable that Southwark are robust in protecting local residents' interests in such a way.

Whilst we welcome M & S's commitment to 'Neighbourly Initiatives' and Code of Practice for out-of-hours deliveries, these are merely stating an intention and are by no means enough. It is vital that any service arrangements should be controlled by strong binding conditions. For instance, the application suggests that it should be necessary for 4 deliveries per day. However, unless this is made to be a binding condition, there is nothing to stop M&S running 12 deliveries a day. Without reasonable binding conditions, it is impossible to ensure that the stated plan is rigorously adhered to and to take enforcement action if necessary, and therefore the local residents are left powerless. There can be no good reason for M&S not to accept them.

In summary, binding conditions should be imposed with a stated maximum number of deliveries per day (4, as per the application), more limited delivery hours than is being suggested (deliveries no later than 2000hrs on a weekday, and no earlier than 0900 on a Saturday), and a cap on the number of articulated lorry deliveries at 2 per day.

48 Tyrrell Road Objects

I strongly believe that the proposed extension to the existing building is not appropriate. Why do M&S need to extend the existing premises? The bigger the store, the more deliveries. The existing Iceland store is located on Lordship Lane which is adjacent to residential road(s) where there are residents with young families. Having read the planning application I sympathise with the residents in the immediate vicinity because of the frequent deliveries that will take place, noise, invasion of privacy with elevated outdoor space.

The store would obviously attract more footfall to East Dulwich from other areas, how will M&S deal with the parking problems that are going to arise? Lordship Lane is currently a no-permit parking area meaning users of the store will park here frequently along with the residents of the new proposed housing above the M&S store.

15 Chesterfield Grove - Objects

Delivery Times:

It is proposed that weekday deliveries take place up to 10 pm at night- this on a residential street.

The council already have photographic evidence of jams caused by these huge delivery vehicles. Aside from dangers to pedestrians, as well as evidence of damage to property caused by these vehicles, it is the intention to step up deliveries, placing more stress on the adjoining streets and on residents.

The current application turns on trust in the goodwill of delivery service employees to go about their work as quietly and expeditiously as possible. This is not sufficient protection for local residents who will almost certainly have sleep and rest periods disturbed by extended delivery and servicing hours as well as more frequent deliveries. There will also be an increase in blockages on the street which already contends with a high volume of traffic from the car wash and Northcross Road market at the weekend.

In addition, it is proposed that a higher volume of deliveries by vehicles of the same size will be made in a smaller space, with less room to manoeuvre. All the clever diagrams in the world cannot detract from the fact that the current proposals place too much demand

on the space available.

Maximum servicing and delivery hours are being placed on a residential street, this is not a main high street.

Access and lorries

Have any of the planning team, or the community council actually visited when an Iceland truck is delivering and leaving? If this has not been witnessed it is suggested that such a visit is made, so that planners can witness the inherent difficulties with the access space.

Please note that the giant bollards at the access area have been damaged by Iceland lorries. It is noted that this point was discounted by the last planning report since it could not be proven that damage had been made by one of the lorries. Common sense dictates that on the balance of probability the most likely source of damage is one of the lorries.

There is a history of damage to residential property and to parked cars by Iceland lorries. It is not clear why this has been overlooked. Such damage has to be taken into account as evidence that the residential street and access areas are not suitable for the size and type of vehicle delivering. If deliveries are to be stepped up the possibility of further accidents and damage to property must be considered.

Computer aided diagrams indicating access and manoeuvring routes present a highly idealised perspective. The reality is very different.

6 Chesterfield Grove (2 letters from this property)- Objecting on the following grounds

Delivery times:

Back in 2000 the residents of 4 and 6 Chesterfield Grove reached a private agreement with Iceland Plc a time slot of 1 hour 8am-9am for the first deliveries of the day. To date, this continues to be an amicable arrangement and works well, all but the lorries getting stuck on occasion.

There are some discrepancies with this application regarding opening and delivery times.

The new application form (20.Hours of Opening) indicates the following opening times:

Mon-Fri Sat Sun

7am-10pm 8am-10pm 10am-6pm

Yet the covering letter states:

"The main point of difference is the AM weekend servicing hours that are now being sought. These are proposed as:

Monday-Friday: 07:00-22:00

Saturday: 08:00-21:00

Sunday and Bank Holidays: 10:00-18:00"

I'm perplexed as to how/why Southwark and M&S representatives think it acceptable to receive delivery vehicles, of which will be large and incredibly noisy, in a residential street at 10pm in the evening during the week. This is not acceptable to residents. The delivery point is in a residential street not on a main road. The site in question is not in an area away from residential abodes such as Sainsbury's on Dog Kennel Hill where deliveries have little impact on the surrounding area.

Residents of Chesterfield Grove have not been consulted by Southwark Council nor representatives of M&S on this matter. It is not fair to assume such times are acceptable to residents based on other sites' operations.

Again, it is suggested deliveries are made to the rear of the store – in a much smaller space than currently exists. Logic?

So Chesterfield Grove residents will have to put up with further and more regular occasions where lorries struggle to get in and out of the site? It is completely ridiculous to think this will not be a problem and residents should not be expected to put up with this.

· Access and Lorries:

As you will have perceived by now access to servicing the site is via Chesterfield Grove, a residential road, emphasis on residential.

The entrance to the site is narrow and lies between the Car Wash at the back of Bushells Estate agent, No.94 Lordship Lane and No.1 Chesterfield Grove.

Having lived at No. 6 Chesterfield Grove since March 1976, when the street was virtually car free, we have seen Sainsbury's, Bejam and now Iceland come and go. It is immaterial who come next be it M&S, Morrisons, Lidl, a pound shop, Waitrose or re-leased to Iceland. Problems remain the same.

Accessing the site at the rear via the narrow gap between No. 1 Chesterfield Grove and the back premises of No. 94 Lordship Lane has always been a task, in particular, when entering the site from Chesterfield Grove via Lordship Lane as proposed by squiggles on submitted drawings.

The plans drawn are computed aided – all very pretty. Good in theory but not in practice. They do not take into account the human error factor. No matter how good the drivers are, accidents happen. There are currently bollards, a metal barrier, and engineering blocks from roof to ground that help protect the house at No.1 Chesterfield Grove. One bollard has suffered considerable damage by Lorries demonstrating the problems entering and exiting the site.

The lorries get stuck trying to swing in onto the site via Lordship Lane resulting in constant beeping noises on reversing or the instructive "this vehicle is now reversing". The norm is to come in via Lordship Lane, proceed down Chesterfield Grove, reverse turn in Melbourne Grove to then come back up Chesterfield Grove to access the site by the side of No.1 Chesterfield Grove.

The lorries, when on site, at present use the car parking area to turn to exit the store. This is not always possible if cars are parked either side of the entrance. Lorries often get stuck on site.

It must be stated these are articulated lorries and M&S are proposing the same 10.7m (which is NOT a small vehicle) with a couple of small vans/trucks. All are much too big for residential streets.

Chesterfield Grove residents and visitors have had to put up with damaged cars, pavements and also front garden walls being knocked down.

Local Councillors, James Barber in particular and also in years past Nick Dolzeal, are aware of the problems and also agree the current situation is not acceptable and is unlikely to improve with the proposed application.

- Parking on Chesterfield Grove

The topic of parking remains to be a debatable problem with no suggestion from the applicant on ways to help ease the concern, or indeed to solve the problem.

Chesterfield Grove is not only used by residents but also heavily by shoppers and workers to Lordship Lane, in particular the hordes of local estate agents and car-wash customers. On days when Northcross Road is closed to road traffic due to the cosmopolitan street market, Chesterfield Grove sees even more cars trying to be parked. Traffic and noise is increased.

The proposed flats, as stated, are intended to house 4 persons each (no mention of children) which would equate to 32 people. That could potentially in the future mean 32 more cars. Plans for the current small car-park are to remove all parking entirely on site. Where are these residents going to park? Assumptions that these new “affordable” flats (questionable in itself) will attract young couples with no car is just that – an assumption.

Where are staff going to park?

It's not just cars and vans to take into consideration but smaller modes of transport too, such as mopeds and motorbikes. Where can these park safely?

In addition to residents and staff - where are the customers of the store going to park? It is a ridiculous idea to think the intended clientele which will be attracted to the site if it becomes M&S or another “up market” supermarket, will travel by cycle or, heaven forbid, public transport. Walking isn't even in the equation. You must be joking. The thought of yummy mummy's in their jim-jams arriving in their 4x4s or the like, storming the store at 7am is more realistic!

- Disabled Access

The proposed residential development does not address access for those with mobility issues.

Are the proposed flats designed with access in mind? How will a wheelchair bound resident or even visitor access the flats?

Consideration for those with mobility issues is not demonstrated anywhere within the application to the retail part of the site. With the removal of the current car park at the rear the site owners cannot meet these requirements. Will there be on street special blue badge parking bays to accommodate disabled patrons needs? Would this then not cause additional problems to parking?

- Housing affordability

One would imagine the term “affordable” to apply to everyone.

Apparently the residential space above the retail site will be transformed into “affordable” housing. For whom? From the information provided within the application it would indicate hoped for residents to be of the young high end professional status. This would not deem flats to be affordable for all only those in the targeted catchment and certainly not affordable to those currently living in the area.

- Security

No mention of this for the retail establishment. What steps would be made to ensure security, not just for the store but for residents on Chesterfield Grove and Ashbourne Grove.

- Lighting

Additional Lighting will be required at the rear of the site for workers, for walkways and for intended footpath. Nothing indicated on the plans. How will this affect neighbouring houses on both sides of Chesterfield Grove and Ashbourne Grove.

- Fire & Safety

No mention on the proposed plans of fire exits, sprinklers etc. for residents of the site or for retail space. Where are the evacuation points? Will there be access for emergency services vehicles?

- Waste storage

Proposed plans to hold wastage storage units at the rear of the property backing up to 1 Chesterfield Grove is not acceptable. Hygiene issues galore!

Is it really acceptable and expected for 1 Chesterfield to happily put up with refuse retainers and the rest of the rubbish that won't into provided bins to back up on to their own property? 1 Chesterfield Grove's garden sits in the position in question.

Issue of pest control also arises.

Where will the retail unit store their rubbish? How will it be collected and with what regularity?

- Increase of size of development & supporting local businesses

Such a drastic development, which is termed as "small/modest" will certainly have a big impact on the surrounding area, both visually and by noise. Although sound checks/studies had been made no one can accurately predict what is going to happen when everything is up and running. Even sound engineers cannot do that.

Much of the application demonstrates the lack of understanding of the area.

Further to this, which is something Southwark Council must consider, is the effect such a new development will have on local businesses. This is irrelevant of M&S. By increasing the size of the current site by almost double invites big businesses to compete for trade amongst the smaller businesses.

East Dulwich traders, councillors, residents and shoppers have worked so hard over the years to improve the area and shopping experience. By unnecessarily permitting such a large development to take place will put local trade at risk.

Such a development is likely to have a detrimental long term effect on local business and the community.

31 Rodwell Road - Support

We are writing in support of the above planning application. While we do not live in one of the neighbouring streets, this application is of key importance for the health of our local shopping street, Lordship Lane, hence our interest. We would be very concerned if the shop became empty because of yet further delay in the development of the site, and there is also an acute need for additional private housing in the area.

Regarding the failure of the previous application, we believe this was rejected on fundamentally flawed grounds. The Planning Inspector primarily rejected the application due to concern at the loss of car parking space at the rear of the property. While the car park is signposted on the signage at the front, few people use this car park due to the narrow access way behind the car wash. Indeed, the inspector even noted that the car park had a number of empty spaces when he visited the site. In turn, to criticise the applicant for removal of the car park seemed fundamentally unfair. Any proposal to bring this car park into proper use would surely meet with vigorous opposition from the residents of Chesterfield Grove, from where the car park is accessed.

To conclude, the duration of this planning dispute is a shocking indictment of the current state of our planning system and the ability of reactionary local interests to latch on to any number of spurious reasons to halt development. This should be a simple application to pass: ultimately it involves replacement of one food retailer that wishes to leave the shop unit with another food retailer that wishes to invest in the site, as well as replacement of poor quality offices with desperately needed residential units. To reject the application (and to place excessively restrictive conditions on it) risks leaving an empty shop unit and jeopardises the ongoing health of the local shopping street. Please pass this application, and do so as quickly as possible.

No address provided E- Form letter of support

Fully support the application and feel that it would on balance be an improvement to the current use of the site and positive benefits for the rest of the high street.

East Dulwich Resident E- form letter of support

I support the application. If the current tenant is vacating the property then the proposal will improve the appearance of the site; provide much-needed accommodation in a currently under-utilised section of the building (the upper floors); and improve the quality of shops on Lordship Lane. There is nothing concrete in the plans to suggest that the proposal will increase the number of deliveries. The suggestion that the application should be rejected because of the loss of parking spaces reflects the determination of (some) motorists to carry on driving in urban areas - much of which (eg residents of Dulwich Village driving to shop on Lordship Lane) is unnecessary and itself contributes to the traffic difficulties in SE22.

A quality retailer will bring jobs to East Dulwich - as a community we should be reluctant to be so hostile to major employers wishing to locate themselves on Lordship Lane

44 Ashbourne Grove - Supports the proposal

I am writing in support of the development despite the potential increase in parking and delivery traffic to an increased store. Currently, the site does appear to be under-utilised and the proposal made by the developer does appear to make better use of the site, both through providing additional accommodation in East Dulwich and also better use of the area directly behind the current Iceland store (the current carpark and carwash).

The local area is well served by public transport - both multiple bus routes and trains. The addition of additional flats should not necessarily increase 'parking stress' and as a resident of a zone 2 location in East Dulwich, we as residents should not expect that we have a right to park on the road outside of our house - indeed we should be reducing our reliance on cars and using car clubs and pooled cars rather clogging up our streets with lines of residential cars.

I expect that there would not be much additional traffic due to the change from Iceland to Marks and Spencer due to the good public transport links.

We should be encouraging the ongoing development and improvement of our local

environment rather than blocking it because of concerns that result from choosing to live in a central borough of London.

SE22 8PZ -Support

I am very much in favor of this application. I am a patron to Lordship Lane shops almost every day and find the Iceland, in particular, to not be very well kept and would welcome a change to M&S. A lot of neighbours will likely be worried about parking and noise from M&S, but frankly I am not sure why it would be any different than Iceland. The appearance of the facade to me would also be a welcome change,

No address given - Support

would like to add my support for 84-90 Lordship Lane to be turned into Marks and Spencer's . I feel Dulwich would benefit from having Marks here.

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mr M. Lerner Farcastle Group	Reg. Number	14/AP/0280
Application Type	Full Planning Permission	Case Number	TP/2315-84
Recommendation	Grant With Unilateral Undertaking		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant.

At: 84-90 LORDSHIP LANE, LONDON, SE22 8HF

In accordance with application received on 28/01/2014

and Applicant's Drawing Nos.

Existing

Location Plan, 121/P(--)-10 Rev P3, 121/P(--)-11 Rev P2, 121/P(--)-12 Rev P2, 121/P(--)-13 Rev P2, 121/P(--)-50 Rev P2, 121/P(--)-52 Rev P2, 121/P(--)-53 Rev P2

Proposed

1121/P(--)-110 Rev P3, 111 Rev P2, 112 Rev P2, 113 Rev P2, 150 Rev P2, 151 Rev P2, 152 Rev P2, 153 Rev P2, 154 Rev P3, 200 Rev P2

Documents

Planning statement, Ecohomes pre-certification assessment, A compendium of reports on marketing, Bailey Eco roof specification, Environmental noise assessment, Aboricultural survey, Impact Assessment and Method Statement, Design and Access statement, Transport statement, Code of practice- out of hour's delivery and servicing, Noise assessment with respect to servicing noise, Schedule of materials and finishes

Subject to the following seventeen conditions:

Time limit for implementing this permission and the approved plans

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

1121/P(--)-110 Rev P3, 111 Rev P2, 112 Rev P2, 113 Rev P2, 150 Rev P2, 151 Rev P2, 152 Rev P2, 153 Rev P2, 154 Rev P3, 200 Rev P2

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

Pre-commencement condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is

commenced.

- 3 Prior to the commencement of the retail use (Class A1), details of the delivery servicing arrangements, including on site specific measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given.

Reason

To ensure that occupiers of neighbouring residential occupiers do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, .Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

- 4 Before any work hereby authorised begins, details of the foundation works and changes to levels to be used in the construction of this development, showing how the roots will be protected, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the use of trial holes or trenches to check for the position of roots. The development shall not be carried out otherwise than in accordance with any such approval given. All works shall adhere to National Joint Utility Group, Guidance 10 - Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2).

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of screening, local biodiversity and adaptation to climate change, in accordance with NPPF Parts 7, 8, 11 & 12, London Plan 2011 Policy 2.18 Green infrastructure; Policy 5.1 Climate change mitigation; Policy 5.10 Urban greening; Policy 6.1 Strategic approach; Policy 7.4 Local character; Policy 7.21 Trees and woodlands; and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards. and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.28 Biodiversity.

- 5 The protective measures shall be installed and retained throughout the period of the works in accordance with the details contained in the Arboricultural Impact Assessment report by TreeKing dated September 2012. Protective fencing must not be moved or removed without the explicit written permission of the Local Authority Urban Forester. Within tree root protection areas any excavation must be dug by hand such that any roots found to be greater than 25mm in diameter are retained and worked around. Excavation must adhere to the guidelines set out in the National Joint Utilities Group (NJUG) publication Volume 4, 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2)'.

In any case, all works must adhere to BS5837: Trees in relation to demolition, design and construction (2012) and BS3998: Recommendations for tree work (2010).

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and will be designed for maximum benefit of screening, local biodiversity and adaptation to climate change in accordance with Policy 2.18 Green Infrastructure, Policy 5.1 Climate Change Mitigation, Policy 5.10 Urban Greening, Policy 7.4 Local Character, and Policy 7.21 Trees and Woodlands of the London Plan 2011; Strategic Policy 11 Open spaces and wildlife, Strategic Policy 12 Design and conservation, and Strategic Policy 13 High environmental standards; and Saved Policy 3.28 Biodiversity and Policy 3.2 Protection of amenity of the Southwark Plan 2007.

Commencement of works above grade - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 6 Before any fit out works to the residential premises hereby authorised begins, an independently verified Eco Homes report detailing performance in each category, overall score to achieve a minimum 'very good ' rating 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;

Before the first occupation of the building hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason:

To ensure the proposal complies with The National Planning Policy Framework 2012, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

- 7 Before any above grade work hereby authorised begins, details (including a specification and maintenance plan) of the green roof and detailed drawings at a scale 1:100 of hard and soft landscaping showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping and planters to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given, and the green/brown roof/ living walls/ vertical gardens and planters are to be retained for the duration of the use. Where trees and large shrubs are proposed to be provided within planters the soil volume shall be a minimum of 4 cubic metres per tree and 1 cubic metre per shrub or climbing plant. All planters are to provide a minimum internal soil height of 1m height. Where these are at ground level planters shall have their bottoms open to native soil beneath so that roots may naturally colonise and exploit such soil. Details of irrigation shall be provided such that water is available for the maintenance of all planters by mains, grey water or other sustainable drainage specification such as attenuation tanks.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of screening, local biodiversity and adaptation to climate change, in accordance with NPPF Parts 7, 8, 11 & 12; London Plan 2011 Policy 2.18 Green infrastructure; Policy 5.1 Climate change mitigation; Policy 5.10 Urban greening, Policy 5.11 Green roofs and development site environs; Policy 5.13 Sustainable drainage and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards. and Saved Policies of The Southwark Plan 2007: Policy 3.13 Urban Design; Policy 3.2 Protection of amenity; Policy 3.28 Biodiversity.

- 8 Before any above grade work begins, details of how the residential rooms within the development sharing a party element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that NR20 is not exceeded due to noise from the commercial premises, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use hereby permitted and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises accordance with saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and strategic policy 13 'High environmental standards' of the Core Strategy (2011).

- 9 Prior to any above grade works details of the method of privacy to be erected along the boundary with 82 Lordship Lane shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to protect the privacy and amenity of existing and future residential occupiers at 82 Lordship Lane from undue overlooking in accordance with SP 13 High environmental design of the Core Strategy and Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

Pre-occupation condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 10 Prior to the commencement of the use, the scheme of mechanical ventilation for the residential element of the development, including an appropriate inlet, appropriate outlet, details of sound attenuation for any necessary plant and any management or filtration mechanisms, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given and shall be carried out before the use hereby permitted is commenced.

Reason

In order to ensure that the ventilation of the residential elements is adequate and is protected from environmental noise and pollution and will not detract from the appearance of the building in the interests of amenity in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

- 11 Prior to the commencement of the authorised use, an acoustic report detailing the rated noise level from any plant, together with any associated ducting (which shall be 10 dB(A) or more below the measured LA90 level at the nearest noise sensitive premises) shall be submitted to and approved in writing by the Local Planning Authority. The method of assessment is to be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. The plant and equipment shall be installed and constructed in accordance with any such approval given and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that occupiers of neighbouring residential occupiers do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007)

- 12 Before the first occupation of the residential building and retail extension the cycle storage facilities as shown on drawings 11121/P(--)-110 Rev P3 and 11121/P(--)-111 Rev P2 shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 13 Before the first occupation of the residential building and completion of the retail extension hereby permitted, the refuse storage arrangements shown on the approved drawing/s referenced 1121/P(--)-110 Rev P3 shall be provided and made available for use by the occupiers of the [dwellings/premises] and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 14 The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms- 30dB LAeq, T * and 45dB LAFmax

Living rooms- 30dB LAeq, T ç

*- Night-time 8 hours between 23:00-07:00

ç Daytime 16 hours between 07:00-23:00.

A validation test shall be carried out on a relevant sample of premises following completion of the development but prior to occupation. The results shall be submitted to the LPA for approval in writing.

Reason

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2012.

- 15 Servicing in connection with the proposed retail unit should not take place outside the hours of 07:00 to 22:00 from Monday to Friday, 08:00 to 21:00 on Saturday and 10:00 to 18:00 on Sundays and Bank Holidays.

Reason

To ensure no loss of amenity through noise and disturbance to the residential occupiers adjoining the site nearby on Chesterfield Grove and Ashbourne Grove, in accordance with SP 13 High environmental standards of the Core Strategy 2011 and saved policy 3.2 'Protection of Amenity' of the Southwark Plan (2007)

- 16 The use hereby permitted for retail A1 purposes shall not be carried on outside of the hours 07:00 to 22:00 on Monday to Saturdays or 10:00 to 18:00 on Sunday and Bank and Public Holidays.

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

Other condition(s) - the following condition(s) are to be complied with and discharged in accordance with the individual requirements specified in the condition(s).

- 17 Details of any external lighting (including design, power and position of luminaries) and method of security of external areas surrounding the building shall be submitted to and approved by the Local Planning Authority before any such lighting or security equipment is installed and the development shall thereafter not be carried out otherwise than in accordance with any approval given.

Reason: In order that the Council may be satisfied as to the details of the development in the interest of visual amenity of the area, safety and security and the amenity and privacy of adjoining occupiers in accordance with Policy 3.3 'Urban Design' of the Southwark Plan (2007) SP12 'Design and Conservation' of the draft Core Strategy (2011).

Statement of positive and proactive action in dealing with the application

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. The previous appeal decision was taken into account by the applicant as material consideration in the assessment of this case.



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Item No. 7.2	Classification: OPEN	Date: 22 July 2014	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 13/AP/3998 for: Full Planning Permission Address: LAND ADJACENT TO 1 DOG KENNEL HILL, LONDON, SE22 8AA Proposal: The erection of a terrace of 9, five storey plus basement, three bedroom houses with gardens, underground car park and associated bicycle, refuse and recycling storage areas.		
Ward(s) or groups affected:	South Camberwell		
From:	Head of Development Management		
Application Start Date 09/12/2013		Application Expiry Date 22/08/2014	
Earliest Decision Date 27/02/2014			

RECOMMENDATIONS

- 1 That Members resolve to grant planning permission subject to conditions and the applicant entering into an appropriate legal agreement by no later than 22 August 2014; and
- 2 In the event that an appropriate legal agreement is not entered into by the 22 August 2014, that the Head of Development Management is authorised to refuse planning permission using reasonable discretion, for the reason set out in paragraph 37 of this report.

BACKGROUND INFORMATION

Site location and description

- 3 The site is located on the western side of Dog Kennel Hill, close to its junction with Champion Hill. It is presently vacant but was previously occupied by a large 1950s detached dwelling. There is a small group of residential properties to the south of the site, with a more recent seven storey development of nineteen flats further south. To the north is Seavington House, a group of 10 maisonettes.
- 4 In the wider surrounds are Mary Seacole House (opposite) and the East Dulwich Estate. To the north are garages.
- 5 The site is 40m south of the Camberwell Grove conservation area. There are a number of listed buildings in the vicinity, including the grade II listed Chaplin Cottage at 47 Champion Hill and 197-201 Grove Hill Road. The application site is also within an Air Quality Management Area and the Urban Density Zone.

Details of proposal

- 6 It is proposed to erect a five storey building on the northern part of the site that would

accommodate nine 3 bedroom houses. A basement would also be excavated to accommodate cycle parking, a utility room and a car park space for each dwelling, accessed by a ramp along the southern part of the site.

- 7 These scheme is very similar to a scheme (reference 10-AP-1891) given planning permission by members at the Camberwell Community Council on 16 March 2011, the differences being that the depth of the development at floors 1-4 would be greater (to the south) by 840mm and that the height of the scheme would be 300mm more. Other differences in this application include details that were previously subject to conditions, namely condition 10 (details of the gradient of the access ramp), 13 and 15 (boundary treatments).

Planning history

- 8 05-AP-2192, application for demolition of existing house and erection of a new residential building comprising 12 units, a mix of 10 x 2 bed and 2 x 3 bed private apartments four storey building. This application was refused by the council and but the scheme was granted permission at appeal on 25 May 2006.
- 9 10-AP-1861, planning permission granted on 1 April 2011 for the erection of 5 storey building including basement car park to provide 9 x 3 bedroom houses, private amenity space, soft and hard landscaping and boundary treatment. This permission has since lapsed.

Planning history of adjoining sites

- 10 Land at Dog Kennel Hill Primary School
04-AP-0510, planning permission granted on 2 August 2005 for the erection of 5 storey building fronting Dog Kennel Hill adjoining Walcot House. Providing school accommodation on the ground floor consisting of 4no. class rooms, dining hall, parents room and art/DT room together with five floors of residential accommodation consisting of 15 x 2 bed residential units. This site is known as Mary Seacole House.
- 11 Land Adjoining 8 Dog Kennel Hill
04-AP-1765, planning permission granted on 8 February 2005 for the erection of part 6/7 storey building comprising 19 residential units and basement.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 12 The main issues to be considered in respect of this application are:
- a. the principle of the development
 - b. impact on existing residential amenity
 - c. quality of residential accommodation
 - d. transport impacts
 - e. design and the impact on the nearby conservation area and listed buildings

Planning policy

- 13 National Planning Policy Framework 2012
This application should be considered against the Framework as a whole, however, the following sections are particularly relevant:
4. Promoting sustainable transport

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment

London Plan July 2011 consolidated with revised early minor alterations October 2013

- 14 Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.21 Contaminated land
- Policy 7.4 Local Character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.15 Reducing noise and enhancing soundscapes

Core Strategy 2011

- 15 Strategic Policy 2 – Sustainable transport
- Strategic Policy 5 – Providing new homes
- Strategic Policy 12 – Design and conservation
- Strategic Policy 13 – High environmental standards

Southwark Plan 2007 (July) - saved policies

- 16 The Council's cabinet on 19 March 2013, as required by para 215 of the Framework, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the Framework. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the Framework. The following saved policies are considered to be particularly relevant to this application:

- Policy 3.1 Environmental effects
- Policy 3.2 Protection of amenity
- Policy 3.3 Sustainability assessment
- Policy 3.4 Energy efficiency
- Policy 3.11 Efficient use of land
- Policy 3.12 Quality in design
- Policy 3.13 Urban design
- Policy 3.14 Designing out crime
- Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites
- Policy 4.1 Density of residential development
- Policy 4.2 Quality of residential Accommodation
- Policy 5.2 Transport impacts
- Policy 5.3 Walking and cycling
- Policy 5.6 Car parking

Supplementary Planning Documents

- 17 Residential Design Standards SPD (2011)
- Sustainable design and construction SPD (2009)
- Section 106 Planning Obligations SPD (2007)
- Draft Section 106 Planning Obligations/Community Infrastructure Levy SPD
- Sustainable Transport SPD (2010)

Principle of development

- 18 The last use of the site was residential, planning permission 10-AP-1891 also gave permission for a residential development; the principle of a residential land use at this site is therefore established.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

Daylight and sunlight

- 19 The proposed building would be on the northern part of the site, away from the closest dwellings immediately to the south of the site. The development has been designed to allow sufficient daylight and sunlight to be maintained through windows serving habitable rooms of nearby residential dwellings, including those serving the dwellings on Seavington House. It is considered that the scheme would not cause an unacceptable loss of daylight or sunlight to existing dwellings.

Privacy and overlooking

- 20 The boundary with 1 Dog Kennel Hill would be 11m from the proposed terrace. Two windows on the northern flank elevation of this property do not seem to serve habitable rooms. There is however a dormer to what must be a loft room, but this is set back into the roof and sufficiently distant to prevent any significant overlooking or harm to amenity. Importantly, balconies proposed are on the north of the proposed development, away from the more sensitive southern neighbour. To avoid overlooking, only opaque and sand blasted glazing is proposed on the upper floors of the southern elevation.
- 21 With respect to the southern boundary treatment, at the boundary itself, a 1.15m high fence is proposed to reduce the potential for a sense of enclosure at 1 Dog Kennel Hill. Set back from this fence by 1m would be a fence 1.55m high to reduce the potential for overlooking. This treatment is considered to be a significant improvement and sufficient to prevent overlooking from the proposed gardens.
- 22 The distance from Seavington House is even greater at approximately 22m, more than the 21m recommended for 'back to back' separation in the residential design standards SPD.
- 23 A number of objections have been received on the impact that the development would have on daylight and sunlight; noise from construction and fumes. The impact on daylight and sunlight are acceptable for the reasons detailed above. The impact from construction is usually controlled through the Control of Pollution Act 1974; further the council's Construction code of Practice provides guidance on how to limit impacts which the developer would normally have to comply with. This coupled with the fact that the site is on a busy road which would mask construction noise means that officers do not consider it necessary to impose a condition relation to construction management.
- 24 Part of the objection from the Friends of Champion Hill related to the potential for the site to be converted into a larger number of flats, once developed and the impact that this might have on local amenity. Such a development would need planning permission and its impact on local amenity considered at that time, rather than for this scheme.

Quality of residential accommodation

- 25 Providing generous 3 bedroom houses, eight of the dwellings would have a floorspace 231sq.m while the remaining house would be 226sq.m. There are no minimum

dwelling sizes in the Residential Design Standards SPD for five storey, three bedroom dwellings. However, the SPD states that a three storey house for six people should be at least 113sq.m; dwelling sizes are therefore considered to be acceptable. All room sizes comply with the minimum size requirements of the SPD.

- 26 With a whole facade of opaque or otherwise obscured glazing, there would effectively be no outlook to the south, above ground floor. This would affect the quality of accommodation, however sufficient light would enter the rooms and there would be views of good quality to the north because all units would have at least dual aspect.
- 27 Outdoor amenity space is proposed in the form of gardens to the south and balconies to the north. Together these would give 46sq.m of outdoor amenity space for eight of the dwellings with the remaining receiving 36.6sq.m. While below the required standard of 50sq.m, it is considered that they would provide a good quality of private amenity and not sufficient to warrant refusal.
- 28 The site is over the density range for its urban classification at 940 habitable rooms per hectare but is the same as the scheme that was previously given planning permission in 2011. The scheme does meet some of the criteria for exemplary design such as exceedance of minimum ceiling heights, natural light and ventilation into kitchens and bathrooms and significantly exceeding the minimum floorspace standards. Taking these factors into account the density is, on balance, acceptable.

Transport issues

- 29 One parking space is proposed for each dwelling which, considering that the site has a PTAL of 4, is not considered to be unacceptable, particularly as scheme reference 10-AP-1891 had the same level of parking. Cycle storage for 18 cycles is shown in the basement which would be secure and weatherproof. This provision accords with the latest London Plan requirements; TfL have raised no objection to this application. The previous permission had a condition requiring details of the gradient for the vehicle ramp to be submitted; a drawing submitted shows that the gradient would be 1:8 and suitable for a vehicle to use. The council's Transport Planning Team were concerned about the possibility of conflict between cycle and car users accessing the underground parking. No details have been provided on the access arrangements for cars but this scheme does not seem to include access for cycles. A condition is recommended to require details of access arrangements and in particular measures to prevent conflict between cars and cycles.
- 30 Objections have been received about the impact of traffic, including fumes. Dog Kennel Hill is a busy road and the additional nine vehicles that would park on the site would not cause significant disruption or add significantly to fumes in the locale.

Design issues and the impact on the setting of listed buildings

- 31 Immediately adjacent to the site are 2-3 storey dwellings while further afield, the scale of development increases from the five and six storey East Dulwich Estate and the seven storey development at 8 Dog Kennel Hill previously. The scale and massing of the development is almost identical to that approved, apart from the extension to the south by 870mm and increase in height of 300mm.
- 32 An initially rather plain facade onto Dog Kennel Hill has been amended though the application process to now include greater articulation to provide more interest on this flank facade. With mix of traditional materials such as brick and more modern ones such as a bronze-aluminium fascia, along with traditional materials used in a modern way, the development would have a contemporary design while reflecting a Victorian house typology.

- 33 The design of the proposal would not adversely affect the setting of either the Camberwell Grove conservation area and listed buildings nearby due, in part to the suitability of the scale and massing, and in part to the distance separation from these heritage assets.
- 34 Objections have been received regarding the scale, massing and height of the development. A building of this scale is not out of character at this prominent location, indeed there are buildings of similar heights opposite. Regard should be had to the 2011 permission which was of a similar scale and massing and is a material consideration.

Planning obligations (S.106 undertaking or agreement)

- 35 The developer owns land adjacent to the application site and while the present scheme is below the threshold for a contribution under s106, it is considered reasonable to have a mechanism in place for contributions should development on an adjacent site come forward. The contribution would be on the level of development from this scheme, added to that of any scheme given planning permission on adjacent sites in the future.
- 36 A number of objections have also referred to the fact that this scheme would not trigger contributions under s106 but that the developer has an interest in land adjacent and may seek to develop incrementally. A s106 agreement along the lines of that discussed above would ensure that full contributions would be made should adjacent sites be developed. One objection from the Friends of Champion Hill referred to the possibility of the houses being converted into flats.
- 37 The s106 agreement would cover this eventuality and require suitable contributions to be made should it arise. Should the legal agreement not be signed by 22 August 2012, it is recommended that the Head of Development Management is authorised, if appropriate, to refuse the application for the following reason:

The applicant has interest in land adjacent to the application site which if developed may result in a combined development that would attract planning obligations. The failure to sign a legal agreement would therefore mean that planning obligations required would not be realised contrary to the National Planning Policy Framework 2012; policies 3.12 negotiating affordable housing on individual private residential and mixed use schemes and 8.2 planning obligations of the London Plan 2011; Strategic Policies 6 homes for people on different incomes and 14 implementation and delivery of the Core Strategy 2011; saved policies 2.5 planning obligations and 4.4 affordable housing of the Southwark Plan 2007 and the Section 106 Supplementary Planning Document 2007.

Sustainable development implications

- 38 Environmental measures proposed include photovoltaic and solar thermal panels and energy efficiency measures to meet code for sustainable homes level 4. The mini combined heat and power units that were proposed for the previous application and would have added pollution to local air are not part of this proposal.
- 39 Conditions are recommended to ensure suitable internal sound levels and investigation into ground conditions with remediation if necessary. The council's Environmental Protection Team have not objected to this application.

Community Infrastructure Levy (CIL)

- 40 The development would be subject to a payment under the CIL to an amount of £76,681.

Conclusion on planning issues

- 41 The proposed development is similar to that given planning permission in 2011 (reference 11-AP-1891). It would provide nine high quality family homes with some parking and a good provision of cycle storage. The impact on adjacent daylight and sunlight would not be significant and the boundary treatment would not give rise to a sense of enclosure the dwelling to the south. It would not cause material harm from transport effects and would provide for an adequate level of cycle and car parking.

Community impact statement

- 42 In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. No impact on any group with the above protected characteristics is envisaged as a result of this decision.

Consultations

- 43 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1. Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 44 Eight objections from local residents and the Friends of Champion Hill. These objections related to:

Height
Scale and massing
Traffic impacts
Construction noise
Daylight and sunlight
Density
Lack of affordable housing provision
Potential for conversion into flats

Human rights implications

- 45 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 46 This application has the legitimate aim of providing nine dwellinghouses. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2134-1A Application file: 13/AP/3998 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 1778 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Dipesh Patel, Team leader Development Management	
Version	Final	
Dated	07 July 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Finance & Corporate services	No	No
Strategic Director, Environment and Leisure	Yes	Yes
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		9 July 2014

APPENDIX 1**Consultation undertaken****Site notice date:** 09/01/2014**Press notice date:** 02/01/2014**Case officer site visit date:** 04/03/2014**Neighbour consultation letters sent:** 09/01/2014 and 04/02/2014**Internal services consulted:**

Environmental Protection Team
 Transport Planning Team

Statutory and non-statutory organisations consulted:**Transport for London****Neighbours and local groups consulted:**

09/01/2014 FLAT 3 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 29 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 30 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 32 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 31 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 25 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 24 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 26 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 28 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 27 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 8 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 7 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 9 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 10 APPLESHAW HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DW
 09/01/2014 FLAT 1 APPLESHAW HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DW
 09/01/2014 FLAT 34 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 33 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 4 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 6 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 5 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 23 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
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 09/01/2014 FLAT 1 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 11 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 13 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 12 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 32 WALCOT HOUSE EAST DULWICH ESTATE ALBRIGHTON ROAD LONDON SE22 8AD
 09/01/2014 FLAT 31 WALCOT HOUSE EAST DULWICH ESTATE ALBRIGHTON ROAD LONDON SE22 8AD
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 09/01/2014 FLAT 35 WALCOT HOUSE EAST DULWICH ESTATE ALBRIGHTON ROAD LONDON SE22 8AD
 09/01/2014 FLAT 34 WALCOT HOUSE EAST DULWICH ESTATE ALBRIGHTON ROAD LONDON SE22 8AD
 09/01/2014 FLAT 2 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
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 09/01/2014 FLAT 17 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
 09/01/2014 FLAT 11 APPLESHAW HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DW
 09/01/2014 FLAT 37 APPLESHAW HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DW
 09/01/2014 FLAT 36 APPLESHAW HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DW
 09/01/2014 FLAT 38 APPLESHAW HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DW

04/02/2014	27	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	26	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	25	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	3	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	29	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	28	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	21	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	20	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	2	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	24	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	23	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	22	LANGFORD GREEN LONDON	SE5 8BX

Consultation responses received

Internal services

Environmental Protection Team:

No objection- recommend conditions

Transport Planning Team:

Concern that only 11 cycle storage spaces were shown and that there could be conflict between cyclists and drivers.

Statutory and non-statutory organisations

Transport for London

No objection subject to the provision of 18 cycle spaces and amended drawing showing that sight lines are not interrupted by the blue slate gabion wall.

Neighbours and local groups

Objections from eight neighbours and the Friends of Champion Hill

One correspondence of support for the additional provision of housing and two comments/queries about the height of the building proposed.

**RECOMMENDATION
LDD MONITORING FORM REQUIRED**

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mr J Smart Bespoke Homes	Reg. Number	13/AP/3998
Application Type	Full Planning Permission	Case Number	TP/2134-1A
Recommendation	Grant subject to Legal Agreement		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

The erection of a terrace of 9, five storey plus basement, three bedroom houses with gardens, underground car park and associated bicycle, refuse and recycling storage areas.

At: LAND ADJACENT TO 1 DOG KENNEL HILL, LONDON, SE22 8AA

In accordance with application received on 13/11/2013

and Applicant's Drawing Nos. Air Quality Assessment (January 2014)

Code for Sustainable Homes Pre-Assessment Report

Design and Access Statement

Environmental Performance Statement

External Building Fabric Assessment (noise assessment) (13 February 2014)

and drawings numbered:

024-010 (location plan)

024-015

024-017

024-016

024-021

024-022 Revision A

024-023 Revision B

024-024 Revision B

024-025 Revision B

024-026 Revision B

024-027 Revision B

024-028 Revision B

024-029 Revision C

024-030 Revision B

024-031 Revision E

024-032 Revision B

024-035 Revision B

024-036 Revision C

024-037 Revision B

024-038 Revision A

024-040 Revision A

024-042 Revision A

024-044 Revision A

024-053 Revision B

024-056 Revision B

024-059 Revision B

024-071

024-073 Revision A

024-075 Revision D

024-078 Revision B

024-079 Revision A

Subject to the following fourteen conditions:

Time limit for implementing this permission and the approved plans

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

024-022 Revision A
 024-023 Revision B
 024-024 Revision B
 024-025 Revision B
 024-026 Revision B
 024-027 Revision B
 024-028 Revision B
 024-029 Revision C
 024-030 Revision B
 024-031 Revision E
 024-032 Revision B
 024-035 Revision B
 024-036 Revision C
 024-037 Revision B
 024-038 Revision A
 024-040 Revision A
 024-042 Revision A
 024-044 Revision A
 024-053 Revision B
 024-056 Revision B
 024-059 Revision B
 024-071
 024-073 Revision A
 024-075 Revision D
 024-078 Revision B
 024-079 Revision A

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

Pre-commencement condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 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. The phase 1 site investigation (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations. The 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 would 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 that 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 measures identified in the approved remediation strategy, a verification report providing evidence that all work required by the remediation strategy has been completed shall be submitted to

and approved in writing by the Local Planning Authority.

d) In the event that 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 offsite 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.

Commencement of works above grade - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 4 Prior to the commencement of above ground works, details of the traffic control, including cycles, for access to the basement parking area shall be submitted to the Local Planning Authority for approval. The development shall only proceed in accordance with any details approved.

Reason:

To ensure safe access to the underground parking in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 5 Prior to the commencement of development a full survey shall be submitted to the Local Planning Authority for approval in writing providing the following:

- i) existing and proposed ground (and slab) levels across the application site
- ii) existing ground levels of adjacent sites
- iii) existing building heights of all adjacent buildings
- iii) the height of the building hereby approved in relation to these neighbouring ground levels and building heights

The development shall thereafter be undertaken strictly in accordance with these levels unless otherwise agreed in writing by the local planning authority.

Reason:

To ensure that the building is constructed at the height approved to protect the amenity of neighbouring occupiers in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011 and the National Planning Policy Framework 2012

- 6 Prior to works commencing above grade, section detail-drawings at a scale of 1:2/1:5 through:
principal features on the facades;
parapets and roof/terrace edges;
junctions with the existing building;
heads, sills and jambs of all openings and
boundary wall/screens,

shall be submitted to and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the quality of the design and details is 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; 3.13 Urban Design of The Southwark Plan 2007.

- 7 Prior to above grade works commencing, material samples, sample panels of all external facing materials and windows to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing 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.

- 8 a) Prior to commencement of above grade work, an independently verified Code for Sustainable Homes interim certification that seeks to achieve a minimum [Level 3 or 4] or equivalent Code Level rating 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;
b) Before the first occupation of the building hereby permitted, a Code for Sustainable Homes final certification (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason

To ensure the proposal complies with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

Pre-occupation condition(s) - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 9 Before the first occupation of the building the cycle storage facilities as shown on drawing 024-023 Revision B shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 10 Before the first occupation of the building/extension hereby permitted, the refuse storage arrangements shown on the approved drawing 024-022 Revision A shall be provided and made available for use by the occupiers of the dwellings and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 11 The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms 30dB LAeq, T * and 45dB LAFmax
Living rooms 30dB LAeq, T**

* Night-time 8 hours between 23:00-07:00

**Daytime 16 hours between 07:00-23:00.

Reason

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with saved policies 3.2 Protection of amenity and 4.2 Quality of residential accommodation of the Southwark Plan 2007, strategic policy 13 High environmental standards of the Core Strategy 2011 and the National Planning Policy Framework 2012

- 12 The building hereby permitted shall fully comply with the dimensions shown on the approved drawings, and shall be no more than 6.3m higher than the ridge of the roof of 1 Dog Kennel Hill.

Reason:

To ensure that the building does not exceed the height shown on the approved plans in the interests of visual and residential amenity and in order to accord with saved policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of the draft Core Strategy 2011 and the National Planning Policy Framework 2012.

- 13 Notwithstanding approved drawing 024-075 Revision D, the boundary fence with 1 Dog Kennel Hill shall not exceed 2.7m high when measured from the rear garden of 1 Dog Kennel Hill, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to protect the amenity of adjoining occupiers at 1 Dog Kennel Hill, to prevent undue overshadowing and overlooking, in accordance with saved policy 3.2 Protection of Amenity of the Southwark Plan 2007, and Strategic Policy 13 High Environmental Standards of the draft Core Strategy 2011 and the National Planning Policy Framework 2012.

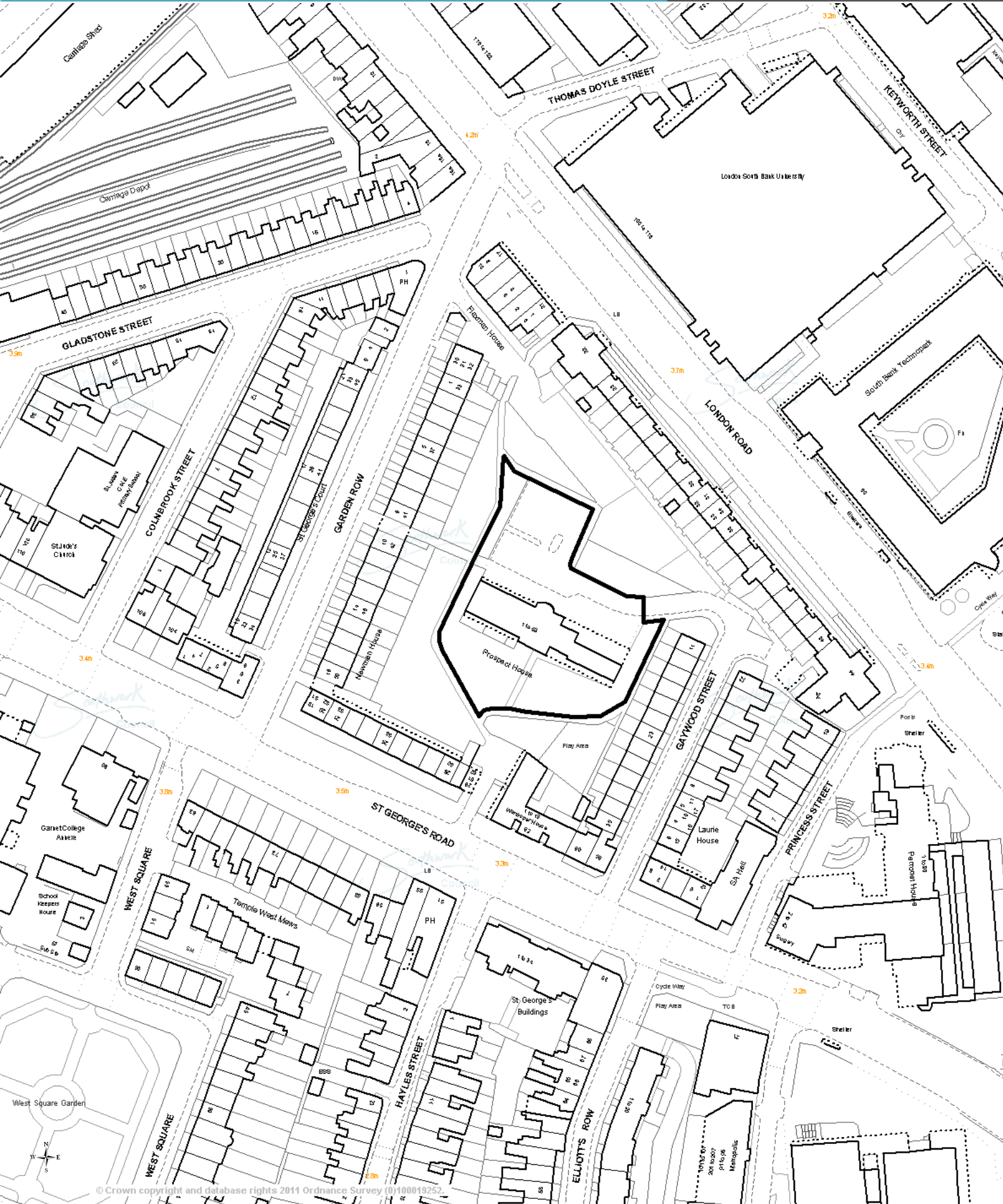
- 14 Notwithstanding the provisions of Schedule 2 of Part 1 of the Town and Country Planning General Permitted Development Order 1995 (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises shall be carried out.

Reason

To safeguard the character and the amenity of the premises and adjoining properties in accordance with Strategic Policy 13 - High environmental standards and Strategic Policy 12 - Design and conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity, 3.12 Quality in Design of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

Statement of positive and proactive action in dealing with the application

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website and which has been followed in this instance



Item No. 7.3	Classification: OPEN	Date: 22 July 2014	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Council's own development Application 13/AP/4030 for: Council's Own Development - Reg. 3 Address: 1-63, PROSPECT HOUSE GAYWOOD ESTATE, GAYWOOD STREET Proposal: Replacement of existing single glazed timber windows and doors with PVCu double glazed windows and doors [excluding flat front entrance doors].		
Ward(s) or groups affected:	Cathedrals		
From:	Head of Development Management		
Application Start Date 27/11/2013		Application Expiry Date 22/01/2014	
Earliest Decision Date 27/12/2013			

RECOMMENDATION

- 1 That this application is referred to Members for decision at the request of ward members; and that Members grant planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 The application site refers to the block of flatted dwellings located at Prospect House, Gaywood Street, London. The existing building is 11 storeys in height, sitting within a landscaped plot accessed from Gaywood Street with a secondary access from St Georges Road which is within the Elephant and Castle Town Centre. The existing building accommodates 63 maisonettes and is built from concrete, brickwork and timber (panels, windows and doors). The surrounding area is mainly low rise residential and the site is neither listed nor located within a conservation area.

Details of proposal

- 3 This is a council's own application that seeks consent to replace the existing single glazed timber windows and doors with PVCu double glazed windows and doors with the exception of the flat front entrance doors.

Planning history

- 4 None of specific relevance.

Planning history of adjoining sites

- 5 The council is undertaking similar works to other sites within the borough as part of an upgrade of current housing.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 6 The main issues in this case are:
- a) The principle of the development in terms of land use and conformity with strategic policies.
 - b) The impact on the visual and residential amenity of the area.
 - e) Design quality.
 - d) All other relevant material planning considerations.

Planning policy

National Planning Policy Framework (NPPF)

- 7 7). Requiring good design

London Plan 2014

- 8 7.4 - Local Character

Core Strategy 2011

- 9 SP12 - Design and conservation
SP13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 10 The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.
- 11 Policy 3.2 - Protection of Amenity
Policy 3.12 - Quality in Design
Policy 3.13 - Urban Design
Supplementary Planning Document (2011) - Residential Design Standards

Principle of development

- 12 The proposed development is considered appropriate in terms of the residential nature of the application site and its surroundings. In land use terms there are no objections. The replacement of windows/doors is supported in principle, provided there are no adverse impacts on the appearance of the building or the amenity of local residents. Replacing windows which are run down and inefficient, from an energy saving perspective, is something that the council would support, in principle.

Environmental impact assessment

- 13 An environmental impact assessment is not required for an application of this nature.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 14 The replacement windows and doors would have no adverse impact on the residential amenity of the area or the amenity of adjoining occupiers. The development would have a limited impact on the visual amenity of the area as the site is not highly visible from any principal highways. The replacement windows would be built in a similar style and coloured white to match the existing windows and as such it is considered that this would have no discernible impact on the amenity of the local area.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 15 The proposed development is residential, a use which conforms to the residential nature of the locality. It is therefore not anticipated that any nearby or adjoining uses would have an adverse impact on the amenity of occupiers of the proposed development.

Transport issues

- 16 The proposal raises no transport issues.

Design issues

- 17 The windows and doors proposed are double glazed PVCu and would replace the existing timber framed units. The changes would not significantly alter the overall character and appearance of the building or surrounding area. Although PVCu is a non-traditional material, this is not considered to have an adverse design impact on the host building to the extent that would warrant a refusal of the application. Replacement of the existing timber framed windows and doors with new timber windows and doors would be more appropriate; however given that fact that the site is not located within a conservation area, the number of dwellings in the vicinity with PVCu windows and the fact that all windows in the block would be replaced giving a consistent appearance, it is considered that the application could not be refused on grounds of materiality.

Impact on character and setting of a listed building and/or conservation area

- 18 No impact.

Impact on trees

- 19 No impact.

Planning obligations (S.106 undertaking or agreement)

- 20 Not required.

Sustainable development implications

- 21 The proposed windows and doors would replace the existing installations which in many cases are in a poor state of repair. The new windows and doors would improve insulation and heat retention.

Other matters

- 22 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. The proposal would not result in the creation of any new floorspace and as such is not CIL liable.

Conclusion on planning issues

- 23 The proposed development would have no adverse impact upon the visual or residential amenity of the area and complies with the relevant saved policies of The Southwark Plan 2007 (July), The Core Strategy 2011 and the provisions of The National Planning Policy Framework 2012. Given the above it is considered that detailed planning permission be granted subject to conditions.

Community impact statement

- 24 In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- 25 a) The impact on local people is set out above.
- 26 b) There are no issues relevant to particular communities/groups.
- 27 c) There are no likely adverse or less good implications for any particular communities/groups.

Consultations

- 28 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- 29 Details of consultation responses received are set out in Appendix 2.
- 30 Summary of consultation responses
Following neighbour consultation, eight letters of objection have been received. The main points of the letters of objection have been summarised and addressed below;
- 31 Objection - Do not support the use of PVCu as they break down much faster than other types of window.
Response - PVCu is a common window material employed for its insulating capabilities, durability and affordability. In planning terms it is a sufficiently durable material to be employed on the existing building in this instance.
- 32 Objection - The Council will not be able to repair them when they break and will leave residents cold. The replacement of the windows will also be very disruptive.
Response - All development entails a certain level of disruption and for improvement

works to take place this is inevitable. However the scale of the proposed works are such that disruption would be for a very limited period. PVCu is a durable material and it is not anticipated that substantial repair works would be required in the near future.

- 33 Objection - People are unable to paint them when they discolour with age.
Response - PVCu windows should retain their original colour through regular cleaning and as such painting them is not considered necessary.
- 34 Objection - Plastic burns very easily and this may present a fire risk.
Response - It is not considered that the provision of PVCu windows would present a fire risk.
- 35 Objection - The Council have chosen PVC as they are supposedly cheaper to maintain since scaffolding to paint wooden windows is expensive however the timber panelling is not being replaced and so the Council will still have put up scaffolding - why can't the windows remain as timber.
Response - This is not a material planning consideration. Materials are discussed in paragraph 17 of the report.
- 36 Objection - Plastic windows are not actually cheaper than wooden windows so the Council will be spending taxpayers money on an inferior product that's doesn't last as long as timber, will be uglier and will be more disruptive as they will need to be replaced every 10-15 years.
Response - As stated above, the issue of finance and cost of the windows/doors is not a material planning consideration.
- 37 Objection - Most of the windows in Prospect House are in good condition (75% approx) and will need less frequent maintenance than usual as the windows are sheltered therefore maintenance will be less than a blanket estimate.
Response - Many of the windows within Prospect House require replacement as they have fallen into a poor state of repair. The Planning Department is duty bound to determine planning applications based on design and amenity impacts as well as having regard for the development plan and all other material planning considerations. As it stands the proposed windows are acceptable in both amenity and design terms.
- 38 Objection - The application does not have full regard for the Sustainable Design and Construction SPD which seeks buildings and building materials to be re-used. No information in this regard has been submitted with the planning application.
Response - Building materials should be re-used where possible, in this instance the applicant (the council) has assessed the existing materials as being unsuitable for re-use and repair.
- 39 Objection - Plastics take up a lot of landfill space as they cannot be incinerated and this contravenes waste minimisation policies.
Response - No plastic is being proposed for landfill at this stage as the windows and doors being removed are timber. There are recycling schemes for PVCu.
- 40 Objection - The character of the building will be affected as the material deemed to complement the architectural character of the building is timber. The proposal is therefore contrary to London Plan policy 7.6.
Response - The loss of timber windows and replacement with PVCu is not considered to have a significant adverse impact on either the perception of the building or its character.
- 41 Objection - The drawings do not show a like for like replacement of layout and proportions with some panels not drawn and vents missing.
Response - The drawings show the proposed windows and doors as well as further

detail provided within the windows and doors schedule. This provides a sufficient level of information to allow a decision to be made.

- 42 **Objection** - Fixing details and frame details have not been submitted nor has a site waste management plan.

Response - A waste management plan is not required for an application of this nature. The window and door schedule shows full details of the frames. Fixing details are not considered necessary for planning purposes.

- 43 **Objection** - There are errors on the drawings particularly in that the proposed drawings do not show vents to kitchen windows; on bedroom windows more panes open than is required; the living room windows are not fully illustrated and vents are missing from the proposed bedroom windows.

Response - The windows shown on the proposed drawings are accurate in that they show what would be installed. It is acknowledged that some of the window formats may change slightly however the applicant has confirmed that the proposed window formats are correct.

Human rights implications

- 44 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

- 45 This application has the legitimate aim of providing new windows and doors. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/H1042 Application file: 13/AP/4030 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5365 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Terence McLellan, Team leader Development Management	
Version	Final	
Dated	22 July 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Finance & Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	9 July 2014	

APPENDIX 1

Consultation undertaken

Site notice date: 03/12/2013

Press notice date: Not required.

Case officer site visit date: 03/12/2014 - viewed from highway.

Neighbour consultation letters sent: 04/12/2014

Internal services consulted:

No consultations required.

Statutory and non-statutory organisations consulted:

No consultations required.

Neighbours and local groups consulted:

04/12/2013	FLAT 48 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 49 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 46 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 47 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 51 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 52 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 5 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 50 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 40 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 41 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 39 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 4 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 44 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 45 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 42 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 43 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 63 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 7 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 61 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 62 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 56 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 8 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 9 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 55 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 57 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 53 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 54 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 6 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 60 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 58 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 59 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 19 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 2 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 17 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 18 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 22 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 23 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 20 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 21 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 11 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 12 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 1 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013	FLAT 10 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF

04/12/2013 FLAT 15 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 16 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 13 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 14 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 33 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 34 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 31 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 32 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 37 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 38 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 35 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 36 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 26 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 27 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 24 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 25 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 3 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 30 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 28 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF
04/12/2013 FLAT 29 PROSPECT HOUSE GAYWOOD ESTATE GAYWOOD STREET LONDON SE1 6HF

Re-consultation:

Not required.

APPENDIX 2**Consultation responses received****Internal services**

No consultations required.

Statutory and non-statutory organisations

No consultations required.

Neighbours and local groups

Prospect House Nos. 5, 10, 15, 32, 34, 36, 47 and 57.

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Southwark Council	Reg. Number	13/AP/4030
Application Type	Council's Own Development - Reg. 3	Case Number	TP/H1042
Recommendation	Grant permission		

Draft of Decision Notice

Permission was GRANTED, subject to the conditions and reasons stated in the Schedule below, for the following development:

Replacement of existing single glazed timber windows and doors with PVCu double glazed windows and doors [excluding flat front entrance doors].

At: 1-63, PROSPECT HOUSE GAYWOOD ESTATE, GAYWOOD STREET

In accordance with application received on 18/11/2013

and Applicant's Drawing Nos. Site Plan, 1935320, 1935321, 1935322, 1935323, 1935324, AFQ28722-02, Design and Access Statement.

Subject to the following three conditions:

Time limit for implementing this permission and the approved plans

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: 1935323, 1935324, AFQ28722-02.

Reason:

For the avoidance of doubt and in the interests of proper planning.

Compliance condition(s) - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

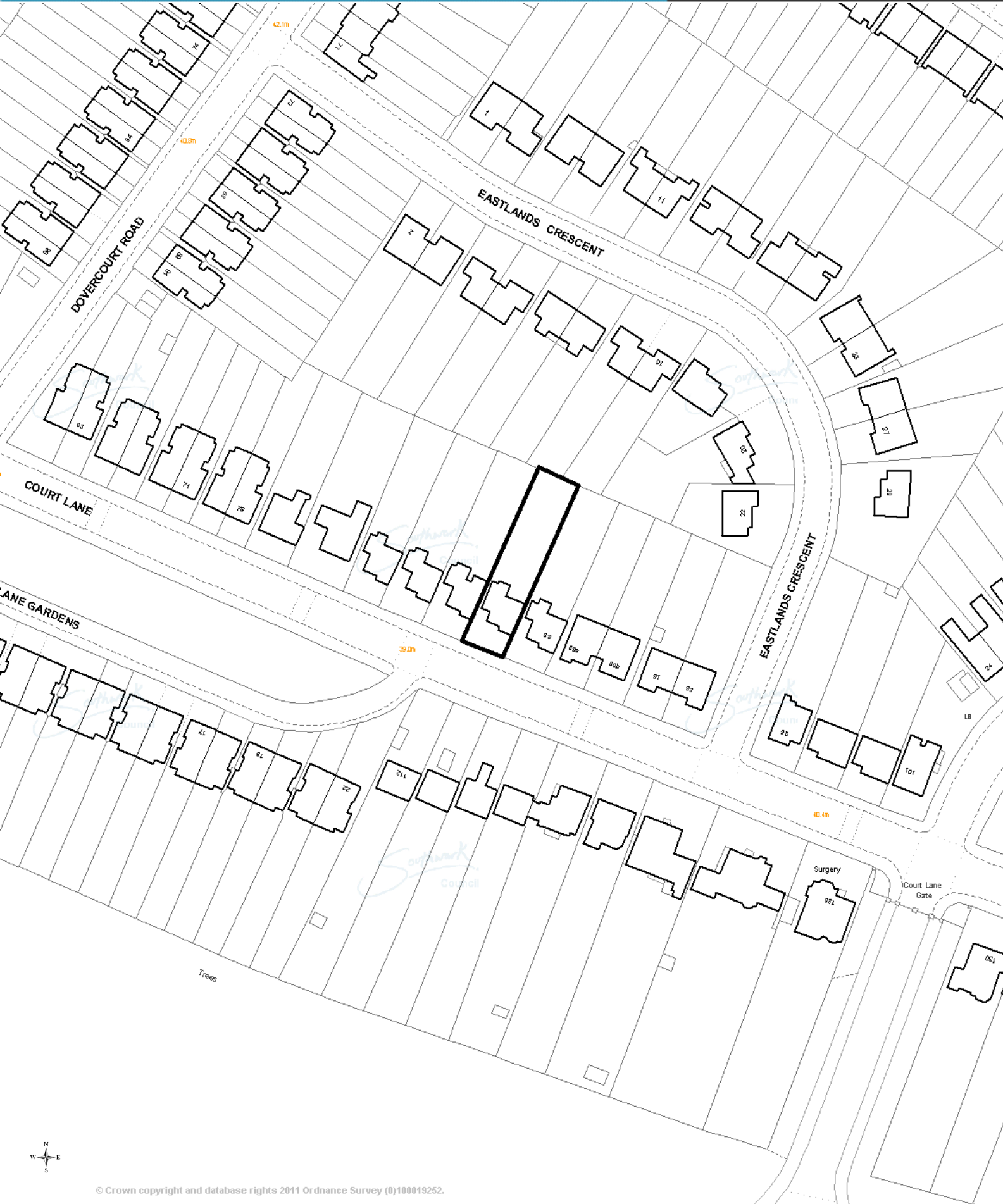
- 3 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

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

Statement of positive and proactive action in dealing with the application

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre planning application advice service.



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Item No. 7.4	Classification: OPEN	Date: 22 July 2014	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 13/AP/3477 for: Full Planning Permission Address: 87 COURT LANE, LONDON SE21 7EF Proposal: Retrospective application for a rear single storey extension to provide additional accommodation to dwelling house.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 27/11/2013		Application Expiry Date 22/01/2014	
Earliest Decision Date 01/01/2014			

RECOMMENDATION

- 1 That Members consider this application due to a referral request made by ward councillors; and that Members grant planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 This application property relates to a detached single family dwelling house on the north side of Court Lane. The property is currently arranged over two floors and benefits from a two storey side extension and loft conversion. This property has a good size front garden to facilitate two vehicles and a large garden to the rear. This property is not listed, but is situated within the Dulwich Village Conservation Area.
- 3 The properties either side have been altered and extended, as well as other properties in the vicinity.

Details of proposal

- 4 Planning permission is sought for the retention of a single storey rear/infill extension, providing additional living space. Permission was granted for a rear extension to the existing part of the house; however, it was clear from a site visit by the case officer that they were also building this additional extension without first waiting for planning permission. This application seeks to gain planning permission for the additional rear addition measuring 2.68 metres to the eaves and 3.24 metres to the top of the roof slope with a proposed depth of 1.18 metres and a width of 2.810 metres. Amended plans were submitted on the 28/11/13 – showing the depth to be 1.18 metres and the width at 2.81 metres, as stated above, after a discrepancy was highlighted by an adjoining occupier in respect to the original drawings.

Planning history

- 5 Planning application (10-AP-0074) for the erection of a part single/part two-storey rear extension, two-storey side extension and rear dormer roof extension, involving the demolition of existing extensions; providing additional residential accommodation for dwelling was refused on 18 June 2006 for the following reason:
- The proposed two-storey side extension, due to its massing, siting and design, would result in an incongruous and visually intrusive form of development, detrimental to the appearance of the host building, the visual amenity of the Court Lane streetscene and the character of the Dulwich Village Conservation Area, contrary to policies SP13 Design and Heritage, 3.2 Protection of Amenity, 3.11 Efficient Use of Land, 3.12 Quality in Design, 3.13 Urban Design, 3.15 Conservation of the Historic Environment and 3.16 Conservation Areas of the Southward Plan (UDP) July 2007 and the Residential Design Standards Supplementary Planning Document 2008.
- 6 Planning application (10-AP-2386) was granted on the 26/07/11 for the erection of a part single/part two-storey rear extension, two-storey side extension and rear dormer roof extension, involving the demolition of existing extensions; providing additional residential accommodation for dwelling.
- 7 Enforcement (13-EN-0388) for an alleged breach of planning control for the Construction of a single-storey rear extension contrary to approved plans associated with permission 10/AP/2386. Enforcement action held in abeyance pending determination of the current application.

Planning history of adjoining sites

- 8 No 83 Court Lane
Planning permission granted 26 June 2003 for the construction of a ground floor rear and first floor side extension. Alterations to existing ground floor rear and two storey rear extensions and construction of new roof with a rear dormer window.
- 9 No. 85 Court Lane
Planning application (95-AP-0776) was granted on the 06/10/95 for the erection of garage in front of existing garage to side of dwelling house. Conversion of existing garage to provide additional living accommodation, together with ground floor extension at rear. Installation of Velux windows in roof at rear.
- 10 No. 89 Court Lane
A completion certificate notice issued on the 16/08/1999 to certify that the works of the rear ground floor extension to breakfast and living room is in compliance with building regulations 1991 (as amended)

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 11 The main issues to be considered in respect of this application are:
- a) The principle of the development in terms of land use and conformity with strategic policies;
 - b) The impact on amenity;
 - c) Design quality;

- d) The impact on Dulwich Village Conservation Area; and
- e) All other relevant material planning considerations

Planning policy

- 12 Core Strategy 2011
SP12 - Design and Conservation
SP13 - High Environmental Standards
- 13 Southwark Plan 2007 (July) - saved policies
The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 3.2 'Protection of Amenity'
Policy 3.12 'Quality in Design'
Policy 3.13 'Urban Design'
Policy 3.15 'Conservation of the historic environment'
Policy 3.16 'Conservation areas'
Policy 4.02 'Quality of residential accommodation'
- 14 Supplementary Planning Documents
Residential Design Standards SPD (2011)
Dulwich Village Conservation Appraisal (2006)
- 15 London Plan 2011 consolidated with revised early minor alterations October 2013
Policy 7.4 Local character
Policy 7.8 Heritage assets and archaeology
- 16 National Planning Policy Framework (NPPF)
Section 7: Requiring good design.
Section 12: Conserving and enhancing the historic environment.

Principle of development

- 17 There is no objection in principle to the erection of a single storey rear extension to an existing residential property to provide additional living space, provided that the proposed extension is of an acceptable design and does not adversely impact upon the amenity of adjoining residents, the Dulwich Village Conservation Area as well as complying with the relevant saved development policies. These matters are addressed below.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

- 18 No. 87 Court Lane is a large detached property and is separated by approximately 1.00 metres on the boundary of No. 85 and 89. However, the property most likely to be affected by the proposed works is No 85 as the application site as the applicant has extended further out than he had permission for.

- 19 The extension as built is single storey with a pitch roof and projecting approximately 1.18 metres from the approved rear building line of the property with the top of the pitched roof being lower in height to that of the approved rear extension. There are no windows proposed in the side elevation fronting no. 85 and as such the proposal will not have a visual impact on the neighbouring property.
- 20 Officers have visited the site to ascertain accurate measurements of the new extension and it was found that there is a discrepancy in relation to the depth of the extension submitted on drawing number CG Rev A. On measuring the depth on site, it would appear the true dimension to be 2.73 metres and not the 1.18 metres as suggested on the submitted plans. The total height of the pitch is approximately 3.41 metres.
- 21 The new extension would utilise the vacant space from the rear of the approved two storey extension. Concern has been expressed by a neighbour that the increase of the extension as built would impact sunlight and daylight within the adjoining property. As a result a report had been commissioned by the applicant to consider the impact on the adjoining occupier of 85 Court Lane SE21.

Daylight and Sunlight

- 22 A daylight and sunlight has been submitted in support of the application. The report states that due to the extension failing the 45 degree approach to assessing sunlight that an assessment of the Vertical Sky Component (VSC) was carried out in accordance with the BRE Report 2009 - Site Layout Planning for Sunlight and Daylight.
- 23 In terms of daylight the centre of the doors nearest the application property, providing light into the lounge would fall beyond the 45 degree line in both plan and elevation and therefore there would be no significant reduction in the amount of daylight received.
- 24 In respect to sunlight only windows that are within 90 degrees of due south should be assessed, in respect to this proposal the windows in No. 85 and 87 are 157 degrees due south and therefore there it is not necessary to conduct an assessment of annual probably sunlight hours as they will not be impacted.
- 25 In terms of sunlight to open spaces and gardens, the garden of No. 85 was assessed and was found that with the previously approved extension that the percentage of the garden area receiving 2 hours of direct average sunlight hours on the 21st March was 86.6% which changed to the 86.4% with the larger extension, which is the subject of this application, with a reduction of .04 hours of sunlight and a reduction of the Sunlight availability factor by .0% which at 0.99 is above the required 0.8. Therefore, there will be no conceivable impact on the garden.
- 26 Furthermore, the report highlights that 85 Court Lane has a similar rear extension to that completed at number 87 being built beyond the original dwelling curtilage and in close proximity to No. 83.

Sense of Enclosure

- 27 In terms of creating a sense of enclosure, officers have inspected the extension from the rear room closest to the extension and it is not considered to be an overbearing feature that creates a sense of enclosure. The adjoining neighbour considers that the existing drawing is inaccurate as it did not show the extension inset from the corner of the application property and their property. However, as this existing building line no longer exists this can not be clarified. However, the main consideration is the impact that this larger extension has on neighbouring properties which are considered in this section.

Privacy

- 28 In terms of privacy there are no windows installed on the side elevation facing the neighbours and therefore the proposal will not impact on privacy, given it is a one storey extension. In addition, the extension would not take up more than half of the original size of the available garden area.
- 29 To conclude, it is not considered that the proposed addition of a larger single storey rear extension would have any detrimental impact on the adjacent properties in Court Lane to warrant a refusal of the application.

Impact of adjoining and nearby uses on occupiers and users of proposed development

- 30 None envisaged

Transport issues

- 31 Due to the nature of proposal and no increase in dwelling numbers, there are no significant transport issues arising.

Design issues

- 32 The proposed extension is to be built in material to match the host property and consisting of a timber and UPVC glazed bi-folding doors to the rear. The size, bulk and scale of the proposed extension is considered acceptable and would remain subservient to the scale of the existing building and would not unduly dominate the application dwelling, nor appear out of scale in relation to surrounding properties. The new rear/infill extension would result in a satisfactory layout in relation to the approved extension and the host building. The addition is considered to be a congruent addition to this dwelling house.
- 33 Overall, the proposed extension, although not entirely in keeping with the architectural style of the building, provides a contemporary extension which is well designed and uses quality materials and therefore preserves the appearance and character of the conservation area.

Impact on character of the conservation area

- 34 This property is located within a conservation area and the proposal would comply with Saved Policy 3.16 Conservation Area of the Southwark Plan, with the exception of part 4. Within conservation areas, development should preserve or enhance the character or appearance of the area. New development, including alterations and extensions, should:
- i. Respect the context of the conservation area, having regard to the content of Conservation Area Appraisals and other adopted Supplementary Planning Guidance / Documents; and
 - ii. Use high quality materials that complement and enhance the conservation area; and
 - iii. Do not involve the loss of existing traditional features of interest which make a positive contribution to the character or appearance of the Conservation Area; and
 - iv. Do not introduce design details or features that are out of character with the area, such as the use of windows and doors made of aluminium, uPVC or other non-

traditional materials.

- 35 It is noted that the proposed bi-folding doors are to be made of UPVC. The use of UPVC in conservation areas is not considered acceptable; however given that this material would be located to the rear of the dwelling, its use is not considered to harm the character and appearance of the conservation area.
- 36 The proposed extension will mainly use materials to match that of the existing property. The windows, doors and skylight though not entirely of a traditional material will be located at the rear of the property and not visible from the public domain. Therefore it is not envisaged that they would impact on the sensitive nature of the conservation area nor contribute negatively to the surrounding neighbourhood.

Impact on trees

- 37 No trees would be affected by the proposed works.

Other matters

- 38 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial consideration' in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. Given the size of the proposed extension the application is not CIL liable.
- 39 It must be noted that number 83 Court Lane has a similar extension to that of the application site projecting from the rear existing building line approximately the same distance as the new extension at number 87 and at a similar height. However, being granted in 2003 this was before the adoption of the Saved Southward Plan 2007, Core Strategy 2010 and the Residential Design Standards SPD 2011, and therefore in policy terms can not be used as a precedent.

Conclusion on planning issues

- 40 On balance, given the context of the site, it is not considered that the new extension will have a detrimental impact on adjoining occupiers or the character and appearance of Dulwich Village Conservation area to warrant refusal. The proposal would not have a significant impact on adjoining occupiers in terms of its visual effect on amenity or in terms of its effect on the sunlight/daylight received by adjoining properties or overshadowing.
- 41 There will be no windows installed on the side elevation facing no. 85, the property most likely to be affected, and there would still be a reasonable separation between the two buildings to have any significant amenity issues. The proposed design, bulk and scale and use materials are considered appropriate and acceptable at this location. For these preceding reasons, the application is recommended for approval.

Community impact statement

- 42 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

- 43 The impact on local people is set out above. Particular attention was given to the impact in terms of loss of sunlight and daylight on 85 Court Lane SE21

Consultation

- 44 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1. Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 45 A letter was received from a member of the public objecting to the proposed scheme on the grounds of inaccurate drawings, extension being too large and intrusive and impacting on their amenity. That the extension was built without permission from the Council or the Dulwich Estate.

An email was received from Councillor Mitchell raising the issues of a member of his constituent.

Thames Water - No objection

The Skylight and Sunlight Impact Assessment was sent to residents in Court Lane.

Human rights implications

- 46 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 47 This application has the legitimate aim of providing new residential accommodation. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2563-87 Application file: 13/AP/3477 Southward Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5458 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Anthony Roberts, Planning Officer	
Version	Final	
Dated	7 July 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Finance & Corporate Services	No	No
Strategic Director, Environment And Leisure	No	No
Strategic Director, Housing And Community Services	No	No
Director Of Regeneration	No	No
Date final report sent to Constitutional Team	9 July 2014	

APPENDIX 1**Consultation undertaken**

Site notice date: 05/12/2013

Press notice date: 05/12/2013

Case officer site visit date: 05/12/2013

Neighbour consultation letters sent: 09/12/2013

Internal services consulted:

None

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

14 EASTLANDS CRESCENT LONDON SE21 7EG

16 EASTLANDS CRESCENT LONDON SE21 7EG

12 EASTLANDS CRESCENT LONDON SE21 7EG

85 COURT LANE LONDON SE21 7EF

89 COURT LANE LONDON SE21 7EF

Re-consultation:

Skylight and Sunlight Impact Assessment sent to residents in Court Lane on 9.6.2014

APPENDIX 2**Consultation responses received****Internal services**

Design and Conservation

Statutory and non-statutory organisations

None

Neighbours and local groups**Reply from adjoining occupier**

Further to your letter re the above application, reference 13/AP/3477, we wish to make the following objection:

Rear extension of the ground-floor Utility and Storage Area, shown on plan 82/872/11 of the application.

We object to the extension marked in part in red and, in part shaded in grey, amounting to a depth of 2.7m and a width of 2.7m. The reasons for objection are that this part of the rear extension is too large, obtrusive and too close to our boundary, where it impacts adversely on our amenity. The side and rear walls of this extension had actually been built last summer to a height of 2.7m, in the absence of both planning permission from Southwark and a licence from the Dulwich Estate.

Councillor Mitchell (Village ward) - Concerned about the seriousness of the changes the applicant is proposing. Considers the applicant has flagrantly breached the terms of the original approval and is now trying to cover his tracks. The proposal has caused considerable distress to a neighbour and constituent of mine.

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant	Mr R. Shojai	Reg. Number	13/AP/3477
Application Type	Full Planning Permission	Case	TP/2563-87
Recommendation	Grant permission	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

The retention of a rear single storey extension to provide additional accommodation to dwellinghouse

At: 87 COURT LANE, LONDON, SE21 7EF

In accordance with application received on 16/10/2013 12:00:20

and Applicant's Drawing Nos. 82/872/10, 82/872/11 Rev A, 82/872/13 Rev A, Design and access statement, Site location plan (82/872/10) and Skylight and Sunlight Impact Assessment version 2 April 2014

Subject to the following condition:

Time limit for implementing this permission and the approved plans

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: 82/872/11 Rev A, 82/872/13 Rev A

Reason:

For the avoidance of doubt and in the interests of proper planning.

Statement of positive and proactive action in dealing with the application

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website and which has been followed in this instance.

The local planning authority delivered the decision in a timely manner.

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PLANNING SUB-COMMITTEE B AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2014-15

NOTE: Original held by Constitutional Team (Community Councils) all amendments/queries to Gerald Gohler Tel: 020 7525 7420

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