

Planning Sub-Committee B

Tuesday 19 January 2016

7.00 pm

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

Membership

Councillor Cleo Soanes (Chair)
Councillor Maria Linforth-Hall (Vice-Chair)
Councillor Sunil Chopra
Councillor Nick Dolezal
Councillor David Hubber
Councillor Eleanor Kerlake
Councillor Leo Pollak

Reserves

Councillor Stephanie Cryan
Councillor Lucas Green
Councillor Octavia Lamb
Councillor David Noakes
Councillor Johnson Situ

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

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 11 January 2016



Planning Sub-Committee B

Tuesday 19 January 2016

7.00 pm

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

Order of Business

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1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
	To receive any apologies for absence.	
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 - 3
	To approve as a correct record the minutes of the meeting held on 8 December 2015.	
7.	DEVELOPMENT MANAGEMENT ITEMS	4 - 8
	7.1. LAND ADJACENT TO 3A FRIERN ROAD, LONDON SE22 0AU	9 - 43
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7.3. HILLSIDE, FOUNTAIN DRIVE, LONDON SE19 1UP

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Date: 11 January 2016

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”



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: Director of Planning
Chief Executive's Department
Tel: 020 7525 5655; or

Planning Sub-Committee Clerk, Constitutional Team
Finance and Governance Department
Tel: 020 7525 7420



Planning Sub-Committee B

MINUTES of the OPEN section of the Planning Sub-Committee B held on Tuesday 8 December 2015 at 7.00 pm at Meeting Room G02, Ground Floor, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Cleo Soanes (Chair)
 Councillor Maria Linforth-Hall (Vice-Chair)
 Councillor Sunil Chopra
 Councillor Nick Dolezal
 Councillor David Hubber
 Councillor Eleanor Kerlake
 Councillor Leo Pollak

OTHER MEMBERS PRESENT: Councillor Victoria Mills

OFFICER SUPPORT: Dennis Sangweme (Development Management)
 Alex Gillott (Legal Officer)
 Sarah Parsons (Design and Conservation)
 Neil Loubser (Development Management)
 Gerald Gohler (Constitutional Team)

1. INTRODUCTION AND WELCOME

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

2. APOLOGIES

There were none.

3. CONFIRMATION OF VOTING MEMBERS

Those members listed as present were confirmed as the voting members for the meeting.

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 - development management items; and
- Members' pack of additional drawing and photograph

6. MINUTES

RESOLVED:

That the minutes of the meeting held on the 21 October 2015 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 revision.

7.1 LAND ADJACENT TO 3A FRIERN ROAD, LONDON SE22 0AU

Planning application reference number: 15/AP/3659

Report: see pages 11 to 29 of the agenda pack and pages 1 and 4 of the addendum report.

PROPOSAL

Erection of a 6-bedroom two storey dwelling house including bicycle store, x2 parking bays and landscaping

The sub-committee heard an introduction to the report from a design and conservation officer and a planning officer who highlighted the additional comments and amended conditions in the addendum report. Members asked questions of the officers.

Spokespersons for the objectors addressed the meeting and responded to questions from councillors.

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

There were no supporters of the development, who lived within 100 metres of it, wishing to speak.

Councillor Victoria Mills spoke in her capacity as ward councillor. Members of the committee asked questions of Councillor Mills.

Members debated the application and asked questions of the officers.

The meeting adjourned at 9.20pm for a comfort break, and for planning officers to speak to the applicant's agent, and resumed at 9.35pm.

After further discussion among councillors, a motion to defer the item was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That the decision on application number 15/AP/3659 be deferred to a future meeting in order to provide the applicant with an opportunity to amend elements of their proposed scheme.

The meeting ended at 9.45pm.

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 19 January 2016	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 of Southwark Council's constitution 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 maybe 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 Law & Democracy

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, the 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	Gerald Gohler 020 7525 7420
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 Simon Bevan 020 7525 5655

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Everton Roberts, Principal Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	11 January 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law & Democracy	Yes	Yes
Director of Planning	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	11 January 2016	

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE B
on Tuesday 19 January 2016

Appl. Type Full Planning Permission
Site LAND ADJACENT TO 3A FRIERN ROAD, LONDON SE22 0AU

Reg. No. 15-AP-3659
TP No. TP/2592-3
Ward Peckham Rye
Officer Neil Loubser

Recommendation GRANT PERMISSION

Item 7.1

Proposal

Erection of a 6-bedroom two storey dwellinghouse including roof terrace at first floor level; bicycle store; vehicle crossover; x2 parking bays and landscaping

Appl. Type S.73 Vary/remove conds/minor alterations
Site THE HORACE JONES VAULT, SHAD THAMES, LONDON SE1 2UP

Reg. No. 15-AP-4008
TP No. TP/165-K
Ward Riverside
Officer Gavin Blackburn

Recommendation GRANT PERMISSION FOR LIMITED PERIOD

Item 7.2

Proposal

Temporary variation of Condition 5 (Opening hours) of planning permission ref. no. 14/AP/0893 to change the wording from: 'The use hereby permitted for a cafe bar/coffee shop, serving licensed alcoholic drinks, shall not be carried on outside of the hours 08:00 to 23:00 on Monday to Saturday or 08:00 to 22:30 on Sundays. The use of the outside seating area shall not be carried on outside of the hours 08:00 to 19:30 Monday to Sunday'; to 'The use hereby permitted for café bar/coffee shop, serving licensed alcoholic drink, shall not be carried on outside of the hours 08:00 to 23:00 on Monday to Saturday or 08:00 to 22:30 on Sundays. The use of the outside seating area shall not be carried on outside of the hours 08:00 to 21:30 Monday to Sunday'.

Appl. Type Full Planning Permission
Site HILLSIDE, FOUNTAIN DRIVE, LONDON SE19 1UP

Reg. No. 15-AP-3382
TP No. TP/2092-9
Ward College
Officer Matthew Harvey

Recommendation GRANT PERMISSION

Item 7.3

Proposal

Demolition of existing 2 storey dwelling; erection of 6 x4 bedroom houses with associated car parking, bin and bike stores; and landscaped gardens

Ordnance Survey

Date 26/11/2015



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Item No. 7.1	Classification: Open	Date: 19 January 2016	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/3659 for: Full Planning Permission Address: LAND ADJACENT TO 3A FRIERN ROAD, LONDON SE22 0AU Proposal: Erection of a 6-bedroom two storey dwellinghouse including roof terrace at first floor level; bicycle store; vehicle crossover; x2 parking bays and landscaping		
Ward(s) or groups affected:	Peckham Rye		
From:	Director of Planning		
Application Start Date 14/09/2015		Application Expiry Date 09/11/2015	
Earliest Decision Date 24/10/2015			

RECOMMENDATION

1. That planning permission is granted subject to conditions.

BACKGROUND INFORMATION

2. This application is referred to Members for consideration due to the number of objections.
3. This application was presented to Planning Sub-Committee B on 8 December 2015. Members discussed the scheme after hearing representations from the applicant, objectors and a ward councillor. Members deferred determination of the application to allow the applicant to address members' concern that the proposed 40m² private amenity space to be retained for 3 Friern Road would not meet the standards set in the 2015 Technical Update to the Residential Design Standards (2011) SPD.
4. Subsequent to the Sub-Committee B meeting, the applicant provided revised drawings on 9 December 2015 to achieve compliance with the 2015 Technical Update to the Residential Design Standards (2011) SPD. The key change that was introduced is:
 - Moving the boundary between the application and 3 Friern Road to the north thereby increasing the amenity space of 3 Friern Road (see drawing ref: 4547/16C);

As a result of the above change, the scheme would provide 58m² private amenity space to the side and rear of neighbouring property at 3 Friern Road (previously 40m² was proposed); and the proposal site would have 122m² of private amenity space

(previously 123.82m² was proposed).

5. Neighbours were consulted on the revised scheme. A further 11 objections were received from neighbours as a result of the second round of consultations dated 14 December 2015, many referencing similar concerns.

Summary of consultation responses received during second round of consultations dated 14 December 2015

6. *A revised site plan has been submitted (4547/16C) which shows a revised site boundary. It is not legally possible to revise the site boundary during the determination of an application. This voids the current re-consultation process. To formally revise the site boundary, the applicant should follow correct procedures and withdraw the current application and re-submit.*
7. **Response:** It is the council's opinion that revision of site boundaries are lawful as it still falls within the original location plan (redline plan) submitted on 11 September 2015. Furthermore, the revision introduces a slight reduction in the application site which does not adversely impact on either the adjoining property (3 Friern Road) or nearby residents with regards to residential amenity. Neighbours were consulted on 14 December advising them of the change.
8. There is relevant case law to support the Council's position and interpretation of development control law and procedure in this regard. In *Britannia (Cheltenham) Ltd v Secretary of State for the Environment and Tewkesbury (1978)*, for example, it was recognised that it was acceptable for an applicant and the LPA to agree to a variation of an application at any time up to the determination of the application. It was said that to take any other view 'would fly in the face of everyday practice and make the planning machine even more complicated than it is.'
9. In *British Telecommunications PLC v Gloucester City Council (2001)*, the court specifically held it was acceptable for the site boundary to be amended provided that the interests of the public were fully protected. In order to protect the interests of the public, the key consideration is whether the changes are substantial or not and to carry out a public consultation.
10. *The submitted planning statement dated 9.12.15 calculates that, with an amended boundary line between the two dwellings, No. 3 will retain 58m² private amenity space plus 54m² front garden area.*
11. *Section 3.1 of the SPD states that houses should provide a minimum of 50 sqm private garden space. It further advises that the majority of space should be located at the rear of the property and should not be overlooked from public areas. Furthermore, the garden should be at least 10m in length and it should extend across the entire width of the dwelling.*
12. *We are deeply concerned that the applicants are treating the SPD figure of 50 sqm as a target to achieve and that this was also the impression given by officers at committee. (Section 5.0 of the planning statement states: "It was agreed that the proposed scheme would be acceptable if No. 3 Friern Road had 50m² private amenity space after the development for No. 3A"). Yet the wording of the SPD is absolutely clear – that the 50 sqm quoted is a MINIMUM standard for houses and the majority of the space should be located at the rear of the property.*

13. *It is not explicitly stated in sections 2.6 or 3.1 of the SPD; however it is best practice in planning policy that a family dwelling comprises 3 bedrooms or more. It can therefore reasonably be assumed that the 50 sqm minimum standard would apply to houses comprising 3+ beds and that the standard is worded as a minimum in order that it can be proportionately increased for larger dwellings. We believe the existing house at No. 3 has 8 bedrooms. The 2007 planning permission granted for extensions and alterations provided 6 bedrooms and we believe that further unlawful works completed subsequently at the property intensified the level of occupation by adding a further 2 bedrooms. As such, the existing property is more than double the size of the 3 bed unit for which the 50 sqm minimum standard could reasonably be expected to apply.*
14. **Response:** Section 3.1 (New Houses) of the 2015 Technical Update to the Residential Design Standards (2011) SPD requires that new houses should allow a minimum of 50m² of amenity space. The proposal complies with the requirement; however the application was deferred by members so that the proposal could be revised so that the amenity space for the existing dwelling (3 Friern Road) also comply with the SPD. Drawing ref: 4547/16C indicate 58m² of amenity space to side and rear and a further 54m² to the front of the existing dwelling (3 Friern Road). Objectors state that the section between the dwellings should not be counted as amenity space and should be assessed as a footpath. The objector goes further and state that if this space to the side is excluded, the remaining amenity space to the rear would equate to 31m².
15. The Residential Design Standard SPD states that ‘new houses’ should have a minimum of 50m² private garden space, and requires that ‘the majority of space should be located to the rear of the property’. As such, the 31m² equates to 62% of 50m², therefore it provides the majority of amenity space to the rear. The amenity space in this case relates to an existing dwelling, therefore site constraints must be considered and it is the officer’s opinion that the requirements of section 3.1 of the SPD have been met in this regard. Furthermore, the officer does not agree with objectors that the space between the two dwellings cannot be calculated as amenity space. Amenity space is defined as an important component in the layout and character of the built environment, ensuring not only a satisfactory standard of accommodation for occupiers but also in providing an appropriate setting for buildings, ensuring a satisfactory relationship between buildings and in making a positive contribution to the public realm. Amenity space can further be defined as land within the curtilage of a dwelling that is used exclusively for the day-to-day activities of a household, such as clothes drying, relaxation and gardening. It is therefore the Council’s opinion that the 58m² shown as amenity space in drawing 4547/16C *complies with the requirements of the SPD.*
16. Survey of private amenity space to the rear of properties in close proximity to the proposal site identified a pattern that it is not uncommon to find properties with small rear gardens in this area as shown in the table below.

Address	52 Upland	54a Upland	54 Upland	56 Upland	7 Friern	9 Friern	9 Piermont	3 Henslowe	5 Henslowe
Amenity space	27m ²	20.29m ²	31.49m ²	33.17m ²	19.12 m ²	24.06 m ²	39.4m ²	28m ²	36.2m ²

17. There are a number of appeal decisions relevant to this case where planning inspectors advised against the inflexible interpretations of standards set in supplementary planning documents. Planning inspectors in cases broadly similar to the application site have stated that SPD guidance should be applied flexibly having regard to the particular circumstances of each case.
18. Taking into account that the proposal provides a total of 112m² of amenity space to no. 3 Friern Road (back and front), previous appeal decisions, and the fact that there are a number of properties in close proximity to the site with gardens of a similar size; it is considered that the proposal complies with the requirements of the NPPF and London Plan 2015.
19. *In this regard, it is also significant that the submitted planning statement notes, "No. 3 will still have private amenity space that is bigger than No. 5, 7, 9, 11, 13, 15 and 17 Friern Road, and 52, 54a, 54 and 56 Upland Road". However most of these properties contain 3 bedrooms and are nowhere near as big as the 8 bedroom property at No. 3.*
20. **Response:** The council acknowledge that a large family is currently occupying No. 3 Friern Road; however there is no evidence that number 3 consists of 8 bedrooms. Furthermore, the application relates to the site adjacent to number 3.
21. *In addition to these factual errors in calculation, some of the site plans used as a base by the architects are also inaccurate as they show the original footprint of the garage, not the existing footprint after it was extended unlawfully in width and length. We therefore question the accuracy of the calculations and further clarification should be sought regarding the methodology.*
22. **Response:** Above objection was put to the applicant who confirmed that drawing ref: 4547/16C is accurate.
23. During reconsultation objectors, raised objections which are addressed in the body of this report and during the committee meeting on 8 December 2015. Furthermore the addendum addressing the late representations is attached as Appendix 2 of this report.
24. On the 22 December 2015 an enforcement case ref: 15/EN/0450 was registered for unauthorised development comprising: a brick and metal railing boundary wall 2 metres high and conservatory on the Friern Road entrance at 3 Friern Road. The enforcement case is not relevant to this application as it relates to the neighbouring property; however it appears that the works have been completed more than 4 years ago therefore the breach of planning control might be immune from enforcement action.

Site location and description

25. The site is located at a sharp corner between Friern Road and Upland Road. The existing site is currently part of the private open space of 3 Friern Road, entirely enclosed by a brick boundary wall with metal railings on top. It is currently used as a paved parking area with a capacity of 6 cars. The remaining space at the far northern corner is used as an additional garden area for 3 Friern Road.
26. The application site comprises a parcel of land measuring 326m². The site is directly accessible from either Friern Road. Friern and Upland Roads are predominantly

residential streets comprising of 2 storey terrace houses. At the northern end of the proposal site is a Grade II listed K2 telephone kiosk.

27. The site is located within an air quality management area and urban density as identified by the Development Plan. The proposal site is not within a conservation area nor is it listed; however it is in the setting of a Grade II listed K2 telephone kiosk. The site falls within a medium PTAL rating of 3.

Details of proposal

28. The proposed scheme is for the construction of a detached two storey 6-bedroom single family dwelling house with 2 off-street parking bays and covered bicycle store for 2 bicycles. The dwelling would have a right angle footprint and comprise a modern brick design with a flat roof with roof terraces on the first floor. The accommodation would comprise:

29. Ground floor:

<u>Description</u>	<u>Required size</u>	<u>Proposed size</u>
Living / Dining / Kitchen	30m ²	46.79m ²
Main Entrance Lobby and Staircase		10.19m ²
Bedroom 1	7m ²	13.47m ²
Bedroom 2	7m ²	15.07m ²
En-suite	3.5m ²	3.60m ²
En-suite	3.5m ²	3.60m ²
Terrace		6.32m ²
Amenity Space (Garden)	50m ²	123.82m ²

First floor:

<u>Description</u>	<u>Required size</u>	<u>Proposed size</u>
Landing		6.43m ²
Bedroom 3	7m ²	14.19m ²
Bedroom 4	12m ²	18.01m ²
Bedroom 5	7m ²	16.41m ²
Bedroom 6	7m ²	16.69m ²

Family bathroom	3.5m ²	3.60m ²
En-suite	3.5m ²	3.60m ²
En-suite	3.5m ²	3.60m ²
Terrace		6.56m ²
Terrace		5.19m ²
Storage	2.75m ²	5.07m ²

30. The external area of the application site comprises a parcel of land measuring 316m² with a gross internal floorspace of 191.25m² over two floors.

31. Proposed External Works

- Covered and secured bicycle store (for 2 bicycles);
- 2 parking bays finish with permeable block paving;
- Shared side access (timber garden gate) with permeable block paving;
- 2 paved external area directly outside living room;
- Roof terrace at first floor level;
- Lawn in the garden area;
- 5 new trees along the boundary wall.

32. Re-siting of vehicular access to front of building; installation of new dropped curb / cross-over.

33. **Planning history**

05/AP/2082 Application type: Full Planning Permission (FUL) Erection of ground-floor and first-floor rear extension to dwellinghouse. Decision date 28/11/2005 Decision: Refuse (REF)
06/AP/1779 Application type: Full Planning Permission (FUL) Erection of a two storey rear extension and a loft conversion including two separate rear dormer window extensions all to provide additional residential accommodation to dwellinghouse. Decision date 07/11/2006 Decision: Refused (REF)
07/AP/0048 Application type: Full Planning Permission (FUL) Erection of a single storey rear extension and construction of two rear dormers (facing Upland Road) to facilitate a loft conversion; rooflights to front elevation; all to provide additional residential accommodation to dwellinghouse. Decision date 29/03/2007 Decision: Granted (GRA)
14/EQ/0072 Application type: Pre-Application Enquiry (ENQ) New build single family house on an enclosed private land Decision date 15/08/2014 Decision: Pre-application enquiry closed (EQC)
Planning application 15/AP/0991 for the erection of a 6-bedroom two storey

dwellinghouse including landscaping, boundary treatment, and re-siting of vehicular access to front of building; installation of new dropped curb / cross-over was withdrawn on 21st July 2015 so that a revised scheme could be submitted addressing the objections raised in regards to this scheme.

The current application is this revised scheme. The following changes were introduced addressing previously raised concerns:

- Materials:
- Roof form:
Concerns were raised in 15/AP/0991 that the proposed pitched roof would be out of character in within the area and would result in the building being too high. It is proposed to change the roof form from a pitched roof to flat roof reducing the massing and total height of the building;
- Façade treatment:
Concerns were raised that the triangular footprint of the proposed dwelling would create two incredibly long façades for a two storey dwelling. It is proposed that the windows along the façade actively responded to the window heights next door. The proposed façade is changed to brickwork and has a combination of traditional stretcher bond, pattern and brick screen to break up the elevations.

These changes were introduced and are now being assessed in the current application 15/AP/3659.

34. **Planning history of adjoining sites**

71 Upland Road

02/AP/1006 for: Full Planning Permission granted for change of use from single terraced dwelling house into 2 flats.

52 Upland Road

14/AP/1549 for: Full Planning Permission granted for the construction of a part single, part double storey rear extension and a single storey side extension following the demolition of the existing rear extension and lean too garage.

7 Friern Road

11-AP-1767 for: Full Planning Permission granted for the demolition of single storey conservatory; part single storey, part two storey side/rear extension to dwellinghouse, providing additional residential accommodation.

30 Friern Road

05-AP-1709 planning permission granted for the conversion of existing house to form 3 self contained flats and construction of a part single storey part three storey side extension with first floor roof terrace to form two flats and involving raising the ridge of the existing house; installation of new entrance gates onto Upland Road.

12/AP/3324 for Certificate of Lawfulness – proposed granted for planning permission (05-AP-1709) granted for: the conversion of the existing house at 30 Friern road to form 3 self contained flats and the construction of a part single storey part three storey side extension with first floor roof terrace to form two flats; certificate to confirm this permission was lawfully implemented.

50 Friern Road

14/AP/0087 for Certificate of Lawfulness – proposed granted for the conversion of two flats into a single family dwellinghouse.

KEY ISSUES FOR CONSIDERATION**35. Summary of main issues**

The main issues to be considered in respect of this application are:

- a) the design of the scheme and its relationship to the surrounding context
- b) impact on the amenity of adjoining and nearby occupiers
- c) quality of residential accommodation
- d) impact on the local transport network.
- e) impact on the setting of the Grade II listed telephone kiosk;
- f) all other relevant planning material considerations

Planning policy**36. National Planning Policy Framework (the Framework)**

Section 1 – Sustainable development

Section 4: Promoting sustainable development

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

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

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.9 Mixed and balanced communities

Policy 3.8 Housing choice

Policy 4.1 Developing London's economy

Policy 4.3 Mixed use development and offices

Policy 5.3 Sustainable design and construction

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 8.3 Community infrastructure levy

38. Mayor of London: Housing SPG (2012)

Mayor of London: Accessible London: Achieving an Inclusive Environment (Saved

SPG, 2004)

The Mayor of London's Housing SPG (November, 2012)

39. Core Strategy 2011

Strategic Policy 1 - Sustainable Development

Strategic Policy 2 – Sustainable transport

Strategic Policy 5 – Providing new homes

Strategic Policy 6 – Homes for people on different incomes

Strategic Policy 7 – Family homes

Strategic Policy 12 - Design and Conservation

Strategic Policy 13 - High Environmental Standards

Strategic Policy 14 - Implementation and delivery

Southwark Plan 2007 (July) - saved policies

40. 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.

Saved policy 3.1 (Environmental Effects)

Saved policy 3.2 (Protection of amenity)

Saved policy 3.7 (Waste reduction)

Saved policy 3.11 (Efficient use of Land)

Saved policy 3.12 (Quality in Design)

Saved policy 3.13 (Urban Design)

Saved policy 3.18 Setting of listed buildings, conservation areas and world heritage sites

Saved policy 4.1 Density of residential development

Saved policy 4.2 (Quality of accommodation)

Saved policy 5.2 (Transport impacts)

Saved policy 5.3 (Walking and Cycling)

2015 Technical Update to the Residential Design Standards (2011) SPD

Dulwich SPD 2013

Summary of consultation replies (25)

41. A total of 25 objections have been received from neighbours for this application, many referencing similar concerns. Common reasons for objection include:
- Size and design of proposed build would be incongruous with the surrounding properties
 - Loss of privacy
 - Loss of daylight / sunlight
 - Impact on parking
 - Materials proposed
 - Loss of garden space
 - Highway safety
 - Noise.

Land use

42. The NPPF, (para 53) and the Dulwich SPD seek to resist inappropriate development of residential gardens where the development would cause harm to the local area. This proposal, however, would not represent a typical backland garden development, as it has two street frontages. It is not considered that the proposal would result in harm to the local area. As such, the principle of the development is considered acceptable.
43. The site lies in the suburban density middle zone, and SP 5 requires a density of 200-350hr/ha. The density of the proposed development would equate to 245hr/ha which would sit comfortably within this range.

Environmental impact assessment

44. Not required for a development of this scale and type.

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

45. Saved Policy 3.2 states that development will not be granted permission where it would cause loss of amenity to present and future occupiers in the surrounding area or on the application site.
46. The proposed development is not considered likely to result in a significant loss of amenity for the occupiers of adjoining sites. The proposed two storey detached dwelling would not generate noise levels which would be inappropriate / excessive and the development would not be overbearing upon or likely to result in overshadowing of any neighbouring rooms or gardens.

Loss of privacy or overlooking

47. The building distance between the proposed development at number 3a and number 3 is approximately 2.05m and echoes the rhythm of end on end separation along Friern Road. In terms of other adjoining properties, the development is approximately 24.235m away from the other properties on the opposite side of the road on Friern Road and 21.042m from those on Upland Road. This complies with section 2.8 'Privacy and security' of the Residential Design Standards 2011 which states that to prevent unnecessary problems of overlooking, loss of privacy and disturbance, development should achieve a minimum distance of 12 metres at the front of the building and any elevation that fronts onto a highway.
48. Concerns raised in regard to loss of privacy as a result of the proposed roof terraces at first floor level. Both these terraces are modest in size (5.19m² and 6.56m²), have a separation distance of more than 21m from the nearest neighbouring property and are located behind brick screen walls so that there is not direct overlooking of neighbouring sites.
49. Given the above, it is not considered that the proposed location of the development would result in any harmful loss of privacy or overlooking.

Loss of daylight/sunlight

50. The dwellings facing the site on Friern Road and Upland Road do not require daylight analysis, as the proposed building (3A Friern Road) falls beneath a 25 degree angle taken from a point 2m above ground level of the neighbouring properties. The BRE regulations states that no further analysis is required as there will be adequate skylight (i.e. sky visibility) available.
51. Based on the site layout and the proposed drawings, it is clearly shown that the existing buildings on Upland Road and Friern Road facing the site will retain access to daylight and sunlight.
52. The recommendation set down in the BRE report, 'Site layout for daylight and sunlight, a guide to good practice' would indicate, for residential properties, that a VSC value of greater than 27% is acceptable. The BRE guide explains that diffuse daylight may be adversely affected if, after a development, the VSC is both less than 27% and less than 0.8 times its former value.
53. The proposed dwelling (3A Friern Road) would not cause loss of daylight or sunlight to any of the neighbouring buildings, the only loss would be for the vertical sky component of the glazed door on the north East elevation of 3 Friern Road; however the annual probable sunlight hours was not below the recommended level.
54. The existing VSC for the glazed door is 37.52% and the proposed VSC is 10.96% which is below the recommended 27% as set out in the BRE guidance and a significant reduction proportionately. A mitigating factor is that the room served by the door benefits from a window which would not suffer any reduction in the VSC and the room would retain acceptable levels of light.
55. As a result of the site's location and its separation from neighbouring properties, it is considered that the proposed development would not result in a detrimental impact on the amenity of nearby neighbours in regards to loss of daylight / sunlight, loss of privacy or a sense of enclosure.

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

56. There will be no conflict of use detrimental to amenity such that neighbouring uses cannot co-exist with this development.

Transport issues*Car parking*

57. The site is within an area with a Public Transport Accessibility Level of 3 which is moderate. The application site is not within a controlled parking zone. On site parking would be provided for two cars therefore it is not considered that the addition of the one residential unit would have an adverse impact upon parking in the local area.
58. It is proposed to remove the existing cross-over and reinstate the pavement. The proposed new cross-over would comply with the requirements of the Sustainable Transport (Southwark Council, 2010) Supplementary Planning Document and Southwark Streetscape Design Manual (SSDM).

59. *Refuse storage*

A suitable refuse storage area is shown adjacent to the cycle storage in close proximity to Friern Road. The storage area would provide storage for the following refuse containers: food and garden 240L, general waste 240L and dry recycling 240L.

60. All of the above issues are therefore considered to be satisfactory and in accordance with the relevant development plan policies set out above.

Design issues

Local Context

61. The site is located at a sharp corner between Friern and Upland Roads. Mainly two-storey high terrace houses can be found along this stretch of Friern Road and Upland Road. The proposal is for a contemporary 6-bedroom dwellinghouse, with 2 off-street parking bays and covered bicycle store for 2 bicycles with easy access from Friern Road.

62. The house would be detached, following the building line on Friern Road, and two storeys in height. The surrounding properties mainly consist of two storey developments with pitched roofs, and as the proposal are set back from the street. The proposed development will have a flat roof measuring 6.815m in height where No. 3 Friern Road measures 9.088m in height. The roof ridge of the properties down Friern Road steps down in height therefore there are no consistent ridge height within Friern Road.

63. *Site Layout and Design*

The proposed 6-bedroom single-family house is a 'bottom-up' design. The proposed flat roof reduces the massing and total height of the building. As such the height of the roof ridge is approximately 2.2m lower than the ridge of 3 Friern Road. The building gap between No. 3 and 3a is designed to have the same width as the gap between No. 5 and No. 3, echoing the massing and rhythm of the residential block. The dwellings would be appropriately sited on the land, and the dwellings are provided with an acceptable amount of private amenity space. The site is irregularly shaped, however, it appears that the site layout maximises the efficient use of the land.

64. While the design approach is quite different from the traditional Victorian dwellings along this street, it would not appear visually discordant with the surrounding area. The proposal does follow some elements of the neighbouring dwelling at No. 3 in terms of width, depth and following the building line of the street particularly that on Friern Road.

65. Furthermore the proposal include the re-siting of vehicular access to front of building on Friern Road, and the installation of new dropped curb / cross-over.

66. The architectural design is considered to be acceptable. Concerns have been raised by a neighbouring resident that the development will result in overdevelopment and that the design of the building would result in loss of privacy and overlooking of neighbouring properties and should be refused.

67. Whilst this is noted, given that the height, scale and massing of the development and the separation with neighbouring buildings (approximately 24.5m away from the

properties on Friern Road and 20.8m from those on Upland Road), it is not considered that concerns regarding the architectural design resulting in overlooking would be sufficient grounds for refusing planning permission. Furthermore, the proposed development would equate to 245 habitable rooms per hectare and would therefore comply with this policy.

68. Following the comments from neighbours submitted under planning reference 15/AP/0991, the proposed façade has been changed to brickwork and has a combination of traditional stretcher bond, pattern and brick screen to break up the elevations. The objector goes further and states that there is nothing traditional about this type of brickwork in this area. The traditional brickwork in this area is Victorian yellow stock brick.
69. It is considered that the brickwork with a combination of stretcher bond and patterns are appropriate for the proposed development as the site is not within a conservation area; however it is within the setting of a Grade II listed telephone kiosk.
70. A further objection was raised that the triangular footprint of the proposed dwelling would create two incredibly long façades for a two storey dwelling. The elevations have an uncomfortably strong horizontal feeling, which jars with the vertical rhythm of the traditional Victorian houses in the area. As a result of the objection raised under planning reference 15/AP/0991 at this site, the applicant designed a scheme with a flat roof which reduces the massing and total height of the building. Along the facade, proposed windows actively responded to the window heights next door at No. 3. Furthermore, brickwork with a combination of traditional stretcher bond, pattern and brick screen has been introduced to break up the elevations. Number 3 Friern Road is a detached dwelling with a rather large façade fronting the highway therefore it is considered that the contemporary design of the development at No. 3A Friern Road is acceptable.

Quality of accommodation

71. Saved policy 4.2 requires new residential developments to provide a good standard of accommodation.
72. The overall size and layout of the dwelling would be acceptable as it accords with the council's minimum room size and floorspace standards. The building as a whole is a dual-aspect would have good natural daylighting, generous floor-to-ceiling heights and would provide plenty of in-built storage space. The proposal would provide approximately 123.82m² private amenity space in the form of a garden for this development.
73. The existing house at no. 3 would be left with a private useable garden area of 40 sq metres, although significantly reduced it would still provide a reasonable amount of private amenity space for a single dwelling.

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

74. The application site is within the setting of a Grade II Listed Building namely; K2 telephone kiosk at the junction with Friern Road. It is considered that the proposed development through its careful design and detailing will preserve the special architectural or historic interest of the listed building and its setting.

75. The development is therefore acceptable in terms of design, scale, massing and materials.

Impact on trees

76. The development site is currently a residential property and garden that benefits a large corner plot. The garden edges have young / semi-mature trees, all of which have been subject to repeated reduction pruning. The site previously had 8 Lime Trees which was protected by TPO 64 (1979). These have all been removed over the years; however there are no Council records referring to the removal of these protected trees and the former TPO is not in effect.
77. The proposed development will require the removal of seven small fruit trees. These do not constitute a constraint on development due to their size and low amenity value. The proposal would provide 5 new trees along the site boundary; it is recommended that any permission should be conditioned to include a suitable hard and soft landscaping plan as well as details for the protection of the street tree on Friern Road which is proposed to be retained.

Other matters

CIL

78. Section 143 of the Localism Act states that any financial contribution received in terms of community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration; however the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark.
79. In Southwark the Mayoral CIL was established at a rate of £35 per sqm of new development, although this is an index linked payment. The Southwark CIL rate is based on the type and location of the development. The Mayoral CIL in Southwark currently is calculated on the basis of £40.02 per sqm and this equates to **£7,884.46** and Southwark CIL amount is **£39,400**.

Density

80. Strategic Policy 5 (Providing New Homes) of the Core Strategy locates the site within the Urban Density Zone which has a density range of 200-700hr/ha.
81. The density of the proposed development would equate to 245hr/ha.

Back-land development

82. Dulwich supplementary planning document (July 2013) states that back-land development sites are those located predominantly to the rear of existing dwellings separated from the residential dwelling (e.g. not a conservatory or extension to the existing dwelling). The proposal is located at a sharp corner between Friern Road and Upland Road it is therefore not considered that this is a back-land development.

In-fill development

83. Dulwich supplementary planning document (July 2013) states that in-fill development occurs where there is development of sites located between existing property frontages, and where any new buildings should normally continue the lines of existing development to each side. Even though that this proposal is located at a sharp corner between Friern Road and Upland Road it can be assessed as an infill development
84. The proposed dwelling follows the building line on Friern Road; however as a result of the shape of the application site and the contemporary design it could not follow the building line at the rear on Upland Road. Furthermore the proposal makes efficient use of the land providing new housing within this residential area.

Conclusion on planning issues

85. On balance, the proposed development in terms of design, scale, massing and materials would be suitable for this development within the streetscape. In addition, the proposal will not affect the setting of the listed telephone kiosk which is in close proximity to the application site. The development will have no significant adverse impacts on the amenity of any adjoining occupiers or the surrounding area and will provide high quality accommodation and is acceptable in land use terms.
86. The scheme complies with the relevant saved policies of The Southwark Plan 2007 (July), The Core Strategy 2011 and the NPPF 2012. As such it is recommended that detailed planning permission be granted subject to conditions.

Community impact statement

87. 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) The impact on local people is set out above.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: None

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Human rights implications

90. 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.
91. This application has the legitimate aim of providing additional 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/2592-3 Application file: 15/AP/3659 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 5451 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation
Appendix 4	Pre-application advice
Appendix 5	Previous addendum
Appendix 6	Amended site plan

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Neil Loubser, Planning Officer	
Version	Final	
Dated	7 January 2016	
Key Decision	None	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		7 January 2016

APPENDIX 1**Consultation undertaken****Site notice date:** 28/09/2015**Press notice date:** 01/10/2015**Case officer site visit date:** 28/09/2015**Neighbour consultation letters sent:** 16/09/2015**Internal services consulted:**

Highway Development Management

Statutory and non-statutory organisations consulted:

Thames Water - Development Planning

Neighbour and local groups consulted:38 Friern Rd East Dulwich SE22 0AX
& 26 Friern Road SE22 0AT

2 Friern Road East Dulwich SE22 0AT

83 Upland Road London SE22 0DB

13 Friern Rd East Dulwich Se22 0au

27 Friern Road London SE22 0AU

77 Upland Road London SE22 0DB

75 Upland Road London SE22 0DB

79 Upland Road London SE22 0DB

73 Upland Road London SE22 0DB

46 Friern Road London SE22 0AX

44 Friern Road London SE22 0AX

71 Upland Road London SE22 0DB

69 Upland Road London SE22 0DB

34b Friern Road London SE22 0AX

34a Friern Road London SE22 0AX

Ground Floor Flat 83 Upland Road SE22 0DB

Ground Floor Flat 81 Upland Road SE22 0DB

48b Friern Road London SE22 0AX

85 Upland Road London SE22 0DB

48a Friern Road London SE22 0AX

87 Upland Road London SE22 0DB

Flat 4 30 Friern Road SE22 0AX

Flat 3 30 Friern Road SE22 0AX

1 Friern Road London SE22 0AT

Flat 5 30 Friern Road SE22 0AX

Flat 2 30 Friern Road SE22 0AX

First Floor Flat 83 Upland Road SE22 0DB

Upper Flat 81 Upland Road SE22 0DB

Flat 1 30 Friern Road SE22 0AX

71a Upland Road London SE22 0DB

38 Friern Road London SE22 0AX

36 Friern Road London SE22 0AX

42 Friern Road London SE22 0AX

40 Friern Road London SE22 0AX

5 Friern Road London SE22 0AU

3 Friern Road London SE22 0AU

32 Friern Road London SE22 0AX

55 Upland Road London se22 0da

12 Friern Road London SE22 0AT

50 Friern Road East Dulwich SE22 0AX

25 Upland Road London SE22 9EF

52 Upland Road London se22 0db

69 Upland Road London SE220DB

36 Friern Road London SE22 0AX

2 Friern Road East Dulwich SE22 0AT

75 Upland Road London SE22 0DB

27 Friern Road East Dulwich SE22 0AU

52 Upland Road East Dulwich SE22 0DB

81a Upland Road East Dulwich SE22 0DB

The Money Pitt 17 Friern Road SE22 0AU

60 Upland Road East Dulwich SE22 0DB

1 Friern Road London SE22 0AT

58 Upland Road London Se220db

76 Friern Road London SE220AX

54 Upland Road London se220db

56 Upland Road London Se220db

90 Upland Road London SE22 0DE

38 Friern Road London SE22 0AX

Re-consultation: 14/12/2015

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

Thames Water - Development Planning

Neighbours and local groups

& 26 Friern Road SE22 0AT
 & 26 Friern Road SE22 0AT
 & 26 Friern Road SE22 0AT
 Flat 2 30 Friern Road SE22 0AX
 Ground Floor Flat 83 Upland Road SE22 0DB
 The Money Pitt 17 Friern Road SE22 0AU
 1 Friern Road London SE22 0AT
 1 Friern Road London SE22 0AT
 13 Friern Rd East Dulwich Se22 0au
 27 Friern Road London SE22 0AU
 34a Friern Road London SE22 0AX
 36 Friern Road London SE22 0AX
 36 Friern Road London SE22 0AX
 36 Friern Road London SE22 0AX
 38 Friern Rd East Dulwich SE22 0AX
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 5 Friern Road London SE22 0AU
 50 Friern Road East Dulwich SE22 0AX
 52 Upland Road East Dulwich SE22 0DB
 52 Upland Road London se22 0db
 54 Upland Road London se220db
 56 Upland Road London Se220db
 58 Upland Road London Se220db
 60 Upland Road East Dulwich SE22 0DB
 69 Upland Road London SE22 0DB
 69 Upland Road London SE22 0DB
 69 Upland Road London SE220DB
 73 Upland Road London SE22 0DB
 75 Upland Road London SE22 0DB
 76 Friern Road London SE220AX
 77 Upland Road London SE22 0DB
 81a Upland Road East Dulwich SE22 0DB

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 Nawaz	Reg. Number	15/AP/3659
Application Type	Full Planning Permission	Case Number	TP/2592-3
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Erection of a 6-bedroom two storey dwellinghouse including roof terrace at first floor level; bicycle store; vehicle crossover; x2 parking bays and landscaping

At: LAND ADJACENT TO 3A FRIERN ROAD, LONDON SE22 0AU

In accordance with application received on 11/09/2015 16:01:07

and Applicant's Drawing Nos. Design and Access Statement Rev. A
Daylight and Sunlight Simulation Analysis -ERS
Arboricultural Impact Assessment Tamla Trees (Feb 15)
Planning Statement

4547/1 Rev. B - Site and Location Plan
4547/2 Rev. B- Existing Layout Plan
4547/3 Rev. D - Proposed Ground Floor Plan
4547/4 Rev. D - Proposed 1st Floor Plan
4547/5 Rev. D - Proposed Roof Plan
4547/6 Rev. C - Proposed West Elevation
4547/7 Rev. C - Proposed East Elevation
4547/8 Rev. B - Proposed Section A-A
4547/9 Rev. B - Proposed Landscaping
4547/10 Rev. A - Aerial Views Part 1
4547/11 Rev. A - Aerial Views Part 2
4547/12 Rev. B - Aerial Views Part 3
4547/13 Rev. B - Street Views Part 1
4547/14 Rev. B - Street Views Part 2
4547/15 Rev. A - Photomontage: View from Friern Road
4547/16 Rev. C - Block Plan
4547/17 Rev. B - Proposed Vehicular Crossover
4547/18 Photomontage: View from Upland Road
4547/19 Façade Details

Subject to the following ten 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:
- 4547/3 Rev. D - Proposed Ground Floor Plan
 - 4547/4 Rev. D - Proposed 1st Floor Plan
 - 4547/5 Rev. D - Proposed Roof Plan
 - 4547/6 Rev. C - Proposed West Elevation
 - 4547/7 Rev. C - Proposed East Elevation
 - 4547/8 Rev. B - Proposed Section A-A
 - 4547/9 Rev. B - Proposed Landscaping
 - 4547/17 Rev. B - Proposed Vehicular Crossover
 - 4547/19 Façade Details

Reason:

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

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.

- 4 The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations (including facilitative pruning specifications and supervision schedule) contained in the Arboricultural Impact Assessment. All tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

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 avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 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 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

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.

- 5 The development authorised by this permission shall not begin until the local planning authority has received confirmation of an arrangement approved by the Highway Authority for reinstating footway in place of the redundant access and dropped kerb onto Friern Road and the creation of a new access and dropped kerb to serve the development. Such an arrangement shall include if necessary works to reinstate the kerb line; make up footway; relocate street furniture and highway safety features; reinstate gullies and other drainage features and the repositioning of any service covers affected. The occupation of the development shall not begin until those works have been completed.

Reason

To ensure that the development enhances the street scene of the area, is of high quality design and has good access arrangements in accordance with The National Planning Policy Framework 2012, Strategic Policies 2 Sustainable Transport and 12 Design and Conservation of the Core Strategy 2011 and saved policies 3.12 Quality in design, 3.13 Urban design, 5.2 Transport impacts and 5.3 walking and cycling of the Southwark Plan 2007

- 6 Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason

So that the Council may be satisfied with the details of the landscaping scheme in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 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 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

- 7 Samples of all facing materials, including a 1m² sample panel of brickwork showing mortar, pointing and bonds, to be used in the carrying out of this permission shall be presented on site to the Local Planning Authority and approved in writing before any above grade work in connection with this permission is commenced; 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.

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.

- 8 Before the first occupation of the building/extension the cycle storage facilities as shown on drawing 4547/3 Rev. C (Proposed Ground Floor Plan) 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.

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.

- 9 Notwithstanding Part 2, Schedule 2 (changes of use) Class I of the General Permitted Development Order 1995 (as amended), no change of use shall be made to the site to a use falling within Use Class C4 of the Use Classes Order 1987 (as amended).

Reason

To safeguard the character of the premises and adjoining properties, and prevent unacceptable impacts on transport and parking and harm to residential amenity in accordance with the National Planning Policy Framework, 2013; Policy 6.3 Assessing effects of development on transport capacity of the London Plan; Strategic Policies 2 Sustainable Development, 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

- 10 Notwithstanding the provisions of Classes A, B, C, D and E of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises shall be carried out to the dwellings hereby approved.

Reason

To safeguard the character and the amenities 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.

Informatives

- 1 Vehicle crossover to be constructed to the relevant SSDM standards. (Please contact Dale Foden, Street Care Manager on 0207 525 2045 to arrange).
- 2 The applicant is to note that surface water from private areas is not permitted to flow onto public highway in accordance with Section 163 of the Highways Act 1980. Detailed drawings should be submitted confirming this requirement.

- 3 Two off-street parking spaces are proposed to be located at the western side of site and accessed from Friern Road. The pedestrian inter visibility splay is restricted for the western bay by a low wall. Pedestrian visibility splays of 2m x 2m must be provided. There should be no obstruction within the visibility splay area and the height of the low wall should not be higher than 600mm.
- 4 The existing speed hump on Friern Road should be relocated away from the proposed vehicle entrance.
- 5 There is bicycle store on the northern side of the site with doors opening outwards onto a private footway. It is advised that this door is designed to open inwards or sliding horizontally.
- 6 Prior to works commencing on site (including any demolition) a joint condition survey must be arranged with Southwark Highway Development Team to catalogue condition of streets and drainage gullies. The applicant would also need to apply for a s184 License (temporary crossover) prior to any on site works. Please contact Iaan Smuts, Highway Development Manager on 020 7525 2135 to arrange.

PRE-APPLICATION ADVICE



Chief executive's department
 Planning division
 Development management (5th floor - hub 2)
 PO Box 64529
 LONDON SE1P 5LX

M. Nawaaz c/o Raymond Wong
 Brewer Smith & Brewer Architects
 Hoppinwood Farm



Your Ref:
Our Ref: 14/EQ/0072
Contact: Neil Loubser
Telephone: 020 7525 5451
E-Mail: planning.applications@southwark.gov.uk
Web Site: <http://www.southwark.gov.uk>

Date: 15/08/2014

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990 (as amended)
PRE-APPLICATION ENQUIRY

At: LAND ADJ TO 3 FRIERN ROAD, LONDON, SE22 0AU
Proposal: New build single family house on an enclosed private land

I write in connection with your pre-application enquiry received 8th May 2014. I apologise for the delay in this response.

Summary

There are no objections to the proposal in principle, however having had regard to its bulk and massing at this prominent triangle of land between Friern and Upland Roads, the development affecting the setting of listed building (K2 telephone kiosk), and its lack of useable private amenity space, it is not considered that the submitted scheme is acceptable.

Site and Surroundings

The pre-application advice relates to land to the north of Friern Road, which consists of an enclosed private open space of 3 Friern Road. It is currently used as a paved parking area with a capacity of 6 cars. The remaining space at the far northern corner is used as an additional garden area for 3 Friern Road.

The application site comprises a parcel of land measuring 326m². The site is directly accessible from either Friern or Upland Roads. Friern and Upland Roads are predominantly residential streets comprising of 2 terraced houses. At the northern end of the proposal site is a Grade II listed K2 telephone kiosk.

The site is located within an Air Quality Management Area and Urban Density as identified by the Development Plan. The proposal site is not listed nor is it listed; however it is in the setting of a Grade II listed K2 telephone kiosk. The site falls within a medium PTAL rating of 3.

Current Proposal

Your pre-application enquiry seeks advice on the construction of 1 x 6 bedroom house.

Ground floor:

Description	Required size	Proposed size
Living / Dining / Kitchen	30m ²	44.54m ²
Bedroom 1	12m ²	19.62m ²
Bedroom 2	7m ²	13.52m ²
Bedroom 3	7m ²	13.52m ²
Bedroom 4	7m ²	14.36m ²
En-suite	3.5m ²	5.55m ²
En-suite	3.5m ²	4.40m ²

First floor:

Description	Required size	Proposed size
Gym / Game / Study		18.19m ²
Bedroom 5	7m ²	17.78m ²
Bedroom 6	7m ²	12.02m ²

The external area application site comprises a parcel of land measuring 326m² with a 6 bedroom family house of 209m² over two floors. It comprises of a continuous green strip around the house, providing outdoor amenity space for each of the ground floor bedrooms and living room, and a larger garden space with soft landscaping at the very corner of the site.

The proposal does not provide any off-street parking or private amenity space.

Design, Bulk and Massing

Paragraph 129 of the NPPF requires that: *'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'* It is considered that the significance of the application site lies in its contribution to the setting of the Grade II listed K2 telephone kiosk. We are advised under paragraph 131 of the NPPF that in: *'determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and the desirability of new development making a positive contribution to local character and distinctiveness.'* Subject to the detailed design, this scheme could make a positive contribution to the setting of the Grade II listed K2 telephone kiosk.

It is considered that the bulk of the development, and its design in particular the single storey addition and roof form is contrary to saved policy 3.12 Quality in Design. The dwelling is accessed from a side access fronting 3 Friern Road. It is recommended that access to the dwelling should be from Friern Road to retain an active street frontage similar to that of the existing properties on Friern Road.

The principle of erecting a new residential building at this location could be acceptable, subject to its design. There are objections to this initial pre-application submission in regards to the proposals bulk and massing. Officers recommend that the following design features should be addressed and refined:

- Reduce the overall footprint of the proposal;
- Building should be setback approximately 6m from the boundary line to follow neighbouring properties on Friern Road's building line;
- Design of eastern roof form should be refined to address local character and sense of place;
- Design should be refined particularly the footprint, the large single storey 'extension' and the eastern roof slope to ensure that new development preserves or enhances the immediate setting of the Grade II listed K2 telephone kiosk; and
- Access to dwelling should be on the Friern Road elevation to retain an active street frontage.

Outdoor Amenity Space

The SPD: Residential Design Standards (October 2011) requires that new house provide private amenity space. The majority of space should be located at the rear of the property and should not be overlooked from public areas nor should it adversely affect the privacy and amenity of neighbours. New housing should provide

- A minimum of 50m² private garden space. The garden should be at least 10m in length
- The private garden should extend across the entire width of the dwelling
- Measures to secure safety and security of habitable rooms on the ground floor.

The footprint of the proposed building fills most of the 163m² site area allowing for a narrow green strip around the house and a larger garden space with soft landscaping at the very corner of the site. Even though the proposed amenity space may meet the required 50m² space requirements this does not allow for useable amenity space which is expected with a 6 bedroom family dwelling.

Quality of Residential Accommodation

The proposed dwellings would need to meet the Council's minimum room size standards, as set out within the Residential Design Guide SPD 2011. All dwellings should be designed to meet Lifetime Homes Standards. Your proposal meets all the Council's minimum room size.

It is considered that the proposed development will have an adverse impact on future residents in terms of a loss of outlook and an increased and overbearing sense of enclosure due to the combination of the height of the boundary wall (2.4m combined height of wall and railing) and its close proximity (2m).

Whilst the density sits with the range at 276hr/ha the quantum of development proposed on the site is unacceptable given the sites characteristics.

Sustainable development implications

The minimum requirement for new dwellings is Code for Sustainable homes level 4. Please note the reference to the siting of any equipment associated with renewable energy would need to be clearly outlined within the application.

CIL

This application would be Mayoral CIL liable and as such a CIL liability form should be submitted with any future application.

It will be calculated according to the amount of additional floorspace a new development will produce. The amount to be paid is calculated when planning permission is granted and it is paid when development starts. Further details about the CIL can be found at:

<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11>

Planning obligations

Due to the scale of the development no planning obligations would be required for this proposal. This however, does not preclude the Council from seeking any obligations if further impacts are identified during the application process and which could only be mitigated by way of a legal agreement.

Transport

No off street parking is provided, the area is within a medium Ptal of 3 it is likely therefore that residents would own a car, there is no CPZ within the area so residents are likely to park on the street. Residents should be encouraged to use other forms of sustainable transport; a minimum of 2 cycle storage spaces should be provided this 6 bed unit. Cycle storage is required to be convenient, safe and covered; details should be indicated on any submitted application.

Drawing no. 4547/6 show vehicular access through double gates leading to the rear of the proposal site and that of neighbouring property at 3 Friern Road; however the proposal does not provide information in regards to off-street parking.

No details provided in regard to refuse storage and recycling.

As insufficient information has been provided at this stage to fully assess the impact of the proposal upon adjacent residents it is recommended to provide this information during application stage.

Other matters

There is no clear indication in this proposal of where the boundary is between the proposal site and that of 3 Friern Road. Drawing no. 4547/3 shows shared access through double gates leading off of Friern Road; however drawing no. 4547/1 show that proposal site would encroach onto land of 3 Friern Road

Insufficient information has been provided at this stage to fully assess the impact of the boundary upon adjacent residents it is recommended to provide this information during application stage.

List of documents required at application stage

Links to further information about planning application forms and local and national validation requirements is set out below. A list of documents that officers consider would be necessary for validation is set out below.

http://www.southwark.gov.uk/downloads/download/2021/full_planning_permission

- Application form
- CIL liability form
- Site location plan
- Existing and proposed plans, elevations and sections, (including key views from the street and sections through the adjoining sites).
- Section drawings
- Design and Access statement, (including Heritage Statement)
- Air Quality Assessment

- Code for Sustainable Homes Pre-assessment
- Photographs and photomontages
- Sunlight and Daylight Assessment (Demonstrating impacts on nearest residential properties)
- Arboricultural report

It is recommended that as much detailed information as possible (including samples and specifications) be submitted at application stage with regard to materials, refuse/recycling storage, cycle storage, etc. Should the application then proceed to a positive recommendation this will reduce the need for extensive conditions which require discharge.

Conclusion

There is no objection to the principle of redeveloping this site; however there remain fundamental issues around the size of the proposed new building and its impact upon the streetscape and the setting of a Grade II listed K2 telephone kiosk. The bulk and massing of this development is too much and a substantial reduction to the footprint is required to make the development acceptable.

Please accept this letter as the closure of your current enquiry. Amendments can be submitted within 3 months of the date of this letter and should be submitted in line with the Council's formal pre-application procedure, details of which can be found on the Council's website.

This advice is given to assist you but is not a decision of the Council. Further issues may arise following a formal planning application, where a site visit and public consultation and consultation with statutory consultees would be undertaken.

Please note that the views expressed in this letter represent officer opinion only and cannot be taken to prejudice any formal decision of the Council. Should you have any further enquires in relation to this letter please contact Neil Loubser on the telephone number given above.

Yours sincerely

Rob Bristow

Area Manager - Major Applications
Development Management

APPENDIX 5

Item No: 7.1	Classification: Open	Date: 08 December 2015	Meeting Name: Planning Sub-Committee B
Report title:		Addendum Late observations, consultation responses, and further information.	
Ward(s) or groups affected:		Peckham Rye	
From:		Director of Planning	

PURPOSE

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

RECOMMENDATION

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

KEY ISSUES FOR CONSIDERATION

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

Item 7.1 – 15/AP/3659 for: Full Planning Permission – Land adjacent to 3A Friern Road, London SE22 0AU

- 3.1 The wording of condition 6 is amended to:

Samples of all facing materials, including a 1m² sample panel of brickwork showing mortar, pointing and bonds, to be used in the carrying out of this permission shall be presented on site to the Local Planning Authority and approved in writing before any above grade work in connection with this permission is commenced; the development shall not be carried out otherwise than in accordance with any such approval given.

And a new condition is to be added.

The development authorised by this permission shall not begin until the local planning authority has received confirmation of an arrangement approved by the Highway Authority for reinstating footway in place of the redundant access and dropped kerb onto Friern Road and the creation of a new access and dropped kerb to serve the development. Such an arrangement shall include if necessary works to reinstate the kerb line; make up footway; relocate street furniture and highway safety features; reinstate gullies and other drainage features and the repositioning of any service covers affected. The occupation of the development shall not begin until those works have been completed.

- 3.2 The objectors submitted additional representation stating that the officer report contains a number of material inaccuracies and discrepancies set out below:

Additional representations

- 3.3 Objectors state that Para 3 is an inaccurate statement and should read that the site for the proposed development is the **only** garden space for 3 Friern Road, with a **minority portion** of the site providing car parking. 3 Friern Road does not have any other garden space due to previous development and extension.

Officer's comments

Measurements taken from Drawing No: 4547/16A (Block Plan) which shows that No.3A would have 123.82m² amenity space and 40m² for 3 Friern Road see Para 49 & 50 of the officer's report.

Additional representations

- 3.4 Para 4 not accurate. The site is **only** accessible from Friern Road, **not** Upland Road.

Officer's comments

The officer acknowledges that there is currently no direct access onto Upland Road; however the site potentially have direct access onto Upland Road through the insertion of a gate within the boundary fence fronting Upland Road.

Additional representations

- 3.5 Para 23 not accurate. The proposed development will result in the loss of the outside space for 3 Friern Road

Officer's comments

It is acknowledged that 3 Friern Road will lose private amenity space; however 40m² private amenity space will be retained.

Additional representations

- 3.6 Para 3 explains that there are spaces for six cars in the current site, compared to two spaces for the proposed new development (which is a net loss of four spaces, with additional loss of two spaces to the front of the property due to the proposed dropped curb and crossover). As a result of these proposals, parking demand would be increased due to additional demand from residents of the new six double-bedroom house, yet there would be six fewer spaces at this location.

Officer's comments

The existing hardstanding can provide parking for up to 6 vehicles and benefits from a crossover allowing access to this space. It is proposed to reinstate the kerb and create a new crossover allowing parking for 2 vehicles on the forecourt of No. 3A Friern Road. Policy 6.13 of the London Plan 2015 recommends a maximum parking provision of 2 spaces for a property of this size. As such it is the officer's opinion that the proposed parking provision complies with the London Plan 2015.

Additional representations

- 3.7 The objector refers to paragraphs 41, 45 and 46 and states that the proposed design is a poor fit for the area in terms of design, scale, massing and materials. Neither the submitted proposals nor the officer's report demonstrate a design that satisfies the level of quality delivered elsewhere in the borough.

Officer's comments

While the design approach is quite different from the traditional Victorian dwellings along this street, it would not appear visually discordant with the surrounding area. The proposal does follow some elements of the neighbouring dwelling at No. 3 in terms of width, depth and following the building line of the street particularly that on Friern Road.

Furthermore, brickwork (similar in appearance to what is in the local area) with a combination of traditional stretcher bond, pattern and brick screen has been introduced to break up the elevations.

Additional representations

- 3.8 The objector states that the proposal should be assessed as 'Backland development' and not as 'Infill development'.

Officer's comments

Backland development is defined the Dulwich SPD as Back-land development sites are those located predominantly to the rear of existing dwellings separated from the residential dwelling (e.g. not a conservatory or extension to the existing dwelling). Development on such sites includes garden buildings such as sheds and greenhouses and new residential units.

In-fill development occurs where there is development of sites located between existing property frontages, and where any new buildings should normally continue the lines of existing development to each side.

As such it is the officer's opinion that the proposal is therefore an infill development.

Additional representations

- 3.9 Para 62 is inaccurate as the development will have a significant adverse impact on the amenity area available to no 3 Friern Road, the 'adjoining property' where the external space left as a result of approval would fall below required standard.

Officer's comments

It is acknowledged that 3 Friern Road will lose private amenity space; however 40m² private amenity space will be retained.

Additional representations

- 3.10 The design incorporates balconies which, aside from failing to match to any other building facade in the vicinity, will impact on the privacy of many homes within the immediate view of the proposed structure.

Officer's comments

Both these terraces are modest in size (5.19m² and 6.56m²), have a separation distance of more than 21m from the nearest neighbouring property and are located behind brick screen walls so that there is not direct overlooking of neighbouring sites.

Additional representations

- 3.11 As a direct and very clear consequence of this overdevelopment of the site's footprint, there has been a reinstatement of two balconies on the Upland Road elevation.

Officer's comments

Strategic Policy 5 (Providing New Homes) of the Core Strategy locates the site within the Urban Density Zone which has a density range of 200-700hr/ha.

The density of the proposed development would equate to 245hr/ha. It is therefore not considered to be overdevelopment of the site.

REASON FOR URGENCY

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

REASON FOR LATENESS

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

BACKGROUND DOCUMENTS

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

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Neil Loubser, Planning Officer	
Version	Final	
Dated	8 December 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		8 December 2015

0mm 50mm

A3 ORIGINAL SHEET SIZE

General Notes:

- All dimensions are given in millimetres, levels are given in metres;
- All dimensions and conditions shall be verified on site before commencing any work or making any shop drawing;
- This drawing shall be read in conjunction with all other relevant drawings, specifications and documentations issued in connection to this drawing;
- Any discrepancies between the drawing and site conditions must be brought to the attention of the architect for resolution prior to conducting any construction work in that location or the placement of orders for items relating to that location;
- All work shall comply with the current Building Regulations, requirements of the Local Authority and any current Codes of Practice and British Standards.

Key:

- Site Boundary
- Proposed Vehicular Crossover

Rev	By	Description	Date
B	RW	Boundary line amended, timber fence to the rear added, bicycle store door amended	09 Dec 15
A	RW	Design amended to feedback from neighbours	20 Aug 15

Client: **M Nawaz**

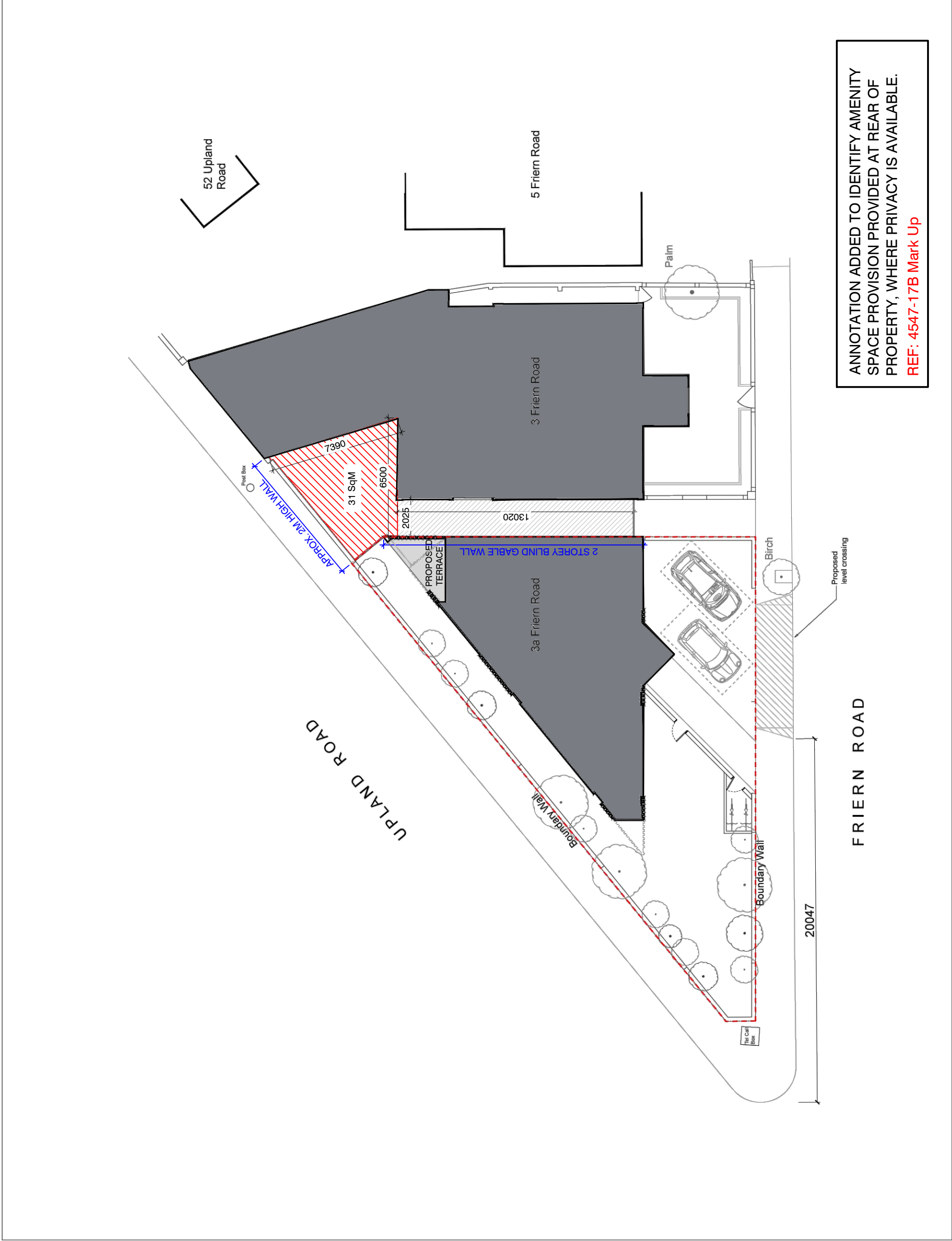
Project Title: **3a Friern Road London SE22 0AU**

Drawing Title: **Proposed Vehicular Crossover**

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 London SW20 0AB
 Tel: 020 8849 5281, Fax: 020 8849 2320

Date: 20 May 15
 Scale: 1:200@A3
 Drawing Number: **4547/17B**

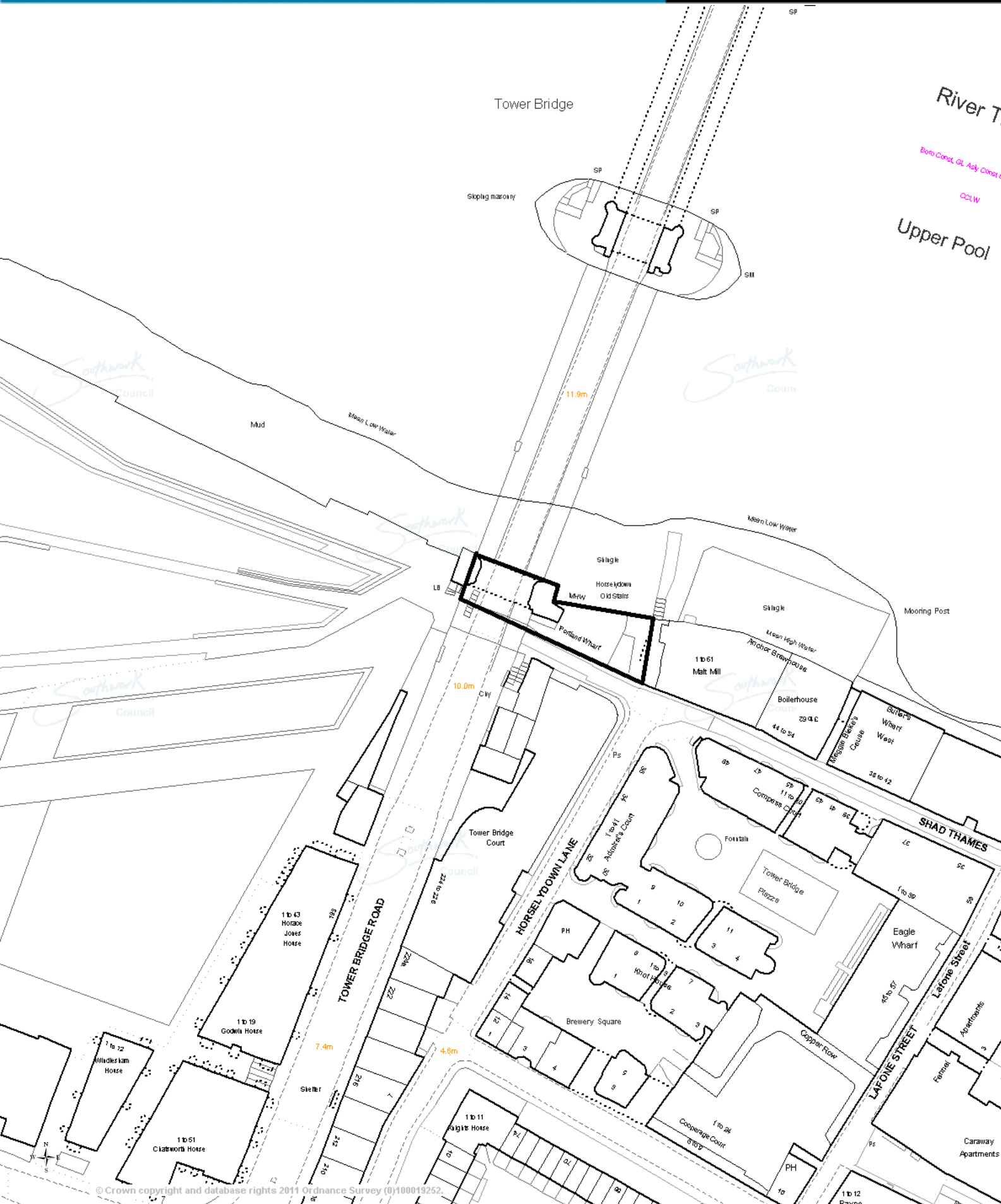


ANNOTATION ADDED TO IDENTIFY AMENITY SPACE PROVISION PROVIDED AT REAR OF PROPERTY, WHERE PRIVACY IS AVAILABLE.
REF: 4547-17B Mark Up

FRIERN ROAD

Ordnance Survey

Date 7/1/2016



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Item No. 7.2	Classification: Open	Date: 19 January 2016	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/4008 for: S.73 Vary/remove conds/minor alterations Address: THE HORACE JONES VAULT, SHAD THAMES, LONDON SE1 2UP Proposal: Variation of condition 5 (hours of use) of planning permission reference 14/AP/0893 to increase the hours of use for the outside area from 08:00-19:30 to 08:00-21:30 (temporary).		
Ward(s) or groups affected:	Riverside		
From:	Director of Planning		
Application Start Date	05/10/2015	Application Expiry Date	30/11/2015
Earliest Decision Date	26/11/2015		

RECOMMENDATION

1. To grant the application subject to additional conditions.

BACKGROUND INFORMATION

Site location and description

2. Horace Jones Vault is a cafe bar comprising indoor seating, bar area and kitchen within the abutment of Tower Bridge with an outdoor seating area immediately to the east of Tower Bridge sometimes referred to as Portland Wharf. The planning unit is unusual in that it has a distinct indoor element and a distinct outdoor element. The actual bar is in a vault in the abutment underneath Tower Bridge roadway. It is accessed by going along Shad Thames under the road way and through an entrance virtually in the centre of the bridge. It has a large glass window that looks directly onto the Thames beneath Tower Bridge.
3. The external element - a terrace or sitting out area - which is the focus of this application is immediately to the east of Tower Bridge. The distance between the two elements is small, but it does mean that inside the Vault the terrace cannot be observed from within the cafe bar. This is different to a more usual arrangement of a terrace on the frontage of a restaurant.
4. This application concerns the terrace, the outdoor seating element of the planning unit. That area is alongside the river wall with the Thames to the north. To the west is Tower Bridge rising above the site. An external lift allows access from Tower Bridge Road to Shad Thames. That lift is not part of this site. To the east is Horsleydown old

stairs and the Anchor Brewhouse with residential over commercial. The southern edge of the site is bounded by Shad Thames. Opposite the site is the office block known as Tower Bridge Court. To the south east are the mixed use developments of residential over commercial at both Admiral and Compass Court.

5. The relevant part of the planning unit is within the central activities zone as designated in the London Plan, but outside a designated town centre. It is in the Thames policy and Thames special policy area, the Bankside, Borough, London Bridge strategic cultural areas and the Tower Bridge conservation area.
6. The character of the area is one of a mix of uses. In general there tends to be no or very little residential use at the ground floor, which has a mix of offices, restaurants, shops and estate agents. Above ground floor level residential use is more prevalent, with some office use as well. Shad Thames and adjoining roads are narrow at points little over 7 metres wide including both footways. Shad Thames carriageway is cobbled. Vehicle traffic is not significant, but pedestrian footfall is, the road forms part of the Thames Path and the site is very close to a world heritage site.

Details of proposal

7. The application seeks to vary the hours of use of the area of outside seating. At present the use of the outside area is set to stop 19:30; the proposal is to increase that time to 21:30 for a year. The temporary nature of the permission can be controlled by condition.

8. Planning history

04-AP-1718 for conversion of existing shop into cafe/coffee shop serving licensed alcoholic drinks, with external seating area adjacent on Portland Wharf.

Condition:

The use hereby permitted for the use of a cafe bar/coffee shop, serving licensed alcoholic drinks, shall not be carried on outside of the hours 8:00am to 11pm on Monday to Saturday or 8:00am to 10.30pm on Sundays. The use of the outside seating area shall not be carried on outside of the hours 8:00am to 7.30pm Monday to Saturday or 8:00am to 7.30pm on Sundays

Reason

In the interests of residential amenity in respect of noise and disturbance, to be in accordance with policy E.3.1 'Protection of Amenity' of the Southwark Unitary Development Plan 1995 and 3.2 'Protection of Amenity' of the Southwark Plan (Revised Draft Unitary Development Plan) February 2005

10/EN/0244 Breach of Condition

Condition 2 hours of use and Condition 5 table and chairs storage of planning permission 04-AP-1718 for conversion of existing shop into cafe/coffee shop serving licensed alcoholic drinks, with external seating area adjacent on Portland Wharf

Notice served 1/8/2013

Due to breach of hours and failure to put tables and chairs away at night. Subsequently complied with and locking of tables and chairs regularised by

subsequent application - see below.
<p>11/AP/0782 Variation of conditions 2, 5 and 6 of planning permission dated 12/04/2005 [application no. 04AP1718 for the "Conversion of existing shop into cafe/coffee shop serving licensed alcoholic drinks, with external seating area adjacent on Portland Wharf") to:</p> <p>a) extend the opening hours for use of the seating area (Condition 2) to 8.00am to 11.00pm Monday to Saturday and 8.00am to 10.30pm on Sundays from currently 8.00am to 7.30pm on Mondays to Saturdays and 8.00am to 7.30pm on Sundays.</p> <p>b) removal of Condition 5 that requires all of the outside seating to be removed after 9.00pm</p> <p>c) increase the number of covers (Condition 6) permitted on the seating area from 40 to 60.</p> <p>Refused 5/5/2011</p> <p>Reason: It is considered that the removal or variation of conditions controlling the extension of the opening hours, the retention of the seating after 9pm and the increase in the number of covers would be detrimental to the residential amenity of surrounding occupiers having regard to noise and disturbance as well the potential for anti-social behaviour. As such the proposal would be contrary to saved Southwark Plan Policies 3.2 'Protection of Amenity' and 3.14 'Designing out Crime' and Strategic Policy 13 High environmental standards of the Core Strategy 2011.</p>
<p>11/AP/0796 Application type: Full Planning Permission (FUL) Retention of change of use of land adjacent to the permitted seating area of Most Cafe to form an extension to this seating area. Decision date 05/05/2011 Decision: Refused (REF)</p> <p>Reason for refusal:</p> <p>It is considered that the extension of the seating area would be detrimental to the amenity of surrounding occupiers having regard to the potential for anti-social behaviour. As such the proposal is contrary to saved Policy 3.2 'Protection of Amenity' of the Southwark Plan (2007).</p>
<p>11/EN/0461 Enforcement type: Unauthorised building works (UBW) Most Bar is erecting a metal caging as fencing around outside seating Sign-off date 23/11/2011 Sign-off reason: Final closure - no breach of control (FCNB)</p>
<p>14/AP/0893 Application type: S.73 Vary/remove conds/minor alterations (VAR) Variation of Condition 5 of planning permission 04-AP-1718 for conversion of existing shop into cafe/coffee shop serving licensed alcoholic drinks, with external seating area adjacent on Portland Wharf to allow for the tables and chairs used on the external seating area to be locked and secured in situ outside of the permitted hours of operation of the bar instead of being removed from the site by 21:00 hours each day. Decision date 11/06/2014 Decision: Granted (GRA)</p>
<p>14/EN/0286 Enforcement type: Unauthorised building works (UBW) Unauthorised selling of food from a kiosk Sign-off date 17/11/2014 Sign-off reason: Final closure - breach ceased (FCBC)</p>

14/EN/0095 Enforcement type: Breach of condition (BOC) Unauthorised use of public walk way for tables and chairs Sign-off date 16/12/2014 Sign-off reason: Final closure - breach ceased (FCBC)

14/EN/0288 Enforcement type: Unauthorised building works (UBW) Unauthorised installation of decking and umbrellas with advertisements. Sign-off date 09/02/2015 Sign-off reason: Final closure - breach ceased (FCBC)

15/EQ/0018 Application type: Pre-Application Enquiry (ENQ) Pre application advice for variation of Condition 5 of 14/AP0893 Decision date 10/03/2015 Decision: Pre-application enquiry closed (EQC)

Planning history of adjoining sites

9. The site is not similar to its immediate neighbours and has no direct comparator. The status of the following premises is noted.

Premises licenced for the sale of alcohol on the premises within 100 metres of the site

10. Engine Rooms, within southern abutment of Tower Bridge

Permission granted to use for tourist purposes 14/6/77 not subject to a hours of use condition. Premises licence allows licensable activity until 1:00am, but that hour is set in respect of licensing objectives not planning considerations. The site is opposite the indoor element of the planning unit subject to this application.

11. Anchor Tap, Horsleydown Road

Public house prior to planning control. refurbished in 1985, but not subject to an hours of use condition. Licenced to 11:00pm, with an area of external seating to the rear in relatively close proximity to residential flats above.

Premises within the conservation area with external riverside seating

12. All Bar One, Butlers Wharf, Spice Quays Shad Thames

9901580 permission granted 23/11/99 for use of raised decking adjacent to riverside walkway as an outdoor seating area for ground floor bar/restaurant. Restricted by condition to hours 11am to 11pm.

13. Pont de la Tour, Butlers Wharf

Permitted 3/9/85 conditions relating to the details of the design, but not limiting hours of use.

KEY ISSUES FOR CONSIDERATION

14. **Summary of main issues**

The main issues to be considered in respect of this application are:

- a) Impact on residential amenity and the potential for anti social behaviour.

Planning policy

15. National Planning Policy Framework (the Framework)

Core Planning principles

Section 8 Promoting healthy communities

Section 11 conserving and enhancing the natural environment

16. London Plan 2015

Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

17. Core Strategy 2011

Strategic Policy 12 Design & Conservation

Strategic Policy 13 High Environmental standards

Southwark Plan 2007 (July) - saved policies

18. 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.

1.11 'Arts, culture and tourism uses'

3.2 'Protection of Amenity'

3.12 'Quality in Design'

3.13 'Urban Design'

3.14 'Designing out Crime'

3.16 'Conservation Areas'

3.29 Development within the Thames Policy Area

Shad Thames Conservation Areas Management Plan

Tower Bridge Conservation Area Appraisal

Principle of development

19. The principle of use of the land for outside seating is already established. This application relates to a condition of the use of the land, namely the hours of operation, not a change of use.

Summary of consultation responses received

20. 57 objections were received to the proposal on grounds of amenity. A concern was raised about the extent of the consultation and at the same time it was noted that the Council's pre-application response was not part of the application documentation. A second round of consultation took place and as result about 5 of the objectors confirmed their earlier objection.

Matters raised in objection include:

- An existing problem with noise that this extension of hours will increase.
- Noise echo from the bridge beneath Tower Bridge Road and the 'canyon' like streets of the immediate area
- Harm to amenity in the evening
- Longer drinking and rowdiness making area feel unsafe
- Increased litter from drinking
- Failure to keep to past planning conditions
- Encourage begging
- Attract street traders
- Part of the escalation of noise since 1980s from those travelling to and from bars
- Reducing amenity will undermine the stability of the community
- The outside seating area is currently not well maintained
- Cumulative impact when considering the prevalence of other venues in the area
- Failure of the Vault staff to engage with complaints about noise in the past
- Enforcement of a 21:30 terminal hour more difficult than 19:30 as people have been drinking for longer
- To proximate to residential property
- Space is used by people returning to the area late at night
- Will set an undesirable precedent
- Influx of tourists
- Anti-social use of Horsleydown Stairs.

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

21. This application has received a significant level of objection. The main thrust of that objection is that extending the hours of operation of the cafe bar will harm residential amenity.
22. The harm to amenity that may result from extending the hours of use can be broken down into; noise from the terrace, noise from people coming and going to it and increased anti social behaviour or crime.

Noise from the terrace

23. No music is currently played on the terrace, this application allows that status to be secured by a further planning condition, which was also a recommendation of the council's environmental protection team. A band has played on the terrace in the past. Noise is currently restricted to that from persons conversing on the terrace. Seating is restricted to 40 persons by condition. In the past this has been exceeded by events that have attracted people to stand and drink, such as having a band or a corporate promotion. In addition barrels were upturned to provide a raised table that people could stand around and drink. Following complaint from local residents those unauthorised activities have stopped.
24. If 40 people are on the terrace, a variable level of noise will come from them depending upon the degree of animation of their conversation. There will be spikes of noise from such a variable source of noise. Whether or not that noise is acceptable will depend upon the regularity of such spikes in noise and the degree to which they

rise above the background level of noise.

25. The applicant has submitted a noise study that suggests that on Friday 27/6/14 noise levels in the area of the terrace did not alter significantly between the terrace being operational (before 7:30pm) and the terrace closing. If noise from the terrace on that day was significant it would be expected that noise levels would decline after closure of the terrace. That is not reported by the noise study which has average background noise as fairly constant at 60-62 dBA. The noise study suggests this level of background noise remains till 9:30pm, notwithstanding a decrease in the footfall along Shad Thames. The noise study and footfall survey note a decrease in background noise to 57 dBA and a marked decrease in footfall after 10:00pm.
26. The noise study suggests that operating the terrace until 9:30pm would be acceptable, but beyond 9:30pm the noise from the terrace would be more discernible.

Noise from people coming and going to the site

27. Objectors cite this as a particular issue. The immediate area is enclosed with tall buildings on narrow streets and the pedestrian foot tunnel/bridge beneath Tower Bridge alongside the site. Residents within their objections describe car doors slamming and people noisily saying good bye to each other being audible. There will be a marginal increase in people coming and going to the site. However, it needs to be considered whether that increase would be material given the proximity of much larger venues such as Pont de la Tour, the Chop House, Cantina Browns and All Bar One along Shad Thames, the Anchor Tap on Horsleydown Road and the Dean Swift on Lafone St. Noise of this nature is assessed as being more disruptive later in the evening when background noise levels are generally lower. At 11:00pm people can still leave the internal element of the Vault as currently permitted. This proposal will not alter noise at that more sensitive time.

Crime and anti social behaviour

28. A noise abatement notice was served on this site when a band was booked to play here. It has also had other events with a large number of people attending that could be considered to be anti social. Those events took place in 2014 and were resolved at the time. In 2015 no further breaches of control have been identified.
29. Objectors also refer to unauthorised use of the site when it is closed by revellers returning home, that issue will remain if the application is refused it is not apparent that it would increase if the hours of operation are increased to 9:30pm. Objectors do refer to alcohol related crime in the area not necessarily related to this site. In addition reference is also made to the fact that the area has not been included in a licensing saturation zone. The author has confirmed that status with the council's licensing team and been advised that the level of crime and complaint recorded has not warranted inclusion in such a zone. Operated in accordance with planning and licensing conditions extending the hours of use by two hours is not likely to result in an adverse impact in terms of increasing crime or anti social behaviour.
30. While the increase in the use of the outside area by two hours may be noticeable and have some impact, assessment has to be related to the materiality and significance of that impact. In the past unregulated breaches of the hours of use condition and other conditions has resulted in an adverse impact on amenity. However, operated in accordance with planning conditions and with no external music it is and has been

accepted that at 7:30pm no harm to amenity is likely to arise. The applicant has demonstrated that the character of the area is a busy one in the evening, by virtue of the footfall studies. Whilst future footfall cannot be known the construction of the One Tower Bridge development on the opposite side of Tower Bridge Road, with cultural and commercial uses as well as residential is likely to maintain a high footfall in the immediate area of a world heritage site. The footfall studies do show a decrease in footfall as the evening progresses. Extending to 9:30pm appears reasonable on the basis of the likely level of noise that will occur on the terrace in comparison to background noise and the sensitivity of the area to noise at that time.

31. The site does not have a good record of compliance with past planning permissions and the noise data that has been submitted whilst helpful is limited. The nature of noise that is likely to result will be sporadic from conversation among patrons of the terrace. The applicants noise report acknowledges that good management of the terrace will be important to ensuring minimal impact from the extended hours of use.
32. Having noted that observation and the limitations of the report, it is considered reasonable to impose a condition making the permission temporary for a period of a year. The purpose of a temporary permission is to allow for better monitoring of the noise impact of the development and the ability of those currently managing the site to do so in accordance with planning conditions in a manner that has not always occurred in the past. The safeguard of a temporary permission gives sufficient confidence to approve the application on the basis that it will accord with planning policy and not result in harm to local amenity.

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

33. The users of the terrace will not be impacted by other uses in the area.

Transport issues

34. The issue of harm to amenity by people coming and going from the site is discussed above. The site itself is within PTAL zone 6b the best level of public transport accessibility. No transport issues are raised by this proposal.

Design issues

35. Not affected by this proposal.

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

36. Extending the hours of use on an adjoining site will not impact on the setting of Tower Bridge or the Conservation Area.

Sustainable development implications

37. To be sustainable development needs to promote economic, environmental and social goals. This application has focused on the noise impacts that may result if the proposal is approved. Those have been found to be acceptable. Increasing the hours of operation will have economic benefits for a local business. Those benefits are not suggested as balancing out negative social or environmental impacts as the social and environmental impact is assessed to be marginal. The development is therefore

assessed as being sustainable.

Conclusion on planning issues

38. Although significant opposition has been received and considered in respect of this application, it is not considered that there is sufficient evidence to refuse permission for the modest extension of hours sought, having regard to the likely impact of the proposal on neighbours and the overall character of the area. The existing conditions are recommended for retention and two further conditions, one relating to music and one making the permission temporary are recommended to provide protection of amenity.

Community impact statement

39. 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) The impact on local people is set out above.

b) A general impact on amenity has been considered, but no specific issue relevant to particular communities/groups likely to be affected has been identified.

Consultations

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

Consultation replies

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

Human rights implications

42. 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.

43. This application has the legitimate aim of increasing the hours of operation of a business. 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/165-K Application file: 15/AP/4008 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 7007 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation
Appendix 4	Pre-application advice

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Gavin Blackburn, Planning Officer	
Version	Final	
Dated	7 January 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		7 January 2016

APPENDIX 1**Consultation undertaken****Site notice date:** 14/10/2015**Press notice date:** n/a**Case officer site visit date:** 30/11/2015**Neighbour consultation letters sent:** 06/10/2015**Internal services consulted:**

Environmental Protection Team [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:Flat 54 Eagle Wharf Court Lafone Street
1 The Malt Mill Shad Thames SE1 2LY2 The Malt Mill Shad Thames SE1 2LY
36 Horselydown Lane London SE1 2LN
9-10 Copper Row London SE1 2LH
Flat 12a Admirals Court SE1 2LJ
19 The Malt Mill Shad Thames SE1 2LY
Flat 7 Anchor Brewhouse SE1 2LY
12 The Malt Mill Shad Thames SE1 2LY
Flat 37 Admirals Court SE1 2LJ
Flat 38 Admirals Court SE1 2LJ
Flat 35 Admirals Court SE1 2LJ
Flat 36 Admirals Court SE1 2LJ
Flat 41 Admirals Court SE1 2LJ
Part 32 And 34 Horselydown Lane SE1 2LN
Flat 39 Admirals Court SE1 2LJ
Flat 40 Admirals Court SE1 2LJ
20 The Malt Mill Shad Thames SE1 2LY
47 The Malt Mill Shad Thames SE1 2LY
48 The Malt Mill Shad Thames SE1 2LY
40 The Malt Mill Shad Thames SE1 2LY
46 The Malt Mill Shad Thames SE1 2LY
58 The Malt Mill Shad Thames SE1 2LY
61 The Malt Mill Shad Thames SE1 2LY
56 The Malt Mill Shad Thames SE1 2LY
57 The Malt Mill Shad Thames SE1 2LY15 Compass Court 39 Shad Thames SE12NJ
Flat 4, Horselydown Mansions, Lafone Street London SE1
2NA
Compass Court 39 Shad Thames SE12NJ
18 Compass Court 39 Shad Thames SE1 2NJ
14 The Cooperage 6 Gainsford Street SE1 2NG
37 Thorpe Bay Gdns Southend On Sea SS1 3NR
Flat 17 Compass Court 39 Shad Thames SE1 2NJ
14 Anchor Brewhouse 50 Shad Thames SE1 2LY
Flat 27 Anchor Brewhouse, Shad Thames SE1 2LY
16 Compass Court 39 Shad Thames SE1 2NJ
11 Compass Court 39 Shad Thames Se1 2nj
The Riverside Apartment 50 Shad Thames SE1 2LY
28 Anchor Brewhouse 50 Shad Thames SE1 2LY
5 Compass Court 39 Shad Thames SE1 2NJ
8 Admirals Court Horseleydown Lane SE1 2LJ
Flat 1 Admirals Court 30 Horselydown Lane SE1 2LJ
Flat 53 Anchor Brewhouse SE1 2LY
Flat 4 Hillfield Mansions SW21JJ
29 Anchor Brewhouse Shad Thames SE1 2LY
24 The Cooperage Gainsford Street SE1 2NG
Flat 47 Anchor Brewhouse 50 Shad Thames SE1 2LY
30 Anchor Brewhouse Shad Thames SE1 2LY
Flat 56 50 Shad Thames SE1 2LY
19 Anchor Brewhouse Shad Thames SE1 2LR
23 Anchor Brewhouse 50 Shad Thames SE1 2LY
111 Cardamom Building London SE1 2YR

28 The Malt Mill Shad Thames SE1 2LY	Flat 201 Cardamom Building 31 Shad Thames SE12YR
29 The Malt Mill Shad Thames SE1 2LY	Anchor Brewhouse 50 Shad Thames SE1 2LY
21 The Malt Mill Shad Thames SE1 2LY	9 Compass Court 39 Shad Thames SE1 2NJ
27 The Malt Mill Shad Thames SE1 2LY	9 Compass Court 39 Shad Thames SE1 2NJ
38 The Malt Mill Shad Thames SE1 2LY	Flat 14 Compass Court SE1 2NJ
39 The Malt Mill Shad Thames SE1 2LY	Flat 15 Compass Court SE1 2NJ
Flat 30 Anchor Brewhouse SE1 2LY	Flat 16 Compass Court SE1 2NJ
37 The Malt Mill Shad Thames SE1 2LY	Flat 10 Compass Court SE1 2NJ
Flat 34 Admirals Court SE1 2LJ	Flat 11 Compass Court SE1 2NJ
Flat 10 Admirals Court SE1 2LJ	Flat 12 Compass Court SE1 2NJ
Flat 11 Admirals Court SE1 2LJ	Flat 17 Compass Court SE1 2NJ
Flat 8 Admirals Court SE1 2LJ	45 Shad Thames London SE1 2NJ
Flat 9 Admirals Court SE1 2LJ	41 Shad Thames London SE1 2NJ
Flat 15 Admirals Court SE1 2LJ	Flat 18 Compass Court SE1 2NJ
Flat 16 Admirals Court SE1 2LJ	Flat 19 Compass Court SE1 2NJ
Flat 12 Admirals Court SE1 2LJ	Flat 20 Compass Court SE1 2NJ
Flat 14 Admirals Court SE1 2LJ	49 Shad Thames London SE1 2NJ
Flat 2 Admirals Court SE1 2LJ	Flat 1 Compass Court SE1 2NJ
Flat 3 Admirals Court SE1 2LJ	Flat 2 Compass Court SE1 2NJ
Flat 1 Admirals Court SE1 2LJ	Flat 13 Compass Court SE1 2NJ
Flat 6 Admirals Court SE1 2LJ	43 Shad Thames London SE1 2NJ
Flat 7 Admirals Court SE1 2LJ	47 Shad Thames London SE1 2NJ
Flat 4 Admirals Court SE1 2LJ	Flat 3 Compass Court SE1 2NJ
Flat 5 Admirals Court SE1 2LJ	Flat 7 Compass Court SE1 2NJ
Flat 17 Admirals Court SE1 2LJ	Flat 8 Compass Court SE1 2NJ
Flat 28 Admirals Court SE1 2LJ	Flat 9 Compass Court SE1 2NJ
Flat 29 Admirals Court SE1 2LJ	Flat 4 Compass Court SE1 2NJ
Flat 26 Admirals Court SE1 2LJ	Flat 5 Compass Court SE1 2NJ
Flat 27 Admirals Court SE1 2LJ	Flat 6 Compass Court SE1 2NJ
Flat 32 Admirals Court SE1 2LJ	49 Anchor Brewhouse 50 Shad Thames SE1 2LY
Flat 33 Admirals Court SE1 2LJ	45 Anchor Brewhouse 50 Shad Thames SE1 2LY
Flat 30 Admirals Court SE1 2LJ	Flat 30 Admirals Court SE1 2LJ
Flat 31 Admirals Court SE1 2LJ	43 Eagle Wharf Court London SE1 2LZ
Flat 20 Admirals Court SE1 2LJ	49 Eagle Wharf Court London SE12LZ
Flat 21 Admirals Court SE1 2LJ	30 Eagle Wharf Court Lafone Street SE1 2LZ
Flat 18 Admirals Court SE1 2LJ	Flat 36 Eagle Wharf Court Lafone Street London SE1 2LZ
Flat 19 Admirals Court SE1 2LJ	Flat 36 Eagle Wharf Court Lafone Street SE1 2LZ
Flat 24 Admirals Court SE1 2LJ	Flat 57 Eagle Wharf Court Lafone Street SE1 2LZ
Flat 25 Admirals Court SE1 2LJ	26 Eagle Wharf Court Lafone Street SE1 2LZ
Flat 22 Admirals Court SE1 2LJ	51 Eagle Wharf Court Lafone St sE1 2LZ
Flat 23 Admirals Court SE1 2LJ	6 Eagle Wharf Lafone Street SE1 2LZ
111 Cardamom Building 31 Shad Thames SE1 2YR	Flat 9 Eagle Wharf 43 Lafond St SE1 2LZ
C/O 4 The Cooperage 6 Gainsford Street SE1 2NG	Flat 23 Eagle Wharf Court SE1 2LZ
Flat 1 Compasd Court 39 Shad Thames SE1 2NJ	56 Eagle Wharf Court 43 Lafone Street SE1 2LZ
11 Compass Court 39 Shad Thames SE1 2NJ	Flat 41 Eagle Wharf Court London SE1 2LZ
	19, Compass Court 39, Shad Thames SE1 2NJ

Re-consultation: 10/11/2015

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

Environmental Protection Team [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations

None

Neighbours and local groups

Anchor Brewhouse 50 Shad Thames SE1 2LY
 C/O 4 The Cooperage 6 Gainsford Street SE1 2NG
 Compass Court 39 Shad Thames SE12NJ
 Compass Court 39 Shad Thames SE12NJ
 Flat 1 Admirals Court 30 Horselydown Lane SE1 2LJ
 Flat 1 Admirals Court 30 Horselydown Lane SE1 2LJ
 Flat 1 Compasd Court 39 Shad Thames SE1 2NJ
 Flat 10 Admirals Court SE1 2LJ
 Flat 11 Admirals Court SE1 2LJ
 Flat 12 Compass Court SE1 2NJ
 Flat 17 Compass Court 39 Shad Thames SE1 2NJ
 Flat 201 Cardamom Building 31 Shad Thames SE12YR
 Flat 23 Eagle Wharf Court SE1 2LZ
 Flat 27 Anchor Brewhouse, Shad Thames SE1 2LY
 Flat 36 Eagle Wharf Court Lafone Street London SE1 2LZ
 Flat 36 Eagle Wharf Court Lafone Street SE1 2LZ
 Flat 38 Admirals Court SE1 2LJ
 Flat 4 Hillfield Mansions SW21JJ
 Flat 4, Horselydown Mansions, Lafone Street London SE1 2NA
 Flat 40 Admirals Court SE1 2LJ
 Flat 41 Eagle Wharf Court London SE1 2LZ
 Flat 47 Anchor Brewhouse 50 Shad Thames SE1 2LY
 Flat 53 Anchor Brewhouse SE1 2LY
 Flat 54 Eagle Wharf Court Lafone Street
 Flat 56 50 Shad Thames SE1 2LY
 Flat 57 Eagle Wharf Court Lafone Street SE1 2LZ
 Flat 7 Anchor Brewhouse SE1 2LY
 Flat 9 Eagle Wharf 43 Lafond St SE1 2LZ
 The Riverside Apartment 50 Shad Thames SE1 2LY
 11 Compass Court 39 Shad Thames SE1 2NJ
 11 Compass Court 39 Shad Thames Se1 2nj
 111 Cardamom Building London SE1 2YR
 14 Anchor Brewhouse 50 Shad Thames SE1 2LY
 14 The Cooperage 6 Gainsford Street SE1 2NG
 15 Compass Court 39 Shad Thames SE12NJ
 16 Compass Court 39 Shad Thames SE1 2NJ
 18 Compass Court 39 Shad Thames SE1 2NJ
 19 Anchor Brewhouse Shad Thames SE1 2LR
 19, Compass Court 39, Shad Thames SE1 2NJ
 23 Anchor Brewhouse 50 Shad Thames SE1 2LY

24 The Cooperage Gainsford Street SE1 2NG
26 Eagle Wharf Court Lafone Street SE1 2LZ
28 Anchor Brewhouse 50 Shad Thames SE1 2LY
28 Anchor Brewhouse 50 Shad Thames SE1 2LY
29 Anchor Brewhouse Shad Thames SE1 2LY
29 Anchor Brewhouse Shad Thames SE1 2LY
30 Anchor Brewhouse Shad Thames SE1 2LY
30 Eagle Wharf Court Lafone Street SE1 2LZ
37 Thorpe Bay Gdns Southend On Sea SS1 3NR
43 Eagle Wharf Court London SE1 2LZ
45 Anchor Brewhouse 50 Shad Thames SE1 2LY
49 Anchor Brewhouse 50 Shad Thames SE1 2LY
49 Eagle Wharf Court London SE12LZ
5 Compass Court 39 Shad Thames SE1 2NJ
51 Eagle Wharf Court Lafone St sE1 2LZ
56 Eagle Wharf Court 43 Lafone Street SE1 2LZ
6 Eagle Wharf Lafone Street SE1 2LZ
8 Admirals Court Horseleydown Lane SE1 2LJ
9 Compass Court 39 Shad Thames SE1 2NJ
9 Compass Court 39 Shad Thames SE1 2NJ
9 Compass Court 39 Shad Thames SE1 2NJ

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	The Vault 1894 Ltd	Reg. Number	15/AP/4008
Application Type	S.73 Vary/remove conds/minor alterations	Case Number	TP/165-K
Recommendation	Grant permission for limited period		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Temporary variation of Condition 5 (Opening hours) of planning permission ref. no. 14/AP/0893 to change the wording from: 'The use hereby permitted for a cafe bar/coffee shop, serving licensed alcoholic drinks, shall not be carried on outside of the hours 08:00 to 23:00 on Monday to Saturday or 08:00 to 22:30 on Sundays. The use of the outside seating area shall not be carried on outside of the hours 08:00 to 19:30 Monday to Sunday'; to 'The use hereby permitted for café bar/coffee shop, serving licensed alcoholic drink, shall not be carried on outside of the hours 08:00 to 23:00 on Monday to Saturday or 08:00 to 22:30 on Sundays. The use of the outside seating area shall not be carried on outside of the hours 08:00 to 21:30 Monday to Sunday'.

At: THE HORACE JONES VAULT, SHAD THAMES, LONDON SE1 2UP

In accordance with application received on 05/10/2015 08:00:38

and Applicant's Drawing Nos. Pre application response, Planning Statement, Footfall study, Noise impact assessment, petition

Subject to the following seven conditions:

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.

- 1 No music, amplified or otherwise, shall be played or permitted to be played on any external area of the site.

Reason

In order to protect the amenity of nearby occupiers from noise and disturbance in accordance with with saved policy 3.2 Protection of amenity of the Southwark Plan 2007 and Strategic Policy 13 High Environmental standards of Core Strategy 2011.

- 2 The chairs and tables used on the external seating area shall be secured, or stored, in such manner that they are rendered incapable of use each day after 21:30 and not unsecured, or bought out of storage until 08:00 the following day.

reason

For the protection of the amenities of nearby occupiers from noise or disturbance and from anti social behaviour that might be associated with the mis use of this furniture in accordance with saved policies 3.2 Protection of amenity, 3.14 Designing out crime of the Southwark Plan 2007 and Strategic Policy 13 High Environmental standards of Core Strategy 2011.

- 3 The seating capacity of the external seating area shall be limited to no more than 40 seats at any one time, and at no point shall this limit be exceeded.

Reason

In order to protect the amenity of nearby occupiers from noise and disturbance which could potentially arise from

the intensive use of the external seating area, in accordance with with saved policy 3.2 Protection of amenity of the Southwark Plan 2007 and Strategic Policy 13 High Environmental standards of Core Strategy 2011.

- 4 The means by which the seating area is to be demarcated or enclosed shall at all times accord with the scheme approved by application reference 07/AP/1556

Reason

In order that the area for seating shall be properly defined , and the area for unrestricted public access be protected from encroachment, in accordance with saved policies 3.2 Protection of amenity, 3.18 Setting of listed buildings, conservation areas and world heritage sites, 3.29 Development within the Thames Policy Area, 3.30 Protection of riverside facilities, Southwark Plan 2007 and Strategic Policy 12 Design and conservation Strategic Policy 13 High Environmental Standards Core Strategy 201.

- 5 Notwithstanding the use hereby permitted and the provisions of the Town and Country Planning (General Permitted Development) Order (or amendment or re-enactment thereof) no primary cooking shall take place on the premises.

Reason

To safeguard the character and the amenities 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.

- 6 The use hereby permitted for the use of a cafe bar/coffee shop, serving licensed alcoholic drinks, shall not be carried on outside of the hours 8:00am to 11pm on Monday to Saturday or 8:00am to 10.30pm on Sundays. The use of the outside seating area shall not be carried on outside of the hours 8:00am to 9.30pm Monday to Sundays.

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.

- 7 The hours of use of the outside seating area hereby permitted shall be for a period of one year from the date of this decision. After this year, the hours of use shall revert to the previous arrangements, unless otherwise agreed in writing by the local planning authority.

(Note - previous hours of use of the outside seating area: 08:00 to 19:30 Monday to Sunday)

Reason

To allow a trial period of extended hours to operate during which assessment can be made of the impact upon amenity in accordance with strategic policy 13 High Environmental standards of the Core Strategy and saved policy 3.2 Protection of amenity of the Southwark Plan 2007.

Statement of positive and proactive action in dealing with the application

This application has been decided having regard to the policies of the development plan and objections received and other material planning considerations.

PRE-APPLICATION ADVICE



Chief executive's department
 Planning division
 Development management (5th floor - hub 2)
 PO Box 84629
 LONDON SE1P 6LX

Ms Wardley



Your Ref:
 Our Ref: 15/EQ/0018
 Contact: Gavin Blackburn
 Telephone: 020 7525 7007
 E-Mail: planning.applications@southwark.gov.uk
 Web Site: <http://www.southwark.gov.uk>

Date: 09/03/2015

Dear Ms Wardley

TOWN & COUNTRY PLANNING ACT 1990 (as amended)
PRE-APPLICATION ENQUIRY

At: THE HORACE JONES VAULT, SHAD THAMES, LONDON, SE1 2UP
Proposal: Pre application advice for variation of Condition 5 of 14/AP0893

Summary of Advice

The issue of extending the hours of use of the external terrace has been considered before by the Council, both in response to a planning application (11/AP/0782) and in the context of an enforcement notice(10/EN/0244). On both occasions it was assessed that extending the hours of use would be harmful to amenity, in particular of adjoining or nearby residential uses. If those assessments are to be altered an application would need to demonstrate some, or all of the following factors.

- 1) That harm to amenity will not arise
- 2) that the context of site and area has changed since previous decisions
- 3) that a reduced extension in hours is sought.

If those factors are addressed, in particular harm to amenity, an application may succeed. However, it would be wrong to give false hope. The history of Council decision making is that 7:30pm has been found on more than one occasion to be the balance at which harm to amenity arising from use of the terrace begins to be unacceptable.

Site description

The site is an open terrace alongside Tower Bridge to the west, the Thames to the north, the former Anchor brewery to the east, now residential over commercial. Admiral Court & Compass Court also residential over commercial and the office development on the south side of Shad Thames Tower Bridge Court.

To the west of the site is the engine room of Tower Bridge, Potters fields and the new 1 Tower Bridge development. At this point Shad Thames is pedestrianised. It forms part of Thames path and is within the Tower Bridge Conservation Area and Thames Policy area. It is not in a Town Centre.

Relevant Planning History

04-AP-1718 permission for conversion of existing shop into cafe/coffee shop serving licensed alcoholic drinks, with external seating area adjacent on Portland Wharf.

Granted 12/4/2005 subject to conditions

Condition 2 The use hereby permitted for the use of a cafe bar/coffee shop, serving licensed alcoholic drinks, shall not be carried on outside of the hours 8.00am to 11pm on Monday to Saturday or 8.00am to 10.30pm on Sundays. The use of the outside seating area shall not be carried on outside of the hours 8.00am to 7.30pm Monday to Saturday or 8:00am to 7.30pm on Sundays

Reason

In the interests of residential amenity in respect of noise and disturbance, to be in accordance with policy E.3.1 'Protection of Amenity' of the Southwark Unitary Development Plan 1995 and 3.2 'Protection of Amenity' of the Southwark Plan (Revised Draft Unitary Development Plan) February 2005.

10/EN/0244 Breach of Condition

Condition 2 hours of use and Condition 5 table and chairs storage of planning permission 04-AP-1718 for conversion of existing shop into cafe/coffee shop serving licensed alcoholic drinks, with external seating area adjacent on Portland Wharf

Notice served 1/8/2013

11/AP/0796 Application type: Full Planning Permission (FUL)

Retention of change of use of land adjacent to the permitted seating area of Most Cafe to form an extension to this seating area.

Decision date 05/05/2011 Decision: Refused (REF)

Reason(s) for refusal: It is considered that the extension of the seating area without the provision of suitable storage facilities for the tables and chairs when not in use would be detrimental to the amenity of surrounding occupiers having regard to the potential for anti-social behaviour. As such the proposal is contrary to saved Policy 3.2 'Protection of Amenity of the Southwark Plan (2007).

14/AP/0893 Application type: S.73 Vary/remove conds/minor alterations (VAR)

Variation of Condition 5 of planning permission 04-AP-1718 for conversion of existing shop into cafe/coffee shop serving licensed alcoholic drinks, with external seating area adjacent on Portland Wharf to allow for the tables and chairs used on the external seating area to be locked and secured in situ outside of the permitted hours of operation of the bar instead of being removed from the site by 21:00 hours each day.

Decision date 11/06/2014 Decision: Granted (GRA)

14/EN/0286 Enforcement type: Unauthorised building works (UBW)

Unauthorised selling of food from a kiosk Sign-off date 17/11/2014 Sign-off reason: Final closure - breach ceased (FCBC)

14/EN/0288 Enforcement type: Breach of condition and unauthorised advert (BOC)

Unauthorised advert on umbrellas and installation of seating not in accordance with an approved layout. Advert Notice served 6/10/14 Planning Enforcement Notice 4/11/14.

Both Notices complied with.

Nearby Sites

34 Shad Thames

11/AP/2287 Use of highway for tables, chairs and jumbrella as an extension to existing outdoor seating area for restaurant. Refused and upheld on appeal 30/8/2012, harm to amenity and character of the conservation area.

Proposed development

I believe you have not yet decided on the revised terminal hour that you are seeking, but you appear to be minded to seek an extension to 10:30pm. You are clear that you are not seeking to alter the permitted layout of the terrace, the number of covers, or the ability to prepare food externally.

Residential amenity

Harm to amenity is the main reason for past refusal and enforcement action. Neighbours have complained when hours have been exceeded and when extended hours have been proposed. Unfortunately, as recently as last summer there was a period in which the terrace was used for corporate functions with vertical drinking and for an event with a band. This resulted in service of a noise abatement notice. It is my understanding that since that notice was served the current terminal hour has been observed. Any application to extend hours is likely to be objected to on the basis that the proposal has been refused before and that past use of the site in breach of the hours condition has been problematic.

I consider harm to amenity to arise from noise arising from the use of the site, rather than servicing, or people coming and going to it. Noise can take the form of a background hubbub of conversation and occasional boisterousness that from time to time will arise from people socialising and relaxing. Your client has taken steps to monitor noise in the area which is welcome. Your clients study suggests a relatively high level of background noise of 54 to 55 dB of background noise. Unfortunately you have not been able to get any measure of noise from the terrace above background noise. In a sense this is favourable, because the explanation is that this reflects the relatively low level of noise and low concentration on the terrace. Personally though I think it is unfortunate a measure was not obtained. I suspect that residents will report that they can definitely detect noise from the terrace as distinct from background noise. It would be helpful to quantify this rather than try to demonstrate that it does not occur. At other sites in the Butlers Wharf development noise from outside seating is detectable and at All bar one potentially problematic. You are confident that your noise consultant can demonstrate that noise from your operation will not have the same characteristic by virtue of the lower density of occupation of the terrace and the lower overall numbers. You are confident that a persuasive noise report can support an application for extended hours and demonstrate why harm to amenity will not arise. Your application will be heavily dependent upon this document. It is not within the scope of a pre application enquiry to rigorously test expert opinions put forward. I do suggest though that any report is passed to a critical friend to take a counter view and test its conclusions before being submitted, because the history of this issue on this site is such that a noise report is likely to be challenged and not universally accepted.

I do accept that in principle it might be possible to show that over the period of a noise study, 40 people sat outside will on average make a noise at an acceptable level. However, noise from outside drinking can be variable, there can be outliers or isolated customers who may make above average noise intermittently that does disturb the amenity of adjoining occupiers. I understand that you propose to minimise this through management of the terrace. At present the premises licence restricts drinks outside to plastic glasses, but has no other specific condition about management of the terrace. The proposed application would be to vary the hours of use condition (section 73). I do not see that this precludes other additional conditions relevant to the variation from being proposed or considered. However, I'm reluctant to consider planning conditions that relate to licensing matters. An application could be accompanied by a statement setting out how the terrace is managed, which could include waiter/waitress only service to seated patrons. I think additional conditions prohibiting music and vertical drinking could be imposed, but the application should show how management of the terrace will minimise the likelihood of problems occurring.

In my view it maybe helpful to note level of footfall along Shad Thames compared to other roads. I don't know but it may have a very high footfall which might support the contention that a road that appears narrow quiet and devoid of vehicular traffic is actually much busier and therefore noisier than its appearance might suggest. I think the level of evening footfall could be relevant to harm arising from terrace customers.

I think the fact that any noise report is prospective whereas past problems are recorded, as well as the fact that a noise report cannot cover intermittent disturbance or boisterousness is problematic. I think there will be a reluctance to alter previous decisions and allow a permanent change of hours to 10:30pm. I have suggested a

compromise that instead of a permanent extension of hours your client apply for a temporary permission for hours to be extended to 9:00pm. The purpose being to allow the management of the terrace and noise generated to be monitored. In a years time there would be a summers worth of data to assess and guide a future decision on hours. The extension in hours would be quite minimal and not permanent, which in my personal view would give decision makers greater confidence that such a proposal could be considered without causing a lasting harm that in the past as been strongly resisted. It is a compromise position, but on balance has a prospect of success which I do not consider a permanent extension of hours is likely to receive.

I do accept that your client is currently compliant with planning control. There is not a history of compliance though. A temporary permission would have the advantage of allowing a history of compliance to be generated. At present your clients application will be along the lines that past breaches will not be replicated for X reasons. In my view your clients position is strengthened over the long term, if she can say, in 2016. "In 2015 I complied with temporary permission, no complaints were received, monitoring confirmed no noise issues occurred." Obviously I can't guarantee that a temporary permission will be successful over its course, but the prospect I set out above does seem possible. Furthermore I cannot guarantee that this reduced proposal would receive permission

Planning policy

There is no significant policy issue to be considered. The principle of the use of the terrace is already accepted and permitted. It is a question of finding the appropriate level of restriction to protect amenity. The Council has a longstanding policy on protection of amenity (3.2 Southwark Plan), which Core Strategy 13 High Environmental Standards supports. It is clear that your clients trade will increase if the hours are varied, but this does not appear to be a site where the viability of an established business is threatened by the continuation of the existing condition. I'm mindful of the NPPF support for both economic activity and protection of amenity, but consider this to be a question of planning judgment as to what the impact on amenity will be of increasing permitted hours.

Conclusion

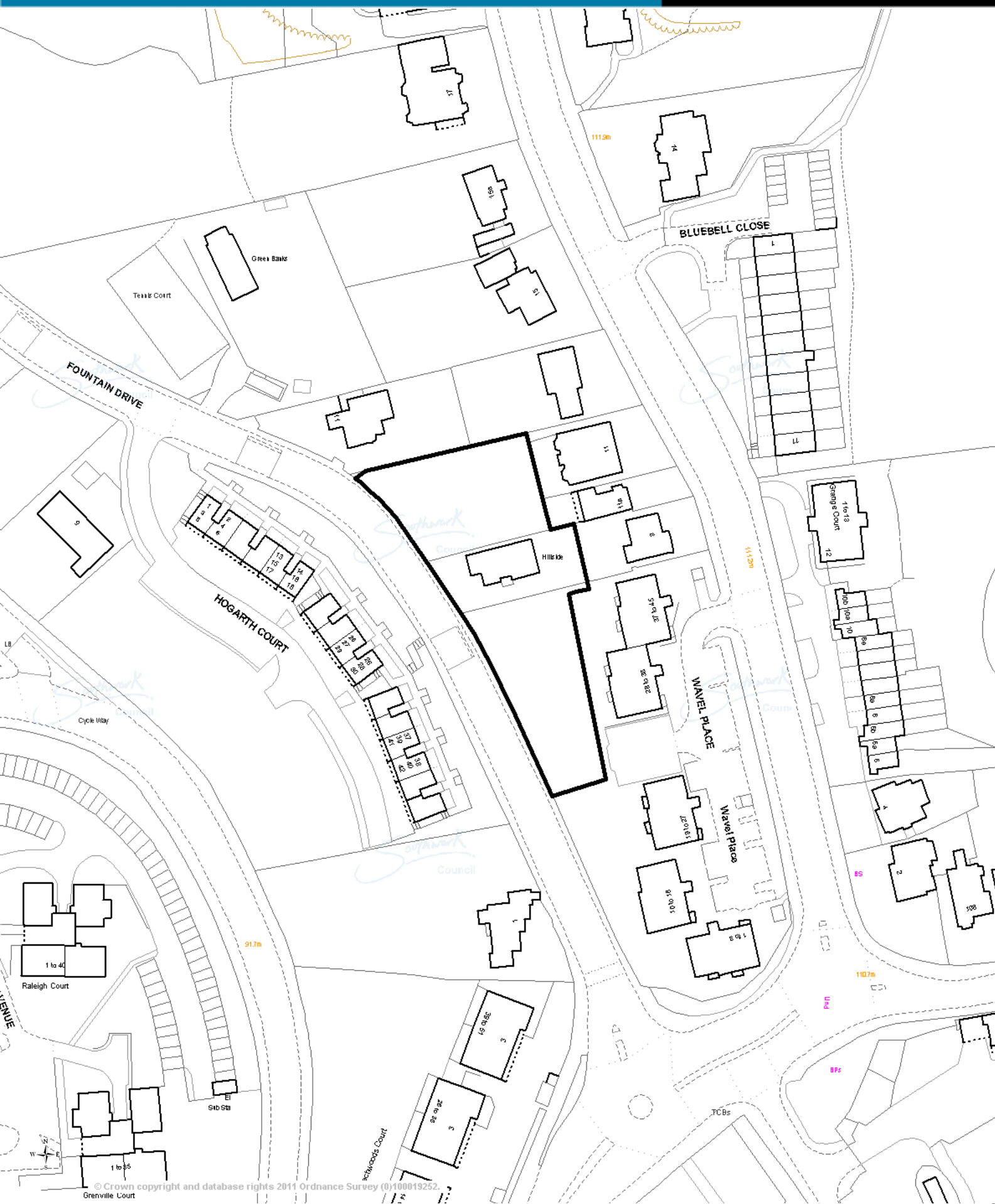
I agree that obtaining data on noise in the area is the correct way to inform a decision as to whether the hours of operation can be increased. I understand that you are confident that a noise report will clearly support your desired change. I remain more cautious and suggest the route of seeking a temporary permission first before seeking a permanent change, you should be prepared for even this intermediate step failing to gain consent due to amenity concerns.

Yours sincerely

Gavin Blackburn

Ordnance Survey

Date 7/1/2016



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Item No. 7.3	Classification: Open	Date: 19 January 2016	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 15/AP/3382 for: Full Planning Permission Address: HILLSIDE, FOUNTAIN DRIVE, LONDON SE19 1UP Proposal: Demolition of existing 2 storey dwelling; erection of 6 x4 bedroom houses with associated car parking, bin and bike stores; and landscaped gardens		
Ward(s) or groups affected:	College		
From:	Director of Planning		
Application Start Date 24/08/2015		Application Expiry Date 19/10/2015	
Earliest Decision Date 13/12/2015			

RECOMMENDATION

1. Grant permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The application site is located on the eastern side of Fountain Drive. This site comprises 9 Fountain Drive (known as Hillside) containing a dwelling and garden, as well as a vacant plot which adjoins this to the north and which would have originally formed part of the garden to 11 Sydenham Hill, which adjoins to the east. The site has a moderate slope, and although much of the vacant plot is grassed, there are a number of trees located around the site boundaries. Planning permission previously existed for five houses on this site. Since this time the extent of the application site has increased to encompass a wooded area to the south close to the junction with Westwood Hill, however, no development is proposed on this part of this site.
3. The surrounding area is characterised by a combination of large detached houses and some more recent terraced housing located opposite on Fountain Drive. 11 Fountain Drive (north side) is a detached dwelling which adjoins the northern boundary of the vacant plot. The site is located within the suburban density zone.

Details of proposal

4. Planning permission is sought for the erection of 6 x 4-bedroom houses following the demolition of the existing building at 9 Fountain Drive (Hillside). The houses would be three-storeys high plus a basement, although the basement would effectively be at entry level taking account of the change in level across the site. The houses would be arranged to form two short terraces of three houses. The two terraces are referred to

as the 'northern block' and 'southern block' in this report. Each house would have an off-street parking space accessed from a shared driveway

5. As set out below, planning permission previously existed for five houses at this site, however, the proposal now includes six houses. In order to accommodate the additional dwelling, the northern block is positioned 0.6m closer to the northern site boundary. The southern block is situated 5.9m further south than previously approved. Both buildings would be closer to the properties to the rear, at their closest points, the northern block would be 0.7m closer to the rear boundary with 11 & 11A Sydenham Hill. The southern block, would be 2.1m closer to the rear boundary with 9 Sydenham Hill.
6. The proposal was amended during the course of the application, to increase the height of the roof in part by 0.3m, this was to allow for a fall to the mono-pitch roof in order to secure the proper drainage of the roof. This was subject to reconsultation with neighbours, further details of which are set out below.
7. **Planning history**

12/AP/2619 Application type: Full Planning Permission (FUL)
 Demolition of existing 2 storey dwelling and erection of 5 x 4-bedroom 3-storey plus basement houses with associated car parking, bin and bicycle storage and landscaped gardens (Use Class C3).
 Decision date 18/12/2012 Decision: Granted (GRA)

KEY ISSUES FOR CONSIDERATION

8. Summary of main issues

The main issues to be considered in respect of this application are:

- a) principle of development;
- b) amenity;
- c) transport;
- d) design;
- e) trees;
- f) ecology.

Planning policy

9. National Planning Policy Framework (the Framework)
 Section 4 - Promoting sustainable transport
 Section 6 - Delivering a wide choice of high quality homes
 Section 7 - Requiring good design
 Section 10 - Meeting the challenge of climate change, flooding and coastal change
 Section 11 - Conserving and enhancing the natural environment
10. London Plan July 2015 consolidated with alterations since 2011
 Policy 3.3 Increasing housing supply
 Policy 3.5 Quality and design of housing developments
 Policy 6.9 Cycling
 Policy 6.10 Walking

Policy 6.13 Parking
 Policy 7.4 Local character
 Policy 7.6 Architecture
 Policy 7.21 Trees and woodlands

11. Core Strategy 2011

Strategic policy 1 Sustainable development
 Strategic policy 2 Sustainable transport
 Strategic policy 5 Providing new homes
 Strategic policy 7 Family homes
 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

12. 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.

3.2 Protection of Amenity

3.7 Waste reduction

3.11 Efficient Use of Land

3.12 Quality in Design

3.13 Urban Design

3.28 Biodiversity

4.2 Quality of Residential Accommodation

5.2 Transport Impacts

5.3 Walking and Cycling

5.6 Car Parking

Principle of development

13. There is already a dwelling on the site of 9 Fountain Drive and the principle of a residential development on the vacant part of the site has previously been established through the grant of planning permission for five dwellings (reference: 12/AP/2619). Whilst this permission is no longer extant (the permission expired on 18 December 2015), it is noted that, notwithstanding the adoption of the London Plan (2015), there have been no significant alterations to the policy context that would justify taking a different approach to the redevelopment of the site, subject to the detailed considerations of the impact of the additional dwelling set out below.
14. It was previously noted that family sized houses are proposed and strategic policy 7 of the core strategy states that development will provide more family housing with 3 or more bedrooms for people of all incomes to help make Southwark a borough which is affordable for families.
15. The Dulwich SPD seeks to resist development on back gardens and whilst this is noted and the vacant plot part of the site has some characteristics of a backland site, there is a pattern of subdivision between Sydenham Hill and Fountain Drive that is well

established, and the proposed houses would front the street and be set within generous plots rather than being located behind existing houses.

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

16. Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for neighbouring properties and further guidance is contained within the 2015 Technical update to the residential design standards SPD (2011). In addition to the development plan and associated guidance, the proposal should be considered with reference to the previously approved development of five houses.
17. The change in level across the site, results in land which rises steeply to the rear such that the neighbouring properties behind the application site (on Sydenham Hill) are situated at a higher level relative to the proposed houses. These changing levels are shown on the topographical survey and the height of the existing house and the proposed height of the new houses are shown with reference to the existing levels.
18. There are two key physical relationships in respect of the impact of the proposal on neighbouring amenity. The separation, or back to back distances between the rear elevations of the proposed houses and the existing houses on Sydenham Hill to the rear. The other being the height of the proposed buildings relative to the existing ground level and house.
19. The residential design standards SPD recommends a separation distance of 21m between the rear elevations of opposing properties in order to ensure privacy. It is noted that in the main the proposal either meets or exceeds the guidance in this respect. There are two exceptions to this, where the closest point between the southern block and Wavel Place is 19.5m and between the northern block and 11 Sydenham Hill where the distance is 20.6m. In both instances these are relatively minor departures from the guidance. In the case of Wavel Place, the building is not situated directly behind the rear windows of the building, thus these windows would have views beyond the proposed southern block. With respect to 11 Sydenham Hill, it is only a small part of the northern block which would be closer to this property than recommended, and views would be available through the gap between the two blocks. As set out earlier in this report, whilst the proposed buildings would be closer to the properties to the rear, the resultant relationship would still be broadly consistent with the council's guidance.
20. A topographical survey was completed showing the height of the land relative to mean sea level as the common datum (referred to as Above Ordnance Datum AOD)). The existing house has a height of 109.03m AOD to the apex of its roof and the height of the previously approved houses was 112.23m AOD. The proposed houses would have the same height as previously proposed, but would be 300mm higher to the rear to take account of the fall added to the flat roof to improve drainage. As such the houses at their highest point would be 112.53m AOD. The proposed houses would be significantly lower than the properties to the rear and this is shown on the proposed sections. The main impact of the revised proposal would be to 9 Sydenham Hill as the southern block is 5.3m wider than the previously approved block, given the requirement to accommodate an additional house. However, the additional width is not considered to be harmful to this property, given the separation distance between the two rear elevations and that views would be present through the gap between the two blocks and to the south over the wooded area. It is noted that the roofs of the houses

would be planted by way of 'green roofs', this would enhance their attractiveness as visible features from neighbouring properties. Whilst the 'view' from these windows would be different, the protection of existing views (unless specifically designated in the Development Plan) is not a planning consideration. For the reasons set out above, the proposal would maintain an appropriate outlook to No. 9 and other properties on Sydenham Hill.

21. No concerns were previously raised in relation to loss of daylight as part of the determination of the previous proposal. Generally the most affected properties would be to the rear and these properties occupy a favourable position being on higher ground. This proposal would be of a similar height and mass to the previously approved proposal, albeit the southern block would be wider. However, it is envisaged that impacts on daylight would be broadly similar. With respect to daylight the Residential Design Standards SPD states (in accordance with the BRE guidance) that where the proposed development faces the affected window of the neighbouring property a line should be drawn at 25 degrees upwards from the centre of the affected window and if the proposed development is higher than this 25 degree line, there may be an unacceptable loss of daylight to the affected window. If this line was drawn on the submitted sections this would show that the proposed development would be below a 25 degree line, which means that there would be no significant loss of daylight.

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

22. Each of the proposed houses would exceed the policy requirement of 110sqm as set out in the residential design standards SPD and all of the individual room sizes would comply with the Council's standards. The top floor accommodation comprising bedrooms, bathrooms and store rooms would only be lit by way of rooflights and whilst it would generally be preferable for windows to be provided, they would provide adequate light and ventilation.
23. With regard to amenity space, section 3 of the residential design standards SPD requires new housing to have a minimum of 50 sqm of private garden space; the gardens would be at least 10m in length and should extend across the entire width of the dwelling. The proposed development would comply with these standards. Refuse storage would be provided in a convenient location at the front of the houses.

Transport issues

24. Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions, 5.3 considers the needs of pedestrians and cyclists and 5.6 establishes maximum parking standards. The site has a public transport accessibility level (PTAL) of 3 (medium) and is not located in a controlled parking zone, although there is a cycle lane on the eastern side of Fountain Drive which passes outside the site and on which vehicles are not permitted to park.
25. Saved policy 5.6 of the Southwark Plan requires a maximum of between 1.5 and 2 off-street parking spaces for residential properties in the suburban density zone. The previous proposal was permitted on the basis of one parking space per dwelling which was considered to be acceptable given the need to promote sustainable patterns of transport and given the relatively good accessibility to public transport. In this respect it is noted that Fountain Drive is on a bus route and it is approximately an 11 minute

walk from Sydenham Hill station and 15 minutes from Crystal Palace Station.

26. This proposal would provide parking at the same ratio of one space per dwelling. Sufficient space is shown on the plans to enable cars to turn on site avoiding the need to reverse onto the road, and a condition to maintain the manoeuvring space is recommended. Five cycle parking spaces would be provided for each of the houses and a condition is recommended to ensure this is provided prior to occupation and retained as such thereafter.
27. The application has been reviewed by the council's transport planning team and no objections are raised with regard to the siting of the proposed off-street parking spaces on the grounds of highway safety, subject to the submission of more detailed plans for the proposed vehicle crossovers which can be secured by way of a condition.

Design issues

28. Saved policies 3.12 and 3.13 of the Southwark Plan seek to ensure that developments are of a high standard of architectural and urban design. Concerns have been raised by neighbours that the proposed houses owing to their number, height, scale and massing, detailed design and materials would be out of character with the area, which consists predominantly of detached houses set within large gardens. There are concerns that the proposal would be harmful to the visual amenities of the street and contrary to the council's policies.
29. It has previously been noted that the application site forms part of an attractive residential area, but one that displays no particular architectural style or uniformity. The current proposal would be similar in appearance to the previously approved proposal. This would take the form of a contemporary response to the site and no objections are raised in this regard given the mixed character of the area. In terms of scale and building line the proposal is considered to sit comfortably within the streetscene, responding to the curve in the road and the topography of the site. The Dulwich Wood conservation area is approximately 80m to the north-west of the site and given this separation distance it is not considered that its setting would be affected.

Impact on trees

30. An updated arboricultural report has been submitted with the application and has been reviewed by the council's urban forester, who has advised that the proposal would continue to successfully retain the trees of greatest amenity value. Of the 23 trees affected by the proposed development, 9 would require removal in order to facilitate the development and suitable mitigation by way of replanting would be required through a landscaping plan; further conditions to protect the retained trees on the site are recommended.

Planning obligations (S.106 undertaking or agreement)

31. 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 and Southwark CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. The existing dwelling on the site is lawfully occupied at present therefore its floor area (250sqm) can be subtracted

from the proposed new floorspace for the purposes of CIL.

Sustainable development implications

32. Saved policy 3.28 of the Southwark Plan states that the Local Planning Authority will take biodiversity into account in its determination of all planning applications and will encourage the inclusion in developments of features which enhance biodiversity, requiring an ecological assessment where relevant.
33. An ecological survey has been undertaken and a report submitted with the application. The report concludes that the primary features of ecological value are the mature trees to the north of the site, the majority of which are to be retained and that the proposal would not have a significant impact upon the ecological or biodiversity value of the site. The report has been reviewed by the council's ecologist who agrees with its findings and recommends a number of conditions, including a condition for the eradication of Japanese knotweed which is present on the site.
34. The ecological assessment previously considered the presence of bats, with a separate bat survey carried out in relation to 9 Fountain Drive (Hillside), which would be demolished as part of the proposals. The findings of the survey are now out of date, but previously it was considered that the building was highly unlikely to support roosting bats which was agreed by the council's ecologist. The council's ecologist has therefore recommended that a new bat survey be undertaken, in the next available season with development precluded until this time, a condition is proposed to this effect. Natural England have been consulted on the application and have raised no objections. In addition to landscaped gardens, the proposals would incorporate green roofs, bird and bat boxes.

Conclusion on planning issues

35. The proposed development would be acceptable in land use terms, would provide an acceptable standard of accommodation for future occupiers and would not result in any significant loss of amenity to neighbouring occupiers. The design of the proposal would be acceptable and replacement tree planting could be secured by condition. There would be no adverse impacts with regard to ecology. It is therefore recommended that planning permission be granted.

Community impact statement

36. 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) The impact on local people is set out above.
 - b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: None.
 - 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: None.

Consultations

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

Consultation replies

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

Summary of consultation responses

39. Objections have been received from 16 properties on the following basis:

Objection	Officer response
Loss of biodiversity	There is no objection to the proposal from the council's ecology officer or Natural England. Conditions have been secured to ensure that ecology is protected.
Reconsultation letters not received	Reconsultation letters were not initially received by all interested parties, however, these were successfully resent.
Damage to property and noise and disturbance	These are not planning considerations as these are dealt with under separate legislation.
Refuse arrangements	Specific areas have been identified for the storage of refuse and the provision of these will be secured by condition.
Loss of privacy	The proposal would maintain separation distances in accordance with the Residential Design Standards SPD - see paragraph 19 for further information.
Increased traffic/insufficient parking	The proposal would generate additional vehicular movements compared to the existing house. However, there is no objection from the Transport team in relation to this. It is noted that visibility is generally good with no evidence of capacity issues that would warrant refusal of the application. Parking would be in accordance with the council's maximum standards.
Loss of trees	The proposal would retain the most important trees and secure their protection throughout construction. Additional tree planting will be sought by a landscaping plan and no objection is raised by the Urban Forester.
Insufficient information to adequately assess the proposal	The plans submitted comply with the council's validation requirements and additional plans have been sought in order to address as far as possible residents'

	concerns/queries.
The forward position of the houses is harmful to the street scene.	The proposed development is marginally closer to the footway than the previously permitted development, but would not have a material impact on the townscape.
Loss of light	See Paragraph 21.

Urban Forester - No objection, subject to conditions.

Natural England - No objection.

Ecology Officer - No objection, subject to conditions.

Transport - No objection.

Human rights implications

40. 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.
41. This application has the legitimate aim of providing additional family sized 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/2092-9 Application file: 15/AP/3382 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 4424 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation
Appendix 4	Pre-application advice - First scheme
Appendix 5	Pre-application advice - Second scheme

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Matthew Harvey, Planning Officer	
Version	Final	
Dated	7 January 2016	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		7 January 2016

APPENDIX 1**Consultation undertaken****Site notice date:** 11/09/2015**Press notice date:** n/a**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 23/09/2015**Internal services consulted:**Ecology Officer
Urban Forester**Statutory and non-statutory organisations consulted:**Natural England - London Region & South East Region
Thames Water - Development Planning**Neighbour and local groups consulted:**

2 Wavel Place London SE26 6SF	Flat 10 Hogarth Court SE19 1UY
20 Wavel Place London SE26 6SF	Flat 11 Hogarth Court SE19 1UY
21 Wavel Place London SE26 6SF	Flat 12 Hogarth Court SE19 1UY
17 Wavel Place London SE26 6SF	Flat 16 Hogarth Court SE19 1UY
18 Wavel Place London SE26 6SF	Flat 2 Hogarth Court SE19 1UY
19 Wavel Place London SE26 6SF	Flat 20 Hogarth Court SE19 1UY
22 Wavel Place London SE26 6SF	Flat 21 Hogarth Court SE19 1UY
26 Wavel Place London SE26 6SF	Flat 17 Hogarth Court SE19 1UY
27 Wavel Place London SE26 6SF	Flat 18 Hogarth Court SE19 1UY
28 Wavel Place London SE26 6SF	Flat 19 Hogarth Court SE19 1UY
23 Wavel Place London SE26 6SF	Flat 1 Hogarth Court SE19 1UY
24 Wavel Place London SE26 6SF	Flat 3 Woodside Villa SE26 6SH
25 Wavel Place London SE26 6SF	Flat 4 Woodside Villa SE26 6SH
16 Wavel Place London SE26 6SF	Flat 5 Woodside Villa SE26 6SH
Flat 8 Hogarth Court SE19 1UY	Part Basement 1 Fountain Drive SE19 1UW
Flat 9 Hogarth Court SE19 1UY	Flat 1 Woodside Villa SE26 6SH
Hillside Fountain Drive SE19 1UP	Flat 2 Woodside Villa SE26 6SH
Flat 5 Hogarth Court SE19 1UY	Flat 6 Woodside Villa SE26 6SH
Flat 6 Hogarth Court SE19 1UY	1a Fountain Drive London SE19 1UW
Flat 7 Hogarth Court SE19 1UY	1b Fountain Drive London SE19 1UW
1 Wavel Place London SE26 6SF	1c Fountain Drive London SE19 1UW
13 Wavel Place London SE26 6SF	Flat 7 Woodside Villa SE26 6SH
14 Wavel Place London SE26 6SF	Flat 8 Woodside Villa SE26 6SH
15 Wavel Place London SE26 6SF	11 Fountain Drive London SE19 1UW
10 Wavel Place London SE26 6SF	Flat 22 Hogarth Court SE19 1UY
11 Wavel Place London SE26 6SF	Flat 39 Hogarth Court SE19 1UY

12 Wavel Place London SE26 6SF
 29 Wavel Place London SE26 6SF
 45 Wavel Place London SE26 6SF
 5 Wavel Place London SE26 6SF
 6 Wavel Place London SE26 6SF
 42 Wavel Place London SE26 6SF
 43 Wavel Place London SE26 6SF
 44 Wavel Place London SE26 6SF
 7 Wavel Place London SE26 6SF
 15 Sydenham Hill London SE26 6SH
 9 Sydenham Hill London SE26 6SH
 11a Sydenham Hill London SE26 6SH
 8 Wavel Place London SE26 6SF
 9 Wavel Place London SE26 6SF
 13 Sydenham Hill London SE26 6SH
 41 Wavel Place London SE26 6SF
 32 Wavel Place London SE26 6SF
 33 Wavel Place London SE26 6SF
 34 Wavel Place London SE26 6SF
 3 Wavel Place London SE26 6SF
 30 Wavel Place London SE26 6SF
 31 Wavel Place London SE26 6SF
 35 Wavel Place London SE26 6SF
 39 Wavel Place London SE26 6SF
 4 Wavel Place London SE26 6SF
 40 Wavel Place London SE26 6SF
 36 Wavel Place London SE26 6SF
 37 Wavel Place London SE26 6SF
 38 Wavel Place London SE26 6SF
 Flat 48 Hogarth Court SE19 1UY
 Flat 13 Hogarth Court SE19 1UY
 Flat 14 Hogarth Court SE19 1UY
 Flat 15 Hogarth Court SE19 1UY
 Flat 4 Hogarth Court SE19 1UY
 Flat 40 Hogarth Court SE19 1UY
 Flat 36 Hogarth Court SE19 1UY
 Flat 37 Hogarth Court SE19 1UY
 Flat 38 Hogarth Court SE19 1UY
 Flat 41 Hogarth Court SE19 1UY
 Flat 45 Hogarth Court SE19 1UY
 Flat 46 Hogarth Court SE19 1UY
 Flat 47 Hogarth Court SE19 1UY
 Flat 42 Hogarth Court SE19 1UY
 Flat 43 Hogarth Court SE19 1UY
 Flat 44 Hogarth Court SE19 1UY
 Flat 35 Hogarth Court SE19 1UY
 Flat 26 Hogarth Court SE19 1UY
 Flat 27 Hogarth Court SE19 1UY
 Flat 28 Hogarth Court SE19 1UY
 Flat 23 Hogarth Court SE19 1UY
 Flat 24 Hogarth Court SE19 1UY
 Flat 25 Hogarth Court SE19 1UY
 Flat 29 Hogarth Court SE19 1UY
 Flat 32 Hogarth Court SE19 1UY
 Flat 33 Hogarth Court SE19 1UY
 Flat 34 Hogarth Court SE19 1UY
 Flat 3 Hogarth Court SE19 1UY
 Flat 30 Hogarth Court SE19 1UY
 Flat 31 Hogarth Court SE19 1UY
 120 Stafford Road Caterham CR3 6JE
 39 Wavel Place Sydenham Hill SE26 6SF
 36 Wavel Place Sydenham Hill SE26 6SF
 5 Fountain Drive London SE19 1UW
 Greenbanks Fountain Drive se19 1up
 25 Kingsthorpe Road London SE26 4PG
 7 Fountain Drive SE19 1UW
 5 Hogarth Court London SE191UY

Re-consultation: 11/11/2015

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

None

Statutory and non-statutory organisations

Natural England - London Region & South East Region
Thames Water - Development Planning

Neighbours and local groups

Flat 7 Woodside Villa SE26 6SH
Greenbanks Fountain Drive se19 1up
7 Fountain Drive SE19 1UW
7 Fountain Drive SE19 1UW
13 Sydenham Hill London SE26 6SH
25 Kingsthorpe Road London SE26 4PG
30 Wavel Place London SE26 6SF
36 Wavel Place London SE26 6SF
36 Wavel Place Sydenham Hill SE26 6SF
39 Wavel Place London SE26 6SF
39 Wavel Place Sydenham Hill SE26 6SF
39 Wavel Place Sydenham Hill SE26 6SF
39 Wavel Place Sydenham Hill SE26 6SF
42 Wavel Place London SE26 6SF
45 Wavel Place London SE26 6SF
5 Fountain Drive London SE19 1UW
5 Fountain Drive London SE19 1UW
5 Fountain Drive London SE19 1UW
5 Fountain Drive London SE19 1UW
5 Hogarth Court London SE191UY

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	AKUMA	Reg. Number	15/AP/3382
Application Type	Full Planning Permission	Case Number	TP/2092-9
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing 2 storey dwelling; erection of 6 x4 bedroom houses with associated car parking, bin and bike stores; and landscaped gardens

At: HILLSIDE, FOUNTAIN DRIVE, LONDON SE19 1UP

In accordance with application received on 17/08/2015

and Applicant's Drawing Nos. Proposed Plans:

019-012; 019-020; 019-025; 019-030; 019-031; 019-032 Rev A; 019-033 Rev A; 019-034; Rev A; 019-035; 019-040 Rev A; 019-041 Rev A; 019-042 Rev A; 019-043 Rev A; 019-044 Rev A; 019-048; 019-060 Rev A; 019-061 Rev A; 019-068; 019-069; 019-080 Rev A; and 019-081

Existing Plans:

019-001; 019-011; 019-012; 019-015; 019-020; 019-025; and 019-030

Technical reports:

Design & Access Statement prepared by John Smart Architects
Tree Survey and Addendum (dated October 2015) prepared by Indigo
Transport Statement prepared by Lillington Consultancy Ltd

Subject to the following sixteen 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:

019-012; 019-020; 019-025; 019-030; 019-031; 019-032 Rev A; 019-033 Rev A; 019-034; Rev A; 019-035; 019-040 Rev A; 019-041 Rev A; 019-042 Rev A; 019-043 Rev A; 019-044 Rev A; 019-048; 019-060 Rev A; 019-061 Rev A; 019-068; 019-069; 019-080 Rev A; and 019-081

Reason:

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

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 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified on the application drawings hereby approved unless the prior written consent of the local planning

authority has been obtained for any proposed change or variation and the timber cladding shall be weather-treated.

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area, in accordance with saved policies 3.12 'Quality in design' and 3.13 'Urban design' of the Southwark Plan (2007) and strategic policy 12 'Design and conservation' of the Core Strategy (2011).

- 4 Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of the Japanese Knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement, and measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act (1981). The development shall be carried out in accordance with the details thereby approved.

Reason

Japanese knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

- 5 Details of bird and bat nesting boxes and bricks including their exact location, specification and design shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above grade work. No less than 5 nesting boxes and 5 bat bricks shall be provided they shall be installed in accordance with the approved details prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.

Reason:

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with saved policy 3.28 'Biodiversity' of the Southwark Plan and strategic policy 11 'Open spaces and wildlife' of the Core Strategy (2011) and guidance in the NPPF Section 11 Conserving and Enhancing the Natural Environment.

- 6 Prior to works commencing, including any demolition, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority.
- a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.
- b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.
- c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

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, who should be notified of the loss of the existing tree within 28 days of its loss and shall approve the re-planting before such re-planting occurs.

Reason

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 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 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

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.

- 7 Before any above grade work hereby authorised begins, details (including a specification and maintenance plan) of the green roofs 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 maintained as such thereafter.

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 hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason

So that the Council may be satisfied with the details of the landscaping scheme in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 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 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

- 9 If more than two seasons pass between the most recent bat survey and the commencement of demolition and/or tree works, an updated bat survey must be undertaken immediately prior to demolition or tree works by a licensed bat worker. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority (such approval to include any mitigation deemed necessary following the further bat survey) prior to the commencement of demolition and/or tree works.

Reason: To ensure compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended).

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 Detailed drawings of the vehicle crossovers into the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works hereby permitted. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

To ensure that the proposal will not compromise highway safety in accordance with saved policy 5.2 'Transport Impacts' of The Southwark Plan 2007 and Strategic Policy 2 Sustainable Transport of the Core Strategy 2011.

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

Reason

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

- 12 The refuse and recycling storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the dwellings before those dwellings are occupied and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason

In order to ensure that the refuse and recycling 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 saved policy 3.7 'Waste reduction' of the Southwark Plan (2007) and strategic policy 13 'High environmental standards' of the Core Strategy (2011).

- 13 The car parking spaces, manoeuvring space, waiting bays and driveways shown on the approved plans shall be completed before the dwellings hereby permitted are occupied, and thereafter shall be kept free of obstruction and available for the parking, waiting and manoeuvring of vehicles associated with the dwellings.

Reason

To ensure that there would be adequate parking facilities to serve the development and in the interests of highway safety, in accordance with saved policies 5.2 'Transport impacts' and 5.6 'Car parking' of the Southwark Plan (2007) and strategic policy 2 'Sustainable transport' of the Core Strategy (2011).

- 14 The cycle storage facilities shown on the approved plans shall be provided before the dwellings hereby approved are occupied, and thereafter such facilities shall be retained and the space used for no other purpose without prior written consent of the local planning authority.

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 saved policy 5.3 'Walking and cycling' of the Southwark Plan (2007) and strategic policy 2 'Sustainable transport' of the Core Strategy (2011).

- 15 The development hereby permitted shall be carried out in accordance with the recommendations in the Phase 1 Habitat Survey dated June 2012.

Reason

To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply saved policy 3.28 of the Southwark Plan, and Strategic Policy 11 of the Southwark Core strategy and guidance in the NPPF Section 11 Conserving and Enhancing the Natural Environment..

- 16 The buildings hereby permitted shall fully comply with the dimensions shown on the approved drawings, and the ridge height of the northern terrace shall be no more than 2.4m higher than the ridge height of 11 Fountain Drive and 111.83m AOD overall. The ridge height of southern terrace shall be no more than 3.4m higher than the ridge height of 11 Fountain Drive and 112.53m AOD overall, as shown on drawing number 019-040 Rev A; 019-068; and 019-069.

Reason:

To ensure that the buildings do not exceed the heights 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 Core Strategy (2011).

Statement of positive and proactive action in dealing with the application

The pre-application service was used for this application and the advice given was followed.

The applicant was advised of amendments needed to make the proposed development acceptable. These amendments were submitted enabling the application to be granted permission.

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

PRE-APPLICATION ADVICE – FIRST SCHEME - 13/EQ/0169

**Chief executive's department**

Planning division

Development management (5th floor - hub 2)

PO Box 64529

LONDON SE1P 5LX

Mr R Bevan
 John Smart Architects
 XXXXXXXX
 XXXXX
 XXXXX

Your Ref:**Our Ref:** 13/EQ/0169**Contact:** Fennel Mason**Telephone:** 020 7525 5470**E-Mail:**

planning.applications@southwark.gov.uk

Web Site: <http://www.southwark.gov.uk>**Date:** 17/03/2014

Dear Mr R Bevan

TOWN & COUNTRY PLANNING ACT 1990 (as amended)
PRE-APPLICATION ENQUIRY

At: HILLSIDE, FOUNTAIN DRIVE, LONDON, SE19 1UP**Proposal:** Proposal for an additional 6th dwelling which resides within the same site boundary, to supplement the existing planning for 5 dwellings

I write in connection with your pre-application enquiry received 3rd September, and further to your plans on 27th February 2014. Please see a summary of the issues below and the issues log attached. This highlights the key issues and whether they are serious risks (red), moderate (yellow), or low (green) to the success of the scheme at an application stage.

1. Summary

Previous planning permission for the 5 dwellings on the application site was granted under ref 12-AP-2619 (dated 18.12.12). The site is suitable for residential development and the proposal to provide one additional dwelling (4 bedroom house) to provide a total of 6 would be acceptable in land use terms.

There is not sufficient information to confirm the density of the scheme. The density needs to be determined at planning application stage, but appears to be acceptable given the local context.

The scheme is in a stepped profile with two sets of terraced houses and separated with a gap through the centre of the site. The proposal to add an additional dwelling on the site has meant reducing the gap between the two sets of terraced dwellings. The additional dwelling sits on the southern part of the site along the Fountain Drive edge and continues the stepped profile. The layout is now two groups of houses with a symmetrical configuration in footprint. The gap between the two groups is now 8.8m. This gap is considered acceptable as it maintains sufficient distance for the existing trees and ensures that the site maintains a sense of openness. It is noted that the latest drawings as submitted show that the buildings

set further forward towards the front. Whilst this is the case, sufficient distance is maintained at the front which would allow for car parking and an appropriate building line on this part of Fountain Drive.

It was considered by local residents that the proposed houses owing to their number, height, scale and massing, detailed design would be out of character with the area. Officers considered however, that the contemporary response was acceptable given the mixed character of the area. The addition of a dwelling could have the potential to impact on the streetscene. The submitted documents for this pre-application enquiry show that the line of houses would sit well within the streetscene. The design follows the extant scheme and the symmetry of the two terraces works well. The height and scale is similar to that approved and no objections are raised.

The proposed development now includes a strip of land to the south and allows the buildings to retain those trees in the centre of the site. Without full details Officers cannot give an opinion on the impact on the trees. It is advised that an arboricultural report be submitted with any formal planning application. Replanting of trees for any removal would be required.

The building would be closer to neighbours No. 11 Fountain Drive and the applicant should demonstrate how this reconfiguration would not impact on the neighbour's outlook and light. The additional dwelling would result in the new building being located closer to the rear boundary of 9 Sydenham Hill as well as being located close to the rear boundary with the block on Wavel Place. No datum levels have been provided and therefore it is not possible to fully assess the implications to the residential amenity of these properties.

The site currently has a woodland character and it is expected that the removal of any trees would require suitable replanting and a full landscaping plan be submitted.

The submitted plans indicate 6 No. spaces (one space for each dwelling) and this may be considered acceptable. No tracking diagrams have been submitted and the applicant is advised that sufficient space to enable cars to turn on site without the need to reverse onto the road is required. The hardstanding for the car parking in the front has increased due to the increase of parking spaces. The applicant should minimise the amount of hardstanding whilst provide adequate space for the cars. The applicant should also bear in mind that the width of the crossover should not increase any more than what has been approved.

Both the cycle and refuse stores at the front should be adequately designed and screened so as not to impact on the streetscene.

This current proposed development would take an area of the land to the south of the site and the applicant is required to demonstrate that there would not be a significant impact upon the ecological or biodiversity value of the site.

2. Conclusion

The proposed development is considered acceptable in land use terms, but there should be adequate landscaping at the front to maintain a sense of openness. There should be no further loss of trees that are of amenity value and replanting scheme is required at application stage. The cycle and refuse stores need to be sensitively designed. This advice is given to assist you but is not a decision of the Council. Further issues may arise following a formal planning application, where a site visit and public consultation and consultation with statutory consultees would be undertaken.

Yours sincerely

Rob Bristow

Major Applications Group Manager

PRE-APPLICATION ADVICE – SECOND SCHEME - 14/EQ/0277



Chief executive's department
 Planning division
 Development management (5th floor - hub 2)
 PO Box 64529
 LONDON SE1P 5LX

Mr Rich Bevan
 XXXXXX
 XXXXX

Your Ref:
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Web Site: <http://www.southwark.gov.uk>

Date: 19/02/2015

Dear Mr. Bevan

TOWN & COUNTRY PLANNING ACT 1990 (as amended)
PRE-APPLICATION ENQUIRY

At: HILLSIDE,9 FOUNTAIN DRIVE, LONDON, SE19 1UP
Proposal: Demolition of existing 2 storey dwelling and erection of 7 x 4 bedroom 4 storey houses with associated car parking, bin and bicycle storage and landscaped gardens (Use Class C3)

I write in connection with the pre-application enquiry received on 9th December 2014.

Summary

Planning permission was granted for 5 dwellings on the site under ref 12-AP-2619, but this permission has not yet been implemented. This pre-application enquiry encompasses a larger site area whereby the applicant has acquired the woodland to the south. This land to the south only adds 'land area' to the application site and does not add any function to the dwellings. This proposal for 7 dwellings is not considered acceptable and as discussed below, the number of dwellings proposed would reduce the openness of the site and the surrounding area and may not be acceptable.

The gap between the two groups of terraced houses is now between 5.5-6m. This gap is reduced and would require the removal of a tree within the central part of the site. The front is being used up for vehicular access and parking and with the increased number of houses

on the site would make this a cramped form of development. The reduction in the gap between the two terraces of houses and the loss of the tree would also reduce the sense of openness of the site.

The revised scheme is not considered acceptable due to the additional amount of tree loss and given the need for more extensive excavation which is likely to further endanger trees shown as retained, as well as those protected by a TPO.

The relationship of the development with the existing neighbouring buildings has somewhat improved by increasing the separation distances, but this has meant pushing the buildings further forward onto the street on Fountain Drive, thus impacting on the streetscene. This is a further indication of overdevelopment of the site.

The topography of the site is such that the garages would essentially be on the 'ground level' with the pedestrian and the road and as such would be visible from the street. You have submitted indicative tracking diagrams, but more accurate and detailed drawings are required at formal application stage.

Background

Previous planning permission for 5 dwellings on the application site was granted under ref 12-AP-2619 (dated 18.12.12). Subsequently, a pre-application (under our ref 13-EQ-0169) was submitted by the same applicant to develop the site for an additional dwelling (giving a total of 6). This current pre-application enquiry is to provide 2 more dwellings to bring a total of 7 x four bedroom houses. The site is suitable for residential development and is not on land that is designated for any other use and is therefore acceptable in land use terms.

The site approved under permission 12-AP-2619 had a site area of approximately 0.17Ha. This site had contained two parts, 9 Fountain Drive (known as Hillside) which comprises a dwelling and garden, and a vacant plot which adjoins this to the north and which would have originally formed part of the garden to 11 Sydenham Hill which adjoins to the east.

The applicant has purchased some non utilised land along the south boundary and the site area has therefore increased from 0.17Ha to 0.29Ha. This is an area overgrown with mainly self seeded tree growth; there is a retaining wall, possibly the ruins of a previous structure. However, this adjacent woodland is known to be a remnant of the formerly extensive ancient Great North Wood noted for its biodiversity and heritage value.

Density

I consider that there are 8 No. habitable rooms (which includes the Media room and Study area) in total for each dwelling. Using the new site area of 0.29Ha, this equates to approximately 193HR/Ha. Strategic policy 5 of the Core Strategy permits a density range of between 200-300HR/Ha in the suburban density zone. Whilst the proposed density falls slightly short of the specified range, the site banks up steeply towards Sydenham Hill which results in a more limited area for development. The density is considered appropriate for the site context. Nevertheless, this does also depend on the design of the scheme when considering whether overdevelopment would occur. A number of local residents had objected to the density of the scheme in the previous application 12-AP-2619 and the addition of another dwelling on this site would need to be sensitive to the local character.

Whilst you have increased the site area, it is clear that the southern part of the site is to be retained as an 'open woodland' that you have designated as 'communal amenity space' for the future residents. The new acquired land to the south would be maintained with much of the ground vegetation removed, cleared and maintenance given to the existing trees.

Acquiring additional land is acceptable in principle, but it is clear that this land to the south only adds 'land area' to the application site and does not add any function to the dwellings. Large 4 bedroom family sized houses generally require private amenity space to be provided and the Southwark's Residential Design Standards SPD 2011 does not stipulate the provision of communal amenity space. In any case, the communal space appears to be accessed via a rear communal path, located behind the private gardens of the proposed houses. There is a question as to how practical and useable this communal space would be. There is no indication as to who would maintain this piece of land to the south. Accordingly, Officers consider that the 'real density' of the site should be calculated using the previous application site boundary and site area, which would be increased. As discussed below, the number of dwellings proposed would reduce the openness of the site and the surrounding area and may not be acceptable.

Layout of the buildings

The scheme is in a stepped profile with two sets of terraced houses and separated with a gap through the site. The terrace is split with 3 houses to the north and 4 houses to the south. The proposal to add two additional dwellings on the site has meant reducing the gap between the two sets of terraced dwellings. The gap between the two groups is now between 5.5-6m. This gap is reduced and would require the removal of a tree within the central part of the site. Furthermore, the building line is now set further forward towards the road. Whilst the building line appear appropriate generally, the front is being used up for vehicular access and parking and with the increased number of houses on the site would make this a cramped form of development. The reduction in the gap between the two terraces of houses and the loss of the tree would also reduce the sense of openness of the site.

The proposed site plan 019-025 Rev E shows the distances between the rear of the dwellings to the rear boundary, but I note that this is not the depth of the rear private gardens.

Quality of accommodation

The room sizes and unit sizes appear to meet the minimum standards set out in the Residential Design Standards SPD and adequate private garden areas are provided. Each dwelling would have adequate outlook and would not result in any overlooking into each other or adjoining sites.

Detailed design

Concerns from local residents were previously raised in the planning application 12-AP-2619. It was considered by local residents that the proposed houses owing to their number, height, scale and massing, detailed design would be out of character with the area. Officers considered however, that the contemporary response was acceptable given the mixed character of the area. The addition of two dwellings could have the potential to impact on the streetscene. The design follows the extant scheme and the height and scale is also similar. Given the odd number of units proposed, there is no symmetry. Whilst the height and scale and contemporary design is acceptable in principle, I consider the number of units proposed on this plot width to be unacceptable as it would appear relatively cramped when seen in its context. As explained above, the gap between the two terraces is now reduced and coupled with the number of units would reduce the openness of this area.

The approved scheme had proposed timber cladding and it is now proposed to clad the buildings with clay tiles. There is no objection in principle to this, but a condition requiring this to be treated would be recommended if such a scheme is approved.

Impact on Dulwich Wood Conservation Area

The Dulwich Wood Conservation Area is approximately 80m to the north west of the site and given this separation distance it is not considered that its setting would be affected.

Impact on trees

The site currently has a woodland character. An arboricultural impacts assessment and survey identify a number of trees that have been removed as part of the previously consented scheme and show a further amount that require removal in order to facilitate the amended proposal for additional houses.

Together with neighbouring properties, the site is characterised by its well treed setting. The adjacent woodland is known to be a remnant of the formerly extensive ancient Great North Wood noted for its biodiversity and heritage value.

Any development would require extensive excavation into the hillside and this has already been considered as part of the previous scheme whereby special tree protection measures are needed to ensure any retained trees are not damaged. Incursion into the root protection areas from the driveway is especially sensitive and includes root pruning for category B trees Oak T16 & Lime T20. The Lime is of especial significance given its size and contribution to the streetscene.

The revised scheme would further endanger the retention of tree T20 such that the report recommends consideration for its removal. Four additional trees require removal: Hollies T6 & T7, Sycamore T18 (all category C) and Yew T23 (category B). A further 8 trees are also identified which are directly impacted and which require greater levels of protection. This includes A category Beech tree T39 on adjacent land which is protected by a TPO ref 73.

In total, the proposed development results in the loss of 625cm of stem girth which would require replacement in response to the London Plan policy such that there is no net loss of canopy over. Given the site constraints and available space it is unlikely that this amount or number of replacement tree planting is attainable.

It is understood from the Council's own Arboricultural Officer that the site is to be assessed for a provisional TPO.

The revised scheme is therefore not considered acceptable due to the additional amount of tree loss and given the need for more extensive excavation which is likely to further endanger trees shown as retained, as well as those protected by a TPO.

Impact on neighbouring properties

The greatest impact of the development is on the nearest neighbouring property No. 11 Fountain Drive, which is a property comprising garage space at ground floor level with a bungalow above. The extant scheme has its northernmost house approximately 11m from the neighbouring property (4m from the common boundary) and it was positioned at an oblique angle because the proposed houses would be set slightly further back than No.11. It was considered that the separation distance would be sufficient to ensure that no significant loss of light or outlook would occur. It is recognised that this scheme would now move the

houses further forward to the front and the northernmost house is now only 2m from the boundary of No. 11.

The applicant has shown that using the 25 degree 'rule of thumb' from the centre of the lowest habitable room facing the development, the proposed development falls outside of the 25 degree from horizontal datum and therefore unlikely to have a significant effect on daylight and sunlight on No. 11. No windows are shown in the side elevation of the northernmost house and therefore no privacy issues raised.

The other neighbouring properties (37-Wavel Place and 9 Sydenham Hill) are located to the south east and east of the site respectively. The current proposed scheme now adds the 7th dwelling within an additional piece of acquired land to the south and therefore would be closer to these neighbouring properties. The separation distance for the consented scheme was at least 22m between the rear of Wavel Place and the most southernmost house at least 28m from 9 Sydenham Hill. The proposed scheme would be closer to these properties. Due to the elevated position of these properties the distances shown on plan may be misleading and it was previously noted under the pre-application 13-EQ-0169 that there would need to be a topographical survey and further sections through the site are provided. The submitted plans indicate that there are areas where there is now a greater distance between the neighbouring buildings and the proposed building, but there are also points where these are now closer. The relationship of the development with the existing neighbouring buildings has somewhat improved by increasing the separation distances, but this has meant pushing the buildings further forward onto the street on Fountain Drive, thus impacting on the streetscene. This is a further indication of overdevelopment of the site.

The impact of the development on the neighbouring properties to the north/north east of the application site would not be affected by the additional dwelling.

Landscaping

The Lower ground floor plan indicates that the bike and refuse stores would be at the front of the property facing the road. Your Design and Access Statement indicates that these would be within the walls of the entrance area and would have a sliding slatted screen system. These however, would immediately adjoin the pedestrian footpath and I am cautious about how this would appear on the streetscene as well as the implications on pedestrian movement. The bike stores are also of vertical stacking design and these are not normally accepted.

Transport issues

It is unlikely that the two additional family dwellings on this site would significantly increase the level of trips. No impact on the local highway network is envisaged.

Car parking

Concerns were previously raised under the consented scheme by neighbours and the Transport Planning Team that there would be insufficient provision and may result in cars parking on-street. Officers had noted that the use of maximum standards is a measure to encourage people to use alternative modes of transport other than the private cars and providing less parking is one way of achieving this. This proposal to provide 7 dwellings may raise concerns over the level of parking. The submitted plans indicate 7 No. spaces (one space for each dwelling) and this may be considered acceptable. These spaces are all within a garage, which would be on the lower ground level within the front garden area. This

would reduce the potential to have substantial amount of hardstanding, but it is not clear how this would appear from the street. The topography of the site is such that the garages would essentially be on the 'ground level' with the pedestrian and the road and as such would be visible from the street.

You have submitted indicative tracking diagrams, but more accurate and detailed drawings are required at formal application stage.

Sustainability

The proposed houses would need to achieve Code for Sustainable Homes (CfSH) Level 4, which is required by the Council's Strategic Policy 13 of the Core Strategy. The applicant has not indicated whether a Level 4 would be achieved, but Officers note that the previous permission was for a scheme that would achieve a Level 5, which would exceed the Council's target of level 4 and this would be welcomed for the 7 dwellings.

Ecology

An ecological survey was undertaken and a report submitted with the original application. The report concluded that the primary features of ecological value are the mature trees to the north of the site, the majority of which are to be retained and that the proposal would not have a significant impact upon the ecological or biodiversity value of the site. The bat survey submitted with the original application confirmed that the building was highly unlikely to support roosting bats. This current proposed development would take an area of the land to the south of the site and whilst the applicant has indicated the potential ecological enhancements, it is also required to demonstrate that there would not be a significant impact upon the ecological or biodiversity value of the site.

S106 and CIL

The development for 6 dwellings falls below the threshold that would trigger s106 financial contributions.

The Mayor has brought in a charge that will be paid by most new developments, the Mayoral Community Infrastructure Levy (CIL). The levy will be calculated according to the amount of additional floor space a new development will produce. Please therefore ensure that any forthcoming planning application includes details of the amount of floor space, on the requisite form. The amount to be paid is calculated when planning permission is granted and it is paid when development starts.

Please also bear in mind that the Southwark CIL is likely to come into effect this year.

Conclusion

The proposed development is considered acceptable in land use terms, but the number of units proposed on the site is considered to create a cramped form of development. This would reduce the sense of openness in this local context. There would be the removal of significant trees and this is not considered acceptable as it would affect the woodland character of the area. The cycle and refuse stores need to be sensitively designed. This advice is given to assist you but is not a decision of the Council. Further issues may arise following a formal planning application, where a site visit and public consultation and consultation with statutory consultees would be undertaken.

Yours sincerely

Rob Bristow
Major Applications Group Manager

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