
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 & Mrs Nicholas Borowiecki Mellow Property Developments Ltd	Reg. Number	11- <u>AP</u> -0757
Application Type	S.73 Vary/remove conds/minor alterations	Case Number	TP/2154-37 2154-38
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Variation of condition 2 (approved plans) of planning permission reference 10-AP-1717 dated 29.10.2010 (for 'Erection of 2 two-storey single family houses, erection of a one storey single garage, and off-street parking for two cars') to amend the drawings to show basements to be constructed to the two houses.

At: LAND TO THE REAR OF 37 AND 38 GROVE PARK, LONDON, SE5 8LG

In accordance with application received on 09/03/2011 08:08:02

and Applicant's Drawing Nos. Design and Access Statement, report by structure workshop 'construction of basement structures' dated 11th May 2011.

Plans:- 201 REV C, 300 REV A, 301 REV D, 401 REV G, 405 REV E

Reasons for granting permission.

This planning application was considered with regard to various policies including, but not exclusively:

a] Saved policies of the Southwark Plan [July 2007].

3.2 Protection of Amenity (advises that permission would not be granted where it would cause a loss of amenity);

3.11 Efficient Use of Land (seeks to ensure that developments make an efficient use of land as a key requirement of the sustainable use of land, whilst protecting amenity, responding positively to context, avoid compromising development potential, providing adequate access, circulation and servicing, and matching development to the availability of infrastructure);

3.12 Quality in Design (requires new development to achieve a high standard of architectural design);

3.13 Urban Design (advises that principle of good urban design should be taken into account in all new developments);

3.15 Conservation of the Historic Environment (Requires development to preserve or enhance areas of historic interest, whether designated or not).

3.16 Conservation Areas (requires developments to preserve or enhance the character or appearance of the conservation area)

3.18 Setting of Listed Buildings, conservation areas and World Heritage Sites. (requires new developments to preserve or enhance the immediate or wider setting of a listed building, conservation area or World Heritage Site, and important views of a listed building).

4.2 Quality of Residential Accommodation (states that planning permission will be granted for new residential developments provided that they achieve good quality living conditions, high standards of accessibility, including seeking to ensure that new housing is built to Lifetime Homes standard, privacy and outlook, natural sunlight and daylight, space, including green space, safety, and protection from pollution);

5.2 Transport Impacts (states that permission will not be granted for developments that have an adverse affect on the transport network and that there is adequate provision for servicing, circulation and access;

b] Core Strategy 2011

Strategic Policy 2 – Sustainable transport - which seeks to encourage walking, cycling and the use of public transport

rather than travel by car.

Strategic Policy 5 – Providing new homes - SP5 which requires development to meet the housing needs of people who want to live in Southwark and London by providing high quality new homes in attractive environments.

Strategic Policy 12 - (Design and Conservation) which establishes design principles and seeks to protect Southwark's historic environment.

Strategic Policy 13 - (High Environmental Standards) expects development will help us live and work in a way that respects the limits of the planet's natural resources, reduces pollution and damage to the environment and helps us adapt to climate change.

c] London Plan [2004]

Policies 3A.1 Increasing London's supply of housing; 3A.2 Borough Housing Targets; 3A.3 Maximising the potential of sites; 4A.11 Living roofs and walls; 4B.8 Respect local context and communities; The London Plan Housing SPD April 2010 of the .

d] Planning Policy Statement (PPS) 1, Delivering Sustainable Development, PPS3 Housing, PPS5 Planning for the Historic Environment, PPG14 'Development on unstable land'.

Particular regard was had to the issue of tree protection and the impact of the new basements on the amenity of nearby occupiers, as well as design implications. With conditions on tree protection, and no adverse impacts envisaged regarding design or amenity due to the modest size of the basements, it is not considered that the scheme changes the nature of the parent scheme such that planning permission ought to be refused. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following condition:

- 1 The development hereby permitted shall be begun before 8th December 2012.

Reason

To comply with S73 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:
300 REV A, 301 REV D, 401 REV G, 405 REV E, 202 B, 301 C, 302 C, 303 C, 401 D, 402 D, 403 D, 404 D, 405 C, 501 A, 601 A, 602 A, 603 A

Reason:

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

- 3 Prior to works commencing on site, including any demolition, details of the means by which any existing trees are to be protected from damage by vehicles, stored or stacked building supplies, waste or other materials, and building plant or other equipment shall be submitted to and approved in writing by the Local Planning Authority, and the protective measures shall be installed and retained throughout the period of the works in accordance with any such approval given and protective fencing must not be moved or removed without the explicit written permission of the Local Authority Arboriculturalist. Within the protected area, no fires may be lit, no materials may be stacked or stored, no cement mixers or generators may be used, no contractor access whatsoever is permitted without the explicit written permission of the Local Authority Arboriculturalist under the supervision of the developer's appointed Arboriculturalist. Within the protected area, any excavation must be dug by hand and any roots found to be greater than 25mm in diameter must be retained and worked around.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

(b) If any retained tree is removed, uprooted or 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.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason

To ensure the protection of the existing trees in accordance with saved policies 3.2 Protection of Amenity and 3.28 Biodiversity of The Southwark Plan 2007, and SP11 Open Spaces and Wildlife, and SP13 High Environmental Standards of the Core Strategy 2011.

- 4 No trenches, pipe runs or services or foundations for roads or pathways shall be dug or excavated within 5.0 metres of the base of any tree on the site or of any tree on land adjoining the site unless otherwise shown on the approved drawings. All works shall adhere to National Joint Utility Group, Guidance 10 - Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2).

Reasons:

To avoid damage to the existing trees which represent an important visual amenity in the area in accordance with saved policies 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 Open Spaces and Wildlife, and SP13 High Environmental Standards of the Core Strategy 2011.

- 5 No works or development shall take place until full details of all proposed tree planting, including planting of at least six (six) trees to replace those that would be felled and which shall be container grown, with girth circumference between 14-16cm, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times. Details of the tree suppliers shall be provided. Planting shall comply to BS:4428 Code of practice for general landscaping operations.

If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective,] another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural qualities of the existing building and the public spaces around it in accordance with saved Policies 3.12 Quality in Design, 3.13 Urban Design and 3.28 Biodiversity of The Southwark Plan 2007, SP11 Open Spaces and Wildlife, and SP13 High Environmental Standards of the Core Strategy 2011.

- 6 Before any above grade work hereby authorised begins, details of the green and/or brown roofs (including a specification and maintenance plan) to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, it in accordance with saved Policies 3.12 Quality in Design, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007 and SP13 'High environmental standards' of the Core Strategy (2011).

- 7 The development shall be carried out in accordance with the recommendations contained on page 13 of the submitted 'Bat assessment' dated 2/9/2010 Reference No. 2010_031. In particular the following measures shall be complied with:
- External lighting (lamps) shall have an illuminance of below c.4 LUX and lighting at ground level shall be below c.3 LUX
 - Bat boxes and roof access shall be installed along with a biodiverse green/brown roof.
 - The locations of bat boxes and roof voids shall not be illuminated.

Reason

In order that the Local Planning Authority may be satisfied that the development provides adequate protection in relation to biodiversity and bats in particular, in accordance with saved policy 3.28 Biodiversity, of the

Southwark Plan 2007, SP11 Open Spaces and Wildlife, and SP13 High Environmental Standards of the Core Strategy 2011.

- 8 The heights of the new buildings and boundary walls shall not exceed those shown in drawing numbers 401G and 405E.

Reason:

In order to ensure that the height of the buildings when constructed may be checked against the drawings to ensure the approved height is adhered to and in accordance with saved policy 3.12 Quality in Design of the Southwark Plan 2007, and SP12 Design and Conservation, of the Core Strategy 2011.

- 9 The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason:

In order to comply with strategic policy 13 'High environmental standards' of the Core Strategy (2011).

- 10 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved.

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 Policy 3.12 'Quality In Design' of the Southwark Plan 2007 and strategic policy 12 'Design and conservation' of the Core Strategy (2011).

- 11 Samples and details of the proposed materials to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given. Samples/details shall include the following:

- Sample of render material
- Details and brickwork sample panel for the front boundary treatment including mortar and bonding (plan details to be at scale of 1:10)
- Details and samples of the window and door framing in particular in relation to the front boundary elevation, and details of the gates to the front elevation (details at scale of 1:10)
- Sample of roofing materials

Reason

In order that the Local Planning Authority may be satisfied as to the details of the materials to be used in the extension, in the interest of the appearance of the building in accordance with saved Policies 3.12 Quality in Design, 3.13 Urban design, 3.15 Conservation of the historic environment and 3.16 Conservation areas of the Southwark Plan 2007 and strategic policy 12 'Design and conservation' of the Core Strategy (2011).

- 12 No works to commence this development hereby approved shall be undertaken until a scheme showing hard and soft landscaping details to be incorporated within the site, to include details of the living roofs, which in turn should include suitable foraging habitat for bats, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out in the first planting season following completion of the development, and shall be maintained thereafter.

Reason:

In order to ensure existing wildlife on site is protected, and encouraged, and in the interests of the visual amenity of the site, in accordance with saved policies 3.2 Protection of amenity, and 3.28 Biodiversity, of the Southwark Plan 2007 and strategic policy 13 'High environmental standards' of the Core Strategy (2011).

- 13 Details pertaining to hard and soft landscaping to the driveway and gardens, as well as details of the living roof to include a bat foraging habitat, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. The details shall thereafter be implemented and maintained in accordance with the approved details.

Reason

In order that the Local Planning Authority may be satisfied that the development provides adequate replacement habitat or foraging for wildlife species that may be affected, and in accordance with saved policy 3.28 Biodiversity, of the Southwark Plan 2007 and strategic policy 13 'High environmental standards' of the Core Strategy (2011).