

Item No.	Classification:	Date:	Meeting Name:
7.3	OPEN	23 April 2013	Planning Sub-Committee A
Report title:	Development Management planning application: Application 12/AP/2635 for: Conservation Area Consent Address: LAND TO THE REAR OF 93, GROVE LANE LONDON SE5 Proposal: Demolition of 14 existing lock-up garages (to facilitate redevelopment with 8 dwellings)		
Ward(s) or groups affected:	Brunswick Park		
From:	Head of Development Management		
Application Start Date 29/11/2012		Application Expiry Date 24/01/2013	

RECOMMENDATION

- 1 Grant conservation area consent subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 The subject site is located between Grove Lane and Camberwell Grove, and is presently occupied with 14 disused garages with access from Grove Lane. The site adjoins Windsor Walk a public accessway between the two streets. The site is located behind the residential building at 93 Grove Lane, and adjoining the listed Grove Chapel to the east of the site. Opposite Windsor Walk to the south is a four storey residential building, and to the north is a terrace of four residential properties.
- 3 The site is located within the Air Quality Management Area and the Camberwell Grove Conservation Area and the site is also within the setting of the Grade II Listed Grove Chapel. The site is located within the South Camberwell Controlled Parking Zone (CPZ) and has a medium Public Transport Accessibility Level (PTAL) of 4.

Details of proposal

- 4 Conservation area consent is sought for the demolition of 14 garages at the site.
- 5 There is an associated full planning application (12-AP-2634) concurrently being assessed.

Planning history

- 6 Planning permission (11-AP-0591) was refused on 25 May 2011 for the demolition of existing vacant lock-up garages and erection of a 3-storey building comprising 9 self-contained flats (Use Class C3). The application was refused on the following grounds:

1] The proposed scheme represents an overdevelopment of the site owing to

- 7 *the combination of its bulk, massing and proximity to neighbouring sites, in particular those to the north and west. The building would have an overbearing impact resulting in overlooking of neighbouring sites with subsequent loss of privacy, and overshadowing to the rear gardens impacting on the enjoyment of these properties. The development therefore fails to comply with saved policy 3.2 'Protection of amenity' of The Southwark Plan [UDP] 2007, Residential Design Standards [SPD] 2008, Strategic policy Strategic Policy 13 – 'High environmental standards' of the Core Strategy (2011) and policy 4B.1 Design principles for a compact city of the London Plan (Consolidated with Alterations since 2004).*
- 8 *2] The proposed development, owing to its excessive bulk and extent of site coverage would fail to preserve or enhance the character and appearance of this part of the Camberwell Grove Conservation Area or the setting of adjacent listed building, and the form of the building fails to make an appropriate response to the historic context of the area. The development therefore fails to comply with saved policies 3.11 'Efficient Use of the Land', 3.12 'Quality in design', 3.13 'Urban design', 3.15 'Conservation of the historic environment', 3.16 'Conservation areas' and 3.18 'Setting of listed buildings, conservation areas and world heritage sites' of The Southwark Plan [UDP] 2007, Strategic policy 12 'Design and conservation' of the draft Core Strategy (2011), policies HE7.5 and HE10 of PPS5: Planning for the Historic Environment and policy 4B.1 Design principles for a compact city of the London Plan (Consolidated with Alterations since 2004).*
- 9 *3] The proposal has failed to demonstrate that the development would provide suitable access for servicing the site, including during the construction phase, access for emergency vehicles and collection of waste and as such the development would be harmful to the functioning of the transportation network. The proposed cycle parking spaces are also not practically accessible for all users. As such, the development is contrary to saved policies 5.2 'Transport impacts' and 5.3 'Walking and cycling' of The Southwark Plan [UDP] 2007, Strategic Policy 2 - 'Sustainable transport' of the Core Strategy 2011 and policy 3C.1 Integrating transport and development of the London Plan (Consolidated with Alterations since 2004).*
- 10 *4] The proposal has failed to demonstrate that the development has minimised its impacts on the environment, and that a sufficient percentage of energy requirements could be drawn from renewable energy sources. The proposal is contrary to policies 4A.4 'Energy Assessment' and 4A.7 'Renewable Energy' of the London Plan (Consolidated with Alterations since 2004), saved policy 3.4 'Energy Efficiency' of The Southwark Plan [UDP] 2007 and Strategic Policy 1 - 'Sustainable development' of the Core Strategy [2011].*
- 11 The associated Conservation Area Consent (11-AP-0566) was also refused on 25 May 2011 for the demolition of 14 garages. The application was refused on the following ground:
- 12 *1] In the absence of an approved scheme for the redevelopment of the site, and lack of clear justification for the removal of the existing fabric would fail to preserve or enhance the character or appearance of this part of the Camberwell Grove Conservation Area, contrary to saved policy 3.16 'Conservation areas' of the Southwark Plan 2007, strategic policy 12 'Design and conservation' of the draft Core Strategy (2011) and PPS5: Planning for the Historic Environment.*
- 13 These associated refused applications were then subject to appeal. The appeals were

both dismissed by the Planning Inspectorate by way of decision notice on 3 May 2012.

14 The Planning Inspectorate considered that:

- 15 • In terms of the amenity of neighbouring occupiers to the north, the combination of the width, height, and proximity of the building would mean that it would have an unacceptably dominating effect on neighbouring residents when viewed from their gardens.
- 16 • In terms of the impact on the conservation area and listed building, the complex arrangements of set-back, large openings, screens and irregular angles does not respond in an sense to the positive elements found within the conservation area. With regard to the listed building, the proportions of the block of flats and its design would create a harsh juxtaposition of differing designs which would fail to preserve the setting of the listed building adjoining.
- 17 • In terms of bin storage, whilst the size might not meet needs for future occupiers, there would be sufficient scope to make minor amendments to the scheme. In terms of access for demolition and construction phase, this could be from the Grove Lane entrance. In terms of cycle storage the Inspector did not find it unacceptable.
- 18 • With regards to sustainability, the Inspector considered this could adequately be dealt with by way of condition.
- 19 • In terms of the conservation area consent, the Inspector agreed that a suitable replacement scheme would need to be approved prior to granting permission for the demolition of the garages, as the site would likely become more unattractive and a focus for rubbish.

Planning history of adjoining sites

20 None relevant to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- a) the impact on the conservation area

Planning policy

22 Core Strategy 2011

Strategic Policy 12 – Design and conservation

23 Southwark Plan 2007 (July) - saved policies

3.16 Conservation areas

24 London Plan 2011

7.8 Heritage assets and archaeology

25 National Planning Policy Framework (NPPF)

With part 12 'Conserving and enhancing the historic environment' being particularly relevant.

Principle of development

- 26 The principle of the demolition of the garages is acceptable provided there is a suitable replacement scheme approved.

Impact on the Conservation Area

- 27 The proposed demolition of the buildings is located within the Camberwell Grove Conservation Area. As such the development needs to be assessed against saved policy 3.16 'Conservation areas' which states that:

- 28 *Within Conservation Areas, there will be a general presumption in favour of retaining buildings that contribute positively to the character or appearance of the Conservation Area. Planning permission will not be granted for proposals that involve the demolition or substantial demolition of a building that contributes positively to the character or appearance of the Conservation Area, unless, in accordance with PPG15 or any subsequent amendments, it can be demonstrated that:*

i. The costs of repairs and maintenance would not be justified, when assessed against the importance of the building and the value derived from its continued use, providing that the building has not been deliberately neglected; and

ii. Real efforts have been made to the continue the current use or find a viable alternative use for the building; and

iii. There will be substantial planning benefits for the community from redevelopment which would decisively outweigh loss from the demolition; and

iv. The replacement development will preserve or enhance the character or appearance of the conservation area and has been granted planning permission.

- 29 The proposed garages are not considered to be positive contributors to the Conservation Area. Therefore the general presumption in favour of retention set out in saved policy 3.16 'Conservation Areas' does not apply.

- 30 Paragraph 134 of the National Planning Policy Framework states that were a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 31 The proposed development would provide much needed housing within the area, and would also regenerate an otherwise vacant site which has attracted fly tipping and the existing garages are in a poor state of repair. It is considered that these positive benefits and enhancement would clearly justify the demolition of these garages, which are in themselves without design merit.

- 32 Should consent be granted, a condition is recommended to be imposed ensuring that a contract is let for the permitted redevelopment prior to demolition.

- 33 The proposed redevelopment of the site for residential use (12-AP-2634) which will be facilitated by the proposed demolition of the garages has also been assessed by Council and has been recommended for approval.

- 34 In summary, it is considered that the benefits of the scheme would outweigh any harm

to the Camberwell Grove Conservation Area and would therefore comply with saved policy 3.16 'Conservation areas' of The Southwark Plan, strategic policy 12 'Design and Conservation' of the Core Strategy and part 12 of the NPPF 2012.

Other matters

- 35 There are no other matters for consideration.

Conclusion on planning issues

- 36 Overall for the reasons explored above it is considered that the demolition of the garages is acceptable as they are without intrinsic merit, and their demolition will facilitate a redevelopment that will enhance the Camberwell Grove Conservation Area. The development would therefore comply with saved policy 3.16 'Conservation areas' of The Southwark Plan, strategic policy 12 'Design and Conservation' of the Core Strategy and part 12 of the NPPF 2012.

Community impact statement

- 37 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.
- 37 a) The impact on local people is set out above.

Consultations

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

Consultation replies

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

- 40 Summary of consultation responses

Flat 5 83a Grove Lane

Some confusion over the correct documents on the website but despite this are in support of the application as the replacement building appears to be good quality and will have a positive impact .

Human rights implications

- 41 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.
- 42 This application has the legitimate aim of providing a clear site for redevelopment. 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/2135-93 Application file: 12/AP/2635 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 5470 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Fennel Mason, Planning Officer	
Version	Final	
Dated	19 February 2013	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance & Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	12 April 2013	

APPENDIX 1

Consultation undertaken

Site notice date:

13 September 2012 and 3 December 2012

Press notice date:

14 September 2012

Case officer site visit date:

13 September 2012

Neighbour consultation letters sent:

13 September 2012 and 4 December 2012

Internal services consulted:

Design and Conservation

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

Neighbour Consultee List for Application Reg. No. 12/AP/2635

TP No	TP/2135-93	Site	LAND TO THE REAR OF 93, GROVE LANE LONDON SE5
App. Type	Conservation Area Consent		

Date Printed	Address
14/09/2012	UNIT 1 93 GROVE LANE LONDON SE5 8SN
14/09/2012	UNIT 2 93 GROVE LANE LONDON SE5 8SN
14/09/2012	FLAT 8 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012	FLAT 9 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012	UNIT 3 93 GROVE LANE LONDON SE5 8SN
14/09/2012	UNIT 6 93 GROVE LANE LONDON SE5 8SN
14/09/2012	UNIT 7 93 GROVE LANE LONDON SE5 8SN
14/09/2012	UNIT 4 93 GROVE LANE LONDON SE5 8SN
14/09/2012	UNIT 5 93 GROVE LANE LONDON SE5 8SN
14/09/2012	FLAT 7 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012	FLAT 15 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012	FLAT 16 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012	FLAT 13 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012	FLAT 14 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012	FLAT 2 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012	FLAT 5 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012	FLAT 6 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012	FLAT 3 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012	FLAT 4 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012	FIRST FLOOR FLAT 91 GROVE LANE LONDON SE5 8SN
14/09/2012	GROUND FLOOR FLAT 91 GROVE LANE LONDON SE5 8SN
14/09/2012	FLAT 8 83A GROVE LANE LONDON SE5 8SN

14/09/2012 93 GROVE LANE LONDON SE5 8SN
14/09/2012 SECOND FLOOR FLAT 91 GROVE LANE LONDON SE5 8SN
14/09/2012 FLAT 7 83A GROVE LANE LONDON SE5 8SN
14/09/2012 83C GROVE LANE LONDON SE5 8SN
14/09/2012 FLAT 1 83A GROVE LANE LONDON SE5 8SN
14/09/2012 UNIT 8 93 GROVE LANE LONDON SE5 8SN
14/09/2012 FLAT 2 83A GROVE LANE LONDON SE5 8SN
14/09/2012 FLAT 5 83A GROVE LANE LONDON SE5 8SN
14/09/2012 FLAT 6 83A GROVE LANE LONDON SE5 8SN
14/09/2012 FLAT 3 83A GROVE LANE LONDON SE5 8SN
14/09/2012 FLAT 4 83A GROVE LANE LONDON SE5 8SN
14/09/2012 85 GROVE LANE LONDON SE5 8SN
14/09/2012 87 GROVE LANE LONDON SE5 8SN
14/09/2012 96 CAMBERWELL GROVE LONDON SE5 8RF
14/09/2012 98 CAMBERWELL GROVE LONDON SE5 8RF
14/09/2012 89 GROVE LANE LONDON SE5 8SN
14/09/2012 FLAT 4 94 CAMBERWELL GROVE LONDON SE5 8RF
14/09/2012 FLAT 6 94 CAMBERWELL GROVE LONDON SE5 8RF
14/09/2012 FLAT 2 94 CAMBERWELL GROVE LONDON SE5 8RF
14/09/2012 UNIT 2B 93 GROVE LANE LONDON SE5 8SN
14/09/2012 UNIT 12 93 GROVE LANE LONDON SE5 8SN
14/09/2012 UNIT 13 93 GROVE LANE LONDON SE5 8SN
14/09/2012 UNIT 10 93 GROVE LANE LONDON SE5 8SN
14/09/2012 UNIT 11 93 GROVE LANE LONDON SE5 8SN
14/09/2012 UNIT 14 93 GROVE LANE LONDON SE5 8SN
14/09/2012 FLAT 1 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012 THE GROVE CHAPEL CAMBERWELL GROVE LONDON SE5 8RF
14/09/2012 UNIT 15 93 GROVE LANE LONDON SE5 8SN
14/09/2012 UNIT 9 93 GROVE LANE LONDON SE5 8SN
14/09/2012 FLAT 6 GROVE COURT CAMBERWELL GROVE LONDON SE5 8RG
14/09/2012 FLAT 7 GROVE COURT CAMBERWELL GROVE LONDON SE5 8RG
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14/09/2012 FLAT 8 GROVE COURT CAMBERWELL GROVE LONDON SE5 8RG
14/09/2012 FLAT 11 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012 FLAT 12 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012 FLAT 9 GROVE COURT CAMBERWELL GROVE LONDON SE5 8RG
14/09/2012 FLAT 10 HULL COURT GROVE LANE LONDON SE5 8SL
14/09/2012 FLAT 3 GROVE COURT CAMBERWELL GROVE LONDON SE5 8RG
14/09/2012 FLAT 1 GROVE COURT CAMBERWELL GROVE LONDON SE5 8RG
14/09/2012 FLAT 10 GROVE COURT CAMBERWELL GROVE LONDON SE5 8RG
14/09/2012 FLAT 8 94 CAMBERWELL GROVE LONDON SE5 8RF
14/09/2012 96A CAMBERWELL GROVE LONDON SE5 8RF
14/09/2012 FLAT 11 GROVE COURT CAMBERWELL GROVE LONDON SE5 8RG
14/09/2012 FLAT 14 GROVE COURT CAMBERWELL GROVE LONDON SE5 8RG
14/09/2012 FLAT 2 GROVE COURT CAMBERWELL GROVE LONDON SE5 8RG
14/09/2012 FLAT 12 GROVE COURT CAMBERWELL GROVE LONDON SE5 8RG
14/09/2012 FLAT 13 GROVE COURT CAMBERWELL GROVE LONDON SE5 8RG

Re-consultation:

3 December 2012 site notice and 4 December 2012 neighbour consultation letters

APPENDIX 2

Consultation responses received

Internal services

Design and Conservation - no objection

Statutory and non-statutory organisations

N/A

Neighbours and local groups

Flat 5 83a Grove Lane

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