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| <b>Item No:</b><br>7               | <b>Classification:</b><br>Open | <b>Date:</b><br>23 July 2013   | <b>Meeting Name:</b><br>Planning Sub-Committee A |
| <b>Report title:</b>               |                                | <b>Addendum</b><br>Late observations, consultation responses, and further information. |  |
| <b>Ward(s) or groups affected:</b> |                                | Peckham Rye, The Lane, Village   |  |
| <b>From:</b>                       |                                | Head of Development Management   |  |

## 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.

## FACTORS FOR CONSIDERATION

- 3 Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:
  - 3.1 **Item 3 – 151-161 Gordon Road (13AP0955)**
  - 3.2 Please note the following revisions to the officer report:
  - 3.3 Paragraph 1:  
Add: ...and a Legal Agreement being agreed within one month of the date of decision.
  - 3.4 Paragraph 49 replaced by the following:

The existing lime tree is a large and good category native specimen characteristic of late Victorian gardens and therefore contemporary with the built environment. The arboricultural impacts assessment (AIA) correctly assesses it as category B, i.e. one that makes a significant contribution and which should be retained.

The AIA notes that the tree could not be assessed further as to its potential for retention, and raises concerns due to the proximity of proposed rear elevations, and the restricted size of rear gardens; however, there is no engineering reason why suitable building foundations could not be specified and the root protection area sustained.

However, due to the former planning appeal process, it is not possible to ensure the tree's retention as part of the existing proposed landscape scheme.

As the proposals do not provide sufficient space for new planting on site suitable mitigation should be provided by way of planting both on and off site, as also recommended in the AIA.

A landscape condition is therefore required to include appropriate screening. Given insufficient space is available for the planting of large canopied species trees this should likewise be provided off site.

An assessment of its CAVAT value, as outlined in relevant policy relating to significant tree removal requires that a sum of £14,927 should be stipulated within a S106 agreement should the application be recommended for approval. This would afford a suitable number of trees to replace the amount of stem girth lost due to development which could be provided within the immediate vicinity, such that there would be no net loss of canopy cover.

3.5 If the application is approved subject to this financial contribution condition 11 would not be applicable.

3.6 **Item 4 – Former Police Station, 97 Crystal Palace Road (13AP1594)**

3.7 Subsequent to the completion of the case officers report, a further three letters of objection (89, 93B, 95 Crystal Palace Road) have been received raising the following points;

- The planning documents do not show up to date details 95 Crystal Palace Road, specifically the rear extension.
- There will be significant overlooking to the gardens of 95, 93, 91 Crystal Palace Road thus intruding on privacy.
- Blocking daylight/sunlight into windows and garden ground of 95, 93 and 91 Crystal Palace Road including the new extension at 95 Crystal Palace Road.
- Blocking and marring of the current skyline view from 95, 93 and 91 Crystal Palace Road.
- Increased noise from proposed roof terraces and subsequent invasion of privacy.
  - Severe pressure on street parking.
- Loss of privacy to 95 Crystal Palace Road.
- The development is not in keeping with the current housing in the neighbourhood. The proposed terraced housing is at a height in line with the current dwellings however they are not comparable as the current three storey houses on Upland Road are not situated on a corner and as such are not sited in such close proximity to other houses, therefore not causing any loss of amenity to the neighbouring properties.
- Proposed terraces on new dwellings will result in overlooking and loss of privacy.
- Concerns with roof materials.
- -Potential damage to tree roots.

3.8 In terms of the points outlined above it should be noted that the extension to 95 Crystal Palace Road, whilst not shown on the plans, has been fully considered by the Case Officer as part of the planning assessment. It is considered that there will be no direct or intense overlooking to the dwelling or extension at 95 Crystal Palace Road and there will be no loss of daylight or sunlight that will take the extension below an acceptable standard of daylight and sunlight. In this regard the assessment of daylight and sunlight undertaken by the Case Officer is accurate and correct and it is considered overall, that there will be no detrimental impact in terms of loss of daylight or overshadowing.

With regards to views, it should be noted that there is no right to a view over a third parties land and the level of development taking place is not considered to be excessive or oppressive in any form. The development proposes terraced housing which is in line with the character of the area and the height of the proposed dwellings is directly reflective of the immediate context on Upland Road.

It is not considered that the small terraces on the dwellings will result in a significant level of overlooking. The terraces are secondary to the rear gardens and are 1.5m in depth which is particularly narrow and as such will largely be used for ventilation purposes as opposed to being a functioning amenity space.

All remaining points raised in the subsequent letters of objection outlined above have been considered and addressed as part of the Case Officers report

3.9 Additionally there are three points of the Case Officer report that should be clarified.

3.10 The Police Station Sui Generis use was vacated in May 2012.

3.11 Paragraph 18 should read as follows;

'It should be noted that the terraced dwellings step down significantly to two storey (with roof accommodation) at the closest point to 95 Crystal Palace Road, thereby mitigating any adverse impacts in terms of a sense of enclosure and resulting in lower building heights that are characteristic of this section of Upland Road.'

3.12 Condition 7 is amended to read:

The roots and canopy of the existing tree adjoining the site 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 Report. 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) and BS3998: (2010).

Reason

In the interests of preserving the health of the tree and to maintain the visual amenity of the site, in accordance with Strategic Policy 11 – Open spaces and wildlife of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007.

3.13 **Item 5 – Dulwich Sports Ground, 102-106 Turney Road (13AP1723)**

3.14 The following consultation responses have been received:

3.15 8 letters of support

19 Turney Road  
27 Turney Road  
77 Turney Road  
110 Turney Road  
182 Turney Road  
60 Dulwich Village  
134 Court Lane

## Lyndhurst Primary School

- Lack of nursery provision in the surrounding area with current waiting lists of 18 months at some nurseries. The new facility is much needed.
- Creation of 14 new jobs.
- The facility would be a shared resource with the sports club.
- There would be no loss of useable sports fields.
- Minimal impact on transport.
- The provision of the nursery would help support the viability of the sports ground.

### 3.16 92 letters of objection

16 Alleyn Road  
16 Allison Grove  
39 Burbage Road  
81 Burbage Road  
117 Burbage Road  
138 Burbage Road  
140 Burbage Road  
142 Burbage Road  
36 Calton Avenue  
61 Casimir Road  
11 College Gardens  
43 Comber House  
134 Court Lane  
9 Court Lane Gardens  
22 Court lane Gardens  
43 Dulwich Common  
36 Dulwich Village  
36 Dulwich Village  
105 Dulwich Village  
15 Frank Dixon Way  
22 Frank Dixon Way  
51 Pymers Mead  
42 Stradella Road  
49 Stradella Road  
63 Stradella Road  
85 Stradella Road  
93 Stradella Road  
103 Stradella Road  
19 Turney Road  
27 Turney Road  
45 Turney Road  
63 Turney Road  
69 Turney Road  
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84 Turney Road  
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176 Turney Road  
184 Turney Road  
184 Turney Road  
186 Turney Road  
188 Turney Road  
268 Turney Road  
264 Upland Road  
31 Winterbrook Road  
34 Winterbrook Road  
57 Winterbrook Road  
76 Wood Vale  
59 Woodwarde Road  
117 Woodwarde Road  
Dulwich Society  
Friends of Belair Park  
Greer Pritchard Planning & Urban Design  
People's Republic of Southwark  
No address, via email  
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- The proposal is on Metropolitan Open Land and is not for an appropriate use; the use is not an essential facility for outdoor sports and is not ancillary.  
*Officer comment: Considered in committee report*
- Introduction of commercial activity on MOL.  
*Although the site is MOL, it is also private land; it is not available for public access and the sports club is not a public facility. Most recreational activities on MOL (such as golf clubs, sports clubs etc) are commercial ventures anyway.*

- The proposed building will impact on the open nature of the site.  
*Officer comment: Considered in committee report*
- The proposed building will impact the setting of the large willow tree.  
*Officer comment: Considered in committee report and amended condition 7.*
- The development will affect views into and out of the Dulwich Village Conservation Area and the building does not preserve or enhance that area.  
*Officer comment: Considered in committee report*
- The proposed use of the building by the sports club is secondary, would be sporadic and could be accommodated with the existing building.  
*Officer comment: Considered in committee report*
- Would result in a precedent for further development on MOL.  
*Each case will be considered on its own merits.*
- The site is prone to flooding.  
*Officer comment: The site is not within a Flood Risk Zone therefore a Flood Risk Assessment is not required.*
- Detrimental impact on traffic on Turney Road, Burbage Road and the Village area.  
*Officer comment: Considered in committee report*
- Increased activity on the playing fields  
*Officer comment: Residential amenity issues are considered in committee report.*
- Detrimental impact on views from the rear windows of properties on Turney Road.  
*Officer comment: Considered in committee report*
- Increased risk of burglary to properties backing onto the sports ground as the site would be more open to public access.  
*Officer comment: This is a civil matter as the site is private land and could be left open in any event.*

### 3.17 Recommendation:

Tree report / Method Statement submitted on 12 July 2013 and added to list of Applicant's Drawing Numbers.

Condition 7 amended to read:

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

#### Reason

To ensure the protection of the existing trees in accordance with The National Planning Policy Framework 2012, Strategic Policy 11 Open spaces and wildlife of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.28 Biodiversity of The Southwark Plan 2007.

#### REASON FOR LATENESS

4. 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.

#### REASON FOR URGENCY

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

#### BACKGROUND DOCUMENTS

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

## AUDIT TRAIL

|   |   |                          |
|---|---|--------------------------|
| <b>Lead Officer</b>   | Gary Rice, Head of Development Management           |                          |
| <b>Report Author</b>  | Andre Verster, Team Leader – Development Management |                          |
| <b>Version</b>  | Final   |                          |
| <b>Dated</b>  | 23 July 2013  |                          |
| <b>Key Decision</b>   | No  |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b> |   |                          |
| <b>Officer Title</b>  | <b>Comments Sought</b>                              | <b>Comments Included</b> |
| Strategic Director of Finance and Corporate Services                    | No  | No                       |
| Strategic Director, Environment and Leisure                             | No  | No                       |
| Strategic Director, Housing and Community Services                      | No  | No                       |
| Director of Regeneration  | No  | No                       |
| <b>Date final report sent to Constitutional Team</b>                    | 23 July 2013  |                          |