

Item No: 7.	Classification: Open	Date: 11 February 2014	Meeting Name: Planning Sub-Committee B
Report title:		Addendum: late observations, consultation responses, and further information.	
Ward(s) or groups affected:			
From:		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 7.1: Dulwich Sports Ground, 102-106 Turney Road SE21**
 - 3.2 Amendments to Report
Change to recommendation at Para 1(c) now to read:

‘That Members grant planning permission subject to conditions’

Removal of “referral to the Secretary of State”.
 - 3.3 In an expansion of the comments in paragraph 29 of the main agenda regarding the assessment of the rent charged by the Dulwich Estate, the Council’s valuers have commented:
‘Consideration has been given to the rental value of the subject premises and in the professional opinion of the valuer it is considered that £40,000 is a reasonable reflection of the open market rent. Moreover, it is understood that the Trust has negotiated an extension at this rent level (i.e the passing rent) and was unable to obtain any reduction from the landlord in an arms-length commercial negotiation. Therefore the figure stated may be taken as a realistic indicator of the market rental level.’
 - 3.4 Late representations
1 new letter of support from local resident raising no new issues.

Letter of support received from Tessa Jowell MP, raising the following issues:

- Concerned if the viability of the Trust was threatened as this would undoubtedly jeopardise the use of the playing fields by local sports clubs and residents.
- The recommendations of the report strike a very careful balance between the need to protect the open land and the future viability of the sports ground.
- Welcome the recommendation that, if adopted by the Committee, would link any grant of permission to the future viability of the sports ground such that, if the sports ground ceases to be used, the nursery would have to close.

Further letter from previous objector providing comments on report. Those being:

- Failure to appropriately consider the conversion of the flat with regard to disabled access.
- Failure to consider the use of the existing pavilion for wet weather facilities and as a day nursery.
- Failure to consider alternative uses of the land such as community gardens and other local food growing options.
- Lack of demand for sporting facilities in the area and a current surplus of supply.
- Impact on openness due to vehicular movements connected to the nursery.
- Lack of detail from the Council's valuers demonstrating that they have fully assessed the rent levels charged by the Dulwich Estate.

Updated petition in support of application bring the number of signatures to 353.

These bring the total number of representations to:

Support - 101
Petition in support - 353 signatures
Objection - 129
Comment – 2

3.41 Amendment to condition 5 to read:

The operation/lease of the D1 Children's Day Nursery hereby approved shall be personal to the applicant being the Southwark Community Sports Trust. Should Southwark Community Sports Trust cease operation of Dulwich Sports Ground the use of the Children's Day Nursery should also cease operation.

Reason

In light of the exceptional circumstances taken into account in the determination of this application and to protect the future operation of the Metropolitan Open Land in which the site lies, in accordance with saved policy 3.25 'Metropolitan Open Land' of the Southwark Plan 2007.

3.5 **Item 7.2 – Dulwich Sports Ground, Turney Road SE21**

3.6 Amendments to Report

Change to recommendation, para 1(c) now to read:

‘That Members grant planning permission subject to conditions’

Removal of “referral to the Secretary of State”.

3.7 Additional Condition

The operation/rental of C3 residential flat hereby approved shall be personal to the applicant being the Southwark Community Sports Trust. Should Southwark Community Sports Trust cease operation of Dulwich Sports Ground the use of C3 residential flat should also cease and the flat revert back to auxiliary D2 residential accommodation.

Reason

In light of the exceptional circumstances taken into account in the determination of this application and to protect the future operation of the Metropolitan Open Land in which the site lies, in accordance with saved policy 3.25 'Metropolitan Open Land' of the Southwark Plan 2007.

3.8 **Item 7.3 – 19 Queen Elizabeth Street SE1**

3.9 Additional objections and raising questions about the application from 25 residents in the local area

Red brick is overpowering and light absorbing as black, the building should be rendered in a stone colour to fit in with the lintels above the windows in the existing building; lighter choice of brick colour; retain the car park for car parking; flat owners of the new block should have access to the rubbish collection point internally to their building; potential loss of daylight to residents; overshadowing of rear gardens to Lafone Street properties not acceptable; the windows referred to in the daylight and sunlight report for No. 15 Tower Bridge Square are the kitchen on the ground floor and the living room on the first floor – the applicant claims it is non-principal rooms; remove the communal amenity space on the roof; relocate the communal amenity space to ground floor level; convert the communal amenity space to an enclosed gym; the communal roof terrace to be sound proofed; roof terrace would be used for parties and social gatherings and result in anti-social behaviour; the minimum area 50sqm of communal amenity space is a guide; the proposed flats within the extension is not critical to make the project commercially viable; the computer generated images do not give a true representation of Elizabeth Street; overlooking into rooms of adjoining properties; overdevelopment of the site; the structure would dominate and overpower the existing buildings; the development would impact on outlook; the design and architecture of the building is out of character with the adjoining Conservation Area; previous reasons for refusal have not been addressed; loss of view of the Tower Bridge; additional traffic and parking generated would cause congestion; impact on the roots of the existing trees outside of the site; poor levels of consultation; noise from the roof plant; there should be no development above boundary height in the car park.

In addition to the objections raised above, some residents note that reasonable effort has been made by the applicant to address the key concerns such as the reduction of the building and the green roofs and vertical gardens should improve the outlook. It was also noted that the relocation and reduction in size of the

private terraces coupled with the use of obscured glass should address most concerns about overlooking.

Officer response

Most of the above points have already been raised in the first round of consultation and are covered in the main report.

The new points relate mainly to the communal amenity space in the roof terrace on the extension. The scheme had originally proposed 65sqm of amenity space, which has now been reduced to 50sqm. The residents have raised that whilst the Council's standards (Residential Design Standards SPD) require a minimum of 50sqm per flatted development the policy is just a guide. Officers acknowledge that residents have concerns over the potential noise and disturbance from the use of the roof terrace, but mitigation measures would be in place such as privacy and acoustic screens that would limit such nuisance. This is secured by a condition and given this scheme is for 9 self-contained flats and 7 of the units have their own private amenity space, it is not envisaged to be used intensively and that frequently and there is other environmental health legislation that control unreasonable noise and disturbance that may arise. Officers are satisfied that there would not be any significant impacts in terms of noise.

In terms of daylight and sunlight issues, residents at 15 Lafone Street states that the windows affected are a kitchen on the ground floor and a living room on the first floor. These rooms to this property however, appear to be dual aspect (with another window on the unaffected elevation). Furthermore, the reduction in the extension and the second accompanying daylight and sunlight report (dated 1st October 2013) confirms from the Vertical Sky Component Analysis that the windows at the said property would not fall below the VSC target.

In terms of the potential noise emission from the roof plant Condition No. 18 would ensure that the noise levels would be controlled to a suitable level.

A resident raised the issue about the loss of view of the Tower Bridge, but the planning system does not protect private views unless the development would lead to a loss of outlook.

In terms of refuse storage and collection, the future occupants of the building would have to access this from the street, but this practice is not unusual. Officers note that the doors to the refuse store open outwards onto the street and an additional condition should be added to ensure that this door opens inwards so as not to obstruct the pedestrian path.

3.10 Amend Condition No. 16

Before the first occupation of the building/extension hereby permitted, the refuse storage arrangements shown on the approved drawing/s shall be provided and made available for use by the occupiers of the [dwellings/premises] and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose. The doors to the residential refuse store shall open inwards only and shall not open onto the highway.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy

Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

3.11 Add to the list of Applicant's Drawings Nos.

QE-01 P1 Existing Lower Ground Floor Plan; QE-02 P1 Existing Ground Floor Plan; QE-03 P1 Existing First Floor Plan; QE-04 P1 Existing Second Floor Plan; QE-05 P1 Existing Third Floor Plan; QE-06 P1 Existing Roof Plan; QE-07 P1 Existing South East Elevations; QE-08 P1 Existing West Elevations

3.12 **Item 7.4 Marlborough Cricket Club, Dulwich Common SE21 7EX**

To inform Members more fully of the impact on transport issues and to amend condition 4 to include number of replacement trees and condition 9 to amend the opening hours

3.13 Transport Issues

To advise Members paragraphs 35 to 36 of the transport section are amended to:-

The proposed development does not raise any significant traffic issues as it will not increase the useable space within the site as the two existing cricket pitches are retained and not extended. Whilst there is a small increase within the footprint of the building itself, this will not significantly increase the buildings capacity and therefore will not lead to a more intensive use of the site than currently exists within the existing pavilion.

The use of the site remains the same, albeit with a slightly increased footprint of internal space within the pavilion and is not likely to attract additional vehicular movements that would result in any likely traffic implications.

3.14 Amended conditions

(4) Prior to works commencing, full details of all proposed tree planting, *of at least three trees of similar or greater amenity value than those removed*, shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five 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 in the first suitable planting season., unless the local planning authority gives its written consent to any variation.

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 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) The use hereby permitted for a cricket pavilion and ancillary function purposes shall not be carried on outside of the hours 08:00 *am* to 11:00 *pm* on any given day.

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.

- 3.15 Comments from Head of Development Management – no significant new planning issues have been raised and the recommendation remains to grant permission.

3.16 Item 7.5 Railway Arch 102A Rockingham Street SE1

To inform Members of additional conditions to protect the amenity of nearby residential occupiers in terms of fumes, smells and noise:-

3.17 Additional conditions

- (5) Prior to the first occupation of the restaurant (Class A3), details of a scheme which specifies the provisions to be made for the control of odour emanating from the unit/kitchen extraction system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be not be carried out otherwise than in accordance with any such approval given and shall be maintained as such thereafter.

Reason

To ensure that the nearby residential occupiers do not suffer a loss of amenity by reason of fumes or smells and in accordance with Strategic Policy 13 'High environmental standards' of the Core Strategy 2011 and Saved Policy 3.2 'Protection of amenity' of the Southwark Plan 2007.

- (6) Prior to the commencement of use, a scheme of sound insulation shall be submitted to the local planning authority and approved in writing, to ensure that the L_{Fmax} sound from any amplified and non-amplified music and speech shall not exceed the lowest $L_{90.5min}$ 1m from the facade of the nearby residential premises at all third octave bands between 31.5Hz and 8kHz. The sound proofing measures shall be installed and constructed in

accordance with any such approval given prior to the first operation of the use and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that the nearby residential occupiers do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the restaurant premises 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).

- 3.18 Comments of Head of Development Management – no significant new planning issues have been raised and the recommendation remains to grant permission.

3.19 Item 7.6 Land To the Southeast of Peckarmans Wood, Sydenham Hill Woods SE26 83B

To advise Members of an additional condition in respect to the colour of the proposed containers for visual amenity reasons

(4) The containers hereby approved shall be painted or finished in dark green and shall be retained in this colour for the life of the containers.

Reason

To ensure that the appearance of the containers are in keeping with the appearance of the area and 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

- 3.20 Comments of Head of Development Management – no significant new planning issues have been raised and the recommendation remains to grant permission.

3.21 Item 7.7 Deeper Christian Life Ministry, Lordship Lane, London SE22 8LD

- 3.22 To report an e-mail received from Councillor Lewis Robinson stating:

'I am strongly in favour of granting this application as it will continue improvements made in the local vicinity and complement the immediate area surrounding the Dulwich Volunteers War Memorial. It will also formalise what has previously been a very ad hoc set of parking arrangements for the Church.'

- 3.23 Comment of Head of Development Management – no new planning issues have been raised and the recommendation remains to grant permission.

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 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management		
Report Author	Amy Lester, Senior Planner; Michele Sterry, Team Leader; Wing Lau, Senior Planner		
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Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
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Strategic Director of Finance and Corporate Services	No	No	
Strategic Director of Environment and Leisure	No	No	
Strategic Director of Housing and Community Services	No	No	
Director of Regeneration	No	No	
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