

Item No. 7.2	Classification: OPEN	Date: 1 April 2014	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 13/AP/3205 for: Full Planning Permission Address: C F PRETTY, 47 NORTH CROSS ROAD, LONDON SE22 9ET Proposal: Installation of new shopfront (to include removal of front access to flat above); erection of single storey, rear extension (L-shaped) with rear refuse storage area and proposed glass/aluminum side roof section to ground floor shop; new rear access with steps to flat above; and new decked patio with fold out doors to flat at first floor level.		
Ward(s) or groups affected:	East Dulwich		
From:	Head of Development Management		
Application Start Date 08/10/2013		Application Expiry Date 03/12/2013	
Earliest Decision Date 08/12/2013			

RECOMMENDATION

- 1 Grant planning permission subject to conditions.

BACKGROUND INFORMATION

- 2 This application has been referred to Planning Sub-Committee B for decision at the request of councillors.

Site location and description

- 3 The application premises are located on the western side of southern side of North Cross Road. The site application is in mixed use, with a retail unit (use class A1) at ground floor level and self-contained flat on the first floor. The building still retains much of its domestic appearance and scale. It is part of a terrace of similar looking properties, with shops at ground floor level and residential accommodation above. The terrace of building is set back from the road behind a shallow forecourt and a pavement.
- 4 The site is located within the air quality management area, suburban density zone and Lordship Lane district town centre as identified by the development plan. The proposal site is not listed nor is it within a conservation area.

Details of proposal

- 5 Planning permission is sought for:

Shopfront:

Installation of new shopfront (to include removal of front access to flat above);

Single storey rear extension:

Erection of single storey, rear extension (L-shaped) with rear refuse storage area and proposed glass/aluminum side roof section to ground floor shop;

Access to flat

New rear access with steps to flat above; and

Roof terrace

New decked patio with new glass and timber balustrade to the first floor roof terrace, and with fold out doors to flat at first floor level.

6 **Amendment to scheme:**

Subsequent to the submission of the planning application letters of objections were received stating that the roof terrace would result in overlooking and loss of privacy of the offices backing onto the rear of the site. Revised drawings were submitted which propose a new 1800mm high horizontal slatted timber screen to prevent loss of privacy. Subsequently the horizontal slatted timber screen has been reduced to 1600mm to prevent the screen being an overbearing feature to this site.

- New railings proposed to the 'western' edge of decking along party wall line (annotated No. 2 - Drawing No. (PP) PRO_002 Rev. B).
- New 1600mm high horizontal slatted timber screen at the edge of stairs leading onto roof terrace (annotated No. 4 - Drawing No. (PP) PRO_002 Rev. B). This is to prevent loss of privacy of future occupiers and that of the offices.
- New 1600mm high horizontal slatted timber screen at the edge of new glass and aluminium infill roof to ground floor shop (annotated No. 4 - Drawing No. (PP) PRO_002 Rev. B). This is to prevent access onto the aluminium infill roof to the ground floor shop.

Planning history

- 7 None relevant

Planning history of adjoining sites

- 8 03-AP-1857: 43-45 North Cross Road: Planning permission granted for the installation of new shop front with external shutter.
- 9 04-AP-0351: 41 North Cross Road: Planning permission granted for the erection of a part single part two storey rear extension in rear yard of existing shop to provide retail/gallery space and change of use of the first floor from shop to self-contained two-bedroom flat together with erection of a first floor rear extension and terrace and alterations to the roof to form a dormer window and living accommodation in the roof space.
- 10 05-AP-1097: 51 North Cross Road: Planning permission granted for a self containment of existing flat and new shop front.
- 11 97-AP-0822: Ground floor unit, 39 North Cross Road: Planning permission granted for construction of single storey rear extension to provide toilet facilities.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

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

- a) The principle of the development in terms of land use and conformity with strategic policies and the National Planning Policy Framework;
- b) The impact on the residential, commercial and visual amenity of the area;
- c) Design issues;
- d) All other relevant material planning considerations.

Planning policy

Core Strategy 2011

- 13 SP12 - Design and conservation
SP13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 14 The council's cabinet on 19 March 2013, as required by paragraph 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.

- Policy 3.2 - Protection of amenity
- Policy 3.12 - Quality in design
- Policy 3.13 - Urban design

National Planning Policy Framework (NPPF)

- 15 Section 7 - Requiring good design

Principle of development

- 16 There are no objections in principle in land use terms to the proposal and there will be no conflict of use detrimental to amenity.

Environmental impact assessment

- 17 Not required for an application of this nature.

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

- 18 Shopfront:
The development will have no adverse impact on the area or local residents. The residential and commercial amenity of the area will not be affected by the proposed shopfront alterations.

- 19 Single storey rear extension:
The proposed ground floor extension incorporating the whole of the outside space, to be used as an extension to the existing shop similar to that approved at 41 North Cross Road (04-AP-0351). It is not considered that the proposed extension would

detrimentally affect the amenity of the adjoining occupiers by way of loss of privacy, and loss of daylight or sunlight.

20 Access to flat

The proposal is for rear access with steps to flat at first floor level and the erection of an 1800mm high horizontal slated timber screen. It is not considered that the proposed step access and timber screen would detrimentally affect the amenity of the adjoining occupiers by way of loss of privacy as they are in commercial use (offices). Given that the proposed step access is approximately 3m from the commercial unit to the rear, and the timber screen is setback approximately 4m from the commercial unit, it is not considered that any loss of daylight or sunlight would occur to the commercial property to the south.

21 Roof terrace

It is unlikely that the proposed development would result in loss of amenity for adjoining occupiers in so far as visual amenity is concerned. The proposed screen is acceptable in visual amenity terms in accordance with Saved policy 3.2 'Protection of Amenity' of the Southwark Plan. The immediate neighbours to the rear and units at ground floor level are in commercial use. Furthermore the property to the rear (B1-Office) will be separated by a privacy screen to avoid potential overlooking and loss of privacy.

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

22 None anticipated.

Transport issues

23 It is not considered that there will be an adverse impact in terms of traffic generation or parking. The applicant has not indicated the siting of the proposed cycle parking facilities. It is however considered that this would not substantiate a reason for refusal as these matters could be dealt with by an appropriate condition.

Design issues

24 Shopfront:

The proposed shopfront is considered acceptable in terms of size, design and materials and is in keeping with the aesthetic of the building and the surrounding streetscape.

25 Single storey rear extension:

The proposed ground floor extension incorporating the whole of the outside space, to be used as an extension to the existing shop similar to that approved at 41 North Cross Road (04-AP-0351). The size, bulk and scale of the proposed extension is considered acceptable and would not appear out of scale in relation to surrounding properties as it is of similar size to what was approved at 41 North Cross Road.

26 Roof terrace

The proposal raises no fundamental design issues. The flat roof area, located to the rear of the site will be facing commercial units. In addition a new timber screen would be erected on the edge of the terrace. It is unlikely that the proposal would have a detrimental impact on the appearance of the building or the surrounding area in so far as visual amenity is concerned. The roof terrace would not be visible from street level. The proposal raises no fundamental design issues and as such is considered to be acceptable.

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

- 27 This site is not listed nor is it located within a conservation area.

Impact on trees

- 28 None envisaged.

Planning obligations (S.106 undertaking or agreement)

- 29 No planning obligations or S106 Agreements are required for an application of this nature.

Sustainable development implications

- 30 This application raises no sustainable development implications.

Other matters

- 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 CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. In this instance CIL is not payable.

Conclusion on planning issues

- 32 The installation of this shopfront, roof terrace and an infill extension are considered to be compliant with the relevant saved policies of The Southwark Plan 2007 (July), The Core Strategy 2011 and the provisions of The National Planning Policy Framework 2012. As such it is recommended that detailed planning permission be granted subject to conditions.

Community impact statement

- 33 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 above.

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

Consultations

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

Consultation replies

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

Human rights implications

36 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.

37 This application has the legitimate aim of providing ground floor infill extension to the commercial component of the site, and amenity space in the form of a roof terrace to the flat at first floor level. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

38 None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2630-47 Application file: 13/AP/3205 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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Neil Loubser, Senior Planning Officer	
Version	Final	
Dated	11 December 2013	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, 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		21 March 2014

Consultation undertaken

Site notice date: 21/10/2013

Press notice date: N/A

Case officer site visit date: 21/10/2013

Neighbour consultation letters sent: 15/10/2013

Internal services consulted:

None

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

51A NORTH CROSS ROAD LONDON SE22 9ET
50 NORTH CROSS ROAD LONDON SE22 9EU
44 NORTH CROSS ROAD LONDON SE22 9EU
51 NORTH CROSS ROAD LONDON SE22 9ET
GROUND FLOOR AND PART FIRST FLOOR 43-45 NORTH CROSS
ROAD LONDON SE22 9ET
PART FIRST FLOOR 43-45 NORTH CROSS ROAD LONDON SE22 9ET
2A FELLBRIGG ROAD LONDON SE22 9HH
47 NORTH CROSS ROAD LONDON SE22 9ET
49 NORTH CROSS ROAD LONDON SE22 9ET
FLAT 47 NORTH CROSS ROAD LONDON SE22 9ET
UNIT 2 OLD STABLE HOUSE BETWEEN 53 AND 55 NORTH CROSS
ROAD LONDON SE22 9ET
FLAT 1 42 NORTH CROSS ROAD LONDON SE22 9EU
43 NORTH CROSS ROAD LONDON SE22 9ET
45 NORTH CROSS ROAD LONDON SE22 9ET
FLAT 2 42 NORTH CROSS ROAD LONDON SE22 9EU
41 NORTH CROSS ROAD LONDON SE22 9ET
49A NORTH CROSS ROAD LONDON SE22 9ET
UNIT 3 OLD STABLE HOUSE BETWEEN 53 AND 55 NORTH CROSS
ROAD LONDON SE22 9ET
UNIT 4 OLD STABLE HOUSE BETWEEN 53 AND 55 NORTH CROSS
ROAD LONDON SE22 9ET

Re-consultation:

None

APPENDIX 2

Consultation responses received

Internal services

N/A

Statutory and non-statutory organisations

N/A

Neighbours and local groups

Two letters of objections received.

Letter 1:

The change of the access to the rear will result in decreased security
Loss of privacy as the occupiers will have direct line of sight into the offices

Letter 2:

(2A Fellbrigg Road)

That the applicant cannot attach any part of the development to the flank wall of the objector

Noise created by the proposed work

Noise that may occur as a result of the development (extension and roof terrace)

If the Council is minded to approve the scheme above-mentioned should be conditioned.

Letter 3:

The objector is a hairdressers trading in this terrace for more than 15 years. They are objecting as it is understood by them that Headmasters may take over the lease and as such this will impact on their business and will result in the loss of the Greengrocers.