

Item No: 7.	Classification: Open	Date: 30 April 2014	Meeting Name: Planning Sub-Committee A
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 7.1 151-161 GORDON ROAD, LONDON, SE15 3RT (13-AP-0955)**
 - 3.2 Late representations

An email from the occupant at 149A Gordon Road was received after the main report was completed. The occupant expressed concern that her original objections and those from her neighbour at 149 Gordon Road were not mentioned in the report. The council received an objection from the writer originally back in May 2013 but have no record of an objection having been received from the neighbour at 149. The occupant at 149A does mention the impact of the development on 149 in her objection. Appendix 2 of the report does not specify that objections have been received from these addresses but an assessment of the impact that the proposed development might have on these dwellings has been undertaken and referred to in the report. The points raised in the objection are summarised below:

- Concern that the scale of the development would cause harm to local amenity through overlooking, loss of privacy, loss of light, overshadowing and be overbearing and intrusive.
These matters are addressed in paragraphs 23-30 of the report.
- The potential for conflict between pedestrians, cyclists and vehicular movement could lead to a safety hazard.
This issue is addressed in paragraph 32 of the report

- Exacerbating current sewage smells within dwellings.
The development would need to provide adequate an adequate link to the existing sewage network which would be controlled through the Building Regulations
- Additional noise from the proposed development.
As the site is presently vacant, there would be a change in activity in the immediate area should planning permission be granted. However noise from day to day living should not cause undue disturbance. Should any noise be caused from unreasonable behaviour such as loud music and parties, the Council and local residents have it within their power to take legal action under the Environmental Protection Act 1990.

3.2.1 A second set of drawings have been received from the applicant which are amended to remove the note 'do not scale' from them.

3.2.2 It should also be noted that Paragraph 49 of the report states that off-site planting of a tree to replace the Lime that would be lost can be secured through condition. This matter would form part of the s106 agreement rather than a condition.

3.3 **Item 7.2 SITE TO THE SOUTH OF EVANS GRANARY, 38 STONEY STREET, LONDON, SE1 9LB (13-AP-3799)**

3.4 Appendix 2 refers to a summary of the issues raised by objectors being in paragraph 52. The summary is actually in paragraph 43.

3.5 **Item 7.3 37-41 PECKHAM ROAD, LONDON, SE5 8UH (13/AP/3439)**

3.6 Further representations received from Rolfe Judd Planning and TTP Consulting dated 15 and 25 April 2014 acting on behalf of the objector the University of Arts London (UAL). The following issues were raised in their representations:

Neighbour relationships and future risk to UAL activities:

- UAL submit that their rear facing windows in their main college block will be affected by the rear projection of the proposed block and the applicants' sunlight/daylight assessment does not adequately address this.
- That there are two windows in the northern elevation, a terrace at first floor, and balconies at second and third floor levels which could both overlook UAL's land. Furthermore these terraces, balconies and windows could potentially be impacted as a result of outside noise generated by UAL which could in turn fetter UAL's use of the adjacent site. It is therefore considered that the proposed development is unneighbourly in terms of overlooking, as well as gives rise to potential noise complaints from future residents. Taken together UAL are concerned that the proposed scheme could compromise their proposals for the adjacent site.
- The two windows in the northern elevation are shown to be obscured; however there is no condition requiring that the obscured glazing remains in place;

- Plant noise may impact on amenity of present and future occupiers at the UAL site;
- UAL ask that they be consulted on the screening details (for the balconies and terraces) and noise details when submitted to discharge the conditions recommended by officers.

Highways:

- UAL have concerns that servicing would result in vehicles reversing up and down the right of way (service road) which would be detrimental to the safety of the users of the existing storage facility and future students associated with the extended campus;
- TTP Consulting raised concerns that the proposed swept path tracking clearly shows vehicles passing very close to the building, including the main customer entrance raising safety issues;
- It is stated that disabled parking would be coned off between the hours of 07:00 and 08:30; however draft Condition 19 allows servicing until 22:00. Furthermore condition 10 which state that the disabled bay “will be made available”. UAL raised concerns in regards to these two conditions;
- UAL considers that a Parking Management Plan would not be enforceable as it relates to private land.

Hours of operation:

- UAL states that the current hours of operation is too late and that it should be limited between 08:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturday with no servicing at any other time.

Rear Wall:

- UAL argue that they need to see details of the rear wall which forms the boundary between their site and the application site.

Overall, UAL ask that the application be deferred to enable further consideration of the above issues.

- 3.7 Representation received from Rapleys dated 29 April 2014 acting on behalf of the applicant, stating that the applicant has been working closely with Southwark’s planning department since September 2011. Furthermore the applicant is aware of UAL’s request that the application be deferred
- 3.8 The applicant revised their scheme in accordance with objections raised by UAL. These changes include:
- Obscured glazing to secondary windows in the northern elevation and they confirm that they are happy to have a condition imposed to ensure this is provided/retained;
 - Privacy screening to the balconies on the northern side – they submit that it is not necessary for UAL to be consulted as the Council can ensure the details are acceptable;
 - The plant at the rear will be governed by a noise condition and it is not necessary for UAL to be consulted for the same reason as above;

- They submit that the design changes made to the scheme will prevent conflict with the UAL site and will not compromise their development potential
- Servicing arrangements will be controlled by a servicing management plan. Deliveries will be by rigid vehicles only; the disabled bay will be limited to use for 20mins at a time and other parking will be prohibited with signs being erected. Yellow hatching can be provided if required.

Overall they submit that there are no grounds for a deferral as the concerns raised by UAL have been dealt with through the revisions made and are properly dealt with by the conditions recommended by officers.

Officers would respond on these points as follows:

Daylight and sunlight:

The windows to the rear of the college are north facing, and the two windows identified by the objector are at first and second floor levels and would not therefore be significantly affected by loss of sunlight from the proposed development. In any event direct sunlight to the computer room at first floor level could have a detrimental impact on the use of the computers as sunlight would make it difficult to see on the computer screens. Furthermore there are two windows allowing daylight and sunlight into the library / reading room at second floor level, one of which is further from the proposal and therefore will be less affected. Overall, having regard to the sunlight and daylight analyses submitted, it is not considered that the impact on the college will be unacceptable.

Loss of privacy and overlooking:

The proposed scheme has been designed so that it does not cause any material loss of privacy for the neighbouring properties. North facing windows, balconies and terraces will be conditioned to be obscure glazed and have privacy screening to prevent any significant loss of privacy in regards to overlooking, additional conditions are recommended below where necessary.

Highways:

Transport for London has been consulted in regards to the proposal and the objections raised by neighbours. TfL supports the proposal; however recommend that the concerns raised should be dealt with by appropriate conditions such as a car parking management plan and delivery and servicing plan prior to occupation of the site. Conditions have been included in the recommendation and further conditions are recommended below where necessary. Parking can be adequately controlled through hatching the forecourt and side access and through the erection of signs advising that parking is prohibited apart from use of the disabled bay, which itself will be time limited to prevent long term resident parking. Such controls will also prevent parking in the access way to the side of the site.

Hours of operation:

This will be dealt with by condition. It is considered that the hours proposed are appropriate for this type of development and its location, particularly taking into account that the existing use as a petrol station is unfettered by conditions and could therefore operate 24 hours a day.

Rear wall:

The applicants have confirmed that the existing rear wall is not altered by these proposals.

Overall officers are satisfied that the proposals will not compromise the development potential of the sites to the rear and will not prejudice UAL's future proposals and expansion plans, neither will they cause material harm to the use of the existing UAL facilities. The conditions recommended, including those amended and added below, will protect neighbouring amenities and serve to prevent highways issues. Officers are aware of the concerns raised by UAL and would take these into account when considering the approval of condition details (in the event that permission is granted), officers are therefore of the view that it is not necessary to consult with UAL at the condition discharge stage.

3.9 New and edited conditions:

The wording of condition 8 is amended to:

(Service management plan - submit details)

Before the first occupation of the retail unit hereby permitted a Service Management Plan shall be submitted to the Local Planning Authority for approval in writing. It should detail the following information;

- How the elements of the site are to be serviced,
- The forecast number of delivery vehicles,
- Details of the type of vehicles that will service the site and confirmation that none of these vehicles would be articulated.

Servicing shall thereafter operate in accordance with the details approved at all times.

Reason

In the interests of highway safety and amenity and in order to accord with Strategic Policies 2 'Sustainable Transport' and 13 'High environmental standards' of The Core Strategy 2011, Saved Policies 3.2 'Protection of Amenity' and 5.2 'Transport impacts' of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

The wording of condition 17 is amended to:

The use hereby permitted for retail (Use Class A1) purposes at ground floor level shall not be carried on outside of the hours 07:00 to 23:00 on Monday to Sunday and Bank holidays.

The wording of condition 19 is amended to:

Any deliveries to or collections from the commercial units shall only be between the following hours: from 08:00 to 21:00 on Monday to Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays.

3.10 New conditions to be added:

New condition 23

(Parking management plan)

Prior to the first occupation of the development hereby permitted, details of a Parking Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Statement shall include the following information:

- Details and locations of no parking signage.
- A 1:100 plan showing no parking yellow hatching to the front and side of the development.
- Details of time restrictions associated with the use of the disabled parking bay.

The parking management plan as approved shall be complied with at all times.

Reason

In the interests of highways safety and amenity and in order to accord with Strategic Policies 2 'Sustainable Transport' and 13 'High environmental standards' of The Core Strategy 2011, Saved Policies 3.2 'Protection of Amenity' and 5.2 'Transport impacts' 5.6 'Car Parking' of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

New condition 24

(Parking)

Other than vehicles servicing the site and the use of the disabled parking bay by blue badge holders, the site shall not be used for any parking of motorised vehicles.

Reason

To prevent harm on local amenity or harm to the function of the transportation network in accordance with Strategic Policies 2 'Sustainable Transport' and 13 'High environmental standards' of The Core Strategy 2011, Saved Policies 3.2 'Protection of Amenity' and 5.2 'Transport impacts' 5.6 'Car Parking' and 5.7 'Parking standards for disabled people and the mobility impaired' of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

New condition 25

(Obscured glazing)

The windows on the northern elevation of the building shall be obscure glazed and shall not be replaced or repaired otherwise than with obscure glazing at any times.

Reason

In order to protect the privacy and amenity of the occupiers and users of the neighbouring properties from undue overlooking 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.

3.11 ITEM 8 RYE LANE PECKHAM, AND SHAD THAMES CONSERVATION AREAS MANAGEMENT PLANS

3.12 Since the publication of this Sub-Committee's agenda a further comment was received from the council's Environmental Protection Team :

Comments

Traffic congestion on Peckham Road/Peckham High Street and bus station/bus routes is not mentioned in the street management element of the draft. The congestion and current bus route management results in poor air quality at roadside for shoppers and pedestrians and a 'noisy' and 'smelly' experience rather than a pleasant environment for vibrant commercial activity.

Noise from licensed activities and odour from waste accumulations are well covered in the draft.

Suggestions/Recommendations

Would it be possible to include appropriate environmental policies and plans in Appendix A?

Would you prefer to mention the quality of the environment in the text of the draft?

Could something be included about 'quiet' places and the tranquillity agenda to protect small open spaces for relaxation and reflection off the main trafficked routes?

3.13 The Rye Lane Conservation Area falls within the PNAAP and the Core Strategy which include the council's air quality, noise and open space policies and ambitions. Officers are satisfied that these policies are more appropriately referred to in these overarching documents and are not proposing to amend the Rye Lane Conservation Area Management Plan at this stage.

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	Dipesh Patel, Team Leader Major Applications team; Neil Loubser, Senior Planning Officer, Major Applications Team; Michael Tsoukaris, Group Manager, Design and Conservation	
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CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
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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