

<b>Item No.</b> 7.1	<b>Classification:</b> OPEN	<b>Date:</b> 22 July 2014	<b>Meeting Name:</b> Planning Sub Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 14/AP/0280 for: Full Planning Permission  <b>Address:</b> 84-90 LORDSHIP LANE, LONDON SE22 8HF  <b>Proposal:</b> Change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant.		
<b>Ward(s) or groups affected:</b>	East Dulwich		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 28/01/2014		<b>Application Expiry Date</b> 25/03/2014	
<b>Earliest Decision Date</b> 05/03/2014			

## RECOMMENDATION

- 1 That Members consider this application due to a referral request made by ward councillors; and that Members resolve to grant planning permission subject to conditions and a unilateral undertaking to secure car club membership for 3 years in respect of the 8 residential units proposed.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application site is located on the western side of Lordship Lane, close to the junction with Chesterfield Grove. It comprises a 3-storey flat roofed building currently occupied by Iceland on the ground floor, with vacant offices on the first and part of the second floor and two residential units at second floor level which are also understood to be vacant.
- 3 The buildings either side are predominantly 2-storeys high comprising commercial space on the ground floor and residential above. Number 82 is occupied by a shoe shop at ground floor level (Jolie a Pied) with residential on part of the ground floor and on the first floor. Number 92 is occupied by Village Way, a hair and beauty salon with a flat above and 94 is occupied by Bushells estate agents on the ground floor and a possible flat above. East Dulwich Hand Car Wash is located at the rear of 94 Lordship Lane, accessed from Chesterfield Grove.
- 4 There is a servicing yard and 17 space customer car park at the rear of the site, which is reached by an accessway at the rear of numbers 90 and 92 Lordship Lane and the flank elevation of 1 Chesterfield Grove, a residential property.
- 5 The site is subject to the following designations on the proposals map to the Core

Strategy (2011):

- Suburban Density Zone;
- Protected shopping frontage 34;
- Air quality management area
- District town centre.

There are no listed buildings or conservation areas in the vicinity of the site.

### **Details of proposal**

- 6 Full planning permission is sought for refurbishment of the existing retail store at ground floor level to include a single storey rear extension with associated plant, and change of use of the first and part of the second floor from office (Class B1) to form 8 x 2 bedroom flats (Class C3).
- 7 The development proposes the extension of the existing retail unit in the rear service yard and car park to provide an additional 382sqm of retail floorspace. The tradeable area would take up the space currently occupied by Iceland, and a small section of the extended area at the rear. The rear extension would span the full width of the rear elevation and provide be for storage areas and staff facilities. The extension would extend to the end of 82 Lordship Lane's rear garden and would then project part way along the end of the rear gardens of 1 and 3 Ashbourne Grove. It would then step back and in relation to 92 Lordship Lane it would project 14.5m beyond the rear elevation of the existing building, comprising an extension to the retail store and access to the flats on the upper floor level.
- 8 Access to the proposed flats and servicing for the extended retail unit would both take place from the rear, and it is proposed to install a pedestrian walkway next to the side elevation of 1 Chesterfield Grove and a pedestrian crossing leading to the proposed flats.
- 9 The extension would incorporate stairs and a lift leading onto its flat roof which would provide an access deck to the first floor flats and which would incorporate a communal terrace area, cycle parking and a plant enclosure. Another set of stairs would lead to the second floor of the building with the flats at this levels being accessed via a cantilevered walkway.
- 10 Alterations are proposed to the front elevation of the building comprising new entrances and re-cladding of the front elevation which is currently brick and brown / buff hanging tiles with new cladding panels in terracotta, Old Rose and Salmon colours. It is proposed to install a green roof to the existing building.
- 11 Servicing hours for the extended retail store would be as follows:  
  
Monday to Friday - 07:00-22:00  
Saturday - 08:00-21:00  
Sunday - 10:00-18:00.
- 12 10.7m articulated lorries would be used which are the same size as those currently used by Iceland and up to 6 deliveries per day are anticipated. Refuse storage and cycle parking for both the retail and residential components would be provided at the rear of the building, with the residential refuse store near to the flank wall of 1 Chesterfield Grove.

## Planning history

- 13 12-AP-3733 - Planning permission refused on 10/04/2013 for the change of use of the first and part second floor from office (Class B1) to form 8 x 2 bedroom residential units (Class C3); refurbishment of the existing retail store at ground floor including a single storey rear extension with associated plant. The application was refused for the following reason:

The proposed development, owing to the loss of the customer car park and increase in vehicle trips associated with the extended retail unit would increase parking stress on the surrounding streets in the area which already experiences a high level of on-street parking. This would result in an unacceptable loss of amenity to neighbouring residents, contrary to saved policies 3.2 'Protection of amenity' and 5.6 'Car parking' of the Southwark Plan (2007), the Sustainable Transport SPD (2010), strategic policy 2 'Sustainable transport' of the Core Strategy (2011), policy 6.13 'Parking' of the London Plan (2011) and section 4 of the NPPF.

A subsequent appeal was made and dismissed on 2 October 2013. The Inspector in his assessment of the scheme felt that benefits resulting from the development did not outweigh the harm to the living conditions of neighbouring residents in respect of noise disturbance from servicing the site.

- 14 12-AP-1340 - Redevelopment of the existing building to involve the following:

- Retention and refurbishment of ground floor retail store (A1).
- Single-storey rear extension to retail store with associated plant on roof.
- Installation of new shopfront.
- Change of use of first and second floors from part office/part residential (B1/C3) to form eight two bedroom flats (C3)
- Erection of a two-storey rear residential access core.
- Demolition of first floor projecting areas.
- Creation of a first floor residential amenity space.
- Rear cantilevered walkway at second floor level.
- Cladding of front and rear elevations.
- Provision of green roof.
- Cycle parking (10 residential and 4 retail).

This application was WITHDRAWN in October 2012.

- 15 95/29b - Change of use of first floor and part of second floor from offices to 4 x 2-bedroom and 4 x 2-bedroom flats. Planning permission was GRANTED in June 1995.
- 16 9200306 - Change of use of first floor from offices to retail, together with alterations and formation of a new shopfront. Planning permission was GRANTED in July 1992.
- 17 TP2315-84 - Erection of a rear extension over part of service / parking area together with a new shopfront, air-conditioning and cooling plant on the roof of the extension and repositioning of the fire escape stairs. Planning permission was REFUSED in 1991 for the following reasons:
1. The proposed rear extension over part of the rear yard would result in a smaller area for servicing and parking. The remaining space would be of insufficient size to provide for both the number of parking spaces proposed and the amount of manoeuvring space required for the size of vehicles which service the store. This

would lead to an increase in parking in Chesterfield Grove which already suffers severe on-street parking and also the likelihood of on-street servicing of the store from Chesterfield Grove or Lordship Lane adding to traffic congestion on those roads.

2. The proposal makes inadequate provision for access and parking for people with disabilities.
- 18 An appeal was subsequently lodged and was DISMISSED, the Inspector concluding that the reduction in the size of the manoeuvring area would result in delivery and servicing vehicles being reversed when entering or leaving the site which would add to the traffic hazards and congestion in Chesterfield Grove, and that the loss of 3 off-street parking spaces (from 22 to 19) would result in further demands for on-street parking in the already congested residential roads in the vicinity. The Inspector noted the appellant's suggestion that deliveries take place outside of opening hours, but noted that residents had already complained when this took place and that the noise and disturbance associated with such deliveries would significantly worsen the living conditions of the people living nearby.  
(reference: T/APP/A5840/A/91/194804/P8).

### **Planning history of adjoining sites**

- 19 13/AP/3380 - 92 Lordship Lane  
Decision pending for alterations to roof to incorporate a dormer roof extension to the rear; erection of single storey rear extension to create 1 x studio flat over rear ground, first floor above the existing hair dressers (on the ground floor) to create 1 x 1 bed flat and 1 x 2 bed flat with the second bedroom created in the dormer roof extension.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

- 20 The main issues to be considered in respect of this application are:
- a) principle
  - b) amenity
  - c) transport
  - d) design
  - e) trees
  - f) planning obligations
  - g) sustainability

#### **Planning policy**

##### Core Strategy 2011

- 21 Strategic Policy 1 - Sustainable Development  
Strategic Policy 2 – Sustainable transport  
Strategic Policy 5 – Providing New Homes  
Strategic Policy 10 – Jobs and Businesses  
Strategic Policy 11 - Open Spaces and Wildlife  
Strategic Policy 12 - Design and Conservation  
Strategic Policy 13 - High Environmental Standards

##### Southwark Plan 2007 (July) - saved policies

- 22 The Council's cabinet on 19th March 2013, as required by para 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.

1.4 Employment sites outside the preferred office locations and preferred industrial locations (part saved)

1.7 - Development within town and local centres

3.2 Protection of Amenity

3.4 Energy Efficiency

3.7 Waste Reduction

3.11 Efficient Use of Land

3.12 Quality in Design

3.13 Urban Design

3.14 Designing Out Crime

3.28 Biodiversity

5.1 Locating Developments

5.2 Transport Impacts

5.3 Walking and Cycling

5.6 Car Parking

#### Supplementary Planning Documents

- 23 Residential Design Standards (2011)  
Sustainable Design and Construction (2009)  
Sustainable Transport SPD (March 2010)  
Draft Dulwich SPD (2009)  
Planning Obligations SPD (2007)

#### London Plan July 2011 consolidated with revised early minor alterations October 2013

- 24 2.15 Town centres  
3.3 Increasing housing supply  
4.2 Offices  
4.7 Retail and town centre development  
5.2 Minimising carbon emissions  
5.3 Sustainable design and construction  
5.7 Renewable energy  
6.10 Cycling  
6.13 Parking  
7.4 Local character

#### National Planning Policy Framework (NPPF)

- 25 Section 1 - Building a strong, competitive economy  
Section 2 - Ensuring the vitality of town centres  
Section 4 - Promoting sustainable transport  
Section 6 - Delivering a wide choice of high quality homes  
Section 7 - Requiring good design  
Section 11 - Conserving and enhancing the natural environment

#### **Principle of development**

#### Loss of B class floorspace

- 26 The proposed development would result in the loss of 501sqm of office space (net internal area) on the upper floors of the building. Strategic policy 10 of the Core Strategy states that the Council will protect existing employment floorspace (B use class), in the Central Activities Zone, Strategic Cultural Areas, Town Centres and on classified roads. Lordship Lane is a classified road and therefore the existing B class

floorspace is afforded protection under this policy, and saved policy 1.4 of the Southwark Plan which sets out the circumstances in which the loss of employment floorspace may be considered acceptable. It states that:

- 27 Outside the Preferred Office Locations, and Preferred Industrial Locations, on sites which have an established B Class use and which meet any of the following criteria:
  - i) The site fronts onto or has direct access to a classified road; or
  - ii) The site is within a Public Transport Accessibility Zone; or
  - iii) The site is within the Central Activities Zone; or
  - iv) The site is within the Strategic Cultural Area.
  
- 28 Development will be permitted provided that the proposal would not result in a net loss of floorspace in Class B use. An exception to this may be made where:
  - a) The applicant can demonstrate that convincing attempts to dispose of the premises either for continued B Class use, or for mixed uses involving B Class, including redevelopment, over a period of 24 months have been unsuccessful;
  - b) The site or buildings would be unsuitable for re-use or redevelopment for B Class use or mixed uses including B Class use, having a regard to physical or environmental constraints;
  - c) The site is located within a town or local town centre in which case accordance with policy 1.7 suitable Class A or other town centre uses will be permitted in place of Class B uses. Where an increase in floorspace is proposed, the additional floorspace may be used for suitable mixed or residential uses.
  
- 29 A marketing and viability report has been submitted with the application which sets out that the office space has been marketed by Marcus King & Company since 1st December 2010. This was carried out by way of a marketing board displayed on the premises, details posted on the internet, a mail shot to all local agents and the details sent to any enquires raised from the marketing board. The premises was originally marketed at £30,000 and was subsequently reduced to £25,000 following a lack of interest. The marketing exercise generated ten enquires and three viewings, but no offers were received. Feedback provided from the enquires raised concern regarding lack of DDA compliance, the condition of the building, lack of parking and lack of showering facilities. The information submitted demonstrates that the office space has been marketed for over 24 months and it has not been possible to find a tenant. It is noted that concerns have been raised regarding the adequacy of the marketing exercise, but the evidence has been reviewed by the Council's Planning Policy Team who have raised no objections to the loss of the B class floorspace.
  
- 30 The policy requires compliance with parts a, b or c in order to justify the loss of B class floorspace and officers consider that the requirements of part a have been met. The applicant has however, investigated the cost of refurbishing the property and the report concludes that the investment required to do so would not be economically viable.
  
- 31 Given that the loss of the office space would comply with saved policy 1.4 of the Southwark Plan, residential is considered to be an appropriate alternative use of the upper floors in this town centre location. The proposal includes extending the retail unit on the ground floor by 382 sqm which would employ 7 full time and 50 part time members of staff.
  
- 32 Extension of retail unit  
Saved policy 1.7 of the Southwark Plan states that most new developments for retail and other town centre uses should be accommodated within existing town and local

centres, and as the site is within a district town centre no objections are raised to the proposed extension of the retail unit. Concerns have been raised that it would be harmful to existing independent retailers which largely characterise Lordship Lane and that there is no need for an additional supermarket; other supermarkets in the vicinity include the Co-Operative and Sainsburys Local on Lordship Lane, Tesco Metro on East Dulwich Road and Sainsburys on Dog Kennel Hill. Whilst these concerns are noted, the extension would increase the retail floorspace by 382sqm which would not be significant. Concerns have been raised that the proposed occupiers, Marks and Spencer, would not be affordable to residents but the Council has no scope to control the end occupier because no change of use is proposed. It is also noted that representations have also been received in support of the application on the grounds that it would benefit the area and the local community by adding to the retail offer and attracting people to the area.

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

33 82 Lordship Lane

It is not considered that the proposed development would adversely impact upon the continued operation of the shop which occupies the ground floor of this building.

34 82A Lordship Lane

82a Lordship Lane is a residential unit which occupies part of the ground floor and the first floor of the building. It has a well planted garden at the rear, the southern boundary of which is currently enclosed by a high wall. The plans show this building with an L-shaped footprint at the rear but that is not correct, and the area immediately next to the site has been built upon and forms part of the dwelling. The layout of the accommodation has been verified through a site visit and at ground floor level comprises a bathroom and an open plan kitchen / living space with patio doors leading out to the garden. These doors are located next to the site boundary and with the exception of three rooflights, are the only source of light to the living space. At first floor level two windows facing down the rear garden both serve bedrooms; there is a first floor window in the side elevation but this serves a landing and is obscure glazed.

35 The proposed extension to the retail unit would extend the full depth of the rear garden to 82a, but at 3.1m it would be the same height on the boundary as the existing building and its roof would slope away from number 82. In light of this it is not considered that the extension would result in any significant loss of light or outlook to the ground floor accommodation of this property.

36 Outlook from the first floor accommodation would undoubtedly change, as it would be in close proximity to a large terrace which is proposed to serve the flats. This would however, be set 2.5m back from the boundary and enclosed by a timber privacy screen on a low brick parapet, and a condition to secure this would be required to ensure no loss of privacy to number 82. A door into flat 1 is shown on the plans next to the boundary and it is considered that this proximity would be harmful to the amenities of number 82. There would be another door into this flat and it would be preferable if the door next to the boundary were omitted and the privacy screen pulled further back, and this could be secured by condition.

37 Views from the rear windows of the first floor flats would be onto its amenity area and although the second floor flats would have some views over the neighbouring gardens, there are already 2 flats within the building and if the office space were reoccupied it would have the same views. Concerns have been raised regarding noise from use of the roof terrace, although any undue noise nuisance is enforced under environmental protection legislation.

- 38 A plant compound is proposed on the flat roof of the extension which would be located approximately 12m from the rear elevation of number 82, and concerns have been raised by a number of residents in relation to noise. A noise report has been submitted with the application and reviewed by the Council's Environmental Protection Team (EPT), and a condition limiting noise output would be required.
- 39 92 Lordship Lane  
There is a flat above 92 Lordship Lane and permission has recently been granted for a flat above number 94 although this is further from the site. The proposed rear extension would project 17m beyond the rear of the existing building but given that the ground floor of number 92 is in commercial use with a yard at the rear, no objections are raised.
- 40 With regard to the first floor flat, its outlook would undoubtedly change because the proposed extension would incorporate a taller element to enclose the lift and stairs leading to the first floor terrace. The planning history for this property suggests that a first floor window in the side elevation serves a kitchen and another in the rear elevation of its outrigger serves a bathroom. There is understood to be a bedroom window in the rear elevation of the main building facing towards the access road. Outlook from the kitchen and bedroom windows would undoubtedly change and become more enclosed, although they are already enclosed to a degree by the existing building. The rear window to the outrigger serves a non-habitable bathroom but this window would in any event retain a good level of outlook in the direction of number 94.
- 41 East Dulwich Hand Car Wash  
Given the commercial nature of the use no loss of amenity would occur and it has its own access directly from Chesterfield Grove.
- 42 1 Chesterfield Grove  
The flank wall of this end of terrace Victorian house adjoins the western side of the access road leading to the car park. The building then steps in and has a 2-storey outrigger at the rear which has windows visible at first floor level facing towards the site. There is a gate from the access road leading directly into the rear garden of the house, and at the time of the site visit a number of wheelie bins were located on the access road next to the flank wall. Bollards have been installed either side of the access road next to number 1 Chesterfield Grove and the car wash.
- 43 It is considered that the proposed extension would be sufficiently far from this property (approximately 22m from the main back wall of number 1) to ensure that no loss of amenity with regard to light or outlook would occur. The taller element of the extension incorporating the residential access would be approximately 14m away from the main back wall, also sufficient to ensure that no loss of amenity would occur.
- 44 With regard to privacy, the first floor terrace would be enclosed by screening, the plant enclosure and the taller part of the extension therefore views towards the rear of number 1 would be limited. The window-to-window distance between the side windows in the outrigger and the proposed flats would be approximately 31m, well in excess of the 21m required by the Residential Design Standards SPD.
- 45 1, 3, 5 and 7 Ashbourne Grove  
These properties adjoin the northern boundary of the site. The proposed extension would adjoin the end of the rear gardens to numbers 1 and 3 Chesterfield Grove, but as these gardens measure approximately 22 and 19m respectively, it is not considered that any unacceptable loss of light or outlook would occur and any views from the first floor terrace or upper floor windows of the proposed development would be over the end of these rear gardens; there would be no unacceptable overlooking of habitable rooms or garden space immediately outside the dwellings.

46 With regard to security, concerns have been raised that there would be no gates across the accessway therefore access to the rear part of the site could be obtained by anyone throughout the day or night. Whilst this is noted, it would be in the interests of the applicant to ensure the rear of the store is secure, and the provision of gates and lighting could be secured by condition.

47 Impact of servicing and delivery

As stated, delivery times for the extended retail unit would be as follows:

Monday to Friday - 07:00-22:00

Saturday - 08:00-21:00

Sunday - 10:00-18:00

48 Servicing would be carried out using transit vans and 10.7m articulated lorries, which are the same size as those currently used by Iceland and up to 6 deliveries per day are anticipated. The frequency of deliveries to Iceland are not known, although as the store predominantly sells frozen goods it may well be less than what is proposed. There are no conditions to restrict when these can take place, but residents have advised that there is an informal agreement in place that no deliveries are made before 8am.

49 These hours are revised in respect of the weekend delivery times following on from the Inspectors appeal decision in which he states:

'Whilst the 07:00 hrs delivery start time during this part of the week would be earlier than the current informal agreement it would be unlikely to interrupt sleep patterns or result in serious noise disturbance for neighbouring residents. I note that the Council is agreeable to this earlier start time for deliveries.

50 Although working patterns have changed over time many people continue to enjoy a slower start at the weekend especially on Sunday mornings when a 'lie-in' and a period of quiet relaxation can reasonably be expected. Whilst noting the appellant's noise survey and other acoustic evidence, I share the concerns of the Council and some of the neighbouring residents regarding the proposed weekend delivery times... commencing at 07:00hrs start on a Saturday and at 08:00 hrs on a Sunday, would be unacceptable on this site.'

51 The delivery times proposed as part of this application are in line with the advice given by Environmental Protection Officers and are considered to take account of the Inspectors concerns quoted above. In this regard it is considered that the reason for refusal around the proposed delivery times has been adequately addressed.

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

52 Future occupiers

Saved policy 4.2 of the Southwark Plan requires all residential developments to provide a good standard of accommodation for future occupiers, and further guidance is contained in the Residential Design Standards SPD.

53 All of the units would exceed the minimum overall flat sizes set out in the Residential Design Standards SPD, with the 2-bed 3 person units measuring 75sqm (61sqm is required) and the 2-bed 4-person units measuring 75sqm (70sqm is required). With regard to the individual room sizes, the kitchens would be 1sqm undersized at 6sqm rather than 7, but the combined living and dining spaces would comfortably exceed the minimum standard and overall no objections are raised.

- 54 With regard to amenity space, the flats at first floor level would have access to a private terrace ranging from approximately 21sqm to 30sqm, which would exceed the minimum requirement of 10sqm. No private amenity space would be provided for the top floor flats, although the terrace would provide approximately 154sqm of communal amenity space incorporating planting and a seating area therefore no objections are raised.
- 55 The Environmental Protection Team has recommended a condition to ensure that noise levels within the flats would fall within acceptable levels and this could be secured by a condition.
- 56 Refuse storage  
Refuse storage for the extended retail unit would be located at the rear of the building and delivery vehicles taking produce to the store would at the same time collect the refuse and take it to a central depot. The residential refuse store would be at the side of 1 Chesterfield Grove and whilst its location would not be ideal, given the limited space that would be available at the rear of the building as a result of the proposed extension and the need to retain adequate manoeuvring space for vehicles, there are limited options as to where this could be located. The Transport Planning Team has not raised any concerns regarding its location.

### **Transport issues**

- 57 Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions; 5.3 requires the needs of pedestrians and cyclists to be considered and 5.6 establishes maximum parking standards.
- 58 The site has a PTAL (public transport accessibility level) of 4 (medium) and is not located in a controlled parking zone. There is a pedestrian crossing outside the site on Lordship Lane, and a bus lane and on-street loading bay. Chesterfield Grove is a 2-way residential street which is within a 20 miles per hour zone and has had traffic calming measures installed. A pair of bollards has been installed at the entrance to the accessway leading to the car park and a low crash barrier has been installed along the flank wall of 1 Chesterfield Grove.
- 59 A number of residents have raised concerns regarding the loss of the existing 17 space customer car park for the retail unit and that this would increase parking demand on the surrounding streets. Concerns have also been raised that there would be insufficient space on the site for vehicles to manoeuvre and that deliveries are already difficult without building over most of the manoeuvring space. A number of representations in support of the application have advised that the car park is underused, that there is free parking available on-street, and that the provision of a car park only adds to the traffic on the road.
- 60 This concern translated into part of the reason for refusal in respect of the 2012 application. In the appeal decision the Inspector considers the argument put forward by the appellant that new food outlet would be aimed at customers walking to the site and travelling by bus rather than car. The site has a PTAL of 4 (medium) and the proposed loss of the car park could assist in 'persuading' some shoppers/visitors to travel to the area by an alternative means of transport rather than a car. In accordance with CS 2 Sustainable transport and 5.6 Car parking.
- 61 In his summing up the Inspector considers the overall planning merits of the scheme against the disbenefits to residential amenity and concludes as follows:

'The benefits of the scheme would outweigh the harm to the living conditions of

neighbouring residents in respect of car parking. However, when the harmful noise disturbance is also weighed the balance tips against an approval.

- 62 In the consideration of this application the appeal decision carries considerable weight in respect of its assessment. Whilst it is recognised that there will be some harm arising in terms of residential amenity, given the revision of the servicing hours within this new application the potential level of harm arising weighed up against the benefits of the development is not considered sufficient reason to withhold planning permission.
- 63 Appendix 15 of the Southwark Plan sets out the Council's parking standards for food supermarkets and for a store of up to 2,500sqm with a PTAL of 4, 1 space per 30sqm is required. The existing store is 445sqm and an additional 382sqm is proposed, totalling 827sqm. This would require 27.5 parking spaces to serve the store. It is noted that the equivalent parking standard for policy 6.13 of the London Plan, a more up-to-date document, requires between 18-25 parking spaces per sqm for areas with a PTAL of between 2 and 4.
- 64 No off-street parking would be provided to serve the proposed development. Transport Planning has advised that 2011 census details indicate that the proposed flats would generate between 5-6 cars. Whilst not of concern as a stand alone issue, when combined with the loss of the existing customer parking and an increase in the number of vehicle trips arising from the extended store, this would create unacceptable parking stress on the surrounding streets and a consequent loss of amenity for neighbouring occupiers.
- 65 The Inspector acknowledges however, '...it is far from certain that this modal shift would occur and, given the largely unrestricted parking in the ..... neighbouring streets, some customers could continue to drive and compete for the few available on-street parking spaces. This 'overspill' parking could include disabled drivers who would not be catered for as part of the proposals. In addition, some incoming occupiers of the proposed flats may not be deterred by the 'parking stress' and could choose to own a car and also compete with the existing residents for neighbouring residents and, in so doing, harm their amenity and conflict with Saved Southwark Plan Policies 3.2 protection of amenity and 5.6 car parking.'
- 66 At the appeal both parties agreed that if permission were to be granted a condition could be attached to an approval requiring membership of a Car Club for a period of three years for future occupants of the proposed new flats. The Inspector advises that this matter could only be dealt with by way of a planning obligation, and such an obligation has been submitted as part of this application.
- 67 Cycle Parking  
The Southwark Plan minimum standard for A Class uses is 1 space per 250sqm, with a minimum of 2 spaces to be provided. Four cycle parking spaces for the extended retail unit would be provided in a cage at the rear of the proposed extension. The Council's Transport Planning Team has advised that this would be an acceptable provision and no objections are raised.
- 68 10 cycle parking spaces for the flats would be provided on the communal terrace at first floor level, accessed via a lift. Whilst a rather unusual arrangement, the spaces would be in a secure, convenient and weatherproof location and no objections are raised.
- 69 Vehicle, pedestrian and disabled access  
The accessway at the rear of the site would be used by delivery vehicles servicing the extended shop and pedestrians associated with the flats; there would be a 0.8m wide pedestrian footpath and pedestrian crossing. The Transport Planning Team has

reviewed the application and advised that although the solution of the shared access arrangements would not be ideal, the layout and the limited number of vehicle trips is such that the potential for conflicts would be minimised.

70 Servicing

The Transport Statement submitted with the application advises that the servicing vehicles currently turn right from Lordship Lane onto Chesterfield Grove and right into the site, and exit by turning left back onto Chesterfield Grove and Lordship Lane and that they enter and leave in a forward gear. Some residents have suggested that this is not always the case and that lorries drive up Chesterfield Grove, turn in Melbourne Grove and then turn left onto the site because they are unable to make a right hand turn onto the site from Chesterfield Grove.

71 As stated there would be up to 6 deliveries per day, and this would be managed by a member of staff in a high visibility jacket being on hand to manage entering vehicles and a goods-in manager to monitor and review the processes.

72 Concerns have also been raised that there would be insufficient space on the site for vehicles to manoeuvre and that deliveries are already difficult without building over most of the manoeuvring space. Tracking diagrams have been submitted which show that there would be sufficient space for vehicles to turn on site so that they could enter and exit in a forward gear.

73 This issue was raised at the appeal and the Inspector states:

'While there would be very limited space for lorries to manoeuvre, the Council has not raised any highway issues..... Vehicles manoeuvring within the site would be slow moving and would be able to see any pedestrians that could be present when deliveries occur. In the absence of any technical evidence to refute the appellant's and Council's assessment, it would be difficult to justify withholding permission on highway safety grounds.'

74 Very specific concerns have been raised within some of the residential objections in respect of this matter. The Council's transport team have reviewed these comments and do not dispute the concerns raised, however given the existing situation and the proposed arrangements the applicant has agreed to put in place it is felt that on balance there is insufficient reason to justify refusal on this ground and subject to conditions officers are satisfied that the proposal can be undertaken safely without compromising pedestrian safety or causing damage to property. Conditions are suggested requiring details of the delivery servicing arrangements, including site specific measures. This combined with hours restricting the times that servicing can be undertaken would give the LPA far more control over the use than currently exists, and has to be considered preferable to the existing unfettered A1 use

**Design issues**

75 Concerns have been raised that the proposed extensions to the building would be out of keeping, overly large and visually intrusive. Representations in support of the application consider that the existing car park is unsightly and blighted by litter, and that the proposal would improve this.

76 There are no objections to the re-cladding of the front of the existing building and the provision of a new shopfront. The existing building is somewhat tired in appearance and would benefit from being updated; separate advertisement consent would be required for the signage shown on the proposed new shopfront.

- 77 A large amount of additional bulk would be added to the rear of the building, including the extension, plant enclosure and the taller element of the extension containing the stairs and lift. The additions would be quite large but would sit below the level of the top floor windows and as such would appear as subservient additions and no objections are raised. The use of matching brick would help the structures to blend in with the existing building. The principle of the extensions were generally agreed and did not form part of the reason for refusal for the 2012 application, therefore no objections are raised in this regard.

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

- 78 None

#### **Impact on trees**

- 79 There are 5 trees along the northern boundary of the car park which are situated within neighbouring gardens but which overhang the site boundary. An arboricultural report has been submitted with the application which states that no adverse effects are likely to be caused to these trees. However, the Council's Urban Forester has advised that excavation required for foundations for the extension would result in root severance, particularly to a Chestnut tree (T3). This however, could be mitigated through planning conditions were the application to proceed to a positive recommendation.
- 80 The design and access statement proposes timber decks for private gardens at first floor level, together with block paved communal areas separated by free standing and built-in planters. The amount of screening provided would be minimal given the available space and so the size and number of planters should be increased; again this could be secured by a condition were the proposal found to be acceptable in all other respects. In order to successfully provide the quality and longevity of landscape aspired to the design would need to ensure sufficient weight loading, soil volumes and irrigation is provided to support mature planting within the planters; cross sections and details of maintenance would be required.
- 81 The Urban Forester has advised that screening should be provided to the rear ground level to ameliorate the effect of large vehicles reversing within the proposed supermarket access area. This should be composed of evergreen hedging and climbing plants which could be located so as not to conflict with access requirements. These matters could be addressed through a condition for a landscaping plan.

#### **Planning obligations (S.106 undertaking or agreement)**

- 82 A unilateral undertaking is provided with the application which provides for car club membership for residents of the flatted accommodation for a period of 3 years. It is considered that this will alleviate parking pressures within the area in terms of providing a more sustainable form of transport for the proposed new units.
- 83 Mayoral CIL  
A Mayoral CIL contribution is required as there is an increase in floorspace as a consequence of the application. The new floorspace equates to 382 sq metres, therefore a total of £13,370 CiL contribution is required to be paid.

#### **Sustainable development implications**

- 84 Whilst this is not a new build scheme the applicant is looking to achieve a BREEAM rating of 'very good' in respect of the retail unit.
- 85 As the residential element of the scheme would be through a conversion, the applicant

has submitted an ecohomes assessment rather than Code for Sustainable Homes and would achieve a rating of 'very good'. In the event that the application were acceptable in all other respects, this could be secured by way of a condition.

- 86 It is proposed to install a green roof on the existing building and a detailed specification has been provided. This measure is welcomed, as it would contribute to increasing biodiversity and reducing surface-water run-off.

#### **Other matters**

- 87 In respect of the conversion of the upper floors to residential it should be noted that The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 Part allows for the change of use of offices to residential via a Prior Approval mechanism.

#### **Conclusion on planning issues**

- 88 There are no objections to the principle of the proposed development in land use terms, as the loss of the existing B class floorspace has been adequately justified and the provision of an extended retail unit and flats would be appropriate in this town centre location. The physical impacts of the proposed extensions would not result in any significant loss of amenity to neighbouring occupiers and although there are concerns in relation to servicing hours and plant noise, these issues could be mitigated through planning conditions. The design of the proposal would be acceptable and impacts on trees overhanging the site could also be mitigated through conditions.
- 89 There are still concerns raised, around parking stress due to the increased number of vehicle trips associated with the extended retail store together with the loss of the customer car park and overspill parking from the proposed flats. However these concerns should be balanced against the overall benefits derived from the scheme and regard should also be given to the Inspectors decision and the view that this matter in itself can not be seen as an overriding reason for refusal. The further issue of the servicing arrangements can be divided into two parts the hours permitted for servicing the store and the feasibility of servicing the store from the existing rear access on Chesterfield Grove.
- 90 In terms of the hours, these were set by the Inspector who agreed with the Council's environmental officer around what would be reasonable, it is therefore considered that the Council's position is to accept these revised hours and condition any consent accordingly. The issue of servicing the store, although raised at the appeal hearing was not explored with any depth due to the lack of technical information provided by any party. It is understood that Chesterfield Grove is a residential road not designed to carry large vehicles, nonetheless there is in existence a retail store with its service access gained via this route. As detailed in the officer report there are currently no restrictions on the use of this accessway, albeit there has been a long standing agreement between the current occupiers and immediate neighbours. Whilst it is acknowledged that the store is being enlarged, the use does remain the same, (Class A1 retail). It is proposed to condition the servicing arrangements to ensure that these do not compromise highway safety. It is considered that the opportunity to condition an existing unregulated use would offer better safeguards for residents in terms of the future use of this store. On this basis it is recommended that planning permission be granted.
- 91 In reaching this conclusion regard has been had to the provisions of the NPPF and the need to encourage and facilitate sustainable forms of development. It is considered that any harm caused would not outweigh the benefits of the proposal and as such it would comply with the provisions of the NPPF, London Plan, Core Strategy and Saved Southwark Plan Policies.

### **Community impact statement**

92 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) No unmitigated impact on any group with the above protected characteristics is envisaged as a result of this decision.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as car parking and servicing.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are to condition the servicing arrangements as well as the hours of operation and for residents of the proposed development to have been given 3 years membership to a car club scheme.

### **Consultations**

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

### **Consultation replies**

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

### Summary of consultation responses

95 A total of 16 letters have been received for the application, 10 objecting and 6 in support. The detailed content of the letters are included within Appendix 1. The concerns in brief are as follows:

- Loss of privacy and increased noise due to high level roof terraces and plant to the rear
- Lack of parking provided with the proposed use for shoppers and residents
- Impracticality of service arrangements to service the new store
- Size and design of the proposed extension
- Servicing hours
- Inadequate refuse provision leading to odours and infestation

### **Human rights implications**

96 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.

97 This application has the legitimate aim of providing new residential housing and an extended retail unit. 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

98 N/A

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2315-84 Application file: 14/AP/0280 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 5434 Council website: www.southwark.gov.uk

### APPENDICES

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

### AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Sonia Watson, Team Leader Development Management	
<b>Version</b>	Final	
<b>Dated</b>	7 July 2014	
<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, Finance and Corporate services	No	No
Strategic Director, Environment and Leisure	Yes	Yes
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	9 July 2014	

## Consultation Undertaken

**Site notice date:** 10/02/2014

**Press notice date:** N/A

**Case officer site visit date:** 10/02/2014

**Neighbour consultation letters sent:** 07/02/2014

### Internal services consulted:

Transport  
Urban Forester  
Design and conservation

### Statutory and non-statutory organisations consulted:

Thames Water

### Neighbours and local groups consulted:

107-109 LORDSHIP LANE LONDON SE22 8HU  
102 LORDSHIP LANE LONDON SE22 8HF  
94 LORDSHIP LANE LONDON SE22 8HF  
100 LORDSHIP LANE LONDON SE22 8HF  
FLAT A 70 LORDSHIP LANE LONDON SE22 8HF  
84-90 LORDSHIP LANE LONDON SE22 8HF  
79 LORDSHIP LANE LONDON SE22 8EP  
FLAT B 70 LORDSHIP LANE LONDON SE22 8HF  
111-115 LORDSHIP LANE LONDON SE22 8HU  
98B LORDSHIP LANE LONDON SE22 8HF  
98A LORDSHIP LANE LONDON SE22 8HF  
92 LORDSHIP LANE LONDON SE22 8HF  
72 LORDSHIP LANE LONDON SE22 8HF  
93 LORDSHIP LANE LONDON SE22 8HU  
81 LORDSHIP LANE LONDON SE22 8EP  
21A ASHBOURNE GROVE LONDON SE22 8RN  
95A LORDSHIP LANE LONDON SE22 8HU  
2A CHESTERFIELD GROVE LONDON SE22 8RW  
21B ASHBOURNE GROVE LONDON SE22 8RN  
83A LORDSHIP LANE LONDON SE22 8EP  
8 CHESTERFIELD GROVE LONDON SE22 8RW  
93A LORDSHIP LANE LONDON SE22 8HU  
80A LORDSHIP LANE LONDON SE22 8HF  
87B LORDSHIP LANE LONDON SE22 8EP  
87A LORDSHIP LANE LONDON SE22 8EP  
92A LORDSHIP LANE LONDON SE22 8HF  
74A LORDSHIP LANE LONDON SE22 8HF  
85-87 LORDSHIP LANE LONDON SE22 8EP  
81A LORDSHIP LANE LONDON SE22 8EP  
77A LORDSHIP LANE LONDON SE22 8EP  
FLAT 8 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FLAT 7 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FIRST FLOOR AND SECOND FLOOR FLAT 97 LORDSHIP LANE LONDON SE22 8HU  
FLAT 9 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FLAT 4 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FLAT 3 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FLAT 6 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FLAT 5 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
REAR OF 94 LORDSHIP LANE LONDON SE22 8HF  
FIRST FLOOR AND PART SECOND FLOOR 84-90 LORDSHIP LANE LONDON SE22 8HF  
113-115 LORDSHIP LANE LONDON SE22 8HU  
MAISONETTE BASEMENT GROUND FLOOR REAR AND FIRST FLOOR 104 LORDSHIP LANE LONDON SE22 8HF  
82A LORDSHIP LANE LONDON SE22 8HF  
SECOND FLOOR FLAT B 84-90 LORDSHIP LANE LONDON SE22 8HF  
SECOND FLOOR FLAT A 84-90 LORDSHIP LANE LONDON SE22 8HF  
77B LORDSHIP LANE LONDON SE22 8EP

8 SAGE MEWS LONDON SE22 8EZ  
FLAT 2 10 CHESTERFIELD GROVE LONDON SE22 8RW  
FLAT 1 10 CHESTERFIELD GROVE LONDON SE22 8RW  
1 SAGE MEWS LONDON SE22 8EZ  
80 LORDSHIP LANE LONDON SE22 8HF  
7 SAGE MEWS LONDON SE22 8EZ  
6 SAGE MEWS LONDON SE22 8EZ  
FLAT 14 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FLAT 13 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FLAT 2 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FLAT 15 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FLAT 10 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FLAT 1 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FLAT 12 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
FLAT 11 SHAWBURY COURT 99 LORDSHIP LANE LONDON SE22 9DQ  
83 LORDSHIP LANE LONDON SE22 8EP  
77 LORDSHIP LANE LONDON SE22 8EP  
LORD PALMERSTON 91 LORDSHIP LANE LONDON SE22 8EP  
89 LORDSHIP LANE LONDON SE22 8EP  
68 LORDSHIP LANE LONDON SE22 8HQ  
76 LORDSHIP LANE LONDON SE22 8HH  
75 LORDSHIP LANE LONDON SE22 8EP  
73 LORDSHIP LANE LONDON SE22 8EP  
98 LORDSHIP LANE LONDON SE22 8HF  
96 LORDSHIP LANE LONDON SE22 8HF  
1 ASHBOURNE GROVE LONDON SE22 8RN  
97 LORDSHIP LANE LONDON SE22 8HU  
74 LORDSHIP LANE LONDON SE22 8HF  
104 LORDSHIP LANE LONDON SE22 8HF  
82 LORDSHIP LANE LONDON SE22 8HF  
78 LORDSHIP LANE LONDON SE22 8HF  
4 SAGE MEWS 110A LORDSHIP LANE LONDON SE22 8EZ  
FIRST FLOOR AND SECOND FLOOR FLAT 75 LORDSHIP LANE LONDON SE22 8EP  
99-101 LORDSHIP LANE LONDON SE22 9DQ  
103-105 LORDSHIP LANE LONDON SE22 9DQ  
5 SAGE MEWS 110A LORDSHIP LANE LONDON SE22 8EZ  
2 SAGE MEWS 110A LORDSHIP LANE LONDON SE22 8EZ  
78A LORDSHIP LANE LONDON SE22 8HF  
3 SAGE MEWS 110A LORDSHIP LANE LONDON SE22 8EZ  
FLAT 3 110 LORDSHIP LANE LONDON SE22 8HF  
FLAT 2 110 LORDSHIP LANE LONDON SE22 8HF  
FIRST FLOOR FLAT 94 LORDSHIP LANE LONDON SE22 8HF  
LIVING ACCOMMODATION LORD PALMERSTON 91 LORDSHIP LANE LONDON SE22 8EP  
FLAT 2 108 LORDSHIP LANE LONDON SE22 8HF  
FLAT 1 108 LORDSHIP LANE LONDON SE22 8HF  
FLAT 1 110 LORDSHIP LANE LONDON SE22 8HF  
FLAT 3 108 LORDSHIP LANE LONDON SE22 8HF  
9 CHESTERFIELD GROVE LONDON SE22 8RP  
14 CHESTERFIELD GROVE LONDON SE22 8RW  
12 CHESTERFIELD GROVE LONDON SE22 8RW  
3 CHESTERFIELD GROVE LONDON SE22 8RP  
23 CHESTERFIELD GROVE LONDON SE22 8RP  
7 CHESTERFIELD GROVE LONDON SE22 8RP  
5 CHESTERFIELD GROVE LONDON SE22 8RP  
24 CHESTERFIELD GROVE LONDON SE22 8RW  
22 CHESTERFIELD GROVE LONDON SE22 8RW  
6 CHESTERFIELD GROVE LONDON SE22 8RW  
4 CHESTERFIELD GROVE LONDON SE22 8RW  
18 CHESTERFIELD GROVE LONDON SE22 8RW  
16 CHESTERFIELD GROVE LONDON SE22 8RW  
20 CHESTERFIELD GROVE LONDON SE22 8RW  
2 CHESTERFIELD GROVE LONDON SE22 8RW  
3 ASHBOURNE GROVE LONDON SE22 8RN  
19 ASHBOURNE GROVE LONDON SE22 8RN  
7 ASHBOURNE GROVE LONDON SE22 8RN  
5 ASHBOURNE GROVE LONDON SE22 8RN  
13 ASHBOURNE GROVE LONDON SE22 8RN  
11 ASHBOURNE GROVE LONDON SE22 8RN  
17 ASHBOURNE GROVE LONDON SE22 8RN  
15 ASHBOURNE GROVE LONDON SE22 8RN  
17 CHESTERFIELD GROVE LONDON SE22 8RP  
15 CHESTERFIELD GROVE LONDON SE22 8RP  
21 CHESTERFIELD GROVE LONDON SE22 8RP  
19 CHESTERFIELD GROVE LONDON SE22 8RP  
1 CHESTERFIELD GROVE LONDON SE22 8RP  
9 ASHBOURNE GROVE LONDON SE22 8RN  
13 CHESTERFIELD GROVE LONDON SE22 8RP  
11 CHESTERFIELD GROVE LONDON SE22 8RP

**Re-consultation:**

**N/A**

## APPENDIX 2

### Consultation Responses Received

#### Internal services

Urban Forester - No objections subject to conditions

Transport - Concerns raised around parking overspill from residents and shoppers, acknowledges this can not be controlled due to lack of CPZ, but welcomes the provision of car club membership for the residential element.

Design - No objections

#### Statutory and non-statutory organisations

**Thames Water** - Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

##### Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

#### Neighbours and local groups

##### Cllr James Barber - Objects

My specific objections are:

##### Policy 3.2 – Protection of Amenity

Saved Policy 3.2 advises that planning permission for development will not be granted where it would cause loss of amenity, including disturbance from noise, to present and future occupiers in the surrounding area or on the application site.

##### Policy 5.6 - Car Parking

Saved Policy 5.6 advises that new development should prevent or mitigate the loss of amenity, including inconvenience to local residents caused by overspill parking and increased pressure on on-street spaces.

As you will be aware this application is similar to the development proposal which was refused by the London Borough of Southwark on 10 April 2013 [Ref 12/AP/3773] and subsequently dismissed by the Planning Inspectorate on 02 October 2013 [Ref: APP/A5840/A/13/2198122]. I have therefore focussed my comments to those matters which have been amended in the current application, namely the Servicing Management Plan and Parking Survey.

##### Car Parking

Whilst the applicant has claimed that the new scheme would result in a reduction in car

parking, the updated Transport Statement (January, 2014) includes a number of erroneous assumptions and biased statistical analyses, such that it cannot be considered a reliable assessment of the number of vehicle trips that would be generated by the extended retail store and new residential units.

As you will know, the applicant's trip generation assessment relies on a TRAVL survey conducted at a Marks and Spencer store in Earls Court (May 2012) and a customer questionnaire survey undertaken at a similar 'Simply Food' store along Walworth Road in Southwark (February 2013) - though this also sells clothes. Whilst the applicant has been careful to apply a floor area uplift to reflect the difference in size between the Earls Court store (450m<sup>2</sup>) and the proposed new store on Lordship Lane (827m<sup>2</sup>), the assessment fails to take into account the different public transport accessibility levels (PTALs) of these locations.

As can be seen from the attached appendices, both Earls Court and Walworth Road have excellent PTALs of '6a' and '6b' respectively, with access to multiple modes of public transport. In contrast, Lordship Lane has a PTAL of 4 (medium) with access limited to bus and train. Despite these obvious differences, the applicant's assessment assumes that 15 per cent of all trips to the new store in Lordship Lane will be made by the London Underground network – a scenario that is unlikely if not impossible!

Similarly, the trip generation assessment ignores the different levels of car ownership in East Dulwich, Earls Court, North Southwark (Walworth Road) and their surrounding areas (see attached appendices). As the planning inspector made clear, East Dulwich suffers from severe 'parking stress' with as few as 7 parking spaces available within 200m of the proposed development at some points during the week. The area therefore has very limited capacity to accommodate any additional demand for on-street parking within the adjacent residential streets.

Despite the applicant's assurance that any additional demand arising from the net increase of 6 residential units could be controlled by requiring membership of a Car Club for three years, this would be difficult to enforce and no doubt problematic for future occupiers of these flats. Therefore it should be assumed that demand for parking would increase by many spaces.

Finally the assessment fails to take into account the fundamental difference in characteristics between mid-range stores of up to 650m<sup>2</sup> (which tend to promote top-up and convenience shopping) and larger stores of 850m<sup>2</sup> or more (which encourage one-stop shopping). Naturally the greater the number of items purchased, the more likely customers are to arrive and depart by car – and given the unrestricted parking available in neighbouring streets it is unlikely that customers would be deterred from arriving by car simply due to the loss of the existing on-site car park.

In summary I believe the above application would result in a level of on-street parking demand that would significantly inconvenience existing local residents who would face increased pressures on local parking, leading to a loss of residential amenity.

### **Delivery Times**

Whilst a revised Servicing Management Plan has now been submitted – with amended delivery times proposed for Saturday and Sunday – serious questions remain over whether all 10.7m articulated lorries would be able to comfortably use the rear service yard whilst entering and leaving in forward gear. Clearly there is a risk of significant noise disturbance for a number of neighbouring residents. Nevertheless, if the council is minded to approve this application, conditions on the hours of commercial delivery, and hours of loading and unloading, must be included to ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Saved Policy 3.2 of the Southwark Plan. I would also urge for deliveries to be through the front of the shop on Lordship Lane, as is the case for the Cooperative

Store.

### **Roof Terrace**

Similarly there is potential for surrounding occupiers to be impacted as a result of noise and disturbance emanating from the first floor roof terraces at the rear of development. This will be a loss of amenity to many residents in neighbouring properties. However, if the council is minded to support this application, then I would urge mitigation by way of condition – for example by restricting the hours of use – to ensure that adjoining occupiers in the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

### **3 Ashbourne Grove - Objects**

#### **Privacy and Noise**

1) The development of eight flats with private and communal amenity space at an elevated level will generate noise not only from day to day activities but also grouping within that amenity space with potential for loud music, parties and barbecues. This will generate significant noise, particularly in summer months, when other people wish to enjoy their outdoor space peaceably. This will also be an issue with my child sleeping in her rear facing room and mean we are unable to leave the window open for cooling and ventilation. For this reason I strongly object. No other residence in this area has such an elevated outdoor communal space. Indeed I understand that the previous owner of my property had an application refused for development of an outdoor space on top of a ground floor extension.

This noise would have an adverse effect on all the surrounding properties and their enjoyment of their own outdoor space. Indeed the National Planning Policy Framework (2012) also states (11.123): "Planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions."

The 'Southwark Council Dulwich Supplementary Planning document 2013' (section 5.2.3) also states that development should "... not result in a loss of privacy and amenity for adjoining houses and their back gardens". The proposal will affect privacy of the surrounding properties including my own and I thus object.

The proposed development with all this outdoor private and communal amenity space is unnecessary and could be re-designed so as to not have this negative impact. People renting or purchasing 1st or 2nd floor flats do not expect direct outdoor space. I feel it could be redesigned to become an indoor communal space with a glass roof to allow natural light.

2) Deliveries - see below.

3) I am concerned about the roof plant area being located so close to the my residential property. I understand this has been assessed for noise however I would be interested to know what guarantees there are that the noise levels will be acceptable, particularly in summer months

when bedroom windows are open and we wish to enjoy our outdoor space.

#### Security

Currently the gates are locked at night affording protection to the houses which border this development. Previously when the gates were unlocked there were break-ins and residents erected raised trellis fencing at the rear of their properties to prevent this.

1) The removal of the gates and the creation of a dark secluded area at the back of the proposed development will create a significantly increased security risk to the properties bordering this plot of land and other adjacent properties. No contingency has been made for this in the planning provided and I thus object.

2) The creation of a first floor platform and the positioning of the 'retail staff cycle cage' and 'retail unit waste containers' along the fence of the bordering Ashbourne Grove properties will lead to easy access to potential burglars to directly access the rear of the properties of numbers 1, 3 and 5 Ashbourne Grove and also increase the risk to properties further along the road. As such I object as the consequences of this development will be against the National Planning Policy Framework (2012) which states (7.58): "Planning policies and decisions should aim to ensure that developments ... create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion".

#### Refuse

The proposed plans will put the retail unit waste containers directly behind our rear fence which borders the development. This will be approximately 2 metres away from our child's play area and play house. This will lead to:

- 1) Refuse smells in our private garden reducing our enjoyment of this space.
- 2) Increased risk of flies, rats and foxes in this area with potential risk of disease within close proximity of a child's play area, raising health and safety issues to this proposal.

No other local resident stores their refuse in their back garden so why should we suffer refuse smells from this new development? (In the current arrangement, the Iceland refuse is stored at the opposite corner next to their own building).

#### Deliveries

1) There have been minor modifications to the hours of delivery in the morning. I understand that the proposals still include deliveries up until 10pm at night and 9pm on Saturdays. I consider this too late in a residential area and well past my child's bedtime. This will impact on her ability to sleep especially in the summer months when windows are necessarily open. I therefore object to the modified delivery times and any proposal that would see earlier delivery times, significantly more deliveries or an increase in noise levels from the current situation.

2) In the document "Code of practise for out-of-hour's deliveries and servicing", M+S acknowledge the potential noise problem by stating a number of aims to reduce noise during deliveries. This includes that they will use "Use newer and quieter vehicles and equipment where

possible". The use of 'where possible' means this is not binding and can use any vehicle they wish. I would like to see the council stipulate precisely what vehicles can be used for deliveries. Why doesn't the council go really eco-friendly and insist on electric vehicles which could then be recharged while unloading in an indoor garage area?

### **Parking**

There is already significant parking stress on the surrounding roads. This I understand was witnessed by the inspector at the last submission of this proposal which has not been addressed in any way by this resubmission apart from a new parking report. I dispute the accuracy of this report.

It should be noted from the 'Southwark Council Dulwich Supplementary Planning document 2013' (section 2.2.3) that "There is a high level of car ownership and use with Dulwich". Thus I feel there will be significant draw to a new store from the surrounding Dulwich area which lacks convenient public transport to Lordship Lane as evidenced from the planning document section 7.3.2 which states " In particular, there are poor north-south links across Dulwich" and "...other parts of Village ward and parts of College ward suffer from a lack of access to public transport."

I think it is obvious to any sensible person that the parking stress in the area will be increased by:

- a) Significantly increased footfall through the proposed M+S store
- b) The creation of 8 residential flats (6 new)
- c) Loss of the small car park

It is clear for these reasons that the number of people seeking parking will significantly increase. The reliance on a new report by ttp consulting, commissioned by the developers, is worrying and I believe this report is significantly flawed and designed to show what the developers want. Specific comments about this are:

1) I agree with the report that the site has good public transport from certain areas (see above). But so does Wembley stadium and it still needs parking spaces!

The document correctly states that the store location has a good PTAL of 4. It fails to mention that it is close to the border of PTAL 3 and that a large area immediately south of the development has a PTAL varying between 1 and 3. 2) I disagree that the removal of the existing car parking will minimise the number of vehicles attracted to the site. I believe that the M+S brand will attract significantly more vehicles to the site. It will also bring convenience shoppers who would usually drive past and stop at Sainsbury's or Tesco's (where there is specific parking) - issues such as this are not even considered in this parking assessment.

3) I disagree with statement 4.10 regarding the inability to provide off-street parking due to the "constraints of the site". As off street parking is currently available, the inability to provide it is due to the over-ambitious plans for the site!

4) With regard section 5.12 I cannot understand how contributing to a car club for 3 years solves the long-term parking issues and highlights to me that the developer acknowledges the issues with parking.

5) I have major issues with section 5 which is misleading and flawed

in making the comparison with certain other M+S sites in Earls Court and Walworth Road. Both of the comparison sites are within controlled parking zones, with the Earls Court store having some of the highest pay and display charges in London (£3.30 or £4.40 per hour)!

In these areas, it is thus not surprising that if there is no off-street or on-street parking then the number of trips by car is low! Please see images in Appendix 1 regarding lack of parking on main road and nearby streets in the two comparison sites. Please also note that Earls Court is M+S next to a major London Underground connection and on a road usually heavily congested. I CANNOT believe that none of this is even described in the report which to me makes this deliberately misleading and should thus (in my opinion) be disregarded as the trip generation data (which is based on this misleading comparison) and subsequent predicted parking demand cannot be believed.

In fact, one could even use this report to make a further assumption - That similar M+S shops require controlled parking areas around them due to their popularity!

6) In the 'Design and Application Statement Part 1' it is stated that the current footprint is below the minimum required by the potential tenant (M+S). However in this parking assessment it is stated that the Earls Court store only has an overall gross floor area of 450m<sup>2</sup> - almost identical to the existing Iceland floor area (445m<sup>2</sup>). Thus clearly M+S could use the existing building structure if they wished as they do elsewhere.

7) With the car parking restrictions of other nearby M+S stores (Walworth Road and Brixton), you could argue that anyone wishing to travel by car to an M+S will preferentially travel to East Dulwich thus further exacerbating parking stress.

8) In Section 5.1.4 of the transport assessment, it is claimed that there will be a requirement for an additional 3 parking spaces for the 6 additional flats. In fact, in Southwark's own guidance 'Sustainable Transport Sustainability Planning Document (2010)' section 4.2.10, it is stated that in the Suburban Zone (including Dulwich) "There are some bus routes and railway stations, however the level of access by public transport is lower than in the rest of Southwark. Less development is going to happen in the Suburban Zone and we allow more car parking to a maximum between 1.5 or 2 spaces per flat or house". Thus by Southwark's own planning document, an additional 9 to 12 car parking spaces should be allowed for.

## **24 Chesterfield Grove - Objects**

### **1. Visual Intrusion**

The proposals are cited as being a modest single storey extension with 2 storey access core, residential amenity at 1st floor and a cantilevered walkway at 2nd floor level. These proposals are not modest and would be a significant visual intrusion from Chesterfield Grove street level and in particular from the residential gardens of adjacent properties. The scale of the proposed extensions are not in keeping with the adjacent residential properties, would not respect the existing character of the area nor would it be a subordinate element in the street elevation.

In particular the 2 storey access core, amenity area at 1st floor level and cantilevered walkway at 2nd floor level would be a visual intrusion from both street level and from the adjacent residential properties gardens. The visual aspect from the elevated extensions would remove the privacy from private residential amenities which in my view would be an unacceptable loss of personal amenity.

I believe a more suitable and less visually intrusive solution can reasonably be attained for gaining access to the proposed residential redevelopment which does not require such significant and intrusive external structures to be erected.

## **2. Deliveries and Access at Rear**

The documentation provided does not show delivery vehicles being able to comfortably enter the rear of the premises and turn and exit in a forward motion as stated in the Transport plan. The AutoTrack plots (included on plan drawings only) show the vehicles only entering the site and reversing into the delivery bay. To exist without reversing is impossible without traveling over the pavement and with considerable shunting within the yard. There is no evidence supplied to substantiate the statement in point 20 of the Transport Plan regarding Highway Safety. The access and egress proposed cannot be done as planned and cannot be shown to have addressed the hazards of pedestrian safety and access across the footpath with little visibility. The applicant has not complied with the requirements of the Statutory CDM Regulations (2007) in designing out significant hazards.

The plots also show the vehicles overhanging the pedestrian access route (in reality these plots do not even allow for vehicle wing mirrors which overhang further than the plots) now proposed and would clash with the existing bollards protecting the neighbouring properties. The plots attempt to show sufficient access with the additional walkway. It is clear at present that access is severely restricted and there is no walkway. Under CDM Regulation 2007, this proposed access does not address a significant hazard of vehicle pedestrian interaction and worsens the already difficult turning circle into the yard. I have never witnessed a delivery vehicle making the shown access from Chesterfield Grove into the Yard from the Lordship Lane direction successfully but have seen drivers attempting to reverse back having failed.

The Transport Plan document does not align with the revised times of deliveries in the application and should be re-submitted prior to any consideration of the application.

The access route proposed crosses the street footpath and there is insufficient visibility to see vehicles exiting when coming from Lordship Lane end. This Hazard has not been addressed under CDM Regulations 2007 and existing use which is dangerous is not acceptable as evidence of suitability. Any development should address hazards in context of current legislation

It should also be considered that the applicant does not appear to own the access route as it falls outside of the red-line boundary of this application. Given that the access is a part of the application I would have considered the usage being outside the red-line boundary to be an infringement of planning guidelines and should be ground for dismissal of accepting deliveries at the rear of the premises. Please confirm what right of access they have and what covenants are in place to secure this in the future.

There is insufficient available kerbside space to accommodate unloading of delivery vehicles within Lordship Lane and I would request the Planning

Committee consider limitations in any permission as to the quantity and time of day such deliveries could take place utilising the residential streets given the intrusion this could present.

I would like to put to the Planning Committee that any approved plans would need to address deliveries to provide adequate and suitable delivery parking and access from Lordship Lane mitigating the need to access via Melbourne and Chesterfield Groves. Especially in light of the increased shop floor space and nature of high turnover goods which would inevitably require a greater volume of delivery vehicles.

Any successful application should have a Planning Condition attached to it confirming the maximum size of delivery vehicle, times of delivery and route for access to be from Lordship Lane onto Chesterfield Grove and not from Melbourne Grove onto Chesterfield Grove as this is the access routes depicted in the Servicing Management Plan and should be a condition of any successful application.

### **3. Parking**

I find the assertion within the documentation submitted that the removal of all parking spaces at the existing Iceland car park will result in a decrease in vehicles attracted to the site to be wholly inaccurate and an attempt to mislead the Planning Officers and the Public.

There are to be 8 flats of 2 x double bedrooms. It is likely that between 16 and 32 residents would reside there. A typical car ownership of flat dwellers is more in the region of 1:3 and 5 to 10 cars should be considered as additional.

The shop staff are expected to be 35 Full time equivalent. If just 1:8 drives this adds a further 4 plus vehicles.

The survey undertaken of shoppers on Walworth road claimed only an average of 1 driver at any one time, this survey was not 100% of those in the shop at any one time and is thus fundamentally flawed in reaching such a conclusion. If just 10% capture rate applied this is more like 10 drivers at any one time.

Overall a peak rate of 19 to 24 is not an unreasonable assessment and more realist than the arbitrary figures used by the applicant without any substantiation or truly equivalent comparisons.

In my opinion at least 10 parking spaces for residents/staff should be considered as the minimum required.

The Transport Plan submitted states in Appendix F that parking is above 90% capacity use for almost all times considered. The Mayor of London Transport Strategy states that where parking is above 90% in use this is considered as parking stress and the number of vehicles concurrently looking for spaces would outnumber the available spaces. Increase to vehicles parked by residents and staff would increase usage and make this situation significantly worse.

Please also consider the impact of a similar convenience food shop on Lordship Lane, Sainsbury, and note that it is clearly visible there is a near constant movement of vehicles in the day and early evening of people picking up small amounts of shopping. It is my opinion that a similar use of vehicles to access the proposed store from a wider catchment will persist and the application fails to acknowledge this or provide any evidence with transport modeling to substantiate such a categoric view entirely to the applicants benefit. It is simply untrue that no shoppers would come by car. Additionally the enlarged store will

require more staff some of whom will drive to work. The Planning Officers should insist on a Trip Generation modeling to be conducted with context to similar stores within the area.

I do not accept the assertion that this type of convenience store would not generate additional vehicle travel to access it. Lordship Lane is a defined District Centre and as such attracts shoppers from neighbouring districts, many of whom drive to access the amenities on offer. A convenience store which would by its nature attract shoppers seeking smaller quantities and thus a greater footfall would be likely to attract those where public transport is not a convenient option from their residence to Lordship Lane and would be likely to drive putting further pressure on an already stretched parking amenity. In particular the type of shop proposed would appeal to a predominantly car owning demographic who prefer to drive to a shop than take public transport. This would be to the detriment of local residents whose needs should be equally considered.

The proposals claim that all residential dwellings proposed would utilise the (agreeably) extensive public transport facilities but fail to take account of the fact that many residents still maintain a car for weekend and occasional weekday use despite making use of public transport to commute, socialise or shop. I do not in my opinion accept the assertion that no vehicles will be kept by the residents of the additional dwellings and as such object to the lack of provision of any car parking for at least a proportion of residents. The burden on local residential streets from additional parking demand will adversely affect the amenity value of the current residents which is already pressured. The Transport Statement itself declares Chesterfield Grove to be at 95% utilised during the evening and at night.

The Parking survey and stress test undertaken was only done to consider residential parking needs and in no way addressed consideration of shoppers. The store is likely to attract daytime and early evening traffic on the return school run and post train commuting (many people are collected at stations). It was conducted at night and early evening when no shoppers or local business users would have been adding to the parking. This aspect should not be regarded by the planning officers as representative and the conclusions ignored.

I believe that due consideration should be given to maintaining at least the same provision for off street parking as currently provided to the rear of these premises. In my view insufficient evidence has been tabled to justify the removal of parking provision.

#### **4. Specific Planning Policy not being sufficiently addressed.**

#### **5. Noise**

The additional service equipment at first floor level has the potential to be a nuisance to local residents, particularly during the night-time. The submission does not provide a baseline noise survey at the Chesterfield Grove or Ashbourne Grove residential receptors, nor does it provide acoustic modelling to support the design proposals to attenuate noise. I would request that the Planning Officer request sufficient modelling is undertaken together with a S106 obligation to attain a 10dBA reduction against ambient baseline of noise at residential receptors from any new plant and equipment. Additionally the use of the roof terrace area which is at roof level of residential houses will contribute significant additional noise for neighbouring properties. Such use should also be modeled.

#### **6. Not in keeping with other rejected applications in immediate vicinity.**

It should be noted that an application for a modest extension at residential first

floor level of No 1 Chesterfield Grove (Ref 05-AP-1214) was refused on the following grounds. The proposed rear extension and 2 storey access shaft of the application noted above would be significantly more dominant in nature to the residential proposal which was refused and would not be consistent with consideration for keeping within context with the decision made for this application.

## **9 Ashbourne Grove Objects**

### **Car Parking**

Whilst the applicant has claimed that the new scheme would result in a reduction in car parking, the updated

Transport Statement (January, 2014) includes a number of erroneous assumptions and biased statistical analyses, such that it cannot be considered a reliable assessment of the number of vehicle trips that would be generated by the extended retail store and new residential units.

As you will know, the applicant's trip generation assessment relies on a TRAVL survey conducted at a Marks and Spencer store in Earls Court (May 2012)

Whilst the applicant has been careful to apply a floor area uplift to reflect the difference in size between the Earls Court store (450m<sup>2</sup>) and the proposed new store on Lordship Lane (827m<sup>2</sup>), the assessment fails to take into account the different public transport accessibility levels (PTALs) of these locations.

As can be seen from the attached appendices, both Earls Court and Walworth Road have excellent PTALs of '6a' and '6b' respectively, with access to multiple modes of public transport. In contrast, Lordship Lane has a PTAL of 4 (medium) with access limited to bus and train. Despite these obvious differences, the applicant's assessment assumes that 15 per cent of all trips to the new store in Lordship Lane will be made by the London Underground network – a scenario that is unlikely if not impossible!

Similarly, the trip generation assessment ignores the different levels of car ownership in East Dulwich, Earls Court, North Southwark (Walworth Road) and their surrounding areas (see attached appendices). As the planning inspector made clear, East Dulwich suffers from severe 'parking stress' with as few as 7 parking spaces available within 200m of the proposed development at some points during the week. The area therefore has very limited capacity to accommodate any additional demand for on-street parking within the adjacent residential streets.

Despite the applicant's assurance that any additional demand arising from the net increase of 6 residential units could be controlled by requiring membership of a Car Club for three years, this would be difficult to enforce and no doubt problematic for future occupiers of these flats. Therefore it should be assumed that demand for parking would increase by many spaces.

Finally the assessment fails to take into account the fundamental difference in characteristics between mid-range stores of up to 650m<sup>2</sup> (which tend to promote top-up and convenience shopping) and larger stores of 850m<sup>2</sup> or more (which encourage one-stop shopping). Naturally the greater the number of items purchased, the more likely customers are to arrive and depart by car – and given the unrestricted parking available in neighbouring streets it is unlikely that customers would be deterred from arriving by car simply due to the loss of the existing on-site car park.

In summary I believe the above application would result in a level of on-street parking demand that would significantly inconvenience existing local residents who would face increased pressures on local parking, leading to a loss of residential amenity.

### **Delivery Times**

Whilst a revised Servicing Management Plan has now been submitted – with amended delivery times proposed for Saturday and Sunday – serious questions remain over whether all 10.7m articulated lorries would be able to comfortably use the rear service yard whilst entering and leaving in forward gear. Clearly there is a risk of significant noise disturbance for a number of neighbouring residents. Nevertheless, if the council is minded to approve this application, conditions on the hours of commercial delivery, and hours of loading and unloading, must be included to ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Saved Policy 3.2 of the Southwark Plan. I would also urge for deliveries to be through the front of the shop on Lordship Lane, as is the case for the Cooperative Store.

### **Roof Terrace**

Similarly there is potential for surrounding occupiers to be impacted as a result of noise and disturbance emanating from the first floor roof terraces at the rear of development.

This will be a loss of amenity to many residents in neighbouring properties. However, if the council is minded to support this application, then I would urge mitigation by way of condition –for example by restricting the hours of use – to ensure that adjoining occupiers in the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with Saved Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007 and strategic policy 13 'High Environmental Standards' of the Core Strategy 2011.

### **34 Chesterfield Grove Objects**

I would ask you to take into account the increase in cars parking on nearby roads if this change happens due to the loss of the car park in the current Iceland store.

I live on Chesterfield grove and we already feel a great pressure and increase in cars on our road due to the clients at the car wash at the bottom and the increase generally in people coming to east dulwich, which is of course a good thing for the local economy but the loss of a car park will only make the area less attractive to residents and those trying to use the facilities.

Please also consider the increase in noise and general disturbance of m and s lorries delivering in the early hours of the morning to local residents. As they don't seem to say when exactly they will deliver it would be very important to get an agreement that they will follow the same times as current Iceland deliveries.

Also, adding to the congestion on the road is the lack of turning space for delivery lorries. Currently Iceland lorries enter from the Melbourne grove end of chesterfield grove as it's not physically possible to enter from lordship lane, can you take this into consideration as m and s seem to think they can enter from the Lordship lane end. If this were to happen there will need to be some changes to the parking on chesterfield gr ( lordship lane end) in order to allow the lorries to turn. Currently the Iceland lorries have

problems even when the cars are parked legally.

**15 Ashbourne Grove - Objects** - My major concern has been the open walkway to the flats which will overlook our gardens, reducing privacy and creating noise from potential parties etc. I would urge the planners to reconsider the change of use from office to flats and this stair access and roof garden. This really does overlook our gardens and will disturb residents.

Whilst I recognise Marks and Spencer's have reduced their opening hours, this will not reduce noise from the flat owners.

The loss of the car park at Iceland is a significant issue, when we lost Somerfield currently Co op's car park we were told that the flats above would not own cars, and this would not increase parking problems. The loss of this car park has affected parking in the area and our car is frequently blocked in by shoppers thinking they can nip to the shops. The residents above the Co op do own cars and park them in our road, one of which remained untaxed outside our house for one month! I have spoken to Jonathan Mitchell about the parking problems in the area on several occasions; it is naïve to think people won't drive so parking is a necessity. Loosing a car park which is already in use appears complete madness or sheer greed.

### **8 Chesterfield Grove Objects**

Whilst we would not object in principle to the arrival of Marks and Spencer's and the change of use of the offices to flats, apart from what can only be described as a token concession in the minor change to the servicing schedule, a number of areas of concern around the impact on the immediate local community have still not been addressed in this latest application. In summary:

- The claims of the supporting documentation that there will be little/no impact on parking in the local area, are entirely unconvincing and in being so one-sided are lacking in credibility. This view was backed up by Southwark Council's decision to reject the original application.
- The Council's apparent suggestion that this would be mitigated by the offer of a three-year car club membership for residents of the flats is plainly ridiculous.
- There will be a significant increase in disruption to the local community in terms of traffic and noise created by the service arrangements for the shop, which are more extensive than for the current shop.
- The scale of the development is wholly inappropriate and overly ambitious for the size of the site and its proximity to local residents.

For these reasons we object to the development as it is currently proposed.

In particular I would like to draw the following issue to attention:

The applicant has made quite clear the application is almost identical to the previous one, and that the main change is to the AM weekend servicing hours, following a meeting with Southwark in December 2013 where this was apparently discussed.

However the reasons given by Southwark Council for refusing the first application relate to the impact on parking, not servicing arrangements. The following explanation is taken from Southwark Council's online planning portal:

"Discussions were held with the applicant and further information received during the

course of the application, but it was not possible to overcome the concerns raised and permission was refused.

The proposed development, owing to the loss of the customer car park and increase in vehicle trips associated with the extended retail unit would increase parking stress on the surrounding streets in the area which already experiences a high level of on-street parking. This would result in an unacceptable loss of amenity to neighboring residents, contrary to saved policies 3.2 'Protection of amenity' and 5.6 'Car parking' of the Southwark Plan (2007), the Sustainable Transport SPD (2010), strategic policy 2 'Sustainable transport' of the Core Strategy (2011), policy 6.13 'Parking' of the London Plan (2011) and section 4 of the NPPF"

This new application makes no attempt to address this parking issue, despite Southwark being clear and categorical about it being the reason for refusal, and therefore Southwark can surely have no other course of action available other than to reject it once again.

Below I set out my objections to this application.

### **Parking**

We have serious concerns about the manifest over-development of the site with the application proposing an increase in floorspace of no less than 85%.

Paragraph 7.2 of the Transport Statement states that as a worst-case scenario the development is likely to generate a parking demand of 4-7 spaces. Given that the proposal would remove a car-park of 17 spaces which is currently well-used, add 8 flats, and bring a very attractive large store to the area, this conclusion is simply not credible. This is a ridiculous claim, which I hope Southwark planning officers are astute enough to recognise as being so.

The reality is that parking in the surrounding streets (in particular Chesterfield Grove) already has to cater for:

- a. local residents and their visitors.
- b. shoppers to Lordship Lane.
- c. commuters using East Dulwich Station – who park all day.
- d. at the east end of Chesterfield Grove, many people trying to park while waiting to get attention at the car-wash facility right at the entrance to this site.

The assumption that people coming to shop in M&S will use public transport is baseless. To the contrary, it is a matter of common sense that a major top-end food shop will attract people to do their weekly food-shops, which are not easily carried away from the shop by public transport. If people wish to use their cars they will, regardless of what the Council wishes they would do. The Survey is therefore totally inadequate for any consideration of this issue.

The offer of a car-club membership for residents of the flats is nothing more than a token gesture. It is hard to believe that planning officers at Southwark really think that this would mitigate the additional parking stress. Such an assumption does not factor in the following:

- d) The buyers of the flats may already own cars.
- e) The buyers of the flats may not wish to enter into such a scheme.
- f) It does not offer any mitigation for the increased numbers of people who will want to park in the immediate locality to use the shop. It is simply not realistic to claim that this will not happen.

g) It does not offer any mitigation for the 57 members of staff of the shop.

In addition, it is only for three years, so even if it did offer even basic mitigation, that effect would expire after three years, leaving the street with an exacerbated parking problem.

In summary, compared to the present site occupation (with the office space on the market for over 2 years):

- a. The retail space will increase by 85%.
- b. 57 staff will be employed and need to attend the site.
- c. Numbers of service vehicles will significantly increase
- d. 8 new homes will be developed
- d. 17 existing car park spaces will be reduced to zero.

It completely defies common sense for the Transport Advice to conclude that there will be no significant increase in trips and as a consequence no increased pressure on the very limited parking in neighbouring streets.

Saved Policy 5.6 of the Soutwark Plan states that amongst the issues to be considered is "*The impact on overspill parking*" and manifestly once again this has not received proper consideration.

Reality has to be faced that on this constricted site with very restricted access these proposals are manifestly over-developing the site without at least some provision for car parking.

### **Deliveries/Noise**

Iceland's servicing has created persistent problems – significant noise, traffic constriction with large lorries often blocking Chesterfield Grove, lorries trying to back out of the site and repeated damage to local vehicles, let alone being a safety issue for the many children living on the street. Suggestions in the initial submission that there have been no problems were completely untrue. Indeed, Tessa Jowell MP has got involved with this issue on behalf of local residents in the past.

With a 85% increase in floorspace (and the corresponding increase in demand for deliveries) servicing problems will only increase. This will impact greatly on local residents (who are already subject to significant noise caused by the car wash). Not only does the noise of revving engines while trying to reverse carry a long way, but the bleeping noise and broadcast voice warning in reverse is hugely intrusive especially at quiet hours. And every service vehicle to the rear of the site has to reverse in to the service bay. Any servicing plan must be restricted to ameliorate this for local residents.

The inference from this application is that the council consider deliveries can take place on a residential street at 10pm on weekdays or 8am on a Saturday and not impact on the residents' amenity. We wholeheartedly disagree; on the contrary this is highly intrusive when it is an entirely reasonable expectation for this to be a quiet time.

We note that the suggestion by Victoria Lewis (in her email of 15 August 2012 to Stephanie Weeks) that consideration should be given to using the loading bay at the front of the store for early deliveries has been ignored by the applicant. Given that the Co-Operative, just metres down the road, loads from the front of the shop (as do all other shops on Lordship Lane), there is no reason why M&S could not load from the front as well. Soutwark should make this binding condition preferably for all deliveries, but if not then at the very least for deliveries outside core 0830 – 1800hrs. M&S are of course not going to volunteer to do this, so it is up to Soutwark to impose it upon them – there is

no reason why this would not be possible. Given the repeated application it is clear that M&S want to open this shop, so we think it is entirely reasonable that Southwark are robust in protecting local residents' interests in such a way.

Whilst we welcome M & S's commitment to 'Neighbourly Initiatives' and Code of Practice for out-of-hours deliveries, these are merely stating an intention and are by no means enough. It is vital that any service arrangements should be controlled by strong binding conditions. For instance, the application suggests that it should be necessary for 4 deliveries per day. However, unless this is made to be a binding condition, there is nothing to stop M&S running 12 deliveries a day. Without reasonable binding conditions, it is impossible to ensure that the stated plan is rigorously adhered to and to take enforcement action if necessary, and therefore the local residents are left powerless. There can be no good reason for M&S not to accept them.

In summary, binding conditions should be imposed with a stated maximum number of deliveries per day (4, as per the application), more limited delivery hours than is being suggested (deliveries no later than 2000hrs on a weekday, and no earlier than 0900 on a Saturday), and a cap on the number of articulated lorry deliveries at 2 per day.

#### **48 Tyrrell Road Objects**

I strongly believe that the proposed extension to the existing building is not appropriate. Why do M&S need to extend the existing premises? The bigger the store, the more deliveries. The existing Iceland store is located on Lordship Lane which is adjacent to residential road(s) where there are residents with young families. Having read the planning application I sympathise with the residents in the immediate vicinity because of the frequent deliveries that will take place, noise, invasion of privacy with elevated outdoor space.

The store would obviously attract more footfall to East Dulwich from other areas, how will M&S deal with the parking problems that are going to arise? Lordship Lane is currently a no-permit parking area meaning users of the store will park here frequently along with the residents of the new proposed housing above the M&S store.

#### **15 Chesterfield Grove - Objects**

##### **Delivery Times:**

It is proposed that weekday deliveries take place up to 10 pm at night- this on a residential street.

The council already have photographic evidence of jams caused by these huge delivery vehicles. Aside from dangers to pedestrians, as well as evidence of damage to property caused by these vehicles, it is the intention to step up deliveries, placing more stress on the adjoining streets and on residents.

The current application turns on trust in the goodwill of delivery service employees to go about their work as quietly and expeditiously as possible. This is not sufficient protection for local residents who will almost certainly have sleep and rest periods disturbed by extended delivery and servicing hours as well as more frequent deliveries. There will also be an increase in blockages on the street which already contends with a high volume of traffic from the car wash and Northcross Road market at the weekend.

In addition, it is proposed that a higher volume of deliveries by vehicles of the same size will be made in a smaller space, with less room to manoeuvre. All the clever diagrams in the world cannot detract from the fact that the current proposals place too much demand

on the space available.

Maximum servicing and delivery hours are being placed on a residential street, this is not a main high street.

### **Access and lorries**

Have any of the planning team, or the community council actually visited when an Iceland truck is delivering and leaving? If this has not been witnessed it is suggested that such a visit is made, so that planners can witness the inherent difficulties with the access space.

Please note that the giant bollards at the access area have been damaged by Iceland lorries. It is noted that this point was discounted by the last planning report since it could not be proven that damage had been made by one of the lorries. Common sense dictates that on the balance of probability the most likely source of damage is one of the lorries.

There is a history of damage to residential property and to parked cars by Iceland lorries. It is not clear why this has been overlooked. Such damage has to be taken into account as evidence that the residential street and access areas are not suitable for the size and type of vehicle delivering. If deliveries are to be stepped up the possibility of further accidents and damage to property must be considered.

Computer aided diagrams indicating access and manoeuvring routes present a highly idealised perspective. The reality is very different.

### **6 Chesterfield Grove (2 letters from this property)- Objecting on the following grounds**

Delivery times:

Back in 2000 the residents of 4 and 6 Chesterfield Grove reached a private agreement with Iceland Plc a time slot of 1 hour 8am-9am for the first deliveries of the day. To date, this continues to be an amicable arrangement and works well, all but the lorries getting stuck on occasion.

There are some discrepancies with this application regarding opening and delivery times.

The new application form (20.Hours of Opening) indicates the following opening times:

Mon-Fri Sat Sun

7am-10pm 8am-10pm 10am-6pm

Yet the covering letter states:

"The main point of difference is the AM weekend servicing hours that are now being sought. These are proposed as:

Monday-Friday: 07:00-22:00

Saturday: 08:00-21:00

Sunday and Bank Holidays: 10:00-18:00"

I'm perplexed as to how/why Southwark and M&S representatives think it acceptable to receive delivery vehicles, of which will be large and incredibly noisy, in a residential street at 10pm in the evening during the week. This is not acceptable to residents. The delivery point is in a residential street not on a main road. The site in question is not in an area away from residential abodes such as Sainsbury's on Dog Kennel Hill where deliveries have little impact on the surrounding area.

Residents of Chesterfield Grove have not been consulted by Southwark Council nor representatives of M&S on this matter. It is not fair to assume such times are acceptable to residents based on other sites' operations.

Again, it is suggested deliveries are made to the rear of the store – in a much smaller space than currently exists. Logic?

So Chesterfield Grove residents will have to put up with further and more regular occasions where lorries struggle to get in and out of the site? It is completely ridiculous to think this will not be a problem and residents should not be expected to put up with this.

· Access and Lorries:

As you will have perceived by now access to servicing the site is via Chesterfield Grove, a residential road, emphasis on residential.

The entrance to the site is narrow and lies between the Car Wash at the back of Bushells Estate agent, No.94 Lordship Lane and No.1 Chesterfield Grove.

Having lived at No. 6 Chesterfield Grove since March 1976, when the street was virtually car free, we have seen Sainsbury's, Bejam and now Iceland come and go. It is immaterial who come next be it M&S, Morrisons, Lidl, a pound shop, Waitrose or re-leased to Iceland. Problems remain the same.

Accessing the site at the rear via the narrow gap between No. 1 Chesterfield Grove and the back premises of No. 94 Lordship Lane has always been a task, in particular, when entering the site from Chesterfield Grove via Lordship Lane as proposed by squiggles on submitted drawings.

The plans drawn are computed aided – all very pretty. Good in theory but not in practice. They do not take into account the human error factor. No matter how good the drivers are, accidents happen. There are currently bollards, a metal barrier, and engineering blocks from roof to ground that help protect the house at No.1 Chesterfield Grove. One bollard has suffered considerable damage by Lorries demonstrating the problems entering and exiting the site.

The lorries get stuck trying to swing in onto the site via Lordship Lane resulting in constant beeping noises on reversing or the instructive "this vehicle is now reversing". The norm is to come in via Lordship Lane, proceed down Chesterfield Grove, reverse turn in Melbourne Grove to then come back up Chesterfield Grove to access the site by the side of No.1 Chesterfield Grove.

The lorries, when on site, at present use the car parking area to turn to exit the store. This is not always possible if cars are parked either side of the entrance. Lorries often get stuck on site.

It must be stated these are articulated lorries and M&S are proposing the same 10.7m (which is NOT a small vehicle) with a couple of small vans/trucks. All are much too big for residential streets.

Chesterfield Grove residents and visitors have had to put up with damaged cars, pavements and also front garden walls being knocked down.

Local Councillors, James Barber in particular and also in years past Nick Dolzeal, are aware of the problems and also agree the current situation is not acceptable and is unlikely to improve with the proposed application.

#### · Parking on Chesterfield Grove

The topic of parking remains to be a debatable problem with no suggestion from the applicant on ways to help ease the concern, or indeed to solve the problem.

Chesterfield Grove is not only used by residents but also heavily by shoppers and workers to Lordship Lane, in particular the hordes of local estate agents and car-wash customers. On days when Northcross Road is closed to road traffic due to the cosmopolitan street market, Chesterfield Grove sees even more cars trying to be parked. Traffic and noise is increased.

The proposed flats, as stated, are intended to house 4 persons each (no mention of children) which would equate to 32 people. That could potentially in the future mean 32 more cars. Plans for the current small car-park are to remove all parking entirely on site. Where are these residents going to park? Assumptions that these new “affordable” flats (questionable in itself) will attract young couples with no car is just that – an assumption.

Where are staff going to park?

It's not just cars and vans to take into consideration but smaller modes of transport too, such as mopeds and motorbikes. Where can these park safely?

In addition to residents and staff - where are the customers of the store going to park? It is a ridiculous idea to think the intended clientele which will be attracted to the site if it becomes M&S or another “up market” supermarket, will travel by cycle or, heaven forbid, public transport. Walking isn't even in the equation. You must be joking. The thought of yummy mummy's in their jim-jams arriving in their 4x4s or the like, storming the store at 7am is more realistic!

#### · Disabled Access

The proposed residential development does not address access for those with mobility issues.

Are the proposed flats designed with access in mind? How will a wheelchair bound resident or even visitor access the flats?

Consideration for those with mobility issues is not demonstrated anywhere within the application to the retail part of the site. With the removal of the current car park at the rear the site owners cannot meet these requirements. Will there be on street special blue badge parking bays to accommodate disabled patrons needs? Would this then not cause additional problems to parking?

#### · Housing affordability

One would imagine the term “affordable” to apply to everyone.

Apparently the residential space above the retail site will be transformed into “affordable” housing. For whom? From the information provided within the application it would indicate hoped for residents to be of the young high end professional status. This would not deem flats to be affordable for all only those in the targeted catchment and certainly not affordable to those currently living in the area.

- Security

No mention of this for the retail establishment. What steps would be made to ensure security, not just for the store but for residents on Chesterfield Grove and Ashbourne Grove.

- Lighting

Additional Lighting will be required at the rear of the site for workers, for walkways and for intended footpath. Nothing indicated on the plans. How will this affect neighbouring houses on both sides of Chesterfield Grove and Ashbourne Grove.

- Fire & Safety

No mention on the proposed plans of fire exits, sprinklers etc. for residents of the site or for retail space. Where are the evacuation points? Will there be access for emergency services vehicles?

- Waste storage

Proposed plans to hold wastage storage units at the rear of the property backing up to 1 Chesterfield Grove is not acceptable. Hygiene issues galore!

Is it really acceptable and expected for 1 Chesterfield to happily put up with refuse retainers and the rest of the rubbish that won't into provided bins to back up on to their own property? 1 Chesterfield Grove's garden sits in the position in question.

Issue of pest control also arises.

Where will the retail unit store their rubbish? How will it be collected and with what regularity?

- Increase of size of development & supporting local businesses

Such a drastic development, which is termed as "small/modest" will certainly have a big impact on the surrounding area, both visually and by noise. Although sound checks/studies had been made no one can accurately predict what is going to happen when everything is up and running. Even sound engineers cannot do that.

Much of the application demonstrates the lack of understanding of the area.

Further to this, which is something Southwark Council must consider, is the effect such a new development will have on local businesses. This is irrelevant of M&S. By increasing the size of the current site by almost double invites big businesses to compete for trade amongst the smaller businesses.

East Dulwich traders, councillors, residents and shoppers have worked so hard over the years to improve the area and shopping experience. By unnecessarily permitting such a large development to take place will put local trade at risk.

Such a development is likely to have a detrimental long term effect on local business and the community.

### **31 Rodwell Road - Support**

We are writing in support of the above planning application. While we do not live in one of the neighbouring streets, this application is of key importance for the health of our local shopping street, Lordship Lane, hence our interest. We would be very concerned if the shop became empty because of yet further delay in the development of the site, and there is also an acute need for additional private housing in the area.

Regarding the failure of the previous application, we believe this was rejected on fundamentally flawed grounds. The Planning Inspector primarily rejected the application due to concern at the loss of car parking space at the rear of the property. While the car park is signposted on the signage at the front, few people use this car park due to the narrow access way behind the car wash. Indeed, the inspector even noted that the car park had a number of empty spaces when he visited the site. In turn, to criticise the applicant for removal of the car park seemed fundamentally unfair. Any proposal to bring this car park into proper use would surely meet with vigorous opposition from the residents of Chesterfield Grove, from where the car park is accessed.

To conclude, the duration of this planning dispute is a shocking indictment of the current state of our planning system and the ability of reactionary local interests to latch on to any number of spurious reasons to halt development. This should be a simple application to pass: ultimately it involves replacement of one food retailer that wishes to leave the shop unit with another food retailer that wishes to invest in the site, as well as replacement of poor quality offices with desperately needed residential units. To reject the application (and to place excessively restrictive conditions on it) risks leaving an empty shop unit and jeopardises the ongoing health of the local shopping street. Please pass this application, and do so as quickly as possible.

#### **No address provided E- Form letter of support**

Fully support the application and feel that it would on balance be an improvement to the current use of the site and positive benefits for the rest of the high street.

#### **East Dulwich Resident E- form letter of support**

I support the application. If the current tenant is vacating the property then the proposal will improve the appearance of the site; provide much-needed accommodation in a currently under-utilised section of the building (the upper floors); and improve the quality of shops on Lordship Lane. There is nothing concrete in the plans to suggest that the proposal will increase the number of deliveries. The suggestion that the application should be rejected because of the loss of parking spaces reflects the determination of (some) motorists to carry on driving in urban areas - much of which (eg residents of Dulwich Village driving to shop on Lordship Lane) is unnecessary and itself contributes to the traffic difficulties in SE22.

A quality retailer will bring jobs to East Dulwich - as a community we should be reluctant to be so hostile to major employers wishing to locate themselves on Lordship Lane

#### **44 Ashbourne Grove - Supports the proposal**

I am writing in support of the development despite the potential increase in parking and delivery traffic to an increased store. Currently, the site does appear to be under-utilised and the proposal made by the developer does appear to make better use of the site, both through providing additional accommodation in East Dulwich and also better use of the area directly behind the current Iceland store (the current carpark and carwash).

The local area is well served by public transport - both multiple bus routes and trains. The addition of additional flats should not necessarily increase 'parking stress' and as a resident of a zone 2 location in East Dulwich, we as residents should not expect that we have a right to park on the road outside of our house - indeed we should be reducing our reliance on cars and using car clubs and pooled cars rather clogging up our streets with lines of residential cars.

I expect that there would not be much additional traffic due to the change from Iceland to Marks and Spencer due to the good public transport links.

We should be encouraging the ongoing development and improvement of our local

environment rather than blocking it because of concerns that result from choosing to live in a central borough of London.

**SE22 8PZ -Support**

I am very much in favor of this application. I am a patron to Lordship Lane shops almost every day and find the Iceland, in particular, to not be very well kept and would welcome a change to M&S. A lot of neighbours will likely be worried about parking and noise from M&S, but frankly I am not sure why it would be any different than Iceland. The appearance of the facade to me would also be a welcome change,

**No address given - Support**

would like to add my support for 84-90 Lordship Lane to be turned into Marks and Spencer's . I feel Dulwich would benefit from having Marks here.