

Item No. 7.2	Classification: OPEN	Date: 22 July 2014	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 13/AP/3998 for: Full Planning Permission Address: LAND ADJACENT TO 1 DOG KENNEL HILL, LONDON, SE22 8AA Proposal: The erection of a terrace of 9, five storey plus basement, three bedroom houses with gardens, underground car park and associated bicycle, refuse and recycling storage areas.		
Ward(s) or groups affected:	South Camberwell		
From:	Head of Development Management		
Application Start Date 09/12/2013		Application Expiry Date 22/08/2014	
Earliest Decision Date 27/02/2014			

RECOMMENDATIONS

- 1 That Members resolve to grant planning permission subject to conditions and the applicant entering into an appropriate legal agreement by no later than 22 August 2014; and
- 2 In the event that an appropriate legal agreement is not entered into by the 22 August 2014, that the Head of Development Management is authorised to refuse planning permission using reasonable discretion, for the reason set out in paragraph 37 of this report.

BACKGROUND INFORMATION

Site location and description

- 3 The site is located on the western side of Dog Kennel Hill, close to its junction with Champion Hill. It is presently vacant but was previously occupied by a large 1950s detached dwelling. There is a small group of residential properties to the south of the site, with a more recent seven storey development of nineteen flats further south. To the north is Seavington House, a group of 10 maisonettes.
- 4 In the wider surrounds are Mary Seacole House (opposite) and the East Dulwich Estate. To the north are garages.
- 5 The site is 40m south of the Camberwell Grove conservation area. There are a number of listed buildings in the vicinity, including the grade II listed Chaplin Cottage at 47 Champion Hill and 197-201 Grove Hill Road. The application site is also within an Air Quality Management Area and the Urban Density Zone.

Details of proposal

- 6 It is proposed to erect a five storey building on the northern part of the site that would

accommodate nine 3 bedroom houses. A basement would also be excavated to accommodate cycle parking, a utility room and a car park space for each dwelling, accessed by a ramp along the southern part of the site.

- 7 These scheme is very similar to a scheme (reference 10-AP-1891) given planning permission by members at the Camberwell Community Council on 16 March 2011, the differences being that the depth of the development at floors 1-4 would be greater (to the south) by 840mm and that the height of the scheme would be 300mm more. Other differences in this application include details that were previously subject to conditions, namely condition 10 (details of the gradient of the access ramp), 13 and 15 (boundary treatments).

Planning history

- 8 05-AP-2192, application for demolition of existing house and erection of a new residential building comprising 12 units, a mix of 10 x 2 bed and 2 x 3 bed private apartments four storey building. This application was refused by the council and but the scheme was granted permission at appeal on 25 May 2006.
- 9 10-AP-1861, planning permission granted on 1 April 2011 for the erection of 5 storey building including basement car park to provide 9 x 3 bedroom houses, private amenity space, soft and hard landscaping and boundary treatment. This permission has since lapsed.

Planning history of adjoining sites

- 10 Land at Dog Kennel Hill Primary School
04-AP-0510, planning permission granted on 2 August 2005 for the erection of 5 storey building fronting Dog Kennel Hill adjoining Walcot House. Providing school accommodation on the ground floor consisting of 4no. class rooms, dining hall, parents room and art/DT room together with five floors of residential accommodation consisting of 15 x 2 bed residential units. This site is known as Mary Seacole House.
- 11 Land Adjoining 8 Dog Kennel Hill
04-AP-1765, planning permission granted on 8 February 2005 for the erection of part 6/7 storey building comprising 19 residential units and basement.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 12 The main issues to be considered in respect of this application are:
- a. the principle of the development
 - b. impact on existing residential amenity
 - c. quality of residential accommodation
 - d. transport impacts
 - e. design and the impact on the nearby conservation area and listed buildings

Planning policy

- 13 National Planning Policy Framework 2012
This application should be considered against the Framework as a whole, however, the following sections are particularly relevant:
4. Promoting sustainable transport

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment

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

- 14 Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.21 Contaminated land
- Policy 7.4 Local Character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.15 Reducing noise and enhancing soundscapes

Core Strategy 2011

- 15 Strategic Policy 2 – Sustainable transport
- Strategic Policy 5 – Providing new homes
- Strategic Policy 12 – Design and conservation
- Strategic Policy 13 – High environmental standards

Southwark Plan 2007 (July) - saved policies

- 16 The Council's cabinet on 19 March 2013, as required by para 215 of the Framework, 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 Framework. 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 Framework. The following saved policies are considered to be particularly relevant to this application:

- Policy 3.1 Environmental effects
- Policy 3.2 Protection of amenity
- Policy 3.3 Sustainability assessment
- Policy 3.4 Energy efficiency
- Policy 3.11 Efficient use of land
- Policy 3.12 Quality in design
- Policy 3.13 Urban design
- Policy 3.14 Designing out crime
- Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites
- Policy 4.1 Density of residential development
- Policy 4.2 Quality of residential Accommodation
- Policy 5.2 Transport impacts
- Policy 5.3 Walking and cycling
- Policy 5.6 Car parking

Supplementary Planning Documents

- 17 Residential Design Standards SPD (2011)
- Sustainable design and construction SPD (2009)
- Section 106 Planning Obligations SPD (2007)
- Draft Section 106 Planning Obligations/Community Infrastructure Levy SPD
- Sustainable Transport SPD (2010)

Principle of development

- 18 The last use of the site was residential, planning permission 10-AP-1891 also gave permission for a residential development; the principle of a residential land use at this site is therefore established.

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

Daylight and sunlight

- 19 The proposed building would be on the northern part of the site, away from the closest dwellings immediately to the south of the site. The development has been designed to allow sufficient daylight and sunlight to be maintained through windows serving habitable rooms of nearby residential dwellings, including those serving the dwellings on Seavington House. It is considered that the scheme would not cause an unacceptable loss of daylight or sunlight to existing dwellings.

Privacy and overlooking

- 20 The boundary with 1 Dog Kennel Hill would be 11m from the proposed terrace. Two windows on the northern flank elevation of this property do not seem to serve habitable rooms. There is however a dormer to what must be a loft room, but this is set back into the roof and sufficiently distant to prevent any significant overlooking or harm to amenity. Importantly, balconies proposed are on the north of the proposed development, away from the more sensitive southern neighbour. To avoid overlooking, only opaque and sand blasted glazing is proposed on the upper floors of the southern elevation.
- 21 With respect to the southern boundary treatment, at the boundary itself, a 1.15m high fence is proposed to reduce the potential for a sense of enclosure at 1 Dog Kennel Hill. Set back from this fence by 1m would be a fence 1.55m high to reduce the potential for overlooking. This treatment is considered to be a significant improvement and sufficient to prevent overlooking from the proposed gardens.
- 22 The distance from Seavington House is even greater at approximately 22m, more than the 21m recommended for 'back to back' separation in the residential design standards SPD.
- 23 A number of objections have been received on the impact that the development would have on daylight and sunlight; noise from construction and fumes. The impact on daylight and sunlight are acceptable for the reasons detailed above. The impact from construction is usually controlled through the Control of Pollution Act 1974; further the council's Construction code of Practice provides guidance on how to limit impacts which the developer would normally have to comply with. This coupled with the fact that the site is on a busy road which would mask construction noise means that officers do not consider it necessary to impose a condition relation to construction management.
- 24 Part of the objection from the Friends of Champion Hill related to the potential for the site to be converted into a larger number of flats, once developed and the impact that this might have on local amenity. Such a development would need planning permission and its impact on local amenity considered at that time, rather than for this scheme.

Quality of residential accommodation

- 25 Providing generous 3 bedroom houses, eight of the dwellings would have a floorspace 231sq.m while the remaining house would be 226sq.m. There are no minimum

dwelling sizes in the Residential Design Standards SPD for five storey, three bedroom dwellings. However, the SPD states that a three storey house for six people should be at least 113sq.m; dwelling sizes are therefore considered to be acceptable. All room sizes comply with the minimum size requirements of the SPD.

- 26 With a whole facade of opaque or otherwise obscured glazing, there would effectively be no outlook to the south, above ground floor. This would affect the quality of accommodation, however sufficient light would enter the rooms and there would be views of good quality to the north because all units would have at least dual aspect.
- 27 Outdoor amenity space is proposed in the form of gardens to the south and balconies to the north. Together these would give 46sq.m of outdoor amenity space for eight of the dwellings with the remaining receiving 36.6sq.m. While below the required standard of 50sq.m, it is considered that they would provide a good quality of private amenity and not sufficient to warrant refusal.
- 28 The site is over the density range for its urban classification at 940 habitable rooms per hectare but is the same as the scheme that was previously given planning permission in 2011. The scheme does meet some of the criteria for exemplary design such as exceedance of minimum ceiling heights, natural light and ventilation into kitchens and bathrooms and significantly exceeding the minimum floorspace standards. Taking these factors into account the density is, on balance, acceptable.

Transport issues

- 29 One parking space is proposed for each dwelling which, considering that the site has a PTAL of 4, is not considered to be unacceptable, particularly as scheme reference 10-AP-1891 had the same level of parking. Cycle storage for 18 cycles is shown in the basement which would be secure and weatherproof. This provision accords with the latest London Plan requirements; TfL have raised no objection to this application. The previous permission had a condition requiring details of the gradient for the vehicle ramp to be submitted; a drawing submitted shows that the gradient would be 1:8 and suitable for a vehicle to use. The council's Transport Planning Team were concerned about the possibility of conflict between cycle and car users accessing the underground parking. No details have been provided on the access arrangements for cars but this scheme does not seem to include access for cycles. A condition is recommended to require details of access arrangements and in particular measures to prevent conflict between cars and cycles.
- 30 Objections have been received about the impact of traffic, including fumes. Dog Kennel Hill is a busy road and the additional nine vehicles that would park on the site would not cause significant disruption or add significantly to fumes in the locale.

Design issues and the impact on the setting of listed buildings

- 31 Immediately adjacent to the site are 2-3 storey dwellings while further afield, the scale of development increases from the five and six storey East Dulwich Estate and the seven storey development at 8 Dog Kennel Hill previously. The scale and massing of the development is almost identical to that approved, apart from the extension to the south by 870mm and increase in height of 300mm.
- 32 An initially rather plain facade onto Dog Kennel Hill has been amended though the application process to now include greater articulation to provide more interest on this flank facade. With mix of traditional materials such as brick and more modern ones such as a bronze-aluminium fascia, along with traditional materials used in a modern way, the development would have a contemporary design while reflecting a Victorian house typology.

- 33 The design of the proposal would not adversely affect the setting of either the Camberwell Grove conservation area and listed buildings nearby due, in part to the suitability of the scale and massing, and in part to the distance separation from these heritage assets.
- 34 Objections have been received regarding the scale, massing and height of the development. A building of this scale is not out of character at this prominent location, indeed there are buildings of similar heights opposite. Regard should be had to the 2011 permission which was of a similar scale and massing and is a material consideration.

Planning obligations (S.106 undertaking or agreement)

- 35 The developer owns land adjacent to the application site and while the present scheme is below the threshold for a contribution under s106, it is considered reasonable to have a mechanism in place for contributions should development on an adjacent site come forward. The contribution would be on the level of development from this scheme, added to that of any scheme given planning permission on adjacent sites in the future.
- 36 A number of objections have also referred to the fact that this scheme would not trigger contributions under s106 but that the developer has an interest in land adjacent and may seek to develop incrementally. A s106 agreement along the lines of that discussed above would ensure that full contributions would be made should adjacent sites be developed. One objection from the Friends of Champion Hill referred to the possibility of the houses being converted into flats.
- 37 The s106 agreement would cover this eventuality and require suitable contributions to be made should it arise. Should the legal agreement not be signed by 22 August 2012, it is recommended that the Head of Development Management is authorised, if appropriate, to refuse the application for the following reason:

The applicant has interest in land adjacent to the application site which if developed may result in a combined development that would attract planning obligations. The failure to sign a legal agreement would therefore mean that planning obligations required would not be realised contrary to the National Planning Policy Framework 2012; policies 3.12 negotiating affordable housing on individual private residential and mixed use schemes and 8.2 planning obligations of the London Plan 2011; Strategic Policies 6 homes for people on different incomes and 14 implementation and delivery of the Core Strategy 2011; saved policies 2.5 planning obligations and 4.4 affordable housing of the Southwark Plan 2007 and the Section 106 Supplementary Planning Document 2007.

Sustainable development implications

- 38 Environmental measures proposed include photovoltaic and solar thermal panels and energy efficiency measures to meet code for sustainable homes level 4. The mini combined heat and power units that were proposed for the previous application and would have added pollution to local air are not part of this proposal.
- 39 Conditions are recommended to ensure suitable internal sound levels and investigation into ground conditions with remediation if necessary. The council's Environmental Protection Team have not objected to this application.

Community Infrastructure Levy (CIL)

- 40 The development would be subject to a payment under the CIL to an amount of £76,681.

Conclusion on planning issues

- 41 The proposed development is similar to that given planning permission in 2011 (reference 11-AP-1891). It would provide nine high quality family homes with some parking and a good provision of cycle storage. The impact on adjacent daylight and sunlight would not be significant and the boundary treatment would not give rise to a sense of enclosure the dwelling to the south. It would not cause material harm from transport effects and would provide for an adequate level of cycle and car parking.

Community impact statement

- 42 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. No impact on any group with the above protected characteristics is envisaged as a result of this decision.

Consultations

- 43 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1. Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

- 44 Eight objections from local residents and the Friends of Champion Hill. These objections related to:

Height
Scale and massing
Traffic impacts
Construction noise
Daylight and sunlight
Density
Lack of affordable housing provision
Potential for conversion into flats

Human rights implications

- 45 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.
- 46 This application has the legitimate aim of providing nine dwellinghouses. 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2134-1A Application file: 13/AP/3998 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 1778 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Dipesh Patel, Team leader Development Management	
Version	Final	
Dated	07 July 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, Finance & Corporate services	No	No
Strategic Director, Environment and Leisure	Yes	Yes
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		9 July 2014

APPENDIX 1

Consultation undertaken

Site notice date: 09/01/2014

Press notice date: 02/01/2014

Case officer site visit date: 04/03/2014

Neighbour consultation letters sent: 09/01/2014 and 04/02/2014

Internal services consulted:

Environmental Protection Team
Transport Planning Team

Statutory and non-statutory organisations consulted:

Transport for London

Neighbours and local groups consulted:

09/01/2014 FLAT 3 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 29 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 30 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 32 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 31 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 25 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 24 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 26 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 28 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 27 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 8 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 7 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 9 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 10 APPLESHAW HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DW
09/01/2014 FLAT 1 APPLESRAW HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DW
09/01/2014 FLAT 34 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 33 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 4 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 6 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
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09/01/2014 FLAT 13 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 12 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
09/01/2014 FLAT 32 WALCOT HOUSE EAST DULWICH ESTATE ALBRIGHTON ROAD LONDON SE22 8AD
09/01/2014 FLAT 31 WALCOT HOUSE EAST DULWICH ESTATE ALBRIGHTON ROAD LONDON SE22 8AD
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09/01/2014 FLAT 35 WALCOT HOUSE EAST DULWICH ESTATE ALBRIGHTON ROAD LONDON SE22 8AD
09/01/2014 FLAT 34 WALCOT HOUSE EAST DULWICH ESTATE ALBRIGHTON ROAD LONDON SE22 8AD
09/01/2014 FLAT 2 BIRDSALL HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DP
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09/01/2014 FLAT 11 APPLESHAW HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DW
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09/01/2014 FLAT 38 APPLESHAW HOUSE CHAMPION HILL ESTATE CHAMPION HILL LONDON SE5 8DW

04/02/2014	27	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	26	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	25	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	3	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	29	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	28	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	21	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	20	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	2	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	24	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	23	LANGFORD GREEN LONDON	SE5 8BX
04/02/2014	22	LANGFORD GREEN LONDON	SE5 8BX

Consultation responses received

Internal services

Environmental Protection Team:

No objection- recommend conditions

Transport Planning Team:

Concern that only 11 cycle storage spaces were shown and that there could be conflict between cyclists and drivers.

Statutory and non-statutory organisations

Transport for London

No objection subject to the provision of 18 cycle spaces and amended drawing showing that sight lines are not interrupted by the blue slate gabion wall.

Neighbours and local groups

Objections from eight neighbours and the Friends of Champion Hill

One correspondence of support for the additional provision of housing and two comments/queries about the height of the building proposed.