

Item No: 7.	Classification: Open	Date: 22 July 2014	Meeting Name: Planning Sub-Committee B
Report title:		Addendum Late observations, consultation responses, and further information.	
Ward(s) or groups affected:			
From:		Head of Development Management	

PURPOSE

- 1 To advise the sub-committee of observations, consultation responses and further information received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

RECOMMENDATION

- 2 That the sub-committee note and consider the late observations, consultation responses and information received in respect this item in reaching their decision.

FACTORS FOR CONSIDERATION

- 3 Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:

3.1 Item 1 82 -90 Lordship Lane

Paragraph 95 should read;

'A total of 25 letters have been received in response to the application 19 in objection and 6 in support, (these include where more than one letter has been sent from a single address).'

The following objections from no. 11 Ashbourne Grove is omitted from Appendix 2

3.2 11 Ashbourne Grove – Objects

Lack of safe and suitable access to the entrance to the flats

By relocating the access to the flats to the rear of the property, the occupiers (and personal and commercial visitors) will be forced to access and exit from their properties through an intrinsically unsafe goods delivery yard. The access route provided has not been isolated from delivery truck movements by any physical barrier. The drawings show several conflicts between the pedestrian

(and employee cycle) routes and the travel of the delivery lorries. There is no consideration for the types of persons likely to use this access.

Specifically child safety

At present, the only children accessing the rear of the store arrive and leave with parents or carers. However, the occupancy of the flats will undoubtedly include children. It is unrealistic to imagine that these children will only ever enter and exit the property with their parents or carers. The times of the morning deliveries will coincide with leaving for school. Children cannot be relied upon to recognise the dangers in what is effectively their backyard. Visiting children will be at even greater risk.

Uncertain and unproven benefit to the community

Many of the supposed benefits of this scheme rely upon the finished retail development being occupied by Marks & Spencer. There is no certainty that this will be the case, either initially, or in the future. Consequently, no decision should be made that relies upon this presumed occupancy.

Lack of detail to the drawings provided

There are several architectural details, in particular relating to screening, that are insufficiently dimensioned or specified in the drawings provided. If this application were allowed, the actual finished construction could be even more detrimental to the neighbouring properties than is suggested by the plans as drawn.

The lack of suitable parking provision for customers with limited mobility

I recognise that the current parking provision is not fully utilised at all times of every day, however, it provides safe and direct access for anyone with limited mobility. I can see the car park from my house and witness regular use by customers who would have great difficulty without this accessibility. The only alternative supermarkets with regularly available spaces adjacent to the entrance require too much walking within the store for anyone with mobility problems to use without assistance.

3.3 A second letter is also received from this property; objection on the following grounds;

The first objection is to the change of use of the commercial portion of the building to residential use. The recent changes to the General Permitted Development Order which allows a change of use from B1(a) (offices) to C3 (residential) without an application does not apply in this instance and the change needs to be considered under the original rules for the following reasons:

1. The new residential space proposed exceeds the boundaries of the existing office space. The new external walkways and the entrance passage to the flats is proposed to be an addition to the rear of the building and exists within the current A1 (retail) use of the building.
2. The order states the LPA “take into account any representations made to them as a result of any consultation ..”. This would include previous applications for the site and therefore any previous objections made on grounds of change of use should be taken into account.
3. The order makes reference to “a use” in the singular when referring to the residential use. This would rule out the change to multiple residential units.

4. The proposed removal of the entrance hall to the offices and existing flats is a change to A1 (retail) use.

Grounds for change of use objection.

- The council should maintain a proper mix of residential, commercial and retail throughout the SE22 postcode. The Southwark Plan calls for Lordship Lane to be "A district town centre, serving the local community and providing local employment." The removal of much needed office space goes against this.
- Contrary to the argument that there is an excess of office space put forward in the application, research done recently and for the previous applications indicate the opposite to be true. In the past I have visited two commercial estate agents on Lordship Lane that deal with office property in East Dulwich and both said that if anything came up it would normally go very quickly. Overall they said that there is a shortage of commercial properties in SE22. A search on the internet looking for office space and checking local commercial estate agents brings up just a single desk space being offer on North Cross Road and a dance studio that could be changed to office use. The data put forward with this application is in some cases well over two years old and has absolutely no relevance to the current market.
- In the "Report on Financial viability of existing office space 2012-12-07" it purports, without any evidence, that even in a refurbished state the premises would not achieve over £5/sqft. This seems highly unlikely as the dance studio, come office space, is being offered at £25/sqft. If one uses a figure that reflects what other landlords in the surrounding areas are asking for of around £15 to £18/sqft, this would give a payback period of less than a year for the proposed refurbishment costs.

In the "Report on Marketability of Premises 2012-12-07" it says that the property agent has used three methods for marketing the office space, namely 1) Internet, 2) Mail shot to local agents and 3) Marketing Board. Neither in July or in December of 2012 was I able to find the details for this office space listed on the internet or on the agent's own website. This is still the case. The two photographs below (the first dated 7/6/2012 and the second dated 12/12/2012) show the current marketing board in use with the words "OFFICES LET" in large letters, sending a clear message to any potential occupier that the offices are unavailable. Again this is still the case. A view of the marketing board on Google Streetview (date May 2012) also shows the same. The information given with the application does not give a convincing picture of sufficient effort being made to the renting out of these offices as is required.

The second objection is on the grounds of increased noise, for the following reasons.

- Deliveries are stated to start from 7:00am on weekdays. This is unacceptable. Currently there is an agreement put in place by the Council's Environmental Protection team that prohibits the arrival of lorries before 8:00 am on weekdays and Saturdays. I see no reason for this not to continue and I do not understand why the planning department have taken the unilateral decision to scrap this. I, for one, am woken by the current deliveries. I sleep at the back of my house to avoid the noise of the road and as I do not work because of my ill health (I have chronic leukaemia), I am still asleep at 8:00am. If the council does grant

planning permission to allow earlier deliveries I will approach the Council for an abatement notice.

- Deliveries are stated to finish at 10:00pm on week nights and 9:00pm and 6pm on Saturday and Sunday respectively. As the majority of the bedrooms at that rear of the houses that overlook the site are occupied by young children, who go to bed well before 10:00pm especially on school nights, it would be sensible to impose a 6:00pm limit for the last delivery. This is what happens at present as there are no evening deliveries. The latest application has increased the time that the retail unit operates on Sunday from 5:00pm to 6:00pm. Currently Iceland closes at 4:00pm and I ask that the Sunday closing time can be limited to this.
- The provision of a roof terrace / outdoor recreational area at a height of 4.1 metres from ground level without adequate acoustic screening is unacceptable. (A person standing on this area would be about level with my second storey bedroom window.) As far as I can ascertain from the plans there is no definition for the privacy screening that surrounds the roof terrace. Unless it is made a requirement of planning permission that screening will be of a suitably sound deadening material and with a permanency to it (e.g. brick wall) and a minimum height of 2 metres (as currently drawn this feature scales to 2 metres in height) then this would be unacceptable.
- Inadequate consideration has been given to the noise likely to be generated by the proposed open walkways to the flats. With the upper level of the flats being even higher than the roof terrace, this would again mean that the surrounding houses will be subjected to additional noise. (Currently we are able to hear conversations held in "Iceland's" car park so having people coming and going from the flats or standing outside smoking late into the night will cause more noise). If the height of the glass shielding to the flat entrances were raised from the proposed hip height to above head height this, I suspect, would ease noise problems without robbing the flat occupants of daylight.
- Insufficient attention has been paid to reduce the additional noise from the extra lorries and people using the rear of the building. With the floor space of the retail unit being increased by 85% and the opening hours being proposed as 25% longer than the existing hours (see Application Form sections 18 & 20), this could mean that the site receives about 2.3 times the number of deliveries that occur at present. This is not borne out by the servicing frequency levels outlined in paragraph 4.5 of the Transport Statement 2014-02-06 document which states there will be approximately 4 deliveries per day. Iceland has one bread and two articulated lorry deliveries a day as a minimum. With the deliveries likely to increase 2.3 fold this would take the likely number of deliveries to 8 ($2.3 \times 3 + 1$) including the extra newspaper delivery, not the approximately 4 as stated.
- With the proposed 57 full and part-time staff (see Application Form section 19) and the 28 occupancy available in the flats, this could mean that around 70 people would come and go from the rear of the site on a daily basis. On top of this there would be friends, relatives, the postman, deliverymen, meter readers, repair men, all making their way to the flats.

- The drawings of the proposed manoeuvring of a 10.7m articulated lorry show the ideal path for the vehicle to travel and yet the articulated lorry comes within 0.3 metres (1 ft.) of the North boundary fence (approximate scaling from drawings 14682-AR-11.2 & .3 (service vehicle swept paths)), 0.5 metres of the West boundary fence, collides with the Data Cupboard door when open and 0.4 metres of the rear wall of the building as well as giving no clearance to the parking bay on Chesterfield Grove. This indicates that there is an insufficient manoeuvring space which will result in the articulated lorries going backwards and forwards multiple times. The plans only indicate a single vehicle on site at anyone time. There is no reason to assume that multiple vehicles will not be present and the plans do not show how they would be accommodated. (Not to mention the necessity for certain vehicles to have closer access to the rear of the flats, e.g. furniture delivery or emergency vehicles).
- I can find no information of when staff would be expected / limited from arriving and leaving from work. If night-time restocking of shelves is envisaged, will there be staff coming and going throughout the night. Also, there must be staff arriving before the first delivery / opening time of 7:00 am and leaving sometime after the store closes at 10pm.
- "Iceland" has a lockable gate to the car park area which limits the hours that the space behind the store can be in use. There is no such gate proposed for the scheme. One assumes that anyone will be free to use this area as they please during the night.
- There is no alternative retail waste management strategy put forward to take into account that the retail space may be occupied by another tenant other than Marks and Spencer plc either now or in the future. Unless a condition is put on the granting of the application, that all retail waste is taken off-site using the delivery lorries as put forward, then an alternative waste management plan needs to be submitted so the neighbours may comment on how this would effect them.
- There is also no information on the staff smoking area. One assumes that this would be placed at the rear of the building also causing noise.
- The Noise Impact Assessment report contains errors, questionable conclusions and some oversights giving a misleading and inaccurate picture of the noise levels that the neighbours will be subjected to.
- Under section 5.2, there is no mention of the houses of Ashbourne Grove. However, basic scaling from the satellite image (Design and Access Statement page 3) shows that the rear façade of No.3 Ashbourne Grove is arguably the closest to the proposed air conditioning and refrigeration plant located on top of the extension. Further calculations are required to show how this property and its immediate neighbours are affected. The report submitted is incomplete.
- The maximum level of plant noise allowable is the lowest figure for LA90,(from the data supplied), 39.4 dB, (3:15am, Rear façade), less 10 dB, as the requirement set out by Ms Lester. This gives a figure of 29.4 dB. Using the final calculated figures that one could expect from the plant from table 5 (section 5.5) we see that this figure is achieved for all the night-time locations considered. However, these figures become somewhat spurious as they are

not supported by a figure for the tolerance of the accuracy of the calculations. One might presume a figure of +/- 5dB, but it might actually be anything from +/- 1dB to +/- 10 dB. (I am sure that the model used for these calculations will have had some form of independent verification of the theoretical results when compared with the real world results.) Without sight of the calculations, the following questions need to be answered.

1. Are the noise levels for the various pieces of plant, as given in Appendix 3, generic or for the actual plant that will be used?
 2. Do the calculations of the noise from the plant area take into account the expected reflection of the sound from the privacy screening adjacent to the plant area directing the sound back towards the houses and gardens of Ashbourne Grove and Chesterfield Grove and, if they do, what material was assumed as there is no listing for it in the "Schedule of materials and Finishes"?
 3. Contrary to the comment made in section 2.16, I believe the stipulation of a 10 dB reduction of LA90, as outlined in 2.13, is fair given that, presumably, the noise figures for the plant are for new equipment and there has been no allowance for aging and wear of the plant within the calculations (the equipment will become noisier with time). This figure of 29.4 dB corresponds to the value for "Good Design" of 30 dB as defined for bedrooms under BS8233 (section 2.10) and I believe that the council would be looking for "Good" design over "Reasonable" .
 4. The report is dated 20th April 2012 and is for the previous planning application but one (12/AP/1340). The design around the plant area has been altered but there have been no new calculations. In the first application there was a proposed brick parapet 1.10 metres high near the plant area and this use of solid material would have helped to reduce the noise from the plant and no doubt this effected the calculations done. As this brick parapet has been replaced by steel balustrading, this additional noise protection is lost and the calculations in the report are now incorrect.
- The last point relating to noise is the notable figure in table 5 (Noise Impact Assessment, section 5.5) that shows that the noisiest place, of those locations considered, is the Chesterfield Grove garden. I presume that this was based on the actual acoustic screening specified (Slimshield SL-300; Schedule of Material and Finishes). The screen is a series of louvers that allow for ventilation but as these are positioned from 4 to 6.6 metres above ground this causes the sound from the plant to bathe the adjacent gardens.

The third objection is on the grounds of increased parking and the stress on the available parking in the surrounding streets.

With the proposed removal of the "Iceland" car park and with the shop area to increase by 83% this will undoubtedly cause more parking problems. More people are envisaged to visit the store, some will do this by car and with nowhere to park on site they will do this in the neighbouring streets. This is a simple fact. In the previous application for the site it was stated that there would be "a reduced vehicle demand to the proposed Marks and Spencer store" (section 6.7 of Transport Statement Part 2 of 4, application 12/AP/3773). Now the consultants are saying there will be a peak demand of 1-4 spaces (section 6.1 of Transport

Statement). Once again this statement lacks any credibility. It is totally inappropriate, and inaccurate, to draw conclusions from a survey done at Marks and Spencer store on the Walworth Road as the retail environment is completely different from Lordship Lane.

The fourth objection is on the grounds of health and safety. The National Planning Policy Framework (point 32) requires "safe and suitable access to the site can be achieved for all people".

- With this in mind I would like to draw the planning officer's attention to a portion of the drawing of the Ground Floor Proposed (Plan 1121/P (--)110 rev C, Transport Statement, Appendix A) which shows the track of the trailer of a 10.7m articulated lorry entering the site. I have highlighted, in cyan, the area where the corner of the trailer sweeps over the raised pedestrian pavement that is supposed to provide safe access for any pedestrian entering or leaving the site. As you can see this is not acceptable. The raised pavement is suppose to offer the user a safe way of accessing the site.
- In addition to this, with the placement of the cycle racks at the furthest most point from the road, the retail employees who cycle are denied safe entrance and exit as they will need to traverse the length of the yard leaving them vulnerable to being trapped at numerous pinch points by a manoeuvring articulated lorry. I have highlighted these areas in red on the plan below. The plans only show a single vehicle at any one time on site. The situation would be made worse with two or more vehicles waiting to be unloaded.
- Lighting is essential to the safe access of the residents and staff. With deliveries to continue until 10:00pm the whole of the rear external space including the walk-ways to the flats will need to be illuminated to ensure safety. No plans for this external lighting has been submitted even though the council has raised the issue with the applicants. Excusing this lack of design by putting a condition on it will just mean that the neighbours will once again need to be consulted.

As the plans stand, I ask the planning committee to reject this application.

However, if the council is so minded to accept this application then I ask that the following conditions are applied.

1. The external lighting at the rear is subject to further planning approval and that the building can not be occupied until this condition is met.
2. The glass balustrades on the walkways to the flats be raised to above head height.
3. A suitable sound deadening material and height specification is defined for the wall surrounding the recreational area.
4. The design of the air conditioning unit enclosure is revised to use a more appropriate shielding system to prevent flooding of noise into the neighbouring gardens, and a limit of 30dB is applied to anywhere outside this enclosure.
5. The delivery hours are limited to 8:00 am to 6:00pm on Monday to Saturday, and between 10:00am and 2:00pm on Sunday.

6. Staff are not allowed to come and go from the rear exit of the building outside the opening hours of the shop.
7. Details on the retail refuse collection be submitted and approved before the building can be occupied, or a condition that states all retail refuse will be removed by the delivery lorries as proposed.
8. A condition for a minimum employment level is set to ensure that the development is employment enhancing. (The application states 50 part-time and 7 full time workers for the retail space.)
 - a. The Sunday opening hours are restricted to between 10:00am and 4:00pm.
9. Funding for the provision of additional disabled parking bays at the front of the building.
10. A condition that employees do not take breaks (including smoking) at the rear of the building.
11. Additional screening is erected to the Northerly and Westerly boundaries to provide better screening of general noise and the effects of any lighting on the surrounding properties.
12. Suitable foundations for the ground floor extension are agreed with the Council in order to protect the trees on the northern boundary, particularly the Red Horse Chestnut tree T3.

3.4 A further e-mail has been received from no. 11 Ashbourne Grove around the marketing of the offices above Iceland;

It states in the officer's report in paragraph 29 that the property was marketed for over 24 months. This I believe to be untrue. The documentation with the application states that the marketing was begun on 1st December 2010, (see page 79 of the document "compendium of reports on Marketing 2014-02-06"). However, in my letter of objection to this application I provide a photograph that shows that the offices were no longer for let dated 07/06/2012. This date can be verified because I sent the same picture to you on 11/06/12 as part of my objection to 12/AP/1340. (This letter is logged in the file of Neighbour Consultation Replies 2012-06-21.) None of the additional information within the document "compendium of reports on Marketing 2014-02-06" shows any marketing activity during 2012. December 2010 to June 2012 is only 18 months. It is quite possible that the sign stating the offices were let went up much earlier. Since the sign appears to have made up the bulk of their marketing effort, I think it would be completely wrong to state that the premises had been marketed for 24 months.

The same sign is still attached to the building and still proclaims that the offices have been let.

3.5 An objection was received from Chesterfield Grove, including a representation on behalf of 92 Lordship Lane, due to the length and images included with the objection this has been appended as a separate document to the addendum.

3.6 An objection has been received from 21 Chesterfield Grove stating we have enough trouble parking as it is in the street, so I'm concerned that the new plan will generate more need for parking spaces, and as I understand it, the current Iceland carpark is being repurposed, so no additional car parking will be provided.

I'm also concerned that big delivery lorries are inappropriate up and down a residential road full of families – I understand there will be even more deliveries than we currently have for Iceland.

3.7 An objection has been received from a resident of Chesterfield Grove unable to attend this evening and states;

1. Parking should be protected for local residents and new pressures acknowledged and dealt with where new development occurs.
2. Deliveries MUST be planned from Lordship Lane rather than trying to squeeze lorries into what will be an even tinier space at the back. This is ok for the co-op why not M&S?

Lorries find the entrance impossible now - it will be more so with reduced turning space in the back. The number of deliveries for this type of shop mean we have huge lorries going up and down a residential street - this is really unpleasant, and easy to solve with deliveries planned for the Lordship Lane entrance.

3. Delivery times MUST be restricted. Being awoken at unsocial hours with the reverse beeping is unpleasant and not in keeping with residents interests.
4. If the application is approved are M&S going to work with residents to ensure construction and operations are in keeping with our needs?

May I suggest a point person from the residents be in contact with similar from the M&S side - that way we can assure that we can keep the conversation going?

5. It is clear the residents from Chesterfield Grove are more affected than most by this proposal. Our parking, the noise, the increased traffic will all impact us more than others. Being opposite this building makes us particularly vulnerable to the situation and think that our views, along with those of our close neighbours should be given priority.

3.8 The Environmental Protection team have commented that they do not have any objections to the proposal subject to conditions, which have been included within the officer recommendation.

3.9 Three further letters of support have been received, one from 46 Whateley Road, 4b Crawthow Grove and one from SE22 8PZ.

3.10 Officer response

Many of the points raised are dealt with within the officer report or by conditions within the recommendation. The applicant has been able to provide further information on the specific issues raised.

Servicing and Noise

Frequency of deliveries – there will be a maximum of up to 6 deliveries per day, excluding Tuesdays and Fridays when this is likely to amount to 4 deliveries per day. The prospective occupier, Marks and Spencer, has provided a Code of Practice for deliveries that outlines how they would go about the servicing at this site and measures that will be taken to reduce noise disturbance at the property and to surrounding occupiers. This is based on the TfL approach for servicing in built up areas. The applicant is happy to accept the condition as currently drafted (Condition 3) that requires the details of this arrangement to be agreed in writing with the Council officers prior to the commencement of the retail use.

Noise from Communal and Private Amenity Space

The proposal provides amenity space far in excess of the Council's standards at first floor level. Each first floor unit has access to private space. The second floor units have access to communal amenity space also at first floor level.

In respect of the communal amenity space, a privacy screen is installed on the northern edge, 2.02m from the boundary with No. 82A. This set back and screen will assist in reducing disturbance between properties in this location.

The service core, cycle stores and planted areas of the communal space, located on the back edge (western edge) of the terrace provide a buffer between the residents of the development and the nearest existing residential occupiers on Chesterfield Grove.

The private amenity space provides outside space of between 4.7m – 6m deep. In the case of each of the units, this private amenity space is accessed from living room areas.

Sensitive bedroom areas are located to the front of the new units putting these habitable rooms a total distance of 14m (at the nearest point) from the communal amenity areas. This layout is also reflected within the residential units at second floor level.

The proposed new units will provide high levels of insulation to prevent noise disturbance and transference as far as possible.

The proposal seeks to strike a balance between the Council's amenity space standards, and in this instance has had the opportunity to exceed the maximum standards. At the same time the proposal has carefully considered and mitigated the noise implications for existing and future residential occupiers.

Security

For the future residents of the property, a delineated, lit access will be provided from Chesterfield Grove to the entrance of the residential properties.

A glazed canopy will provide a sanctuary to enable residents to access the property safely and easily.

Each residential unit will have a video entry system to allow residents to safely and securely allow access for visitors into the building itself.

The applicant would be willing to accept a condition to this effect on any resulting planning permission.

3.11 A further condition should be added as follows:

Before any above grade work hereby authorised begins, details of a vehicular and pedestrian security gate on the Chesterfield Grove entrance shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In the interests of security and in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 Design and conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity, 3.14 Designing out crime of the Southwark Plan 2007

3.12 Item 2 – Land adjacent to 1 Dog Kennel Hill, SE22

This application has now been withdrawn from this agenda due to potential amendments to the scheme.

3.13 Item 3 – Prospect House, Gaywood Estate, Gaywood Street

3.14 Late queries have been raised with regards to heritage impacts and sustainability. It is argued that officers have not adequately considered the impacts of the proposals on views into and out from the adjacent conservation areas; and further that the sustainability performance of these new windows has not been sufficiently considered having regard to the Council's Sustainable Design and Construction SPD.

3.15 Heritage impacts

In respect of the first matter officers can advise as follows:

While paragraph 2 of the officer's report correctly states that the site is not within a conservation area, there are two conservation areas nearby: Elliot's Row to the east and West Square to the south and west. The special interest and significance of the Elliot's Row conservation area lies in its cohesive townscape that comprises development from the 19th and early 20th centuries with well defined streets and interesting frontage development. West Square meanwhile is a notable example of a late Georgian and mid 19th century townscape with a number of significant public buildings. Prospect House is separated from the West Square conservation area by other buildings not in the conservation area along St Georges Row and Garden Row to the south and west respectively. It is not in fact visible from the West Square conservation area apart from a very restricted view between Wardroper House and Newman House. As such the site is not considered to be within the setting of the West Square conservation area.

Elliot's Row however is immediately to the east of the site as it includes dwellings on Gaywood Street. Importantly, Prospect House is not visible from the areas of this conservation area that are of significance such as the street frontages. One would have to continue north and west along Gaywood Street to view Prospect House in the context of the Elliot's Row conservation area and in such a view, only the rear of the western terrace along Gaywood Street is visible. In this context, the impact on the significance of the Elliot's Row conservation area would be minimal.

The National Planning Policy Framework advises that where a proposal would lead to less than substantial harm to a heritage asset, the harm should be weighed against the public benefits of the proposal. Officers consider that the development would not lead to any harm to the conservation area and the public benefits for people living in Prospect House would be considerable, leading to warmer, drier and safer dwellings.

3.16 Sustainability

The Sustainable Design and Construction SPD applies to the refurbishment of existing buildings and as such sustainability is a material consideration in this case. The existing single glazed timber windows/doors and frames are in a poor condition, with the casements and frames rotten resulting in poor thermal performance and inadequate draught proofing. Their replacement with double glazed PVCu units will greatly improve thermal performance, reduce draughts and result in dry and warm homes. This in turn has the potential to reduce energy consumption by reduced demand for heat and as such is considered an improvement to the sustainability and energy efficiency of the existing building and can be considered in line with the aims of the SPD.

3.17 **Item 4 – 87 Court Lane, SE17**

3.18 To inform the sub-committee of an additional representation received from an occupier of Court Lane SE21 stating

'Since writing and delivering our comments and objections to the above planning application in papers dated 30/12/13 and 14/7/14, we have seen the recommendations made by the Council Officers. We wish to draw attention to the following :-

1. In our paper dated 14/7/14 we described how the work by 'Energist' was fundamentally unsound and that it does not support their conclusion about the effect of the rear extension of number 87 on the sky-light reaching the lounge windows of number 85.

2. In contrast the Council Officers, in their report dated 10/7/14, seem to have accepted most of the opinions of 'Energist'.

We submit that, as detailed in our 14/7/14 paper :-

- The work described in Council Officers' Paragraph 22 (COP22) is seriously flawed and must be rejected.
- That the conclusion reached in COP23, with respect to daylight, is false.
- That since neither of our papers complains about blockage of sunlight there is no issue here and COP24 and 25 are redundant and should be ignored. On the northerly side of a building it is the sky-light which is important.
- COP26 repeats the 'Energist' highlighting of number 85 having a similar rear extension to that completed at number 87. That is to say that a 1.3 square metre rear new build in number 85 is similar to one of 31 square metres in number 87! New building at numbers 83 and 85 caused no loss of amenity on either side and both sides consulted each other from the beginning. Therefore this 'Energist' point lacks substance.
- We disagree with most of the contents of COP27, 28 and 29, though the actual meaning some of the wording is obscure. We have lived in number 85 for 40 years and appreciate its architecture and its quality. We deplore the cynical

manipulations by which owner and architect of number 87 appear to be attempting to abuse the planning process and in so doing, reduce our amenity.

This email should be read in conjunction with the comments and objections dated 30/12/13 and 14/7/14, which we sent to Southwark Planning, and to which we still hold.'

Response to points raised by the objector

2. Officers have no reason to dispute the findings in the report submitted by 'Energist'

Paragraph 22 contains typing errors and should have read that the extension does not fail the 45 degree angle approach although further investigation had been carried out.

Paragraph 23 is said to be false, and that guesstimates had been used by the writer of the report who had not carried out a site visit. The applicant should be present at the meeting and may be able to advise further here.

The objector has stated they are not concerned about sunlight, however, other residents may have been and hence the need to consider this issue. They are concerned about a building on the northerly side of the building and the sky light component.

The comparison between the extensions at 85 and 87 relate to the projection of the extensions being similar, however, as with this proposal it is agreed that they do not demonstrably impact on the amenity of adjoining occupiers.

Officers consider that the proposal will not create a sense of enclosure which would warrant refusal of permission. Officers have visited both the application site and the objectors' property on a number of occasions and consider that the extension does not demonstrably harm the amenities of adjoining occupiers.

Careful consideration was not only given to amenity of residents but also to the impact of the proposal on the character and appearance of the existing property and the Dulwich Village Conservation Area. It was considered that the proposal preserved the appearance and character of the property and the area.

While it is regrettable that work was carried out without the benefit of planning permission, the planning acts do allow proposals to be retrospectively considered, as here. The proposal should be considered on its planning merits.

3.19 It is considered that no significant new planning issues have been raised and the recommendation remains to grant permission.

3.20 Item 5 Harris Girls Academy East Dulwich, Homestall Road

3.21 Environmental Protection have advised that the following condition should be added to any permission.

Site Contamination

a) Prior to the commencement of any development, a site investigation and risk assessment shall be completed in accordance with a scheme to assess the

nature and extent of any contamination on the site, whether or not it originates on the site.

i) The Phase 1 (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations.

ii) Any subsequent Phase 2 (site investigation and risk assessment) shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.

b) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development, other than works required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed shall be submitted to and approved in writing by the Local Planning Authority.

d) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan (2007), strategic policy 13' High environmental standards' of the Core Strategy (2011) and the National Planning Policy Framework 2012.

REASON FOR URGENCY

- 4 Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the sub-committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications/enforcements and would inconvenience all those who attend the meeting.

REASON FOR LATENESS

- 5 The comments reported above have all been received since the agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403

APPENDICES

No.	Title
Appendix 1	Objections and comments by Chesterfield Grove resident

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Rob Bristow, Group Manager; Sonia Watson, Team Leader; Terence McLellan, Team Leader; Dipesh Patel, Team Leader; Michele Sterry, Team Leader	
Version	Final	
Dated	22 July 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director of Finance and Corporate Services	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Community Services	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	22 July 2014	