

Item No: 7.	Classification: Open	Date: 9 September 2014	Meeting Name: Planning Sub-Committee A
Report title:		Addendum Late observations, consultation responses, and further information.	
Ward(s) or groups affected:		South Camberwell, Rotherhithe, Surrey Docks and Livesey wards	
From:		Head of Development Management	

PURPOSE

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

RECOMMENDATION

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

FACTORS FOR CONSIDERATION

- 3 Late observations, consultation responses, information and revisions have been received in respect of the following planning applications on the main agenda:
 - 3.1 **Item 7.1 – 18a Grove Park SE5**
 - 3.2 Three additional letters of support received from local resident

One letter from Flat 1, 18 Grove Park with the following comments:

The quality of design for the scheme will positively contribute to the character of the conservation area and will replace a building which has been neglected for years and has structural damage. The quality of the buildings completed by the same developer at Nos. 17 and 18 Grove Park has been exceptional and the design and finish enhance the local area. The neighbour notes that the original bricks from the chapel have been careful dismantled and re-used for the building. There has not been any disturbance by the construction. The development should not be considered to be backland development as the chapel had existed on the site for decades. The proposed building is on the same footprint as the old chapel building and would not overshadow neighbouring gardens. There are no privacy issues.

One letter from 38 Grove Park with the following comments:

The proposal looks to be a very well designed new house, appropriate for its setting in the gardens of Grove Park.

One letter from Flat 6, 18 Grove Park with the following comments:

The residents are in agreement with the plans submitted and would like to support the proposal to be acknowledged by the council.

3.3 Additional letter of objection received from local resident

One further letter of objection received from 4 Ivanhoe Road with the following comments:

The neighbour believes that any decision to grant planning permission would be: (i) in breach of the Council's planning policies; (ii) in breach of human rights; and (iii) based on a report that could potentially be seen as being subject to a conflict of interests, would leave the decision open to judicial review. The neighbour states that alternatively, and without prejudice to the concerns raised above, the Members should only grant planning permission with a number of conditions attached. These being;

- 1) design to be in accordance with plan and architecture of the original chapel;
- 2) no windows or doors on the south elevation of the property to protect the privacy of properties on Ivanhoe Road;
- 3) only permit windows and doors on east elevation that mirror those in the original chapel and which have fixed privacy screens ;
- 4) no planting near the south end of the garden to prevent loss of light to No. 4 Ivanhoe Road.

The objection letter also states that the deterioration of the original chapel is in part due to the developer who exposed certain parts of the chapel to the elements and the chapel was illegally demolished and the developer built a new structure on the site without planning permission. The neighbour notes that the developer only stopped work on the site following the serving of a "stop notice" by the Local Planning Authority (LPA).

The objector points out that the Members should consider that any grant of planning permission will only encourage and set a precedent of illegal development going forward.

The inclusion of windows and a door on the south elevation will result in an unacceptable level of intrusion into the rooms of their home. The proposed south elevation windows and door did not exist in the original chapel, it should not be seen as "necessary".

The proposed development is significantly different from the original chapel that stood there. In order to preserve the heritage of the Camberwell Conservation Area and to prevent a design that would significantly differ from the character and appearance of the original chapel, windows and doors should only be permitted in the locations where they originally stood in the chapel.

The proposed new residential unit is considered to be "backland development" and should therefore be considered in conjunction with the planning guidelines for backland developments as set out in the Residential and Design Standards SPD 2011. The proposed development does not comply with the standards set out in the above SPD or the national and local planning policies.

The neighbour highlights that the report has incorrectly stated the working hours as permitted under environmental legislation and these should be:

Monday to Friday: 8 am – 6 pm

Saturday: 8 am – 1 pm

Sunday – no work permitted

3.4 Officers' response

A number of the issues raised in the most recent objection letter from resident at No. 4 Ivanhoe Road are similar to those raised in the previous objection letters received during the planning consultation stage and these concerns have also been addressed in the main report.

The issue of privacy is covered under paragraphs 43 – 50 of the main report. The south facade of this new building would be approximately 20.8m to the rear boundary adjoining Ivanhoe properties, which exceeds the minimum 21m distance for window-to-window separation required in the Residential Design Standards SPD. The issue of privacy has been assessed and no significant loss of overlooking is envisaged and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

A temporary Stop Notice was served by the LPA on 3rd April for 28 days and works have stopped on site pending the outcome of this application. The application has been assessed on its planning merits based on the planning policies and adopted guidelines.

Backland development sites are those located predominantly to the rear of existing dwellings. The SPD points out the principles that should be considered for new backland development to minimise impact on the surrounding area and neighbouring amenity, but these are used for guidance only. Officers note that the application site is to the rear of existing dwellings and could be deemed as backland development, but the site was previously a chapel and is therefore considered to be previously developed land. The site has existed as a separate plot of land from the original dwelling for some time and has been subject to previous planning decisions granting planning permission for residential development.

The impacts of the scheme have been assessed and there is no significant harm to the neighbours' amenity envisaged.

It is considered that given the planning history of the site and provided that the replacement building being of same footprint, height, volume and design details as that already approved under planning permission 12-AP-1305, then on balance the scheme to rebuild the former chapel in its location is considered acceptable.

Officers note the objector's comment on the working hours permitted under environmental legislation and this is correct. However, no planning conditions restricting the working hours is required as it is covered under separate environment health legislation and the Council's own environmental protection team's guidance.

The conditions suggested by the resident at No. 4 Ivanhoe Road are noted, but Officers consider that those already recommended are adequate to mitigate any adverse impact. As noted in Paragraph 47 of the main report, should Members be minded to grant permission and give greater weight to these privacy concerns, a condition to partly obscure these first floor windows to a height of 1.7m above the floor level could be imposed.

No change is made to the recommendation.

3.5 Appraisal

As stated in the main report, the assessment of the proposed development has been based on those planning policies listed under paragraphs 27, 28, 29 and 30. Officers would also like to highlight that the Camberwell Grove Conservation Area Appraisal (August 2003) should also be taken into account. The appraisal is a statement to provide an account of the Camberwell Grove Conservation Area (CGCA) and a clear indication of the Borough Council's approach to its preservation and enhancement. It assists and guide all those involved in development and change in the area, and will be used by the council in assessing the design of development proposals.

The appraisal divides the CGCA into five sub-areas and the application site falls within the Grove Park sub-area (Sub area 3).

It notes that Grove Park is characterised by late 19th/early 20th century speculative development and derives from a taste for a greener, more spacious 'English' environment, with building styles and garden planting that deliberately evoke the native countryside rather than the city.

It states that the original mansion buildings of Grove Park stand out. Grove Park are generally 2 storey brick houses in pairs and single, closely grouped to form effectively continuous street elevations.

The application site is not marked as a potential 'development' site', but that does not mean that it rules out any new development in the conservation area. The chapel was a later addition to the site in the mid 20th century and of only minor historic interest. The chapel that had existed on site is not listed and is not highlighted as a key building in the conservation area.

The appraisal highlights that where original exist such as windows, doors and chimneys, they should be retained in situ wherever possible and repaired. It also states that where repair is impossible, sensitive replacement is necessary. The chapel had extensive structural damage and the applicant is proposing to use to reconstruct using reclaimed bricks. The proposal would also reinstate the chimney in its original position as desired by the appraisal.

The appraisal states that mature planting behind buildings provides a green backdrop to compliment the greenery on the street side of development. The key characteristic of the development form in Grove Park is ordered with mature front gardens. The proposal would provide a rear garden and with a landscaping condition new trees would be planted to enhance the setting.

The appraisal notes that the use of front gardens as forecourt car parking has a resultant detrimental effect on the appearance of buildings and the conservation area and further losses will be resisted wherever possible. This development does not propose front parking space. There was a mistake on the proposed site plan and this has now been corrected to remove such a parking space in front of 18A Grove Park. This new plan is drawing No. P026-341 Rev N. This should be added to Condition No. 2 as an approved plan.

3.6 Amend wording of Condition No. 2

The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

P026-341 Rev N; P026-347 Rev G; P026-348 Rev H; P026-349 Rev G; P026-350 Rev G; P026-357 Rev I; P026-358 Rev I; P026-359 RevF; P026-359 Rev G; P026-360 Rev G; P026-371 Rev I; P026-374 Rev E; P026-375 Rev G; P026-380 Rev A

Reason:

For the avoidance of doubt and in the interests of proper planning.

3.7 Add Condition as Condition No. 10

Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, E and F of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises or hard surfacing of the garden areas shall be carried out to the proposed dwelling.

Reason

To safeguard the character and the amenities of the premises and adjoining properties in accordance with Strategic Policy 13 - High environmental standards and Strategic Policy 12 - Design and conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity, 3.12 Quality in Design of the Southwark Plan 2007 and the National Planning Policy Framework 2012.

3.8 **Item 7.2 Southwark Park Sports Centre, Hawkestone Road SE16**

3.9 Sport England have advised (orally) that they do not object to the scheme and have recommended the following condition:

(a) No development shall commence, other than for investigation works, until the following documents have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect laying field quality; and

(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority [after consultation with Sport England] [or other specified time frame – e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason

To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with the National Planning Policy Framework 2012; Policy 3.19 Sports Facilities of the London Plan 2011; Strategic Policy 11 Open Spaces and Wildlife of the Core Strategy 2011 and saved policy 3.25 Metropolitan Open Land of the Southwark Plan 2007.

3.10 They have also requested that the following informative be included:
The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 011)

3.11 The council's ecology officer has advised that there is significant habitat for wildlife on and around the southern fence of the sports centre. The movement of this fence would lead to a loss of biodiversity. It is no longer proposed to move this to the north and the proposed route around the sports centre, within the park would not be developed, should planning permission be granted.

Concern was also raised about the spill of light onto the trees close to the park's boundary. An amended drawing and additional documentation on the lighting plan has been received which shows showing acceptable levels of light on trees. This means that that it should not affect the bat foraging and movement.

3.12 Comments have been received from the Environment Agency on this application; they have no objection to the proposed scheme and have recommended the following condition:

Condition

The development permitted by this planning permission shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles, here possible, and on an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should strive to implement a Sustainable Drainage system (SuDS) hierarchy that achieves reductions in surface water run-off rates, in line with the Greater London Authority's London Plan (Policy 5.13), the relevant 'priorities' within the associated Sustainable Design and Construction Supplementary Planning Guidance (SPG) (Section 3.4) and the submitted Flood Risk Assessment (FRA) report by Materials Science Consultants Ltd (dated 23 April 2014 with reference 113-0301-4).

Reason:

To reduce the impact of flooding both to and from the development and third parties in accordance with the National Planning Policy Framework 2012; Policy 5.13 Sustainable Drainage of the London Plan 2011 and Strategic Policy 13 High Environmental Standards of the Core Strategy 2011.

There is an error in paragraph 37 of the report which states that three trees would be lost as it did not include works to the embankment which would result in a loss of an additional eight trees. These trees are classified as low quality early mature trees and would be replaced by trees of suitable value which proposed condition 3 would secure.

3.13 **Item 7.3 – 32 Bywater Place, SE16**

3.14 Removal of permitted development rights

It is noted that Permitted Development Rights have not been withdrawn from the site. However, Condition 2 of the original planning consent for the site (S/86/90) states that parking spaces provided should be retained permanently

for the accommodation of the vehicles of the occupiers and not used for any other purpose. Despite this, one onsite car parking space would be retained and therefore it is considered that, for the reasons outlined in the officers report, traffic impacts would be acceptable.

3.15 Changes to the Planning System

Recent changes to the planning system mean that, in planning terms, there are now two types of 'Housing in Multiple Occupation' (HMO), depending upon the number of occupants. A HMO use falling under the C4 use class is defined as housing where between 3 and 6 unrelated people reside and share amenities. Larger HMOs (with more than 6 people sharing) remain unclassified (i.e. sui generis). On 1 October 2010 two changes affecting the planning system's control of HMOs became effective. Firstly, under the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010, a change of use from a C3 (dwelling house) to a C4 (HMO) is now permitted development (PD) and therefore does not require planning permission. Secondly, under the Town & Country Planning (Compensation) (No.3) (England) Regulations 2010 Council's may seek to remove this permitted change through an Article 4 Direction. An HMO for in excess of 6 persons (i.e. 7 or more) would still require planning permission.

3.15 Additional consultation responses

Additional consultation comments have been received on behalf of Bywater Place Ltd (the management company) and the property owners of 39 Bywater Place. These additional comments have raised concerns about the impacts of the loss of the existing garage door and the insertion of a toilet/bathroom at ground floor level (which is not shown on the plans), the presence of two satellite dishes and other wiring on the property and the insertion of high level roof lights to the loft which the objector believes all point toward the use of the property as an HMO. In response to these concerns, officers note the following.

The insertion of two satellite dishes on a dwelling house is permitted by Class H of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010. As such, there is no objection to such an activity.

In relation to the additional bathroom that has been constructed at ground floor level, such an activity again could reasonably be undertaken without the need to planning permission. While the concerns about the potential use of this ground floor as a bedroom are noted, given the flooding concerns of the site, a condition would restrict sleeping accommodation on the ground floor, thereby ensuring this room is not utilised as sleeping accommodation. Finally, while it is noted that the proposed roof lights are high within the roof slope, there is no objection to the provision of additional light to the bathroom. It is also noted that should the applicant wish to convert the loft to living accommodation, they would again be entitled to do this under permitted development. This is not a consideration of this application.

The impacts of the garage conversion on the character and appearance of the surrounding environment, including on traffic impacts have been addressed in the accompanying officer's report.

3.17 Item 7.4 - 13 RADNOR ROAD, LONDON, SE15 6UR

3.18 The description on the report and recommendation sheet is inaccurate and should read:

Erection of rear ground and first floor extensions and conversion to form two x two-bedroom and *one x one-bedroom* self contained residential units (three units in total).

REASON FOR LATENESS

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

REASON FOR URGENCY

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

BACKGROUND DOCUMENTS

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