

<b>Item No:</b>	<b>Classification:</b> Open	<b>Date:</b> 9 December 2014	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>		<b>Addendum</b> Late observations, consultation responses, and further information.	
<b>Ward(s) or groups affected:</b>			
<b>From:</b>		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 7.2 Unit 4, 17-19 Blackwater Street SE22 8SD and Item 7.3 Unit 3 17-19 Blackwater Street SE22 8SD**

To advise Members that the applicant has withdrawn Item 7.2 unit 4 at 17-19 Blackwater Street SE22 as they plan to give up the lease on Unit 4 from the beginning of 2015. All classes will be moved from Unit 4 to Unit 3. They have stated that in respect of 14/AP/1787 (Item 7.3 on this agenda), all the 'noisy' classes will be moved from Unit 3 to another location. The quiet yoga and pilates classes that are currently in Unit 4 will move to Unit 3. The applicant considers that the withdrawal of 14/AP/1786 (Item 7.2) will address the following further concerns received from objectors:

- concern was raised with regards to Unit 4 around clients congregating in the courtyard. This will not happen in Unit 3 as there is a reception area for clients to wait.
- concern about double glazing in Unit 4, again which is no longer an issue as the application has been withdrawn.

A further objection has been received from a resident to the rear of the site, expressing concern about the use of Unit 4. While this application has been withdrawn the following issues have been raised which may apply to Item 7.3 on the agenda also:

- Doesn't take account of noise by people waiting outside before, during and after classes.
- Can the officer confirm that a condition would be that the unit could NOT be rented out for parties (adults or childrens)
- The report does not take account of the existing peace and quiet of the area.

- The proposed 9pm finish during the week means that in the warmer months there would be no assumed peace and quiet for residents in their gardens until late in the evening. We would suggest a 7pm cut-off.
- A 9am start on Sundays/bank holidays is also early when so close to people's bedrooms. (This is not a one off and means people being woken every Sunday morning in preparation for 9am classes). We propose this should be put forward to a 10am start if application is not rejected.
- 'Proposed facility would provide yoga and pilates classes with no amplified music'. Does this mean a condition would be that it could only be used for yoga and pilates classes and that a condition would be no amplified music?
- 'The unit would have capacity of 12 people with between 2 and 4 classes a day'. Does this mean that a condition would be a maximum of 12 people and 4 classes a day?
- 'The only reason for refusal was possible noise nuisance to residents of Kent House and Park House' – The nuisance isn't possible it is real.
- Point 25 says they have 800 clients a month using the site. This is much higher than 12 per class proposed! and shows the increase in footfall experienced from a site that in the past had no passing footfall.
- Point 49 states 'a scheme of sound insulation to be installed'. Would this be a condition and would air-conditioning be added to it?

Officers' comments – the application under Item 7.2 will be withdrawn and no further action taken. However, in respect to the type of class held in unit 3 (Item 7.3 on this agenda) it would not be reasonable to condition this, however, other recommended conditions are considered to address the amenity issues for local residents.

In the case of the further objection, the issue in relation to people waiting outside the property, the numbers of visitors will be reduced as unit 4 will no longer be used in the new year. A condition restricting numbers attending classes will reduce numbers and unit 3 has a small waiting area.

A condition restricting it to a studio for fitness/exercise classes has been recommended.

The report makes reference to the residential properties backing onto the application property.

The condition seeking the conditioning of hours of operation was imposed having sought advice from the Environmental Protection Team which, along with conditions in respect to sound insulation, are considered to ameliorate any potential noise issues from the property.

It is understood that certain classes would not use amplified music, the sound insulation condition was considered the most appropriate way of ensuring that there would be no sound emitted from the property at unreasonable levels.

With the withdrawal of unit 4, the number of classes and clients will be reduced.

The applicant is not seeking to provide air conditioning at this stage, if air conditioning needed to be provided any external condensers would require planning permission.

### 3.2 **Item 7.4 96 Webber Street, London SE1 0QN (App Ref: 14/AP/0723**

#### Additional Recommended Conditions

### **Condition 17 Residential – Internal noise levels**

The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms – 35 dBA LAeq daytime T†,  
– 30dB LAeq night-time T\*  
– 45dB LAFmax T \*

Living rooms – 35dB LAeq, T †

Dining Rooms – 40dB(A) LAeq

\* - Night-time 8 hours between 23:00-07:00

† - Daytime 16 hours between 07:00-23:00.

### **Reason**

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2012.

Officer comments: this has been requested by the Environmental Protection Team and has subsequently been modified to provide a compliance condition which officers have deemed more appropriate. It will address the issues of noise for the proposed dwellings in the context of their location adjacent B1 uses and the railway viaduct.

### **Condition 18 - Vertical sound transmission between commercial and residential properties**

The habitable rooms within the development sharing a party ceiling/floor element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that NR20 due to noise from the commercial premises is not exceeded.

### **Reason**

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within adjacent premises accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011), saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007) and the National Planning Policy Framework 2012.

Officer comments: this has been requested by Environmental Protection Team and has subsequently been modified to provide a compliance condition which officers have deemed more appropriate. It will address the issues of noise specifically arising from the two workshop units in the main building and the dwellings above.

### Supplementary Recommended Informatives

#### Party Wall Act Agreements - Informative

The developer is advised to contact Network Rail prior to commencing any work in order to obtain any relevant consents or permissions that may be necessary due to the site's location adjacent to the railway viaduct.

Officer comments: This draws the developer's attention to the potential impact of the proposal on the adjacent railway line and need to liaise with Network Rail in advance in the development.

### Summary of Additional Representations

Additional representations have been received from 4 adjacent and nearby occupiers raised the following issues:

1. Potential implications for existing tenant in the ground floor workshop from loss of the yard area which is used to carry out functions associated with their business such as drying, fuming and storage, with a kitchen/wc outshed being removed. In total the additional area of yard and buildings cover an area of approximately 70sq.m. This yard area has not been taken into account in the Officers assessment of the employment issue. This loss could make it difficult for the existing timber workshop to continue on site.
2. Loss of the first floor business floorspace currently designated as a live/work unit.
3. Proposal would be detrimental to the character and appearance of the host building and site and also the Kings Bench Conservation Area in design terms. The issue arises from the additional height added to the existing building, the roof type features (such as dormers) juxtaposition of the new house to the existing building and the impact of the proposal on the industrial nature of the design.
4. Noise and disturbance, highways safety issues arising from the construction of the development and the movement of construction vehicles.
5. Overlooking of adjoining properties, both residential and commercial.
6. Refuse store will open onto the pavement and is considered impractical as they consider the pavement to be too narrow.

Officer comments: The proposal would result in the buildings/structures within the yard being removed for the construction of the new residential unit and so the majority of the open yard will not be available for the workshop unit. Whilst the majority of the external area will be lost, currently used by an existing tenant, this is in 'sui generis' use and not specifically protected under Policy 1.4 of the Southwark Plan which refers specifically to B1 uses. The two existing workshop units within the building will remain (with only a very small loss of usable floor space) which will be refurbished and provide good quality small units for B1 users, along with an external area for servicing, sitting along side existing and proposed residential development. The resulting mixed use development on the site is concluded to be appropriate in the context of the relevant planning policies.

The first floor business unit within the site which objectors have referred to and claimed would be lost is a live/work unit which is not affected by the proposed application.

The impact of the proposal on the character and appearance of the host building and the Conservation area has been assessed already in the officer's report.

Noise and disturbance during construction is controlled under environmental protection legislation.

Overlooking concerns have been considered in the officer's report.

The siting and nature of the refuse areas for both the residential and commercial aspects of the scheme is addressed through a planning condition (Condition 12) as set out in the original report.

### Statutory Consultations

A further representation has been received from the Environment Agency (EA) concerning the proposal. They state that they do not wish to add to their comments made in June 2014.

Officer comments : the officer's report considers the EA's comments and they are reflected in the recommended planning conditions selected.

### New and Revised Plans

The applicant has submitted further plans in support of their scheme. These comprise two sections, one observed from the east (the railway arches) and the other from the west (Rushworth Street). These show the relationships within the site resulting from the proposal. The applicants have also submitted a revised Design and Access Statement within which a Table showing the floorspaces by use class that would arise from the proposal more correctly (previously the residential circulation space and refuse area was indicated as 6.5 sq.m but has now been correctly adjusted to 5 sq.m).

Officer comments: the above additional information from the applicants does not alter officers' recommendation on the scheme.

### **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**

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