

Item No:	Classification:	Date:	Meeting Name:
	Open	02 June 2015	Planning Committee
Report title:		Addendum Late observations, consultation responses, and further information.	
Ward(s) or groups affected:			
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 6.1 - 67-71 Tanner Street, London, SE1 3PL**
 - 3.2 Summary of further information from the applicant
The applicant has submitted four amended/additional drawings showing further details of the screening on the 7th floor front and rear terraces, along with further details of the fixed shutters to the south west elevation windows on the 5th, 6th and 7th floor windows. As noted below further, more precise, details are recommended to be sought be condition in order to ensure that neighbouring privacy is satisfactorily protected.
 - 3.3 The applicant has confirmed that unit 04/01 on the 4th floor (a two bedroom apartment with 10sqm balcony) has been nominated as a wheelchair adaptable unit.
 - 3.4 The applicant has submitted a document which has been previously circulated to members of the Planning Committee outlining the key elements of the scheme.
 - 3.5 Summary of Additional Representations
An additional representation has been received from the owner of one of the neighbouring apartments with the adjacent building (apartment 14, 61 Tanner Street). This letter is appended to this addendum and the issues raised include the following:

- Proposal will overbearing to and will over shadow the neighbouring property, and will overlook our private bedrooms and terraces.
- Suggestion that 'the Arc' acts as a benchmark for height is deeply concerning.
- Proposed screening from terraces is unsatisfactory, taller screening removed from front terrace, planters are too narrow, not sufficient detail of 'fritted' screenings.
- Discrepancy in plans of proposed winter gardens.
- Intruders could gain access to apartment from the proposed adjacent roof terrace.
- Whilst, the primary request is for the building height to match the neighbouring building (61 Tanner Street), conditions are requested for additional screening to be provided to the front and rear terraces including 2.5m high screening, wider planters and 'frosted' rather than 'fritted' glass screening, in order to at least partially mitigate the very reasonable levels of harm.

3.6 *Officer comments:* The Officer's report considers the impacts of the height and massing of the building, concluding that significant harm would not result from the proposed building upon the amenity of neighbours or the surrounding townscape. A condition is recommended requiring further details to be submitted of the privacy screening to the terraces. The main application drawings correctly show the height of the winter garden roofs. Even should it be possible to access the neighbouring property from the winter garden roof via the 7th floor roof terrace, this is not considered to be a particularly likely scenario and is not considered to result in any significant harm on security grounds.

3.7 Summary of additional/amended conditions

Amend condition 1 (approved plans) to include revised and additional plans submitted since publication of the report:

3.8 *The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: 216 PL10 150203, 216 PL20 P01 150203, 216 PL20 P03 150203, 216 PL20 P04 150203, 216 PL20 S 150203, 216 PL20 E NE B 150515, 216 PL20 E NW B 150515, 216 PL20 E SE B 150515, 216 PL20 E SW B 150515, 216 PL20 P00 C 150514, 216 PL20 P02 B 150514, 216 PL20 P05 B 150514, 216 PL20 P06 B 150514, **216 PL20 P07 C 220514, 216 PL20 P08-ROOF C 220514, 216_Design and Access Statement 150213, 216PL(20) S details A (two drawings - fixed shutter & fixed planters details).***

3.9 An additional condition is recommended requiring further details to be submitted and approved of terrace screening and fixed shutters in order to provide privacy for neighbouring residents:

3.10 *Prior to the commencement of works above grade (excluding demolition) further details of:*

- The privacy screening (including glazing and planters) on the 7th floor terraces,*
- The fixed shutters to the 5th, 6th and 7th floor windows in the south west elevation, and*
- The fritted glazing to the 7th floor south west elevation window of Bedroom 01*

shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such approved details which shall be permanently retained and maintained thereafter.

3.11 *Reason: In order to protect the privacy of neighbouring residents in accordance with saved Policy 3.2 (Protection of Amenity) of the Southwark Plan and the Southwark Residential Design Standards 2011.*

3.12 Additional updates

Affordable Housing: As set out in paragraphs 34 to 37 of the report, the applicant has proposed an in-lieu affordable housing contribution of £300,000 on the basis of the scheme being considered to be capable of delivering ten units upon the site (rather than nine as proposed). In addition to the justification provided in the report for this contribution (arising from the very large size of several of the units), it is noted that whilst a recent Government statement requires that contributions should not be sought from developments of 10 units or less, the statement also states that this is only applicable for schemes with a maximum combined gross floor space of no more than 1000sqms. In this case, the combined gross floor space of the development exceeds 1000sqm and therefore the contribution towards affordable housing is applicable on the basis of the scheme having the potential to deliver 10 units which is the minimum threshold for affordable housing provision in saved Policy 4.4 of the Local Plan and Strategic Policy 6 of the Core Strategy.

3.13 *S106 Obligations:* In addition to the required s106 provisions listed in paragraph 59 of the report, it is recommended that the s106 agreement also includes:

- The developer to fund three years car club membership for residents of the development.

3.14 **Item 6.2 - Herne Hill Velodrome, 104 Burbage Road, London, SE24 9HD**

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3.15 Amended Condition 7

The applicants have undertaken a further appraisal of the cost of redevelopment and have confirmed that while their intention is still to meet a BREEAM 'excellent' rating, the cost of doing so could be prohibitively high. They have requested that the specified minimum rating for BREEAM within the condition be amended to 'very good' rather than 'excellent' rating. They have also noted that condition 7 also contains an erroneous reference to retail premises rather than the pavilion which is proposed.

3.16 Officers can confirm that the proposed amendment would still be in accordance with Core Strategy Policy SP 13 – High Environmental Standards which states that Community facilities, including schools, should achieve at least BREEAM "very good". It is also confirmed that there are no retail premises within this proposal.

3.17 It is recommended that condition 7 shall be re-worded as follows:

The pavilion hereby permitted shall be designed, constructed, fitted out and operated to achieve a minimum 'very good' BREEAM rating.

Reason

To ensure the proposal complies with The National Planning Policy Framework 2012, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

3.18 *Further Representation*

The Burbage Road Tenants Association have provided additional comments following a response from applicant. Their comments are summarised as follows:

- They welcome consideration of MOL issues, the agreement of applicants to provide works schedule in liaison with residents and the recognition of the code of conduct.
- They are still concerned at the lack of control of the PA system as this issue is not covered by the hours of use in the Code and therefore remains unresolved.
- Condition 7 refers incorrectly I think to 'retail premises' which should be redrafted.
- Condition 8 could be expanded to include bird boxes and it would seem appropriate that all trees are replaced with new even if these are category c to maintain the environment.

3.19 *Officer Comment*

These comments have been relayed to the applicants who at the time of writing have not responded. However officers have the following comments:

3.20 The support for the proposal is noted.

3.21 The Council's Environmental Protection Team have been consulted on the proposed development and have recommended an informative to be worded as follows:

3.22 *The Local Planning Authority would strongly advise the developer seek the advice of an acoustic consultant or similar, to ensure that any tannoy or Public address system to be used in the in the open on the Velodrome site is oriented, designed and volume limited to ensure that noise from music, speech or song from any speaker arrangement does not cause a significant impact on the amenity of surrounding residential property.*

3.23 The applicants have confirmed that use of the PA is limited and that they will be upgrading the system when funds become available to do so following consultation with an acoustic consultant. This system will be installed to limit the any possible chance of noise and disturbance for neighbouring residents. The existing arrangements in the Code of Conduct for the reporting of complaints will remain with residents advised to make complaints direct to the trust should issues arise.

3.24 In relation to the final point the Council's Ecologist was consulted on the application and did not require the provision of bird boxes. Full details of new landscaping proposals including details of trees are required by condition.

3.25 Recommendation: Remains approval

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

APPENDIX ONE

Additional representation as outlined in para. 3.5 received from the owner of one of the neighbouring apartments with the adjacent building (apartment 14, 61 Tanner Street):

From: [REDACTED]
Sent: Monday, June 01, 2015 4:01 PM
To: Cliff, David
Subject: UPDATE - Case Reference: 15/AP/0627: Objection to Planning Application for 67-71 Tanner Street, London

Dear David,

Further to our discussion last week, please see below our response to your planning report, as well as the Developer's latest submission outlining further details of the proposed screening.

First and foremost, we completely disagree with the notion that this development is not significantly overbearing on our property. It is immediately adjacent to the wall of our building and 5 meters higher, and will therefore categorically overshadow our apartment. It is also without doubt that the proposed development will overlook our private bedrooms and terraces.

The Council's suggestion that 'The Arc' development opposite acts as a benchmark for the height of any new developments is deeply concerning. We also find it troubling that future residents of 'The Arc' were not included in the 'Neighbour and Local Groups Consulted' within Appendix 1. It seems extremely unfair that buyers of new apartments in this development were not invited to voice their concerns, which would undoubtedly be very similar in nature to our own.

Given that details of the proposed screening were requested more than 4 months ago, it is very disappointing that they are only being made available now. Similarly, we're very concerned that whilst in your report it claims screening and glazing will ensure that there is not a significant increase in overlooking to the balconies and bedrooms of our property, the applicant's updated designs clearly demonstrate that such screening to the front of the development has in fact been removed (top floor front apartment terrace). There is no explanation as to why the screening is no longer planned. Furthermore, there is no longer any reference in your report to the fixed planters previously planned to form a permanent structure at the development.

I would also like to point out with reference to the 'winter gardens' shown in the plans, there was a discrepancy between designs as to where their roofs finished. On page 23 of the 'Environmental Noise & Vibration Planning Report', it shows this winter garden would supersede the height of the wooden cladded walls protecting our flat from line of sight. However, in document '3.12 Design - view from above the railway', the design shows it does in fact finish in line with the tops of these wooden cladded walls. This was very loosely addressed in point 72, but not fully understood. This required further clarification, which was again requested but never received. Our concern remains that intruders could use such roof from the proposed terrace above to gain easy access to our property (a significantly lower drop than that suggested), as well as creating another loss of privacy due to the exposed lines of sight.

With specific reference to the latest documents submitted:

In relation to security, our primary concern was access to our property could be gained via the roof of our flat, from that of the proposed top floor rear terrace due to its very close proximity. This is a significantly lower drop than otherwise suggested by both yourselves and the applicant, and has not been properly understood, addressed or mitigated.

As mentioned earlier, it is unclear why the taller screening has been removed from the front apartment's terrace. The proposed glazed balustrade now only comes to a height of 1.1m.

With regards to the rear terrace: the planter width is only 44cm, which does nothing to mitigate the loss of privacy, as prospective tenants would still be able to overlook our rear bedrooms and terrace due to their increased line of sight. (The developers intentions for such planters in our meeting was to stop tenants from being able to get up close to the glass).

Whilst again requested by ourselves, the applicant has not provided sufficient detail with regards to exactly how the screenings will be 'fritted'. You will see from the stock images provided, that any objects behind such fritted screening (as demonstrated with someones hand behind the glass) will not adequately mitigate overlooking, and supports our concern that loss of privacy will be inevitable to both the front and rear of our property.

Similarly, the 'inspiration photos' provided display well groomed urban terrace spaces, and in our opinion are redundant, as the applicant cannot guarantee this is how these terraces will look upon completion, let alone be kept in this manner by future tenants. It is therefore unfair to say that such landscaping will permanently alleviate significant overlooking.

Whilst our primary request would be for the proposed development to rightly match the height of ours, we feel at the very least the following conditions must be put in place:

- Full height screening be reinstated to the front apartments terrace to a minimum height of 2.5 meters, and permanent structural planters be put in place at double the width currently suggested.
 - To mitigate overlooking to the front of our property, and down to that of Flat 11's below.
- The rear screening also be constructed to a minimum height of 2.5 meters, with the permanent structural planters being put in place at double the width currently suggested (880cm), with an increased height to 750cm.
 - To further ensure we're not overlooked and enhance the security of our property.
- All glass screening be made 'frosted' instead of 'fritted'.
 - Efficiently mitigating significant forms of overlooking to our property, whilst maintaining access of light to the proposed apartment above.

In light of the above, it is clear we do not feel our concerns have been taken seriously by the Council or the Developers. We feel it compulsory that in order to at least partially mitigate what we believe to be very reasonable levels of harm, that such items be fully

included within Point 59 - under 'Planning Obligations' within the 's106 agreement' being prepared - before full planning permission be granted.

We hope this information will be made available in full within the addendum to committee members ahead of the meeting on Tuesday 2nd June.

Kind Regards,

[Redacted signature block]