

Item No: 7.2 & 7.5	Classification: Open	Date: 11 November 2015	Meeting Name: Planning Sub-Committee A
Report title:		Addendum Late observations, consultation responses, and further information.	
Ward(s) or groups affected:			
From:		Director of Planning	

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.

KEY ISSUES FOR CONSIDERATION

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

Item 7.2 – 14/AP/4405 for: Full Planning – New Hibernia House, Winchester Walk, London SE1 9AG

- 3.1. Further representations have been received on the amended proposal from neighbours. All maintain their objections and advise that the amendments do not address their concerns in relation to the design of the scheme and its impact on heritage assets.
- 3.2. A more detailed objection was received from the occupier of 12 Tennis Court. The objector suggests that the officer's report does not sufficiently take into account the objections of statutory consultees. Concern is also expressed about the viability of the proposed planting. The objector also suggests that the word "immediately" be removed from condition 7.
- 3.3. With regard to the amended roof proposal, the objector, while acknowledging that the impact along the horizontal plane would be less, but as a consequence a greater vertical extent of the flanking volume would be visible, thus increasing the obtrusive massing and its visual impact because a greater area of wall would be visible.
- 3.4. Representations were also received from the Fabric Advisory Committee of Southwark Cathedral, the Victorian Society and Historic England. All three of these bodies are of the opinion that the amended scheme did not address their previous concerns. All three bodies are of the view that the development would harm the Borough High Street conservation area, the setting of Southwark Cathedral and that it would dominate the

host building, appearing incongruous in the context of its historic setting; a matter that the proposed, non-traditional material- cor-ten- would exacerbate. Further, the development would not reflect the established character and appearance of the area and compete with the fine Edwardian detailing of the host building, reducing its distinctiveness in the street scene and having an impact from higher levels.

- 3.5. Members are reminded of the general duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that for buildings in conservation areas, special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Officers' view of the proposal differs from that of Historic England, the Victorian Society; the Fabric Advisory Committee of Southwark Cathedral and other objectors regarding the impact of the proposal on heritage assets. Firstly, the impact on these heritage assets when viewed from the street would be limited and secondly, from a higher level and as referred to in paragraph 52 of the officer report, the high architectural quality of the proposal would enhance the conservation area and the setting of the cathedral. Seen against a backdrop of a varied roofscape, the proposed extension would add interest through a high quality modern piece of architecture and while a traditional roof would be lost, its replacement would be of sufficient quality to be an enhancement.
- 3.6. Officers are satisfied that this modest addition to New Hibernia House does not harm the viewer's ability to recognise and appreciate the architectural and historic significance of Southwark Cathedral or its setting and will enhance the character and appearance of the Borough High street Conservation Area. In relation to the 'harm' perceived by Historic England and others, council officers consider that the harm, if any, to the heritage assets is minimal. If the Council considers that there is some harm to the heritage assets, there is a strong presumption against granting planning permission. However, taking together the public interest benefits of the proposal including the enhancement of the Winchester Walk frontage the improved design which lessens the impact of the proposal on the conservation area and the reduced scale which ensures that it is peripheral in any view of the Cathedral, as well as the wider benefits of the development including the improved commercial building means that notwithstanding the special regard which must be given to any possible harm to the assets, it is considered that the public interests of the development outweigh it.
- 3.7. The planning agent for Borough Market has advised that following their 'holding objection' letter of 6 June 2015, they do not wish to make formal comments.
- 3.8. Conditions.

Condition 6.

There is an error in and it is recommended that it be amended to:

The restaurant hereby permitted on the ground floor shall only be open ~~be open~~ to customers between 08:00-22:00.

Condition 7

It is recommended that this condition be amended to:

No *mechanical* plant shall be placed on the roof ~~immediately~~ in front of the bedroom terrace of 12 Tennis Court.

Additional condition.

It is recommended that a condition be added to require details of planting and soft landscaping to be submitted to the council for approval as follows:

Before any work relating to the roof extension begins, detailed drawings (scale 1:50) of a landscaping and planting scheme, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented prior to the first occupation of the dwelling hereby permitted, or during the first planting season thereafter, and shall be retained thereafter.

Reason

So that the Council may be satisfied with the details of the landscaping scheme to mitigate the development's impact on the outlook of occupiers of 12 Tennis Court in accordance with The National Planning Policy Framework 2012; policies SP12 Design and conservation; SP13 High environmental standards of the Core Strategy, and saved policies 3.2 Protection of amenity and Policy 3.12 Quality in Design of The Southwark Plan 2007.

Item 7.5 – 15/AP/2168 for: Full Application – 114 Benhill Road, London SE5 7IZ

3.9. Following concerns from local residents regarding the use of the property the applicant has stated that

'We confirm that we have no intention of making our property into two separate dwellings. The object of our application is to provide larger guest accommodation at first floor whilst lowering the ceiling height of the existing living room / studio space thus making it easier to heat and maintain. We are very happy for you to impose a planning restriction that the property should remain in single occupancy.'

3.10. Officers advise that a condition is not required as planning permission would be required to convert it into two dwellings.

Comments

The following representations have been received from neighbours since the report was published:

3.11. 13 households, in 9 properties in fact are directly affected by the southern extension AND the east facing balcony & green roof (4 flats in 116 and 2 in 120 Benhill) – so NOT a smaller number. We feel that the Officers' comment underplays the impact of these proposals on the neighbouring households.

Response:

The report states that the application site is bounded by 9 buildings, no reference to the number of units have been made, however it remains accurate that the application site, No. 114 Benhill Road is bounded by 9 buildings and the majority of the work is to the south of the site with minor changes to the east to include a green roof which would not be used as a roof terrace. The balcony to the eastern side of the main building does not protrude beyond the existing footprint of the property and is obscured to some extent by the dense vegetation surrounding the site.

Comments:

3.12. The impact of the greenhouse element of the build should be considered *in relation to the existing structure, not the proposal*. Applicants have NOT given build dimensions in their submitted plans however drawings show it will be significantly higher than the existing structure. Even if constructed of obscure and patent glass this will inevitably affect the light of 7 Sansom St. The even higher brick construction backing onto 9 and 11 Sansom St will also affect 7 Sansom St.

Response:

The report compares the dimensions of the proposed greenhouse to the proposed brick construction, making comparisons with the two main features of the proposal. The report acknowledges that there will be an impact on the amount of light reaching the rear gardens on Sansom Street but has stated that due to the orientation of the properties the shadow cast at the bottom of the garden will increase however the afternoon sun would still reach the rear gardens.

Comments:

- 3.13. The proposed glass roof would offer reduced protection to all surrounding properties from noise produced within the proposed development than the current tiled roof. The proposed open roof terrace will lead to increased noise from the property, for which the proposed glass roof will be an ineffective shield.

Response:

The greenhouse structure will be enclosed and therefore will sufficiently capture noise within its confines. The roof terrace would be 3240mm away from the western boundary and approximately 7000mm away from the eastern boundary. It is considered that the distance and the amount of vegetation surrounding this residential area would sufficiently mitigate direct noise from the property.

Comments:

- 3.14. Accurate daylight/sunlight tests have NOT been carried out at the properties on Benhill Road. From our own experience, raising the roof height will materially impact on the amount of sunlight – especially in winter when the sun is much lower – reaching these properties.

Response:

Materiality is guided by whether the 25 degree and 45 degree tests are satisfied. In this case they have been. Although the ridge height would be increased the distance to neighbours is such that the visual impacts will not be significant upon neighbouring properties.

Comment:

- 3.15. With regard to Sansom Street: the reference to an approximate 11m measurement was a rough estimate made by the Officer striding the garden.

Response:

The case officer made initial estimations when on site. This has been corroborated using maps, electronic measuring tools and plans submitted.

Comment:

- 3.16. “*the relatively modest increase in bulk resulting from this proposal*” is contradicted by the Officer in paragraph 26 “*this would be a discernible increase in bulk to the existing property*”.

Response:

The ‘modest’ increase is in relation to the existing property. ‘Discernible’ conveys officers’ view that the development would be noticeable however the report weighs up the impact on amenity of such an increase and finds that the impacts will be acceptable.

Comment:

- 3.17. Afternoon sun is limited in Sansom Street’s east-facing gardens due to the sun’s passage, street trees and building shadows. Morning sun is valued. Any reduction will prove detrimental to current amenity.

Response:

The reports identifies that the shadow cast at the bottom of the gardens would increase at certain times of the day depending on the position relative to the site and orientation, however, the impacts are not such that sunlight will be significantly affected in neighbouring gardens in officers' assessment.

Comment:

- 3.18. An oblique view is of course possible. To maintain privacy, we request that the two new clear glass southern gable-end windows which will overlook the rear gardens of Benhill Road and Sansom Street are omitted, or at a minimum fitted with opaque glass.

Response:

Views are possible from the existing windows from the bedroom, to the south at mezzanine level. The proposed windows are at a higher level and positioned in such a way that the tree tops and a long view of a spire can be seen. It is still maintained that there would be no material impact on privacy of the rear gardens of Sansom Street or Benhill Road.

Comment:

- 3.19. There are only two trees – one slim evergreen with a high crown and one small-med sized (<20ft) deciduous tree. For 5 months of the year there will be no screening from this second tree due to its deciduous nature. Both are vulnerable to removal as they sit in the demise of 114 (in fact both were trimmed back by the Applicants this summer). 18 months ago a similar deciduous tree was removed from 114 due to disease. This shows that these two trees CANNOT be relied upon as mitigation in terms of privacy screening.

Response:

From the photos provided, it is clear that there is dense vegetation at the neighbouring properties on Benhill Road and the application site. The report also makes reference to the distance the balcony would be from these properties. The balcony does not protrude beyond the foot print of the existing property and as there are existing windows at second floor level, it is not anticipated that there would be an unreasonable impact on overlooking/privacy.

Comment:

- 3.20. Importantly, it should be noted that the backs of the Benhill Road properties facing 114 (i.e. 116 & 118) are flat-walled (no outshots) comprising full-width-glazed patio doors and large upstairs windows meaning that the rooms are very exposed and so vulnerable to overlooking from the first floor of 114. The terrace will be just 13m from these windows i.e. much less than the minimum distance of 21m set out in Southwark's Residential Design Standards: 2.8.

Response:

On site it was evident that there are views from first floor level from the east facing bedroom that is existing. It is not anticipated that the introduction of the balcony would exacerbate the existing levels of mutual overlooking that already occur in this vicinity.

Comments:

- 3.21. 24. Officer's reference: *"for the reasons set out above, the proposal will not have an undue impact on daylight and sunlight, nor will it result in an unreasonable sense of enclosure or overlooking.*

i. We challenge these assumptions based on our responses in 22 & 23 above.

26. Officer's reference: *in terms of design "this would be a discernible increase in bulk to the existing property..."*.

- i. We would ask the Officer's comment be noted in reference to our concerns on bulk and overbearing presence.

28.

a) Officer's reference: "*The raising of the roofline proposed would remain subservient to the main building*".

- i. The main building and proposed development will have 31.04 and 25.77 degree lines respectively.

Response:

These points have already been addressed above.

Comment:

- 3.22. The Green Roof industry is clear that a residential green roof does NOT warrant such a permanent means of access. The "*GRO Green Roof Code: Green Roof Code of Best Practice for the UK 2011*" (<http://www.thegreenroofcentre.co.uk>) – as well as green roof providers generally - advises that a sedum roof (as proposed by the Applicants) is "low maintenance" and shouldn't need maintenance more than "twice a year". In which case, a temporary means of access, such as a ladder, should be sufficient.

Response

It is unclear why the mean of access is contested as the use as a roof terrace has not been permitted. It was officer opinion that in such a case the access through a door at first floor level was warranted.

Comment:

- 3.23. This condition is greatly appreciated however the Applicants state in their application their intention is to be out on the green roof regularly as they say it will "*doubtless require constant attention*". An access door will easily facilitate this intention to use this for regular access and will leave the neighbouring properties vulnerable to "constant" overlooking by people standing/working on the roof. Therefore we feel that an access door/window undermines this Condition and request that it is not granted.

Response:

This has been addressed via condition, if this is breached there would be grounds for enforcement.

Comment:

- 3.24. If this is part of the application that is passed, we request that the door is of solid (opaque) construction so as to obviate light pollution and remove overlooking directly into the living area and master bedroom of 118 Benhill. The Applicant's plan for this eastern elevation shows a large expanse of clear glass window as the "door" – this would greatly compromise the privacy of no. 118 being located only 16m from the property i.e. much less than the minimum distance of 21m set out in Southwark's *Residential Design Standards: 2.8*.

Response:

The door would be 900mm in width and would be approximately 16000mm away from the neighbouring properties. It is not anticipated that there would be a significant impact on light pollution through such an opening into the internal staircase.

Comment:

- 3.25. The Officer refers to a "*discernible increase in bulk*" in point 26. This will result in significant harmful impacts on the amenity of the neighbouring occupiers in terms of

overshadowing and overbearing mass. We also draw attention to our points re daylight/sunlight in 22.

Response:

This has been addressed previously.

Comment:

- 3.26. Materials – in the case of windows which will overlook neighbouring properties – materials have NOT been described in sufficient detail to show that the glazing is of a type which will mitigate harmful impacts on privacy and amenity of neighbouring properties (e.g. by using opaque glass). In particular details have not been provided for the proposed:

- a. replacement windows on the lower west elevation
- b. new windows on south elevation
- c. access door/window to green roof

We do not feel that the Officer's Report addresses the amount of glazing nor the type of glazing materials proposed to ensure neighbour privacy. Clear glass, as proposed.

Response:

Western elevation has clear glass therefore the installation of clear glass would be appropriate at ground floor level.

The southern elevation would have clear glazing as the impact on amenity has been assessed to justify this.

The door/window to the green roof could be conditioned to have obscure glazing, however it is officers' judgment that due to the size, distance from the neighbouring properties and location from the internal stair case that clear glazing would also be justified here.

- 3.27. **The recommendation is therefore as per the main agenda.**

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 planning 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 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