

Item No: 7.	Classification: Open	Date: 19 January 2016	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 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:

Item 7.1 – Application 15/AP/3657 for: Full Planning Permission – Land Adjacent To 3a Friern Road, London, SE22 0AU

- 3.1 The following condition to be added:-

Section detail-drawings at a scale of 1:10 to include:

- principal features on the facades;
- parapets;
- roof edges;
- heads, sills and jambs of all openings,

shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given.

- 3.2 The objectors submitted additional representation stating that the officer report contains a number of material inaccuracies and discrepancies set out below:

Additional representations

- 3.3 Objectors state that Para 3 is an inaccurate statement, in that the revised application achieves compliance with the Council's residential design standards, and that the applicant's methodology for calculating the private amenity space, and therefore the claim to achieve the 58m² figure quoted, is fundamentally flawed and contravenes the

Council's own clearly worded adopted guidance on several grounds. It is also stated that the garden is well short of the required 10m length and covers less than half the width of the property; again failing to comply with the Council's policies.

Officer's comments

Section 2.6 of the SPD states that where it is not possible to provide an adequate amount of outdoor amenity space in accordance with section 3 of this SPD and the saved Southwark Plan policy 4.2, the applicant must justify why this cannot be achieved through the Design and Access Statement. Saved Policy 3.11 (Efficient use of land) of the Southwark Plan requires that all developments should ensure that they maximise the efficient use of land.

As a result of site constraints, it would not be possible to create gardens 10m in depth, for either the proposal site or the existing site. Furthermore, a large number of properties to the rear of the site (No.s 5, 7, 9, 11 Friern Rd and 52, 54a, 54, 56 Upland Road) do not have gardens that are 10m in depth.

Additional representations

- 3.4 Concerns were raised that the applicant is treating the SPD figure of 50m² as the target that should be achieved. In planning policy, a family dwelling generally comprises 3 bedrooms or more. The 50m² minimum standards, would therefore, apply to houses comprising 3+ beds and the standard is worded as a minimum in order that it can be proportionately increased for larger dwellings.

Officer's comments

Section 3.1 of the SPD states that 'New houses' should achieve a minimum of 50m², however, the SPD does not differentiate between property sizes. The SPD does not require larger amenity space for houses with more than 3 bedrooms. Therefore, the proposal complies with the SPD through the provision of 58m² of amenity space, to the rear of the development.

Additional representations

- 3.5 The officer report claims in Para 15 that 3 Friern Road is an existing dwelling and 'therefore site constraints must be considered'. This application relates to a new subdivision of the site at 3 Friern Road, so the amenity provision for 3 Friern Road is relevant. There is plenty of scope for the applicant to define the new subdividing boundary in a way that ensures compliance with the Council's policies.

Officer's comments

As a result of site constraints, it is unlikely to subdivide the site and have both properties with 10m deep gardens. Both these properties comply with the minimum requirement of 50m² of amenity space, as set out in Section 3.1 of the SPD. Furthermore, the proposal would not have a detrimental impact on nearby residents if it does not have gardens 10m in length.

Additional representations

- 3.6 The applicant and officer report also make irrelevant comparison with the amenity space for neighbouring properties. These properties contain 2/3 bedrooms and are significantly smaller than the 6/8 bedroom property at 3 Friern Road. The comparison is not meaningful and does not provide any justification for the fact that the proposed

development fails to comply with the Council's clear planning policies. It is also important to note that the other properties were developed in the late 19th century when current planning policies were not in place.

Officer's comments

Both the proposal site and No.3 Friern Road complies with the minimum 50m² amenity space, as required by Section 3.1 of the SPD. The SPD does not differentiate between property sizes but rather between houses and flats. It is the Council's opinion that this comparison is relevant, as objectors are claiming that No. 3 only provides 31m² of amenity space to the rear and that the amenity space to the side of the property should not be calculated. As such, the table in Para 17 identified a pattern that it is not uncommonly found in properties with small rear gardens, in this area.

Additional representations

- 3.7 The objector states that the architect has submitted inaccurate and inconsistent drawings, and this has been ignored by officers despite neighbours highlighting it in their representations. The factually inaccurate representation results in an incorrect calculation of outdoor amenity space and also calls into question the accuracy of other aspects of the application.

Officer's comments

The above objection was put to the applicant who confirmed that drawing ref: 4547/16C is accurate, as it was taken from the 2014 Ordnance Survey.

Drawing ref: 4547/16C (Block Plan) states that No. 3 would retain 58m² of amenity space to rear. However, the objector disputes this and states that the drawing is inaccurate. The objector provided their own calculations: 31m² (7.39 x 6.5) to the rear and 27m² (2.025 x 13.020) to the side, which equates to 58m². Therefore, the drawing is considered accurate based on the applicant's response and the submission of the objector.

Additional representations

- 3.8 Other measurements and statements provided to the Committee are also inaccurate. For example, Drawing 4547/7C does not show the sloping topology of the street (which falls noticeably) so the heights of the building can not be the same at both ends. At the December meeting, officers advised the Committee that the eaves line for 3A Friern Road will match that of 3 Friern Road, yet it is clear from the drawings that this is not correct and the eaves line of the proposed 3A Friern Road is significantly higher than 3 Friern Road.

Officer's comments

The officer acknowledges that there is a sloping topology within the street, however, it would not be significant enough to have a detrimental impact on the nearby residential properties.

The officer acknowledges that the parapet of the proposed dwelling is 400mm higher than that of the eaves of No. 3, however, the eaves of the proposed dwelling (see Proposed Section AA drawing 4547/8B) are of a similar height to that of No. 3.

Additional representations

- 3.9 Objectors state that the proposed balconies would result in loss of privacy and overlooking, as there is a 1m gap proposed between the building and the screening of the balcony.

Officer's comments

The development is approximately 24.235m away from the other properties on the opposite side of the road, in Friern Road and 21.042m from those in Upland Road. This complies with section 2.8 'Privacy and security' of the Residential Design Standards 2011, which states that to prevent unnecessary problems of overlooking, loss of privacy and disturbance, development should achieve a minimum distance of 12 metres at the front of the building and any elevation that fronts onto a highway.

Additional representations

- 3.10 Neighbours remain concerned that the draft decision notice contains standardised conditions that do not provide adequate assurances, regarding the quality of materials or architectural detailing in the actual build.

Officer's comments

Both these terraces are modest in size (5.19m² and 6.56m²), have a separation distance of more than 21m from the nearest neighbouring property and are located behind brick screen walls, so that there is no direct overlooking onto neighbouring sites.

Additional representations

- 3.11 As a direct and very clear consequence of this overdevelopment of the site's footprint, there has been a reinstatement of two balconies on the Upland Road elevation.

Officer's comments

Condition 7 requires a 1m sample panel to be erected on site to discharge the materials proposed for the development. This is a bespoke condition relating to this proposal that would ensure a use of high quality materials in the construction of this development. A further condition has been added to this proposal requiring section drawings to be discharged before commencement of the scheme.

Additional representations

- 3.12 In addition, there is still no condition on the draft decision notice relating to a replacement boundary wall, despite Members and neighbours acknowledging the negative impact the existing one has on the streetscene.

Officer's comments

Paragraph 206 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are:

- necessary;*
- relevant to planning and;*
- to the development to be permitted;*

- enforceable;
- precise and;
- reasonable in all respects.”

Those conditions deemed necessary by officers in accordance with the above tests are set out within the main recommendation.

The boundary wall does not form part of the application, therefore, it would be unreasonable to condition the removal or replacement of it.

Additional representations

- 3.13 Finally, we also wish to highlight to Members that the officer report refers to the 2015 Technical Update to the Residential Design Standards SPD (2011), whereas neighbours have referred to the original version of the 2011 SPD.

Officer's comments

The officer agrees with paragraph 15 of the objector's report. The 2015 Technical Update did not propose any changes to the guidance on outdoor amenity space or how this should be measured (sections 2.6 and 3.1 of the SPD) and therefore the 2011 SPD references remain entirely valid.

Item 7.2 – Application 15/AP/4008 for: S.73 Variation of Condition – The Horace Jones Vault, Shad Thames, London, SE1 2UP

- 3.14 The Committee is asked to note a variation to the proposed recommendation. Condition 6 has been varied to include the words in bold as set below:

6) The use hereby permitted for the use of a cafe bar/coffee shop, serving licensed alcoholic drinks, shall not be carried on outside of the hours 8:00am to 11pm on Monday to Saturday or 8:00am to 10.30pm on Sundays. The use of the outside seating area shall not be carried on outside of the hours 8:00am to 9.30pm Monday to Sundays, **meaning that steps are taken so that at 9.31pm the outside seating area no longer has any patrons within it and all glassware, crockery and cutlery is removed from the area.**

Reason:

To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

Item 7.3 – Application 15/AP/3382 for: Full Planning Permission – Hillside, Fountain Drive, London, SE19 1UP

- 3.15 An additional objection was received on 14th January 2016. The representation makes the following points, with officer comments provided beneath each bullet point:

- The only clear view through the two blocks would be from 11A Sydenham Hill. The view from 9 Sydenham Hill would be completely blocked.

3.16 Officers take the view that the gap between the proposed blocks would be sufficiently wide to provide visual relief between the two blocks. See point below in relation to loss of 'view'.

- A photograph has been prepared by the occupier of 9 Sydenham Hill in an attempt to show the impact of the proposed development from the rear garden and rear facing windows of the property which indicates the loss of view.

3.17 The loss of a defined 'view' is not a material planning consideration. In this case, what can be seen from the rear facing windows and garden of the neighbouring properties to the rear will change, this is not considered to be materially harmful to residential amenity. This is on the basis of the separation distance between the existing and proposed buildings as well as the change in ground level relative to the height of the proposed buildings.

- Green roof would not be visible from neighbouring properties and rear facing windows would result in overlooking.

3.18 Given the geometry of the roof form as well as the situation of neighbouring properties to the rear at a higher level it is considered that part of the roof would be visible from some properties. The proposed green roof would be an attractive solution to the design of a flat roof.

- Do not agree that the position of neighbouring properties to the rear provides adequate mitigation against the visual impact of the development and does not take account of the relative impact of the repositioned buildings compared to the existing house and previously permitted development.

3.19 A comparative site plan has been provided which shows the relative position of the existing, previously approved and proposed development and the sections show the relative position of neighbouring properties. The report acknowledges that the southern block is wider, but this is not considered to be material harmful to amenity given views that remain available between the two building blocks, and south west.

- The proposal does not address road safety issues raised by objectors.

3.20 Road safety was considered to be acceptable as part of the previous application and the position of the crossovers remain similar to before. Whilst the proposal would generate additional vehicular movements associated with the additional house proposed. This would not be a material increase that would present significant additional road safety considerations.

Room sizes

3.21 Each house is between 248-254 sqm which exceeds the minimum size of 113sqm set out in the Residential Design Standards SPD. Each room size has been assessed against the recommended sizes contained in the SPD and each room significantly exceeds the minimum requirement.

Tree Removal

3.22 The addendum to the original Arboricultural Survey confirms that no additional tree removal is required as a result on the proposed increase in the number of residential units from five to six. It is proposed to add an additional condition to secure replacement tree planting as follows:

“Prior to works commencing, full details of all proposed tree planting totaling 600cm of stem girth shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, and confirmation of location, species, sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season., unless the local planning authority gives its written consent to any variation.”

The proposed condition will ensure that there is no loss of tree cover when measured by stem size.

Ecology

- 3.23 As set out in the committee report, the previously approved proposal was subject to the submission of a Bat Survey which identified that the existing building was highly unlikely to support the roosting of bats. As this survey is out of date the council's Ecology officer has recommended that an additional survey be undertaken to confirm this remains the case. The survey is required to be submitted and approved by the council *prior* to commencement of the development. There is also a condition requiring installation of bat boxes within the propose development.

Construction

- 3.24 The council has existing powers to control any adverse impact arising from construction activity under the Control of Pollution Act 1947. Major building works that are likely to disturb local resident's noisy works are only permitted between:

- Monday-Friday 8am-6pm
- Saturday 8am-1pm
- Work is not allowed on Sundays and Bank Holidays

Bin and cycle stores

- 3.25 Bin and cycle stores are proposed to the front of each block (shown on the proposed lower ground floor plan).

Materials

- 3.26 The proposed materials are as follows:
Native sweet chestnut timber cladding with handmade brickwork at entrance level and bronze reveals to the windows. The applicant has specifically chosen the proposed timber cladding as it is recognised as a durable material which requires little maintenance which weathers to natural silvery appearance.

- 3.27 The proposed green roofs are subject to a condition requiring further information in relation to their specification and maintenance.

Separation distances and daylight test

- 3.28 The key separation distances have been annotated on the proposed site plan and proposed section FF to assist members' understanding of the key spatial relationships. In addition the 25 degree daylight test referred to in the officer report is also shown on proposed section FF.

CIL information

- 3.29 Section 143 of the Localism Act states that any financial contribution received in terms of community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions. The requirement for payment of the Mayoral or Southwark CIL is therefore a material consideration; however the weight attached is determined by the decision maker. The Mayoral CIL is required to contribute towards strategic transport investments in London as a whole, primarily Crossrail, while Southwark's CIL will provide for infrastructure that supports growth in Southwark.
- 3.30 In Southwark the Mayoral CIL was established at a rate of £35 per sqm of new development, although this is an index linked payment. The Southwark CIL rate is based on the type and location of the development. The Mayoral CIL in Southwark currently is calculated on the basis of £40.02 per sqm and this equates to £67,591 and Southwark CIL amount is £331,269.

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 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