

Item No. 7.2	Classification: Open	Date: 13 June 2017	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 17/AP/0600 for: Full Planning Application Address: 100 LORDSHIP LANE, LONDON SE22 8HF Proposal: Installation of a stainless steel, cylindrical air extraction flue to the north flank elevation of 100 Lordship Lane.		
Ward(s) or groups affected:	East Dulwich		
From:	Director of Planning		
Application Start Date 29/03/2017		Application Expiry Date 24/05/2017	
Earliest Decision Date 05/05/2017		Target Decision Date 20/06/2017	

RECOMMENDATION

1. That planning permission be granted, subject to conditions.

BACKGROUND INFORMATION

2. This application is reported to planning committee following a referral request from councillors.

Site location and description

3. The site is located on the west side of Lordship Lane just south of the junction with Chesterfield Grove and comprises a two-storey, semi-detached building with a A1 shop to the ground floor fronting Lordship Lane and a single residential flat above. The property has also been recently extended with a rear single storey and basement level extension, accommodating a one bedroom flat. A secondary access from Chesterfield Grove runs to the rear of the site. The site is located in Lordship Lane District Town Centre and is also within a protected shopping frontage. It is not within a conservation area and there are no listed buildings in the immediate vicinity.

Details of proposal

4. The proposed flue and ducting are proposed in association with the use of part of the existing local convenience shop as a 'Subway' sandwich shop. Such sandwich shops are regarded as Class A1 (retail) uses therefore there is no change of use to the existing shop.
5. The flue would be attached to the first-floor of the north side flank wall of the property, 0.5m from its main rear elevation and sited behind two existing air-conditioning units. It would be made of stainless steel and would have a 450mm x 600mm cross-section. It would sit 0.8m out from the wall, which is just sufficient distance to clear the eaves of the property and it would terminate 1 metre above the eaves.
6. The applicant has stated that the development is required to extract air to aid

ventilation within the store and to remove heat from a bread oven which would be used twice a day for period of approximately 1 hour and no later than 8pm on any given day.

7. Planning history

<p>05/AP/0940 Advertisement Consent (ADV): The display of internally illuminated fascia and projecting sign plus a non-illuminated sign on the existing paperbox. GRANTED: 07/07/2005</p>
<p>07/AP/0840 Full Planning Application (FUL): Rear extensions at basement, ground, first and second (roof) floor levels with formation of lightwell and stairs at basement and ground floor and roof terraces at first and second floor levels. Mansard roof extension to front with increased roof ridge-line. Creation of 1 x self-contained studio flat within part of basement, and 2 x 2-bed flats on first and second floors. Use of ground floor rear extension and part of basement in association with the ground floor retail unit. Alterations to shop front to create new separate entrance to upper flats. REFUSED: 15/08/2007</p> <p><u>Reasons for refusal:</u></p> <ol style="list-style-type: none">1. The proposed rear additions including terraces and the mansard roof addition would result in adverse impacts on the amenity enjoyed by occupiers of the adjoining sites at No. 98 and 102 Lordship Lane, Chesterfield Grove and Sage Mews. The proposed extensions, by reason of their excessive depth, height, bulk and scale would result in an increased sense of enclosure, loss of sunlight and daylight access to habitable room windows and the terraces would lead to significantly increased overlooking. As such the proposal would be contrary to policy 3.2 Protection of Amenity of the Southwark Adopted Unitary Development Plan 2007.2. The proposed mansard roof extension, by reason of its size, scale, height, design and materials would constitute a development that would be visually overbearing and overdominant to the existing dwelling and would be harmful to the character of the street. As such the proposal would be contrary to policies 3.12 Quality in Design and 3.13 Urban Design of the Adopted Southwark Unitary Development Plan 2007.
<p>07/AP/2173 Full Planning Application (FUL): Rear extension at basement, ground floor and first floor, with formation of lightwell and stairs at basement and ground floor. Erection of rear dormer roof extension and two skylights at front roof slope. Metal stairs at side for rear access. Raising of chimney stack and party wall. Creation of 1 x self-contained studio flat within part of basement, and 2 x 1-bed flats on first and second floors. Use of ground floor rear extension and part of basement in association with the ground floor retail unit. Alterations to shopfront and separate entrance to upper flats REFUSED: 19/12/2007</p> <p><u>Reasons for refusal:</u></p> <ol style="list-style-type: none">1. The proposal, by reason of insufficient total floor area for two of the three proposed flats and layout of the basement flat and flat B, constitutes substandard accommodation detrimental to the living conditions for future occupiers. The proposal is therefore contrary to Policies 3.2 'Protection of Amenity', 3.11 'Efficient Use of Land' and 4.2 'Quality of Residential

Accommodation' of the Southwark UDP 2007, and SPG 5 'Standards, Controls and Guidelines for Residential Development' (adopted 1997).

2. The proposed rear additions would result in adverse impacts on the amenity enjoyed by occupiers of the adjoining sites at No. 98 and 102 Lordship Lane, Chesterfield Grove and Sage Mews. The proposed extensions, by reason of their excessive depth, height, bulk and scale would result in an increased sense of enclosure, loss of sunlight and daylight access to habitable room windows, and the first floor extension and dormer windows would lead to significantly increased overlooking. As such the proposal would be contrary to policy 3.2 'Protection of Amenity' of the Southwark Adopted Unitary Development Plan 2007.
3. The proposed first floor rear extension by reason of its excessive depth, height, bulk, scale and relationship with the eaves would result in a dominant feature, combined with the rear dormer window by reason of its excessive height, would detract from the appearance and character of the building and the immediate vicinity and would cause harm by loss of visual amenity contrary to policies 3.2 Protection of Amenity and 3.12 Quality in Design of the Southwark Adopted Unitary Development Plan 2007.

07/AP/2940

Full Planning Application (FUL): Erection of an extension at rear of basement, ground & first floor levels; rear dormer window extension at roof level with 2No skylights at front roof slope; to provide 1 x 1 bed unit and office/storage within basement; enlarged retail shop (Class A1) on ground floor level; 2- bedroom flat on first floor and within roof space; alterations to shop front to provide separate access to the basement flat and new first/second floor flat.

REFUSED: 04/03/2008.

Reasons for refusal:

1. The proposals would provide a poor standard of accommodation for future residential occupiers including unsatisfactory natural light provision, poor outlook, feeling of enclosure and cramped internal layout contrary to policies SP17 and 4.2 of the Adopted Unitary Development Plan (2007) and Residential Development Supplementary Planning Document (2007).
2. The proposed development would fail to achieve an unacceptable standard of urban design due to the inappropriate positioning of external refuse/recycling storage contrary to policies SP13 and 3.12 of the Adopted Unitary Development Plan (2007).
3. The proposed rear roof and first floor rear extensions would by reason of their siting, design, bulk and massing, be incongruous and unsympathetic additions, detrimental to the appearance and character of the host building, contrary to policies SP13, 3.12 and 3.13 of the Adopted Unitary Development Plan (2007) and Residential Development Supplementary Planning Document (2007).

08/AP/1212

Full Planning Application (FUL): Erection of rear basement and ground floor extensions, installation of 2 rooflights to the front roof slope and provision of a new shopfront; in connection with the enlargement of the existing ground floor retail unit and the provision of 2 x 1 bed flats.

GRANTED: 10/09/2008

09/AP/2357

Full Planning Application (FUL): Basement, ground and first floor rear extensions, a dormer window extension to the rear roof and 1no. skylight at the front roof slope; access stairs to basement to rear. Conversion to a two-bed unit on the first floor and loft and 1 one-bed unit within the basement level, with the main access to the flats from Chesterfield Grove; extension to the retail shop on ground floor; bin and bike store to rear ground floor.

REFUSED: 23/12/2009

Reasons for refusal:

1. The proposal would, due to the siting, bulk and mass of the proposed rear addition, lead to an overbearing form of development that will impact on the amenities of adjoining occupiers, as well as occupiers of the proposed basement unit in terms of privacy, dominance and a loss of natural light, contrary to policy 3.2 Protection of amenity, 3.12 Quality in design and 4.2 Quality of residential accommodation of the Southwark Plan 2007 [July].
1. The proposal represents an overdevelopment of this property, by reason of the excessive scale of extensions and the drive to maximize development at the expense of providing good residential amenity standards as demonstrated by the unsatisfactory natural light provision, poor outlook, feeling of enclosure and cramped internal layout to the basement flat and the lack of private amenity space provided to either unit. As such the proposal is contrary to policies 3.2 Protection of amenity, 3.11 Efficient use of land and 4.2 Quality of residential accommodation of the Southwark Plan 2007 [July] and to the Residential Design Standards Supplementary Planning Document (SPD) 2008.
2. The proposed rear addition would, by reason of its scale and detailed design, in particular the materials and glazing detail to the windows, form an incongruous and unsympathetic addition, detrimental to the appearance and character of the host building. As such the proposal is contrary to policies 3.12 Quality in design and 3.13 Urban design of the Southwark Plan 2007 [July].

10/AP/0532

Full Planning Application (FUL): Basement, ground and first floor rear extensions, dormer window extension to the rear roof, one new skylight at the front roof slope and one new skylight at the side roof slope; conversion to a 1 one bed unit on the basement and ground floor and 1 two bed unit on the first floor and loft, with the main access to the flats from the Chesterfield Grove; refurbishment of the retail shop with new shopfront on ground, and basement conversion into retail shop store area; bin and bike store to rear ground floor.

REFUSED: 17/05/2010

Reasons for refusal:

1. The proposal represents an overdevelopment of this property, by reason of the drive to maximize development at the expense of providing good residential amenity standards as demonstrated by the unsatisfactory natural light provision, poor outlook, feeling of enclosure, lack of privacy and the lack of private amenity space provided to the proposed units. As such the proposal is contrary to policies 3.2 Protection of amenity, 3.11 Efficient use of land and 4.2 Quality of residential accommodation of the Southwark Plan [July 2007] and to the Residential Design Standards Supplementary Planning Document (SPD) 2008.

<p>2. The proposal would, due to the height, bulk and mass of the proposed extension of the rear addition, lead to an overbearing form of development that would be detrimental to the visual amenities of the existing adjoining occupiers, contrary to policy 3.2 Protection of amenity of the Southwark Plan [July 2007].</p>
<p>11/EN/0334 Enforcement type: Change of use (COU) Building being advertised for sale with planning permission for two flats when planning permission has been refused. Sign-off date 10/08/2011 Sign-off reason: Final closure - no breach of control (FCNB)</p>
<p>14/EN/0210 Enforcement type: Unauthorised building works (UBW) Sign-off date 25/07/2014 Sign-off reason: Final closure - no breach of control (FCNB)</p>
<p>14/AP/3173 Full Planning Application (FUL): Erection of single storey first floor rear extension and insertion of x2 windows to rear elevation GRANTED: 12/11/2014</p>
<p>15/AP/1847 Full Planning Application (FUL): Retention of: (i) reduction in size of A1 shop; (ii) insertion of an additional opening to the ground floor rear elevation; (iii) increase of 1 bedroom flat to a 2 bedroom flat; and (iv) relocation of main entrance from front to rear. GRANTED: 30/09/2015</p>
<p>15/EN/0132 Enforcement type: Unauthorised building works (UBW) New development not being built in accordance to approved plans Sign-off date 07/10/2015 Sign-off reason: Final closure - breach regularised (FCBR)</p>
<p>16/AP/3681 Advertisement Consent (ADV): Display of 1 fascia sign, with existing external illumination and 1 internally illuminated projecting sign. GRANTED: 11/11/2016</p>

Planning history of relevant neighbouring sites

8. 98 Lordship Lane
96/AP/0936
Change of use of ground floor shop premises to estate agents (A2).
GRANTED: 01/11/1996

KEY ISSUES FOR CONSIDERATION

Summary of main issues

9. The main issues to be considered in respect of this application are:
- The impact of the development on the amenity of neighbouring properties.
 - The design of the development and its impact on the character and appearance of the local area.
 - All other relevant material planning considerations.

Planning policy

10. National Planning Policy Framework (Published 27 March 2012)
The National Planning Policy Framework was published in March 2012 and established the Government's strategy for the delivery of sustainable development. Whilst not policy in itself, all local planning policies must be in general conformity with the NPPF and it is a material consideration in the determination of planning applications. In addition to the Core Planning Principles enshrined in the NPPF, the following sections are most relevant to the proposed development:

Core Planning Principles
Section 7: Requiring good design
Section 11: Conserving and enhancing the natural environment

11. The London Plan (2016)
Policy 7.4 - Local character
Policy 7.6 - Architecture
Policy 7.14 - Improving air quality
Policy 7.15 - Reducing and managing noise, etc
12. Southwark Core Strategy (2011)
Strategic Policy 1 - Sustainable development
Strategic Policy 3 - Shopping, leisure and entertainment
Strategic Policy 12 - Design and conservation
Strategic Policy 13 - High environmental standards
13. Southwark Unitary Development Plan (2007) - Saved Policies
The Council's cabinet on 19th March 2013, as required by para. 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 3.1 - Environmental effects
Policy 3.2 - Protection of amenity
Policy 3.6 - Air quality
Policy 3.12 - Quality in design
Policy 3.13 - Urban design

Summary of neighbour consultation responses

14.	Total number of representations:	1			
	In favour: 0	Against: 1	Neutral: 0		
	Petitions in favour: 0	Petitions against: 0			

Summary of issues raised

15. 98b Lordship Lane (Objection)
The flue would only be 5-6 metres from the front windows of this first floor flat which will mean fumes from the vent will blow directly into my living room, resulting in smell pollution. They were also concerned about its size and the impact it might have on the view of Lordship Lane from their living room window. At the height proposed, the fumes will also affect anybody living in the flat above 100 Lordship Lane, as well as

the flat at 103 Lordship Lane.

Summary of other statutory and non-statutory consultation responses

16. Southwark Environmental Protection Team

The noise assessment is acceptable, provided that the plant specified in the report is commissioned.

The impact of the development on the amenity of neighbouring properties

17. Saved policy 3.2 (Protection of amenity) of the Southwark Plan (2007) seeks to ensure that new development does not compromise the amenities enjoyed by existing neighbours, for example, by protecting adequate daylight and sunlight, privacy, immediate outlook and a reasonable degree of peace and quiet.
18. The closest residential properties to the site are the two flats at the subject property, one on the ground-floor to the rear of the shop and one at first-floor level. Also adjoining the site to the north is a 1-bed flat at 98b Lordship Lane. The occupiers of this flat have objected to the application.
19. There are no residential windows in the same flank wall to which the flue would be attached. Just around the corner in the main rear elevation there is a small window which serves living room of the first floor flat and beyond this where the property has been extended by a first-floor rear extension there is a kitchen window in the rear elevation of this extension.
20. The ground-floor flat within the application site is fully to the rear of where the flue and duct would be located and would not be directly adjacent to the proposed flue.
21. The first-floor flat to the north at 98b Lordship Lane has two first-floor windows in the south flank wall of what appears as an inset rear outrigger but which is in fact a later rear extension to the property. The window furthest from the proposed flue serves a bathroom while the one nearest to the flue serves a study / home office and would be approximately 5 metres away from it. The flat's bedroom is served by a window in the main rear elevation which is approximately 3 metres from the proposed flue position although it faces away from it.
22. Noise
In relation to the noise impact of the proposal, the environmental protection team advised that the plant noise assessment that was initially submitted with the application was unsatisfactory. Following this feedback from officers the applicant then commissioned and submitted a new plant noise assessment and EPT found this new assessment to be satisfactory, recommending approval provided that the upgraded noise-attenuation equipment specified in the report is commissioned and included. A condition requiring this is recommended.
23. Odour
The EPT did not comment at any time on the potential odour impacts of the proposal. However, by their nature 'Subway' sandwich shops prepare and sell cold, fresh food and their operation does not involve any 'primary cooking', hence why they are considered, in most cases (particularly where the units are small with either no, or very limited, seating) to fall under Class A1 (retail).
24. As such, having regard to the position of the flue away from residential windows (notwithstanding its relative proximity) and the fact that its design would adhere to the DEFRA guidance (Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, DEFRA, 2005) by projecting at least 1 metre above the roof

eaves (as to project above the ridge of the property's hipped roof by 1 metre would not be either practically feasible nor desirable in planning terms due to its excessive visual impact), it is considered that its twice-daily use for 1 hour to serve a bread oven to bake fresh rolls or 'Subs' would be unlikely to cause odour and/or fume pollution to such a degree that it would cause significant harm to the amenities of neighbouring residential occupiers.

25. However, notwithstanding this view, for the avoidance of any doubt a planning condition has been recommended which requires the details of appropriate odour neutralisation measures to be submitted for approval. With such a condition in place officers are very satisfied, despite the concerns raised by a neighbouring resident, that the proposal would not cause any material harm to existing residential amenity and would therefore comply with saved policy 3.2 of the Southwark Plan.

The design of the development and its impact on the character and appearance of the local area

26. The combination of the narrowness of the gap between No.98 and No.100, the limited height and size of the flue (and the intervening higher hipped roofs of these properties) and its position only 0.5m from the main rear wall of the property, would mean that only a fleeting, glimpsed view of it would be possible within Lordship Lane and as such it would not, in the view of officers, cause any significant harm to the character or appearance of the street.
27. Likewise, it would also not be readily visible from the nearest side street of Chesterfield Grove due to the limited size of the gap in the streetscene between 2a Chesterfield Grove and 96 Lordship Lane and because of the intervening height and bulk of the rear parts of 96 and 98 Lordship Lane. While it is noted that the objector is concerned about the impact of the flue on views of Lordship Lane from the living-room of the first-floor flat at 98b Lordship Lane, the only windows serving their living room would front onto Lordship Lane and as such would not have any views of the proposed flue. Furthermore, the flue would also not be visible from the rear-facing bedroom window in the main rear elevation of the property. The only habitable room within the flat at 98b Lordship Lane from which the proposed flue would be visible would be the study at the rear. As such, outlook from the adjacent property would not be unduly restricted as a result of the proposed flue.
28. In summary, officers are satisfied that the proposed flue and associated ductwork would have a negligible visual impact on the character and appearance of the surrounding streetscene and would not cause any significant harm to the visual amenity of neighbouring residential occupiers and as such it is considered that the proposal would comply with policies 3.12 (Quality in design) and 3.13 (Urban design) of the Southwark Plan (2007).

Environmental impact assessment

29. Not required.

Transport impacts

30. N/A.

Flood risk

31. N/A.

Planning obligations (S.106 undertaking or agreement)

32. None required.

Sustainable development implications

33. None.

Other matters – Mayoral and Southwark Community Infrastructure Levies (CIL)

34. This development is not CIL liable.

Conclusion on planning issues

35. For the reasons discussed above, the proposal is considered to be acceptable and it is therefore recommended to the Committee that the application should be granted subject to appropriate planning conditions.

Community impact statement

36. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. The impact on local people is set out above. There are no issues relevant to particular communities/groups likely to be affected by the proposal, and, there are no likely adverse or less good implications for any particular communities/groups.

Consultations

37. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

38. A summary of the consultation responses received are set out in Appendix 2.

Human rights implications

39. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
40. This application has the legitimate aim of seeking planning permission for the erection of a commercial flue. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2315-94 Application file: 17/AP/0600 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 4877 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Ciaran Regan, Senior Planning Officer	
Version	Final	
Dated	30 May 2017	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team		31 May 2017

APPENDIX 1

Consultation undertaken

Site notice date: 10/04/2017

Press notice date: n/a

Case officer site visit date: 11/04/2017

Neighbour consultation letters sent: 12/04/2017

Internal services consulted:

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

100 Lordship Lane London SE22 8HF
98a Lordship Lane London SE22 8HF
98b Lordship Lane London SE22 8HF

102 Lordship Lane London SE22 8HF
100a Lordship Lane London SE22 8HF
100b Lordship Lane London SE22 8HF
98 Lordship Lane London SE22 8HF

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

98b Lordship Lane London SE22 8HF