

<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 31 October 2017	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 17/AP/2948 for: Full Planning Application  <b>Address:</b> 10 MIDDLETON DRIVE, LONDON, SE16 6RZ  <b>Proposal:</b> Conversion of the existing single dwellinghouse into x1 3-bedroom flat, x1 studio flat and x1 1-bedroom flat; construction of one single-storey rear extension and two single-storey side extensions, all at ground floor level; installation of a window and door on the front elevation at ground floor level; installation of x4 rooflights on the main pyramid roof; installation of x2 rooflights on the roof of the three-storey rear wing.		
<b>Ward(s) or groups affected:</b>	Rotherhithe		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 01/08/2017		<b>Application Expiry Date</b> 26/09/2017	
<b>Earliest Decision Date</b> 08/09/2017			

## RECOMMENDATION

1. That members grant full planning permission subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

2. The application site comprises a three-storey four-bedroom family dwellinghouse with private rear amenity space of approximately 80 square metres and a portion of a front forecourt shared with the two adjoining properties, no. 8 Middleton Drive and no. 12 Middleton Drive. Single-storey extensions are presently under construction to either side (northeast and southwest) of the original body of the building and to the rear (southeast) of the rear wing.
3. The application site is bounded to the northeast by nos. 1, 2, 3, 4, and 5 Drake Close and no. 8 Middleton Drive. Adjoining the site to the southwest are nos. 12 and 14 Middleton Drive and nos. 1 and 2 Hardy Close. To the northwest is the highway of Middleton Drive, directly beyond which is the Albion Canal.
4. The ground level across the site is flat, and there are no notable changes in ground level between the application site and any adjoining land.
5. The application site is not a listed building nor is it located within a Conservation Area. There are no nearby designated heritage assets. The site falls within the Canada Water Action Area, the Urban Density Zone and an Air Quality Management Area.

## **Details of proposal**

6. Planning permission is sought for the conversion of the dwellinghouse into three separate self-contained flats. The proposed ground floor flat would be a three-bedroom unit, the proposed first floor flat would be arranged in an open-plan 'studio' format, and the proposed uppermost flat—which would be laid out over two storeys—would be a one-bedroom unit. The three flats would be served by a communal stairwell. The proposed ground floor unit would benefit from sole use of the rear garden. In association with the conversion of the dwellinghouse, the following extensions and alterations are proposed:

### Construction of two single-storey side extensions at ground floor level

7. The two symmetrically-matching extensions would each measure 3.10 metres in width, 5.20 metres in depth, 3.10 metres in height to the eaves and 4.10 metres in maximum height. Each extension would have brick-faced elevations and the roof slopes would be tile-hung. One brown uPVC-framed window would be installed to the front elevation of each extension. Extensions of very similar proportions are presently under construction but not substantially complete, having been consented as part of a previous planning application (14/AP/0306); the extensions proposed by this application differ from the consented scheme in terms of the arrangement of the windows and doors.

### Construction of a single-storey rear extension at ground floor level

8. The single-storey flat-roof rear extension would measure 5.30 metres in width, 3.20 metres in depth and 3.10 metres in height. The extension would be brick-faced and a set of brown uPVC-framed patio doors and windows would be installed on the rear elevation. An extension of very similar proportions is presently under construction but not substantially complete, having been consented as part of a previous planning application (14/AP/0306); the extension proposed by 17/AP/2948 differs from the consented scheme in that the windows are slightly longer.

### Fenestration changes to the front elevation at ground floor level

9. A new entrance door and window are proposed to the front elevation, both to be brown uPVC-framed, in place of the existing set of double doors. All infilling and making good would be in like-for-like brick.

### Installation of four rooflights on the main pyramid roof as part of the conversion of the attic space

10. Four rooflights, each with a grey frame to match the colour of the host roof slope, would be installed on the main pyramid roof. Two would be installed on the front (northwest) roof slope, one on the side (northeast) roof slope and one on the rear (southwest) roof slope.

### Installation of two rooflights on the roof of the three-storey rear wing

11. Two rooflights, each with a grey frame to match the colour of the host roof slope, would be installed on the pitched roof of the rear wing.

## **Planning history**

12. The following planning history exists for the application site:

Application reference no.: 07/AP/1589

Application type: Full Planning Application (FUL)

*Erection of three storey extensions to both sides of existing house, to provide additional residential accommodation.*

Decision date 30/10/2007

Decision: **Refused (REF)**

Reason(s) for refusal:

1. The proposal, by reason of its height, mass, bulk and detailed design, would fail to respond positively to its surroundings. The inappropriate scale and design of the building would have a dominating effect on the existing dwelling and would appear visually intrusive in the streetscape creating a terracing effect within an area of detached houses. This is contrary to Policies 3.2 'Protection of Amenity', 3.12 'Quality in Design' and 3.13 'Urban Design' of The Southwark Plan 2007 (July) and would have an unacceptable impact on the visual amenity of the area.
2. The proposed development by virtue of its scale, height and location in close proximity to the site boundary and the proposed windows on the rear elevation would have an adverse impact on the occupiers of adjoining properties in terms of a loss of privacy and daylight/sunlight. This is in conflict with the guidelines contained within SPG 5: Standards, Controls and Guidelines for Residential Development and Policies 3.2 'Protection of Amenity', 3.11 'Efficient Use of Land' and 3.12 'Quality in Design' of The Southwark Plan 2007 (July).
3. The excessive scale, bulk, height and mass of the proposed development in relation to the adjoining properties would represent an oppressive form of development that would result in an increased sense of enclosure detrimental to the residential amenities of the adjoining occupiers. As such the proposal is contrary to Policies 3.2 'Protection of Amenity', 3.11 'Efficient Use of Land' and 3.12 'Quality in Design' of The Southwark Plan 2007 (July).

Application reference no.: 08/AP/1168

Application type: Full Planning Application (FUL)

*Extensions to both sides on ground and first floor levels to provide increased accommodation for dwellinghouse.*

Decision date 26/08/2008

Decision: **Refused (REF)**

Reason(s) for refusal:

1. The proposal, by reason of its height, mass, bulk and detailed design, would fail to respond positively to its surroundings. The inappropriate scale and design of the building would have a dominating effect on the existing dwelling and would appear visually intrusive in the streetscape creating a terracing effect within an area of detached houses. This is contrary to Policies 3.2 'Protection of Amenity', 3.12 'Quality in Design' and 3.13 'Urban Design' of The Southwark Plan 2007 (July) and would have an unacceptable impact on the visual amenity of the area.
2. The proposed development by virtue of its scale, height and location in close

proximity to the site boundary and the proposed windows on the rear elevation would have an adverse impact on the occupiers of adjoining properties in terms of a loss of privacy and daylight/sunlight. This is in conflict with the guidelines contained within SPG 5: Standards, Controls and Guidelines for Residential Development and Policies 3.2 'Protection of Amenity', 3.11 'Efficient Use of Land' and 3.12 'Quality in Design' of The Southwark Plan 2007 (July).

3. The excessive scale, bulk, height and mass of the proposed development in relation to the adjoining properties would represent an oppressive form of development that would result in an increased sense of enclosure detrimental to the residential amenities of the adjoining occupiers. As such the proposal is contrary to Policies 3.2 'Protection of Amenity', 3.11 'Efficient Use of Land' and 3.12 'Quality in Design' of The Southwark Plan 2007 (July).

Application reference no.: 09/AP/0294

Application type: Certificate of Lawfulness - proposed (CLP)

*Single storey side extension to provide additional residential accommodation.*

Decision date 16/07/2009

Decision: **Refused (REF)**

Reason(s) for refusal:

1. The proposed development is not considered to be lawful as the property does not benefit from permitted development rights, which were removed by virtue of condition 8 of the London Docklands Development Corporation planning application reference S/85/1 dated 19/02/1985.

Application reference no.: 14/AP/0306

Application type: Full Planning Application (FUL)

*Erection of single storey rear extension and two single storey side extensions to the rear to provide additional accommodation to dwellinghouse.*

Decision date 30/06/2014

Decision: **Granted (GRA)**

Reason why 154/AP/0306 was granted:

The two previously-refused applications at this site (07/AP/1589 and 08/AP/1168) proposed much larger forms of development: 07/AP/1589 proposed a three-storey extension to either side of the dwellinghouse and 08/AP/1168 proposed a two-storey extension to either side of the dwellinghouse. Both were refused for their harmful impact on neighbours' amenity and their excessive size. 14/AP/0306 proposed single storey extensions to the side and rear, which by comparison with the two previous applications, caused no undue harm in terms of visual or neighbour amenity. Hence, 14/AP/0306 was granted permission.

Application reference no.: 15/AP/4493

Application type: Certificate of Lawfulness - proposed (CLP)

*Certificate of Lawful Development (proposed) for change of use from a single family dwelling use class C3 to a house in multiple occupation use class C4*

Decision date 06/01/2016

Decision: **Granted (GRA)**

Enforcement case number: 17/EN/0298  
Enforcement type: Unauthorised building works (UBW)

*Rear extension being constructed taller than consented by 14AP0306 and formation of a HMO (Sui Generis) of more than six persons.*

Decision date: 03/07/2017

Decided Action: **Planning Application Invited (PAI)**

Summary of outcome:

- On the advice of the enforcement officer, the roof was reconstructed with a shallower profile, which effected a reduction in the height of the extension to approximately 3.10 metres. The Planning Enforcement team considered this consisted of a non-material change, thereby resolving the breach.
- The applicant was planning an HMO / arrangement of studio flats for at least eleven persons. It was advised that consent is required for a Sui generis HMO with more than six people and that a development of three flats would be preferable so long as it is SPD and national space standard compliant and so long as a family sized unit is achieved. The enforcement officer invited a planning application for either flats or a large Sui generis HMO, advising that the latter could be problematic.

### **Planning history of adjoining sites**

4. While planning history cases exist for adjoining sites, none are relevant in the determination of 17/AP/2948.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

5. The main issues to be considered in respect of this application are:

The principle of the development in terms of land use and conformity with strategic policies;

- i. The impact of the development on the amenity of neighbours;
- ii. The impact of adjoining and nearby uses on occupiers and users of proposed development
- iii. The design of the proposal and its impact on the character and appearance of the streetscene and wider local area;
- iv. The quality of the proposed residential accommodation;
- v. Transport impacts including refuse, recycling and cycle storage arrangements;
- vi. Planning obligations and CIL
- vii. All other relevant material planning considerations.

#### **Planning policy**

6. National Planning Policy Framework (the Framework)

Section 6 - Delivering a wide choice of high quality homes  
Section 7 - Requiring good design

7. The London Plan 2016

- Policy 3.3 Increasing housing supply
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.17 Waste capacity
- Policy 6.3 Parking
- Policy 6.9 Cycling
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

8. Relevant Supplementary Planning Guidance / Documents (SPG/SPD)

Mayor of London: Housing (2016)  
Mayor of London: Accessible London: Achieving an Inclusive Environment (Saved SPG, 2004)  
Mayor of London: Sustainable Design and Construction (Saved SPG, 2006)

9. Core Strategy 2011

- Strategic Policy 1 Sustainable development
- Strategic Policy 2 Sustainable transport
- Strategic Policy 5 Providing new homes
- Strategic Policy 12 Design and conservation
- Strategic Policy 13 High environmental standards

Southwark Plan 2007 (July) - saved policies

10. The Council's cabinet on 19 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 3.7 Waste reduction
- Policy 3.11 Efficient use of land
- Policy 3.12 Quality in design
- Policy 3.13 Urban design
- Policy 4.2 Quality of residential accommodation
- Policy 4.3 Mix of dwellings
- Policy 5.2 Transport impacts
- Policy 5.3 Walking and cycling
- Policy 5.6 Car parking

11. Relevant Supplementary Planning Guidance / Documents (SPG/SPD)

2015 Technical Update to the Residential Design Standards (2011)  
Sustainable Design and Construction (2009)  
Sustainable Transport (2010)  
Waste Management Guidance Notes for Residential Developments (2014)

## 12. Summary of consultation responses

Total number of representations:	17				
In favour:	0	Against:	17	Neutral:	0
Petitions in favour:	0	Petitions against:	0		

13. A total of seventeen objections were received from members of the public to the proposed development. No supportive or neutral comments were received. A summary of the material planning considerations raised by the representations follows below:
- Loss of single family dwellinghouse
  - Efficient use of the land
  - Impact on the amenity currently enjoyed by neighbouring occupiers
  - Quality of design
  - Quality of proposed accommodation
  - Off-street parking reduction, local highway network impacts and servicing issues
  - Provision of refuse and cycle storage facilities
14. These matters are comprehensively addressed in the subsequent parts of this officer's report.
15. Aside from the material planning considerations listed above, members of the public raised concerns that proposed development would breach restrictive covenants stated within the title deeds to the property. Officers have reviewed these covenants which prohibit the use of the building other than as a single private residence and detail the access rights to the sides of the property. These restrictive covenants are covered by civil law and are private property matters, and as such are not material planning considerations. This application should be determined in accordance with planning policy and material considerations.

### **Consultation: Internal and external consultees**

#### Southwark Council's Transport team

16. The Transport team recommended a condition prohibiting occupiers of the dwellings from obtaining a parking permit.

#### Southwark Council's Environmental Protection team

17. The Environmental Protection Team requested that a condition stipulating minimum residential internal noise levels be attached to the decision notice in the event that planning permission is granted.

#### Thames Water

18. No objections received.

### **Principle of development in terms of land use and conformity with strategic policies**

#### Land use

19. The lawful use of the existing building is residential (C3 use class). As the proposed development would also be C3, the application raises no land use issues.

#### Residential density

20. The application site occupies 0.0222 hectares and the proposed development would deliver a total of eight habitable rooms. This would equate to residential density of 360 habitable rooms per hectare, which is acceptable in this Urban Density Zone location where densities should fall within a range of 200-700 habitable rooms per hectare. As such, it can be concluded that the proposed development would not represent an overdevelopment.

#### Loss of a single family dwellinghouse

21. Saved Policy 4.3 of the Southwark Plan states that permission will not be granted for the conversion of a single dwellinghouse of 130 square metres or less original net internal floorspace into two or more dwellings in order to retain properties for occupation by small families, for which there is a known need within the borough.
22. The subject dwellinghouse as originally constructed comprised an internal floorspace of 150.8 square metres (49.20 square metres at ground floor level, and 50.80 square metres on both the first floor and second floor). The principle of development is acceptable.
23. Some of the public objections contend that a condition was attached to the original grant of consent for the wider development (known at that time as "Housing Site 12, Surrey Quays") preventing the subdivision of the houses into flats. The Local Planning Authority has retrieved the original decision notice (London Dockland Development Corporation ref: S/85/154) and has found there to be no conditions precluding subdivision of any of the dwellinghouses within the development. Thus, the loss of the single family dwellinghouse would not breach any previously-imposed planning conditions.

#### **Impact of proposed development on amenity of adjoining occupiers and surrounding area**

##### Overlooking

24. At ground floor level, it is proposed to introduce a new door and window within the existing front elevation, together with one window in the front elevation of each of the proposed side extensions. None of these new glazed apertures would be angled or positioned sufficiently close to nearby windows such that neighbouring occupiers would experience a loss of privacy. It is also noted that the fenestration is not dissimilar to that of the consented and partially implemented scheme at this site (ref: 14/AP/0306).
25. The glazed doors and windows within the single-storey ground floor rear extension would offer views onto the garden of the subject property, which is enclosed by fencing. Thus, these new glazed apertures would not infringe on the privacy of any neighbouring occupiers.
26. All proposed glazed apertures on the upper floors would replicate the existing pattern of overlooking and all proposed rooflights would offer views to the sky. Thus, neighbours' amenity would be protected.

##### Sense of enclosure and outlook



27. The extensions proposed by this application are of an identical footprint and positioning to those approved under 14/AP/0306. However, in comparison with the earlier permission, the side extensions proposed now would be 30 centimetres greater at the eaves and 20 centimetres greater at their maximum height, while the rear extension would have an overall height 10 centimetres greater than the consented scheme. These increases in height do not represent a significant change to the previously-consented scheme. As such, it is not considered that the height, massing and scale of the proposed extensions would impact detrimentally on the sense of openness and quality of outlook enjoyed from neighbouring properties.

#### Daylight and sunlight

28. As explained above, the footprint and positioning of the extensions proposed by this application match that of the extensions approved under 14/AP/0306. The difference between the proposed extensions and those previously consented which has the potential to impact on daylight and sunlight receipt is the additional height. However, it is considered that the degree of change in comparison to the consented scheme would not be significant and all nearby clear-glazed apertures are a sufficient distance away from the proposed extension for there to be no risk of daylight and sunlight losses at neighbouring properties, especially when considered against the backdrop of the existing building

#### Noise disturbance

29. Some of the representations received as part of the public consultation process raised concerns that the conversion of the property to three dwelling units would result in increased noise levels post-occupation.
30. The existing dwelling has four bedrooms which could be occupied by eight people. The proposed development would deliver one five-person and two two-person dwellings resulting in an occupation of nine people, meaning the building would not undergo a considerable intensification of occupation. Furthermore, noise generated by typical domestic activities such as cooking and watching television is to be expected in a predominantly residential location such as this. Another relevant consideration is that, by reason of the subject property not directly adjoining other properties, no inter-dwelling noise transfer would arise. Taking these factors into account in the round, it is considered that existing nearby occupiers would not be subject to undue noise disturbance as a result of the proposed works.

#### **Impact of adjoining and nearby uses on occupiers and users of proposed development**

31. The local area is prevailingly residential. As such, it is not considered that any adjoining and nearby uses would restrict the future occupiers from making full use of the proposed development.

#### **The design of the proposal and its impact on the character and appearance of the streetscene and wider local area**

32. In terms of their positioning, footprint and use of materials, the proposed side and rear extensions match the extensions consented under 14/AP/0306. The two main respects in which the proposed scheme differs from 14/AP/0306 are that an alternative fenestration is proposed and the height of the extensions would be slightly greater. These are small-scale changes which are acceptable with respect to design.
33. Some of the representations received during the consultation process highlight that the brick in which the two partially-built side extensions are faced is of a colour not

matching the original building, despite this being a condition of the consent granted by 14/AP/0306. While it is undesirable that the extensions in their partially built form have been faced in a brick not matching the colour of any of the bricks on the existing property, the coursing is correspondent with the existing coursing, a shadow recess has been incorporated and the brick is of a reddish hue not markedly at odds with the existing finishes in the local area. On the basis of the foregoing, and taking into account that the property is well set-back from the public highway, the enforcement team has determined that the breach of condition does not cause significant harm and would not be expedient to enforce against.

34. The proposed window and door frames to be used on the side extensions and rear extension would be brown uPVC to match existing, which would achieve a consistency of style with the host building.
35. The use of roof tiles matching the existing tiles would secure a good quality of design.
36. The installations of rooflights are the only external changes affecting the outward appearance of the upper floors of the building. The rooflight frames would match the colour of the host roofslope so would not appear visually prominent or incongruous.
37. Complaints have been raised by neighbours that the external bin storage would be unsightly. However, storing wheelie bins externally is common in residential areas and would not cause undue harm to the visual amenity of the environs.

### **The quality of the proposed residential accommodation**

#### Sizes of flats, rooms and outdoor amenity space

38. The proposed development would deliver three new dwellings. The schedule of accommodation for the ground floor flat (a three-bedroom, five-person, single-storey unit) is set out below:

Room	Floor Area (sq. m)	Minimum Floor Area Req'ment (sq. m)	Complies?
Living/Kitchen/Dining	33.10	30.00	<b>YES</b>
Master (Double) Bedroom	14.10	12.00	<b>YES</b>
Second (Double) Bedroom	14.00	12.00	<b>YES</b>
Third (Single) Bedroom	8.10	7.00	<b>YES</b>
Bathroom	4.60	3.50	<b>YES</b>
Built-in Storage	5.10	2.00	<b>YES</b>
Dwelling	Floor Area (sq. m)	Minimum Floor Area Req'ment (sq. m)	Complies?

External Amenity Space	70.60	10.00 (desirable)	<b>YES</b>
Gross Internal Area (GIA)**	86.50	86.00	<b>YES</b>

*\*\*The Gross Internal Floor Area has been calculated as per the instructions of the Residential Design Standards, to include all elements between the internal faces of the perimeter walls that enclose the dwelling and to exclude any part of the floor area with a head height less than 1.50 metres except that to be used solely for storage.*

39. The schedule of accommodation for the first floor flat (a studio unit) is set out below:

Room	Floor Area (sq. m)	Minimum Floor Area Req'ment (sq. m)	Complies?
Living/Kitchen/Dining/Sleeping	40.10	N/A, provided the dwelling meets the required GIA	<b>YES</b>
Bathroom	3.50	3.50	<b>YES</b>
Built-in Storage	1.40	1.00	<b>YES</b>
Dwelling	Floor Area (sq. m)	Minimum Floor Area Req'ment (sq. m)	Complies?
External Amenity Space	0	10.00	<b>NO</b> <b>Shortfall: 10.00 sq. m</b>
Gross Internal Area (GIA)**	44.50	37.00	<b>YES</b>

*\*\*The Gross Internal Floor Area has been calculated as per the instructions of the Residential Design Standards, to include all elements between the internal faces of the perimeter walls that enclose the dwelling and to exclude any part of the floor area with a head height less than 1.50 metres except that to be used solely for storage.*

40. The schedule of accommodation for the second and third floor flat (a one-bedroom, two-person, two-storey unit) is set out below:

Room	Floor Area (sq. m)	Minimum Floor Area Req'ment (sq. m)	Complies?
Living/Dining	20.00	16.00	<b>YES</b>
Kitchen	11.80	6.00	<b>YES</b>
Master (Double) Bedroom	15.70	12.00	<b>YES</b>
Bathroom	3.20	3.50	<b>NO</b> <b>Shortfall: 0.30 sq. m</b>

Built-in Storage	5.30	1.50	<b>YES</b>
Dwelling	Floor Area (sq. m)	Minimum Floor Area Req'ment (sq. m)	Complies?
External Amenity Space	0	10.00 (desirable)	<b>NO</b> <b>Shortfall: 10.00 sq. m</b>
Gross Internal Area (GIA)**	86.00	58.00	<b>YES</b>

*\*\*The Gross Internal Floor Area has been calculated as per the instructions of the Residential Design Standards, to include all elements between the internal faces of the perimeter walls that enclose the dwelling and to exclude any part of the floor area with a head height less than 1.50 metres except that to be used solely for storage.*

41. With the exception of a very small floorspace shortfall in the bathroom of the uppermost flat, the GIA and room sizes of the three proposed dwellings are compliant. Room shapes are practical and the overall layout is logical.
42. A generously-sized outdoor amenity space would be provided for the ground floor flat which, of all three proposed dwellings, is the one best lent to occupation by a family. While the other two dwellings would not have access to any private outdoor amenity space, this is common for flats on the upper floors of converted buildings. It should also be noted that open public space can be found close by, with the woodland and park at Russia Dock being less than 300 metres away. On balance, the failure to provide outdoor amenity space for the two upper flats is considered acceptable in this instance.

#### Quality of outlook from the proposed accommodation

43. All flats would achieve dual aspect and all habitable rooms would be served by good-sized glazed apertures providing a horizontal outlook. Although the bedroom within the uppermost flat would be served only by rooflights, it would still be possible for an individual stood within the bedroom to acquire views 'out' along a horizontal plane. As such, the quality of outlook from all three flats would be adequate.

#### Daylight and sunlight receipt from the proposed accommodation

44. Internal daylight and sunlight levels would be acceptable with the three proposed flats, as all habitable rooms would be served by apertures of large glazed surface area.

#### Vertical arrangement of accommodation

45. The kitchen in the top floor flat would be located above the sleeping area of the flat below, but any risk of undue vertical noise transfer can be overcome through the imposition of noise restriction conditions. Aside from this, the proposal would achieve vertical stacking of similar room types, and so no concerns remain in this regard.

#### Energy efficiency

46. Some objections received during the public consultation process contended that the proposed development did not demonstrate efforts to achieve energy efficiency, as required by Saved Policy 3.4 of the Southwark Plan.

47. It is considered that, by reason of the layout of the flats and the size of glazed apertures in relation to the floor area of the rooms, the proposed development has been designed to maximise the use of natural daylight, heat and ventilation. This would achieve the broad aims of Saved Policy 3.4.

### **Transport impacts including refuse, recycling and cycle storage arrangements**

#### Waste/refuse storage

48. In line with Section 2.2 of the Council's 'Waste Management Guidance Notes for Residential Developments' (February 2014) the refuse storage requirements for the three proposed flat at this address have been calculated as follows:

- Base figure for weekly volume refuse:  $(30L + 210L) + (30L + 140L) + (30L + 140L)$   
= 580L
- Total weekly volume of recycling:  $(580L \times 0.5)$   
= 290L
- Total volume of residual waste:  $(580L \times 0.75)$   
= 435L
- Total combined residual and recycling:  $(290L + 435L)$   
= 725L

49. At the front of the property, is proposed to store three 360 litre wheelie bins for residual waste and one 360 litre wheelie bin for recycling. This would be sufficient to accommodate the volumes for the three proposed dwellings. While public objections have been received with regard to bins being stored outside, this is a common arrangement in residential areas and the location proposed is well set-back from the public highway. Therefore, no concerns remain with respect to waste/refuse storage proposals.

#### Cycle storage

50. The London Plan requires a minimum of four cycle spaces to be provided for this development (two for the ground floor unit, and one for each of the upper units). This planning application proposes to instate one Sheffield stand within the entrance hall, which is a safe, weatherproof and accessible location. A further Sheffield stand would be sited externally at the front of the property, which is suitably close to the main entrance door and a good distance from the public highway, making it accessible for future occupiers and reasonably secure from risk of theft/vandalism. Each Sheffield stand would provide storage for two cycles and the stands would be on land wholly within the ownership of the applicant. As such the proposal meets the requirements of the London Plan with regard to cycle storage.

#### On-site parking

51. Objections were raised by neighbours to the construction of the side extensions because the land could alternatively be used for car parking. Given that consent has previously been granted (and the consent has been partially implemented) for the construction of side extensions at no. 10 Middleton Drive, it would be untenable to refuse the application on the grounds of loss of car parking. It should also be noted that in this location —deemed to have a Public Transport Accessibility Level of 4 (good) by Transport for London where 0 is worst and 6b is best— car-free developments are encouraged. It is also noted that the forecourt would be largely retained as a result of the development, potentially allowing for off-street parking for the future residents.

### On-street parking and trip generation

52. Neighbours have raised concerns that two additional dwellings will lead to increased on-street parking strain. At present, Middleton Drive is not located within a Controlled Parking Zone, meaning it is not currently possible to control on-street parking. Furthermore, this is relatively small-scale proposal and is unlikely to have appreciable impacts with regard to on-street parking.

In line with the guidance set out in the Parking Addendum of Chapter 6 of the London Plan, the trip generation arising for this development would be in the region of 4.5 per week, one of which would be refuse collection which happens on Middleton Drive at present. This trip generation is not significant, and thus no concerns remain with regard to this matter.

### Access for fire emergency vehicles

53. Some members of the public raised concerns that the construction of the two side extensions would 'close-off' access to the rear of nos. 1-9 Drake Close and nos. 1-4 Hardy Close, preventing a fire/pumping engine from being able to park sufficiently closeby in the event of a fire. This matter is covered by the building regulations and not a material planning consideration.
54. The London Fire Brigade's *Fire Safety Note GN 25 - Access for Fire Appliances* requires a fire/pumping engine to be able to park within 45 metres of a residential property. Although the two side extensions at no. 10 Middleton Drive would impede the ability of a fire/pumping engine to access the rear of the neighbouring properties from the forecourt, a vehicle could still park at the hammerhead of Hardy Close and be within 45 metres of these properties, with indirect access achievable across the rear gardens of no. 5 Hardy Close and no. 15 Drake Close.

### **Planning obligations and CIL**

55. The application is liable for Mayoral CIL and Southwark CIL. The levies have been calculated as follows:

Southwark CIL:	69 sqm (chargeable area) x £200/sqm x 286/259	= £15,239
Mayoral CIL:	69 sqm (chargeable area) x £35/sqm x 286/223	= £3,097

### **Other matters**

#### Impact on development potential of adjoining plots

56. Objections were raised to the two side extensions because they would incorporate boundary-edge front-facing windows. This would create direct overlooking of the parts of the forecourt owned by others, which in the objectors' view would potentially restrict the adjoining owners from developing their property and/or land in the future.
57. While portions of the forecourt are technically within the ownership of nos. 8 and 12 Middleton Drive, the space as a whole is for shared use by all three properties and its retention as an open 'square' is essential to preserving outlook and daylight for all three properties. It is highly unlikely that extending any of the three properties beyond the existing forecourt-fronting elevations would be acceptable because to do so would likely cause harm to neighbouring occupiers' amenity. Therefore, the location of the proposed windows directly on the boundary of neighbouring plots is not considered to represent a contravention of Saved Policy 3.11.

58. In any event, the side extensions were approved as part of a previous planning application and have been partially constructed, so the principle of introducing boundary-edge windows has been established.

### **Community impact statement**

59. 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.

a) The impact on local people is set out above.

b) Issues relevant to particular communities/groups likely to be affected by the proposal have been identified above, where necessary.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above along with specific actions to ameliorate these implications.

### **Human rights implications**

60. 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.
61. This application has the legitimate aim of providing a conversion of an existing dwellinghouse to three residential units together with alterations and extensions. 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.

### **Conclusion on planning issues**

62. The application has undergone amendments during the determination period to respond to some of the objections raised by members of the public and to ensure the proposal is policy compliant.
63. In its amended form, the proposed development accords with the principles of sustainable development. It complies with current policy, respects the amenity of neighbouring properties and is of acceptable design. Accordingly, it is recommended that members grant full planning permission subject to conditions.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/480-10  Application file: 17/AP/2948  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: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5535 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## 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	Patrick Cronin, Development Management		
Version	Final		
Dated	19 October 2017		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic Director of Finance & 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		19 October 2017	



## APPENDIX 1

### Consultation undertaken

**Site notice date:** 16/08/2017

**Press notice date:** n/a

**Case officer site visit date:** 18/08/2017

**Neighbour consultation letters sent:** 03/08/2017

#### Internal services consulted:

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

#### Statutory and non-statutory organisations consulted:

Thames Water - Development Planning

#### Neighbour and local groups consulted:

2 Hardy Close London SE16 6RT  
1 Hardy Close London SE16 6RT  
12 Middleton Drive London SE16 6RZ  
8 Middleton Drive London SE16 6RZ  
14 Middleton Drive London SE16 6RZ  
2 Drake Close London SE16 6RS  
1 Drake Close London SE16 6RS  
3 Drake Close London SE16 6RS  
5 Drake Close London SE16 6RS  
4 Drake Close London SE16 6RS  
Cabinet Office 160 Tooley Street SE1 2QH

London Borough Of Southwark 160 Tooley Street SE1 2QH  
2 Middleton Drive London SE16 6RZ  
18 Middleton Drive London SE16 6RZ  
7 Drake Close Rotherhithe SE16 6RS  
4 Stanhope Close Rotherhithe SE16 6RX  
13 Drake Close London SE16 6RS  
10 Drake Close London SE16 6RS  
Deptford Methodist Church 1 Creek Road SE8 3BT  
12 Middleton Drive London SE16 6RY  
4 Stanhope Close Surrey Quays SE16 6RX  
11 Hardy Close London SE16 6RT

**Re-consultation:** n/a

## APPENDIX 2

### Consultation responses received

#### Internal services

None

#### Statutory and non-statutory organisations

None

#### Neighbours and local groups

Cabinet Office 160 Tooley Street SE1 2QH  
Deptford Methodist Church 1 Creek Road SE8 3BT  
London Borough Of Southwark 160 Tooley Street SE1 2QH  
10 Drake Close London SE16 6RS  
11 Hardy Close London SE16 6RT  
12 Middleton Drive London SE16 6RY  
12 Middleton Drive London SE16 6RZ  
13 Drake Close London SE16 6RS  
14 Middleton Drive London SE16 6RZ  
18 Middleton Drive London SE16 6RZ  
2 Hardy Close London SE16 6RT  
2 Middleton Drive London SE16 6RZ  
3 Drake Close London SE16 6RS  
3 Drake Close London SE16 6RS  
4 Stanhope Close Rotherhithe SE16 6RX  
4 Stanhope Close Surrey Quays SE16 6RX  
7 Drake Close Rotherhithe SE16 6RS  
8 Middleton Drive London SE16 6RZ