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| <b>Item No.</b><br>7.5             | <b>Classification:</b><br>Open  | <b>Date:</b><br>27 June 2018   | <b>Meeting Name:</b><br>Planning Sub-Committee A |
| <b>Report title:</b>               | <b>Development Management planning application:</b><br>Application 17/AP/4193 for: Full Planning Permission   |                                |  |
|                                    | <b>Address:</b><br>FLAT 49A, GRENIER APARTMENTS, 18 GERVASE STREET, LONDON<br>SE15 2RS  |                                |  |
|                                    | <b>Proposal:</b><br>Creation of a self contained residential apartment (Use Class C3) at lower ground level (flat 49A) with new internal layout, works to external retaining wall to create new private amenity courtyard and new stair access. |                                |  |
| <b>Ward(s) or groups affected:</b> | Old Kent Road   |                                |  |
| <b>From:</b>                       | Director of Planning  |                                |  |
| <b>Application Start Date</b>      | 07/11/2017  | <b>Application Expiry Date</b> | 02/01/2018                                       |
| <b>Earliest Decision Date</b>      | 23/12/2017  |                                |  |

## RECOMMENDATION

- That planning permission is granted, subject to conditions

## BACKGROUND INFORMATION

- This application is for decision by the committee at the request of members

### Site location and description

- The site forms part of the basement of a former school building which has been converted into flats. The building, which is now known as Grenier Apartments, is located on the corner of Gervase Street and Leo Street.
- The part of the building that the application relates to has previously been described as contractor's accommodation and/or vacant; however, upon my inspection of the property works had clearly already begun to convert it to a residential dwelling. The conversion is likely to have commenced following the grant of planning permission 17/AP/1363 which was subsequently quashed by the High Court of Justice under case number CO/4649/2017. This case is discussed further below.
- The building is not a listed building and is not located within a conservation area. The site is located within flood zone 3.

### Details of proposal

- The proposed development seeks to create a one-bed self contained residential unit (Use Class C3), with an ancillary private courtyard amenity area to the front at basement level.
- A new external staircase will provide access to a courtyard from the South Eastern

side. The staircase will be concrete and set into the existing ground, 1 metre in width and 2.4m in height. The staircase will have a black metal handrail. Within the courtyard, three sets of double doors provide access to the property.

8. An obscured toughened glazed screen will be installed to the Northern side of the courtyard. The screen will be 1.8m high and approximately 1.1-1.3m in depth, being slightly wider at the top than the bottom taking into account the slope on the existing retaining wall.
9. Internally the proposed development comprises a double bedroom with en-suite, an open plan kitchen/living/dining area, bathroom, utility/store room and circulation space. The overall flat size is approximately 67m<sup>2</sup> and internal rooms measure at approximately:

Bedroom: 10.5 m<sup>2</sup>

Bedroom en-suite: 3.3 m<sup>2</sup>

Kitchen/living/dining: 29.2 m<sup>2</sup>

Bathroom: 4.3 m<sup>2</sup>

Utility/store: 9.9 m<sup>2</sup>

Gross Internal Area: 67 m<sup>2</sup>

10. The proposed development involves the cutting back of the existing retaining wall to the front of the site by 1.89m, the creation of a 45 degree sloping retaining wall and the provision of a new stair case. A glass balustrade will surround the area at ground floor level.
11. The proposed flat will have private external amenity space of approximately 20m<sup>2</sup>.
12. It was noted on the site visit to the property that a shower unit had already been installed where the utility/store is shown on the plans. Having sought clarification on this, the applicant has confirmed the new apartment will be built out in accordance with the details shown on the plans submitted.

#### **Relevant Planning History**

13.

00/AP/0073 Application type: Full Planning Permission (FUL)  
The conversion of an existing school building an adjacent annexe with rooftop extensions to the main school building to form 48 new residential units.

Decision date 23/04/2001 Decision: Grant with Legal Agreement (GWLA)

04/AP/2208 Application type: Full Planning Permission (FUL)  
Change of use to create 2no 1 bedroom flats together with external works o create asscoated external amenity space

Decision date 10/02/2005Decision: Refuse (REF)

Appeal decision: Application 04ap2208 was REFUSED and an appeal made under reference: APP/A5840/A/05/1185187. The reason for refusal was: lack of outlook from habitable room windows and consequent lack of amenity for residents.

In dismissing the appeal, the Inspector considered that flat 1 would be satisfactory.

However, in relation to flat 2, which is the same part of the building as that of the current application, the Inspector stated:

*'the living room and bedroom windows/doors would look out onto a narrow basement level terrace only some 1.23m deep.. I consider the resulting truncated outlook from the main habitable rooms in flat 2 would appear claustrophobic, offering inadequate living conditions for future residents.'*

#### Appeal Decision at Appendix 4

06/AP/0031 Application type: Full Planning Permission (FUL)

Change of use of part of existing basement to provide 1 x 1 bedroom flat with associated external works.

Decision date 06/04/2006 Decision: Grant (GRA)

15/AP/2204 Application type: Cert. of Lawfulness - existing (CLE)

Use as a single self contained dwelling

Decision date 03/08/2015 Decision: Refused (REF)

Reason(s) for refusal:

There is insufficient information to show, that on the balance of probability, that the area of the basement of Grenier Apartments called Flat 49A, has been used as a self contained flat for more than 4 consecutive years

15/AP/4285 Application type: Full planning permission

Creation of x1 self contained residential flat (Use Class C3) at lower ground level with new internal layout.

Decision date 03/08/2015 Decision: Refused (REF)

Reason(s) for refusal:

The proposed flat, owing to its poor outlook and daylighting arising from its location at basement level and windows giving onto a narrow lightwell, is considered to offer a poor standard of amenity to future occupiers and as such is unacceptable. The proposal is contrary to saved policies 3.2 Protection of Amenity and 4.2 Quality of Residential Accommodation and the guidance in the Residential Design Standards SPD.

16/AP/1556 Application type: Full Planning Application (FUL)

Creation of x1 self contained residential apartment (Use Class C3) at lower ground level with new internal layout.

Decision date 20/07/2016 Decision: Refused (REF) Appeal decision date: 13/01/2017  
Appeal decision: Planning appeal dismissed (DIS).

Reason(s) for refusal:

The proposed flat, owing to its poor outlook arising from its location at basement level and windows giving onto a narrow light well, would offer poor living standards for future occupiers contrary to section 6, Delivering a wide choice of high quality homes of the National Planning Policy Framework 2012; policy 3.5 Quality and design of housing developments of the London Plan 2015; saved policies 3.2 Protection of Amenity and 4.2 Quality of residential accommodation of the Southwark Plan 2007 and the Residential Design Standards SPD 2011.

**Appeal reference: APP/A5840/W/16/3158547 Dismissed. - Decision upheld**

#### Appeal Decision at Appendix 5

17AP1363 Application type: Full Planning Permission (FUL)  
Creation of 1 x self contained residential apartment (Use Class C3) at lower ground level with new internal layout and works to external retaining wall to create new private amenity courtyard.  
Decision date 01/09/2017 Decision: Granted (GRA)

**Judicial Review Case Number CO/4649/2017 - Decision quashed**

***4) The consultation which took place in regard of the above planning reference be declared unlawful.***

**KEY ISSUES FOR CONSIDERATION**

**Summary of main issues**

14. The main issues to be considered in respect of this application are:
  - a) Principle of Development
  - b) Design issues
  - c) Quality of accommodation
  - d) Impact on neighbouring amenity
  - e) Transport
  - f) Flood Risk
  - g) All other planning considerations.

**Planning policy**

National Planning Policy Framework (the Framework)

15. Section 4: Promoting sustainable transport  
Section 6: Delivering a wide choice of quality new homes  
Section 7: Requiring good design

The London Plan 2016

16. Policy 3.3 - Increasing housing supply  
Policy 3.4 - Optimising housing potential  
Policy 3.5 - Quality and design of housing developments  
Policy 3.8 - Housing choice  
Policy 5.12 - Flood Risk Management  
Policy 5.17 - Waste capacity  
Policy 6.9 - Cycling  
Policy 7.4 - Local character  
Policy 7.6 - Architecture

Core Strategy 2011

17. Strategic Policy 2 - Sustainable transport  
Strategic Policy 5- Providing New Homes  
Strategic Policy 13- High Environmental Standards

Southwark Plan 2007 (July) - saved policies

18. 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 polices 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.

- 3.1 - Environmental Effects
- 3.2 - Protection of Amenity
- 3.9 - Water
- 3.11 - Efficient Use of Land
- 4.2 - Quality of Residential Accommodation
- 5.2 - Transport Impacts
- 5.3 - Walking and Cycling

2015 Technical update to the Residential Design Standards SPD (2011).

### **Principle of development**

19. The application proposes residential accommodation in a block of residential units located in a predominantly residential area. The proposal is therefore considered to be acceptable in principle subject to the quality of accommodation, design, impact on amenity, transport and flood risk.

### **Standard of residential accommodation**

#### Internal space standards and layout

20. The proposal is a one-bed, two-person single-storey residential unit and therefore is required to meet a minimum internal GIA of 50m<sup>2</sup> in accordance with the Nationally Described Space Standards. The proposed unit exceeds this, with a floor area of approximately 67m<sup>2</sup>.
21. The bedroom is located to the north western corner of the flat and is a double room. It contains a 0.15m diameter structural column, which given its size, is not considered to impact on the standard of living of occupants. The room is smaller than the 12 m<sup>2</sup> set out in the National Described Space Standards; however, it is considered acceptable given the provision of an en-suite bathroom and the built in storage of 0.45m; furthermore other areas of the flat exceed the room sizes required by the space standard.
22. It has been noted in an objection to the scheme that the bedroom does not meet Technical Requirement E of paragraph 10 of the Nationally Described Space Standards, which are echoed in Southwark's Residential Design Standards SPD. The document states that one double (or twin bedroom) should be at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide. The proposed bedroom measures 2.55m Northwest to Southeast and 3.65m and 4.45m from Northeast to Southwest. The Northwest to Southeast measurement would therefore fall short of the standards by 0.2m; although the Northeast to Southwest exceed this by 0.9m and 1.3m at the separate depths of the room.
23. As mentioned above, the bedroom provided an en-suite bathroom and has 0.45m<sup>2</sup> of recessed storage space. It is not therefore considered that the 0.2m shortfall in width is significant to warrant a refusal of the planning application.
24. It has been commented that the amenity space to the front can only be accessed via a bedroom, which would be contrary to part 2.6 (Outdoor amenity space) of Southwark's Residential Design Standards SPD. The amenity space can however also be accessed via the doors which serve the living room/diner and this is

considered acceptable.

25. The layout of the unit makes use of the single aspect, having the habitable rooms to the front of the property, utilising the daylight, and having the bathroom and utility/store room to the rear. In terms of the internal size and layout the property is considered acceptable.

#### Daylight and sunlight

26. The daylight and sunlight levels were discussed in previous planning reference 16/AP/1556 and by the Inspector appointed by the Secretary of State for Communities and Local Government in appeal reference APP/A5840/W/16/3158547 (the 2016 appeal). The proposed internal layout of the property is identical to this previous application, although the external courtyard area is materially different.

27. In the appeal the Inspector stated that:

*'5. I have no reason to disagree with the conclusions reached in respect of the daylight and sunlight report prepared by BLDA Consultancy. The proposed bedroom would receive good levels of daylight exceeding Building Research Establishment 2011 (BRE) recommendations and there would be a good distribution of light to both the bedroom and living/kitchen area. The alterations to the retaining wall would have the effect of improving daylight into the living/kitchen area (from 1.21% ADF to 1.62% ADF) but it would still fall short of the 2.0% BRE recommendation. On balance, however, I agree with the Council that the proposal would be acceptable in respect of daylight penetration into the living/kitchen area relative to the recommended BRE requirements and on its own this would not justify a refusal of planning permission.'*

28. It is noted that the external courtyard is amended as part of this application; however, the alterations to the courtyard will result in more direct sunlight penetration than the submission assessed in the 2016 appeal. The proposal also meets the 30 degree test set out in Southwark's Residential Design Guidance SPD. The unit will receive adequate daylight and sunlight.

#### Outlook

29. It was concluded in the 2016 appeal that the appeal should be dismissed primarily on outlook. The Inspector stated in paragraphs 8 and 10 of their report:

*'8. I therefore conclude that despite the proposed alterations to part of the retaining wall, the occupiers of the proposed apartment would not have an acceptable level of outlook. Therefore, the proposal would not accord with the amenity and design aims of the National Planning Policy Framework; Policy 3.5 of the London Plan 2016; saved Policies 3.2 and 4.2 of the Southwark Plan 2007 and the Southwark Council 'Residential Design Standards' Supplementary Planning Document 2011.'*

*'10. In conclusion, and for the reasons outlined above, the proposal would not accord with local and national planning policies for the area in so far that the occupiers of the proposed apartment would not be afforded an acceptable level of outlook. There are no material planning considerations which would outweigh the aforementioned conflict with local and national policies. Consequently, the appeal should be dismissed.'*

30. The current submission increases the depth of the area outside the full length windows to a depth of 3m, thus increasing the level of outlook afforded to the occupants from the previous scheme by approximately 1.9m. This also included the area to the front of the bedroom area, which previously had not been amended and was a concern to the Inspector in the 2016 appeal.

- 31. The retaining wall to the south will be cut back by 45 degrees increasing outlook and will retain its 2.25m height, with a glass balustrade surround at ground floor level.
- 32. The increase in set back of the retaining wall and sloping back of the southern retaining wall from the habitable rooms results in an acceptable outlook from the property.

#### Courtyard amenity space

- 33. The proposal includes the provision of 20m<sup>2</sup> of amenity space for the occupiers of the flat, being accessed from the proposed stair to the southeast of the site. The area sits below three large sash windows which serve the ground floor residential unit/units above, with another window looking over the sloping retaining wall and staircase to the South end of the site. The base of the glazed area of the window is approximately 3.35m above the lower basement floor level.
- 34. In looking at appeal reference APP/A5840/A/1185197 (the 2005 appeal) the planning Inspector considered the refusal of a proposal for two flats in the basement area of Grenier Gardens. One flat formed part of the space discussed in the current application whilst the other flat is the neighbouring property, number 49 Grenier Gardens. It is noted that the appeal was dismissed; however, it was dismissed on the grounds that the outlook of the proposed flat 2 (which formed the site subject of this application) was unacceptable. The proposal in front of the Inspector included a cut back raised terrace area which expanded beyond the three north-facing windows of the proposed Flat 1 (now flat number 49), to quote paragraph 5 of the Inspectors decision notice:

*'The living room and bedroom would have patio doors opening out onto the terrace which would be enlarged to almost 3m in depth, a quality of outlook that is not uncommon for basement flats in London. I conclude that Flat 1 would offer adequate living standards for its future residents under the submitted plans, making efficient use of under used accommodation'.*

- 35. The Inspector did not discuss privacy impacts as part of their decision, but would have been aware of the presence of the flats above and taken this into account when making their assessment. Had a particular negative impact been observed this would have been referred to in support of the dismissal.
- 36. Whilst it is acknowledged that there will be a degree of overlooking into the courtyard area from the flats above, given the distance from the ground floor windows to the basement floor it is not considered that privacy for the area will be unacceptable. The amenity space would provide a well sized amenity area for the 1 bedroom 2 person unit.

#### Design

- 37. There will be no external alteration to the facade of the building.
- 38. The proposed courtyard with white painted brickwork, staircase, surrounding glass balustrade and obscure glazed gate are not considered to negatively impact the aesthetic appearance of the site or its surrounds and are considered appropriate materials.

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

### Noise from courtyard

39. A number of objections have been raised to the proposed courtyard amenity space in relation to noise created by the occupants
40. The council has sought advice from the borough's environmental protection team (EPT) who have not raised objections to the proposal. Specifically on noise from the courtyard area EPT have advised that whilst they believe that use of the outdoor terrace is likely to cause some additional noise for existing occupants, this noise is likely to be low-level noise of a domestic character and as such would not be unreasonable in an urban environment. Reasonable domestic noise of this nature would not cause a significant adverse effect and would not in their view justify the refusal of the scheme. In the event that noise were to be beyond that which might reasonably be expected, the occupants would have recourse to the law of nuisance as per S.79\80 of the Environmental Protection Act 1990, as would any other resident in those circumstances
41. Whilst the noise will not be substantially different to that from a small garden or large balcony, it will occur within a lightwell where reverberation might be more of an issue. There is an opportunity to address this issue a condition could be imposed to any approval to line the walls of the courtyard with an acoustically absorbent material to assist with noise reduction.
42. The flat is a one-bed, two-person flat and therefore the occupancy of the flat is likely to be limited to either one or two adult occupants. The level of occupancy coupled with the relatively small courtyard area is considered unlikely to produce significant levels of noise. It is also noted that the public highway a potential source of noise, is located a further 1.5m from the courtyard (4.5m from the rear wall of Grenier Apartments). Furthermore, there will be a solid screen between the proposed flat and number 49, which will, as well as acting as a visual barrier between the two flats, will also provide a level of noise insulation. It has been suggested that glass is an inappropriate material for the barrier; however, given the low-level domestic noise it is considered suitable.
43. A council planning officer visited the site following the quashed planning permission 17/AP/1363 and did consider at that time that they had significant concerns in relation to the proximity of the neighbouring bedroom of flat 49 to the proposed courtyard area in relation to noise and disturbance. The previous scheme however has since been amended to include the provision of the glass screen, which will act as a barrier to noise, and a condition is recommended in line with EPT's recommendations to line the walls of the courtyard with an acoustically absorbent material, which again will reduce the noise impact of the development.
44. In light of the above the planning officer concurs with the EPT's view that whilst the courtyard may result in some additional noise, this is likely to be low-level and domestic in character, which would not be harmful to the amenity of existing residents in the block or to the surrounding area.

### Lack of internal sound insulation

45. Concerns have been raised regarding internal noise transfer. The EPT team correctly pointed out as part of our consultation that this is covered under approved document E (Resistance to the passage of sound) of the Building Regulations 2010; compliance with building control must be assumed and would not be a justifiable reason to refuse a planning application.

46. Whilst the EPT team state the above, they consider that a condition requiring an additional 5db improvement on the minimum building regulations airborne standard, set out in Approved Document E, could be attached via a condition.

Loss of outlook and light

47. The proposal is a basement flat and therefore there will be no loss of light or outlook to flats above.
48. Objections relating to loss of outlook and light have been received relating to the obscure glazed screen located to the North Western side of the courtyard, which separates the neighbouring basement flat from the proposed unit. The screen will be 1.8m high and approximately 1.1-1.3m in depth, being slightly wider at the top than the bottom taking into account the slope on the existing retaining wall. It will be approximately 1m to the South East of the neighbouring 2m high double doors of number 49
49. The obscured panel is a metre away from the double doors of number 49, will be obscure glazed, which will allow some light to pass through, be 1.8 metres in height and a depth between 1.1-1.3 metres. The obscure panel passes the 45 degree test, in relation to the neighbouring doors, as set out in Southwark's Residential Design Standards SPD, with the proposed panel being lower and narrower than the 45 degree lines from the centre of the neighbouring window. The panel is also obscure glazed to let light pass through, unlike a brick wall or wooden fence. The impact on loss of light to the neighbouring property will not be significant.
50. The proposed development may impact on the outlook from 2 of windows/doors that belong to flat 49. The double doors closest to the proposed development are one metre away from the proposed panel and are orientated between 35 – 90 degrees to the right at its closest point. It is not considered that there will be any significant loss of outlook to this window. The second window is set in the south-east facing wall flat 49; the panel will be 7.4 metres away. Whilst the panel will be orientated to the front of this window, the separation distance is such that it will have a minimal impact on outlook. It is therefore not considered that there will be any significant loss of outlook to neighbouring properties as a result of this development.

Loss of privacy to neighbouring flats

51. Objections have been raised to potential loss of privacy to neighbouring flats. The proposed dwelling has no windows that overlook neighbouring property or land and therefore the council does not believe that such concerns are justified.
52. The staircase down to the courtyard is located where the current path to the neighbouring properties is, being two metres away from the wall of Grenier Apartments. The orientation of the staircase matches that of the path and means that walking to and from the courtyard you are never facing the rear wall of Grenier Gardens until you are in the courtyard area. There would therefore be no significant privacy concerns arising from the new staircase given the presence of the existing path.
53. As mentioned above, the courtyard area sits below three large sash windows which serve the ground floor residential unit/units above, with another window looking over the sloping retaining wall and staircase to the south end of the site. The base of the glazed area of the window above the courtyards are approximately 3.35m above the lower basement floor level - with the basement level so much lower than the level of the windows, there is no significant line of sight into the ground floor flats above; views from the public highway and existing pathway to flat 49 would be more intrusive

as they are at ground floor level.

54. The new staircase is considered to be beneficial to the privacy of the scheme because it allows people to access the proposed development without having to walk past the windows of flat 49. Any use of this space would without the additional staircase have to continue to walk past the windows. The glazed screen also restricts any views back towards the windows of flat 49.
55. Noise privacy has been raised as an issue, with concerns raised that people using the courtyard will be able to hear confidential, conversations potentially breaching Article 8 and Article 1 Protocol 1 of the Human rights Act 1998. This issue would appear to relate more to the sound insulation in the part of building the conversation was taking place in than the location of the courtyard. The proposed site is currently a vacant space but does not require planning consent to be used for its current lawful use, neither does the walkway to the front. It is not considered that the proposal will negatively impact sound insulation in other flats.

#### Construction

56. A number of objections were received relating to noise, dust, traffic and general disruption relating the construction of the proposal. The proposal will involve the excavation of approximately 30 metres cubed of earth to create the courtyard space. Whilst this is a relatively large amount of earth to be excavated for a conversion, work of this scale would not generally be subject to a planning condition.

#### Smoking in courtyard

57. Several concerns have been raised in relation to smoking in the courtyard relating to builders and by future occupiers of the flat. Smoking is harmful and has a generally negative effect. In urban areas private amenity space can be in short supply and often located close to neighbours. If the space is used for smoking it is possible that some passive smoking and odour could result. However, if the space is used for relaxation and socialising the positive benefits of the space are likely to outweigh concerns about potential anti-social behaviour. Southwark's Residential Design Standard specifically refer to the benefit and desirability of providing outdoor amenity space. The provision of the space is therefore welcomed and is policy compliant.

#### Interference with access

58. The initial scheme submitted utilised the same access as flat number 49; however, the applicant has revised the proposal to include a separate access to this flat. The proposed plans show that a 1.4m wide path would be available for access to number 49 should the development be implemented. This is considered an adequate span for access to other properties and allow sufficient distance from the boundary railings.
59. During the construction phase the developer will be obligated to comply with any easements in relation to neighbouring properties.

#### Outdoor cooking in courtyard

60. Barbecues have been raised as a concern as they could cause large amounts of smoke and cooking odours to other flats within the block. The council routinely permits many blocks of flats with balconies or similarly small outdoor areas where BBQ cooking might be impractical or unneighbourly. The council does not impose conditions on such domestic areas because such matters are best left to the good sense and practical assessment of the occupants and their neighbours.

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

61. The surrounding uses are mainly residential and there are no issues envisaged.

### **Transport and refuse**

62. The site has a good Public Transport Accessibility Level (PTAL) of 4. There is no car parking proposed as part of the scheme
63. Cycle storage for one bicycle is to be provided. This will be secured by a condition.
64. The refuse arrangements will be conditioned to be stored and collected with the rest of the block, unless an alternative is agreed in writing with the LPA. This again will be secured via a condition
65. There are no transport or refuse concerns with the proposal.

### **Flood risk assessment**

66. The flat is located in Flood Zone 3. The Environment Agency and the council's flood team have been consulted and no objections have been raised.
67. As per the submission, Weetwood Services Ltd, recommend that a detailed drainage strategy should be submitted to the council. The council's flood and drainage team have also stated that this should be submitted to the council. This will therefore be required to be submitted pursuant to a condition.
68. Floor levels will also be conditioned to reflect the recommendations of the Weetwood Services Ltd letter.
69. As part of a consultation response a concern has been raised that the residents will not be able to escape in the event of a flood, due to the doors opening out. Whilst it is considered that the volume of water behind the doors would have to be considerable for the door not to be able to open, the officer recommends that one set of the doors are inverted. This too will be secured by condition.

### **Planning obligations (S.106 undertaking or agreement)**

70. A Section 106 agreement is not required for this scheme.

### **Other matters**

#### Health and safety

71. Concerns have been raised as part of the consultation that there may be problems with escape in the event of a fire or flood. Whilst matters relating to escape routes are covered under Building Regulations, the concerns initially related to the inclusion of a solid gate to the scheme and the reliance of the single staircase next to number 49. With the new staircase the escape route is simpler and the council is satisfied that these concerns have been addressed.

72. The glass balustrade surrounding the courtyard is adequate to prevent falls into the courtyard. This however is also covered under Building Regulations.

#### Contaminated land

73. The EPT have suggested that a condition could be imposed in relation to the excavation work and contaminated land. The condition proposed suggests that if contamination is found then development should cease and a remediation strategy should be submitted top the LPA for approval. This condition is likely to be ineffective however as excavations are likely to continue if land contamination is not accurately diagnosed and therefore it is suggested either a site contamination land survey is conducted before excavation takes place or no survey is conducted at all.
74. The site is in residential use and is a former school building constructed in the 1800s. The land is not known to have any former uses which could potentially contaminate the land. Once excavation has finished a retaining wall will be installed once again to hold back the soil behind. Given the site's existing and former uses it is considered unlikely that contaminated land will be present.
75. It would be unusual for a development of this size with no former uses suggesting contamination to be required to submit a contaminated land survey. A contaminated land survey is therefore not recommended.

#### **Conclusion on planning issues**

76. The proposed development would provide a good standard of accommodation for future occupiers, providing a well proportioned 1 bed 2 person flat with amenity space, its own access and is conveniently located to public transport within an existing residential block. The levels of light and outlook are also considered sufficient.
77. The development would not cause undue harm to neighbouring amenity, flood risk or transport and provide an efficient use of land.
78. A significant level of objection has been received from local residents. The specifics of those objections are addressed in the report. There is a general theme that developing this part of the building will be disruptive and is not wanted by neighbours. It is acknowledged that it is a general truism that building work is disruptive. There is though an acknowledged shortfall in accommodation provision. Whilst this application only provides one additional unit of accommodation, the NPPF provides strong direction that proposals for additional housing should be approved where there are no planning reasons for refusal.
79. The proposed development is considered to be in accordance with saved policies 3.2 (Amenity), 3.11 (Efficient Use of Land), 4.2 (Quality of Residential Accommodation) of the Southwark Plan (2007) and the Residential Design Standards SPD (2011) and is therefore recommended for approval.

#### **Community impact statement**

80. 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.

### **Consultations**

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

### **Consultation replies**

82. 17 objections were received from members of the public during the initial consultation and re-consultation. The main issues raised included:

- Inadequate levels of light received in proposed dwelling
- More noise transfer through the building resulting in damage to amenity to existing residents as a result of a conversion – unacceptable increase in current levels
- The new dwelling will compromise privacy levels to South side of building
- Poor quality of accommodation contrary to policy
- Block of flats already at capacity no additional room
- Loss of outlook to neighbouring flats
- Courtyard will create unacceptable levels of noise
- Reduction in access to neighbouring properties
- Loss of visual privacy to neighbouring properties
- Loss of speech privacy due to overhearing of conversations
- Additional flood risk following development
- Loss of light to neighbouring properties
- Development will have poor drainage
- Previous appeal refused by Planning Inspectorate – material considerations contained in decision will have weight to current application
- Incorrect interpretation of appeal decision in previous planning decision
- Increased sense of enclosure to neighbouring properties
- Measures to increase the outlook and light to the site will be so harmful to existing flats in planning terms that it cannot be considered sound in planning terms
- Courtyard used for Barbecues
- Internal layout of proposed flat
- Internal room sizes
- Flat does not meet policy standards
- Existing amenity spaces within the wider block of flats
- Increased pollution resulting from development
- Non-compliance with policy standards

83. In addition the following issues, which are not generally considered to be material planning considerations, were raised:-

- Construction traffic will produce traffic congestion and issues with parking
- Building works will cause noise and disturbance
- Issues with consultation on previous application – does not impact the planning evaluation of the current scheme
- Negative impacts on escape routes
- Applicant not collaborative with residents of the flat with proposal
- Developer profit
- Construction work disproportionate
- Builders and future residents of property smoking
- Health impacts arising from development
- Noise will impact on sleeping during the day – in relation to shift work

- Applicants did not obtain pre-application advice
84. Responses were also received from the Environment Agency, the council's environmental protection team and flood and drainage team.
85. Details of consultation responses received are set out in Appendix 2.
86. Advice from other officers in Southwark's environmental protection team, southwark's flood and drainage team and the Environment Agency are incorporated in the report.

### **Human rights implications**

87. This planning application engages certain human rights under the Human Rights Act 1998 (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.
88. This application has the legitimate aim of providing an additional residential unit. 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. Privacy has been raised as an objection and is discussed in respect of outlook, overlooking and noise.

## **BACKGROUND DOCUMENTS**

| <b>Background Papers</b>   | <b>Held At</b>   | <b>Contact</b>  |
|--|--|---|
| Site history file: TP/2425-A   | Chief Executive's Department<br>160 Tooley Street<br>London<br>SE1 2QH | Planning enquiries telephone:<br>020 7525 5403<br>Planning enquiries email:<br><a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a><br>Case officer telephone:<br>020 7525 1997<br>Council website:<br><a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a> |
| Application file: 17/AP/4193   |  |   |
| Southwark Local Development Framework and Development Plan Documents |  |   |

## **APPENDICES**

| <b>No.</b> | <b>Title</b>                                   |
|------------|--|
| Appendix 1 | Consultation undertaken                        |
| Appendix 2 | Consultation responses received                |
| Appendix 3 | Recommendation                                 |
| Appendix 4 | 2005 Appeal Documents (APP/A5840/A/05/1185187) |
| Appendix 5 | 2016 Appeal Documents (APP/A5840/W/16/3158547) |

## AUDIT TRAIL

| <b>Lead Officer</b>   | Simon Bevan, Director of Planning  |                          |
|---|------------------------------------|--------------------------|
| <b>Report Author</b>  | William Docherty, Planning Officer |                          |
| <b>Version</b>  | Final                              |                          |
| <b>Dated</b>  | 8 June 2018                        |                          |
| <b>Key Decision</b>   | No                                 |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b> |                                    |                          |
| <b>Officer Title</b>  | <b>Comments Sought</b>             | <b>Comments included</b> |
| Strategic Director of Finance and Governance                            | No                                 | No                       |
| Strategic Director of Environment and Social Regeneration               | No                                 | No                       |
| Strategic Director of Housing and Modernisation                         | No                                 | No                       |
| Director of Regeneration  | No                                 | No                       |
| <b>Date final report sent to Constitutional Team</b>                    |                                    | 14 June 2018             |

## **APPENDIX 1**

### **Consultation undertaken**

**Site notice date:** 30/11/2017

**Press notice date:** n/a

**Case officer site visit date:** n/a

**Neighbour consultation letters sent:** 30/11/2017

#### **Internal services consulted:**

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

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

Environment Agency

#### **Neighbour and local groups consulted:**

Flat 33 Grenier Apartments SE15 2RS  
Flat 32 Grenier Apartments SE15 2RS  
Flat 31 Grenier Apartments SE15 2RS  
Flat 36 Grenier Apartments SE15 2RS  
Flat 35 Grenier Apartments SE15 2RS  
Flat 34 Grenier Apartments SE15 2RS  
Flat 27 Grenier Apartments SE15 2RS  
Flat 26 Grenier Apartments SE15 2RS  
Flat 25 Grenier Apartments SE15 2RS  
Flat 30 Grenier Apartments SE15 2RS  
Flat 29 Grenier Apartments SE15 2RS  
Flat 28 Grenier Apartments SE15 2RS  
Flat 37 Grenier Apartments SE15 2RS  
Flat 40 Grenier Apartments SE15 2RS  
Flat 39 Grenier Apartments SE15 2RS  
Flat 38 Grenier Apartments SE15 2RS  
Flat 43 Grenier Apartments SE15 2RS  
Flat 42 Grenier Apartments SE15 2RS  
Flat 41 Grenier Apartments SE15 2RS  
Flat 24 Grenier Apartments SE15 2RS  
Flat 7 Grenier Apartments SE15 2RS  
Flat 6 Grenier Apartments SE15 2RS  
Flat 5 Grenier Apartments SE15 2RS  
Flat 10 Grenier Apartments SE15 2RS  
Flat 9 Grenier Apartments SE15 2RS

Flat 8 Grenier Apartments SE15 2RS  
Flat 1 Grenier Apartments SE15 2RS  
Basement Flat Grenier Apartments SE15 2RS  
Flat 4 Grenier Apartments SE15 2RS  
Flat 3 Grenier Apartments SE15 2RS  
Flat 2 Grenier Apartments SE15 2RS  
Flat 11 Grenier Apartments SE15 2RS  
Flat 20 Grenier Apartments SE15 2RS  
Flat 19 Grenier Apartments SE15 2RS  
Flat 18 Grenier Apartments SE15 2RS  
Flat 23 Grenier Apartments SE15 2RS  
Flat 22 Grenier Apartments SE15 2RS  
Flat 21 Grenier Apartments SE15 2RS  
14 Holly Grove SE15  
Flat 13 Grenier Apartments SE15 2RS  
Flat 12 Grenier Apartments SE15 2RS  
Flat 17 Grenier Apartments SE15 2RS  
Flat 16 Grenier Apartments SE15 2RS  
Flat 15 Grenier Apartments SE15 2RS  
Flat 49 18 Gervase Street SE15 2RS  
Flat 49 18 Gervase Street SE15 2RS  
19 Saxon House 170 London Road SM6 7AN  
34 Grenier Apartments 18 Gervase Street SE15 2RS  
Flat 5 Grenier Apartments London SE15 2RS  
3 Grenier Apts 18 Gervase St SE15 2RS

**Re-consultation:** 15/01/2018

## **APPENDIX 2**

### **Consultation responses received**

#### **Internal services**

None

#### **Statutory and non-statutory organisations**

Environment Agency

#### **Neighbours and local groups**

Flat 12 Grenier Apartments SE15 2RS  
Flat 13 Grenier Apartments SE15 2RS  
Flat 16 Grenier Apartments SE15 2RS  
Flat 16 Grenier Apartments SE15 2RS  
Flat 16 Grenier Apartments SE15 2RS  
Flat 17 Grenier Apartments SE15 2RS  
Flat 17 Grenier Apartments SE15 2RS  
Flat 3 Grenier Apartments SE15 2RS  
Flat 33 Grenier Apartments SE15 2RS  
Flat 34 Grenier Apartments SE15 2RS  
Flat 34 Grenier Apartments SE15 2RS  
Flat 4 Grenier Apartments SE15 2RS  
Flat 49 18 Gervase Street SE15 2RS  
Flat 5 Grenier Apartments London SE15 2RS  
Flat 5 Grenier Apartments SE15 2RS  
14 Holly Grove SE15  
19 Saxon House 170 London Road SM6 7AN  
3 Grenier Apts 18 Gervase St SE15 2RS  
34 Grenier Apartments 18 Gervase Street SE15 2RS