

<b>Item No:</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 3 March 2021	<b>Meeting Name:</b> Planning Sub Committee B
<b>Report title:</b>		<b>Addendum</b> Late observations, consultation responses, and further information.	
<b>Ward(s) or groups affected:</b>		London Bridge & West Bermondsey	
<b>From:</b>		Director of Planning	

## PURPOSE

1. To advise Members of observations, consultation responses and further information received in respect of the following planning applications on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

## RECOMMENDATION

2. That Members note and consider the late observations, consultation responses and information received in respect of each item in reaching their decision.

## FACTORS FOR CONSIDERATION

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

### **Item 7.1 – Application 20/AP/0489 for: Full Planning Permission – 46-48 GRANGE WALK, LONDON SE1 3DY**

#### Late representations

4. A late representations has been received highlighting the following issues:
  - Daylight/sunlight impacts
  - Report inaccuracies
  - Heritage implications
  - Height of the proposed development

These issues have been responded to in the Officer's report, and this addendum.

#### Factual corrections

5. Paragraph 7: The scheme would step down to 5 storeys towards the West.
6. Paragraph 12: Planning permission ref. 08/AP/3022 was granted on 23 Nov 2009 and completed in 2010.
7. Paragraph 75: The number of windows that pass the VSC test is 79 out of 105 and not the 78 reported with 26 not passing.

8. Paragraph 76: the ratio in relation to window 131 should read 0.75 and not 0.64 as reported.
9. Paragraph 77: 6 primary windows rather than 4 reported (windows 114/115/131/132/144/145) would receive a proportional reduction below 0.80 (between 0.76-0.79). Though all would retain a VSC over 23%, which would be good in an urban context. The relevant figures are given below, with excesses of BRE guidance noted in red.

Window	Alternative Vertical Sky Component			
	Before	After	Loss	Ratio
114	29.9%	23.3%	6.6%	0.78
115	30.6%	24.2%	6.4%	0.79
131	34.5%	26.1%	8.4%	0.76
132	34.8%	26.7%	8.1%	0.77
144	38.4%	29.3%	9.1%	0.76
145	38.4%	29.8%	8.6%	0.78

10. Paragraph 78: References to inset balconies should be to inset windows
11. Paragraph 81: The windows which do not meet the APSH test should read windows 113, 130, 143, and 156. It is important to set out the three requirements for failing this test from the BRE guidance:
- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March **and**
  - receives less than 0.8 times its former sunlight hours during either period **and**
  - has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours

It is noted in the cases of windows 113, 130, and 143 these start from an already low absolute % of 20 or less, and are located at an angle within inset balconies. Thus, while the impact is noted, it is not considered so severe as to warrant a grounds for refusal. The impact on each is given below, with the non-compliance with BRE recommendations highlighted in red.

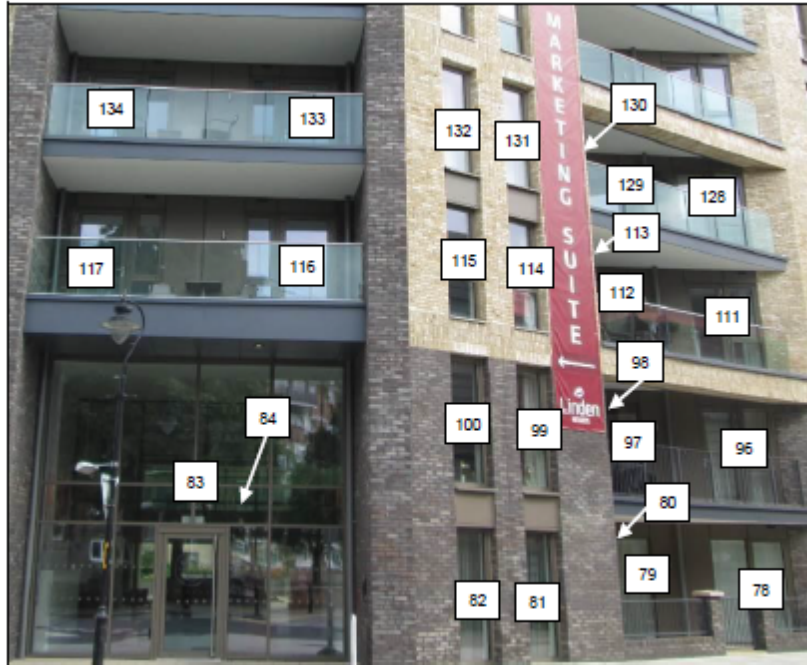
Window	Sunlight Hours							
	Annual Sunlight hours				Winter Sunlight hours			
	Before	After	Loss	Ratio	Before	After	Loss	Ratio
113	11%	5%	6%	0.45	4%	4%	0	1
130	11%	4%	7%	0.36	4%	4%	0	1
143	20%	8%	12%	0.4	9%	7%	2%	0.78

156	10%	4%	6%	0.4	5%	3%	2	0.4
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12 The Grange



12 The Grange



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An objector has noted that the line regarding windows serving rooms served by other windows is inaccurate. This is noted, however the window numbers have been updated as per this addendum.

Response to legal representations

12. The following table sets out a summary of issues raised recently by legal representatives of objectors, with Officer responses in consultation with the council's legal services included.

Objection	Response
<p><b>Ownership</b> 46 and 47/48 Grange Walk have been in the control of the same owner since the development of 46 Grange Walk so 47/48 Grange Walk should be seen as a phase of the same development</p>	<ul style="list-style-type: none"> <li>• The current application is for the roof extension which is what needs to be considered.</li> <li>• No objections on phasing were made at time of the 2017 permission for the development of 46/47 which would have been the appropriate time to raise this issue on the basis of ownership.</li> <li>• In any event, 48 and 46/47 were separate planning units (each site containing separate buildings that had previously been developed as separate units) and single ownership of separate planning units is not determinative of phasing – case law has established that adjacent but distinct planning units developed by the same owner does not necessarily constitute phased development or subdivision of a site (<i>Brandford</i>). So any consideration of phasing / subdivision at the time of the development of the 2017 permission would likely have concluded that there was none.</li> </ul>
<p><b>Ongoing intention to build higher</b> The applicant always intended to build a taller building with more units and only brought forward a smaller building with 9 units initially at 46/47 in order to avoid triggering the affordable housing threshold</p>	<ul style="list-style-type: none"> <li>• The council is aware that the applicant's intention was to build a taller building as it sought pre-application advice on a taller building prior to the 2017 permission. However, the council's advice was that a taller building was not policy compliant at the time and the development of 46/47 was as tall as it could be at the time of the 2017 permission.</li> <li>• The developer was free to choose to design the building to be extendable in the event that the policy position would change, which in fact it did with the development of the Corio building leading to the submission of the application for the extension. This cannot be viewed as evidence of artificial phasing when the reason for building a smaller building initially was to comply with council advice on what would be policy compliant.</li> </ul>
<p><b>Façade shows intention of phasing</b> The façade treatment will increase the coherence of 48 and 46/47 Grange Walk, showing that the intention was always to have a single</p>	<ul style="list-style-type: none"> <li>• It is speculation to say this is evidence of intention to phase development. As an objective factor it does not individually or cumulatively establish phasing or subdivision. See above on ownership as to why 46/47 is not considered a phase of the overall 46-48 site.</li> <li>• The façade treatment is a logical design proposal in</li> </ul>

development and it has been phased	the new context of a roof extension spanning both units.
<b>The developments are interconnected</b> The roof extension will be physically and operationally interconnected with 46/47 and 48	<ul style="list-style-type: none"> <li>This would always be the case with a roof extension. It is not a factor that is relevant to the consideration of whether the roof extension constitutes artificially phased development</li> </ul>
<b>This is all one planning unit</b> The extension is part of the same planning unit as 46/47 and 48	<ul style="list-style-type: none"> <li>Even if so, nothing turns on this. The relevant question in the case of the roof extension is whether it is a phase of a wider development that has been artificially held back to avoid the affordable housing threshold, and it is not so considered for the reasons given above (in particular that the council advised the developer that a taller development was not policy compliant at the time of the 2017 permission).</li> </ul>

Clarification

13. Corio House peaks at 8 storeys at the corner facing the application site, stepping down to a 7<sup>th</sup> storey along Grange Walk, set back from a 6 storey height around, with some lower elements at other ends of the block. The proposed development at just over 24m in height would be below the highest point of Corio House, which was approved at just over 27m in height.

14. Satellite view of Corio House (Source: Google Earth)



### **REASON FOR URGENCY**

15. Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the Planning Committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting

### **REASON FOR LATENESS**

16. The new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the committee agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Individual files	Place and Wellbeing Department 160 Tooley Street London SE1 2QH	Planning enquiries Telephone: 020 7525 5403