

<b>Item No.</b> 3	<b>Classification</b> Open	<b>Decision Level</b> PLANNING COMMITTEE	<b>Date</b> 1.03.04
<b>From</b> DEVELOPMENT AND BUILDING CONTROL MANAGER		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> (02-AP-2008)  The construction of a part 1, part 3, part 6 and part 7 storey building with the use of ground and part of 1st floors for retail and office use and the use of upper floors for 33 flats with car parking at rear accessed from Peckham Grove.		<b>Address</b>  191-199 Southampton Way, SE5.  <b>Ward:</b> Brunswick Park	

## 1. PURPOSE

- 1.1 This application was deferred by Planning Committee on 3<sup>rd</sup> November 2003 to enable the concerns of the residents of the neighbouring properties to be discussed on site with officers, the applicant and the local ward member.

## 2. RECOMMENDATION

- 2.1 That the Interim Development & Building Control Manager be authorised to grant planning permission subject to a legal agreement to secure affordable housing and funding for street lighting, cycle route and CCTV.

## 3. BACKGROUND

- 3.1 The history surrounding this application is included in the appended reports.
- 3.2 A meeting with the developer, his agent, a council officer, the local ward Member and the residents took place on 18<sup>th</sup> November. Following the meeting some further changes were made to the scheme which included setting the top floor nearest no. 189 away from the eaves of the rear of no. 189, obscure glazing and partially fixing shut the first floor window on the rear elevation adjoining no. 189 Southampton Way. In addition a daylight, sunlight and shadowing report was submitted, which assessed the impact on the adjoining building of the original consented scheme and the altered scheme currently under consideration.
- 3.3 The results of the study show that the amended scheme currently under consideration would result in more daylight reaching the windows of no. 189 Southampton Way when compared to the scheme for which consent has already been granted. The level of sunlight received would remain unchanged with either scheme. The development would however result in a slight increase (11%) in the level of overshadowing of the garden compared to the consented scheme.
- 3.4 The occupier of no. 201 Southampton Way had also raised objection to the scheme at the last Committee meeting the concerns raised were mainly structural and were

resolved with the developer at the site meeting in November.

- 3.5 Taking into account the changes that have been made and the assessment that has been undertaken it is acknowledged that there will be some loss of amenity to the adjoining occupiers at no. 189 irrespective of which scheme is implemented. This is exacerbated by the openness enjoyed by the residents of no. 189 Southampton Way since the removal of the existing buildings on the site. It is not considered that approving the current application would result in a loss of amenity so severe as to warrant refusal of the current proposal and approval is therefore recommended.

LEAD OFFICER	Jim Sherry	Interim Development and Building Control Manager
REPORT AUTHOR	Sonia Watson	[tel. 020 7525 0502]
CASE FILE	TP/2247-54	
Papers held at:	Council Offices, Chiltern, Portland Street SE17 2ES [Tel. 020 7525 5402]	

## PREVIOUS REPORT

<b>Item No.</b>	<b>Classification</b> Open	<b>Decision Level</b> PLANNING COMMITTEE	<b>Date</b> 3.11.03
<b>From</b> DEVELOPMENT AND BUILDING CONTROL MANAGER		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> (02-AP-2008)  The construction of a part 1, part 3, part 6 and part 7 storey building with the use of ground and part of 1st floors for retail and office use and the use of upper floors for 33 flats with car parking at rear accessed from Peckham Grove.		<b>Address</b>  191-199 Southampton Way, SE5.  <b>Ward:</b> Brunswick Park	

### 1. PURPOSE

- 1.1 A revision to this application was deferred by Planning Committee on 3 November 2003. Since that time 30 July 2003 to help address the concerns of the occupiers of the adjoining residential premises .

### 2. RECOMMENDATION

- 2.1 That the Development & Building Control Manager be authorised to grant planning permission subject to (a) the Government Office for London not issuing an adverse direction on the application, it being referable to him as a departure from policy relating to Employment Areas in the development plan and (b) a legal agreement to secure affordable housing and funding for street lighting, cycle route and CCTV.

### 3. BACKGROUND

- 3.1 This application was considered by Committee on 30 July 2003, when members resolved to grant permission in line with the recommendation set out above. The decision notice has yet to be issued as the associated legal agreement remains to be concluded. Following that resolution it became apparent to officers that the relationship of the scheme to the adjoining property at 189 Southampton Way differed in important respects to an earlier scheme granted permission in October 2001, with the result that the occupiers of No.189 would have experienced a greater loss of light and sense of enclosure than had the 2001 scheme been implemented. The 2001 scheme featured an office building set 1.5m away from the common boundary that would have been two storeys in height as viewed from No.189 but rising to three storeys at a distance of 7m from the boundary. By comparison, the current scheme as considered by Committee in July would have placed a three storey building against the boundary, albeit extending less distance to the rear.
- 3.2 Following further negotiations with the applicants and consultation with the objectors, the scheme has been amended to bring it more in line with the scheme already

granted permission. The details of these changes are set out in 5.1 below. The report to Committee of 30 July is appended to this report.

- 3.3 The internal layout has been reconfigured to maintain the same number of residential units within the smaller building envelope. The arrangements for the collection of refuse have also been clarified. Otherwise, the scheme is unchanged.

## **4 FACTORS FOR CONSIDERATION**

### **Main Issues**

- 4.1 The main issue is whether the amendments now secured will ensure a satisfactory relationship to No.189 with regard to levels of daylight and sense of enclosure to the rear of that property.

### **Planning Policy**

- 4.2 Refer to previous report

### **Consultations**

- 4.3 The occupiers of No.189 have been fully consulted in respect of the changes made to the scheme. They expressed concerns about the initial proposal to set the second floor off the boundary but leave the ground and first floors abutting the boundary.

The scheme has since been further amended to also take the first floor away from the boundary at this point. The occupiers of No.189 have been reconsulted and any further comments received will be reported either verbally or in an addendum report to Committee.

## **5 PLANNING CONSIDERATIONS**

### Relationship of the building to the boundary with No.189

- 5.1 The applicants have amended the scheme to set both the first and second floors 3m off the boundary with the rear garden of No.189. The ground floor will continue to abut the garden wall but will be largely hidden from view by it. The height of the new building will thus be reduced from three to one storey (or from 9m to 3.3m) adjacent to the boundary. The building will step up to three storeys (9m in height) at a distance of 3m from the boundary.
- 5.2 The scheme approved in 2001 allowed for a two storey building (7m in height to the eaves) set 1.5m from the boundary. (The sloping roof would have risen to 8.8m at approximately 3.5m from the boundary.) The building would then have stepped up to three storeys or 10m in height (again to eaves level) at a distance of 7m from the boundary.
- 5.3 The new building will extend backwards to a point level with the rear boundary of No.189, and in this respect the scheme is unchanged. By comparison, the scheme approved in 2001 showed the new building projecting a further 4m to the rear. Photographs taken before the application site was cleared show a single storey workshop in much the same position and extending the full depth of the rear garden,

with a taller, possibly two storey, structure extending across the foot of the garden.

- 5.4 Overall, therefore, it is considered that the revisions now secured will ensure that the scheme has no additional material effect on the adjoining occupiers at 189 Southampton Way compared to that previously approved and that any remaining impact will not be sufficient to warrant refusal of the application. The greater separation now secured should be sufficient to avoid any unreasonable sense of enclosure. Any loss of daylight will be restricted to the rear garden rather than habitable rooms and should be very limited given the degree of separation and northerly aspect. Additionally, the impact should not be materially different to that experienced prior to the clearance of the site.

#### Structural Impact

- 5.5 It is understood that the objectors remain concerned about the impact of building works on the structural integrity of the flank wall of their house. The applicants still propose to build against or close to their flank wall. However, this is not a planning consideration. Structural issues are covered by other legislation and, where appropriate, party wall agreements between the parties concerned. In townscape and security terms it is considered preferable to continue the terrace in the manner proposed.

#### Other matters

- 5.6 The internal layout has been reconfigured to maintain the number of residential units at 33 and the number of affordable units at 8, all as previously agreed. Therefore the development maintains 25% affordable housing in compliance with Council policy.
- 5.7 The opportunity has been taken to review the access to the refuse collection areas, resulting in a more satisfactory arrangement for refuse collection for both the commercial and residential elements of the scheme.

### **EQUAL OPPORTUNITY IMPLICATIONS**

- 6 See previous report

6.1

### **LOCAL AGENDA 21 (Sustainable Development) IMPLICATIONS**

7

- See previous report

7.1

LEAD OFFICER            Andrew Cook                            Development and Building Control Manager  
REPORT AUTHOR        Sonia Watson                            [tel. 020 7525 5416]  
CASE FILE                TP/2247-54  
Papers held at:        Council Offices, Chiltern, Portland Street SE17 2ES [el. 020 7525 5402]


--	--