

<b>Item No.</b> 3.	<b>Classification</b> OPEN	<b>Decision Level</b> PLANNING COMMITTEE	<b>Date</b> 06/07/2004
<b>From</b> DEVELOPMENT & BUILDING CONTROL MANAGER		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> (04-AP-0086)  Redevelopment of site with a building of up to 7 storeys comprising 23 self contained residential units with associated car parking on lower ground floor.		<b>Address</b>  Land adjoining 6 Dog Kennel Hill  <b>Ward</b> South Camberwell	

### **PURPOSE**

1. To consider the above application which is for Committee consideration because the proposal is contrary to policy C.5.6 Metropolitan Open Land and the number of objections received.

### **RECOMMENDATION**

2. That the Development and Building Control Manager be authorised to grant planning permission subject to:
  - a) a legal agreement to secure funding for landscaping works to the adjacent path to Goose Green, a nearby pocket park and for a 25% affordable housing contribution:
  - b) to the Government Office for London not issuing an adverse direction on the application, it being referable to them as a departure from policy in the development plan relating to Metropolitan Open Land (MOL).

### **BACKGROUND**

3. The application site comprises approximately 530 square metres of vacant land on the south west side of Dog Kennel Hill. It lies to the south of residential dwellings fronting Dog Kennel Hill, to the east of Birdsall House and is separated from an adventure playground to the south by a public footpath which is designated MOL. Two single-storey buildings were located at the rear of the application site, which were formerly used as scout huts but recently demolished which has left the site vacant. The site is bounded by a two-metre mesh fence to the south and to the southwest and north with a dilapidated concrete wall. The site, due to the absence of any uses, is plagued by fly-tipping and the boundary treatments are covered in graffiti.
4. The residential dwellings that surround the site are a mix of two-storey owner occupied semi-detached houses with rear gardens and off-street parking amenity which front Dog Kennel Hill and local authority housing. The local authority housing comprises a 5 storey block of flats known as Birdsall House which is located to the west of the site and a large estate of dwellings north and east of the site across Dog Kennel Hill, which comprises largely 5 storey blocks of flats. Dog Kennel Hill itself is a dual carriageway, which is the main thoroughfare between Camberwell and East Dulwich. The route hosts a number of facilities including a primary school, an adventure playground and provides the access to Dulwich Hamlet Football club and a Sainsbury's superstore.

5. Sainsbury's superstore.

This application follows the granting of outline planning permission subject to a legal agreement for the construction of a part three/four storey building with a lower ground floor comprising 17 residential units and associated landscaping by Council Members on 30th July 2003. The approved scheme would provide 25% affordable housing. An application for 19 residential units (04-AP-0763) is also to be present to the Planning Committee on 6 July 2004 for a decision.

- 6.

The current application refers to the erection of a part seven and five storey building including basement car parking comprising 23 residential units 5 of which are affordable and 15 car parking spaces, 2 of which are for disabled people. The scheme also provides associated screened refuse and cycle storage. Eighteen of the units are two bedroomed maisonettes spread over two floors, the remaining five units are one bedroomed affordable flats, one of the units is a maisonette. The application includes a communal garden of 93 square metres which is located in the north western corner of the site and also 4.5 square metre balconies for each maisonette intended for private sale. The balconies are on the southern elevation of the building, which is cantilevered and therefore over-hangs the site's boundary which is Metropolitan Open Land (MOL).

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

7. The main issues in this case are the principle of the development, the density, the scale and design of the proposal, the impact upon surrounding residential amenity, the standard of accommodation provided, the density of the development and parking provision.

### **Planning Policy**

8. Southwark Unitary Development Plan 1995 [UDP]:  
E.1.1 Safety and Security in the Environment - Complies  
E.2.3 Aesthetic Control - Complies  
E.3.1 Protection of Amenity - Proposal complies with Building Research Establishment (BRE) guidelines to all adjacent residential properties.  
E.2.1 Layout and Building Lines - Complies  
E.2.4 Access and Facilities for People with Disabilities - The scheme includes a lift to all floors and 2 disabled parking spaces but most of the units are maisonettes served by stairs however access to the building is via stairs.  
E.2.5 External Space - Complies  
H.1.4 Affordable Housing - Complies  
H.1.5 Dwelling Mix of New Housing - Complies  
H.1.8 Standards for New Housing - Complies  
C.5.6 Metropolitan Open Land - The balconies on the southern elevation over-hang MOL, which will result in a loss of 21 square metres.  
T.1.3 Design of Development and Conformity with Council Standards and Controls - Complies with more recent Council, Regional and national guidance  
Supplementary Planning Guidance for Standards, Controls and Guidelines for Residential Development - Complies with accommodation sizes and layouts, there is a shortfall in the provision of amenity space.
9. The Southwark Plan [Revised Deposit Unitary Development Plan] March 2004  
Policy 3.2 Protection of Amenity - Complies  
Policy 3.11 Quality in Design - Complies

Policy 3.14 Urban Design - Complies  
Policy 3.25 Metropolitan Open Land - Does not comply  
Policy 3.10 Efficient Use of Land - Complies  
Policy 3.15 Designing out Crime - The grass verge to the south of the site does not make a clear establishment of ownership.  
Policy Policy 4.2 Quality of Residential Accommodation - Complies  
Policy 4.3 Mix of Dwellings - Complies  
Policy 4.4 Affordable Housing - Complies  
Policy 5.4 Walking and Cycling - Complies  
Policy 5.6 Car Parking - Complies  
Policy 5.7 Parking Standards for the Mobility Impaired - Complies  
Supplementary Planning Guidance for Residential Design Standards- Complies

## **Consultations**

10. Site Notice: 26/01/2004 Press Notice: 12/02/2004
11. Consultees:  
1-6 (inc) Dog Kennel Hill, SE22 8AA  
1-34 Birdsall House, Champion Hill Estate, SE5 8DP  
  
Champion Hill Tenants and Residents Assoc C/o Crown House Neighbourhood Office,  
41-43 East Dulwich Road  
London  
SE22 9AN  
  
Leisure Services, 15 Spa Road, Bermondsey SE16 3QW  
  
Dog Kennel Hill Adventure Playground, Dog Kennel Hill  
LONDON  
SE5  
  
Walcot House, TA The Chair East Dulwich Estate, Tenants Association, 10 Fernie  
House, Quorn Road, London, SE22 8BW  
  
Garry Martin, Education at Southwark Council, 285 Albany Road, SE17  
East Dulwich Estate, C/O 20 Melbreak House, Pytchley Road, London SE22 8AL  
  
Crime Prevention Officer  
Traffic Group  
Design Officer  
Senior Housing Project Officer  
Public Protection

## **Replies from:**

12. A petition containing 42 signatures from residents in Birdsall House  
The proposal will result in a loss of light, privacy; it will spoil the surrounding area and will make the path at the rear of the site unsafe, particularly for those using the adventure playground.  
  
7 Birdsall House  
The proposal will result in an over-development of the surrounding area and raises safety issues due to its proximity to the playground. It will also result in a loss of light to no.7.  
  
8 Birdsall House

The proposal would result in a loss of light to a habitable room, it will also result in a loss of privacy and views from inside the flat and from the balcony. The proposal will also generate noise and parking problems.

#### 12 Birdsall House

The proposal will be dangerous for the children entering and leaving the adventure playground.

#### Dog Kennel Hill Adventure Playground Management

The building represents an improvement to the area. The works and improvements to the path is considered a valuable benefit, as it will result in a safer environment for the children.

#### Crime prevention Officer

CCTV should be installed in the communal hall; the lift should not give access to the car park from communal areas. The over-hang could become a 'youth shelter'; defensive planting could prevent this and the car park ventilation could allow access to intruders.

#### Public Protection

Confirmation should be provided to the Council that there is no soil contamination of the site.

#### Senior Housing Project Officer

The affordable housing provision is acceptable.

#### Traffic Group

The parking level is acceptable. Plans illustrating the 5 metre level standing areas are provided which will allow site lines to be checked need to be supplied. An informative advising the applicant about works to the public highway needs to be submitted.

#### Conservation and Design

An excellent design; although the scale of the building is out of context with the immediate surrounding buildings it fits into the wider setting of the building types in the vicinity. It is judged overall that given the quality of the design and the improvements to the public realm any issue regarding the scale of the building is outweighed by the positive aspects.

### **PLANNING CONSIDERATIONS**

13. Principle of the Development  
The principle of residential development on the site has been accepted by the Council in the granting of outline permission for 17 residential units (03-AP-0618) in 2003.
14. Metropolitan Open Land  
The southern elevation of the proposed building will overhang a strip of land that is identified as Metropolitan Open Land. The cantilevered part of the building is 700mm deep and spans across the southern elevation of the building, which is 31 metres in length. The total extent of the MOL is just over half a hectare in total and extends to the boundary with Sainsbury's to the south and to the Cleve Hall estate to the west. The land also encompasses the children's adventure playground to the south of the site.
15.   
The proposal will result in an area of 21.7 square metres of designated MOL becoming unusable as public open space or as a community use. The area of MOL that will be affected by the proposal is a verge of grass that separates the site from the public footpath and verge.

16. The applicant has acknowledged that the proposal will result in the verge no longer being useable MOL and in order to compensate for this loss has agreed to contribute £15,000 for works to the public footpath. It is considered that this contribution will be secured through a Section 106 agreement will compensate adequately for the loss of the 21.7 square meters of MOL by improving a large part of the adjoining land by making it more accessible to residents, particularly for those living in Birdsall House that access their home via the public footway from Dog Kennel Hill.

17. Scale and Design

The surrounding area comprises residential accommodation in a variety of scale and densities. The immediately adjacent property (north) is a two storey semi-detached dwelling with five storey residential blocks east across Dog Kennel Hill and to the rear of the site (west), all the buildings sit well within the context of the area due to its varying topography.

18. The principle of a part three and part four storey building on the site has been accepted by the approval of the previous application. This proposed building is part five, part six storey building with a seventh 'penthouse' floor, these storeys include a basement car park. The massing of the building is predominately four storeys with the part of the basement car park comprising the ground floor, a recessed sixth storey and a penthouse arrangement comprising the top floor (or seventh storey). The sixth storey is set forward of the western boundary of the site away from Birdsall House with the penthouse located on the southern part of the site which abuts the public footpath. The scheme therefore represents a four-storey building adjacent to 6 Dog Kennel Hill.

19. It is acknowledged that the four storey building does not immediately reflect the context of the adjacent row of semi-detached dwellings but given the fall away in ground levels from the houses in Dog Kennel Hill the proposed four storey element does not appear over dominant in the street scene. The higher element of the scheme is considered to be in context with the majority of buildings around the site, which are large and densely massed housing blocks. It is therefore considered that because of the topography of the surrounding area and the scale and massing of the surrounding buildings the development will not appear out of context within the street scene. The design is considered to enhance the quality of the built environment representing high quality in both urban design and architectural terms although it does not replicate the form of the surrounding buildings.
- 20.

- The materials proposed for the construction of the building are varied including slate grey terracotta, weathered zinc, sand blasted and clear glazing and timber screening. This combination of materials will give the building a modern appearance and are considered to ensure a high quality finish. It is accepted that the materials are not the same as those used in the construction of the surrounding buildings however this element of the design will enhance the street scene and bring visual interest to Dog Kennel Hill.
- 21.

Impact upon Residential Amenity

The Council has received a number of objections from residents in Birdsall House pertaining mainly to the loss of light, views and privacy that will result from the building, the safety of the children using the playground and overdevelopment of the site are also issues raised. Birdsall House is located 12.1 metres north west of the site and 20 metres away from the part six-part seven-storey element at its nearest point. The seventh storey of the building comprises four unconnected roof pods set 1.5 metres in from the edges of the sixth floor roof and therefore is set further away from Birdsall House. The only windows that are west facing (towards Birdsall House) are

22. set in the four storey element of the scheme, which is 21 metres from Birdsall House at its nearest point and therefore complies with the Council's standards.

The glazing shown on the northern elevation of the building is obscure glazed and therefore will not result in an unacceptable loss of privacy to the southern (front) elevation of Birdsall House. There are no openings on the north elevation of the four storey block which abuts no.6 Dog Kennel Hill.

It has been accepted that a four storey building on the site will not have an unacceptable impact upon the amenity of the occupants of Birdsall House in terms of a loss of light. The additional height of the two contained storeys is 5.4 metres and the roof pods, which are 2.4 metres in height, have been designed to accord with the BRE (Building Research Establishment) guidance. The building line of Birdsall House projects directly behind the rear of the site and therefore the bulk of the building will not over shadow the south facing windows of Birdsall House. It is accepted that the building will have some impact upon Birdsall House as at present the occupants enjoy uninterrupted views and light across the vacant land however any loss of light would not be so significant as to warrant refusing planning permission on such grounds.

23. Views and outlook carry no material weight when determining planning applications.

The principle of a three storey building adjacent to no. 6 Dog Kennel Hill has been accepted as part of the approval of application 03-AP-0618. It was accepted that the proposal would result in the loss of the view across the site. As discussed views, carry no material weight when determining planning applications. It was also accepted that the proposal will not result in an unacceptable loss of light to the windows in the southern elevation of no.6 given the distance of the site from the southern elevation and this distance has not changed. The additional 2.9 metres in height, which is now proposed, would not be considered to exacerbate any loss of light to these windows because of the 12 metre distance of the building from the site.

- 24.

It was agreed by elected Members at Planning Committee on 30.07.2003 that any disruption to the path at the south of the site can be controlled by an informative instructing the applicant to keep the path free from plant equipment and building materials in order to ensure that the pedestrian access from Dog Kennel Hill to Birdsall House is kept clear. It is judged reasonable to repeat the informative on any permission granted for this application. It was further agreed that the Adventure Playground to the south of the site is compatible with the proposed residential scheme due to the restricted opening times of the playground and the distance between the two sites.

- 25.

#### Standard of Accommodation, Density and Amenity Space

The floor areas are suitably sized and the internal layout and ventilation of the units comply with the Council standards contained within Supplementary Planning Guidance. The mix of units is also judged acceptable, as there is a predominance of 2no. bedroom units within the scheme, which is appropriate for the location of the site.

The density of the scheme is 794 habitable rooms per hectare, which exceeds the typical density range for an Urban Zone in which this site is located. The range for the Urban Zone is 300-700 habitable rooms per hectare as the area is characterised by lower-scale development. The density therefore fails to comply with policy 4.1 Density of Residential Development of the Revised UDP (March 2004). The scheme however is of a high quality design, which ameliorates its intensiveness. The scheme also provides an adequate amount of on-site car parking and is located on a bus route and therefore it is considered that the additional density of the development can be supported without it resulting in an unacceptable strain upon the existing infrastructure. Furthermore, it is considered that the scheme is acceptable in all other aspects and as such, the site is capable of containing a scheme with a higher density

- than 700 habitable rooms per hectare. As such the proposal is in accordance with central government guidance contained within Planning Policy Guidance Note 3 (Housing) which advocates that disused urban land be redeveloped to such a degree as to realise its full beneficial use.
- 26.

- The communal amenity space provided is 127.7 square metres and all the flats intended for private ownership have balconies of 4.5 square metres. There is therefore a shortfall in the provision of amenity space however, the applicant has agreed to compensate for the shortfall of amenity space by contributing £35,000 for park improvements in the East Dulwich Area. This contribution is judged to be sufficient to cover the cost to the Council for future residents using public open space as due to the lack of adequate on-site provision.
- 27.

#### Traffic and Refuse Implications

- The scheme provides 15no. parking spaces, 2no. of which are for disabled people, additionally the scheme provides 18no. cycle storage spaces. The parking provision complies with the Council's recent parking standards contained within the Revised Unitary Development Plan (March 2004), which reflects the policies for parking standards contained in both the London Plan and Planning Policy Guidance Note no.13 (Transport). The provision of cycle storage is 7 spaces short of the 2004 UPD requirement, which is 1 space per unit plus 1 space per 10 units for visitors. Although the scheme should ideally provide 25 spaces a shortfall occurs because of the constraints of the site, it is not possible to add the additional 7 spaces into the designated secure cycle storage area located in the eastern corner of the site fronting Dog Kennel Hill. Given the site constraint it is not considered that the shortfall in cycle storage provision is a justifiable reason for refusal.
- 28.
29. The applicant has supplied additional information showing the site lines out of the car park, which have been agreed by the Council's Traffic Group.

- The scheme provides an adequate amount of refuse storage for the scale of the development, the location and accessibility of the refuse storage has been agreed by the Council's Traffic Group. The storage does not however include recycling facilities but provision for this can be secured by condition in order to comply with policy 3.8 'Waste Management' of the Revised UDP (March 2004).
- 30.

#### Designing Out Crime

The proposal is considered to comply with the Council's policy for Safety and Security in the Environment (E.1.1) and policy 3.15 'Designing Out Crime' of the Revised UDP (March 2004) as it will result in a good surveillance of the public footpath that runs along the south of the site which at present is not over-looked and has attracted some anti-social behaviour such as graffiti. The presence of an active frontage along this footpath is considered to make the walk from Dog Kennel Hill to Birdsall House more safe as it will eliminate disused site, which flanks the path and creates a dark and secluded area along the public footpath. The contribution that the applicant is making to path improvements should also improve the security of the adjoining public footway. The issues raised by the Council's Secure By Design officer pertain largely to security measures that the building management company should take once the scheme is completed as they refer to issues of building security rather than those pertaining to the wider area.

#### **EQUAL OPPORTUNITY IMPLICATIONS**

31. The development provides adequate disabled access via a lift to all the units and the car park, the scheme also provides disabled parking facilities.

## **LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS**

32. The proposal does not provide specific refuse storage facilities that allow waste to be sorted for recycling. As discussed it is considered that this detail can be addressed through a condition.

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