

Walworth Community Council

Wednesday 2 June 2010

7.00 pm

Thurlow Lodge Community Hall, 1 Thurlow Street, London SE17 2US

Additional Information

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Agenda Item 1a

Item No: 1	Classification Open	Committee: Walworth Community Committee	Date: 2 June 2010
From: Head of Development Management		Title of Report: <u>Addendum</u> Late observations, consultation responses, information and revisions.	

PURPOSE

- 1 To advise Members of observations, consultation responses and information/revisions 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/revisions received in respect this 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 application on the main agenda:

Item 1 – 10AP0415 - Cambridge House

Recommendation The recommendation should be amended as follows, as only the listed building consent needs to be referred for any direction by the Secretary of State, pursuant to Circular 08/2009, as the application has received an objection from one of the statutory amenity societies.

Amended recommendation: Grant planning permission.

Further representations

2 Addington Square - I've looked through this report and would like to insist that there is some sort of condition restricting the hours of work. As we are the direct neighbours the work will affect us greatly and I want to make sure that the building work cannot be undertaken outside of certain reasonable hours - i.e. 9 - 5 Monday to Friday or whatever is the norm. I would like to this to be a definite condition of planning permission.

I would like to object against the fig tree being cut down - it must be one of the biggest fig trees in London; I don't think the fact that it's not visible from the road is a justification to get rid of it. It's visible to all the neighbours. I would just like to draw attention to the destruction of that, and the plum tree, and see if anything can be done to save them.

Officer comments: The Control of Pollution Act 1974 states that works audible at the site boundary shall not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Protection Team: Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors. In addition contractors and sub contractors must have regard to BS 5228-2:2009 "Code of Practice

for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974. A separate planning condition to this effect is not required because these hours are controlled through this other legislation.

In relation to trees, please see comments below on Paras 73 – 77 of the report.

Clarification/corrections to the report

Para 10 - the applicant has confirmed that the area given for education/training does include the community use of Gilroy Hall.

Para 15 states that 'No. 141 immediately to the south has a basement flat which opens out at the rear to a garden which shares a boundary wall with No. 139'. The owners have pointed out that all the residents within 141 have access to the gardens, not just the tenants in the basement flat.

Para 18 – a number of the later additions to the internal plan are proposed to be removed.

Para 20 - the existing entrance from Addington Square is currently the main entry point to the building.

Para 23 - states that 'the existing rear extension adjoining No. 141 would be retained as existing...'. The applicant has noted that while the footprint of the extension is being retained, the height of the extension is being lowered to match the roof level of the proposed new build as shown on drawing L(00)21. They state that as this matter was raised as being of importance to the owners of 141, they are keen that there is no opportunity to misunderstand the proposals. Therefore, for clarity, it is confirmed that the roof height of the existing extension adjacent to 141 is being lowered.

Para 44 - There is an error at Paragraph 44 of the report relating to this condition. The hours given in Condition 3 are the correct ones, i.e. the proposed reduction in hours is from 24.00 which was applied for, to 23.00 pm Fridays and Saturdays and from 22.00 to 21.00 on Sundays and Bank Holidays.

Para 73 – 77 – further comments on trees in response to the objection received from No. 2 - In response to the objection to the removal of the fig tree, the applicant has stated that they have spoken again to the arboriculturalist. He considers that there is no practical way of preserving the tree during construction, stating that removal of the foundations of the building on which it is resting would almost certainly fatally compromise the root system, even if it survived the demolition of the superstructure. The re-grading of the courtyard to give a single level to most of the ground floor would, it seems, remove any remaining chance of survival.

His view is that a properly planted new tree is likely to provide a better, more long lasting feature for the courtyard. Cambridge House will consult, with neighbours as well as staff and user groups, on the replacement. The intention is to put in a semi-mature specimen, which could be another broad leaved species giving shade in summer. This would be covered by the proposed conditions relating to landscaping.

In relation to the plum tree, this shows "signs of fungal activity which is likely to have resulted in some internal decay". The assessment is that it has a limited safe life expectancy and should either be felled or monitored annually. The applicant's view is that given that it is in a children's play area they would expect Cambridge House to replace it, regardless of the development plans, in the interests of safety.

Officers concur with these views, and a condition in relation to replacement planting is included within the recommendation.

Conditions

Condition (2) Hours of operation - Gilroy Hall

The applicant has discussed the issue of opening hours with Cambridge House and they are keen that approval for the new facilities is not granted at the cost of the current long standing opening hours. However, they recognise that noise disturbance is a potential concern and, state that, in addition to the improvements to the sound insulation of Gilroy Hall, the following actions are proposed to reduce any risk of noise disturbance at Cambridge House:

- a) There is an ongoing testing and recording of noise levels
- b) There is an ongoing log of any complaints about noise disturbance
- c) It is proposed to install a sound level limiting system. This is designed to measure the sound levels and cut off the electricity (following two warnings) if they exceed a set maximum level.
- d) Cambridge House propose to install its own audio visual equipment and PA systems in the new facilities. These will be designed to suit the size of the rooms - in the future it will not allow people to bring in their own sound systems as these might exceed acceptable sound levels for the venue.
- e) Cambridge House is changing its management system so that a staff member will be on the premises at all times when an event is in progress. This member of staff will be responsible for minimising noise disturbance.

They state that if granted, this consent will formalise what is currently a de facto arrangement and give the neighbours enforceable protection that they do not currently have. They suggest that the above proposals will make it easy for Southwark Environmental Enforcement to take appropriate action should there be any problems.

Para 44 of the report makes the point that the fabric will be more resistant to noise transmission than currently, and the management will be more formal, and therefore better able to control potential disturbance. Furthermore the consent will formalise what is currently a de facto arrangement, and give neighbours enforceable protection that they do not currently have. We request therefore that the condition refer to monitoring by the Council coupled with agreed communication channels for neighbours, as the appropriate means of dealing with this issue. The enforcement mechanism would be the same, whatever hours are given in the consent.

However officers remain of the view that Condition 2 should remain as recommended, which are largely the hours set out by the applicant in their application form, except for the late night opening hours which officers consider should be more restrictive bearing in mind the overall intensification of the use of the site and the proximity to surrounding residential occupiers.

The applicant has not set out above in (c) above what sound level they think that the limit should be set to. It is suggested that an appropriate mechanism to extend the recommended hours of operation would be by way of a S73 variation to condition application, which would enable the applicant to set out in detail the measures that they would propose, the hours that they would operate to, and for surrounding residents to be consulted specifically on this matter. Should any proposed mitigation measure be considered acceptable, then the hours could be amended by way of this application.

Condition 10 – it is recommended that this be amended as follows:

- a) Before the development hereby permitted commences the applicant shall submit in writing and obtain the written approval of the LPA to a Travel Plan setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors.
- b) At the start of the second year of operation of the approved Travel Plan a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be

taken to encourage the use of public transport, walking and cycling to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order that the use of non-car based travel is encouraged in accordance with London Plan policy 3C.2 and policies 5.2 Transport Impacts and 5.3 Walking and Cycling of the Southwark Plan 2007.

Condition 11 – it is recommended that the condition be amended to define the term ‘serviced’ as ‘serviced by vehicles’

Condition 14 - The last sentence should be included as an informative rather than part of the condition.

Condition (16) - the applicant states that while they agree that it is clear that the installation of PV units on, for example, the South roof of Gilroy Hall, would be intrusive within the historic setting, but queried whether it might be appropriate to allow their installation on the South facing slope of the proposed pitched roof lights only. A birdseye view of the proposed location for the PV cells was submitted and it was suggested that these be designed as an integral part of the roof light enclosure rather than bolt on plant.

Officers remain of the opinion that any such equipment attached to either the new build or the listed buildings should be the subject of a separate planning application in order that the effect on the listed buildings and their setting can be assessed in full, and it is considered that there could be harm arising from the appearance of plant if it is sited too close to the listed buildings and/or visible in close proximity to their windows.

Item 2 – 10AP0419 - Cambridge House

Clarification/corrections to the report

Para 22 – should refer to Section 14 rather than section 13 of the Act.

Conditions

A standard condition should be added requiring that a building contract to implement the planning permission be entered into and details submitted for the Council’s approval prior to any demolition, in order to prevent premature demolition without a commensurate replacement in the conservation area, as follows:

Condition (10) - No demolition permitted by this consent shall take place until an unconditional construction contract has been entered into to carry out building work permitted by planning permission 10-AP-0415 and the same has been submitted to and approved in writing by the Local Planning Authority.

Reason

As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character and appearance of the Addington Square Conservation Area in accordance with Policies 3.15 Conservation of the Historic Environment, 3.16 Conservation Areas, and 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites of The Southwark Plan 2007.

REASON FOR LATENESS

- 4 The comments reported above have all been received since the agenda was printed. They all relate to an item on the agenda and Members should be aware of the objections and comments made.

REASON FOR URGENCY

- 5 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 Sub-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/enforcements and would inconvenience all those who attend the meeting.

RESOURCE IMPLICATIONS

- 6 These are contained in the report.

EQUAL OPPORTUNITY IMPLICATIONS

- 7 These are contained in the report.

LOCAL AGENDA 21 (Sustainable Development) IMPLICATIONS

- 8 These are contained in the report.

Lead Officer: Gary Rice Head of Development Management

Background Papers: Individual case files.

Located at: 160 Tooley Street, London SE1 2TZ