

# Camberwell Community Council Planning

Wednesday 11 April 2012  
7.00 pm

Lettsom Tenants Hall, 114 Vestry Road, London SE5 8PQ

## Membership

Councillor Norma Gibbes (Chair)  
Councillor Dora Dixon-Fyle (Vice-Chair)  
Councillor Kevin Ahern  
Councillor Stephen Govier  
Councillor Peter John  
Councillor the Right Revd Emmanuel Oyewole  
Councillor Veronica Ward  
Councillor Mark Williams  
Councillor Ian Wingfield

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Acting Chief Executive

Date: Tuesday 3 April 2012



## Order of Business

**Item  
No.**

**Title**

1. INTRODUCTION AND WELCOME
2. APOLOGIES
3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

Members are asked to declare any interest or dispensation and the nature of that interest or dispensation which they may have in any of the items under consideration at this meeting.

**Item No.**

**Title**

**4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT**

The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.

**5. MINUTES (Pages 5 - 7)**

To confirm as a correct record the minutes of the meeting held on 15 March 2012.

**6. DEVELOPMENT MANAGEMENT ITEMS (Pages 8 - 13)**

**6.1. 18 GROVE PARK, LONDON SE5 8LH (Pages 14 - 34)**

**6.2. 18 GROVE PARK, LONDON SE5 8LH (Pages 35 - 49)**

Date: Tuesday 3 April 2012

## **INFORMATION FOR MEMBERS OF THE PUBLIC**

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**CONTACT:** Beverley Olamijulo, Constitutional Officer, Tel: 020 7525 7234 or email: [beverley.olamijulo@southwark.gov.uk](mailto:beverley.olamijulo@southwark.gov.uk)  
Website: [www.southwark.gov.uk](http://www.southwark.gov.uk)

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### **BABYSITTING/CARERS' ALLOWANCES**

If you are a resident of the borough and have paid someone to look after your children or an elderly or disabled dependant, so that you can attend this meeting, you may claim an allowance from the council. Please collect a claim form from the Constitutional Officer at the meeting.

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Deputations provide the opportunity for a group of people who are resident or working in the borough to make a formal representation of their views at the meeting. Deputations have to be regarding an issue within the direct responsibility of the Council. For further information on deputations, please contact the Constitutional Officer.

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## Camberwell Community Council

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#### ভাষার প্রয়োজন

আপনি যদি নিজের ভাষায় কমিউনিটি কাউন্সিল সম্পর্কে তথ্য পেতে চান তাহলে 020 7525 7385 নম্বরে ফোন করুন অথবা 160 Tooley Street, London SE1 2TZ ঠিকানায় গিয়ে অফিসারদের সাথে দেখা করুন।

### Yoruba:

#### Awon Kosemani Fun Ede

Bi o ba nfe àlàyé kíkún l'ori awon Ìgbimò Àwùjo ti a se ayipada si ede abínibí re, jọwọ tẹ wa l'aago si ori nombá yi i : 020 7525 7385 tabi ki o yaju si awon òṣiṣé ni ojúlé 160 Tooley Street , London SE1 2TZ .

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Asusu

I choo imata gwasara Council na asusu gi ikpoo ha n'okara igwe 020 7525 7385 ma obu igaa hu ndi oru ha na 160 Tooley Street, London SE1 2TZ

Krio:

Na oose language you want

If you lek for sabi all tin but Community Council na you yone language, do ya telephone 020 7525 7385 or you kin go talk to dee officers dem na 160 Tooley Treet, London SE1 2TZ.

Twi:

Kasaa ohohia,

se wopese wo hu nsem fa Community Councils ho a, sesa saakasa yie ko wo kuro kasa mu. wo be tumi afre saa ahoma torofo yie 020 7525 7385 anase ko sra inpanyinfo wo 160 Tooley Street, London SE1 2Tz.

## Planning at Community Council Meetings

**This sheet will tell you about what happens at the meeting when the community council considers a planning application, a planning enforcement case or other planning proposals.**

The community council must follow the same rules and procedures as the council's main planning committee.

The items are heard in the order printed on the agenda, but the chair may change the running order of the items.

At the start of each item, the council's planning officer will present the report about the planning application and answer points raised by Members of the committee. After this, the following people may speak on the application if they wish, but **not more than 3 minutes each**:

1. A representative (spokesperson) for the objectors - if there is more than one objector wishing to speak the time is then divided within the 3 minute time slot
2. The applicant or their agent
3. A representative for any supporters who live within 100 metres of the development site
4. A ward councillor from where the proposal is located.

The chair will ask the speakers to come forward to speak. Once the speaker's three minutes have elapsed, members of the committee may ask questions of them, relevant to the roles and functions of the community council.

Members of the committee will then debate the application and consider the recommendation.

### Note

If there are several objectors or supporters, they have to identify a representative who will speak on their behalf. If more than one person wishes to speak, the 3 minute time allowance must be shared amongst those who wish to speak. Objectors may wish to meet with other objectors in the foyer of the hall prior to the start of the meeting to appoint a representative.

Speakers should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already on the report.

**The arrangements at the meeting may be varied at the discretion of the Chair.**



## **CAMBERWELL COMMUNITY COUNCIL – Planning –**

MINUTES of the Camberwell Community Council held on Thursday 15 March 2012 at 7.00 pm at Jessie Duffett Hall, 92 - 94 Wyndham Road, London SE5 0UB

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**PRESENT:** Councillor Norma Gibbes (Chair)  
Councillor Dora Dixon-Fyle (Vice-Chair)  
Councillor Kevin Ahern  
Councillor the Right Revd Emmanuel Oyewole  
Councillor Veronica Ward  
Councillor Mark Williams  
Councillor Ian Wingfield

**OFFICER** Becky Baker, Planning Officer  
**SUPPORT:** Sadia Hussain, Legal Officer  
Beverley Olamijulo, Constitutional Officer

### **1. WELCOME AND INTRODUCTIONS**

The chair welcomed councillors, members of the public and officers to the meeting.

### **2. APOLOGIES**

There were apologies for absence from Councillors Peter John and Mark Williams. Apologies for lateness was received from Councillor Dora Dixon Fyle.

### **3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS**

There were none.

### **4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT**

There were none.

## 5. MINUTES

### RESOLVED:

That the minutes for the meeting held on 15 February 2012 be agreed as a correct record and signed by the chair.

## 6. DEVELOPMENT MANAGEMENT ITEMS

### 6.1 2, VALMAR TRADING ESTATE, VALMAR ROAD, LONDON SE5 9NW

#### Planning application reference number 11-AP-3603

Report: See pages 14 of 41

#### PROPOSAL

*Change of use from B1(c) (Light Industrial) to a micro brewery (use class B2 General Industrial), erection of two additional floors to building, 2 storey rear extension, extension at basement level to front of building and refurbishment / remodelling of facades.*

The community council heard an officer's introduction to the report and members asked questions of the officers.

There were no objectors present at the meeting.

Members heard representations of the applicant and questions were asked of the applicant.

There were no local supporters or ward members who wished to make representations at the meeting.

Members debated the application and asked questions of the officer.

### RESOLVED:

That planning application number 11-AP-3603 be granted subject to the conditions set out in the report.

### 6.2 GROUND FLOOR, SOUTH CITY COURT, 52 PECKHAM GROVE, LONDON SE15 6AL

#### Planning application reference number 11-AP-1139

Report: See pages 42 of 73

#### PROPOSAL



*Variation of condition 10 (approved plans) which was added by non-material amendment reference: 11-AP-0551) of permission reference 06-AP-0796 dated 8th February 2010 for 'Change of use of the ground floor from vacant commercial units into 15 self-contained flats; provision of 6 additional car parking spaces (to create 24 spaces in total)' to allow the following minor material amendments:*

- *Removal of a private 1-bedroom flat (reducing the total number of flats on the site to 14);*
- *Retention of existing water tank;*
- *Retention of existing substations;*
- *Relocation of refuse store;*
- *Relocation of cycle parking;*
- *Provision of one additional parking space (to provide 19 in total);*
- *New door to rear of building serving flat 4;*
- *Provision of solar panels to roof.*

The community council heard an officer's introduction to the report and members asked questions of the officers.

There were no objectors present at the meeting.

Members heard representations of the applicant and questions were asked of the applicant.

There were no local supporters or ward members who wished to make representations at the meeting.

Members debated the application and asked questions of the officer.

**RESOLVED:**

That planning application number 11-AP-1139 be granted subject to the conditions set out in the report.

The meeting ended at 7.45 pm.

**CHAIR:**

**DATED:**

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 11 April 2012	<b>Meeting Name:</b> Camberwell Community Council
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All within the Camberwell Community Council area	
<b>From:</b>		Deputy Chief Executive	

## RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

## BACKGROUND INFORMATION

- 4 The council's powers to consider planning business are detailed in Part 3F which describes the role and functions of the planning committee and Part 3H which describes the role and functions of community councils. These were agreed by the annual meeting of the council on 19 May 2010 and amended on 20 October 2010. The matters reserved to the planning committee and community councils exercising planning functions are described in parts 3F and 3H of the Southwark Council constitution. These functions were delegated to the planning committee.

## KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate -
6. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
7. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.

8. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
9. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
10. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the Council's case at appeal which may be substantial if the matter is dealt with at a public inquiry.
11. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
12. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
13. All legal/Counsel fees and costs as well as awards of costs against the council are borne by the regeneration and neighbourhood's budget.

#### **Community impact statement**

14. Community impact considerations are contained within each item.

#### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

##### **Strategic Director of Communities, Law & Governance**

15. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the development & building control manager shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
16. A resolution to grant planning permission subject to legal agreement shall mean that the development & building control manager is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the Strategic Director of Communities, Law & Governance, and which is satisfactory to the development & building control manager. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the Strategic Director of Communities, Law & Governance. The planning permission will not be issued

unless such an agreement is completed.

17. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
19. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
20. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests. From 6 April 2010 the Community Infrastructure Levy regulations (CIL) have given these policy tests legal force.

Regulation 122 provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a. necessary to make to the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related to the scale and kind to the development."

20. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.
21. The National Planning Policy Framework (NPPF) is intended to bring together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. It is a consultation document and therefore may be subject to potential amendment. It is capable of being a material consideration, although the weight to be given to it is a matter for the decision-maker. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda June 27 2007 and Council Assembly Agenda January 30 2008	Constitutional Team Communities, Law & Governance 2 <sup>nd</sup> Floor 160 Tooley Street PO Box 64529 London SE1 5LX	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Council Offices, 5th Floor 160 Tooley Street, London SE1 2TZ	The named case Officer as listed or Gary Rice 020 7525 5437

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Communities, Law & Governance	
<b>Report Author</b>	Nagla Stevens, Principal Planning Lawyer Kenny Uzodike, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	7 February 2012	
<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 Communities, Law & Governance	Yes	Yes
Deputy Chief Executive	No	No
Head of Development Management	No	No

**ITEMS ON AGENDA OF THE CAMBERWELL CC  
on Wednesday 11 April 2012**

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**Appl. Type** S.73 Vary/remove conds/minor alterations  
**Site** 18 GROVE PARK, LONDON, SE5 8LH

**Reg. No.** 11-AP-3208  
**TP No.** TP/2154-17  
**Ward** South Camberwell  
**Officer** Susannah Pettit

**Recommendation** GRANT PERMISSION

## *Item 6.1*

**Proposal**

Variation of Condition No. 2 of planning permission 11-AP-0225 dated 17.06.2011 (for Conversion of existing building from hostel (Sui Generis) into 4 No. self-contained flats (2x3 bedroom and 2x2 bedroom), extension of basement with lightwells to front and rear, erection of a single storey rear extension, loft extension, replacement of timber sash windows and installation of new windows to rear elevation; conversion of existing chapel into 4 bedroom single family dwelling house with extension of basement, replacement of timber windows, installation of windows and French doors to basement and installation of 6 No. rooflights; erection of front boundary wall and provision of 3 No. car parking spaces at the front) comprising:

Demolition of existing chapel and rebuild chapel within the same envelope to provide single family dwelling house, increase the chapel lightwell; alterations to chapel window configuration; alterations to the front garden area; delineation of private amenity space for the maisonettes and erection of new brick front garden wall

**Appl. Type** Conservation Area Consent  
**Site** 18 GROVE PARK, LONDON, SE5 8LH

**Reg. No.** 11-AP-3590  
**TP No.** TP/2154-17  
**Ward** South Camberwell  
**Officer** Susannah Pettit

**Recommendation** GRANT PERMISSION

## *Item 6.2*

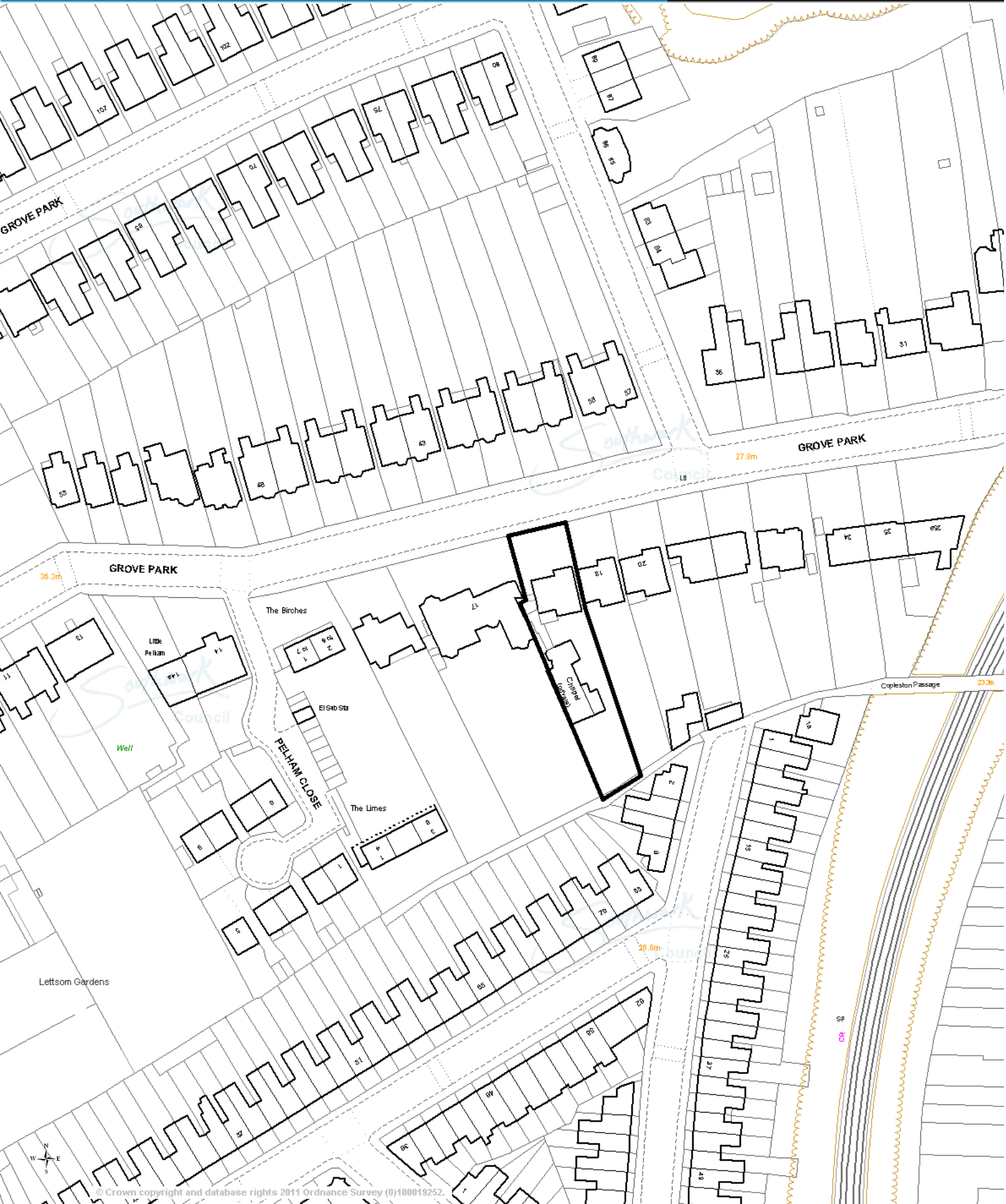
**Proposal**

Demolition of existing chapel and provision of a building within the same envelope to provide single family dwelling house.

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Ordnance Survey

Date 29/3/2012



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<b>Item No.</b> 6.1	<b>Classification:</b> OPEN	<b>Date:</b> 11 April 2012	<b>Meeting name:</b> Camberwell Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 11-AP-3208 for: S.73 Vary/remove conds/minor alterations  <b>Address:</b> 18 GROVE PARK, LONDON, SE5 8LH  <b>Proposal:</b> Variation of Condition No. 2 of planning permission 11-AP-0225 dated 17.06.2011 (for Conversion of existing building from hostel (Sui Generis) into 4 No. self-contained flats (2x3 bedroom and 2x2 bedroom), extension of basement with lightwells to front and rear, erection of a single storey rear extension, loft extension, replacement of timber sash windows and installation of new windows to rear elevation; conversion of existing chapel into 4 bedroom single family dwelling house with extension of basement, replacement of timber windows, installation of windows and French doors to basement and installation of 6 No. rooflights; erection of front boundary wall and provision of 3 No. car parking spaces at the front) comprising:  Demolition of existing chapel and rebuild chapel within the same envelope to provide single family dwelling house, increase the chapel lightwell; alterations to chapel window configuration; alterations to the front garden area; delineation of private amenity space for the maisonettes and erection of new brick front garden wall		
<b>Ward(s) or groups affected:</b>	South Camberwell		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 4 November 2011		<b>Application Expiry Date</b> 30 December 2011	

## RECOMMENDATION

- 1 Agree Material Minor Amendment

## BACKGROUND INFORMATION

### Site location and description

- 2 The application site relates to two existing buildings on this site known as No.18 Grove Park. The existing detached building fronting the road was formerly a house, which has been converted into 4 self-contained units and then was used by Social Services to house distressed families (Sui Generis).
- 3 To the rear of this main building is a former chapel, which was once connected to the main building via a vestibule. The chapel has never been consecrated and has not been used for religious purposes since late 1970's. This was also used by Social Services. Both buildings have been vacant since June 2007.

- 4 The site slopes down towards the rear garden, which has a maximum depth of 45 metres (m), but this is broken up by the existing chapel occupying the central area of the site.
- 5 There are a number of trees along the side boundaries and larger mature trees to the rear, in particular a cherry tree located in the garden of 19 Grove Park.
- 6 The surrounding area is all residential characterised by larger family dwellings and some flats opposite.
- 7 The site is within the following designations as specified in the Core Strategy 2011; Urban Density Zone, Air Quality Management Area and the Camberwell Grove Conservation Area.

### **Details of proposal**

- 8 The original permission to which the current application relates has two main elements:

#### Main building

- 9 Conversion of the existing main building into 4 No. self-contained flats (2x3 bedroom on the lower ground and ground floors and 2x2 bedroom units on the first and second floors). Existing basement to be extended to provide additional accommodation and provision of lightwells to the front and rear ranging between 1.5-2m in depth.
- 10 Demolition of existing rear conservatory and erection of a two storey rear extension at ground and first floor levels, to measure a maximum of 3m deep and 10.7m wide.
- 11 Provision of a lots conversion at second floor level. Other minor alterations were also proposed, comprising replacement of the timber sash windows and installation of new windows to the rear elevation and provision of a new slate roof with 2 rooflights on the flat section of the roof.
- 12 **Proposed Amendment:** The only change proposed to the apartment building is that the previously communal rear garden would become two private rear gardens relating to the ground and lower ground two maisonettes. The refuse and cycle storage would be positioned slightly closer to the house, but would have the same capacity as previously consented.

- 13 Chapel

Demolition of the existing vestibule, which links the house to the chapel, as well as existing extension to the flank wall of the chapel to result in a simple detached building with a more rectangular footprint. Conversion of existing chapel into a 4 bedroom self-contained house spread over basement ground and first floors. Enlargement of basement by 0.7m in width and insertion of 2 new windows to the rear elevation with 4 new French doors proposed to the north east elevation at lower ground (basement) level. The existing timber windows would be replaced, and 6 new rooflights to be inserted into a new slate roof.

- 14 **Amendment:** Full demolition of the chapel building is now proposed, and a new building would be constructed within its envelope. The layout would be the same as the consented scheme 11-AP-0225 granted 17/6/2011. The windows would be larger than in the consented scheme, which proposed the retention of the chapel with its narrow arched windows. The new building would be constructed from brick to match existing. There would be a new slate, apex roof and the existing chimney would be repaired and reinstated.

- 15 The basement would remain the same size as approved and on the same footprint of the existing chapel building, but the external lightwell garden proposed to the east of the chapel would be extended further to the east. In the consented scheme the lightwell measured 3317mm at basement level, leaving 2652mm at ground level between the garden wall and lightwell. The proposed scheme would expand the lightwell at basement level to 5710mm with a stepped retaining wall along the boundary to accommodate tree roots from the cherry tree in the garden of 19 Grove Park.

### **Planning history**

- 16 11-AP-0225: Planning permission was granted on 17/06/11, for the conversion of existing building from hostel (Sui Generis) into 4 No. self-contained flats (2x3 bedroom and 2x2 bedroom), extension of basement with lightwells to front and rear, erection of a single storey rear extension, loft extension, replacement of timber sash windows and installation of new windows to rear elevation.
- 17 Conversion of existing chapel into 4 bedroom single family dwelling house extension of basement, replacement of timber windows, installation of windows and French doors to basement and installation of 6 No. rooflights.
- 18 Erection of front boundary wall and provision of 3 No. car parking spaces at the front.
- 19 11-AP-0226: Conservation Area Consent was granted on 17/06/11, for the partial demolition of rear wall and removal of existing UPVC conservatory to No. 18, demolition of chapel vestibule, single storey extensions to north and east elevations, and removal of chapel external brick piers.
- 20 11-AP-3590: Accompanying application for Conservation Area Consent.
- 21 11-AP-3136: Approval was granted on 17/11/11 for approval of a landscaping scheme in respect of condition 8 of planning permission dated 17.06.2011 (LBS Reg No:11-AP-0225). This included the removal of 4 trees along the boundary with number 19 Grove Park, retention of 4 trees in the garden of 18 Grove Park and the planting of 12 new trees.

### **Planning history of adjoining sites**

- 22 17 Grove Park  
Planning permission was granted in 1991 for the change of use from children's home (C2) to a hostel for homeless families (C3).
- 23 Planning permission was granted 17th Sept 2010 (ref 10-AP-1130) for: Conversion of existing hostel (Sui Generis) into four dwelling houses involving; partial demolition of the existing building and removal of fire escape, erection of three storey rear extension, external and internal modifications and alterations, replacement timber sash windows, new slate roof, new hard and soft landscaped areas, car parking provision at the front, new front boundary wall, cycle and bin storage. Removal of link bridge and infill flank wall to No. 18 Grove Park.
- 24 Associated Conservation Area consent for the above permission was also granted 17th Sept 2010 (ref 10-AP-1285) for: Partial demolition of the existing building and removal of fire escape. Removal of link bridge to No. 18 Grove Park.
- 25 Since the original permission was granted 26th Jan 2011 under 10-AP-1130, the Applicant had submitted a planning application for minor amendment (ref 10-AP-3533). The variation of Condition No. 2 (approved plans) was to: increase the

basement area by adding lightwells to the front and rear of the property and amendments to the location of one of the parking bays.

- 26 There is some planning history for a number of the dwellings directly opposite the site (41-45 Grove Park) relating to alterations to the building and conversion into flats. These are however, at least 19 years old and therefore not directly relevant to this scheme.
- 27 The most relevant and recent is at 42 Grove Park - planning permission was granted in 2004 (ref 04-CO-0042) for the conversion of 3 storey house into 1x1 bed ground floor flat and 1 x 4 bed maisonette on 1st and 2nd floors, including the demolition and rebuilding of the front bay and porch for underpinning works and demolition of single storey rear addition.
- 27 There have been a number of planning approvals for adjoining properties to the south (Ivanhoe and Grove Hill Road) for extensions and flat conversions, but these are not directly relevant to this application.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 28 The main issues to be considered in respect of this application are:
- a) the principle of the development in terms of land use and conformity with strategic policies.
  - b) design
  - c) character and appearance of the conservation area
  - d) amenity
  - e) impacts on trees
  - f) transport impacts

### **Planning policy**

#### Core Strategy 2011

- 29 Strategic Policy 1 Sustainable Development  
 Strategic Policy 2 Sustainable Transport  
 Strategic Policy 5 Providing New Homes  
 Strategic Policy 7 Family homes  
 Strategic Policy 11 Open spaces and wildlife  
 Strategic Policy 12 Design and conservation  
 Strategic Policy 13 High environmental standards

#### Southwark Plan 2007 (July) - saved policies

- 30 3.2 Protection of Amenity  
 3.7 Waste Reduction  
 3.11 Efficient Use of Land  
 3.12 Quality of Design  
 3.13 Urban Design

- 3.15 Conservation and the Historic Environment
- 3.16 Conservation Areas
- 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites
- 3.28 Biodiversity
- 4.1 Density of Residential Development
- 4.2 Quality of Residential Development
- 5.2 Transport Impacts
- 5.3 Walking and Cycling
- 5.6 Car Parking

Residential Design Standards SPD 2011  
Camberwell Grove Conservation Area Appraisal 2003

#### London Plan 2011

- 31 Policy 3.3 Increasing housing supply  
Policy 3.4 Optimising housing potential  
Policy 3.5 Quality and design of housing developments  
Policy 6.13 Parking  
Policy 7.4 Local character  
Policy 7.5 Public realm

Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.19 Biodiversity and access to nature  
Policy 7.21 Trees and woodlands

- 32 NPPF 27 March 2012  
Section 12, Conserving and Enhancing the Historic Environment.  
On 27 March 2012, the DCLG published the National Planning Policy Framework with immediate effect. The NPPF replaces previous government guidance including all PPGs and PPSs. Full weight should be given to the NPPF as a material consideration in taking planning decisions.

1. the policies in the NPPF apply from the day of publication and are a material planning consideration;  
2. for the purpose of decision-taking, the policies in the Core Strategy, DPDs and SPDs should not be considered out of date simply because they were adopted prior to the publication of the NPPF;  
for 12 months from the date of publication, decision-takers can continue to give weight to relevant local planning policies such as LDDs adopted in accordance with the PCPA 2004 and those in the London Plan. It should be noted that the weight accorded to saved policies of the Southwark Plan (UDP) should be given according to their degree of consistency with policies in the NPPF.

#### **Principle of development**

- 34 The Government Department for Communities and Local Government released guidance (Greater Flexibility for Planning Permissions) in 2009 to assist Local Planning Authorities (LPA) in the determination of applications. The Guidance has resulted in, amongst other measures, a mechanism being available by way of using s73 of the Town and Country Planning Act, which allows for planning conditions to be varied or deleted, to permit applicants to apply make minor changes from consented schemes, with the aim of helping make for a more streamlined planning process.
- 35 The DCLG Guidance states at Para 62 that,  
'We agree with the definition by WYG 'A minor material amendment is one whose

scale and nature results in a development which is not substantially different from the one which was approved'. The Guidance notes that this is not a statutory definition. Officers are guided by the definition however as it appears to be a reasonable definition and is the only definition available to Local Planning Authorities.

36 This application therefore falls to be considered as a material minor amendment, the mechanism for the application being a variation to Condition 2 or the previous permission, to allow for changes from the approved plan numbers, the effect being in summary the demolition of the existing chapel and its replacement by a new building in the same location and of the same size, same general external appearance and the same proposed use as a house and with the same internal layout.

37 Sec.73 of the 1990 Act gives power for applications to be made to remove or modify conditions previously applied to a permission. In so doing a local authority may only consider the question of the conditions i.e. it may not enquire into the permission itself.

The local authority may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. However, in terms of decision making a sec.73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

39 Circular 11/95 para. 4 states that the original planning permission will continue to subsist whatever the outcome of a S73 application. Permission with modified or removed conditions is not legally a new permission, and thus any agreements or other restrictions related to the original grant of planning permission are still valid.

40 In this case, condition 2, listing the approved plans, was imposed in accordance with Government good practice guidance, 'Greater flexibility for planning permissions', to enable material minor amendments to be made to the scheme if necessary. The condition required that the scheme be carried out in accordance with the plans that were submitted with the previous scheme. This scheme to amend that condition would result in amendments being made and if granted, the scheme could be built out in accordance with either the originally consented scheme, or the revised scheme.

41 Officers consider that the main matters that the Council may concern itself with are whether the scheme as amended would result in a development which is substantially different from the one which was approved, impacts of the demolition of the building on the character and appearance of the conservation area, impacts of the proposed new building on the character and appearance of the conservation area, impacts on trees, transport impacts and impacts on residential amenities. These matters are addressed below.

42 The principle of developing the site for four flats and a house has already been established by virtue of planning permission reference 11-AP-0225. The London Plan 2011 has been adopted since the original permission was granted, but this does not raise any new material planning considerations that were not taken into account when the previous scheme was assessed.

43 The proposal now before Members for a 'minor material amendment' to the approved scheme, to allow the amendments set out in paragraphs 12 and 14.

44 The proposal is considered by officers to be minor, and to satisfy the test that the scheme as amended would not result in a development which is substantially different from the one which was approved, because;

- there are no substantial changes to the amount or quality of accommodation provided on site;
  - whilst the volume of the permitted scheme is increased, the number of habitable rooms and accordingly the density of the building is to remain as previously approved;
  - the alterations to the scheme are primarily to the rear of the site and the scheme is substantially the same in its effect and impacts as the consented scheme.
  - the location, layout and scale of buildings on the site under the amended scheme would be the same as under the consented scheme. The detailed appearance of the replacement building would differ from the appearance of the chapel, but officers do not consider that it could be said to be 'substantially different' such that this scheme would be more than a minor amendment.
- 45 Objections have been received raising concerns about the justification for the demolition, and querying whether, if the chapel is demolished, the scheme should be re-visited with regard to the appropriateness of locating a house in that location at all. The assessment of acceptability of the proposed demolition of the building falls appropriately to be addressed in the accompanying application for conservation area consent, LBS Ref 11AP3590. The view of the objectors appears to be that the scheme as consented provided for a house too close to the rear of the main building at the front of the house, but that this was justified as the scheme was for re-use of an existing building. If the building is removed then that justification falls away.
- 46 Officers consider that there are two matters to consider here. Firstly, the guidance 'Greater flexibility for planning permissions' does not require justification for amendments to be provided and assessed. The test is whether the development that results from the scheme as amended would be substantially different. To this officers consider the response is that the development would not be substantially different.
- 47 Secondly, and in any event, officers were satisfied in relation to the originally consented scheme that there would be no harm to residential amenities as a result of the scheme., The dwellings at the front of the site, for example, would receive adequate outlook, light and sunlight/daylight despite the location of the chapel building. There would be no loss of privacy as the chapel building would not have windows facing the rear of the front houses. The scheme as amended retains a building in the same location and so again no harm to residential amenity would arise.
- 48 If permission is granted, it would have the effect of being a new planning permission, and conditions may be imposed. It would however have the same time expiry as the original permission. The original planning permission would also remain in place and could still be implemented. Officers consider that conditions should be imposed that reflect the originally imposed conditions except where considered necessary to amend or vary them as set out elsewhere in this report.
- 49 On the question of principal, for the reasons set out above, officers are satisfied that the scheme is acceptable, subject to detailed assessment below.

### **Environmental impact assessment**

- 50 None required due to the nature and size of the scheme which does not fall within Schedule 1 and is below the relevant thresholds for Schedule 2 development, being less than 0.5ha in area and as it is not within a sensitive area and would not generate significant environmental impacts in this urbanised location.

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

### Standard of accommodation

- 51 This scheme provides 2x 3 bedroom and 2x 2 bedroom dwellings within the main building and one 4 bedroom dwelling within the chapel building. There is no change proposed to the unit sizes, which were found to comply with the Council's adopted Residential Design Standards 2008, and also comply with the revised Residential Design Standards 2011, as well as the Unit size standards in the London Plan 2011.
- 52 The revisions to the chapel building would allow more natural light into the ground floor of the four bedroom house, as the new building would incorporate larger windows. This is acceptable as it would reduce reliance on artificial light, without introducing adverse amenity issues internally, as the windows are proposed to the same positions. A larger outdoor amenity space would also be provided to the eastern facade of the chapel.

### Impact on neighbouring occupiers.

- 53 An issue raised in consultation is that the enlarged windows coupled with the removal of trees on the eastern boundary of the site would lead to increased overlooking towards 19 Grove Park. Officers have taken account that the scheme would result in clearer views from the east facing bedrooms in the chapel, however the chapel bedroom windows are to be located 14m obliquely away from those of 19 Grove Park, therefore views of the rear of 19 Grove Park would not be direct. The SPD requires that rear facing windows be separated by a minimum of 21m, but this applies to those directly opposite each other. It is not therefore considered that significantly detrimental overlooking would result from the proposal.
- 54 The amendments are therefore in accordance with saved policy 3.2 Protection of Amenity of the Southwark Plan 2007 and Core Strategy 2011 SP13 High Environmental Standards.

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

- 55 None envisaged.

### **Traffic issues**

- 56 The cycle and refuse storage would be moved back towards the main building by 1m, however the capacity would not change. There is therefore no harm arising in relation to transport impacts as a result of the proposed amendments.

## **Design issues and Impact on character and setting of a listed building and/or conservation area**

- 57 The chapel building is not listed or locally listed, and though it is within the conservation area it is not visible from the street.
- 58 The building has some material character as a brick chapel, but the brickwork is not of high quality and by the standard of the 19th Century buildings around it, and this 1920's chapel is quite crudely constructed. It may not be considered a heritage asset of any significance as defined in PPS 5.
- 59 A Heritage Asset is defined within Annex 2 of PPS5, as follows:



- A building, monument, site, place or landscape, positively defined as having a degree of significance meriting consideration in planning decisions. Heritage Assets are the valued components of the historic environment. They include designated heritage assets and assets defined by the local planning authority during the process of decision making or through the plan making process (including local listing).

- 60 The proposed building is of identical massing, height and footprint to the existing chapel. Therefore, there would be no changes in the scale of buildings that would result from the development as amended.
- 61 Conditions should ensure that the proposed brickwork is of at least the same quality with sample bricks and panels of brickwork approved on site before work commences. Timber windows should also be approved as a condition. The suggestion that hardwood is used must not mean that natural finish dark tropical hardwood is used. Painted finished wood is probably preferable.
- 62 The previous consent included a condition which required an alternative front boundary treatment as that shown on the submitted plan was a timber fence which was considered by Members not to be of sufficient quality for the conservation area. The revisions to this scheme now include details of a wall with timber fence on top, which have been submitted as part of the current application and is considered by officers to be acceptable. There is now no requirement for a condition on this matter.
- 63 Officers have been on site to measure the dimensions of the existing chapel. The dimensions measured are in accordance with the dimensions that are scaled and noted on the submitted plans. A condition is recommended to ensure that the dimensions of the resulting new building, as shown on the plans, are adhered to in implementation.
- 64 The proposal is in accordance with saved policy 3.16 Conservation Areas of the Southwark Plan 2007, and SP12 Design and Conservation of the Core Strategy 2011.

### **Impact on Trees**

- 65 The implications of the wider lightwell in terms of trees are as follows:
- The expanded lightwell would affect the root area of the cherry tree in the garden of 19 Grove Park.
- The applicant has provided a report dated 12 February 2012 stating that, despite some roots having decayed the roots of the cherry tree actually grow back on themselves, towards the boundary. The design of the lightwell retaining wall is therefore amended to accommodate the healthy roots and this is shown in drawing 026-341 F.
- 66 A condition should be imposed to require the findings of the report to be adhered to.
- 67 The implementation of the previously approved landscaping plan subject of application 11-AP-3136 would no longer be possible due to the increased size of the lightwell. A fresh condition should therefore be imposed to state "notwithstanding the approved scheme 11-AP-3136, details of landscaping showing the planting of 12 new trees shall be submitted to and approved in writing by the LPA".
- 68 A root protection diagram has been submitted. This is considered to be acceptable therefore there is no requirement to impose the previous condition on root protection details.

### **Other matters.**

- 69 An objection questions why, since the building is now to be demolished, the applicant did not propose the flats in the chapel building on another part of the site. In response officer note that it is not a requirement when considering an application for material minor amendments to re-visit the scheme in its entirety or to enquire into the justification for the amendment or whether the scheme could be improved in any other way. It is simply to determine whether the effect of the scheme as amended would be substantially different. This matter has been addressed above where officers conclude that the effect would not be substantially different.

### **Conclusion on planning issues**

- 70 It is considered that the scheme may be considered as a minor material amendment for the reason that the scale and nature of the development as amended would not be substantially different from the one which was approved. In particular, the amendments that arise would result in the replacement of the existing building with a building of identical footprint, height and massing, and of the same use as previously consented and same internal layout, and similar external design in relation to detailing such as windows and doors. The scheme is recommended for approval subject to conditions.

### **Community impact statement**

- 71 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**

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

### **Consultation replies**

- 73 Details of consultation responses received are set out in Appendix 2.

### **Summary of consultation responses**

- 74 There were six objections received raising concerns about the following matters:
- scheme would harm the character and appearance of the conservation area
  - concern that the original scheme retained the existing chapel and the conversion of the chapel to residential use, in such close proximity to the existing front building, was acceptable in this context but that if the existing chapel is to be demolished, no justification of re-use of an existing building exists to justify a new house so close to the existing building which is to be converted to four houses
  - impacts on trees
  - existing building should be treated with more care and retained

**Human rights implications**

- 75 This planning application engages certain human rights under the Human Rights Act 2008 (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.
- 76 This application has the legitimate aim of providing residential development. 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.

**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS****Strategic Director of Communities, Law & Governance**

- 77 N/A.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2154-17  Application file: 11-AP-3208  Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5405 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Susannah Pettit, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	26 March 2012	
<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 Communities, Law & Governance	No	No
Director of Planning	Yes	Yes
Strategic Director of Environment and Leisure	No	No
<b>Date final report sent to Constitutional Team</b>	29 March 2012	

### Consultation undertaken

- 80 **Site notice date:** 11/11/11
- 81 **Press notice date:** 10/11/11
- 82 **Case officer site visit date:** 11/11/11
- 83 **Neighbour consultation letters sent:** 15/11/11

#### Internal services consulted:

- 84 Design and Conservation team. Urban Forester.

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

- 85 English Heritage

#### Neighbours and local groups consulted:

- 86 19 GROVE PARK LONDON SE5 8LH  
 44 GROVE PARK LONDON SE5 8LG  
 FLAT 2 83 GROVE HILL ROAD LONDON SE5 8DF  
 17-18 GROVE PARK LONDON SE5 8LH  
 45C GROVE PARK LONDON SE5 8LG  
 45B GROVE PARK LONDON SE5 8LG  
 37 GROVE PARK LONDON SE5 8LG  
 43 GROVE PARK LONDON SE5 8LG  
 38 GROVE PARK LONDON SE5 8LG  
 FLAT 1 16 GROVE PARK LONDON SE5 8LH  
 FLAT 8 16 GROVE PARK LONDON SE5 8LH  
 FLAT 7 16 GROVE PARK LONDON SE5 8LH  
 FLAT 3 16 GROVE PARK LONDON SE5 8LH  
 FLAT 2 16 GROVE PARK LONDON SE5 8LH  
 FLAT 4 16 GROVE PARK LONDON SE5 8LH  
 FLAT 6 16 GROVE PARK LONDON SE5 8LH  
 FLAT 5 16 GROVE PARK LONDON SE5 8LH  
 45A GROVE PARK LONDON SE5 8LG  
 42 GROVE PARK LONDON SE5 8LG  
 8 IVANHOE ROAD LONDON SE5 8DH  
 20 GROVE PARK LONDON SE5 8LH  
 79 GROVE HILL ROAD LONDON SE5 8DF  
 77 GROVE HILL ROAD LONDON SE5 8DF  
 FLAT 3 83 GROVE HILL ROAD LONDON SE5 8DF  
 FLAT 1 83 GROVE HILL ROAD LONDON SE5 8DF  
 2 IVANHOE ROAD LONDON SE5 8DH  
 THE IVANHOE RESIDENTS AND TENANTS ASSOCIATION 6 IVANHOE ROAD LONDON SE5 8DH  
 4 IVANHOE ROAD LONDON SE5 8DH  
 81 GROVE HILL ROAD LONDON SE5 8DF  
 40C GROVE PARK LONDON SE5 8LG  
 40B GROVE PARK LONDON SE5 8LG  
 41A GROVE PARK LONDON SE5 8LG  
 41C GROVE PARK LONDON SE5 8LG  
 41B GROVE PARK LONDON SE5 8LG  
 FLAT A 39 GROVE PARK LONDON SE5 8LG  
 FLAT B 39 GROVE PARK LONDON SE5 8LG  
 40A GROVE PARK LONDON SE5 8LG  
 FLAT C 39 GROVE PARK LONDON SE5 8LG  
 71 Grove Hill Road SE5  
 11 Blenheim Grove SE15  
 19 GROVE PARK LONDON SE5 8LH

#### Re-consultation:

- 73 N/A

## Consultation responses received

### Internal services

- 87 Design and Conservation Team: Comments incorporated into report.  
88 Urban Forester: Comments incorporated in the report.

### Statutory and non-statutory organisations

- 89 LAMAS: Although the chapel appears rather featureless and is an undesignated heritage asset, its conversion may be appropriate. Its replacement however requires proper justification without which this committee would object because of the potential impact on the setting of other buildings and upon the character and appearance of the area.

### Neighbours and local groups

- 90 Ivanhoe Residents Association: Objection

I strongly object to the continual erosion of the Camberwell Grove Conservation Area. The character of this site will not be enhanced. The developments will conflict with policies 3.12, 3.13, 3.15, 3.16 and 3.18 of the Unitary Development Plan 2007. It will not enhance the special interest or historic character or appearance of areas of historical or architectural interest and conserves or enhances the significance of heritage assets. It will conflict with policy PPS5 which seeks to sustain and enhance heritage assets.

71 Grove Hill Road: Objection

I object to the development - loss of wildlife, trees etc, and loss of heritage assets. This application will not enhance the Camberwell grove Conservation Area.

11 Blenheim Grove: Objection

The proposal will not enhance the Camberwell Grove Conservation Area and would conflict with policies 3.12, 3.13, 3.15, 3.16 and 3.18 of the Southwark Unitary Plan 2007. Therefore please refuse both applications as the Planning Inspectorate certainly would.

79 Grove Hill Road: Objection

When the initial planning application for this site went through, my main concern was for the future of the area of garden immediately behind the development, which appeared to be worryingly unaccounted for, and the fact that the short gardens offered with the accommodation in the main building were certainly not in keeping with the conservation area. I welcomed the fact that a new and productive use was being found for the fine historic buildings which were rapidly becoming derelict. The proposal to demolish the other walls of the chapel and replace them with a nondescript and unattractive alternative (presumably to squeeze more living space into the envelope) feels like the last straw.

No doubt repeated re-applications and amendments are perfectly within the law, but as a consultee I feel a victim of deception. The applicants are very experienced in forcing through changes mid-work, but most people don't have the time or the training to wade through complex drawings and descriptions online and work out the impact of 'minor changes' to the original proposals. I think it is quite wrong to try to sneak through something as major as the demolition of a 19th Century chapel as a minor amendment. I feel that this proposal is extremely dishonest and architecturally, quite out of keeping with the conservation area.

### 81 Grove Hill Road: Objection

A historic building in a conservation area should be handled much more carefully than the current developers are doing. They seem to have decided to wear down, step by step, application by application, any resistance to their decision to squeeze maximum profit out of this project. They seem to be paying no attention to the essential nature of this conservation area and have ignored its main glory: the vastness and beauty of its gardens. Seemingly unimportant changes of plans obscure the systematic dismantling of anything left of the original building.

### 19 Grove Park: Objection

At the time application 11-AP-0225 was being considered, we had indicated a preference to the developers to demolish the chapel on site and turn the main house back into a family house with a garden. However the developers informed us that the Council had indicated a preference at the time for the building to be retained. It now seems obvious that 11-AP-0225 was little more than a sham. The developers are proposing a clever shuffle, taking advantage of the existence of a building on site in order to demolish it and build something entirely different. It was a way of squeezing five dwellings into 18 Grove Park when very likely, they would have struggled to get permission for such a density or for building a second house in the garden of the main one.

The developers told us that they were only developing five dwellings *because* they had to work with the chapel; so if the chapel can or should now be demolished, there is no longer any justification for five dwellings. The developers should be obliged to work within the envelope that they themselves created with application 11-AP-0225.

- 19 Grove Park has always been overlooked by the chapel at 18 Grove Park. nevertheless there is a great difference between being overlooked by a chapel that is only used occasionally, and a permanently occupied house.
- It is one thing to convert an existing building into a house, but quite another thing to demolish an existing building and build a house. If a chapel had not been on site, would permission have been given at all to build a house just metres behind the main one? We think almost certainly not.
- The application makes much of building a new house within the existing envelope of the chapel. If a new dwelling can be justified at all, why can it not be built in a different part of the site, further back from the main house and at a reasonable distance from other surrounding houses.
- If the Council will not give permission for a better-situated house on the site, what can be the justification for approving a poorly situated one? There may at one time have been good reasons for building the chapel where it is (allowing nuns to get too and from services without getting wet etc), but it makes no sense to put a house in that location.
- The chapel has church-like Gothic-arch windows to the main elevation which overlooks our garden. They are discreet in size and quite deeply rebated so that looking out of them, one does not get a great vista over our garden. The original application proposed the restoration of these windows in their current size, shape and configuration, so as to preserve our privacy; they even told us they would fit frosted glass. They are now proposing to enlarge these windows. The occupants of the house would therefore have a view over our garden.
- The chapel has a basement which the developers wish to extend to the full footprint of the garden. Why is this essential? It is possible to underpin a building without doing this. The further excavation will destroy the roots of more trees on site.
- If there must be a basement, why not put the lightwell at the southern end of the chapel, where it would get plenty of natural light?
- The developers make much of creating a 'sunken-garden' at basement level between the chapel and the boundary wall. In reality, the 'sunken garden' would be a narrow, gloomy hole in the ground, 4.3m deep on the side of the boundary wall, and even deeper on the chapel side.

- Four fruit trees have already been destroyed near the chapel. These trees were an important shield between the chapel and our garden and without them we are now dominated by the whole mass of building.



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## RECOMMENDATION

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This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application.

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<b>Applicant</b>	Mr Smart Johnn Smart Architects	<b>Reg. Number</b>	11/AP/3208
<b>Application Type</b>	S.73 Vary/remove conds/minor alterations	<b>Case Number</b>	TP/2154-17
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Variation of Condition No. 2 of planning permission 11-AP-0225 dated 17.06.2011 (for Conversion of existing building from hostel (Sui Generis) into 4 No. self-contained flats (2x3 bedroom and 2x2 bedroom), extension of basement with lightwells to front and rear, erection of a single storey rear extension, loft extension, replacement of timber sash windows and installation of new windows to rear elevation; conversion of existing chapel into 4 bedroom single family dwelling house with extension of basement, replacement of timber windows, installation of windows and French doors to basement and installation of 6 No. rooflights; erection of front boundary wall and provision of 3 No. car parking spaces at the front) comprising:

Demolition of existing chapel and rebuild chapel within the same envelope to provide single family dwelling house, increase the chapel lightwell; alterations to chapel window configuration; alterations to the front garden area; delineation of private amenity space for the maisonettes and erection of new brick front garden wall

**At:** 18 GROVE PARK, LONDON, SE5 8LH

**In accordance with application received on** 29/09/2011 08:01:27

**and Applicant's Drawing Nos.** Design And Access Consented, Design and Access Minor Material Amendments, Project Details, heritage Statement\_ Background, Heritage Statement\_Policy, Indigo Tree Survey 02/02/12.

Existing: 026-301,026-302A, 026-303, 026-304, 026-305, 026-306, 026-307, 026-308 RevA, 026-309 Rev/A, 026-310, 026-320 Rev/A, 026-321 RevA, 026-322A, 026-323, 026-324, 026-330, 026-331, 026-332, 026-333, 026-334, 026-335, 026-336, 026-337, 026-338.

Proposed: 026-341/Rev/F, 026-342A, 026-343A, 026-344A, 026-345, 026-346, 026-347 Rev/B, 026-348 Rev/C, 026-349 Rev/B, 026-350B, 026-351, 026-352 Rev/C, 026-353, 026-354, 026-355 Rev/A, 026-356A, 026-358 Rev/B, 026-357 RevB, 026-359 RevB, 026-360 RevB, 026-370 Rev/A, 026-371 RevB, 026-372 Rev/C, 026-373, 026-374 Rev/A, 026-375 Rev/A, 026-380, 026-381 Rev/B, 026-382A, 026-383, 026-384 RevA, 026-385 Rev/A, 026-390, 026-391 Rev/A, 026-392, 026-393 RevA, 026-394, 026-395 RevA, 026-402, 026-406, 026-407, 026-409, 026-410

**Reasons for granting permission.**

This planning application was considered with regard to various policies including, but not exclusively:

**Strategic policies of the Core Strategy 2011**

Strategic Policy 1 Sustainable Development which requires developments to improve the places we live in and work in and enable a better quality of life for Southwark's diverse population.

Strategic Policy 2 – Sustainable transport: requires new developments to help create safe attractive, vibrant and healthy places for people to live and work by reducing congestion, traffic and pollution.

Strategic Policy 5 – Providing new homes: requires that the housing needs of people who want to live in Southwark are met by providing as much housing as possible, whilst ensuring that land remains for other types of development.

Strategic Policy 7 Family Homes requires developments to provide more family housing with three or more bedrooms for people on all incomes to help make Southwark a place which is affordable for families.

Strategic Policy 11 Open Spaces and Wildlife protects important open spaces, trees and woodland from inappropriate development.

Strategic Policy 12 – Design and conservation: Requires development to achieve the highest standard of design for buildings and public spaces, and to help create attractive and distinctive spaces.

Strategic Policy 13 – High environmental standards: Requires development to comply with the highest possible environmental standards, including in sustainability, flood risk, noise and light pollution and amenity problems.

#### Saved policies of the Southwark Plan 2007

3.2 Protection of Amenity (advises that permission would not be granted where it would cause a loss of amenity);

3.7 Waste Reduction (advises that developments should make adequate provision for the storage and collection of waste and recyclables);

3.12 Quality in Design (requires new development to achieve a high standard of architectural design);

3.15 (Conservation of the Historic Environment) requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance.

3.16 Conservation Areas (requires developments to preserve or enhance the character or appearance of the conservation area)

3.18 (Setting of Listed Buildings Conservation Areas and World Heritage Sites) advises that permission will not be granted for developments that would not preserve or enhance the immediate views and/or wider settings of a listed building, conservation area or world heritage site.

3.28 (Biodiversity) requires biodiversity to be taken into account in the determination of planning applications and the inclusion in developments of features which enhance biodiversity will be encouraged.

4.2 Quality of Residential Accommodation (states that planning permission will be granted for new residential developments provided that they achieve good quality living conditions, high standards of accessibility, including seeking to ensure that new housing is built to Lifetime Homes standard, privacy and outlook, natural sunlight and daylight, space, including green space, safety, and protection from pollution);

4.3 (Mix of dwellings) seeks to ensure that all major new-build development and conversions should provide for a mix of dwellings sizes and types to cater for the range of housing needs of the area.

5.2 Transport Impacts (states that permission will not be granted for developments that have an adverse affect on the transport network and that there is adequate provision for servicing, circulation and access;

5.3 Walking and Cycling (seeks to ensure that there is adequate provision for pedestrians and cyclists in and around the site);

5.6 (Car Parking) states that all developments requiring car parking should minimise the number of spaces provided.

#### Policies of the London Plan 2011

Policy 3.3 Increasing housing supply; Policy 3.4 Optimising housing potential; Policy 3.5 Quality and design of housing developments; Policy 6.13 Parking; Policy 7.4 Local character; Policy 7.5 Public realm; Policy 7.6 Architecture; Policy 7.8 Heritage assets and archaeology; Policy 7.19 Biodiversity and access to nature; Policy 7.21 Trees and woodlands

National Planning Policy Framework 27 March 2012, Section 12, Conserving and Enhancing the Historic Environment.

Particular regard was had to whether the scale and nature of the development as amended would be substantially different from the one which was approved. For the reasons that the amendments that arise would result in the replacement of the existing building with a building of identical footprint, height and massing, and of the same use as previously consented and same internal layout, and similar external design in relation to detailing such as windows and doors, it was considered that the development would be substantially the same. Particular regard was had to the implications on the tree removal, widening of the lightwell and enlargement of windows on the neighbouring amenity in terms of overlooking, where no material harm was considered to arise. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

#### **Subject to the following condition:**

- 1 The development hereby permitted shall be begun before 17/6/2014.

## Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:  
026-341/Rev/F, 026-342A, 026-343A, 026-344A, 026-345, 026-346, 026-347 Rev/B, 026-348 Rev/C, 026-349 Rev/B, 026-350B, 026-351, 026-352 Rev/C, 026-353, 026-354, 026-355 Rev/A, 026-356A, 026-358 Rev/B, 026-357 RevB, 026-359 RevB, 026-360 RevB, 026-370 Rev/A, 026-371 RevB, 026-372 Rev/C, 026-373, 026-374 Rev/A, 026-375 Rev/A, 026-380, 026-381 Rev/B, 026-382A, 026-383, 026-384 RevA, 026-385 Rev/A, 026-390, 026-391 Rev/A, 026-392, 026-393 RevA, 026-394, 026-395 RevA, 026-402, 026-406, 026-407, 026-409, 026-410

## Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 A sample panel/s of the brickwork for all areas of new building/s to match the existing building/s in its bricks, pointing, mortar mix and module and shall be at least 1m square, shall be prepared on site and approved by the Local Planning Authority in writing before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

## Reason

In order to preserve the character and appearance of the building and Conservation Area in accordance with saved policies 3.12 'Quality in Design', 3.13 'Urban Design' and 3.16 'Conservation Areas' of The Southwark Plan July 2007 and Strategic Policy 12 'Design and Conservation' of The Core Strategy (2011).

- 4 Detailed specifications and drawings (at 1:20 with 1:1 sections through the glazing bars) for all new timber doors and windows shall be submitted to and approved in writing by the local planning authority before any work is commenced on site. The development shall not be carried out otherwise than in accordance with the approved details.

## Reason

In order to preserve the character and appearance of the building and Conservation Area in accordance with saved Policies 3.13 'Urban Design' and 3.16 'Conservation Areas' of The Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy (2011).

- 5 The cycle storage facilities as shown shall be provided before the units hereby approved are occupied and thereafter shall be retained and the space used for no other purpose.

## Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car, in accordance with saved Policy 5.3 'Walking and Cycling' of The Southwark Plan 2007 and Strategic Policy 2 'Sustainable Transport' of the Core Strategy (2011).

- 6 The refuse storage facilities as shown shall be provided before the units hereby approved are occupied and thereafter shall be retained and the space used for no other purpose.

## Reason

To ensure that satisfactory storage for waste is provided and retained for the benefit of the users and occupiers of the building in order to comply with saved Policy 3.7 'Waste Reduction' of The Southwark Plan 2007 and Strategic Policy 2 'Sustainable Transport' of the Core Strategy (2011).

- 7 Prior to commencement of development, detailed drawings [scale 1:50] of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority and the landscaping shall not be carried out otherwise than in accordance with any such approval given.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

## Reason

In the interests of streetscene and the character and appearance of the Conservation Area and in order that the Local Planning Authority may ensure that the design and details are in the interest of the special architectural qualities of the existing building around it in accordance with saved Policies 3.12 'Quality in Design', 3.13 'Urban Design' and 3.28 'Biodiversity' of The Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy (2011).

- 8 Notwithstanding the plans hereby approved, the existing timber windows to the front of the main building shall be retained unless prior written approval has been granted by the Local Planning Authority.

## Reason

To preserve the character and appearance of the Grove Park Conservation Area in accordance with saved policies 3.12 'Quality in Design', 3.13 'Urban Design' and 3.16 'Conservation Areas' of The Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of The Core Strategy (2011).

- 9 Unless it can be demonstrated that it is not feasible, the dwellings hereby permitted shall be constructed to achieve at least Code for Sustainable Homes level 4.

## Reason:

In order to ensure that the development achieves an acceptable standard of sustainable design and construction in accordance with comply with Strategic policy 13 'High environmental standards' of the Core Strategy (2011).

- 10 The works shall be carried out in accordance with the tree root diagram submitted with Indigo Tree Survey 02/02/12 and under the supervision of an arboriculturalist.

## Reason

In the interests of preserving the health of the tree and to maintain the visual amenity of the site, in accordance with Policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007.

<b>Item No.</b> 6.1	<b>Classification:</b> OPEN	<b>Date:</b> 11 April 2012	<b>Meeting Name:</b> Camberwell Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 11-AP-3590 for: Conservation Area Consent  <b>Address:</b> 18 GROVE PARK, LONDON, SE5 8LH  <b>Proposal:</b> Demolition of existing chapel (in connection with provision of a building within the same envelope to provide single family dwelling house).		
<b>Ward(s) or groups affected:</b>	South Camberwell		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 4 November 2011		<b>Application Expiry Date</b> 30 December 2011	

### RECOMMENDATION

- 1 Grant Conservation Area Consent.

### BACKGROUND INFORMATION

#### Site location and description

- 2 The application site relates to two existing buildings on this site known as No.18 Grove Park. The existing detached building fronting the road was formerly a house, which has been converted into 4 self-contained units and then was used by Social Services to house distressed families (Sui Generis).
- 3 To the rear of this main building is a former chapel, which was once connected to the main building via a vestibule. The chapel has never been consecrated and has not been used for religious purposes since late 1970's. It has been used by the Council's Social Services department. Both buildings have been vacant since June 2007.
- 4 The site slopes down towards the rear garden, which has a maximum depth of 45 metres (m), but this area is broken up by the existing chapel occupying the central area of the site.
- 5 There are a number of trees along the side boundaries and larger mature trees to the rear, in particular a cherry tree located in the garden of 19 Grove Park.
- 6 The surrounding area is all residential characterised by larger family dwellings and some flats opposite.
- 7 The site is within the Camberwell Grove Conservation Area.

#### Details of proposal

- 8 This application accompanies a planning application for a Minor Material Amendment

to a Planning Consent already granted, and set out below in the planning history section.

- 9 The proposal now involves full demolition of the chapel located in the garden of 18 Grove Park, rather than partial demolition and refurbishment as previously granted.
- 10 The new building would be within the same envelope as the chapel, and constructed from brick to match existing. There would be a new slate, apex roof and the existing chimney would be repaired and reinstated.

### **Planning history**

- 11 11-AP-0225: Planning permission was granted on 17/06/11, for the conversion of existing building from hostel (Sui Generis) into 4 No. self-contained flats (2x3 bedroom and 2x2 bedroom), extension of basement with lightwells to front and rear, erection of a single storey rear extension, loft extension, replacement of timber sash windows and installation of new windows to rear elevation.
- 12 Conversion of existing chapel into 4 bedroom single family dwelling house extension of basement, replacement of timber windows, installation of windows and French doors to basement and installation of 6 No. rooflights.
- 13 Erection of front boundary wall and provision of 3 No. car parking spaces at the front.  
11-AP-0226: Conservation Area Consent was granted on 17/06/11, for the partial demolition of rear wall and removal of existing UPVC conservatory to No. 18, demolition of chapel vestibule, single storey extensions to north and east elevations, and removal of chapel external brick piers.
- 14 11-AP-3208- Accompanying application for planning permission.
- 15 11-AP-3136: Approval was granted on 17/11/11 for approval of a landscaping scheme in respect of condition 8 of planning permission dated 17.06.2011 (LBS Reg No:11-AP-0225). This included the removal of 4 trees along the boundary with number 19 Grove Park, retention of 4 trees in the garden of 18 Grove Park and the planting of 12 new trees.

### **Planning history of adjoining sites**

#### 17 Grove Park

- 16 Planning permission was granted in 1991 for the change of use from children's home (C2) to a hostel for homeless families (C3).
- 17 Planning permission was granted 17th Sept 2010 (ref 10-AP-1130) for: Conversion of existing hostel (Sui Generis) into four dwelling houses involving; partial demolition of the existing building and removal of fire escape, erection of three storey rear extension, external and internal modifications and alterations, replacement timber sash windows, new slate roof, new hard and soft landscaped areas, car parking provision at the front, new front boundary wall, cycle and bin storage. Removal of link bridge and infill flank wall to No. 18 Grove Park.
- 18 Associated Conservation Area consent for the above permission was also granted 17th Sept 2010 (ref 10-AP-1285) for: Partial demolition of the existing building and removal of fire escape. Removal of link bridge to No. 18 Grove Park.
- 19 Since the original permission was granted 26th Jan 2011 under 10-AP-1130, the Applicant had submitted a planning application for minor amendment (ref 10-AP-3533). The variation of Condition No. 2 (approved plans) was to: increase the

basement area by adding lightwells to the front and rear of the property and amendments to the location of one of the parking bays.

- 20 There is some planning history for a number of the dwellings directly opposite the site (41-45 Grove Park) relating to alterations to the building and conversion into flats. These are however, at least 19 years old and therefore not directly relevant to this scheme.
- 21 The most relevant and recent is at 42 Grove Park - planning permission was granted in 2004 (ref 04-CO-0042) for the conversion of 3 storey house into 1x1 bed ground floor flat and 1 x 4 bed maisonette on 1st and 2nd floors, including the demolition and rebuilding of the front bay and porch for underpinning works and demolition of single storey rear addition.
- 22 There have been a number of planning approvals for adjoining properties to the south (Ivanhoe and Grove Hill Road) for extensions and flat conversions, but these are not directly relevant to this application.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 23 The main issues to be considered in respect of this application are:
- a) Acceptability of the demolition of the existing building in terms of the impact on the character and appearance of the conservation area and whether any harm will be outweighed by the merits of the replacement development as described in report reference 11-AP-3208.

### **Planning policy**

#### Core Strategy 2011

- 24 Strategic Policy 12 – Design and conservation

#### Southwark Plan 2007 (July) - saved policies

- 25 3.15 Conservation of the Historic Environment  
3.16 Conservation Areas  
3.18 Setting of Listed Buildings, conservation areas and World Heritage Sites

Camberwell Grove Conservation Area Appraisal

#### London Plan 2011

- 26 Policy 7.4 Local character  
Policy 7.8 Heritage assets and archaeology  
Policy 7.6 Architecture
- 27 NPPF 27/3/2012.  
Section 12, Conserving and Enhancing the Historic Environment.  
On 27 March 2012, the DCLG published the National Planning Policy Framework with immediate effect. The NPPF replaces previous government guidance including all PPGs and PPSs. Full weight should be given to the NPPF as a material consideration in taking planning decisions.

1. the policies in the NPPF apply from the day of publication and are a material planning consideration;
2. for the purpose of decision-taking, the policies in the Core Strategy, DPDs and SPDs should not be considered out of date simply because they were adopted prior to the publication of the NPPF;
3. for 12 months from the date of publication, decision-takers can continue to give weight to relevant local planning policies such as LDDs adopted in accordance with the PCPA 2004 and those in the London Plan. It should be noted that the weight accorded to saved policies of the Southwark Plan (UDP) should be given according to their degree of consistency with policies in the NPPF.

28 Ministerial Statement Planning for Growth.

### **Principle of development**

- 29 The principle of the demolition of parts of the existing building (comprising the demolition of chapel vestibule, single storey extensions to north and east elevations, and removal of chapel external brick piers) on this site was initially accepted as part of the determination of a planning application (11AP02251 dated 17/6/2011). Consideration was given then to the merits of the retention of those parts of the existing building in the context of the scheme for the redevelopment.
- 30 The application needs to be assessed in relation to the conservation guidance within the Conservation Area Appraisal Document, the Southwark Plan's saved policies; the Core Strategy; and national planning policy PPS5: Planning for the Historic Environment, although officers understand that PPS5 is due to be replaced by the NPPF from 27/3/2012.

### **Design issues and Impact on character and setting of a listed building and/or conservation area**

- 31 Saved Policy 3.15 Conservation of the historic environment requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance. Planning proposals that have an adverse effect on the historic environment will not be permitted. The character and appearance of conservation areas should be recognised and respected in any new development within these areas.
- 32 Saved Policy 3.16 Conservation areas - this states that, Within conservation areas, development should preserve or enhance the character or appearance of the area.
- 33 In relation to demolition: Within conservation areas, there will be a general presumption in favour of retaining buildings that contribute positively to the character or appearance of the conservation area. Planning permission will not be granted for proposals that involve the demolition or substantial demolition of a building that contributes positively to the character or appearance of the conservation area, unless, in accordance with PPG15 or any subsequent amendments, it can be demonstrated that:
  - i. Costs of repairs and maintenance would not be justified, when assessed against the importance of the building and the value derived from its continued use, providing that the building has not been deliberately neglected; and
  - ii. Real efforts have been made to continue the current use or find a viable alternative use for the building; and
  - iii. There will be substantial planning benefits for the community from redevelopment which would decisively outweigh loss from the resulting demolition; and
- 34



- iv. The replacement development will preserve or enhance the character or appearance of the conservation area and has been granted planning permission.
- 35 In this case, officers are of the view that the existing building is not considered to be of an architectural or historic quality that makes a positive contribution to the conservation area. The tests set out at (i) to (iv) of policy 3.16 are therefore not material to consideration of this application.
- 36 The replacement building is considered to be of an acceptable architectural quality, would be unobtrusive and simple in style, and would be of a traditional design using matching brickwork, that is considered to be an enhancement to the general townscape. This matter is assessed more fully in the accompanying report for the planning application, reference 11-AP-3208.
- 37 Strategic Policy 12 – Design and conservation of Core Strategy 2011, requires that development will achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in. We will do this by:
- 38 1. Expecting development to conserve or enhance the significance of Southwark's heritage assets, their settings and wider historic environment, including conservation areas, archaeological priority zones and sites, listed and locally listed buildings, registered parks and gardens, world heritage sites and scheduled monuments.
- 39 Policy HE7.2 of PPS5 requires that in considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.
- 40 On this site, it is considered that the consistency and quality of the Grove Park frontage/streetscape is the particular nature of the conservation area's significance, and this includes the mature trees on/around the site. While the quality of the proposed building is the largest issue, this does sit within the rear garden of 18 Grove Park and is largely hidden from the wider public view. Furthermore the success of this development is in the fact that the proposed building would remain within the envelope of the existing chapel.
- 41 The existing building is considered to have some material character as a brick chapel, but the brickwork is not of high quality and by the standard of the 19th Century buildings around it, this 1920's chapel is considered to be crudely constructed. It is not considered to be a heritage asset of any significance as defined in PPS 5.
- 42 The location of the chapel towards the rear of the site, behind the principal buildings fronting the street, is such that the demolition of the building could be carried out without leaving a 'gap' in an otherwise coherent part of the streetscene. Given the relatively low considered importance of the existing building, and its backland location, no harm would arise to the appearance of the streetscene by its demolition. Accordingly a condition requiring details of a contract for the redevelopment and replacement building to be submitted for approval prior to demolition is not considered necessary in this instance. A condition should be imposed however to ensure that if the demolition is not immediately followed by the redevelopment the subject of the accompanying application reference 11AP3208, the site shall be left in a tidy condition, to prevent harm to the character and appearance of the conservation area.
- 43 As such, there would be benefits from the demolition and redevelopment that would

outweigh the results of the demolition, and as the proposed replacement development is considered to preserve the character and appearance of the conservation area and has therefore been recommended for approval.

### **Conclusion on planning issues**

- 44 Officers consider on balance that the existing building is not a key un-listed building in the conservation area, and allowing the demolition would allow for replacement of the existing building by a building of exactly the same building envelope and within the context of a development that would preserve the character and appearance of the Conservation Area, thereby justifying demolition of the existing building.

### **Community impact statement**

- 45 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.

b) The issues relevant to particular communities/groups likely to be affected by the proposal have been identified in the accompanying report for Planning application 11-AP-3208 on this agenda.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

### **Consultations**

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

### **Consultation replies**

- 47 Details of consultation responses received are set out in Appendix 2.

#### Summary of consultation responses

- 48 There were six objections received raising concerns about the following matters:
- scheme would harm the character and appearance of the conservation area
  - concern that the original scheme retained the existing chapel and the conversion of the chapel to residential use, in such close proximity to the existing front building, was acceptable in this context but that if the existing chapel is to be demolished, no justification of re-use of an existing building exists to justify a new house so close to the existing building which is to be converted to four houses
  - impacts on trees
  - existing building should be treated with more care and retained

### **Human rights implications**

- 49 This planning application engages certain human rights under the Human Rights Act 2008 (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.

- 50 This application has the legitimate aim of providing for demolition in a conservation area to facilitate redevelopment on the site. 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.

**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

**Strategic Director of Communities, Law & Governance**

- 52 N/A

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2154-17  Application file: 11-AP-3590  Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5405 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Susannah Pettit, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	26 March 2012	
<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 Communities, Law & Governance	No	No
Director of Planning	Yes	Yes
Strategic Director of Environment and Leisure	No	No
<b>Date final report sent to Constitutional Team</b>	29 March 2012	

## Consultation undertaken

**Site notice date:** 11/11/11

**Press notice date:** 12/11/11

**Case officer site visit date:** 11/11/11

**Neighbour consultation letters sent:** 15/11/11

### Internal services consulted:

Design and Conservation Team

### Statutory and non-statutory organisations consulted:

English Heritage

### Neighbours and local groups consulted:

19 GROVE PARK LONDON SE5 8LH  
 44 GROVE PARK LONDON SE5 8LG  
 FLAT 2 83 GROVE HILL ROAD LONDON SE5 8DF  
 17-18 GROVE PARK LONDON SE5 8LH  
 45C GROVE PARK LONDON SE5 8LG  
 45B GROVE PARK LONDON SE5 8LG  
 37 GROVE PARK LONDON SE5 8LG  
 43 GROVE PARK LONDON SE5 8LG  
 38 GROVE PARK LONDON SE5 8LG  
 FLAT 1 16 GROVE PARK LONDON SE5 8LH  
 FLAT 8 16 GROVE PARK LONDON SE5 8LH  
 FLAT 7 16 GROVE PARK LONDON SE5 8LH  
 FLAT 3 16 GROVE PARK LONDON SE5 8LH  
 FLAT 2 16 GROVE PARK LONDON SE5 8LH  
 FLAT 4 16 GROVE PARK LONDON SE5 8LH  
 FLAT 6 16 GROVE PARK LONDON SE5 8LH  
 FLAT 5 16 GROVE PARK LONDON SE5 8LH  
 45A GROVE PARK LONDON SE5 8LG  
 42 GROVE PARK LONDON SE5 8LG  
 8 IVANHOE ROAD LONDON SE5 8DH  
 20 GROVE PARK LONDON SE5 8LH  
 79 GROVE HILL ROAD LONDON SE5 8DF  
 77 GROVE HILL ROAD LONDON SE5 8DF  
 FLAT 3 83 GROVE HILL ROAD LONDON SE5 8DF  
 FLAT 1 83 GROVE HILL ROAD LONDON SE5 8DF  
 2 IVANHOE ROAD LONDON SE5 8DH  
 THE IVANHOE RESIDENTS AND TENANTS ASSOCIATION 6 IVANHOE ROAD LONDON SE5 8DH  
 4 IVANHOE ROAD LONDON SE5 8DH  
 81 GROVE HILL ROAD LONDON SE5 8DF  
 40C GROVE PARK LONDON SE5 8LG  
 40B GROVE PARK LONDON SE5 8LG  
 41A GROVE PARK LONDON SE5 8LG  
 41C GROVE PARK LONDON SE5 8LG  
 41B GROVE PARK LONDON SE5 8LG  
 FLAT A 39 GROVE PARK LONDON SE5 8LG  
 FLAT B 39 GROVE PARK LONDON SE5 8LG  
 40A GROVE PARK LONDON SE5 8LG  
 FLAT C 39 GROVE PARK LONDON SE5 8LG  
 71 Grove Hill Road SE5  
 11 Blenheim Grove SE15  
 19 GROVE PARK LONDON SE5 8LH

**Re-consultation:**

01/03/12: Clarification of Description.

## Consultation responses received

### Internal services

Design and Conservation : Comments incorporated into report.

### Statutory and non-statutory organisations

LAMAS: Although the chapel appears rather featureless and is an undesignated heritage asset, its conversion may be appropriate. Its replacement however requires proper justification without which this committee would object because of the potential impact on the setting of other buildings and upon the character and appearance of the area.

### Neighbours and local groups

There were six objections to the scheme, from Ivanhoe Residents Association, three from addresses in Grove Hill Road, one from an address in Blenheim Grove, and one from a Grove Park address. The objections are summarised below.

#### Ivanhoe Residents Association: Objection

I strongly object to the continual erosion of the Camberwell Grove Conservation Area. The character of this site will not be enhanced. The developments will conflict with policies 3.12, 3.13, 3.15, 3.16 and 3.18 of the Unitary Development Plan 2007. It will not enhance the special interest or historic character or appearance of areas of historical or architectural interest and conserves or enhances the significance of heritage assets. It will conflict with policy PPS5 which seeks to sustain and enhance heritage assets.

#### Addresses in Grove Hill Rd, Grove Lane, and Blenheim Grove:

- loss of wildlife, trees etc, and loss of heritage assets
- this application will not enhance the Camberwell grove Conservation Area.
- scheme would conflict with policies 3.12, 3.13, 3.15, 3.16 and 3.18 of the Southwark Unitary Plan 2007 and the council should refuse the full and CAC applications as the Planning Inspectorate certainly would
- When the initial planning application for this site went through, my main concern was for the future of the area of garden immediately behind the development, which appeared to be worryingly unaccounted for, and the fact that the short gardens offered with the accommodation in the main building were certainly not in keeping with the conservation area. I welcomed the fact that a new and productive use was being found for the fine historic buildings which were rapidly becoming derelict. The proposal to demolish the other walls of the chapel and replace them with a nondescript and unattractive alternative (presumably to squeeze more living space into the envelope) feels like the last straw.

No doubt repeated re-applications and amendments are perfectly within the law, but as a consultee I feel a victim of deception. The applicants are very experienced in forcing through changes mid-work, but most people don't have the time or the training to wade through complex drawings and descriptions online and work out the impact of 'minor changes' to the original proposals. I think it is quite wrong to try to sneak through something as major as the demolition of a 19th Century chapel as a minor amendment. I feel that this proposal is extremely dishonest and architecturally, quite

out of keeping with the conservation area.

#### 81 Grove Hill Road: Objection

A historic building in a conservation area should be handled much more carefully than the current developers are doing. They seem to have decided to wear down, step by step, application by application, any resistance to their decision to squeeze maximum profit out of this project. They seem to be paying no attention to the essential nature of this conservation area and have ignored its main glory: the vastness and beauty of its gardens. Seemingly unimportant changes of plans obscure the systematic dismantling of anything left of the original building.

#### 19 Grove Park: Objection

At the time application 11-AP-0225 was being considered, we had indicated a preference to the developers to demolish the chapel on site and turn the main house back into a family house with a garden. However the developers informed us that the Council had indicated a preference at the time for the building to be retained. It now seems obvious that 11-AP-0225 was little more than a sham. The developers are proposing a clever shuffle, taking advantage of the existence of a building on site in order to demolish it and build something entirely different. It was a way of squeezing five dwellings into 18 Grove Park when very likely, they would have struggled to get permission for such a density or for building a second house in the garden of the main one.

The developers told us that they were only developing five dwellings *because* they had to work with the chapel; so if the chapel can or should now be demolished, there is no longer any justification for five dwellings. The developers should be obliged to work within the envelope that they themselves created with application 11-AP-0225.

- 19 Grove Park has always been overlooked by the chapel at 18 Grove Park. nevertheless there is a great difference between being overlooked by a chapel that is only used occasionally, and a permanently occupied house.
- It is one thing to convert an existing building into a house, but quite another thing to demolish an existing building and build a house. If a chapel had not been on site, would permission have been given at all to build a house just metres behind the main one? We think almost certainly not.
- The application makes much of building a new house within the existing envelope of the chapel. If a new dwelling can be justified at all, why can it not be built in a different part of the site, further back from the main house and at a reasonable distance from other surrounding houses.
- If the Council will not give permission for a better-situated house on the site, what can be the justification for approving a poorly situated one? There may at one time have been good reasons for building the chapel where it is (allowing nuns to get too and from services without getting wet etc), but it makes no sense to put a house in that location.
- The chapel has church-like Gothic-arch windows to the main elevation which overlooks our garden. They are discreet in size and quite deeply rebated so that looking out of them, one does not get a great vista over our garden. The original application proposed the restoration of these windows in their current size, shape and configuration, so as to preserve our privacy; they even told us they would fit frosted glass. They are now proposing to enlarge these windows. The occupants of the house would therefore have a view over our garden.
- The chapel has a basement which the developers wish to extend to the full footprint of the garden. Why is this essential? It is possible to underpin a building without doing this. The further excavation will destroy the roots of more trees on site.
- If there must be a basement, why not put the lightwell at the southern end of the chapel, where it would get plenty of natural light?
- The developers make much of creating a 'sunken-garden' at basement level



between the chapel and the boundary wall. In reality, the 'sunken garden' would be a narrow, gloomy hole in the ground, 4.3m deep on the side of the boundary wall, and even deeper on the chapel side.

- Four fruit trees have already been destroyed near the chapel. These trees were an important shield between the chapel and our garden and without them we are now dominated by the whole mass of building.

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## RECOMMENDATION

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This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application.

<b>Applicant</b>	Mr J Smart John Smart Architects Ltd	<b>Reg. Number</b>	11/AP/3590
<b>Application Type</b>	Conservation Area Consent	<b>Case Number</b>	TP/2154-17
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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**Conservation Area Consent was GIVEN to demolish the following:**

Demolition of existing chapel and provision of a building within the same envelope to provide single family dwelling house.

**At:** 18 GROVE PARK, LONDON, SE5 8LH

**In accordance with application received on 28/10/2011 12:01:26**

**and Applicant's Drawing Nos.**

Existing: 026-301, 026-302A, 026-303, 026-304, 026-305, 026-306, 026-307, 026-308 RevA, 026-309 Rev/A, 026-310, 026-320 Rev/A, 026-321 RevA, 026-322A, 026-323, 026-324, 026-330, 026-331, 026-332, 026-333, 026-334, 026-335, 026-336, 026-337, 026-338.

Proposed: 026-341/Rev/F, 026-342A, 026-343A, 026-344A, 026-345, 026-346, 026-347 Rev/B, 026-348 Rev/C, 026-349 Rev/B, 026-350B, 026-351, 026-352 Rev/C, 026-353, 026-354, 026-355 Rev/A, 026-356A, 026-358 Rev/B, 026-357 Rev/B, 026-359 RevB, 026-360 RevB, 026-370 Rev/A, 026-371 RevB, 026-372 Rev/C, 026-373, 026-374 Rev/A, 026-375 Rev/A, 026-380, 026-381 Rev/B, 026-382A, 026-383, 026-384 RevA, 026-385 Rev/A, 026-390, 026-391 Rev/A, 026-392, 026-393 RevA, 026-394, 026-395 RevA, 026-402, 026-406, 026-407, 026-409, 026-410

Heritage Statement

**Reasons for granting conservation area consent**

This planning application was considered with regard to various policies including, but not exclusively:

Strategic policies of the Core Strategy 2011

Strategic Policy 12 – Design and conservation: Requires development to achieve the highest standard of design for buildings and public spaces, and to help create attractive and distinctive spaces.

Saved policies of the Southwark Plan 2007

3.16 Conservation Areas (requires developments to preserve or enhance the character or appearance of the conservation area)

3.18 Setting of Listed Buildings, conservation areas and World Heritage Sites. (requires new developments to preserve or enhance the immediate or wider setting of a listed building, conservation area or World Heritage Site, and important views of a listed building).

Policies of the London Plan 2011

Policy 7.4 Local character; Policy 7.6 Architecture; Policy 7.8 Heritage assets and archaeology;

National Planning Policy Framework 27 March 2012, Section 12, Conserving and Enhancing the Historic Environment.

Particular regard was had to the heritage importance of the building to be demolished, where it was considered that it does not make a positive contribution to the character and appearance of the conservation area, and as there is a replacement building proposed which would be of a high standard which would preserve the character and appearance of the Conservation Area. It was therefore considered appropriate to grant conservation area consent for the demolition of this building, having regard to the policies considered and other material considerations.

**Subject to the following condition:**

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

## Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

026-341/Rev/F, 026-342A, 026-343A, 026-344A, 026-345, 026-346, 026-347 Rev/B, 026-348 Rev/C, 026-349 Rev/B, 026-350B, 026-351, 026-352 Rev/C, 026-353, 026-354, 026-355 Rev/A, 026-356A, 026-358 Rev/B, 026-357 RevB, 026-359 RevB, 026-360 RevB, 026-370 Rev/A, 026-371 RevB, 026-372 Rev/C, 026-373, 026-374 Rev/A, 026-375 Rev/A, 026-380, 026-381 Rev/B, 026-382A, 026-383, 026-384 RevA, 026-385 Rev/A, 026-390, 026-391 Rev/A, 026-392, 026-393 RevA, 026-394, 026-395 RevA, 026-402, 026-406, 026-407, 026-409, 026-410

## Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 Following demolition works, the site shall be cleared of rubble and demolition products, unless the demolition is immediately followed by the redevelopment of the site in accordance with the scheme referenced as 11AP3590.

## Reasons

To ensure that the site is left in a tidy condition following the demolition of the existing building, in accordance with Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved 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.

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MUNICIPAL YEAR 2011-12**

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