

# Walworth Community Council Planning

Wednesday 7 September 2011

7.00 pm

InSpire at St Peter's, Liverpool Grove, London, SE17 2HH

## Membership

Councillor Martin Seaton (Chair)  
Councillor Darren Merrill (Vice-Chair)  
Councillor Catherine Bowman  
Councillor Neil Coyle  
Councillor Patrick Diamond  
Councillor Dan Garfield  
Councillor Lorraine Lauder MBE  
Councillor Abdul Mohamed  
Councillor Helen Morrissey

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Members of the committee are summoned to attend this meeting

**Annie Shepperd**

Chief Executive

Date: Tuesday 30 August 2011



## 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 1 - 4)**

To confirm as a correct record the minutes of the meeting held on 27 July 2011.

**6. DEVELOPMENT MANAGEMENT ITEMS (Pages 5 - 9)**

**6.1. 137 TRAFALGAR STREET, LONDON, SE17 2TP (Pages 10 - 31)**

Date: Tuesday 30 August 2011

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

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**CONTACT:** Gerald Gohler, Constitutional Officer, Tel: 020 7525 7420  
or email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@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.

### **DEPUTATIONS**

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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## Walworth Community Council

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### Somali:

#### U-Baahnaanshaha Luqadda

Haddii aad u baahan tahay macluumaadka ku saabsan Guddiyada Beelaha oo lagu tarjumay luqaddaada fadlan soo wac khadka taleefoonka 020 7525 7385 ama booqasho ugu tag hawladeennada ku sugan 160 Tooley Street, London SE1 2TZ

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### Bengali:

#### 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 Igbimò ti Àwùjò ti a yi pada si ede abíní re, jọwọ tẹ wa l'aago si ori nombá yi i : 020 7525 7385 tabi ki o yo ju si awon òṣiṣẹ ni ojúlẹ 160 Tooley Street , London SE1 2TZ .

Igbo:

Asusu

I choo imata gbasara 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

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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.**



## **WALWORTH COMMUNITY COUNCIL - Planning -**

MINUTES of the Walworth Community Council held on Wednesday 27 July 2011 at 7.00 pm at InSpire at St Peter's, Liverpool Grove, London, SE17 2HH

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<b>PRESENT:</b>	Councillor Martin Seaton (Chair) Councillor Darren Merrill (Vice-Chair) Councillor Catherine Bowman Councillor Neil Coyle Councillor Dan Garfield
<b>OFFICER SUPPORT:</b>	Rob Bristow (Planning Officer) Norman Brockie (Conservation Officer) Tim Gould (Group Manager, Development Control & Strategic Projects) Fennel Mason (Planning Officer) Vikki Lewis (Planning Officer) Suzan Yildiz (Legal Officer) Gerald Gohler (Constitutional Officer)

### **1. INTRODUCTION AND WELCOME**

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

### **2. APOLOGIES**

There were apologies for absence from Councillors Patrick Diamond, Helen Morrissey, Abdul Mohamed and Lorraine Lauder MBE.

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

There were none.

Following advice by the legal officer, Councillor Catherine Bowman left the meeting room and took no part in the discussion or voting upon the planning item on the agenda.

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

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to item 6.1 - development management items

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during that time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation responses, additional information and revisions.

#### 5. MINUTES

##### **RESOLVED:**

That the minutes of the meeting held on 17 May 2011 be agreed as a correct record, and signed by the chair.

#### 6. DEVELOPMENT CONTROL ITEMS

##### 6.1 PARKING SPACES IN FRONT OF 1-6 JOHN MAURICE CLOSE, LONDON SE17 1PY

**Planning application reference number 10-AP-3760**

##### **PROPOSAL:**

*The erection of a three storey semi detached building comprising 2 x 3 bedroom residential units against the gable wall of 7 John Maurice Close, with associated waste and cycle storage.*

The planning officer presented the application drawing members' attention to the addendum report which had been circulated. Members asked questions of the planning officer, and the transport and conservation officers.

The objectors spoke against the application. Councillors asked questions of the objectors.

The applicant's agent spoke in favour of the application. Councillors asked questions of the applicant and the applicant's agent.

No local supporters were present, and no councillors wished to speak in their capacity as ward member.

Members discussed the application.

##### **RESOLVED:**

That planning permission for application number 10-AP-3760 be granted as set out in the report and the addendum report including



- An amended condition 7:

Prior to the commencement of development a sample brickwork panel (a minimum of 1m<sup>2</sup> in area) including samples of the brickwork and pointing, as well as a sample window frame, including the finish to be used, in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the facing materials match those on the adjoining building and make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with Strategic Policy 12 'Design and Conservation' of the Core Strategy 2011, and saved Policies: 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007.

- An additional condition to protect neighbouring occupiers from impacts associated with construction works:

The development shall not commence until details of a Construction Management Plan (CMP) has been submitted to, and approved in writing by the Local Planning Authority. The CMP shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to access, noise, vibration, dust, smoke and plant emissions emanating from the site during demolition and construction. All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011 and saved Policies 3.1 'Environmental Effects' and 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- An additional condition:

"The development hereby permitted shall not be commenced before the developer has submitted to the Council and the Council has approved a detailed scheme for security lighting, and the installation, operation and maintenance of gates to the access along the northern side of the site which shall include proposals for a right of access and ingress for adjoining properties [at flats within 7 John Maurice Close] and which shall be managed by the developer. The development shall not be carried out or used otherwise than in accordance with the approved detailed scheme."

Reason:

"In the interests of the amenities of adjoining occupiers and in the interests of crime prevention and in order to comply with Strategic Policy 13 High

Environmental Standards of the Core Strategy (2011) and saved policies 3.2 Protection of amenity and 3.14 Designing out Crime of the Southwark Plan (2007)

- An additional condition:

"The development hereby permitted shall not be commenced unless the developer has first granted for the benefit of owners or occupiers of adjoining properties (the flats at No. 7 John Maurice Close) legally binding rights of access along the side access on the northern side of the site and provided to the Council certified documentary evidence of such rights having been granted."

Reason:

"In the interests of the amenities of adjoining occupiers and in order to comply with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and saved policy 3.2 'Protection of Amenity' of the Southwark Plan (2007).

- An additional condition:

"There shall be no ventilation of bathrooms or kitchens at any time from the two new houses hereby permitted into the lightwell adjacent to No. 7 John Maurice Close."

Reason:

In the interests of the amenities of these neighbouring occupiers and in order to accord with Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and saved policy 3.2 'Protection of Amenity' of the Southwark Plan (2007).

The meeting ended at 9.35 pm.

**CHAIR:**

**DATED:**

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 7 September 2011	<b>Meeting Name:</b> Walworth Community Council
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All within Walworth 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 and 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. 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.
18. The development plan is currently the Southwark Plan (UDP) 2007 adopted by the council in July 2007 and the London Plan (consolidated with alterations since 2004) published in February 2008. The enlarged definition of "development plan" arises from s38(2) of the Planning and Compulsory Purchase Act 2004. 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. Section 106 of the Town and Country Planning Act 1990 as amended introduced the concept of planning obligations. Planning obligations may take the form of planning agreements or unilateral undertakings and may be entered into by any person who has an interest in land in the area of a local planning authority. Planning obligations may only:
  - I. restrict the development or use of the land;
  - II. require operations or activities to be carried out in, on, under or over the land;
  - III. require the land to be used in any specified way; or
  - IV. require payments to be made to the local planning authority on a specified date or dates or periodically.

Planning obligations are enforceable by the planning authority against the person who gives the original obligation and/or their successor/s.

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.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
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 2TZ	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Council Offices, 5th Floor 160 Tooley Street, London SE1P 5LX	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>	1 October 2010	
<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
Strategic Director of Regeneration and Neighbourhoods	No	No
Head of Development Management	No	No

**ITEMS ON AGENDA OF THE WALWORTH CC**  
**on Wednesday 07 September 2011**

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**Appl. Type** Full Planning Permission  
**Site** 137 TRAFALGAR STREET, LONDON, SE17 2TP

**Reg. No.** 11-AP-2258  
**TP No.** TP/1114-137  
**Ward** Faraday  
**Officer** Wing Lau

**Recommendation** GRANT WITH UNILATERAL UNDERTAKING

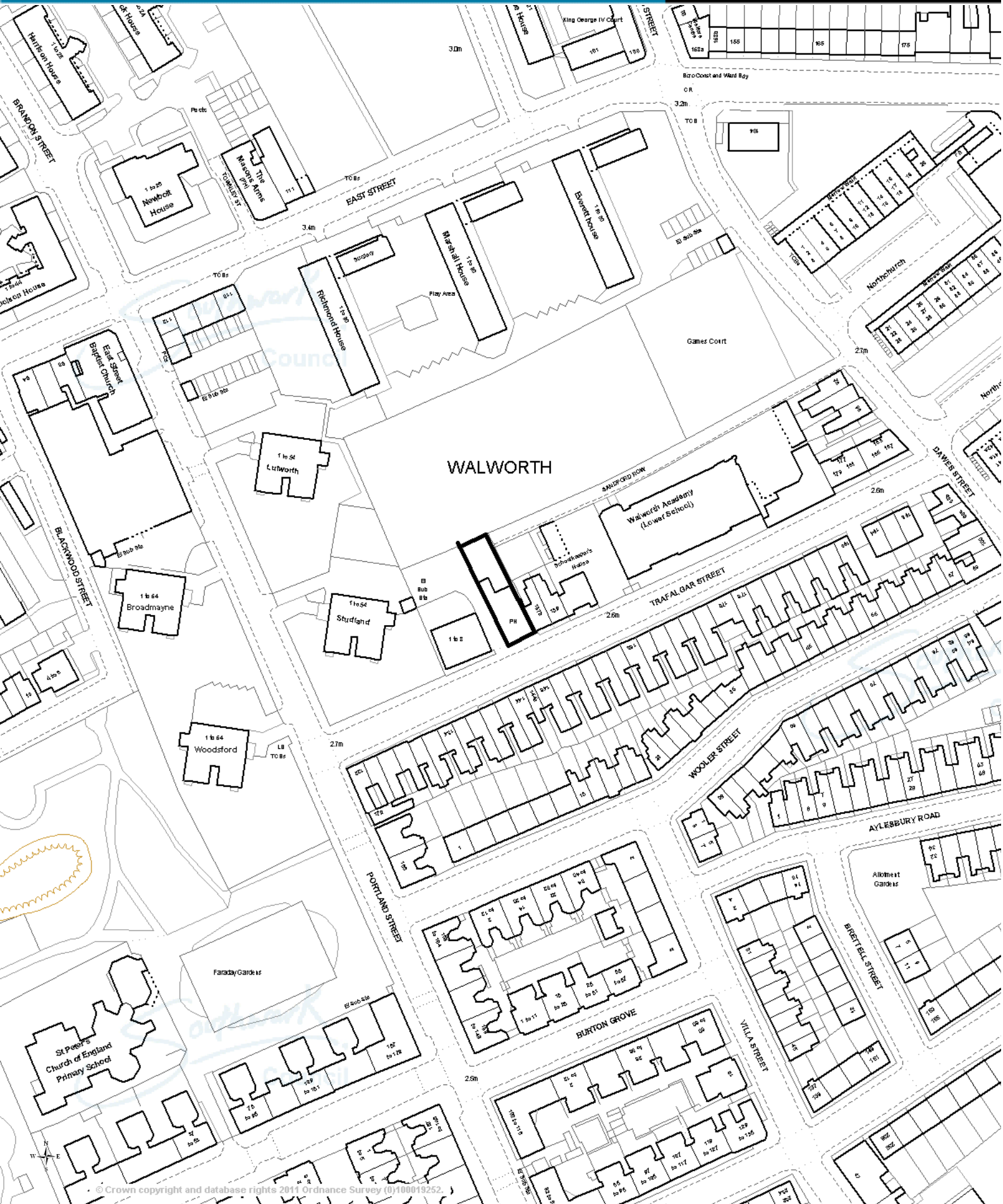
***Item 6.1***

**Proposal**

Demolition of rear extensions and erection of two storey rear extension (ground and basement levels) and erection of roof extension, with roof terrace to front in connection with change of use of existing Public House (A4 use class) into residential accommodation comprising: 6 residential units (2no. one bedroom flats and 4 no. two bedrooms flats). Installation of cycle storage, refuse bin storage and other associated landscaping work.

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Date 25/8/2011



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<b>Item No.</b> 6.1	<b>Classification:</b> OPEN	<b>Date:</b> 7 September 2011	<b>Meeting Name:</b> Walworth Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 11-AP-2258 for: Full Planning Permission  <b>Address:</b> 137 TRAFALGAR STREET, LONDON, SE17 2TP  <b>Proposal:</b> Demolition of rear extensions and erection of two storey rear extension (ground and basement levels) and erection of roof extension, with roof terrace to front in connection with change of use of existing Public House (A4 use class) into residential accommodation comprising: 6 residential units (2no. one bedroom flats and 4 no. two bedrooms flats). Installation of cycle storage, refuse bin storage and other associated landscaping work.		
<b>Ward(s) or groups affected:</b>	Faraday		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 12 July 2011		<b>Application Expiry Date</b> 6 September 2011	

## RECOMMENDATION

- 1 Grant planning permission with conditions and unilateral agreement to exempt future occupiers from obtaining parking permits. This application is referred to Walworth Community Council owing to the number of objections received.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application site comprises a Public House (PH) - the Lord Nelson situated within a predominantly residential area. This PH is within a building that is 3 storeys high plus semi-basement level. Whilst attached to a semi-detached residential building to the east, it is almost a stand-alone building having its own character, design and massing.
- 3 The ground floor is an established PH with associated ancillary storage within the basement. The first and second floors comprise a single residential flat. The parapet of this building is in line with the adjoining property No. 137A Trafalgar Street when seen from the street, but the actual height of the building is slightly taller and a typical 'Butterfly' roof (with two valleys) extends to the rear of the building behind the front parapet wall.
- 4 The PH has an existing single storey rear extension and leads out to the pub garden/yard. The PH abuts a vehicular driveway to the west, which leads to the car parking area for flats at 135 Trafalgar Street. (Victory House). The application site also abuts the playing fields for Walworth Academy (school), which is currently being built upon for a new sports hall.
- 5 The PH fronts a row of Victorian terraced houses of two storeys high. There are taller buildings in the vicinity (the Walworth Academy school on Trafalgar Street at 6-7 storeys and a multi-storey block at the junction of Trafalgar Street and Portland

Street). The area is mixed in character and design, but this part of Trafalgar Street is generally of the Victorian period, with the exception of the modern block of flats at No. 135.

- 6 The site is within the following areas as defined in the Local Development Framework 2011 (LDF): Aylesbury Action Area, Urban Density Zone and Air Quality Management Area.
- 7 The site is not within a Conservation Area, but immediately adjoins the Liverpool Grove Conservation Area to the south. The building is not listed, but it is on the Draft local list.

### **Details of proposal**

- 8 This is a resubmission of a previously refused application ref 11-AP-0640. This application is now for the development of the site to create 6 residential flats.
- 9 It is proposed to extend the building and change the ground floor PH to residential units with a mix of 2 x one bedroom flats and 4 x two bedroom flats.
- 10 2 x duplex units are proposed on the ground and basement floor levels - accessed from the front of the building.
- 11 2 x one bedroom units are proposed on the first floor. 2 x two bedroom flats are provided on the second and third floors.
- 12 Extensions: It is proposed to demolish the existing single storey rear extensions and erect a two storey rear extension at ground and basement level. This would involve the creation of lightwells at the rear, providing access and amenity space for the ground floor unit. This extension measures 4.2m deep from the rear building line and extends across the whole width of the building.
- 13 Roof extension: It is proposed to make alterations to the existing roof and erect a roof extension to accommodate the third floor two bedroom flat. This glazed roof extension (on the north and south facades) is set back from the front and rear to allow for a terrace at the front. The roof extension extends across the whole width of the building and comprises a raised flank wall and new chimney on the western elevation. The roof extension would sit between the two chimneys (one existing and one proposed chimney).

The overall height of the building would increase from 11m to 12.4m (excluding the chimneys).

- 14 Basement  
The basement will be increased in height to allow for headroom and this will involve the raising of the floor level at ground floor. This results in a change in the level when seen from the front and steps have been proposed leading to the front entrance. Lightwells are proposed for private amenity space for the ground floor duplex flats. This application differs from the previously refused scheme as the living/dining area for the ground floor duplex now has a double height extension, which allows light into the lower two floors of the building.
- 15 A separate private garden area is provided for the ground floor duplex units and is accessed from the rear bedrooms and the rear footpath. A separate communal garden area is provided to the rear of the site, which is accessible both from the main building and from the accessway to the west. Two separate gates are proposed on the western boundary adjoining this vehicular accessway, which leads to the bicycle and bin storage and the communal garden.

### Planning history

- 16 11-AP-0640 - Planning permission was refused in May 2011 for: Demolition of existing rear extension and erection of two storey rear extension (ground and basement level) and erection of mansard roof extension, with roof terrace to front, with front and rear dormers, for the change of use of existing Public House (A4 Class use) to residential accommodation comprising: 7 residential units (4 No. one bedroom flats and 3 No. two bedroom flats). Erection of detached two storey building to rear of site to create 1 No. two bedroom house. Installation of cycle storage, bin storage and other associated landscaping works.

The grounds for refusal were as follows:

1) *The proposed development by virtue of its scale, bulk, mass and detailed design of the mansard roof and dormer windows would represent an overly dominant feature on this part of the roof scape and give an awkward appearance to the host building and the surrounding buildings, to the detriment of the character and appearance of the building and surrounding area. It would also harm the setting of the adjoining Liverpool Grove Conservation Area in the local views. This is contrary to saved policy 3.12 'Quality of Design', 3.13 'Urban Design' and 3.18 'Setting of Listed Buildings, Conservation Areas and World Heritage Sites' of the Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of the Core Strategy 2011.*

2) *The proposed extension, by reason of its depth, height and proximity to the party boundary and the close proximity of the two storey detached house at the proposed height is considered to be an oppressive form of development that would lead to an unacceptable sense of enclosure to the adjacent neighbouring ground floor window at No. 137A Trafalgar Street and the neighbouring rear garden respectively. As such, it would result in a loss of amenity to these neighbouring residents, and in these regards the scheme would be contrary to saved Policies 3.2 'Protection of Amenity' and 3.11 'Efficient Use of Land' of The Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of The Core Strategy 2011.*

3) *The proposed number of units within the existing building and to the rear represent an over-development of the site providing an unacceptable and inadequate standard of accommodation that are cramped and confined and lacking in private amenity space, which would be detrimental to the living conditions and amenities of the future occupiers of the property. The proposal is therefore contrary to saved Policies 3.11 'Efficient Use of Land', 4.2 'Quality of Residential Accommodation' of The Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of The Core Strategy 2011 and the Residential Design Standards SPD 2008.*

4) *The proposed living room and kitchen at Units 1 and 2 within the basement level have unsatisfactory outlook and daylight and would result in a sub-standard form of accommodation for future occupiers, harmful to the internal amenity and living conditions contrary to saved Policies 3.2 'Protection of Amenity', 3.11 'Efficient Use Of Land' and 4.2 'Quality of Residential Accommodation' of the Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of The Core Strategy 2011 and the Residential Design Standards SPD 2008.*

### Planning history of adjoining sites

- 17 There is no relevant planning history on the adjoining sites that is directly related or relevant to this case.
- 18 The sports hall currently under construction to the rear of the site is for the Walworth Academy School on Trafalgar Street. This is approximately 14m in height. Ref 10-AP-1037 granted in June 2010: Retention and refurbishment of the existing Victorian school building fronting Trafalgar Street, erection of a part three, part four storey

building providing teaching accommodation fronting Dawes Street, erection of a two storey sports block in the north-west corner of the site, erection of a part one, part two storey building on Trafalgar Street providing the entrance and main hall, together with cycle and car parking, outdoor playground areas and multi use games areas.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 19 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) Impact of proposed development on the amenity of adjoining occupiers
  - c) Impact of proposed development on the character and appearance of the host building, the surrounding area and the adjoining Conservation Area
  - d) Highway and traffic issues
  - e) Biodiversity
  - f) Flood Risk

### **Planning policy**

#### Core Strategy 2011

- 20 Strategic Policy 1 Sustainable Development  
 Strategic Policy 2 Sustainable Transport  
 Strategic Policy 3 Shopping, Leisure and Entertainment  
 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

- 21 1.10 Small Scale Shops and Services Outside the Town and Local Centres and Protected Shopping Frontages  
 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  
 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites  
 3.28 Biodiversity  
 4.2 Quality of Residential Development  
 4.3 Mix of Dwellings  
 5.2 Transport Impacts  
 5.3 Walking and Cycling  
 5.6 Car Parking

Residential Design Standards SPD 2008

#### London Plan 2011

- 22 3.3 Increasing housing supply  
 3.4 Optimising housing potential

- 3.5 Quality and design of housing developments
- 3.9 Mixed and balanced communities
- 5.3 Sustainable design and construction
- 5.12 Flood risk management
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.19 Biodiversity and access to nature

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 23 PPS1 - Delivering Sustainable Development  
 PPS3 - Housing  
 PPS 5 - Planning and the Historic Environment  
 PPS 25 - Development and Flood Risk

**Principle of development**

- 24 The principle of converting the PH (A4 Class Use) to residential flats should be assessed against saved Policy 1.10 of the Southwark Plan 2007.
- 25 Where the site is outside a town centre, local centre and protected shopping frontage (PSF), planning permission will only be granted for a change in use between A use classes or from A use classes to other uses provided;
- 26 *i. The proposed use would not materially harm the amenities of surrounding occupiers; and*  
*ii. The use that will be lost is not the only one of its kind within a 600m radius and its loss would not harm the vitality and viability of nearby shops or shopping parades; or*  
*iii. The premises have been vacant for a period of at least 12 months with demonstrated sufficient effort to let, or have not made a profit over a two year period.*
- 27 The Applicant has not demonstrated that the PH has been vacant for at least 12 months. Nevertheless, the A Class use is not the only one of its kind within a 600m radius, as the Walworth Road and East Street shopping parades are within this radius. The residential use would not harm the amenities of surrounding occupiers as this is a predominantly residential area.
- 28 As such, the principle of residential use on this site would be acceptable in land use terms. This is however subject to there being no harmful impacts on residential amenity, visual amenity and local highway network, which is considered below. This application should overcome the previous reasons for refusal under application reference: 11-AP-0640.

Mix of Dwellings

- 29 The proposal provides 4 No. two bedroom and 2 No. one bedroom flats. As this is below 10 units (the threshold that takes it to the 'Major' category), this mix is acceptable.

Density

- 30 The density of the scheme is approximately 533 Habitable rooms/Hectare (HR/Ha). This falls within the range for the Urban Density Zone, which allows 200-700 HR/Ha.

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

- 31 The main impact of the development is the proposed rear extension to the existing

building and how this would affect the neighbouring residents' light, outlook and privacy.

#### Overbearing impact

- 32 The existing extension on the site is approximately 4.2m along the boundary adjoining No. 137A from the original rear building line. This existing extension is 8.8m deep along the boundary adjoining the vehicular access way. The proposed extension at 4.2m across the whole width of the rear of the building exceeds the normal guideline of 3m set out in the Residential Design Standards SPD, but would not go beyond the existing depth. Given the circumstances and the precedent already set, the depth is considered acceptable.
- 33 In the previously refused application, it was noted that the existing extension is varied in height, ranging from 3m on the boundary adjoining No. 137A and then stepping up to a maximum of 3.6m (when measured from the ground level at No. 137A). The proposed extension is 3.6m in height along the boundary adjoining No. 137A, which has the potential for creating a 'tunnelling' effect and a greater sense of enclosure for the neighbouring ground floor residents (as the adjoining building has a typical Victorian footprint with a long rear projection). This may appear overbearing for the occupants at No. 137A and could harm their amenity. Nevertheless, during the assessment of the previous scheme, it was considered that the adverse impact on the neighbours was bought on mainly by the combination of this proposed extension and the new two storey house at the rear of the site. It was considered at the time that the two storey house which was approximately 8.5m from a window at No. 137A together with the proposed extension at 3.6m, would appear overbearing and thereby affect the neighbours' amenity. The Applicant has now omitted the rear detached house from this application. This would reduce the potential for any overbearing impact on the neighbours. Given that the proposed rear extension in this application is just an increase in height of 0.6m when compared to the existing extension, this is not considered a significant enough ground for refusal in itself. The second reason for refusal has therefore been addressed.
- 34 The proposed mansard roof is within the existing footprint of the building and as such would not lead to a loss of light or outlook to the adjoining neighbours.
- 35 The proposed extension would not significantly impact on the occupant's residential amenity at No. 135 (Victory House flats) as this is situated at some distance (approximately 4.5m away).

#### Privacy

- 36 There are no new windows proposed to the flank elevations of the PH building and therefore no privacy issues are raised. The proposed roof terrace on the third floor is located at the front of the building facing the street and does not allow views into neighbours' gardens. The terrace is located approximately 13m from the front of the two storey terraced Victorian properties opposite. This distance complies with the minimum of 12m set out in the Residential Design Standards SPD.

#### Noise

- 37 A number of objections from neighbours have highlighted that the number of residents using this access way between 135 and 137 Trafalgar Street would lead to an increased level of noise. This proposal is to change from a PH to residential use, which should reduce the number of trips made to the site. Furthermore, the access way serves the car parking for the flats at No. 135 and adjoins the communal space and therefore the comings and goings of the future residents is unlikely to lead to a significant amount of noise. The main access to the flats would be from the front of the building.

- 38 The proposal therefore complies with saved policies 3.2 and 3.11 of The Southwark Plan and SP13 of The Core Strategy.

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

- 39 The use is acceptable as the site is within a predominantly residential area and a residential use would be more compatible in this location.

Standard of accommodation

- 40 The Applicant has not submitted an accommodation schedule of the flats, but this proposal has been redesigned so that most of the units comply with the room standards in the SPD. The living rooms and kitchen of each flat are open plan and most of the units comply with the minimum room sizes set out in the SPD.
- 41 With regard to the first floor 2 x one bedroom flats, the bedrooms fall below the minimum of 12sqm required for one bedroom flats. It is proposed at 10.6sqm for one flat and 11.3sqm for the other, but this is not a significant shortfall. Although the overall unit size for the first floor flats at 37.7sqm for Unit 3 and 39.9sqm for Unit 4 fall below the Council's SPD requirement of 45sqm, it is noted that this complies with the recently adopted London Plan 2011 minimum unit sizes for a one bedroom/one person flat at 37sqm and this is the most up-to-date policy document.
- 42 All new residential development must provide an adequate amount of useable outdoor amenity space. Private amenity space is provided for the ground duplex units and the third floor unit and communal space for the first and second floor flats. Whilst ideally private amenity space should be provided for each flat, it is acknowledged that the proposal is within an existing PH building and there are therefore constraints with this site. As it is only three of the flats that would have no access to private amenity space, it is not considered a significant ground for refusal. The Applicant has removed the rear detached building and therefore provision of communal amenity space is greater. The number of residential units are now reduced on site and is less cramped and would not represent an overdevelopment. It is therefore considered that the Applicant has overcome the third reason for refusal.
- 43 The basement level provides storage space for the upper flats as well as the living room and kitchen for Units 1 and 2. Lightwells are proposed at the rear for access, amenity space and outlook. The ground floor duplex units have been redesigned so that the kitchen and living rooms have a double height space. This is to increase the level of daylight entering the duplex units. This space was previously built over at ground floor thereby restricting the levels of natural light and outlook to the basement. The 'study/sleeping area' on the ground floor (which is deemed a bedroom) now overlooks the living room in the basement and this allows more natural light into the room and provides adequate outlook. It is therefore considered that the Applicant has overcome the fourth reason for refusal and the proposal now complies with saved policies 4.2 of The Southwark Plan and SP5 of The Core Strategy.

**Traffic issues**

44 Car Parking

The Transport Planning Team has not provided comments for this application, but it is considered that the previous comments would be relevant to this case. This proposed development is located in an area with a low TfL PTAL rating (2), reflecting the area's poor level of access to all forms of public transport. Developments in areas with this PTAL rating are normally required to provide some level of on-site parking in order to minimise overspill parking on the road network. The multi modal trip generation for the proposed use (6 residential units) is forecast to be less than the existing use of a public house (A4).

- 45 However, in order to mitigate the proposed under provision in car parking, the Transport Planning Team previously suggested that the proposed development be exempt from the surrounding Controlled Parking Zone (CPZ), preventing any future residents of the development being eligible for on-street parking permits and that the applicant provides three years membership to Streetcar car club which will eradicate the likelihood of over spill on street car parking. Car club bays are measures aimed at mitigating against an under provision of parking or a method to deter private parking and car ownership.
- 46 In order to do this, the Traffic Management Order (TMO) should be changed either through a S106 agreement or a unilateral undertaking to secure a sum of £2,750 from the Applicant. A contribution is also sought to provide 3 years membership to Streetcar for all residential units proposed.
- 47 It is considered in this instance that to require the Applicant to provide 3 years free membership to Streetcar is unreasonable as the proposal is only for 6 residential units. It is considered justifiable however, to require a change in the TMO to exempt residents from parking permits. The Applicant has agreed to this and has prepared a Unilateral Undertaking to contribute the £2,750 towards amending the TMO.

#### Cycle parking

- 48 7 No. cycle spaces have been provided in the rear for the 6 No. residential units and this is adequate. The Transport Planning Team has commented that the proposed vertical hanging cycle parking would not be convenient to use. This is because some users find it difficult to lift their bikes onto these vertical hanging racks. A condition requesting a more appropriate cycle storage solution is recommended.

#### Disabled Parking

- 49 No wheel chair acceptable units have been provided in association with the proposed development. Therefore in this instance, the lack of disabled parking provision is considered acceptable.

#### Waste and refuse collection

- 50 The bin storage is within adequate distance from the future residents. These bins will be situated at the rear and out of sight from the street. A 2m high timber fence would also provide adequate screening. Servicing and refuse collection will be undertaken from Trafalgar Street.
- 51 The neighbours have raised concerns over refuse collection along the driveway at the side of the site. The collection will be from Trafalgar Street and refuse vehicles would not be stationary for a long period of time. As such, it would not impact on the neighbours' amenity in terms of noise and disturbance.
- 52 The concerns raised by neighbours relating to flytipping is covered under separate legislation.

#### **Design issues**

##### 53 Roof extension

The proposed roof extension would result in a 1.4m increase in height (from 11m to a maximum of 12.4m). This is not a significant increase and would not appear excessive in the context of the neighbouring buildings.

- 54 Reason 1 for refusal in the previous application referred to the excessive scale, bulk, mass and detailed design of the roof extension and how it would give an awkward appearance to the host building and the surrounding area. The previous roof extension covered almost the entire roof, with a slight 'kink' at the front to provide a roof terrace for the third floor flat. Furthermore, the introduction of 3 dormer windows



at the front with the slight 'kink' gave the whole roofscape and building an awkward appearance not seen elsewhere in the vicinity or this street. Due to the overall size and design, it would have had an uncomfortable relationship with the adjoining building.

- 55 This current proposal is now for a simple, glazed roof extension, with a more regular rectangular footprint and set back from the front by 2m. Whilst the roof extension still covers most of the roof area, it has been more sensitively designed. It is more simple in form and appearance and the contemporary nature would fit in well with the more historic nature of the PH. With the increase in the eastern and western flank walls and the introduction of the chimneys, it would mirror the eastern part of the PH building. It now has a simple symmetrical facade and would not appear awkward. By setting this roof extension further back from the front and the extension of the flank walls and chimneys, the roof extension would not be as readily visible on Trafalgar Street. The extension of the eastern flank wall is only marginal. The raising of the height of the western flank wall and the rebuilding of chimneys is considered acceptable as it is not a significant increase. It does not dominate the adjoining and nearby buildings to a great extent. The use of glazing and minimal contemporary design for most of the roof extension would appear less bulky on this roof and would limit its visibility from the street to the extent that it will not be seen when standing directly opposite. Local views from the western part of Trafalgar Street would be of the raised western flank wall, but as mentioned above, it is not a significant increase and has been sensitively designed.
- 56 This part of the street consists of a rhythm of comparatively small buildings of which this is the tallest. The building faces onto the Liverpool Grove Conservation Area and is at the end of a short terrace of houses. Whilst the proposal would make it taller, it is not the tallest along Trafalgar Street, with the Walworth Academy School being a much taller and larger building. The roof extension would not make the building unsuitably tall for the immediate townscape.
- 57 PPS 5 states that "When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset." This roof extension would be visible from further afield and there may be concerns that it will be seen from along the street where it will form part of the vista which includes the terrace of houses in the Conservation Area. Nevertheless, whilst it would be visible, it is not considered that it would cause harm and would still preserve the character and appearance of the adjoining Liverpool Grove Conservation Area.

#### Butterfly roof

- 58 The Residential Design Standards SPD states that roof extensions would not normally be permitted where there is an unbroken run of butterfly roofs. The previous proposal comprised dormer windows to the rear and lead to a loss of the existing 'Butterfly' roof, which is also seen at the adjoining properties No. 137A and 139. The Applicant had retained in the previous application the 'Butterfly' roof wall at the rear, but it was considered at the time that as a mansard roof extension was proposed, the whole of the roof would have to be built over. This proposal still retains the 'Butterfly' roof, but the difference here is that the roof extension is now set back further from the rear (by 0.81m) and the roof would be simpler, and without the dormer windows would not require the removal of the 'Butterfly' roof wall.
- 59 The building is on the Draft list for local listing. Whilst it has some weight, this is limited because it has not yet been out to consultation or formally adopted.
- 60 Policy HE7.2. of PPS 5 requires that "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." The proposed design of the roof extension would not conflict with the historic architecture of this heritage asset, which is a 19th century PH.

#### Front facade

61 The proposal extends the basement area and requires the raising of the ground floor level. This changes the ground floor facade as steps lead to the raised level. Officers consider that whilst it would be preferable to retain the PH character at ground floor, there are no significant objections to this change. The window sills line up with the adjoining properties No. 137A and 139. This raised level is not seen along Trafalgar Street, but it is not considered to be detrimental to the streetscene and does not warrant a ground for refusal in itself.

62 The Applicant has overcome the first reason for refusal of the earlier application by setting back the roof extension, which is now more contemporary in design and appearing less dominant in the streetscape. It would not be detrimental to the character of the host building and would preserve the character and appearance of the adjoining Liverpool Grove Conservation Area. It is therefore considered that the proposal now complies with saved policies 3.12, 3.13, 3.15 and 3.18 of The Southwark Plan and SP12 of The Core Strategy.

#### **Impact on trees**

63 The new extension at the rear is positioned away from the existing mature trees and therefore no significant impact on the trees would occur.

#### **Biodiversity**

64 The Applicant has submitted a Bat Inspection Report. The Council's Ecology Officer in his previous comments for application 11-AP-0640 agrees with the report finding that there are no bats roosting in the old Lord Nelson public house. This survey met with best practice for internal inspections for evidence of bat roosts.

#### **Planning obligations (S.106 undertaking or agreement)**

65 As highlighted above, the Applicant will be preparing a Unilateral agreement to exempt future residents from applying for parking permits.

#### **Sustainable development implications**

66 The Core Strategy now requires all new residential development to achieve at least a Code for Sustainable Homes Level 4. This application is for the conversion of an existing PH, which is situated opposite the Liverpool Grove Conservation Area. Given that this is a conversion and the potential it may have on the neighbouring heritage asset, it is considered that unless the Applicant can demonstrate it to be unfeasible, a condition requiring Level 4 compliance is appropriate in this instance.

#### **Other matters**

##### **Access**

67 The steps leading to the main building are designed in accordance with a stepped approach as defined in Part M of the Building Regulations.

68 Neighbours at No. 135 Trafalgar Street have raised concerns that the Applicant has no right of way along this drive for access and that the change of use would extinguish the existing easement. These issues are private matters and out of the LPA's control and are therefore not legitimate planning considerations.

##### **Flood Risk**

69 The Applicant has submitted a Flood Risk Assessment (FRA). The Environment

Agency (EA) considers this site to be at low risk from the breaches of the defences and the proposed mitigation measures are acceptable. The EA has no objection on flood risk grounds.

### **Conclusion on planning issues**

- 70 The proposed development has been redesigned to overcome the previous reasons for refusal. It is considered that with the omission of the rear detached building and the internal rearrangement of the flats, there would not be any adverse impact to the amenities of adjoining or future residents. A satisfactory standard of living accommodation is provided. The redesign of the roof extension is now considered acceptable and less dominant. It would not adversely impact on the existing appearance of the building and would preserve the character and appearance of the adjoining Liverpool Grove Conservation Area.
- 71 The proposal therefore complies with the saved policies of the Southwark Plan 2007 and the Core Strategy 2011 and is recommended for approval.

### **Community impact statement**

- 72 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 following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: No issues.
- c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

### **Consultations**

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

### **Consultation replies**

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

### Summary of consultation responses

- 75 6 objections have been received from neighbouring occupiers, these are as follows:

Letter from 132 Trafalgar Street - No parking provision and the density of the development may pose problems in parking.

Letter from owner of Flat 7 of 135 Trafalgar Street - Disproportionate use of the site and new dwelling is out of keeping with the area; no right of way along the access way;

Letter from Owners of Flat 6, Victory House 135 Trafalgar Street - easements for the existing PH; no right of access across the land; using the access way for cycle and bin storage would lead to increased levels of noise and traffic; potential to increase flytipping and car parking problems.

Letter from Owners of Flat 5, 135 Trafalgar Street - no right of way to the rear of the site; increase in foot and bicycle traffic detrimental to their drive; noise from residents;

increase in illegal parking problems; use of land for access would be detrimental to the quiet enjoyment of their land; possible diminishing of natural light.

Letter from Flat 2, Victory House 135 Trafalgar Street - no parking provision in what is an already congested street; proposed development would detract the aesthetic value of the area; no right of way for Applicant; would lead to noise pollution; the roof terrace is out of character with the area and the height also out of keeping with the surrounding buildings; roof terrace would lead to a loss of privacy; loss of Butterfly roofs; metal railings would reduce space for the bins by making the pavement narrow and thus impeding pedestrian traffic; bins may be left on Victory House land and in breach of the easement.

Letter from Owner of Flat 4, Victory House 135 Trafalgar Street - overdevelopment of the site; out of keeping with the area and would create an imbalance to the site; impact on the privacy of the adjoining neighbours; no infrastructure to support a development of this nature; no right of access over the drive; this may lead to environmental problems as there would not be room for the bin storage.

### Human rights implications

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.

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

None

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1114-A  Application file: 11-AP-2258  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 5460 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>	Wing Lau, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	23 August 2011	
<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
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
<b>Date final report sent to Constitutional Team</b>		25 August 2011

## APPENDIX 1

**Consultation undertaken****Site notice date:** 25.07.11**Press notice date:** 28.07.11**Case officer site visit date:** 25.07.11**Neighbour consultation letters sent:** 22.07.11**Internal services consulted:**

Design and Conservation  
 Ecology Officer  
 Environmental Protection Team  
 Transport Planning Group  
 Waste Management

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

Environment Agency  
 Thames Water

**Neighbours and local groups consulted:**

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 FLAT 6 135 TRAFALGAR STREET LONDON SE17 2TP

FLAT 5 135 TRAFALGAR STREET LONDON SE17 2TP  
FLAT 8 135 TRAFALGAR STREET LONDON SE17 2TP  
FLAT 7 135 TRAFALGAR STREET LONDON SE17 2TP  
FLAT 4 135 TRAFALGAR STREET LONDON SE17 2TP  
FLAT 1 135 TRAFALGAR STREET LONDON SE17 2TP  
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FLAT 3 135 TRAFALGAR STREET LONDON SE17 2TP  
FLAT 2 135 TRAFALGAR STREET LONDON SE17 2TP  
FLAT B 139 TRAFALGAR STREET LONDON SE17 2TP  
FLAT C 137 TRAFALGAR STREET LONDON SE17 2TP  
FLAT B 137 TRAFALGAR STREET LONDON SE17 2TP  
1-2 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
137 TRAFALGAR STREET LONDON SE17 2TP  
48 LULWORTH PORTLAND STREET LONDON SE17 2DT  
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SCHOOL HOUSE TRAFALGAR STREET LONDON SE17 2TP  
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146B TRAFALGAR STREET LONDON SE17 2TP  
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FLAT 22 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
FLAT 19 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
FLAT 16 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
FLAT 15 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
FLAT 18 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
FLAT 17 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
FLAT 24 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
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FLAT 14 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
144 TRAFALGAR STREET LONDON SE17 2TP  
142 TRAFALGAR STREET LONDON SE17 2TP  
154 TRAFALGAR STREET LONDON SE17 2TP  
152 TRAFALGAR STREET LONDON SE17 2TP  
140 TRAFALGAR STREET LONDON SE17 2TP  
LIVING ACCOMMODATION 137 TRAFALGAR STREET LONDON SE17 2TP  
WALWORTH ACADEMY LOWER SCHOOL TRAFALGAR STREET LONDON SE17 2TP  
FLAT A 139 TRAFALGAR STREET LONDON SE17 2TP  
136 TRAFALGAR STREET LONDON SE17 2TP  
156 TRAFALGAR STREET LONDON SE17 2TP  
FLAT 11 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
FLAT 10 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
FLAT 13 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
FLAT 12 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
FLAT 1 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU  
160 TRAFALGAR STREET LONDON SE17 2TP  
158 TRAFALGAR STREET LONDON SE17 2TP  
164 TRAFALGAR STREET LONDON SE17 2TP  
162 TRAFALGAR STREET LONDON SE17 2TP  
FLAT 3 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
FLAT 29 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
FLAT 4 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
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FLAT 27 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
FLAT 26 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
FLAT 5 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
138B TRAFALGAR STREET LONDON SE17 2TP  
138A TRAFALGAR STREET LONDON SE17 2TP  
146A TRAFALGAR STREET LONDON SE17 2TP  
144A TRAFALGAR STREET LONDON SE17 2TP  
FLAT A 137 TRAFALGAR STREET LONDON SE17 2TP  
FLAT 7 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
FLAT 6 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
FLAT 9 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
FLAT 8 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
FLAT 23 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
FLAT 11 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
FLAT 10 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
FLAT 13 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
FLAT 12 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX  
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FLAT 17 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX



### Consultation responses received

#### Internal services

Design and Conservation - comments incorporated into the main body of the report.

Ecology Officer - No comments received for this application, but it was considered in the previous application that there are no bats roosting in the building.

Environmental Protection Team - No comments have been received at the time of writing.

Transport Planning Group - No comments have been received for this application, but the previous comments were as follows:

No significant objections subject to S106 for amendment to Traffic Management Order to exempt future residents from obtaining parking permit and a 3 year free membership for the car club space.

Vertical cycle storage is not convenient.

No objection to refuse storage/collection.

Waste Management - No comments have been received at the time of writing.

#### Statutory and non-statutory organisations

Environment Agency - No objections.

Thames Water - approval may be granted in some cases for extensions to existing buildings close to public sewers and Applicant is advised to contact Thames Water Developer Services. Requests that the Applicant incorporate within their proposal, protection to the property. No objections with regard to water infrastructure.

#### Neighbours and local groups

Letter from 132 Trafalgar Street - No parking provision and the density of the development may pose problems in parking.

Letter from owner of Flat 7 of 135 Trafalgar Street - Disproportionate use of the site and new dwelling is out of keeping with the area; no right of way along the access way;

Letter from Owners of Flat 6, Victory House 135 Trafalgar Street - easements for the existing PH; no right of access across the land; using the access way for cycle and bin storage would lead to increased levels of noise and traffic; potential to increase flytipping and car parking problems.

Letter from Owners of Flat 5, 135 Trafalgar Street - no right of way to the rear of the site; increase in foot and bicycle traffic detrimental to their drive; noise from residents; increase in illegal parking problems; use of land for access would be detrimental to the quiet enjoyment of their land; possible diminishing of natural light.

Letter from Flat 2, Victory House 135 Trafalgar Street - no parking provision in what is an already congested street; proposed development would detract the aesthetic value of the area; no right of way for Applicant; would lead to noise pollution; the roof terrace is out of character with the area and the height also out of keeping with the surrounding buildings; roof terrace would lead to a loss of privacy; loss of Butterfly roofs; metal railings would reduce space for the bins by making the pavement narrow

and thus impeding pedestrian traffic; bins may be left on Victory House land and in breach of the easement.

Letter from Owner of Flat 4, Victory House 135 Trafalgar Street - overdevelopment of the site; out of keeping with the area and would create an imbalance to the site; impact on the privacy of the adjoining neighbours; no infrastructure to support a development of this nature; no right of access over the drive; this may lead to environmental problems as there would not be room for the bin storage.

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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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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>	Edge Ahead Ltd	<b>Reg. Number</b>	11-AP-2258
<b>Application Type</b>	Full Planning Permission	<b>Case</b>	TP/1114-137
<b>Recommendation</b>	Grant With Unilateral Undertaking	<b>Number</b>	

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### Draft of Decision Notice

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

Demolition of rear extensions and erection of two storey rear extension (ground and basement levels) and erection of roof extension, with roof terrace to front in connection with change of use of existing Public House (A4 use class) into residential accommodation comprising: 6 residential units (2no. one bedroom flats and 4 no. two bedrooms flats). Installation of cycle storage, refuse bin storage and other associated landscaping work.

**At:** 137 TRAFALGAR STREET, LONDON, SE17 2TP

**In accordance with application received on** 12/07/2011 08:03:19

**and Applicant's Drawing Nos.** 831/01, 831/100 Rev A, 831/101 C, 831/102 D, 831/103 J, 831/104 G, 831/105 G, 831/106 D, 831/107 B

Design and Access Statement, Bat Inspection Survey, Flood Risk Assessment

**Reasons for granting planning permission.**

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

a] Saved Southwark Plan 2007:

Policy 1.10 (Small Scale Shops and Services Outside the Town and Local Centres and Protected Shopping Frontages) tries to ensure that a range of essential local services are available within easy walking distance of as many residences as possible.

Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.7 (Waste Reduction) states that all developments are required to ensure adequate provision of recycling, composting and residual waste disposal, collection and storage facilities, and in relation to major developments this will include addressing how the waste management hierarchy will be applied during construction and after the development is completed.

Policy 3.11 (Efficient Use of Land) seeks to ensure that developments make an efficient use of land as a key requirement of the sustainable use of land, whilst protecting amenity, responding positively to context, avoids compromising development potential of adjoining sites, making adequate provision for access, circulation and servicing, and matching development to availability of infrastructure

Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design

Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments.

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.

Policy 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.

Policy 4.2 (Quality of Residential Development) aims to achieve good quality housing to provide for the

accommodation needs of the borough.

Policy 5.2 (Transport Impacts) states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site.

Policy 5.3 (Walking and cycling) seeks to ensure that there is adequate provision for cyclists and pedestrians within developments, and where practicable the surrounding area.

Policy 5.6 (Car Parking) seeks to ensure that car parking is minimised, but also to control overspill parking in order to prevent loss of amenity.

b] Core Strategy 2011

SP 1 (Sustainable Development) ensures that development will improve the places we live and work in and enable a better quality of life for Southwark's diverse population.

SP 2 (Sustainable Transport) encourages walking, cycling and the use of public transport rather than travel by car.

SP 3 (Shopping, Leisure and Entertainment) aims to maintain a network of successful town centres which have a wide range of shops, services and facilities, to help meet the needs of Southwark's population.

SP 5 (Providing New Homes) ensures that Development will provide as much housing as possible whilst also making sure that we have enough land for other types of development and that new housing is in keeping with the character of the area.

SP 10 (Jobs and Businesses) aims to increase the number of jobs in Southwark and create an environment in which businesses can thrive.

SP 11 (Open Spaces and Wildlife) seeks to improve, protect and maintain a network of open spaces and green corridors that will make places attractive and provide sport, leisure and food growing opportunities for a growing population.

SP 12 (Design and Conservation) ensures developments are of high design quality.

SP 13 (High Environmental Standards) requires development to meet the highest possible environmental standards.

c] Planning Policy Statements [PPS] PPS 1 'Delivering Sustainable Development', PPS 3 'Housing', PPS 5 'Planning and the Historic Environment', PPS 25 'Development and Flood Risk'

Particular regard was had to the impact of the development on the character and appearance of the host building and the adjoining Liverpool Grove Conservation Area that would result from the proposed development, but it was considered that the proposal would preserve the character and appearance of the adjoining Conservation Area. The impacts of the scheme on the amenity of adjoining and nearby occupiers was also considered, and it was judged that there would not be significant harm arising. Good standard of living accommodation would be provided. Regard was also had to the impact on the local highway network and the proposal was not considered to lead to significant harm. 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 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:

831/103 J, 831/104 G, 831/105 G, 831/106 D, 831/107 B

Reason:

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

- 3 Details of the facilities to be provided for the secure storage of cycles shall be submitted to and approved in writing by the local planning authority before the development hereby approved is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

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.

- 4 The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the dwellings before those dwellings are occupied and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with saved Policies 3.2 'Protection of Amenity' and 3.7 'Waste Reduction' of The Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of The Core Strategy 2011.

- 5 The facing materials used in the carrying out of the rear extension hereby approved shall match the original facing materials in type, colour, dimensions, and in the case of brickwork, bond and coursing and pointing.

Reason

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design' of The Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of The Core Strategy 2011.

- 6 The materials to be used in the implementation of the roof extension hereby approved shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design' of The Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of The Core Strategy 2011.

- 7 The roof of the rear extension hereby permitted shall not be used other than as a means of escape and shall not be used for any other purpose including use as a roof terrace or balcony or for the purpose of sitting out.

Reason

In order to safeguard the amenity of nearby residents from potential noise nuisance and loss of privacy, in accordance with saved Policies 3.2 'Protection of Amenity' of The Southwark Plan 2007 and Strategic Policy 13 'High Environmental Standards' of The Core Strategy 2011.

- 8 Unless the Applicant can prove it is unfeasible, the dwellings hereby permitted shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason

In the interests of sustainable development and in accordance with Strategic Policy 1 'Sustainable development' and Strategic Policy 13 'High Environmental Standards' of the Core Strategy 2011.

**MEMBERS & EXTERNAL DISTRIBUTION LIST    MUNICIPAL YEAR 2011-2012**  
**WALWORTH COMMUNITY COUNCIL (Planning)**

Note: Original held by Constitutional Team (Community Councils)  
(Tel: 020 7525 7420)

	<b>Copies</b>		<b>Copies</b>
<b>To all members of the community council</b>			
Councillor Martin Seaton (Chair)	1	Audit Manager	1
Councillor Darren Merrill (Vice-Chair)	1	Ground Floor	
Councillor Catherine Bowman	1	160 Tooley Street	
Councillor Neil Coyle	1		
Councillor Patrick Diamond	1		
Councillor Dan Garfield	1		
Councillor Lorraine Lauder MBE	1		
Councillor Abdul Mohamed	1	Borough Commander	1
Councillor Helen Morrissey	1	Southwark Police Station 323 Borough High Street London SE1 1JL	
Libraries (Newington, Brandon)	2		
Local History Library	1		
<b>Press</b>			
Southwark News	1	<b>Housing Offices</b>	
South London Press	1	Walworth Area Housing Office	1
		One Stop Shop Walworth 151 Walworth Road London, SE17 1 RY	1
<b>Members of Parliament</b>			
Harriet Harman M.P.	1		
Simon Hughes M.P.	1		
Constitutional Officer (Community Councils) (at CLG, Tooley Street – Second Floor – Hub 4)	15		<b>TOTAL</b> 37
Rob Bristow (Tooley St - Fifth Floor, Hub 2)	1		
Rachel McKoy (Tooley St - Second Floor, Hub 2)	1		