

Item No: 6.1 & 6.2	Classification: Open	Date: 11 September 2023	Meeting Name: Planning Committee (Smaller Applications)
Report title:		Addendum report Late observations and further information	
Ward(s) or groups affected:		Chaucer and Dulwich Village	
From:		Director of Planning and Growth	

PURPOSE

1. To advise members of clarifications, corrections, consultation responses and further information received in respect of the following items on the main agenda. These were received after the preparation of the report(s) and the matters raised may not therefore have been taken in to account in reaching the stated recommendation.

RECOMMENDATION

2. That members note and consider the additional information and consultation responses in respect of each item in reaching their decision.

FACTORS FOR CONSIDERATION

3. Late observations, consultation responses, information and/or revisions have been received in respect of the following items on the main agenda:

ITEM 6.1: 22/AP/1887 for: Full Planning Application – Elim Estate, Elim Street, London

Paragraphs 1, 2 and 252:

Dates removed and replaced by 'within 6 months of the decision date'.

Paragraph 27:

The first sentence to change to make it clear that 'the proposed building (ON SITE 1) would be six storeys with the top floor set back from all elevations apart from the south east elevation.'

Paragraph 38:

The two Willow trees T14 and T16 are category B trees.

Paragraph 43:

The report incorrectly states that 97 comments of support have been received whereas 52 comments of support have been received.

Paragraph 44:

The report states that 45 comments of objection have been received whereas the final number of objections received is 52.

Paragraph 75:

The design quality section of the report to include an assessment of the proposed alteration to site 5. The proposed timber fences and gate to a height of 1.1m would be acceptable as it would match the material and height of the existing timber fencing on site 5.

Paragraph 90:

To change to include site 4 in referencing that '11 trees would be removed across sites 1 and 2'.

Paragraph 154:

Refers in error to 23 windows as it should be 18 windows.

Paragraphs 159 (site 1) and 170 (site 2):

Refers in error to 'proposed accommodation' whereas this section of the report assesses the daylight and sunlight of 'existing neighbouring properties'.

Paragraph 161:

Site 1 would not have any amenity space and as such no overshadowing report was submitted for site 1.

Paragraph 172 (site 2):

The overshadowing report shows that the proposed ball court and play space on site 2 would respectively receive 92% and 82% of two hours of sunlight on 21st of March. This would be acceptable as the BRE guidance recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21 March.

Paragraph: 186

The applicant has agreed that noise from the ball court on site 2 be mitigated through a pre-occupation condition for a operational management plan which would include consultation and agreement with Elim residents regarding the opening times of the ball court.

Paragraph: 192 (site 1):

Transport Officers have concluded that subject to a satisfactory Road Safety Audit being undertaken and raising no concerns or issues on the proposed new vehicle access and one-way access route through the site which allows for refuse vehicle access to bin stores and to retain access to the proposed parking spaces associated with the established housing site, the proposal may be acceptable.

Paragraphs 222 and 223:

An updated flood risk assessment has been submitted and has been reviewed by the flood risk team. As the flood risk team officers require clarification with regards the proposed runoff rate calculations officers

recommend that permission be subject to a pre-commencement condition, condition 13, in relation to details of calculations for the proposed attenuation storage for site 2 and existing runoff rate calculations for sites 1 and 2.

Paragraph 242

To be changed to add reference to a secured by design certification pre-occupation condition recommended by the Metropolitan Police.

Paragraph 276:

The flood risk team have not provided final comments and officers recommend that permission be subject to a pre-commencement condition, 13, in relation to details of calculations for the proposed attenuation storage for site 2 and existing runoff rate calculations for sites 1 and 2.

Paragraph 287:

The Head of Culture provided comments on the 5th of September 2023:

'My remit includes youth work related services and three adventure play sites. It doesn't extend to regular playgrounds and sports provision.

Having said that I did have a look at the proposals and noticed that the ball court / Multi-Use Games Area (MUGA) would be replaced by a new external MUGA / community / sports / play facility and that the existing children's play area would be replaced by a new children's play areas.

I also noted that there is a very small loss of MUGA square footage but a considerable gain in terms of children's play area.

Based on all of the above I don't have any formal comments to make.'

Paragraph 288 refers to the council's transport team's comment that the new one-way through road on site 1 would be unacceptable. The council's waste management team and highways team however did not raise any concerns in this regard and officers consider that on balance the new one-way through road would be an improvement to the current turning head on site 1 used by refuse collection vehicles.

Appendix 1

Condition 1

Proposed plan 0612-BPA-BB-DR-A-(P1)100 P02 superseded with proposed plan 0612-BPA-BB-DR-A-(P1)100 P03 showing distances between the proposed building on site 1 and existing properties (Site 1).
Proposed plan 0612-BPA-CC-DR-A-(P1)110 P02 superseded with proposed plan 0612-BPA-CC-DR-A-(P1)110 P03 showing distances between the proposed building on site 2 and existing properties (Site 2).
Additional plans in relation to drainage to be added:

1991-HRW-01-XX-DR-C-0500 rev P09 SITE 1 PROPOSED DRAINAGE
1991-HRW-02-XX-DR-C-0500 rev P09 SITE 2 PROPOSED DRAINAGE

Condition 22 which relates to air source heat pumps to be changed to include details of photovoltaic panels as well.

Additional consultation responses from local residents

4. The council has received 7 further representations in relation to the application which raise the following points:

Engagement and equality impacts:

- The applicant has not properly engaged with residents;
- The Early Engagement Strategy, Engagement Summary and Equality Impact Assessment do not amount to meaningful engagement and contain inaccurate detail;
- The Equality Impact Assessment lacks sufficient detail. This includes a lack of comprehensive data collection, inadequate identification of impacts, insufficient mitigation, a lack of consultation and engagement, an objection to the re-provision/relocation of the existing ball court in close proximity to Block C of the Elim Estate and a failure to consider the impact of the development on residents with protected characteristics;
- The development of two separate tall buildings, as well as the ball court, in close proximity to Block C will have a serious impact on the health and wellbeing of its residents, with a significant negative effect on the disabled and vulnerable individuals and the elderly living on the estate;
- There are residents with mental disabilities who would be disadvantaged by the proposed development. This has not been given due consideration in the Equalities Impact Assessment and officer's report.

Other:

- The urban greening factor is overstated;
 - The development will result in a decrease in canopy cover which is compensated by a tree planting off-set contribution;
 - The development will result in a further entrance into the estate.
5. The majority of concerns raised are assessed in the officer report. In respect of the comments in relation to engagement and the Equality Impact Assessment officers comment:

Engagement:

6. The engagement process that the applicant has followed is set in the Early Engagement Strategy and Engagement Summary. This included engagement set out in paragraphs 261 to 278 of the officer report. Officers believe that this is in accordance with the Statement of Community Involvement and Development.

Equalities:

7. The council has considered equalities at paragraphs 295 to 306 above. In relation to the points raised above officer's comment:

The re-provision of the existing ball court to close proximity to Block C of Elim Estate would have a negative impact on the protected characteristics of disability and age due to noise associated with activities of people congregating to play basketball and football. Mitigation measure such as specialist sports fencing, and noise reducing fixings and a management plans are proposed in paragraph 305 of the officer report. Officers recommend that permission be subject to a prior-occupation condition in relation to the ball court.

8. Site 1,

Only two of the dwellings included within the assessment have tenants with disabilities: 42-68 Elim Estate.

Dwelling 1: Two rooms were tested – R5 (Living Room) and R4 (Bedroom). The VSC results for these windows show reductions from 34.8% and 35% respectively to 23.5% and 22.7%, which represent reductions to 0.68-0.65 times their former values respectively. The BRE guidance suggests that a habitable window should receive a VSC of 27% or, if reduced below that level, should retain at least 0.8 times the former value.

Dwelling 2: Two rooms were tested R5 (Living Room) and R6 (Bedroom) and the results show full compliance with BRE targets. Both windows retain more than 0.8 times their former VSC and APSH values, so impacts are not considered noticeable/material.

9. Site 2,

Only three of the dwellings included within the assessment have tenants with disabilities: x2 in 42-72 Elim Estate and one in 22-82 Elim Estate:

All of these properties retain levels of daylight and sunlight that accord with the BRE targets, so impacts are not considered noticeable/material.

10. **Conditions**

Operational Management Plan

Prior to the use of the ball court, an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall be created after public consultation with Elim Estate Residents, and should include details of the public engagement undertaken. The use and function of the Ball Court on Site 2 shall then, unless otherwise agreed by the Local Planning Authority, comply with the terms of the Operational Management Plan at all times.

The Operational Management Plan shall include:

- The details of public engagement and consultation with Elim Estate Residents in creating the Operational Management Plan
- The arrangements to manage and operate the Ball Court;
- The hours of use

Reason

In order to ensure that the use of the terrace operates in a neighbourly way and is not harmful to the amenity of adjoining occupiers. In accordance with Policy P56 Protection of Amenity of the Southwark Plan 2022.

Road Safety Audit

Prior to the commencement of any development, a detailed Road Safety Audit (RSA) shall be submitted to and approved in writing by the Local Planning Authority. This should include the formal assessment of potential road-safety related to any potential problems connected with a new road or road improvement scheme. The RSA should consider only those matters having an adverse effect on road safety.

Reason:

In order to ensure due consideration to the safety of all road users using the public highway particularly the more vulnerable including pedestrians, cyclists and motorcyclists as required by policies P51 (Walking) and P53 (Cycling) of the Southwark Plan (2022).

11. Late observations, consultation responses, information and/or revisions have been received in respect of the following items on the main agenda:

ITEM 6.2: 23/AP/1956 for: Full Planning Application – Dulwich Park, College Road, London, SE21 7EB

Corrections and clarifications on the main report

Paragraph 2:

12. Remove reference to composting in relation to the new accessible toilet. Note the facility is a changing room and toilet facility.

Paragraph 42:

13. Reference to “velodrome” is a typo and should read as “park”.

Condition 4:

14. Condition to be changed to:

4 Arboricultural Foundation Design

The foundation design shall be carried in accordance with drawing titled “B Groundworks - Overview” Drawing No RADPT.0001. All foundation depths

should, as a minimum, concord with NHBC 4.2.13, or be as engineer designed.

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with Chapter 8 (Promoting healthy and safe communities), Chapter 11 (Making effective use of land), Chapter 12 (Achieving well-designed places), Chapter 15 (Conserving and enhancing the natural environment) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021); Policy G1 (Green Infrastructure), Policy G5 (Urban Greening) and Policy G7 (Trees and Woodlands) of the London Plan (2021); and Policy P56 (Protection of amenity), Policy P57 (Open space), Policy P58 (Open water space), Policy P5: (Green infrastructure), P66 (Reducing noise pollution and enhancing soundscapes, Policy P13 (Design of places), P14 (Design quality), Policy P15 (Residential design), Policy P20 (Conservation areas), Policy P21 (Conservation of the historic environment and natural heritage) and Policy P60 (Biodiversity) of the Southwark Plan (2022).

Condition 5:

15. Trigger for the condition to be changed from “Prior to works commencing above grade works” to “Prior to the commencement of the use of the facilities”.

New Condition to be included

16. Following a request from the Council's Ecologist, a condition is recommended requiring a bat box to be incorporated into the design, which has been agreed by the applicant. The condition is recommended as follows:

Details one bat nesting box / brick shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of the facilities. No less than one nesting box / brick shall be provided and the details shall include the exact location, specification and design of the habitats. The boxes / bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting boxes / bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter. Discharge of this condition will be granted on receiving the details of the nest/roost features and mapped locations and Southwark Council agreeing the submitted plans, and once the nest/roost features are installed in full in accordance to the agreed plans.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2021); Policy G6

(Biodiversity and access to nature) of the London Plan (2021); P56 Protection of amenity, P57 Open space, P58 Open Water space, P59 Green infrastructure, P60 Biodiversity, P66 Reducing noise pollution and enhancing soundscapes and P69 Sustainable standards of the Southwark Plan (2022).

Conclusion of the Director of Planning and Growth

17. Having taken into account the additional information, following consideration of the issues raised, the recommendation remains that planning permission should be granted, subject to conditions as amended in this Addendum report and completion of a s106 agreement.

REASON FOR URGENCY

18. Applications are required by statute to be considered as speedily as possible. The application has been publicised as being on the agenda for consideration at this meeting of the Planning Committee and applicants and objectors have been invited to attend the meeting to make their views known. Deferral would delay the processing of the applications and would inconvenience all those who attend the meeting.

REASON FOR LATENESS

19. The new information and corrections to the main reports and recommendations have been noted and/or received since the committee agenda was printed. They all relate to items on the agenda and members should be aware of the comments made.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Environment Neighbourhoods and Growth Department 160 Tooley Street London SE1 2QH	Planning enquiries Telephone: 020 7525 5403