

<b>Item No.</b> 6.1	<b>Classification:</b> Open	<b>Date:</b> 27 July 2011	<b>Meeting Name:</b> Walworth Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 10-AP-3760 for: Full Planning Permission  <b>Address:</b> PARKING SPACES IN FRONT OF 1-6 JOHN MAURICE CLOSE, LONDON, SE17 1PY  <b>Proposal:</b> 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.		
<b>Ward(s) or groups affected:</b>	East Walworth		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 24 February 2011		<b>Application Expiry Date</b> 21 April 2011	

## RECOMMENDATION

- 1 Grant planning permission subject to conditions.

## BACKGROUND INFORMATION

This application is referred to Walworth Community Council owing to the number of objections received.

### Site location and description

- 2 The application relates to 11 car parking spaces located to the northern side of John Maurice Close, immediately adjacent to a 3 storied residential building at 7 John Maurice Close. The site is also located adjacent to a row of 2 storey buildings known as 1-6 John Maurice Close.
- 3 John Maurice Close is exclusively residential in character and is a relatively recent development, with the majority of buildings being 3 storeys in height. The street is also privately owned, and is therefore not managed by Southwark Council.
- 4 The site is located within the Central Activity Zone and Air Quality Management Area, and is not located within a Conservation Area. The site is located within the setting of a listed building at 172 New Kent Road known as Driscoll House.

### Details of proposal

- 5 Planning permission is sought to construct a part one and part three storey building comprising two x 3 bedroom dwellings on the car parking spaces and attached to the flank wall of 7 John Maurice Close.
- 6 The proposed ground floor will occupy much of the site, with outdoor amenity space

being provided for each of the two new dwellings. The first and second floor portion of the building is stepped back to more closely match the width of 7 John Maurice Close. The development will create a small light well between the existing and proposed buildings, to retain natural light and natural ventilation to the existing bathroom windows of 7 John Maurice Close.

- 7 The materials used in the construction of the building would be brick work with aluminium windows, a combination of aluminium and timber doors and sections of glass bricks. The development would also include the provision of sedum roofs on all flat roof areas and two small solar thermal panels.
- 8 There is existing covered bin storage located at the site which is associated with the residential flats at 7 John Maurice Close. It is proposed to demolish this and replace an alternative refuse storage within the new development, also including refuse and recycle storage provision for the new houses.
- 9 The development will provide separate amenity spaces measuring approximately 23.0m<sup>2</sup> and 25.0m<sup>2</sup> in area for the dwellings. The development provides space for cycle storage for each of the proposed units within these outdoor amenity spaces.
- 10 The applicant has proposed to create 6 parking spaces on John Maurice Close, and dedicating two of these spaces to the new dwellings (although only four have been shown on the plans).

### **Planning history**

- 11 Outline planning permission (91/662) was granted in October 1992 for the demolition of existing office / workshop / warehouse premises and redevelopment of the site for residential purposes. Application for the approval of siting, design, appearance and access were Reserved Matters within the approval.

- 12 Planning application (09-AP-2888) for the erection of a part one/part three storey development comprising two 3 bedroom houses against gable wall, with associated waste and cycle storage was withdrawn in March 2011.

- 13 It was likely that the application was to be refused with the main concerns being the loss of the car parking and the associated impact on the transportation network which had not been justified. There was also a concern over safety and designing out crime, relating to a void space to the rear of the building.

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

- 14 Certificate of Lawfulness (09-AP-1213) was granted in September 2009 for the conversion of single garage to interior room with the garage door being replaced with a flush window and brick work to match the existing at 6 John Maurice Close.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 15 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) the impact on the character and appearance of the street scene

- c] the impact on the transportation environment
- d] the impact on the amenity of neighbouring occupiers
- e] the quality of accommodation for future occupiers of the development
- f] safety and security.

### **Planning policy**

#### 16 Core Strategy 2011

Strategic Policy 1 – Sustainable development  
 Strategic Policy 2 – Sustainable transport  
 Strategic Policy 5 – Providing new homes  
 Strategic Policy 7 - Family Homes  
 Strategic Policy 12 – Design and conservation  
 Strategic Policy 13 – High environmental standards

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

3.1 'Environmental Effects'  
 3.2 'Protection of Amenity'  
 3.4 'Energy Efficiency'  
 3.6 'Air Quality'  
 3.7 'Waste Reduction'  
 3.9 'Water'  
 3.11 'Efficient Use of Land'  
 3.12 'Quality in Design'  
 3.13 'Urban Design'  
 3.14 'Designing out Crime'  
 3.18 'Setting of listed buildings, conservation areas and world heritage sites'  
 3.31 'Flood Defences'  
 4.2 'Quality of Residential Accommodation'  
 5.2 'Transport Impacts'  
 5.3 'Walking and Cycling'  
 5.6 'Car Parking'

Residential Design Standards SPD (2008)

#### 18 London Plan 2008 consolidated with alterations since 2004

3A.1 Increasing London's supply of housing  
 3A.2 Borough housing targets  
 3A.3 Maximising the potential of sites  
 3A.6 Quality of new housing provision  
 4A.1 Tackling climate change  
 4A.2 Mitigating climate change  
 4A.3 Sustainable design and construction  
 4A.11 Living roofs and walls  
 4A.12 Flooding  
 4A.13 Flood risk management  
 4B.1 Design principles for a compact city  
 4B.2 Promoting world-class architecture and design  
 4B.6 Safety, security, fire prevention and protection  
 4B.8 Respect local context and communities

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

PPS 1: Planning for Sustainable Communities  
PPS 3: Housing  
PPS 5: Planning for the Historic Environment  
PPG 13: Transport  
PPS 25: Development and Flood Risk  
SPG: Sustainable Design and Construction

**Principle of development**

- 20 The principle of a resident development within this area is acceptable given that the street, and wider area is generally residential in character. However, particular consideration needs to be given to the scale and nature of the development, and whether it would be in keeping with the character of the area, and ensure that there is no material impact on neighbouring occupiers.

**Environmental impact assessment**

- 21 None required with the scale and nature of this development.

**Amenity**

Neighbouring Occupiers

- 22 One of the main concerns raised by neighbouring occupiers is the potential for the proposed building to result in a loss of daylight and sunlight access to neighbouring properties and outdoor amenity spaces.
- 23 The proposed ground floor extends over much of the site, and the first and second floors are basically in line with the existing width of the adjoining building (7 John Maurice Close). The proposed building will extend 1300mm beyond the front and rear building lines of 7 John Maurice Close at first and second floor level.
- 24 The development therefore does not project to be within 45° (horizontal) of the centre of any window on the front or rear facade of this existing building.
- 25 Furthermore, as the row of terrace buildings at 1-6 John Maurice Close face the subject site, the bulk and height of the building has been designed to ensure that it does not project above 25° from the centre of the ground floor windows.
- 26 Likewise, the proposed building would not project above 25° from the centre of the ground floor windows associated with the properties located facing the subject site (23-27 John Maurice Close).
- 27 In accordance with the Residential Design Standards [SPD] 2008 if a proposed development exceeds these measures, there *may* be an unacceptable loss of daylight to the affected window.
- 28 It is also important to note that there is a vertical row of obscure glazed bathroom windows located at ground, first and second floor levels on the flank wall of the adjoining building of 7 John Maurice Close. Whilst the proposed building has created a lightwell around these windows in an attempt to retain natural ventilation and some natural light, there is no specific requirement to retain a measurable amount of natural sunlight and daylight, as the windows themselves do not relate to habitable rooms.

- 29 The applicant has also submitted correspondence from Right of Light Consulting, who have considered the application against the Building Research Establishment [BRE] Digest 209 entitled 'Site Layout Planning for Daylight and Sunlight' 1991. Within this document there is a test known as the 25 degree rule and the 45 degree rule, which the proposal would comply with, as stated above. Concerns have been raised that the proposal should be assessed against RICS guidance for assessing impact on light (Royal Institute of Chartered Surveyors). However, the Council's adopted Residential Design Standards SPD refers to the BRE guidance and this is widely accepted by the Planning Inspectorate.
- 30 Right of Light Consulting confirms that the development satisfies these simple 25 and 45 degree tests, and that further detailed daylight and sunlight tests are not required. This test aligns with that daylight and sunlight guidance located within the Residential Design Standards [SPD] 2008.
- 31 Furthermore, there was consideration of overshadowing of the gardens to the adjoining properties, the rear of ground floor of 7 John Maurice Close in particular. The BRE guidance suggests that no more than two fifths of the garden area (as a result of the proposed development) should remain in permanent shadow. Owing to the orientation of the site relative to neighbouring gardens, Right of Light Consulting are of the opinion that the development would also comply with this test (in fact no more than one quarter in this instance).
- 32 Overall, it is considered that the development has been sufficiently designed to avoid any material loss of daylight and sunlight to any neighbouring habitable room windows.
- 33 Another concern raised by neighbouring occupiers is that there would be overlooking and a resultant loss of privacy.
- 34 Developments should be arranged to safeguard the amenity and privacy of neighbouring occupiers and this includes issues around overlooking.
- 35 The Residential Design Standards [SPD] 2008 seeks a minimum distance of 12.0m between the front of a proposed building and any existing elevation that fronts onto a highway; the properties at 1-6 John Maurice Close face the subject site and a separation distance of 12.0m should therefore be sought.
- 36 The main bulk of the proposed development is located approximately 11.5m from these dwellings located at 1-6 John Maurice Close (to the west). Whilst there is a negligible shortfall of 0.5m for this separation guidance, it is recommended that a condition is imposed to obscure glaze the second floor windows on the western elevation to prevent overlooking. It is therefore not considered that the development would create demonstrable harm to the levels of privacy experienced at these neighbouring properties given the separation and proposed fenestration (a combination of high level glazing and glass bricks). The materials will be subject to approval by way of a condition, should consent be granted.
- 37 Aside from these properties, the windows at first and second floor level of the subject building are located approximately 23.0m from the buildings located opposite on John Maurice Close (to the south) and approximately 19.4m to the nearest building on Baytree Mews. The main bulk of the building (first and second floors) are also located approximately 26.1m to Driscoll House, 172 New Kent Road.
- 38 Given that the main bulk of the building is located more than 21m from all buildings to the north (aside from 8 Baytree Mews) and south, it is considered that this separation distance would ensure that there would be no material harm caused from overlooking

or loss of privacy.

- 39 With regard to 8 Baytree Mews, although the upper floors of the proposed building would be located approximately 19.4m away, it is still considered that the separation distance would be sufficient to ensure that there would be no material harm caused to the occupiers of this neighbouring building.
- 40 Overall, it is not considered that the proposed building would result in overlooking or loss of privacy which would be so demonstrably harmful as to warrant a refusal of the application.
- 41 With regard to outlook from neighbouring buildings it is considered that this would be sufficiently maintained. However, it is noted that the ground floor flat within the adjoining building at 7 John Maurice Close would have an adjoining wall constructed at 2.5m high and 11.6m in length to the rear. This wall would be reduced in height by approximately 150mm along the middle section, and would also be pulled back from the boundary by 300mm along this same middle section. This would act to break up the visual appearance and bulk, and it is proposed to incorporate trellis and planting (such as creepers) in this space. Should consent be granted, a condition to secure appropriate landscaping is recommended.
- 42 Effectively the wall is not significantly higher than a fence which could be expected to be built in this location. It is not considered that the outlook from the rear of this residential unit would be unduly impacted on.
- 43 For the reasons provided above, it is considered that the development would comply with strategic policy 13 'High Environmental Standards' of the Core Strategy [2011], saved policy 3.2 'Protection of amenity' of the Southwark Plan [2007] and the Residential Design Standards SPD [2008].

#### Future Occupiers

- 44 The unit and overall room sizes all meet and exceed the minimum standards as outlined within the Residential Design Standards [SPD] 2008, with the future occupiers benefiting from a good level of daylight and sunlight access, privacy and outlook.
- 45 Whilst the SPD seeks to provide 50.0m<sup>2</sup> of outdoor amenity space for each dwelling, it is considered that there is a sufficient amount of usable outdoor amenity space (approximately 23.0m<sup>2</sup> and 25.0m<sup>2</sup> in area) associated with each of the proposed dwellings which would meet the needs of future occupiers, and it is recognised that the SPD standard is not always possible to achieve.
- 46 The proposed refuse storage areas for each of the new dwellings would provide sufficient capacity to meet the likely refuse and recycling generated by future occupiers. This is considered further below.
- 47 The quality of residential accommodation for the future occupiers is considered to be satisfactory and the houses would be built to lifetime homes standard. The development therefore meets strategic policy 13 'High Environmental Standards' of the Core Strategy [2011], saved policy 4.2 'Quality of residential accommodation' of the Southwark Plan [2007] and the Residential Design Standards [2008].

#### **Ownership of Land**

- 48 One of the main reasons of concern to neighbouring occupiers is the displacement of the car parking spaces, and specifically a concern that many neighbouring occupiers

(in particular those within 7 John Maurice Close) have a legal right to park within the spaces to be built upon. This is ultimately an issue of land ownership which is not a material planning consideration. Concerns have also been raised that there are no legal rights to park on the road on John Maurice Close and therefore four replacement parking spaces cannot be provided. Again, this relates to a land ownership issue which is not a material planning consideration. If it transpires that the applicant does not have the right to build on the parking spaces, then it would not be possible to build the scheme, if permission is granted. Ultimately is a private matter between parties, and as discussed further below, car parking within John Maurice Close is self-regulated and the Council has no jurisdiction with regard to parking within this street.

### **Traffic issues**

- 49 A key concern for neighbouring occupiers relates to the displacement of the car parking spaces, and the resulting impact on parking capacity and transport safety.
- 50 This proposal is located in an area with a high TfL PTAL (public transport accessibility level) of (6a) reflecting the areas high level of access to all forms of public transport. Developments in areas with this PTAL rating are required to be car free in order to promote more sustainable transport choices and reduce congestion and pollution within Southwark.
- 51 The proposed development will build upon a total of 11 existing off-street car parking spaces. These spaces, although have been claimed to be unused by the applicant, were occupied at the time of a site visit. Furthermore, occupiers of 7 John Maurice Close (and other occupiers) have claimed that these car parking spaces are legally leased to them and that these should be retained as such.
- 52 There is lack of agreement regarding the legal right to park on John Maurice Close, with the applicants proposing to provide 6 car parking spaces on the street, 2 of which are for the dedicated use of future occupiers of the subject site. Many of the neighbouring occupiers claim that there is no legal right for anyone to park on this private street.
- 53 John Maurice Close is a private road and as such the Council has no objection to the rearrangement of the car parking spaces in this instance. Existing car parking within John Maurice Close is self regulating and Southwark Council Parking Enforcement has no jurisdiction within this street. Therefore the Council is unable to control who can park where.
- 54 There appears to be no formal car parking spaces within John Maurice Close on the street itself and residents have advised that this is not permitted. The Council can consider however, the impact of the proposal on the wider street network and on roads that are managed by the Highway Authority, and this is discussed below.
- 55 The applicant has submitted a Parking Stress Survey (prepared by Engineering Consultancy Limited) which shows there to be 73 car parking spaces within 200m of the site. Parking capacity within the surrounding street network (including Henshaw Street, Chatham Street, Balfour Street, Victory Place, and Munton Road) is considered to be sufficient to accommodate any displaced car parking associated with this application.
- 56 It is noted that several neighbouring occupiers have mentioned that this parking survey was undertaken when the Heygate Estate was vacant, and therefore given the number of unoccupied residential units within the area at the time, the survey has shown a low level of car parking which is not accurate.

- 57 The future redevelopment of the Heygate Estate (and other sites within the area) would need to conform to relevant policies seeking to minimise private car usage and promote the use of sustainable transportation options, cycling, walking and the use of car clubs. The Council are presently seeking zero car parking (aside from disabled car parking) for the redevelopment of Heygate. As such, the likely reliance on private cars would be low.
- 58 As such, Officers consider that there is sufficient capacity within the surrounding street networks to accommodate any displacement.
- 59 Further to this the Transport Planning Team have requested future occupiers of this site should be made exempt from obtaining car parking permits given that the site is located within a Controlled Parking Zone (CPZ).
- 60 However, given that there is considered to be sufficient capacity within the nearby street network, it is not considered necessary to require this.
- 61 With regard to encouraging walking and cycling, in accordance with saved policy 5.3 'Walking and Cycling' of The Southwark Plan [UDP] 2007 the applicant has provided suitable cycle storage space within the curtilage of each of the dwellings.
- 62 Servicing and refuse collection will be undertaken from John Maurice Close. Due to site constraints no off-street serving facility can be provided. Residents have raised concerns that if vehicles have to park on the street, refuse collection and emergency vehicle access will be impeded. However, given the nature of the proposed development and the central location of the bin stores it is not thought there will be many service vehicle movements associated with the above application, or refuse vehicles stationary in the highway for an extended period. As the road is private, the Council cannot prevent people from parking on the street.
- 63 Overall, for the reasons outlined above it is not considered that the development would have a material impact on the functioning of the transportation environment on either John Maurice Close or the surrounding street network. As such, the development complies with saved policies 5.2 'Transport Impacts', 5.3 'Walking and Cycling' and 5.6 'Car Parking' of the Southwark Plan 2007 and strategic policy 2 'Sustainable transport' of the Core Strategy 2011.

### **Design issues**

- 64 Concern has been raised from neighbouring occupiers that the proposed development is not in keeping with the character and appearance of the neighbourhood, and that the design is poor.
- 65 It is the opinion of Officers that when viewed in isolation, these houses would have a considerable amount of architectural interest and quality, as well as a good level of residential amenity. They represent an innovative solution to an unusual and restricted building plot, exemplifying an approach that is appropriate for the centre of London where house building plots are becoming increasingly rare.
- 66 The height, scale and massing of buildings should be appropriate to the local context and should not dominate its surroundings inappropriately. The urban structure, space and movement of a proposal should have regard to the existing urban grain, development patterns and density in the layout of development sites. Proposals should also be designed with regard to their local context, making a positive contribution to the character of the areas townscape and providing active frontages.



- 67 In terms of height, scale and massing the proposed development is considered to be generally acceptable, although the only direct response to the existing building is a reflection of the gutter level in the proposed parapet / flat roof. The width of the proposed houses is 6.5m which equals the width of the adjacent unit type. The depth of the proposed two houses (on the upper two levels) slightly exceeds that of the adjacent block which is approximately 8.8m, by 1.3m to front and rear.
- 68 Whilst it could be argued that it is unfortunate that this does break down the direct contextual response, it could also be said that this relates to the stepping in of the houses opposite the site.
- 69 Saved Policy 3.12 'Quality in design' of the Southwark Plan 2007 requires that developments achieve a high quality of both architectural and urban design, enhancing the quality of the built environment in order to create attractive, high amenity environments people will choose to live in, work in and visit. New buildings should embody a creative and high quality appropriate design solution, specific to their sites shape, size, location and development opportunities.
- 70 Viewed in context however, the issue of their compatibility with the rest of the housing estate is going to be mostly reliant on the use of a matching brick, as the proposal has a unique contemporary character which will appear as somewhat incongruous relative to the standard 'suburban' quality of the existing, with their pitched roofs and repetitive fenestration.
- 71 The Council would not expect or require a new proposal to merely repeat the design of the existing, as they are not of an architectural or urban design quality that would merit replication. In all cases however, the Council expects new buildings to make a tangible response to their context, and in this case Officers consider the use of matching materials to be a basic but acceptable response. It is noted that the intent for the window heads to match those adjacent will also establish a degree of relationship.
- 72 The nearby listed building, Driscoll House at 172 New Kent Road, must also be considered with regard to any impact this proposal will have on its setting. As the proposal will relate to the existing housing scheme in terms of scale and materials, it is considered that the impact the contemporary design will have (over that which already exists from the existing buildings) will be negligible.
- 73 Overall, whilst there is architectural interest in their stepping form and varied fenestration, the two houses will very much be viewed as modern interventions that are staking a claim for their own character and identity within a larger housing scheme. There are no objections on design grounds to this proposal, subject to conditioned approval, should consent be granted, of the brick work and pointing which needs to match the existing. Concerns have been raised regarding density, and that the estate has already been developed to an appropriate level. The density of the development would equate to 200 habitable rooms per hectare which would comply with strategic policy 5 of the Core Strategy however, which permits a density range of between 650-1,100 habitable rooms per hectare in the central activities zone.
- 74 As such, it is considered that the proposed development complies with saved policies 3.2 'Protection of amenity', 3.12 'Quality in design', 3.13 'Urban design' and 3.18 'Setting of listed buildings, conservation areas and world heritage sites' of the Southwark Plan 2007, strategic policy 12 'Design and conservation' of the Core Strategy 2011 and PPS5: Planning for the Historic Environment.

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

- 75 As discussed above.

## **Impact on trees**

- 76 Neighbouring occupiers have raised concern regarding the loss of an existing hedgerow adjoining 7 John Maurice Close, and the removal of a Collingwood Ingram Japanese Maple. There are concerns that there would be a resulting impact on the character of the street and on the diversity of plants and animals (including birds and foxes).
- 77 Representations have stated that the tree is subject to an application for a Tree Preservation Order (TPO). However, the Council's Urban Forester considers that given that the tree is only a sapling, that it is not located within a conservation area or of significant enough importance, it is unlikely to become protected.
- 78 As such, the tree and hedge are not protected and their removal is not considered to create harm to the character of the street or quality of the environment.
- 79 It is important to note that the applicant is providing sedum roof areas on all flat roof parts of the development which will encourage biodiversity and help to mitigate any such impact arising from the removal of the vegetation.

## **Security and Safety**

- 80 Another concern raised by neighbouring occupiers relates to the use and design of a small space to the rear of the subject site and the existing wall to the rear of properties on Baytree Mews (to the north of the site).
- 81 The concern is that this area would provide cover for criminals (such as burglars and muggers) and although narrow, the space will still allow someone to conceal themselves there.
- 82 The space in question is roughly rectangular in shape, and most of the space is within the application site. The land within the application site is full width of the site and measures approximately 6.5m in depth and 1.3m in width. It is proposed to plant this area and fence it with visually permeable railings and a locked gate at each end for access and maintenance purposes.
- 83 In addition to this, there is a thin elongated triangular sliver of land of the same depth but a maximum of 0.4m in width. This land is not under the control of the applicant, although they have attempted to obtain the land from the owners (understood to be 6 John Maurice Close) to enable a comprehensive use of this otherwise unusable piece of land, and to provide a fully fenced area to improve safety and security issues raised by neighbouring occupiers.
- 84 Given that this land was unable to be obtained to form part of the application site, the applicants have used best attempts to overcome this issue of safety and security.
- 85 The Metropolitan Police have therefore been consulted on this application, and they consider that the proposed use of this area would not pose a risk to safety or security given the use of permeable railings which would retain visibility of this area, that the space is small, and that the residential units at 1-6 John Maurice Close would face the area in question and would therefore have active surveillance of this space.
- 86 There was also concern regarding the fencing off of the rear area, given that if there was a fire residents of 7 John Maurice Close would be unable to escape through the rear garden as this access would be locked.

87 The building at 7 John Maurice Close remains open to the rear and is separated from the nearest building to the east by approximately 15m. There remains sufficient space available for occupiers of this building to escape in the case of emergency.

88 As such, it is considered that the proposed development would not be contrary to strategic policy 13 'High Environmental Standards' of the Core Strategy [2011] and saved policy 3.14 'Designing out crime' of the Southwark Plan [2007].

### **Waste Management**

89 The proposed development would require the relocation of the existing bin storage area understood to be associated with the residential units at 1-6 John Maurice Close.

90 The redevelopment of the site would provide a replacement refuse storage area for these adjoining residential units, comprising adequate space for refuse and recycling storage.

91 Weekly refuse generation for a 3 bedroom dwelling is 240L per week, with an additional 50% recycling capacity being sought, which would total 120L per week. The proposed refuse and recycling areas would be able to contain this likely weekly waste generation.

92 The proposed refuse and recycling storage areas are considered to be sufficient to meet the waste needs of present and future occupiers. As such the development is considered to be in accordance with strategic policy 13 'High Environmental Standards' of the Core Strategy [2011] and saved policy 4.2 'Quality of residential accommodation' of the Southwark Plan [2007].

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

93 None

### **Sustainable development implications**

94 All developments are required to maximise energy efficiency and to minimise and reduce energy consumption and carbon dioxide emissions, and a development should incorporate renewable energy technology and design.

95 The proposed development is to incorporate rainwater harvesting systems, green roof technology and solar thermal panels which is welcomed. The 2.0m<sup>2</sup> south facing solar panels will be supplied to each of the dwellings and according to the applicant will meet 20% of the development's energy requirements.

96 The development will also need to achieve Code for Sustainable Homes Level 4 and a condition to this effect is recommended.

97 As such, it is considered that the development would meet the relevant saved policies of The Southwark Plan [UDP] 2007, strategic policies of the Core Strategy 2011.

### **Flood Risk**

98 The applicant has prepared and submitted in support of this application a Flood Risk Assessment Report (prepared by Ambiental Technical Solutions Ltd).

99 The application has therefore been assessed by the Environment Agency who has no objection to the development, subject to the imposition of conditions.

## **Other matters**

- 100 A concern was also raised about construction effects impacting on the surrounding area. Whilst it is acknowledged that the area is undergoing a number of developments and has caused some disruption, the construction effects of the proposed development will be temporary in nature, and are not a material planning consideration. Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995, Air Quality Regulations 2000, and the Health and Safety at Work Act 1974.

## **Conclusion on planning issues**

- 101 Overall, for the reasons provided above, it is considered that the proposed development is of a suitable bulk and design which would not create material harm to the character or appearance of the area, and would not result in material harm to the amenity of adjoining occupiers. Furthermore, the development would not result in safety or security concerns, and the quality of accommodation for future occupiers would be of a good standard. The development therefore complies with the relevant strategic policies of the Core Strategy 2011, the saved policies of the Southwark Plan 2007 and the Residential Design Standards SPD 2008. The development is therefore recommended for approval, subject to conditions.

## **Community impact statement**

- 102 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

## **Consultations**

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

## **Consultation replies**

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

## Summary of consultation responses

## **Objection**

- 104 58 objections from the following occupiers have been received:
- 1, 2, 3, 4, 6, 7, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32 and 33 John Maurice Close
  - Flats 1, 3, 4, 5 and 6, 7 John Maurice Close
  - Flats 1, 6 and 14, 8 John Maurice
  - Flat 3, 9 John Maurice Close
  - Flat 2, 13 John Maurice Close
  - Flats 1, 3, and 9, 14 John Maurice Close
  - Flats 3 4 and 6, 15 John Maurice Close

- 2 and 6 Baytree Mews
  - Flat 1 Wooster Place, Searles Road
  - Flat 9, The Paragon, 43 Searles Road
  - Flats 3, 6 and 7, 70 Searles Road
  - 86c Balfour Road
  - John Maurice Close Management Company Limited
  - Crabtree Property Management
  - Edwards Dining Rooms Limited (Freehold of 7 John Maurice Close)
  - Victoria Primary School (Rodney Road)
- No Address Provided - 5 objections to the proposal.
- Councillor Anood Al-Samerai (Riverside Ward)

Formally object to the application on behalf of the Liberal Democrat Council Group. Local residents are concerned that a previous and very similar application was refused for good reasons but they now have to make the case again. Concerns regarding:

- Parking spaces not suitable to be used for housing, if they were they would have been developed as part of the original development;
- The width of the road would be reduced and the road is already congested;
- Application not in keeping with the character of John Maurice Close;
- Loss of light and loss of mature green hedges;
- A local school is concerned regarding safety of school children;
- The development is inappropriate.

In addition a petition was received:

- Petition signed by 279 signatories (generally occupiers from John Maurice Close, Baytree Mews, Searles Road, Balfour Street, New Kent Road and Henshaw Street)

105 The neighbour objections have been summarised as following:

### **Transportation**

- 106 There is concern that the application site is described as being 'disused' however many of the residents state that the car parking spaces are in constant use. There is already insufficient car parking available within the area, and the loss of the car parking spaces would increase congestion.
- 107 The development would remove 11 car parking spaces and whilst the developer has stated that they will provide 6 car parking spaces on the street (2 of which would be for future occupiers of the development), therefore creating a net loss of 7 car parking spaces.
- 108 Furthermore, the proposal to provide the car parking spaces on street is unrealistic as the road is too narrow and would obscure emergency vehicles.
- 109 The development will also make it difficult for the occupiers of 1-6 and 24-27 John Maurice Close to enter their garages or private car parking spaces.
- 110 The leasehold deed states that occupiers of 7 John Maurice Close have rights to park in the bays to be removed and that they have rights of access over this land.

On the plans, the street is a vehicular right of way so the applicant would not be able

- 111 to provide the additional car parking spaces on John Maurice Close, as this should remain free from vehicles parking.
- 112 The street is not wide enough to accommodate the 6 proposed car parking spaces, and would make the street impassable to delivery vehicles and emergency services.
- 113 The applicant states that they own the street, this is incorrect in that they own a share of it.
- 114 The loss of the car parking spaces will place pressure on the surrounding streets, including Searles Road.
- 115 The submitted parking survey does not take into account that the Heygate Estate is being redeveloped and as such is currently vacant. When the Estate is fully housed again this will lead to further stress on the parking availability.
- 116 Should consent be granted, there should be some control on construction vehicles, and to make good any damage caused to the road and footpath.
- 117 Resulting vehicle movements would be dangerous to pedestrians.

### **Design / Scale**

- 118 The proposed development is out of character with the existing buildings in the area and is not architecturally integrated. The development would also cramp the street and be overdevelopment within this quiet street.
- 119 The bulk of the building is unacceptable and the density of the original development within John Maurice Close was set when it was granted planning permission. The proposed development would have a resulting unacceptable density.
- 120 The design of the development is also not new, innovating or interesting. The materials are out of keeping with the remainder of the street and will look out of place with the rest of the street given its different design, such as the flat roof.
- 121 When the street was originally developed all the houses and flats were of the same design and style, which was considered the maximum density it could accommodate.
- 122 The proposed building will not complement the other buildings in the street.
- 123 There is concern that the proposed development would fail to preserve or enhance the setting of the listed Driscoll House at 172 New Kent Road.

### **Amenity**

- 124 The development would result in a loss of daylight and sunlight access, as well as loss of access to light and air.
- 125 Occupiers 7 John Maurice Close also state that there would be a loss of all light to the bathroom windows (on the flank wall adjoining the proposed building) and that it would severely restrict sunlight into bedrooms, living rooms and kitchens.
- 126 Also communal gardens will be completely overshadowed and rendered unusable.
- 127 In particular some adjoining occupiers have concern that the development would block the view and light of their windows, and result in overlooking and a resultant loss of privacy to windows.

- 128 Occupiers of Baytree Mews are concerned that the new development would overlook their rear garden and result in a loss of sunlight to the rear garden and rear of the house, there would also be a loss of privacy as these are south facing rooms.
- 129 There would be an adverse affect on the character of the street as the developer will remove trees and hedges and the site comprises important green space. The loss of the tree would be extremely discouraging to residents.
- 130 The diversity or variety of plants and animals will be adversely affected by this proposal.
- 131 The tree is subject to an application for a Tree Protection Order (TPO)
- 132 There are questions as to how the fenced off area to the rear will be maintained
- 133 Loss of the refuse stores which will not be replaced and health and safety issues when rubbish collection cannot be completed due to restricted vehicle access.
- 134 The creation of the lightwell / flue area around the bathroom windows of the flank wall would result in smells from bathrooms and kitchens not being dissipated, with the lack of ventilation impacting on amenity. There are also questions regarding maintenance of this area.
- 135 The positioning of the proposed building against the flank wall would result in kitchens adjoining bedrooms for example, resulting in a loss of amenity.

### **Security and Safety**

- 136 There will be a concealed area located behind the back of the proposed building and the brick wall which separates John Maurice Close and Baytree Mews. There is serious concern that this area would provide cover for criminals (such as burglars and muggers). Although narrow, the space will still allow someone to conceal themselves there.
- 137 Also a concern regarding the fencing off of the rear area as if there was a fire residents of 7 John Maurice Close would be unable to escape through the rear garden as it is proposed to fence off this area and have a locked gate.
- 138 There was a rise in burglaries and anti-social behaviour recently, but after the introduction of initiatives there has been a reduction in these activities.
- 139 Any installation of security lighting would have an impact on the amenity of neighbouring occupiers.

### **Construction Effects**

- 140 A concern from some residents was also raised regarding the impact arising from the construction phase from trucks, builders, delivery vehicles, noise and dust.

### **Consultation**

- 141 Some neighbouring occupiers claimed there was a lack of consultation.
- 142 One of the representations in support of the application is from the father of one of the applicants, the application is therefore not credible.

## Support

143 Support from the following occupiers have been received:

- No Address Given (previous occupier of John Maurice Close)
- 5 John Maurice Close

144 Reasons for supporting the scheme are given below:

145 The new building would enhance the area and be more pleasant to look at than the current flank wall. The building would improve security of the area, as it would close down the escape route through the back of the properties.

146 The current land use is poor and the car park is of little visual interest, and the proposed contemporary design is welcomed.

## Human rights implications

147 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.

148 This application has the legitimate aim of providing additional residential accommodation. 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

149 None

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/4038-1 Application file: 10-AP-3760 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 5470 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

## APPENDICES

No.	Title
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>	Fennel Mason, Planning Officer		
<b>Version</b>	Final		
<b>Dated</b>	27 July 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>			27 July 2011

**Consultation undertaken**

**Site notice date:**

21/03/2011

**Press notice date:**

17/03/2011

**Case officer site visit date:**

21/03/2011

**Neighbour consultation letters sent:**

18/03/2011

**Internal services consulted:**

Design and Conservation  
 Transportation Team  
 Metropolitan Police  
 Urban Forester  
 Waste Management

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

Environment Agency

**Neighbours and local groups consulted:**

**Neighbour Consultee List for Application Reg. No. 10-AP-3760**

<b>TP No</b>	TP/4038-1	<b>Site</b>	PARKING SPACES IN FRONT OF 1-6 JOHN MAURICE CLOSE, LONDON, SE17 1PY
<b>App. Type</b>	Full Planning Permission		

<b>Date Printed</b>	<b>Address</b>
18/03/2011	FLAT 4 10 JOHN MAURICE CLOSE LONDON SE17 1PY
18/03/2011	FLAT 5 10 JOHN MAURICE CLOSE LONDON SE17 1PY
18/03/2011	FLAT 3 10 JOHN MAURICE CLOSE LONDON SE17 1PY
18/03/2011	FLAT 1 10 JOHN MAURICE CLOSE LONDON SE17 1PY
18/03/2011	FLAT 2 10 JOHN MAURICE CLOSE LONDON SE17 1PY
18/03/2011	FLAT 6 10 JOHN MAURICE CLOSE LONDON SE17 1PY
18/03/2011	31 JOHN MAURICE CLOSE LONDON SE17 1PZ
18/03/2011	32 JOHN MAURICE CLOSE LONDON SE17 1PZ
18/03/2011	30 JOHN MAURICE CLOSE LONDON SE17 1PZ
18/03/2011	28 JOHN MAURICE CLOSE LONDON SE17 1PZ
18/03/2011	29 JOHN MAURICE CLOSE LONDON SE17 1PZ
18/03/2011	FLAT 1 9 JOHN MAURICE CLOSE LONDON SE17 1PY

18/03/2011 FLAT 2 9 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 16 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 14 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 15 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 3 9 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 7 9 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 8 9 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 6 9 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 4 9 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 5 9 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 33 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 6 15 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 DRISCOL HOUSE NEW KENT ROAD LONDON SE1 4YT  
18/03/2011 FLAT 5 15 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 3 15 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 4 15 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 4 14 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 5 14 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 3 14 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 1 14 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 2 14 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 6 14 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 1 15 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 2 15 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 9 14 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 7 14 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 8 14 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 16 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 17 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 6 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 4 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 5 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 18 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 22 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 23 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 21 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 19 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 20 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 3 BAYTREE MEWS LONDON SE17 1PU  
18/03/2011 4 BAYTREE MEWS LONDON SE17 1PU  
18/03/2011 2 BAYTREE MEWS LONDON SE17 1PU  
18/03/2011 1 BAYTREE MEWS LONDON SE17 1PU  
18/03/2011 5 BAYTREE MEWS LONDON SE17 1PU  
18/03/2011 2 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 3 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 1 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 6 BAYTREE MEWS LONDON SE17 1PU  
18/03/2011 172 NEW KENT ROAD LONDON SE1 4YT  
18/03/2011 24 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 6 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 7 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 5 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 3 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 4 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 8 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 12 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 13 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 11 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 9 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 10 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 1 7 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 2 7 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 27 JOHN MAURICE CLOSE (flat 7) LONDON SE17 1PZ  
18/03/2011 25 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 26 JOHN MAURICE CLOSE LONDON SE17 1PZ  
18/03/2011 FLAT 3 7 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 1 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 2 8 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 6 7 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 4 7 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 FLAT 5 7 JOHN MAURICE CLOSE LONDON SE17 1PY  
18/03/2011 Marlborough House 298 Regents Park Road London N3 2UU

**Re-consultation:**

N/A

### Consultation responses received

#### Internal services

Design and Conservation - does not object to the development with considerations provided in detail above. Comments have been incorporated into the main body of the report.

Transportation Team - does not object to the development with considerations provided in detail above. Comments have been incorporated into the main body of the report.

Metropolitan Police - have no objections to the development as it is considered that the area to the rear of the development would not increase the risk or threat of crime.

Urban Forester - no objections

Waste Management - no response at the time of writing

#### Statutory and non-statutory organisations

Environment Agency - does not object to the development subject to the imposition of a condition associated with groundwater protection, and other recommendations associated with flood risk.

#### Neighbours and local groups

##### Objection

Objections from the following occupiers have been received:

- 1, 2, 3, 4, 6, 7, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32 and 33 John Maurice Close
- Flats 1, 3, 4, 5 and 6, 7 John Maurice Close
- Flats 1, 6 and 14, 8 John Maurice
- Flat 3, 9 John Maurice Close
- Flat 2, 13 John Maurice Close
- Flats 1, 3, and 9, 14 John Maurice Close
- Flats, 3 4 and 6, 15 John Maurice Close
- 2 and 6 Baytree Mews
- Flat 1 Wooster Place, Searles Road
- Flat 9, The Paragon, 43 Searles Road
- Flats 3, 6 and 7, 70 Searles Road
- 86c Balfour Road
- John Maurice Close Management Company Limited
- Crabtree Property Management
- Edwards Dining Rooms Limited (Freehold of 7 John Maurice Close)
- Victoria Primary School (Rodney Road)
- No Address Provided x 5
  
- Petition signed by 279 signatories (generally occupiers from John Maurice Close, Baytree Mews, Searles Road, Balfour Street, New Kent Road and Henshaw

Street)

Councillor Anood Al-Samerai (Riverside ward)

Formally object to the application on behalf of the Liberal Democrat Council Group. Local residents are concerned that a previous and very similar application was refused for good reasons but they now have to make the case again. Concerns regarding:

- Parking spaces not suitable to be used for housing, if they were they would have been developed as part of the original development;
- The width of the road would be reduced and the road is already congested;
- Application not in keeping with the character of John Maurice Close;
- Loss of light and loss of mature green hedges;
- A local school is concerned regarding safety of school children;
- The development is inappropriate.

The neighbour objections have been summarised as following:

**Transportation**

There is concern that the application site is described as being 'disused' however many of the residents state that the car parking spaces are in constant use. There is already insufficient car parking available within the area, and the loss of the car parking spaces would increase congestion.

The development would remove 11 car parking spaces and whilst the developer has stated that they will provide 6 car parking spaces on the street (2 of which would be for future occupiers of the development), therefore creating a net loss of 7 car parking spaces.

Furthermore, the proposal to provide the car parking spaces on street is unrealistic as the road is too narrow and would obscure emergency vehicles.

The development will also make it difficult for the occupiers of 1-6 and 24-27 John Maurice Close to enter their garages or private car parking spaces.

The leasehold deed states that occupiers of 7 John Maurice Close have rights to park in the bays to be removed and that they have rights of access over this land.

On the plans, the street is a vehicular right of way so the applicant would not be able to provide the additional car parking spaces on John Maurice Close, as this should remain free from vehicles parking.

The street is not wide enough to accommodate the 6 proposed car parking spaces, and would make the street impassable to delivery vehicles and emergency services.

The applicant states that they own the street, this is incorrect in that they own a share of it.

The loss of the car parking spaces will place pressure on the surrounding streets, including Searles Road.

The submitted parking survey does not take into account that the Heygate Estate is being redeveloped and as such is currently vacant. When the Estate is fully housed again this will lead to further stress on the parking availability.

Should consent be granted, there should be some control on construction vehicles,

and to make good any damage caused to the road and footpath.

Resulting vehicle movements would be dangerous to pedestrians.

### **Design / Scale**

The proposed development is out of character with the existing buildings in the area and is not architecturally integrated. The development would also cramp the street and be overdevelopment within this quiet street.

The bulk of the building is unacceptable and the density of the original development within John Maurice Close was set when it was granted planning permission. The proposed development would have a resulting unacceptable density.

The design of the development is also not new, innovating or interesting. The materials are out of keeping with the remainder of the street and will look out of place with the rest of the street given its different design, such as the flat roof.

When the street was originally developed all the houses and flats were of the same design and style, which was considered the maximum density it could accommodate.

The proposed building will not complement the other buildings in the street.

There is concern that the proposed development would fail to preserve or enhance the setting of the listed Driscoll House at 172 New Kent Road.

### **Amenity**

The development would result in a loss of daylight and sunlight access, as well as loss of access to light and air.

Occupiers of John Maurice Close also state that there would be a loss of all light to the bathroom windows (on the flank wall adjoining the proposed building) and that it would severely restrict sunlight into bedrooms, living rooms and kitchens.

Also communal gardens will be completely overshadowed and rendered unusable.

In particular some adjoining occupiers have concern that the development would block the view and light of their windows, and result in overlooking and a resultant loss of privacy to windows.

Occupiers of Baytree Mews are concerned that the new development would overlook their rear garden and result in a loss of sunlight to the rear garden and rear of the house, there would also be a loss of privacy as these are south facing rooms.

There would be an adverse affect on the character of the street as the developer will remove trees and hedges and the site comprises important green space. The loss of the tree would be extremely discouraging to residents.

The diversity or variety of plants and animals will be adversely affected by this proposal.

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Loss of the refuse stores which will not be replaced and health and safety issues when

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The positioning of the proposed building against the flank wall would result in kitchens adjoining bedrooms for example, resulting in a loss of amenity.

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There will be a concealed area located behind the back of the proposed building and the brick wall which separates John Maurice Close and Baytree Mews. There is serious concern that this area would provide cover for criminals (such as burglars and muggers). Although narrow, the space will still allow someone to conceal themselves there.

Also a concern regarding the fencing off of the rear area as if there was a fire residents of 7 John Maurice Close would be unable to escape through the rear garden as it is proposed to fence off this area and have a locked gate.

There was a rise in burglaries and anti-social behaviour recently, but after the introduction of initiatives there has been a reduction in these activities.

Any installation of security lighting would have an impact on the amenity of neighbouring occupiers.

### **Construction Effects**

A concern from some residents was also raised regarding the impact arising from the construction phase from trucks, builders, delivery vehicles, noise and dust.

### **Consultation**

Some neighbouring occupiers claimed there was a lack of consultation.

One of the representations in support of the application is from the father of one of the applicants, the application is therefore not credible.

### **Support**

Support from the following occupiers have been received:

- No Address Given (previous occupier of John Maurice Close)
- 5 John Maurice Close

Reasons for supporting the scheme are given below:

The new building would enhance the area and be more pleasant to look at than the current flank wall. The building would improve security of the area, as it would close down the escape route through the back of the properties.

The current land use is poor and the car park is of little visual interest, and the proposed contemporary design is welcomed.