

Item No. 6.1	Classification Open	Committee: Walworth Community Council	Date: 27 July 2011
From: Head of Development Management		Title of Report: Addendum Late observations, consultation responses, and further information.	

PURPOSE

- 1 To advise Members of observations, consultation responses and further information received in respect of the following planning application on the main agenda. These were received after the preparation of the report and the matters raised may not therefore have been taken in to account in reaching the recommendation stated.

R E C O M M E N D A T I O N

- 2 That Members note and consider the late observations, consultation responses and information received in respect this item in reaching their decision.

FACTORS FOR CONSIDERATION

- 3 Item 6.1 10AP3760 Parking spaces in front of 1-6 John Maurice Close, London, SE17

The following updates can now provided:

3.1 Site Plan

An amended site plan has been submitted which reduces the redline outline of the application site to include only the development itself. Other land under the control of the applicant (including part of the carriageway) has been outlined in blue.

3.2 Supplementary Planning Documents

The subject site is located outside both the Elephant and Castle emerging Enterprise Quarter SPD and the Elephant and Castle SPD. Therefore these documents are not relevant for consideration with this application.

3.3 Emergency Access/Egress

The Council's Building Control Unit have commented that there is no requirement for escape through the bathroom windows of the neighbouring flats which overlook the site at 7 John Maurice Close and regardless, the main stair core would be designed for fire escape. In addition all flats have front and rear aspect and as such access through larger windows would be possible should such a need arise.

With regard to emergency escape access from these flats through the rear of the proposed site, there is currently a hedge and fence in this location which would hinder escape. The Building Control Unit have looked at this issue also and consider there is sufficient emergency access from the rear via the eastern side of the building at 7 John Maurice Close.

3.4 **Amenity**

With reference to the bathroom windows on the flank elevation of the adjoining building at 7 John Maurice Close, there is no specific amenity requirement for such windows in relation to adjoining development within the Residential Design Standards (SPD) 2008.

With regard to the BRE: 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' there is no requirement for daylight or sunlight access to bathroom windows as they do not relate to habitable rooms. The BRE guidance states: 'Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed'.

3.5 **Transportation**

Council Officers have made a number of site observations of the whole of John Maurice Street at various times, including late at night and early morning to record parking demand from residents. The assessment assumes that demand from individual houses can be accommodated within the garages and spaces available within their own curtilages. During each of the site visits there appeared to be ample capacity for parking, both on-street and off-street, in excess of the demand being placed upon it by a factor of around four (i.e. four spaces for every car parked based on observed demand).

There are presently 74 communal off-street car parking spaces (associated with the blocks of flats rather than the single family dwelling houses who generally have private car parking spaces) and on-street there is capacity for approximately 9 car parking spaces, providing a total of 83 communal car parking spaces associated with the 69 flats who apparently in their leases have a right to park a private vehicle in any free parking space situated within the common parts.

The development will remove 11 spaces and increase the demand by adding 2 houses, leaving in absolute terms 72 spaces to serve the 69 flats and 2 houses. However, assuming one car for each of the new houses, there would still be more than three spaces for every car parked – given the occupancy levels observed on the site visits - and importantly there would still be at least one car parking space for each flat.

It is Officers' understanding that existing off-street parking spaces are not allocated to individual residents and therefore that they are all available for all residents. Given the large volume of available parking space compared to existing demand, there are considered to be no grounds for objection on this basis.

Further to the comments on transportation within the main Officer Report, it is concluded that 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.

3.6 **Further Representations**

- 3.61 Further representations have been submitted by the occupier of 6 John Maurice Close and the occupier of Flat 1, 7 John Maurice Close and these are summarised and addressed below. The further representations are one in the same.

The neighbours comment that they have consulted a Crime Prevention Design Advisor at Southwark Police Station, and comment that this Advisor considered that "even with the

addition of railed fencing the area between that and the party wall although small would create a secluded hiding area which does not exist at present”.

It was further stated by the neighbours (but not by the Crime Prevention Advisor they consulted) that there would be no visibility of the alcove / alley that would be created from the main John Maurice Close road, and that the area would only be visible from 6 John Maurice Close. It is also stated that the maximum width of this alcove is 0.6m rather than 0.4m as stated within the Officer Report.

It is concluded by the neighbours within the representation that the development would fail to meet saved policy 3.14 'Designing out crime' of the Southwark Plan [UDP] 2007.

Officers would respond as follows: In terms of the quoted comment, it is acknowledged that the proposed development would create a space which does not presently exist. However, following assessment of the application by the Council's Metropolitan Police consultee, it is considered that whilst in theory a person could fit within this space, the likelihood of them loitering would be reduced given its narrow nature, and the fact that visibility of this area would largely remain given the permeability of the railings, which can be controlled through planning conditions.

A written comment has now been received today from the Council's Metropolitan Police consultee recalling his discussion on this matter with the case officer and confirming as follows:

I recall speaking to Mr Fennel Mason on a regular visit to Southwark Planning Department regarding a new development at John Maurice Close, SE1 as a member of Southwark Crime Prevention Design team.

It was my understanding that a small strip of land would not impact on the general security of the area due to a border which allowed sight lines into the dead triangular space. The border would be created by metal railings.

I gave the above comments to Mr Mason but was not asked at that time to qualify further in writing.

John Bluett CPDA

It is acknowledged by Officers that the maximum width of the elongated triangular space would be 0.6m rather than 0.4m as previously stated.

Further comments on this area with respect to crime prevention and safety are provided within the Officer Report.

As such, Officers remain of the opinion that the proposed development meets strategic policy 13 'High Environmental Standards' of the Core Strategy [2011] and saved policy 3.14 'Designing out crime' of the Southwark Plan [2007].

3.62 A further detailed representation has been received from the occupant of 6 John Maurice Close who has made a number of points in relation to the main agenda report. These are dealt with below:

- They submit that the majority of buildings in John Maurice Close are not 3 storeys in height, as stated in paragraph 3 of the main report, but the majority are in fact 2 storeys in height (24 x 2 storey houses; 6 x 3 storey blocks of flats; and 3 x 4 storey blocks of flats)

Officers' response : this is accepted

- They comment that the site is not in the Camberwell Green Conservation Area as stated on some of the publicity provided by the Council such as the site notice.

Officers' response: this is accepted and arose due to a field being incorrectly completed on the application database. The site is not located within a conservation area as stated in paragraph 4 of the main report.

- They comment that six spaces are shown on the street on the plans, although the report maintains only 4 are shown at paragraph 10.

Officers' response: this is accepted, although as explained in paragraph 53 of the report existing parking on John Maurice Close appears to be self regulating and Officers are not proposing that these spaces be dedicated to these new houses as this would be difficult to enforce. Rather the informal parking arrangements which serve the existing flats on the estate will also serve these two houses.

- They comment that whilst the previous application was only formally withdrawn from the Council's system in March 2011, the applicant had indicated their intention to withdraw in March 2010.

Officers' response: this is accepted. There was a delay in formally withdrawing the application on the system, however the applicants' instruction to withdraw was quite clear and this application can in no way now be revived.

- In paragraphs 38 and 39 they comment that the report appears to be referring to 1 Baytree Mews and not 8, as stated in the report.

Officers' response: this is not correct. The report is referring to No. 8 Baytree Mews as the nearest property to the north of the site.

- They argue that there is no lack of agreement on the legal right to park on John Maurice Close – as stated in paragraph 52 of the report – as they have referred to a letter from the managing agents stating that under their lease terms John Maurice Close residents do not have the right to park on the road.

Officers' response: the minutiae of lease terms are generally considered separately from planning issues. The reality at the site as revealed from the various parking surveys undertaken is that parking does occur on John Maurice Close and appears to be self regulating, as stated in Officers' report. Moreover, as stated in the report and addendum, there is considered to be sufficient parking available within John Maurice Close as a whole, including the marked out parking areas, that the loss of the parking spaces for this scheme and the additional parking for these two houses can be adequately accommodated. That is before the available parking on neighbouring streets, highlighted in the applicants' survey is taken into account.

- They maintain that bin stores further into John Maurice Close have not been taken into account by Officers when considering their accessibility (para 62).

Officers' response: Officers can confirm that the accessibility of bin stores throughout the site, indeed accessibility throughout the site, has been taken into account and is considered to be acceptable given the parking availability in the area and the demands on that parking.

- They submit that the width of the triangular strip is 0.6m rather than 0.4m (para 83).

Officers' response: This is accepted above.

- They maintain that the visibility into the alcove would be limited by the fact that beyond the visually permeable railings will be a brick wall which will limit visibility. They also maintain that only No. 6 John Maurice Close faces the site (and they have argued in a previous representation that therefore only this property will therefore have sight into this space).

Officers' response: Officers maintain that visibility into this space will be wider than only No. 6, given that the existence of the permeable railings on the southern side of the alcove, and taking into account the brick wall beyond to the south. This stance is supported by the advice from the Council's Crime Prevention advisor.

- They comment that the bin storage referred to in paragraph 89 is actually associated with 7 John Maurice Close and not 1-6 as stated in the report.

Officers' response: This is accepted.

- They maintain that an objection from 6 Searles Road is not listed in the main report., and that the objection from the local school is the 'Victory' school and not the 'Victoria School' as stated in the report.

Officers' response: The second point is accepted. The representations from 6 Searles Road are now summarised below (these had been read by Officers and taken into account in the assessment and recommendation):

- the objection is summarised as follows:
 - wishes to retract the previous comment in support of the proposed development.
 - supports the idea of development within Elephant and Castle and does not accept some of the comments from other residents as NIMBYism.
 - the development is a shoddy design which would create an alleyway which is unnecessary and unsuitable.
 - the creation of line-of-sight areas runs the risk of drawing social problems out.
 - Reiterates that unlike some other residents does not object to the development of the site.
- They maintain that the officer report is biased and does not list the Southwark Plan and London Plan policies referred to by the residents in their representations in the summary provided by Officers.

Officers' response: This is not accepted. Officers maintain that the report is balanced and impartial and takes account of relevant Development Plan policies, other relevant planning policy and guidance and other material considerations. Given the number and breadth of the representations received it is not possible to include every reference made. However, the main policies to be considered in relation to this application are clearly set out at paragraphs 16 – 19 of the report and representations received have been fully taken into account.

3.7 **Conditions**

It is proposed to amend recommended condition 7 to read as follows:

Prior to the commencement of development a sample brickwork panel (a minimum of 1m² 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.

In addition, it is proposed to include the following 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.

REASON FOR LATENESS

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

REASON FOR URGENCY

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

Lead Officer: Gary Rice - Head of Development Management

Background Papers: Individual case files.

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