

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

RECOMMENDATION

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

BACKGROUND INFORMATION

Site location and description

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

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

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

Details of proposal

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

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

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

Planning history

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

The grounds for refusal were as follows:

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

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

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

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

Planning history of adjoining sites

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

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

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 19 The main issues to be considered in respect of this application are:
- a) the principle of the development in terms of land use and conformity with strategic policies.
 - b) Impact of proposed development on the amenity of adjoining occupiers
 - c) Impact of proposed development on the character and appearance of the host building, the surrounding area and the adjoining Conservation Area
 - d) Highway and traffic issues
 - e) Biodiversity
 - f) Flood Risk

Planning policy

Core Strategy 2011

- 20 Strategic Policy 1 Sustainable Development
Strategic Policy 2 Sustainable Transport
Strategic Policy 3 Shopping, Leisure and Entertainment
Strategic Policy 5 Providing New Homes
Strategic Policy 7 Family homes
Strategic Policy 11 Open spaces and wildlife
Strategic Policy 12 Design and conservation
Strategic Policy 13 High environmental standards

Southwark Plan 2007 (July) - saved policies

- 21 1.10 Small Scale Shops and Services Outside the Town and Local Centres and Protected Shopping Frontages
3.2 Protection of Amenity
3.7 Waste Reduction
3.11 Efficient Use of Land
3.12 Quality of Design
3.13 Urban Design
3.15 Conservation and the Historic Environment
3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites
3.28 Biodiversity
4.2 Quality of Residential Development
4.3 Mix of Dwellings
5.2 Transport Impacts
5.3 Walking and Cycling
5.6 Car Parking

Residential Design Standards SPD 2008

London Plan 2011

- 22 3.3 Increasing housing supply
3.4 Optimising housing potential

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

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

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

Principle of development

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

Mix of Dwellings

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

Density

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

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

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

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

Overbearing impact

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

Privacy

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

Noise

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

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

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

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

Standard of accommodation

- 40 The Applicant has not submitted an accommodation schedule of the flats, but this proposal has been redesigned so that most of the units comply with the room standards in the SPD. The living rooms and kitchen of each flat are open plan and most of the units comply with the minimum room sizes set out in the SPD.

- 41 With regard to the first floor 2 x one bedroom flats, the bedrooms fall below the minimum of 12sqm required for one bedroom flats. It is proposed at 10.6sqm for one flat and 11.3sqm for the other, but this is not a significant shortfall. Although the overall unit size for the first floor flats at 37.7sqm for Unit 3 and 39.9sqm for Unit 4 fall below the Council's SPD requirement of 45sqm, it is noted that this complies with the recently adopted London Plan 2011 minimum unit sizes for a one bedroom/one person flat at 37sqm and this is the most up-to-date policy document.

- 42 All new residential development must provide an adequate amount of useable outdoor amenity space. Private amenity space is provided for the ground duplex units and the third floor unit and communal space for the first and second floor flats. Whilst ideally private amenity space should be provided for each flat, it is acknowledged that the proposal is within an existing PH building and there are therefore constraints with this site. As it is only three of the flats that would have no access to private amenity space, it is not considered a significant ground for refusal. The Applicant has removed the rear detached building and therefore provision of communal amenity space is greater. The number of residential units are now reduced on site and is less cramped and would not represent an overdevelopment. It is therefore considered that the Applicant has overcome the third reason for refusal.

- 43 The basement level provides storage space for the upper flats as well as the living room and kitchen for Units 1 and 2. Lightwells are proposed at the rear for access, amenity space and outlook. The ground floor duplex units have been redesigned so that the kitchen and living rooms have a double height space. This is to increase the level of daylight entering the duplex units. This space was previously built over at ground floor thereby restricting the levels of natural light and outlook to the basement. The 'study/sleeping area' on the ground floor (which is deemed a bedroom) now overlooks the living room in the basement and this allows more natural light into the room and provides adequate outlook. It is therefore considered that the Applicant has overcome the fourth reason for refusal and the proposal now complies with saved policies 4.2 of The Southwark Plan and SP5 of The Core Strategy.

Traffic issues

- 44 Car Parking

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

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

Cycle parking

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

Disabled Parking

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

Waste and refuse collection

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

Design issues

53 Roof extension

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

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

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

55 This current proposal is now for a simple, glazed roof extension, with a more regular rectangular footprint and set back from the front by 2m. Whilst the roof extension still covers most of the roof area, it has been more sensitively designed. It is more simple in form and appearance and the contemporary nature would fit in well with the more historic nature of the PH. With the increase in the eastern and western flank walls and the introduction of the chimneys, it would mirror the eastern part of the PH building. It now has a simple symmetrical facade and would not appear awkward. By setting this roof extension further back from the front and the extension of the flank walls and chimneys, the roof extension would not be as readily visible on Trafalgar Street. The extension of the eastern flank wall is only marginal. The raising of the height of the western flank wall and the rebuilding of chimneys is considered acceptable as it is not a significant increase. It does not dominate the adjoining and nearby buildings to a great extent. The use of glazing and minimal contemporary design for most of the roof extension would appear less bulky on this roof and would limit its visibility from the street to the extent that it will not be seen when standing directly opposite. Local views from the western part of Trafalgar Street would be of the raised western flank wall, but as mentioned above, it is not a significant increase and has been sensitively designed.

56 This part of the street consists of a rhythm of comparatively small buildings of which this is the tallest. The building faces onto the Liverpool Grove Conservation Area and is at the end of a short terrace of houses. Whilst the proposal would make it taller, it is not the tallest along Trafalgar Street, with the Walworth Academy School being a much taller and larger building. The roof extension would not make the building unsuitably tall for the immediate townscape.

57 PPS 5 states that "When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset." This roof extension would be visible from further afield and there may be concerns that it will be seen from along the street where it will form part of the vista which includes the terrace of houses in the Conservation Area. Nevertheless, whilst it would be visible, it is not considered that it would cause harm and would still preserve the character and appearance of the adjoining Liverpool Grove Conservation Area.

Butterfly roof

58 The Residential Design Standards SPD states that roof extensions would not normally be permitted where there is an unbroken run of butterfly roofs. The previous proposal comprised dormer windows to the rear and lead to a loss of the existing 'Butterfly' roof, which is also seen at the adjoining properties No. 137A and 139. The Applicant had retained in the previous application the 'Butterfly' roof wall at the rear, but it was considered at the time that as a mansard roof extension was proposed, the whole of the roof would have to be built over. This proposal still retains the 'Butterfly' roof, but the difference here is that the roof extension is now set back further from the rear (by 0.81m) and the roof would be simpler, and without the dormer windows would not require the removal of the 'Butterfly' roof wall.

59 The building is on the Draft list for local listing. Whilst it has some weight, this is limited because it has not yet been out to consultation or formally adopted.

60 Policy HE7.2. of PPS 5 requires that "authorities should take into account the

particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals." The proposed design of the roof extension would not conflict with the historic architecture of this heritage asset, which is a 19th century PH.

Front facade

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

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

Impact on trees

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

Biodiversity

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

Planning obligations (S.106 undertaking or agreement)

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

Sustainable development implications

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

Other matters

Access

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

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

Flood Risk

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

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

Conclusion on planning issues

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

Community impact statement

- 72 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- a) The impact on local people is set out above.
- b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: No issues.
- c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

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

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

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

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

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

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

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

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

Human rights implications

This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

This application has the legitimate aim of providing residential development. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/1114-A Application file: 11-AP-2258 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5460 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Wing Lau, Planning Officer	
Version	Final	
Dated	23 August 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
Date final report sent to Constitutional Team		25 August 2011

Consultation undertaken

Site notice date: 25.07.11

Press notice date: 28.07.11

Case officer site visit date: 25.07.11

Neighbour consultation letters sent: 22.07.11

Internal services consulted:

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

Statutory and non-statutory organisations consulted:

Environment Agency
Thames Water

Neighbours and local groups consulted:

30 LULWORTH PORTLAND STREET LONDON SE17 2DT
3 LULWORTH PORTLAND STREET LONDON SE17 2DT
32 LULWORTH PORTLAND STREET LONDON SE17 2DT
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148B TRAFALGAR STREET LONDON SE17 2TP
148A TRAFALGAR STREET LONDON SE17 2TP
150B TRAFALGAR STREET LONDON SE17 2TP
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FLAT 6 135 TRAFALGAR STREET LONDON SE17 2TP

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FLAT 7 135 TRAFALGAR STREET LONDON SE17 2TP
FLAT 4 135 TRAFALGAR STREET LONDON SE17 2TP
FLAT 1 135 TRAFALGAR STREET LONDON SE17 2TP
19 LULWORTH PORTLAND STREET LONDON SE17 2DT
FLAT 3 135 TRAFALGAR STREET LONDON SE17 2TP
FLAT 2 135 TRAFALGAR STREET LONDON SE17 2TP
FLAT B 139 TRAFALGAR STREET LONDON SE17 2TP
FLAT C 137 TRAFALGAR STREET LONDON SE17 2TP
FLAT B 137 TRAFALGAR STREET LONDON SE17 2TP
1-2 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU
137 TRAFALGAR STREET LONDON SE17 2TP
48 LULWORTH PORTLAND STREET LONDON SE17 2DT
47 LULWORTH PORTLAND STREET LONDON SE17 2DT
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146B TRAFALGAR STREET LONDON SE17 2TP
FLAT 21 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU
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154 TRAFALGAR STREET LONDON SE17 2TP
152 TRAFALGAR STREET LONDON SE17 2TP
140 TRAFALGAR STREET LONDON SE17 2TP
LIVING ACCOMMODATION 137 TRAFALGAR STREET LONDON SE17 2TP
WALWORTH ACADEMY LOWER SCHOOL TRAFALGAR STREET LONDON SE17 2TP
FLAT A 139 TRAFALGAR STREET LONDON SE17 2TP
136 TRAFALGAR STREET LONDON SE17 2TP
156 TRAFALGAR STREET LONDON SE17 2TP
FLAT 11 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU
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FLAT 12 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU
FLAT 1 RICHMOND HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DU
160 TRAFALGAR STREET LONDON SE17 2TP
158 TRAFALGAR STREET LONDON SE17 2TP
164 TRAFALGAR STREET LONDON SE17 2TP
162 TRAFALGAR STREET LONDON SE17 2TP
FLAT 3 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX
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138B TRAFALGAR STREET LONDON SE17 2TP
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146A TRAFALGAR STREET LONDON SE17 2TP
144A TRAFALGAR STREET LONDON SE17 2TP
FLAT A 137 TRAFALGAR STREET LONDON SE17 2TP
FLAT 7 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX
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FLAT 17 MARSHALL HOUSE KINGSTON ESTATE EAST STREET LONDON SE17 2DX

Consultation responses received

Internal services

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

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

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

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

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

Vertical cycle storage is not convenient.

No objection to refuse storage/collection.

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

Statutory and non-statutory organisations

Environment Agency - No objections.

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

Neighbours and local groups

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

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

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

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

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

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

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