

Item No: 6	Classification Open	Committee: Bermondsey Community Council	Date: 9 May 2012
From: Head of Development Control		Title of Report: <u>Addendum</u> Late observations, consultation responses, information and revisions.	

PURPOSE

- 1 To advise Members of observations, consultation responses and information/revisions 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.

RECOMMENDATION

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

FACTORS FOR CONSIDERATION

- 3 Late observations, consultation responses, information and revisions have been received in respect of the following planning application on the main agenda:

Item 1:

12-AP-0395 29 Curlew Street, London, SE1 2ND

Following the publication of the agenda a late consultation response has been received from no.5 Canvas House. This is as follows:

In reference to planning application - 12/AP/0395 - 29 Curlew Street

As you are aware I am the owner of flat 5 at Canvas House. The planning application, in respect of 29 Curlew Street, already has an unhappy history in that the Planning Department have only belatedly treated the owners/occupants of Canvas House as parties worthy of being consulted. Given the very close proximity to Canvas House (as is clear from the Council's own site plan) it is appalling that we were not initially treated as concerned parties.

The photos attached are taken from my bedroom window. The existing terrace at number 29 Curlew Street (which is heavily used for entertaining involving large numbers of people) is within touching distance of Canvas House. The proposed alterations and increase in height will obviously have a very significant visual impact and will reduce light to my flat. I don't imagine that any representative of the planning department office has viewed the site from Canvas House. Certainly no one has viewed from flat 5 Canvas House, though the case officer is welcome to do so by appointment.

The planning officer's report states that potential impact upon the amenity of neighbouring residential properties is one of the two main issues to be considered. However, under the heading of "Impact of proposed development on amenity of adjoining occupiers and surrounding area" (paragraphs 17-22) the report only makes reference to 28 and 30 Curlew Street, i.e., the adjoining terraced properties. The report completely fails to make any mention

of the loss of amenity of the occupiers of Canvas House, despite the written objections of most of the occupiers of Canvas House. It is self evident that the overbearing impact of the proposed development will be most acutely felt by the residents of Canvas House.

The proposed front elevation of 29 Curlew Street may be in keeping with the local warehouses but the admits that the rear (which is what will be seen from Canvas House) will be a very modern look and not in keeping with the Victorian warehouses.

As regards the proposed building works I have a concern that there could be damage to Canvas House. At worst, the excavation of a new basement in very close proximity to Canvas House could undermine the structural integrity of Canvas House. The planning application contains no details of any advice obtained from structural engineers or the proposed engineering works that would be required. Hence there is no means of assessing the structural implications for the adjoining properties, including Canvas House. At the very least, I would expect to see comprehensive structural and geotechnical surveys being carried out and made available to all consultees before the application can be progressed. The planning officer's report dismisses this subject as not being a planning matter.

I strongly believe that the report presents an incomplete assessment of the impact on neighbouring properties and that a decision on the planning application should not be made until a planning officer can visit apartments at Canvas House (including mine) and assess the impact of the proposed development.

Please can you pass this information on to the case officer.

In addition to the letter as above the following photos were submitted which show views from flat 5 Canvas House:



Item 2:
11-AP-4364 171 Long Lane, London, SE1 4PN

Following the publication of the agenda a further letter has been received from the representatives of Stage Electronics located at 175 Long Lane. This is as follows:

I have now had an opportunity to review your report for the 9th May Planning Committee and I make the following additional comments on behalf of our client. These should be read in conjunction with my original objections in my letter dated to you the 8th February 2012, which include objections in relation to the size of the development and its relationship with my clients land. My client is of course disappointed with how his representations have been considered and with your recommendation.

Highway safety and potential congestion/ Impact of loading Bay on Weston Street:

- Although the Committee report states that 'servicing of the development will take place on street in line with restrictions' , my client maintains that even in the unlikely event that existing restrictions are vigorously enforced there will be disruption to vehicle movements and access into the Stage Electrics site. The Draft Servicing Management Plan is not a reasonable response to my clients objections. The Draft Servicing Management Plan states that "no vehicle will load or unload on the footways of Weston Street and all goods will be stacked within the site itself". However, in the Committee report it states that "servicing of the development will take place on street...". This is vital detail and something that, if not addressed appropriately, will disrupt the legitimate movement of vehicles to and from the Stage Electrics Site and along the highway generally. Furthermore, it is also states within the Committee report that a formal Service Management Plan will be secured by planning condition. This is confusing. However, there is no condition in the draft decision notice referring to a Service Management Plan. My client must see and have the opportunity to comment on the reasonableness and enforceability of such a condition having regard to the tests set out in Circular 11/95. There is also concern that a Service Management Plan will not be a legitimate means whereby additional controls can be imposed over and above existing traffic orders unless formally transposed into new Orders themselves. If this is the intention then a planning condition is not the appropriate route and this is a matter that needs to be dealt with now and secured through the intended S106 Agreement.
- Notwithstanding the above my clients view is that any SMP submitted that seeks to control servicing from the public highway will be unenforceable in the long term and that the inevitable consequence of this development will be unacceptable disruption to my clients lawful business.
- Separately as there is no indication on the proposed drawings of a proposed loading bay we expect this to be addressed in the planning application before any permission may be granted.

On the basis of the above my client maintains his objection to the development.

I would appreciate your response to the above and confirmation that the above comments will be reported to the Planning Committee.

The following condition requiring details of a Service Management Plan be submitted was omitted from the draft decision notice contained within the agenda. The inclusion of this condition is referred to in the body of the committee report.

No development shall take place until a satisfactory Service Management Plan, including details of refuse collections, location of delivery vehicles and size and frequency of the deliveries has been submitted to and approved in writing by the Local planning Authority. The development shall be implemented in accordance with these details.

Reason

As recommended by Transport for London in the interests of residential and transport amenity in accordance with Saved Policies: 3.2 Protection of Amenity of The Southwark Plan (UDP) July 2007, SP13 - High Environmental Standards of the Core Strategy 2011, Policy 3.5 - Quality and design of housing developments of The London Plan 2011 and Section 7 - Requiring good design of The National Planning Policy Framework 2012.

REASON FOR LATENESS

- 4 The matters reported above have arisen since the agenda was printed. It relates to all items on the agenda and Members should be aware.

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.

RESOURCE IMPLICATIONS

- 6 These are contained in the report.

EQUAL OPPORTUNITY IMPLICATIONS

- 7 These are contained in the report.

LOCAL AGENDA 21 (Sustainable Development) IMPLICATIONS

- 8 These are contained in the report.

Lead Officer: Gary Rice Head of Development Control

Background Papers: Individual case files.

Located at: Regeneration & Neighbourhoods, Development Management
Tooley Street, SE1 2TZ.