

Item No: 6.	Classification Open	Committee: Planning Sub-Committee B	Date: 10 July 2012
From: Head of Development Management		Title of Report: <u>Addendum</u> 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.

RECOMMENDATION

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

3.1 Item 1 - 82 Tower Bridge Road 11/AP/3808

- 3.2 Condition 3 of the recommendation sheet should read as follows;

“The use hereby permitted shall not be open to members of the public outside of the hours of 09:00 and 18:00 Mondays to Saturdays and not at all on Sundays and Bank and Public Holidays.”

Reason as given in the officer report

- 3.3 Item 2 – 1a Sumner Road 11/AP/3481

3.4 Community Infrastructure Levy

Officers can now provide Members with the following update in relation to the Community Infrastructure Levy in respect of this scheme.

S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL is a material “local financial consideration” in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.

Given that the unit has not been lawfully used for 6 of the last 12 months, the application would trigger CIL payment in the opinion of the Council. The floorspace is 445m² in area and therefore the CIL would be £15,575.

However, the applicant is currently taking legal advice as to whether this CIL payment is required for this application. It is noted that there is an appeal process available should the applicant believe that they are exempt from this payment and wish to dispute this.

Furthermore, an Informative should be placed on the decision notice should the application be granted, as follows:

This application granted is subject to the Mayoral Community Infrastructure Levy. The Liability Notice issued by Southwark Council will state the chargeable floor space and current rate. The relevant parties will need to submit an Assumption of Liability Notice and a Commencement Notice to Southwark Council prior to Commencement. There are a number of legal requirements for the relevant parties to adhere to for more see <http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevy/may11>

3.5 **Item 3 – 9 College Road 11/AP/4229**

- 3.6 An e-mail has been received from the residents of 6 Frank Dixon Close raising the following comments to the report.
- 3.7 “Our key issue with your report is that it fails to cover the significant impact of the proposed development upon the residential amenity of surrounding dwellings (point b of paragraph 13). As the owners of 6 Frank Dixon Close, this is of particular concern to us since our property adjoins 9 College Road.
- 3.8 The section entitled “Impact of proposed development on amenity of adjoining occupiers and surrounding area” (i.e. paragraphs 19 to 23) makes absolutely no reference to the impact of the development on 6 Frank Dixon Close where the proposed first and second floor extensions will look directly into the garden, the kitchen, the dining room, and three bedrooms of our property. We particularly object to any additional outside space at first and second floor level, which will look South over our garden, increasing the level of noise and light intrusion on our property.
- 3.9 You have made a fundamental error re the layout of Frank Dixon Close and Frank Dixon Way in relation to 9 College Road. It is properties on Frank Dixon Close that adjoin 9 College Road, but your report makes constant reference to properties on Frank Dixon Way. I’ve attached a map so that you can see both roads and their position in relation to 9 College Road.

Comments on the report:

Paragraph 3:

The last sentence is incorrect. Park House is bounded on the South by the rear gardens of number 6 and 7 Frank Dixon Close, not Frank Dixon Way.

Paragraph 5:

Permission is sought to extend Park House on the ground, first, and second floors. It’s the first and second floor extensions that we object to particularly since these will have a significant impact on our property.

Paragraph 20:

The extension could be viewed from the residential properties to the rear of the site on Frank Dixon Close, not Frank Dixon Way.

Paragraph 23:

The rear garden bounds properties in Frank Dixon Close, not Frank Dixon Way. The last sentence is incomplete and does not make sense: “It is obscured by the properties

on College Road by the hidden from the boundaries with". In fact, the view of 9 College Road from 6 Frank Dixon Close cannot be described as obscured.

Paragraph 27:

There is not a "significant distance" between 9 College Road and numbers 5, 6 and 7 Frank Dixon Close. The houses are in close proximity, and the gardens adjoin between 9 College Road and 6 and 7 Frank Dixon Close.

Paragraphs 36:

The first floor "element" will look directly into the garden and rear rooms of 6 Frank Dixon Close, and this will "constitute harm to surrounding neighbours". The proposed first floor "element" consists of an additional room and an outside terrace which is intended to look over the park and 6 Frank Dixon Close. We consider both of these will have a negative impact on our privacy.

Paragraph 41:

You state that you've received "eight objections ... on grounds of impact of the additional extensions and terraces on the adjoining properties through loss of privacy". Yet you completely ignore this in the body of your report.

Appendix 1:

6 Frank Dixon Close is not listed in the 'neighbours and local groups consulted' section, and yet the garden of 9 College Road adjoins the garden of 6 Frank Dixon Close.

The consultation response from 6 Frank Dixon Close is incorrectly attributed to 6 Frank Dixon Way (a property that is unaffected by this planning application).

The consultation response from 8 Frank Dixon Close is incorrectly attributed to 8 Frank Dixon Way (a property that is also unaffected by this planning application).

- 3.10 In summary, this report totally fails to take into account the impact of the proposed development on the immediate neighbours in Frank Dixon Close. This appears to be because you have not understood the road layouts of Frank Dixon Close and Frank Dixon Way. We consider your report to be flawed and inadequate due to this fundamental error."**

Response of Head of Development Management

- 3.11 Officers advise that notwithstanding the incorrect road reference within the report, ('Way' as opposed to 'Close') consideration of the extensions has been given to these residents in terms of the potential impacts to these dwellings. In terms of the issues raised around privacy the proposal would exceed the minimum window to window distance of 21 metres, as set out in the adopted residential design standards Supplementary Planning Document 2011, as such it is not found that the proposal would impinge upon levels of privacy to such a degree that could be substantiated as a reason for refusal.

- 3.12 Paragraph 23 last sentence should read

"The properties on College Road have limited views of this property as they are separated by the length of their gardens and the width of the garden of Pond House."

- 3.13 A late letter of objection has been received from 36 Calton Avenue the details of which are given below;

"As a daily all-year park user I am surprised at the way this house impacts on the park in its current form, let alone extending it in height and breadth. It has a presence for the majority of the year which is out of keeping with the leafy, tranquil nature of the park. It is seldom unobtrusive and for large parts of the year has a significant detrimental effect on the park,

impacting the views from all angles in its vicinity. It is only in high summer that it is sufficiently screened. An extension at first floor level would compromise the amenity of park users, let alone an extension at second floor. For reception rooms to be built at second floor would be a blight on the peaceful, rural nature of the Park as it would impact not only the area of the park close to the College gates but also some way round the carriage drive where the house is still visible. Any extension should be made at ground level only.

Item 41 of the case officer's report presents a highly diminished account of the objections raised as even a cursory look at the documents online reveals objections on a wide range of grounds. In particular I am surprised there is no mention of the views of the Dulwich Society and the Friends of Dulwich Park as I know both have made submissions to you.

Regarding the increase in plant on the roof, the case officer considers that "glimpses of plant from particular viewpoints" is not "incongruous to the appearance of the building" but I disagree and consider it is certainly an unattractive aspect when viewed by passers-by and park users.

While there are several houses visible from the park very few of them are as close to its boundary as this one and the increase in glass in the proposed extension, would be a distracting aspect to park users should we ever have a summer again, as it would reflect around that part of the park.

I am not a neighbour and I like the adventurous design of this house as it stands but I feel to make it even larger would compromise both its current 'look' and more importantly its impact on its neighbourhood.

3.14 A late letter of objection was received from the occupiers of 7 Frank Dixon Close, and makes the following comments;

3.15 'The backs of our house and 9 College Road face each other, adjacent to the park.

We only recently moved in (Sep 2011) and during the initial application did not appreciate the potential issues that we may have. So although we did not initially object to the application, given that we live directly adjacent to the property in question I hope that our concerns can be taken into account.

Given the substantial development that is proposed, the potential for loss of privacy to our property is considerable. There are mature trees and foliage between the two properties that substantially screen us from the potential development. Should these, at any point in the future, be removed the impact on privacy for our family and our property would be extreme. Therefore, we respectfully request that consideration be given to insertion of a clause requiring retention of said mature trees and foliage. This is particularly apposite as I presume that once planning permission is granted it can be retained by any future purchaser of the house, putting our privacy and enjoyment of our property at considerable risk.'

3.16 Comments from Head of Development Management

The purpose of this meeting is to allow all parties to put forward their concerns. The issue around the address is clearly an error, but taking into account the additional information set out above, officers remain of the view that the proposals are acceptable in planning terms and the recommendation remains that planning permission be granted subject to conditions.

3.17 Item 4 - 43 Turnery Road 12/AP/0875

3.18 A letter of support has been received from the neighbour at 41 Turney Road.

"I realise that you probably only expect people who object to planning applications to contact you. However I thought that, as the immediate neighbour to 43 Turney Road (we live at 41), I would respond to let you know that we have no significant problems with this

application. Expanding the basement area seems to us interesting and potentially useful - it would be surprising if others did not follow. I cannot see any way that an underground extension as proposed would have any significant impact on us one way or another or any detrimental effect on the building's appearance.

Assuming planning permission is agreed, we will, of course, pursue party wall issues and any others that could affect our building's structure but basement extensions are hardly innovative technology and I am sure will be covered by Southwark building regulations.

- 3.19 A letter is submitted from the applicants stating they are unable to attend the meeting, copies are available to view. In summary it says that they have consulted with their neighbours and Dulwich Estates and have revised their scheme to take on board concerns raised. They are aware of a group of neighbours that are opposed to basement developments of any kind, but do not feel this represents the views of everyone and other neighbours and the Turney Road Residents' Association are supportive of their plans. Reference is made to another basement development within Village Ward. They acknowledge there would be disruption, but that this would be no worse than other renovation works. Equally they believe that there is existing legislation in place to safeguard neighbour interests and hope that they are not denied the right to extend due to a small number of unrepresentative opponents.
- 3.20 The neighbour from no. 45 Turney Road has written to advise that his comments on this application have not been conveyed within the officer report.
- 3.21 My main comment on application 12/AP/0875 is as follows:

"Southwark Planning knows that 43 Turney Road is in an area that is marked on an internal map as at risk of surface water flooding. Pages 62-63 of Southwark Council's Sustainable Design & Construction SPD state that "Flood risk needs to be taken into account at all stages of the planning process. .." Does Southwark Planning intend to ignore this information when it considers these planning applications? If not, I suggest that it follow the example of Camden Council, which requires planning applications for basement excavations in areas known to be at risk of surface water flooding to include a Basement impact Assessment."

Indeed, the report ignores the existence of this internal map showing that Turney Road is in an area at risk of surface water flooding and simply says:

"This location is not within an area defined by the Environment Agency as at high risk of flooding and as such, there would be no reason to prevent basement excavation on this ground".

Is the Sub-committee happy that the report ignores the information on this map and the fact that, according to the Council's Sustainable Design & Construction SPD, "flood risk needs to be taken into account at all stages of the planning process"?

3.22 Comments from Head of Development Management

The comments raised by the objector in regards to the risk from surface water flooding are noted. The references made within the Sustainable Design and Construction SPD refer to Flood Risk as defined by the Environment Agency. Basements to single family dwellings, in themselves do not normally require planning permission under the Town and Country Planning Act 1990. The issue of flooding of the basement is a matter that would normally be dealt with in Building Regulations Legislation.

REASON FOR LATENESS

- 4** The comments reported above have all been received since the agenda was printed. They all relate to an item 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.

Located at: 160 Tooley Street London SE1.