

Item No: 7.	Classification: Open	Date: 21 November 2017	Meeting Name: Planning Sub-Committee A
Report title:		Addendum Late observations, consultation responses, and further information	
Ward(s) or groups affected:		The Lane, College and Newington	
From:		Director of Planning	

PURPOSE

1. To advise members of observations, consultation responses and further information received in respect of the following planning applications 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 of each 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:

Item 7.1 – Application 17/AP/2768 for: Full Planning Permission – 43 BELLENDEN ROAD, LONDON, SE15 5BB

Correction to the agenda pack

- 3.1 The recommendation is in the wrong place in the agenda pack. It can be found on pages 48-50.

Additional consultation response

- 3.2 Further consultation response from a neighbour, who has commented before, was received on 15 November seeking further clarification regarding proposed retention of the south boundary wall of the application site. It was claimed that the brick wall is not located on the actual boundary between the properties and thus confusion had arisen. Concerns were also raised regarding structural possibility of retaining a wall when the rest of the studio building would be demolished.

Following this letter, confirmation was sought and received from the applicant's agent that the existing studio wall would not be demolished, which has been identified on the plans and recognised in the case officer's report. The structural integrity of this retained wall is not a planning consideration but rather a matter for building control.

Changes to the officer report

- 3.3 Payment for the shortfall in outdoor amenity space to be confirmed as part of a unilateral undertaking rather than legal agreement as described in paragraph 49 of the officer's report. The amount of money payable for the shortfall remains the same.
- 3.4 In addition, Paragraph 1 of the report should be replaced by the following paragraph that acknowledges the need for a unilateral undertaking:

That planning permission is granted subject to conditions and the applicant agreeing to unilateral undertaking by no later than 31/01/2018. In the event that an appropriate lateral undertaking is not entered into by the above date, the Director of Planning be authorised to refuse planning permission for the reason given in paragraph 51 of this report.

3.5 Furthermore, the following text should be added to the report:

Should an appropriate unilateral agreement not be reached, it is proposed that the development be refused for the following reason:

The proposed development fails to provide sufficient amount of outdoor amenity space, which would be detrimental to the amenity of development's future occupiers and would be contrary to Section 7 'Requiring good design' of the National Planning Policy Framework, Policy 3.5 'Quality and design of housing developments' of the London Plan (2016), Policy 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), Policy 18 'Mix and design of new homes' and Policy 37 'Built environment' of the Peckham and Nunhead Action Area Plan (2014).

Additional condition

3.6 A condition is recommended to request detailed drawings of the proposed design. The suggested wording of the condition would be:

1:5/1:10 section detail drawings through

- the facades;
- roof edges;
- heads, cills and jambs of all openings;
- balustrades; and
- boundary treatments.

to be used in the carrying out of the development shall be submitted to and approved by the Local Planning Authority before any above grade works are carried out. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the buildings in accordance with Core Strategy (2011) policy 12: Design and conservation; saved Southwark Plan (2007) policies 3.12 Quality in Design and 3.13 Urban Design.

Item 7.2 – Application 17-AP-2997 for: Full Planning Permission – LAND ADJACENT TO 29 DULWICH WOOD AVENUE, LONDON, SE19 1HG

Correction to the agenda pack

3.7 The recommendation is in the wrong place in the agenda pack. It can be found on pages 29-32.

Additional consultation response

3.8 A comment has been received by the Council which raises concerns that bats have been seen migrating within the area. The Council's Ecology officer has commented on these comments and confirmed that as no demolition is proposed and no mature trees are to be felled and as such the proposed development would not impact on any potential bat habitats and thus no bat surveys are required. Furthermore, the proposed development is

for a residential dwelling within a residential area, as such any lighting within the development would not be of a scale that would impact on migrating routes.

Items 7.3 & 7.4 – Application 17-AP-2632 for: Full Planning Permission, Application Application 17-AP-2633 for Listed Building Consent – 133 KENNINGTON PARK ROAD, LONDON, SE11 4JJ

Quality of Proposed Accommodation

3.9

Basement Flat (2B 4P) Total GIA - 94 sqm	
Room	Size in sqm (minimum size required in brackets)
Bedroom 1	17.5 (12)
Bedroom 2	12 (12)
Living/ Dining Room	18.2 (17)
Kitchen	7.2 (7)
Family Bathroom	6 (3.5)
En-suite	2.8
Utility	3.4
Ground Floor Flat (2B 4P) Total GIA - 72 sqm	
Bedroom 1	17.4 (12)
Bedroom 2	12 (12)
Living/ Dining Room	18.2 (17)
Kitchen	7.1 (7)
Family Bathroom	3.5 (3.5)
En-suite	2.9
First Floor Flat (2B 4P) Total GIA – 77.6 sqm	
Bedroom 1	19 (12)
Bedroom 2	12 (12)
Living/ Dining Room	18 (17)
Kitchen	10.5 (7)
Family Bathroom	3.5 (3.5)
Second/ Third Floor Flat (3B 6P) Total GIA – 129 sqm	
Bedroom 1	18.8 (12)
Bedroom 2	12.3 (12)
Bedroom 3	14.7 (12)
Living/ Dining Room	19.6 (17)
Kitchen	13.3 (7)
Family Bathroom	5 (3.5)
Shower Room	3.2

Additional consultation responses

Objection one points raised

3.10 Insufficient time to view the reports.

Office comment:

The agenda and reports were published on 13 November 2017.

3.11 Paragraph 3. Site Location and Description, the report states that 133 KPR has recently been in use as an HMO, they reject this assertion and give their reason.

Officer comment:

Paragraph 3 of the report confirms that whilst never formally registered as a HMO the property there is historic evidence on use of HMO. There are three kitchens: at basement, ground and first floor level, this was also the arrangement in 2001 when the case officer first visited the property.

- 3.12 Paragraph 6. The previous, lapsed, application to split the property into 4 flats did not include any proposals to extend it to the rear or to the side. As such, it provides only a limited precedent for the current scheme being proposed.

Officer comment:

The previous application established the principle of sub-division of the property. It is acknowledged in the report that an extension was not proposed, however the units proposed were smaller (2x 1 bedroom and 2x 2 bedroom).

- 3.13 Paragraph 8. Revisions to the Proposed Scheme. The drawings had originally indicated a mansard extension to No. 131, which has not been applied for consented. The objector considers that the extension on the side wing of No. 131 would result in the loss of symmetry.

Officer comment:

The houses which form the terrace along Kennington Park Road are not unified. Nos. 131 and 133 are not identical either to the rear or front elevation. The windows and entrance door to No. 133 having been altered during the 20th century.

- 3.14 Paragraph 13 Historic England states that it “would welcome a scheme which will ensure that the property is brought back into a good state of repair and full occupancy as soon as possible”. However, They consider that it is neither necessary nor inevitable that this should involve division of the property into four flats. They were aware of at least two people who offered the asking price to purchase the property, with the intention of restoring and occupying it as a single family dwelling. They consider that the current owner paid too much, due to speculating on permission to extend. They continue quoting the 2007 plan states that: “There is a need to ensure that a range of dwelling sizes and types are provided to help meet housing need within Southwark, as identified in the Housing Needs Survey. The LPA will require a mix of dwellings, particularly those capable of accommodating families multi-adult households incorporating BME needs... A mix of dwelling sizes and types promotes mixed and balanced communities and improves accessibility for all.” They do not feel that the report gives due weight to the need for family sized housing locally, as recognised by the Southwark Plan and provide figures from Rightmove on the number of 2-3 bedroom properties to rent/ buy compared to large family houses.

Officer comment:

Historic England has been working with the Council since the inclusion of the property on the Heritage at Risk Register in 2004. The peculiarity of the sale of the property is not a material consideration of this application. The principle of sub-division of the house was established with the previous permission. As the table shows the proposal will create 4 family sized units (three, 2 double bedroom 4 person units and one, three double bedroom 6 person unit). It should also be noted that at the time of the 2008 permission the building fabric was in a poor condition and has deteriorated further and will require considerably more investment.

- 3.15 Paragraph 15. Support - The report states that “One response in support was received from the occupant of No. 133 at the time of the original permission. They welcomed the restoration and already use the roof as an amenity space.” They presume that this statement is an error and meant to say “the occupant of No. 135”? Permission was neither sought nor granted for amenity use of the roof at 135 when the property was extended. We have never seen anyone use this roof space, which is clearly visible from the rear of our house and our garden.

Officer comment:

The report is correct and is from the former occupant of No. 133 who is referring to the second floor roof terrace area.

- 3.16 Paragraph 19. Officer comment. The report states that, “*The precedent for conversion of the building into flats in terms of noise nuisance was established in planning terms with the 2008 permission.*” However, the 2008 proposals did not involve splitting the garden

into two, and did not involve a roof terrace. The current proposals result in the creation of 2 additional external amenity spaces – and this will triple the amount of noise produced. The report also states that, *“The precedent for an extension to the rear was established with the permission at No. 135 Kennington Park Road, which was granted by Members at Community Council in 2007.”* This consider this to be misleading as the extension to the rear of 135 is only 2 stories high, the proposed extension at 133 KPR is 3 stories high. As such, the 3rd floor extension should not be permitted. There is recent precedent to *reject* the conversion of houses on Kennington Park Road into flats (e.g.103 Kennington Park Road). The applicant was told conversion would not be permitted - that the planning department was not going to allow Kennington to become a transient rental area and that it would fight to keep single family dwellings. If the council allows the conversion of 133 KPR to go ahead it will send a clear message that permission will be granted to convert properties if owners allow them to fall into disrepair. As such, it creates a very dangerous precedent for the area.

Officer comment:

The approved existing and proposed plans for the 2008 permission indicated a balcony at third floor level. There are no details in the officer’s report on whether the gardens would be communal or sub-divided. The proposed extension at No. 131 is comparable in depth to that at No. 133 over basement and ground floor levels. At first floor level there would be an additional extension to a depth of 3000mm. With reference to No. 103 Kennington Park Road, each case is dealt with on an individual basis and there is no planning history relating to a conversion of the property. As referred to in paragraphs 10 and 11, both Nos. 131 and 135 Kennington Park Road have been converted into flats.

- 3.17 Paragraphs 25 and 26 – as has already been stated, the building is not an HMO type use. It is an extended family use.

Officer comment:

Refer to response under point 2.

- 3.18 Paragraph 31 - the report states that *“Blind window openings are proposed to the side wall (garden facing) at first floor level, to provide some visual interest.”* Their reading of the revised plans (Theb13e) is that window WG005 is a *“new double glazed sash window”* (not blind) – as indicated by note (5). We request a condition to be included that WG005 should also be blind, to avoid overlooking and loss of amenity.

Officer comment:

The report is referring to the outrigger window at first floor level, which is a blind window. The window WG005 is at ground floor level and is position sufficiently away from No. 133, it should be noted that the existing fenestration to the main building are closer in proximity.

- 3.19 Paragraph 39 – They welcome the fact that *“In addition a condition is suggested to ensure that the roof to the proposed rear extension is used for escape in case of emergency and not as an outdoor amenity space.”* However, we feel that it does not go far enough and that a further condition should be introduced requiring that the extension is designed as a *roof* – not a roof terrace with parapet – and that W2005 should be a *window*, not doors. It would be only too easy for the owner to apply for retrospective permission for amenity use if the design of the extension allows for this. Indeed, this appears to be what the owners of 135 Kennington Park Road are now trying to claim with respect to their roof extension - although they have never sought planning permission for a roof terrace at 135 Kennington Park Road. The report states that, *“The large rear extension (basement and ground) in existence at 135 Kennington Park Road obscures the scale of the rear extension from neighbouring gardens to the south.”* However, it fails to address the fact that the worst impact of this over-sized extension will be experienced at 131 Kennington Park Road and by properties to the North. We believe that this over-sized extension will block light (it is higher than the existing extension at 135) and significantly constrict the feeling of space in the rear garden.

Officer comment:

Window W2-005 has been designed as a tripartite sash in the amended drawings and a door is not proposed. The condition imposed is a standard one imposed by the Council preventing the use of a roof as a terrace. The extension at No. 135 Kennington Park Road was granted permission by Members in 2007, who considered the depth of the extension acceptable. It is considered that the additional 3000mm out rigger at first floor level will not have a negative impact in terms of daylight on neighbours.

- 3.20 Paragraph 47 - 133 Kennington Park Road is an irreplaceable heritage asset and we believe strongly that these proposals result in significant loss and harm and are not justified. The symmetry between 131 and 133 Kennington Park Road will be lost, and we strongly disagree that this scheme is in the public benefit – there is a shortage of large family homes in the area, and it is not inevitable that the property should be sub-divided in order to be restored.

Officer comment:

In 2001, when the property first came to the notice of the Council's Empty Homes Team and the case officer for this application, the building was vacant and in a poor condition. 16 year on the only repairs to the property have been in the form of reactive maintenance. The building needs significant investment and work to bring the property back into beneficial use. There is a real risk of loss of further historic fabric if the building is left to deteriorate further.

- 3.21 Paragraph 59 –contrary to the statement in the report, we believe that this scheme results in *significant harmful impacts in terms of neighbour amenity*. It is causing us considerable distress, in particular the proposal for a third floor rear extension and roof space (which we anticipate will be used for amenity whether or not permission is granted). The proposed terrace leads off a principal reception room and kitchen, and is very close to our children's bedroom windows. We anticipate that it will be used as an entertaining space in the summer, which will make it impossible for the children to get to sleep due to the noise.

Officer comment:

A comparable third roof terrace is shown on the approved plans for No. 131 Kennington Park Road (16/AP/0687).

Objection Two and Three

- 3.22 In their comments they confirmed agreement with the comments made by the first objector above and that there had not been enough time to review the report.

Objection Four

- 3.23 The objector considered that there would be overlooking due to the encroachment of bedrooms in the outrigger and this is without precedent. Second objection is to the sub-division of the garden, which should be preserved in a listed building and one in a conservation area. Finally the loss of housing stock for families and the implication on refuse.

Officer comment:

As the aerial photographs in the Members pack show a large number of properties have outriggers to the rear. Many of them contain bedrooms as well as bathrooms and kitchens as a result of sub-division into flat. The gardens have also been informally sub-divided. The garden to the rear of No. 133 Kennington Park Road does not contain an historic arrangement and it is not considered that its sub-division will harm the significance of the listed building or conservation area.

Objection Five

- 3.24 A second objection was received from objection one on 21/11/2017. The comments reiterate those made by objector one. In addition the objector states that the proposal

does indicate any side elevations. However the existing and side elevations are indicated on the existing and proposed sections.

REASON FOR URGENCY

4. 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 planning 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 and would inconvenience all those who attend the meeting.

REASON FOR LATENESS

5. The new information, comments reported and corrections to the main report and recommendation have been noted and/or received since the sub-committee agenda was printed. They all relate to an item on the agenda and members should be aware of the objections and comments made.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403